

paint. A contractor undertook to paint a considerable amount of woodwork at a hotel and had to pull out because he could not get the paint.

The Minister for Justice: It is possible to get special permits for renovating bathrooms and for sanitary purposes.

Hon. N. KEENAN: I do not know what this man could get or could not get, but what happened was he was unable to get paint. It is the duty of the Minister, before he eggs on the Licensing Court to order that this and that be done by hotelkeepers, as he evidently intends to do, to ensure that there is a supply of materials for carrying out the work ordered.

The Minister for Justice: The court will not be unreasonable.

Mr. Watts: Do not make too many promises for the court.

Hon. N. KEENAN: The court is never unreasonable, but it does things that are unreasonable. I congratulate the Minister on his speech. He covered every ground possible and a great deal one would have thought impossible and has conveyed information that no doubt interested and amused us even if it did not instruct us. I hope when the Minister makes his reply that, instead of such a pleasant speech, he will be more practical and tell us definitely, for instance, when the electoral rolls are to be expected and when they will be available for the public—not the exact date, I do not tie him down to that. Will they be available before the end of January, or is it possible that they will be available before the end of December? Whatever date he likes to suggest, if it is founded on some proper anticipation, will be welcome and will be sufficient.

Progress reported.

*House adjourned at 10.2 p.m.*

## Legislative Council.

*Tuesday, 29th October, 1946.*

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

### AUDITOR GENERAL'S REPORT.

*Section "A", 1946.*

The PRESIDENT: I have received from the Auditor General a copy of his report on the Treasurer's statement of the Public Accounts (Section "A") for the financial year ended the 30th June, 1946. It will be laid on the Table of the House.

### ELECTORAL—EAST PROVINCE.

*Seat Declared Vacant.*

On motion by the Chief Secretary, resolved:—

That this House resolves, that owing to the death of the Hon. V. Hamersley, late member for the East Province, the seat be declared vacant.

### CHAIRMAN (TEMPORARY) OF COMMITTEES.

The PRESIDENT: I have to inform the House that I have appointed Hon. E. H. H. Hall as the third Deputy Chairman of Committees to fill the vacancy created by the death of the late Hon. V. Hamersley.

## MOTION—MIDLAND RAILWAY DISTRICTS.

*As to Rail Passes for Inspection by Members.*

**HON. E. H. H. HALL** (Central) [4.35]: I move—

That this House is of the opinion that it is desirable that all members of Parliament should be well informed in respect to the development and resources of the various parts of the State; and that, to provide an opportunity for such information in connection with the districts served by the Midland Railway, is of the opinion that passes should be available to every member of Parliament to visit the districts served by that railway; and that the Premier's Office be asked to make arrangements accordingly.

Desiring to know just what the position was in connection with members of Parliament generally travelling along the Midland Railway line, I wrote to the Premier on the 3rd September as follows:—

Would you please advise me whether members of Parliament—other than those representing constituencies along the Midland Railway—are entitled, on application to your office, to a pass to travel on same to and from Geraldton and intermediate towns?

On the 6th September the Premier replied to me as follows:—

In reply to your letter of the 3rd inst. I desire to advise that the Government grants free passes over the Midland Railway Company's line only to those members of Parliament representing a constituency served by that line.

That letter was signed by the Premier himself. For many years this has seemed to me to be not quite right. Those of us whose constituencies or provinces run along that line are supplied with a book of vouchers one of which, when we want to travel on the line, we fill in and present to the department before or after we leave Midland Junction. On presentation of such a voucher, we are enabled to travel to any point between Midland Junction and Walkaway. From Perth to Midland Junction and from Walkaway to Geraldton we travel on our gold passes. It is not that I want any increased advantages for members generally, but I have felt throughout the years that the districts I represent, with other members from the Central Province, are definitely at a disadvantage compared with other parts of the State, in that we may not invite other members to travel along that line and see for themselves what there is to be observed.

Take the agricultural shows at the various centres along that line from Coorow in the south to Mingenew in the north! We may not ask members to attend these shows and travel in exactly the same way as they would if they were going to Katanning or travelling on any Government line. Members know that the privilege is extended to us of travelling free over the railways in the Eastern States, and yet here in our own State there is an embargo on members travelling along this line. For the information of some members who I feel sure do not realise the position, I point out that members of the East Province may travel, on presentation of a voucher, between Midland Junction and Moora but no further; because the East Province takes in Moora. This is a very small matter and I think the present position is unworthy of the Government.

To debar members from making themselves familiar with any portion of the State is so petty. It might be said that members are not allowed to travel free in the North-West. More's the pity! I have often thought I would like to come in personal contact with those great areas and the people living there, but time—not expense—has not permitted. I remember that when the late Mr. J. J. Poynton was general manager of the Midland Railway Co., he ran a special train along that line, and invited a number of business people in Perth and members of Parliament to go for a tour through the Midland towns and on to Geraldton.

Hon. G. W. Miles: A very educational trip it was, too!

Hon. E. H. H. HALL: A very old member of this Chamber at that time, who had passed through Geraldton on many occasions previously, made the frank admission to me that he had had no idea there was such wonderful country surrounding Geraldton. It is not entirely the interests of Geraldton that I am concerned, however, but with the interests of the sparsely-settled Midland country with which I am anxious to have members become personally acquainted. It is a small matter, but I thought that if I brought it before the House it might be rectified.

I do not know what influenced the Government in placing this embargo on members of Parliament travelling over the Midland railway. Was it the cost? I will be

fair and say that, as far as my memory serves me, it was not a Labour Government that was responsible for the embargo. At one time members were free to travel on that line on presentation of their gold passes, an account being rendered to the Government for the fares. Perhaps some enterprising officer of the Government, in an endeavour to save every penny he could, suggested that members were picnicking up and down that line. I know that members have sufficient to do, without travelling anywhere simply for fun. At all events, the embargo was imposed and has been continued ever since, notwithstanding the fact that since then the member for Geraldton was for many years Premier of the State. It is high time an expression of opinion was obtained from this House and that we asked the Government, in the terms of my motion, to allow members, on application to the Premier's Office, to obtain passes to travel along that line, so that they may become personally acquainted with the land through which it runs.

There appeared recently in the Press a report by Mr. Fyfe, a gentleman whom we all hold in high esteem, who said that it was high time investigations were made into the large areas of sandplain lying along that railway. I have with me a report, which appeared in "The West Australian" of the 25th of this month, by the Minister for Lands, saying that the Government does not know where to turn for land on which to settle returned soldiers. The leading article in this morning's issue of "The West Australian" deals with the hundreds of thousands of acres of land close to the railway line, well watered and with no such thing as drought, and advocates that the Government should pay attention to that country. I look upon members of Parliament as ambassadors, or commercial travellers, for the State. When travelling we meet many people to whom we are able to impart information and on scores of occasions, when moving up and down that line, I have been asked, "Do you not think it is about time something was done to make use of the vast areas of sandplain lying alongside this railway?" There are hundreds of thousands of acres of sandplain throughout the State but, as was pointed out in the leading article in this morning's issue of "The West Australian,"

this area of sandplain, in common with the areas further south, has an assured rainfall.

Some years ago, an experiment was made on the sandplain country by a man who spent some thousands of pounds there. In addition to the assured rainfall, I was surprised to find that fresh water could be obtained at shallow depths. I think it would be in the interests of the State if members of Parliament were allowed to travel along that line free of cost. I hope the House will support my motion and I ask the Government, and especially the Premier, to do away with what I think is a petty embargo that stands in the way of members making themselves conversant with the possibilities of that wonderful area through which the Midland railway line runs.

**HON. G. B. WOOD** (East) [4.45]: I support the motion, and am glad Mr. E. H. Hall has brought the matter up. As he said, it is not a very big thing to grant this concession to members. Speaking as a member for the East Province, I am allowed to travel, on a voucher, from Midland Junction to Coomberdale, which is just past Moora. If I wish to go further than that on public business, I have to pay my fare; yet if I wished to go to Cairns, or to travel over the railways of New Zealand or Tasmania, I could go as far as I liked, free of charge. The position seems to me to be ridiculous. Again I congratulate Mr. Hall on having raised the question. It would not involve the Government in any great cost to grant the concession. I have pleasure in seconding and supporting the motion.

On motion by the Chief Secretary, debate adjourned.

## **BILL—PLANT DISEASES ACT AMENDMENT.**

Received from the Assembly and read a first time.

## **BILLS (2)—THIRD READING.**

### **1, Road Districts Act Amendment.**

Returned to the Assembly with an amendment.

### **2, Anatomy Act Amendment.**

*Passed.*

# **BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 2).**

## *Second Reading.*

Debate resumed from the 22nd October.

**HON. J. A. DIMMITT** (Metropolitan-Suburban) [4.50]: In 1939 I had the privilege of introducing the original amendment to the Factories and Shops Act that had the effect of removing the chaotic conditions into which the garage trade had drifted and bringing about a more reasonable set of trading conditions, that is, if in these modern days we can regard as reasonable 77 hours of trading a week. In spite of the criticism against the Bill during its progress through Parliament and despite some criticism when the Act was brought into operation, the public very soon accommodated itself to the change and I really believe no-one has been inconvenienced by the conditions brought about in 1939.

During the past several years, garages have been compelled, under National Security Regulations, to close at 6 p.m. on five nights in the week. By arrangement amongst proprietors, a large number of them have closed at 5.30 p.m. and many are continuing to do so. This applies to the metropolitan area, and most of the metropolitan garages have remained closed throughout Sunday, although they are entitled to remain open. Consequently, we have already had experience of most of the conditions set out in the Bill now before us. The country garages have followed the practice of adopting the shopping hours according to the shop district in which they are located which, of course, is 6 p.m. on five nights in the week, 1 o'clock on the gazetted half-holiday and no Sunday trading. Thus in the country also we have had experience of most of the conditions provided for in the Bill.

Over and above our local experience, there is ample precedent for these restricted hours, because every State of the Commonwealth, with the exception of Western Australia, has by legal enactment, compelled garages to close at 6 p.m. on five nights in the week, and in every State, with the exception of Western Australia and New South Wales, it is compulsory for garages to remain closed on Sunday. In Western Australia, it is permissible to open on Sunday from 7 a.m. to 1 p.m. and in New South Wales it is permissible to open from 10 a.m. to noon, but

I am given to understand that a measure is to be brought before the New South Wales Parliament prohibiting Sunday trading throughout that State. Actually this Bill provides for 61 trading hours a week, which number is substantially more than the trading hours of shops in general and, I think, represents sufficient time for the average private motorist to obtain necessary supplies of petrol, oil and accessories.

I particularly wish to direct attention to the fact that the provision in the 1939 Act is not interfered with in any way and will remain on the statute-book. That provision permits of sales of petrol and oil being made to any traveller in case of emergency to enable him to undertake or continue any journey. I have been asked, "How do you get it?" The great majority of the garages in the country have the owner either on the premises or adjacent to the premises.

Hon. H. L. Roche: Very few, I think.

Hon. J. A. DIMMITT: A great number, I should say, and I have travelled sufficiently to form an opinion.

Hon. G. B. Wood: Not the great majority.

Hon. J. A. DIMMITT: I think the hon. member will find that I am right. At any rate, there is provision by which the applicant for petrol out of trading hours may obtain it. People who visit extreme points like Albany and Geraldton never experience any difficulty in obtaining supplies to undertake or continue a journey. The garage is permitted to charge an opening fee, but seldom does so. The Bill also provides that where a public holiday occurs on Monday, it will be permissible for garages to remain open from 7 a.m. to 10 a.m.

There is one other viewpoint, namely, that of the employee, to which I should like to refer. If the Bill becomes law, it will ensure that youths employed in supplying petrol and oil will have an opportunity to pursue some educational activity. Many of them will do so. We must realise that pumping petrol is a dead-end job, and most of the lads engaged in the industry realise the fact and seek to improve themselves by attending night classes. The provisions of the Bill will make it possible for them to be off duty every night of the week. To sum up the position, this Bill seeks to

legalise a practice that has been largely in vogue over the past few years and therefore will be no new experience. I hope members will give the same support to this amendment as they did to the measure in 1939.

**HON. A. THOMSON** (South-East) [4.58]: I wish to direct attention to what appears to be an omission from the Bill. In the metropolitan area, motorists have the advantage of a night service, and it might be worth making provision that in towns where there are three or four service stations, one of them might, by common agreement, be permitted to sell petrol during certain hours even on Sunday. Under the existing law, if a motorist is suddenly called upon to make a journey and requires an extra supply of petrol, he has to pay an opening fee. If provision were made along the lines I suggest, it would prove of great convenience to those who run short of "juice." A man may find himself 20, 30 or 40 miles from a town and in need of petrol and thus would be in a very awkward position. I admit that those people who are familiar with local conditions generally know of a service station that will oblige them.

I think Mr. Dimmitt is correct in what he said. In the country districts garages close at exactly the same time as do the ordinary shops. I have one particular town in mind where I think it would be a great convenience for people who are constantly passing through if they could secure petrol and oil for their cars at all events at one particular place. I support the second reading, but I ask the Honorary Minister to consult his department and see whether my suggestion for country districts could be adopted before the Bill is put through Committee. It is rendered possible for people to secure medicine when necessary from a particular chemist's shop when other chemists' shops are closed, and in the same way I think it should be rendered possible for the travelling public to have some such provision made for them to secure petrol supplies.

**HON. G. B. WOOD** (East) [5.3]: I do not think much hardship would be created in the country if the petrol garages were closed as is suggested in this Bill. When

Mr. Dimmitt brought down his measure in 1939 I supported it, though I thought some inconvenience would be suffered by the travelling public. I thought it would affect me personally because I might have to leave Parliament very late at night and return the following week at odd times, and that in all probability I would be passing through the towns at a time when it would not be possible for me to secure petrol. I soon got used to the new arrangement, however, and made the necessary provision to obtain petrol at times when it was ordinarily available. People will soon get used to the trading hours that are to be provided by this Bill and will obtain their supplies in advance. I do not think Mr. Dimmitt is correct when he says that most garage proprietors live on the premises.

Hon. J. A. Dimmitt: Or adjacent to them.

Hon. G. B. WOOD: Or even adjacent to them, although some may do so. In the case of such towns as Northam, York and Beverley they do not live on the premises.

Hon. A. Thomson: That also applies in the Great Southern. You are quite correct.

Hon. G. B. WOOD: Through the hills there are one or two garages where people live on the premises. I think one place should be allowed to keep open in a town so that petrol could be supplied in cases of emergency. There would not be likely to be many such instances. As one who drives through several towns during the course of a month that is my considered opinion; the facility would be very convenient to the travelling public. I have pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. H. Seddon in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 101:

The **HONORARY MINISTER**: I move an amendment—

That at the end of paragraph (b) the following words be added:—"In the event of Christmas Day falling on a Monday shops

may open between the hours of seven o'clock and ten o'clock in the morning on Boxing Day."

The amendment is self-explanatory. I think this was an omission from the Bill and I hope the Committee will agree to the amendment.

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

Title—agreed to.

Bill reported with an amendment.

### **BILL—MILK.**

#### *Second Reading.*

Debate resumed from the 15th October.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West—in reply) [5.10]: From the discussion on the Bill I should say there is a general desire to improve the milk supply of Western Australia and of the metropolitan area in particular. The Bill is designed to do this, and notwithstanding the criticism of Dr. Hislop it will, I think, mark a big step forward in the regulation and control of the industry in all its phases and ensure a cleaner and purer milk supply. The present board has worked under great difficulties, but nevertheless it has performed an excellent service and improved the milk supply of the metropolitan area very considerably. I do not at this stage propose to reply at any great length, more particularly to the technical points raised by Dr. Hislop, but I am afraid I must cross swords with him on some of his statements. Whilst I appreciate many of the points he raised, there are some with which I cannot agree. For instance, the hon. member stressed the very great importance of hygiene, but when he claims that laymen cannot be hygiene-conscious, he is, I think, going too far. His statement that it is not right to expect that five laymen should be hygiene-conscious—that they cannot be—does great injustice to the board, to the men who have worked very conscientiously over the years and without doubt have made considerable improvements in the industry. Later on he qualified his remark by saying—

I have no idea of attacking the Milk Board as such, but I am attacking the system which

allows these people to deal with technical and professional matters without being guided by such officers.

Dr. Hislop also said—

I do not believe that the Milk Board today is hygiene-conscious.

These are very strong words coming from a professional man of the standing of Dr. Hislop, more particularly in view of the fact that it cannot be denied that the present board has worked under difficulties and has without doubt, within the limits of the authority reposed in it, done a particularly good job. I cannot subscribe to the idea that professional men or men with technical training are the only ones who can be hygiene-conscious. On the contrary, insofar as milk is concerned, I would be prepared to pin my faith to the practical man with many years of experience in the industry as against some of the professional theorists posing as experts today. Dr. Hislop strongly objects to ministerial control. He is quite blunt and states—

I have endeavoured to take away from the Minister the power of veto and to make the board more representative and strengthened by technical officers. Government control would be eliminated.

I suggest that in view of the remarks of the hon. member he has had little experience of public administration through Government instrumentalities, though I should have thought he would have had rather a wide experience during the war years. No Government is likely to appoint a board with the very wide powers and authority given to the board by this Bill, and in addition a very substantial financial obligation, unless it had some form of ministerial authority. In other words, the policy of the Government must prevail. In this connection Dr. Hislop stressed the difficulty with which he considered the board would be faced owing to the powers bestowed on the Minister, and almost immediately afterwards he rather defeated his own argument. For instance, he suggested that the Commissioner of Public Health and the Superintendent of Dairying be appointed to the board, and he later declared that if the Government indicated its views to the Commissioner of Public Health, the Superintendent of Dairying and the chairman of the board, the board could carry into effect the Government's wishes.

By those words the doctor, I take it, recognises that the Government's point of view is entitled to be considered and that where it is a question of policy it should be put into operation. But he apparently intended to convey also that instead of the Minister having direct powers to deal with these matters, his wishes should be conveyed indirectly to the board through the gentlemen to whom he referred; that is, of course, providing they are members of the board. I always listen with a great deal of interest to Dr. Hislop and I can appreciate to the full some of the views that he expresses from time to time even though they may occasionally appear to be somewhat extreme. I am afraid that in the speech he made on this Bill he rather spoiled a good case by over-statement, in some respects and, on other occasions by, perhaps, not representing the Bill as it is intended to be represented. For instance, he stated that the board was completely powerless, its functions being negligible and so on. But I would point out that it is not intended that the board in all its administration, and in the details of that administration, shall be subject to ministerial direction.

There are many Acts of Parliament under which a Minister has the same or similar control and powers as those included here. It is necessary for the Minister to have power to make regulations, because in order that they may have legal effect they must be made by His Excellency the Lieut.-Governor in Executive Council on the advice of the Minister and, of course, it is therefore necessary for the Minister to have what we might call over-all responsibility. The term "over-all responsibility" is one that would apply in this case, more particularly as far as the board's financial obligations are concerned, because a large amount of money is involved. Dr. Hislop will probably agree that no board should be clothed with the powers which this board is to have, in connection with finance. In this instance scores of thousands of pounds might be involved and the Government is to contribute at least 50 per cent. of the funds, and it would not do that, unless, of course, the Minister had some say as to the board's policy.

The fact that the present Milk Board has had only the power to license or not to license, without any disciplinary powers, has

perhaps been one of its greatest handicaps. I believe there have been many occasions when a prosecution would have met the case and would have resulted in defects being remedied, but the board did not have the necessary powers, in connection with matters relating, particularly, to hygiene, to take action. It is now proposed, by the Bill, to overcome that disability by empowering the board to impose conditions in relation to the production, supply, distribution, treatment, transport, carriage and conveyance of milk—in other words, all phases of the milk industry. This authority will enable the board not only to lay down conditions but to take action and prosecute, if necessary, where persons do not comply with those conditions. But, notwithstanding the fact that the board has had only the power to license, or not to license, it has on several occasions refused to license various people.

It was suggested by Dr. Hislop that authority should be given to the board to say to the proprietors of dairies, milk depots and milk bars, "You must make alterations to conform to our regulations." I suggest to the House that that is exactly what the Bill seeks to do. It gives to the board the power not only to lay down its policy, but to see that it is carried out. Many of the provisions of the Bill, particularly those which will enable the board to take action against offenders against hygiene, and the ones dealing with the T.B. testing of cattle, the prescribing of conditions for the carrying out of the various processes and the issuing of certificates of competency to persons in treatment plants, have been made at the request of the board. Those provisions are all intended to tighten up and improve the hygienic aspects of the milk supply, and they definitely suggest that the present board is intensely hygiene-conscious, quite contrary to the opinion of Dr. Hislop.

The board realises the shortcomings in the present milk supply and, as a result of its experience, has suggested to the Minister ways and means whereby they may be overcome. In short, I may say that the Bill is a practical indication of its desire to effect extensive and progressive improvements in the control of our milk supply. I might add that Dr. Hislop had something to say on the matter of appeals. Now, it is necessary, in the event of an appeal against the board's decision, for some method to be

adopted to overcome the present system which involves lengthy delays. It is considered that a person who is refused a license by the board, or has had his license revoked, should forthwith cease dealing in milk in any way. But if we adopt the suggestion of Dr. Hislop that person would have at least a month after the refusal or revocation of the license, in which to lodge an appeal. He could carry on all that time dealing in milk although the board might be of the opinion that he was not, or his premises were not, fit to be licensed. Having lodged the appeal a further delay occurs until the hearing of the appeal. Such delays can, as we all know, be very extensive, because, to a large extent, it is the appellant who determines the date of his appeal.

I suggest, too, that when considering the position of persons engaged in the handling of milk we must at all times bear in mind the more important aspects of the rights and safety of the consumers of milk. The Bill, therefore, provides for a swifter method of dealing with appeals than is possible under the old system whereby an appeal is made to a magistrate. It could possibly be contended that where a license is refused or revoked because of matters relating to hygiene or adulteration, no appeal should be allowed.

When discussing the methods adopted in other places, Dr. Hislop suggested that boards in other parts of Australia had technical officers on them, and that therefore we, in this State, should not hesitate to have technical officers as members of this particular board. I understand that that is not so in regard to the Sydney board which, of course, has tremendous responsibility, as I understand it handles all phases of the milk industry there. All milk in Sydney, with the exception of that produced by dairymen-vendors, is actually vested in the board. I believe I am right in saying that that board has control of the milk supply of the whole of New South Wales—a much larger task than our board will have in this State and one which involves the active control of technical processes because two agents, owning extremely large depots, treat the Sydney milk supply on behalf of the board.

I point out, too, that we are, in the Bill, making provision for the board to employ technical officers. At the same time I reiterate what has been said before that the board can obtain the advice of the technical and professional officers—and there are many of them—attached to any of the Government departments. Another aspect I would like to refer to, and one which has been a big handicap to the present board, is the fact that it has not been a permanent board. It is intended, by the Bill, to remove that drawback. I am advised that if the board becomes permanent men of a good type can be encouraged to make milk control a career occupation, and if we have a permanent board it should be easy to attract suitable men to its staff. It must be borne in mind, too, that the board is charged with the laying down and administration of policies. This would apply to pasteurisation, which Dr. Hislop spent so much time on when speaking to the measure. He stressed, more strongly than anything else, his idea that we should have compulsory pasteurisation in this State and, of course, he has amendments on the notice paper to bring about that state of affairs within a few years. I suggest that he wants to travel just a little too fast.

It is admitted that the great bulk of medical opinion is in favour of pasteurisation but, according to advice I have received, medical opinion is by no means unanimous on this point. There are at any rate a number of eminent medical men who are quite prepared to agree with pasteurisation but who also contend that, provided the source of the production of milk is uncontaminated, the milk from that source is better than the pasteurised article. As I mentioned before, I do not want to cross swords with Dr. Hislop on technical matters. I am quite prepared to listen to his point of view in that respect, but I think we should understand that the point of view expressed by him, while quite possibly sound from the medical standpoint, is not one that should necessarily be accepted at the present time. I suggest that one of the first things we should do is to ensure that the source of supply is as good as it is possible to make it. If we do that and at the same time take all precautions possible with regard to the treatment and distribution of milk, endeavouring to avoid the possibility of milk



being contaminated; and at the same time encourage the pasteurisation of milk, ensuring that the pasteurised treatment is carried out as it should be according to the medical profession, then that, I claim, is as far as we should go at present.

Dealing with the subject of pasteurisation, I think members will find that the Bill clearly states that it is intended to prescribe the conditions under which processes connected with or incidental to the treatment of milk shall be used or carried out. This is intended to ensure that people who want pasteurised milk are provided with a properly pasteurised product. This is another occasion when it is very desirable that conditions be prescribed by the board and those conditions enforced. Dr. Hislop referred to one or two incidents that had come to his knowledge in recent times. I was very interested in his references to the case of Mr. Frank Petricevich, who is a dairyman. The hon. member gave the House to understand that, as a result of the reply given to a question asked by him in that regard, he thought the Government or the department or the board did not possess the true facts of the matter, because he said that, to his knowledge, this man, although he had been refused a license by the board, was still selling milk.

I was sufficiently interested in the matter to cause inquiries to be made as far as it was possible for me to do so, and I am advised that the man is not selling milk at all, that his premises have been inspected, that milk has been discovered on them in fairly large quantities, some of which was in an unsaleable condition, and, further, that it has not been possible to secure any evidence of the sale of milk by this individual. It may be, of course, that either the doctor or whoever has been advising him has confused the identity of this dairyman with that of his son. The man, I am informed, has a son of the same name. The son buys and sells milk. He does not obtain it from the particular dairy in question but from one of the depots in the city. I suggest to Dr. Hislop that if he has information different from that in the possession of the board, should he be prepared to furnish the board with any indication at all that will serve as a guide, the board will be quite prepared to follow up the clue. I do not know whether the hon. member has any personal knowledge of this case, or whether he

has dealt with it on the basis of information conveyed to him, but I can assure him that the board would be very pleased indeed to have any information that would indicate how the dairyman in question is disposing of his milk—if, in fact, he is disposing of it at the present time.

Dealing next with metropolitan dairies, to which matter Dr. Hislop also referred, I think it will be found that in its latest report the Milk Board stated that it had been decided as a matter of policy that no more licenses to new applicants would be granted for dairies in the closely-settled portions of the metropolitan area. As members are doubtless aware, Dr. Hislop's desire is that after a certain date there shall be no more dairies conducted in the metropolitan area. I would suggest that that is a very drastic provision, because I am advised that there are a number of dairies on the outskirts of the metropolitan area that are quite satisfactory. They are producing milk of as good quality as that referred to by Dr. Hislop when he outlined what he had seen in Victoria. Personally, I think it would be altogether too drastic to say that, as from a date mentioned by Dr. Hislop, all dairies in the metropolitan area should cease to exist. The present Milk Board has been very active in this matter, although Dr. Hislop suggested that it had not been active enough.

Members will be interested to know that in 1934 there were 203 licensed dairies in the metropolitan area, and that to date the number has been reduced to 91. That is to say, in the period of 12 years during which the board has been operating, there must have been some very drastic decisions on the part of the board to reduce the number to that extent. I think members will agree with that statement. Then again, I claim that in his criticism Dr. Hislop indulged in over-statement. He said he was firmly of opinion that neither the Minister who introduced the Bill nor the Milk Board believed that there was a real problem. In that respect I think Dr. Hislop over-stated his case, and there certainly was no need for him to do so. Dr. Hislop's views are not substantiated by the recommendations that have been made from time to time by the Milk Board, and that is evidenced by the fact that we have the Bill before us at this juncture.

Most of the provisions included in the Bill arise from recommendations that have

been made periodically by the board to the Minister. In those circumstances, the action of the Minister in placing the Bill before Parliament in its present form refutes the statement made by Dr. Hislop. Then again, in its official reports, the board has drawn attention to very undesirable actions indulged in by some persons engaged in the milk industry and to unsatisfactory conditions that exist, but which, under the present Act, it has not power to prevent or remedy. So I do not think we should blame either the board or the Minister for something that they have not power to deal with.

In my opinion, the board and the Minister are very keenly aware that a real problem does exist, and they appreciate the magnitude of the problem. Because of that, the Bill embodies their requests for additional power to help them to overcome the difficulties that exist. Some members are aware that the board has experienced great difficulty through buyers of milk for the metropolitan area securing their supplies from places outside the metropolitan area, and even from dairies the owners of which had been refused licenses. The Bill, by extending the board's jurisdiction to apply throughout the whole State, will remove some of those difficulties, inasmuch as no person will in future be able to sell milk for human consumption anywhere in the State without first having a license from the board enabling him to do so.

Hon. A. L. Loton: Did you say that applied to "any person"?

The CHIEF SECRETARY: Yes, unless he has a license. There will be exceptions, because districts will have to be declared, and so on. Some reference was made to milk-borne diseases, and typhoid in particular was mentioned. I have been advised that it has not been demonstrated that any outbreak of typhoid in Western Australia over the years has been traced to the milk supply. In fact, in its report the inter-departmental committee stated that there was no indication that the present whole-milk supply had been the cause of any epidemics of disease among human beings, although it stated that milk-borne diseases were endemic and might be caused by infected milk. It is therefore intended to give the board added powers to prevent the milk supply causing

any disease, although that possibility may be somewhat remote.

Then again, Dr. Hislop referred to the report of the inter-departmental committee. I have been told that whatever defects were found in connection with dairy premises and equipment by that committee could be overcome by means of the additional powers provided in the Bill. I emphasise that, according to my information, the board has been very active in instructing dairymen in the proper method of producing milk—that is, in the preparation of cows for milking, in the cleansing of equipment, and particularly in the use of strainers. Of course, it is desirable that the board be given authority to compel people to provide the proper equipment and to use it effectively. The results of the numerous bacterial samples have been taken and used by the board in its approach to the dairymen in its endeavour to remedy defects. In short, I think I am right in saying that the board up to date has been advisory and educational, but it is now proposed that it shall, in addition, be disciplinary.

Despite the big handicaps to which I have referred, the board has effected very substantial improvements. The inter-departmental committee, in its report, makes the definite statement that over the past decade improvements have been effected in the hygienic conditions of dairies. Unfortunately, the milk industry, in common with many other industries, was adversely affected during the war period; but we propose to be guided in the future by our experience in the past. We are not by ourselves when we say we are dissatisfied with our milk supply. Nearly every country is dissatisfied with its milk supply and therefore it must be contended that the problem is a real one. I suggest that a continuous progressive programme is necessary, and I claim that a careful study of the Bill will indicate that such a policy can be pursued in this State. Dr. Hislop's desire to bring about an improvement in our milk supply is very much appreciated by myself, by the board and by the Government. I commend him for the trouble he took to inform the House on the many phases of our milk supply; but there, again, according to his own words, he found the problem so complex that he regretted his inability to suggest the way in which the

board could be empowered to compel its wishes to be carried out.

Any scheme for the improvement of the treatment of milk must provide for the concentration of treatment in a limited number of depots. The present widespread location of the treatment plants in the metropolitan area—many of which are relatively small—militates against strict supervision. Obviously, it is impossible to exercise close and frequent supervision over the milk entering the depots and over the processes, especially where there is a multiplicity of plants. The board has been active in many directions in improving the quality of milk. It is well for the House to know that it was the board that introduced regular bacterial testing of milk.

As will be seen from the board's reports, a very large number of samples have been taken for bacterial examination at the laboratory of the Department of Agriculture. As a matter of fact, 1,885 samples were taken in 1945; but, of course, the board's work does not stop at the taking of samples. The results of the tests are conveyed by the board to the dairymen. If the result is bad, the dairyman is instructed by letter from the board to take steps to improve his methods and rectify the cause or causes of the unsatisfactory bacterial content. In addition, his premises are visited by an inspector of the board. His methods in the preparation of the cows for milking and the cooling and straining of milk, as well as the cleansing of his utensils, are checked, and he is given appropriate advice. His milking machine, which may be a serious source of contamination, is also inspected.

There is no doubt that these activities of the board have resulted in materially improving the quality of the milk and reducing the bacterial content. Some importance may be attached to the fact that, despite our exceedingly severe summer conditions, it has been possible for consumers of milk in the metropolitan area to receive their milk only once daily for quite a number of years. This, of course, was not the practice before the formation of the present board. I am informed that, speaking generally, our milk is of excellent keeping quality, but this would not be so if it were heavily impregnated with harmful bacteria. Naturally, there are some dairymen not

amenable to the board's requests. That is why it is so necessary for the board to be clothed with power to ensure that its requirements are met. Before the board took sediment tests of milk, these had not previously been taken in this State. It was the board that introduced this test. The tests have been constantly taken since and where the result shows that the milk is not up to standard it has been rejected.

The board has been particularly careful in preventing the supply of milk from cows suffering from contagious streptococcal mastitis. Where the result of the bulk sample reveals the presence of mastitis in the herd, the dairyman is instructed to examine his cattle, and the milk from animals found to be suffering from this disease must not be included in the metropolitan milk supply. The board's officers take samples from cows when the disease is reported. These samples are also tested in the laboratory of the Department of Agriculture. Though the board has not power to order the destruction of cows suffering from the disease, it has encouraged dairymen to dispose of the animals for slaughter, and this has usually been done. I am told, on behalf of the board, that over a number of years there has been ready co-operation between the board and the farmers in this respect.

From the 1st June to the 17th September of this year, the board took 2,257 samples for bacteriological examination. Of these, 56—only 2½ per cent.—showed contagious streptococcal mastitis; that is to say, 97½ per cent. of the milk delivered by individual farmers did not reveal contagious streptococcal mastitis. From the 1st June to the 11th September, 514 samples of milk were taken from individual cows for examination for the presence of mastitis.

Hon. W. J. Mann: In the metropolitan area?

The CHIEF SECRETARY: Yes. The obtaining of these samples necessitated visits to farms in various parts of the board's dairy areas. This is the type of work that the board has been doing for a number of years and it indicates clearly that the board is not only hygiene-conscious, but has adopted practical methods to improve the quality of the milk. There is another aspect of the board's activities

in taking samples. Samples of milk have been regularly taken for examination for butterfat and solids-not-fat contents. Details are contained in the reports which the board has submitted to Parliament and which every member has had an opportunity of perusing. It will be found that 1,849 samples were taken for examination for butterfat content in 1945, the average content being 3.38 per cent. The majority of the samples were taken from the morning milk. Where deficient milk was supplied, the milk was re-sampled, thus tending to reduce the general average.

On the question of taking samples from the morning milk, this practice was followed because it was assumed that if the morning milk had a satisfactory chemical content, the night milk also would be satisfactory. I am informed that the night milk is generally higher in butterfat content than is the morning milk. In the year 1945, 871 samples were taken from cows belonging to farmers for examination of solids-not-fat content, and the average test turned out to be 8.71 per cent. I point out that these average qualities were well above the minimum standards prescribed by the Health Act, these being 3.2 per cent. butterfat and 8.5 per cent. solids-not-fat. Therefore, it is apparent that the bulk of the milk supplied to the metropolitan area is of an excellent chemical quality.

In submitting his case, Dr. Hislop, referred to some misleading information which had been supplied to him in an answer to a question which he asked. He said he hoped that the answer given to him was the result of a misinterpretation of the question. All I have to say on that point is that the questions he asked were answered in the usual way. I point out that they contain no reference whatever to the board, but referred to the Public Health Department and the Perth City Council. It may be said that Dr. Hislop did not intend that his second question should be associated with those two departments. The questions he asked were—

1, Will the Minister lay upon the Table of the House copies of the results of all bacteriological and other tests carried out on milk samples during the last 12 months by the Public Health Department, and obtain similar reports from the Perth City Council and lay them also on the Table?

2, What number of examinations of milk involving the use of the phosphatase test have been carried out during the past 12 months?

The reply to the second question was "Nil." As I did not know much about the phosphatase test and was anxious to get whatever information I could about it, I referred the question, as well as the remarks of the hon. member, to the department. I wish to give the House the information which has been supplied to me in the form in which it was submitted to me. It is a report by the Superintendent of Dairying and it draws attention to a mistake which was made by Dr. Hislop—again, I think, when he was really over-stating what was actually a good case. The report reads—

Phosphatase. This test was instituted on the initiative of the department for the examination of the special supply of T.T. pasteurised milk organised for the United States Naval Forces.

The reports of the examinations were forwarded to the United States Naval Depot, the Deputy Controller of Food-stuffs and the Milk Board.

In 1945 the Chairman of the Milk Board was advised that it was proposed to institute this test as a routine one on all samples of pasteurised milk submitted to the laboratory and as far as practical this policy has been carried out. The number of such examinations made was as under:—

1944-45.

United States Navy 144, Milk Board 19 = 163

1945-46.

United States Navy 24, Milk Board 61 = 85

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It should be pointed out that the original work for the Navy was carried out using reagents provided by them.

Dr. Hislop makes an incorrect reference to the section of the Interdepartmental Committee's report dealing with phosphatase results. On page six of his speech he is reported as saying that of the 64 samples tested, 31 were inefficiently treated. The report states that 24 were doubtful and seven were inefficiently treated. Of 21 samples, he refers to eight as inefficiently treated—the report stated that six were doubtful and two inefficiently treated. His reference to 17 samples not being efficiently treated from 70 examinations, is correct.

The results of phosphatase test are reported as being "efficiently treated," "doubtful" or "inefficiently." The reason for this is that the system used measures the phosphatase reaction in units: for a certain range it may be assumed that the milk has been sufficiently heated; in the next, no definite statement can be made one way or the other, therefore the

results are described as being "doubtful"; while in the third, beyond an arbitrary point, the statement is justified that the sample has not been sufficiently heated.

Apart from this, however, Dr. Hislop's reference to the efficiency of pasteurisation is, on general grounds, correct.

On page 8 he refers to approximately 130 dairies having been visited by the Interdepartmental Committee. The committee did not visit any dairies, but had a report from Dairy Inspector Hobbs on 54 farms which he had visited at the request of the committee.

It was intended that the committee visit a number of dairies in each classification as set out by Mr. Hobbs, but they were unable to carry this intention into effect.

Mr. Hobbs' classification of the dairies is set out in the following table:—

	Irrigation Areas	Dry Areas	Metropolitan Area
Good .. ..	4	3	2
Fair to Good ..	6	10	2
Bad to Fair ..	7	5	7
Very Bad ..	3	2	3

In addition the committee had before it reports on 133 dairies inspected by officers of the Public Health Department. This apparently is the figure to which Dr. Hislop is referring.

On page 10 he refers to an objective of 30,000 per c.c. This is practically an impossible objective in a bulk sample of raw milk. However, it is the standard for pasteurised milk adopted by certain public health authorities and also the Commonwealth Food Control authority. The standard for pasteurised milk in this State is 50,000 per c.c.

On page 11 he refers to the high fat content of milk in Victoria. It is possible that too much emphasis is laid upon the actual percentage of fat contained as such, but providing milk is unaltered it is normal to expect high solids-not-fat with high fats and therefore the general quality of the milk in such cases would be better.

There is little doubt that the system of buying milk on a gallon basis tends to encourage the production of lower quality milk, but although the examinations show a fair proportion of the samples below standard, the average of the fat and solids-not-fat tests for the year ended 31st December, 1944 were quoted by Mr. Stannard as being 3.75 per cent. and 8.9 per cent. respectively.

The standard in Western Australia (3.2 per cent.) is not greatly different from that of the other States which are as follows:—

	Per cent.
New South Wales .. ..	3.2
South Australia .. ..	3.25
Tasmania .. ..	3.3
Queensland .. ..	3.3
Victoria .. ..	3.5
and for New Zealand .. ..	3.25

I can make no comment on Dr. Hislop's reference to conditions in Victoria, page 11.

He refers to the "A.P.V." as if it were the only type of pasteuriser capable of treating milk continuously.

He refers to this as the "flash" method. This, of course, is incorrect, as the "flash" is not used for pasteurising milk. The method he mentions is that known as the "High Temperature—Short Time," or the H.T.S.T. system.

I thought it was desirable that I should give the House the benefit of that report, because I think it corrects at least one statement by Dr. Hislop, which I have no doubt he made in good faith. I also think it shows that the position is not quite as bad as it has been painted, and there can be no doubt that the operations of the Milk Board have to a very great extent brought about a considerable improvement during the last few years, notwithstanding the fact that the industry, like every other industry, has had to contend with very serious wartime disabilities.

I think it will have been noticed that I have not dealt in detail with the amendments placed on the notice paper. There are many of them, and I am afraid I will have to oppose most of them because the department and the Government believe that in this Bill we have a measure which will ensure that within the next few years there will be a considerable improvement in the milk supply throughout this State. It is also believed that the provisions of the Bill will have the effect of encouraging the distributors of milk to supply sufficient pasteurised milk to meet the demands of the public. We do not feel the time has arrived when we should say to people by and large that, notwithstanding what their ideas or desires may be, they shall not be able to purchase raw milk for their own consumption. We believe it is far better to give the new board under this measure an opportunity to effect the improvements which I think everybody agrees will be brought about by the legislation.

As we see the results of the efforts of the new board under an Act of Parliament which it can enforce of itself, then will be the time when we might consider whether we should make the sale of pasteurised milk compulsory. Then will be the time when we might say there shall be no more dairies in the metropolitan area and when we might

lay down far more stringent conditions than perhaps are envisaged in this measure. But I suggest to the House that Dr. Hislop, in his amendments, is travelling too far. He wants to get too far ahead too quickly; and it will be much better in the interests of everybody if we give the contents of this Bill a trial and then, at a later stage, if the necessity arises, seriously consider the more extreme measures the hon. member suggested in his support of the Bill. I feel sure the Bill will reach the second reading stage; but, in view of the hour, I do not propose to take it into Committee during this sitting.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.15 to 7.30 p.m.*

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 3).**

*Second Reading.*

**THE HONORARY MINISTER** (Hon. E. H. Gray—West) [7.30] in moving the second reading said: The main purpose of this Bill is to ensure that the benefits of modern working conditions shall be extended to those persons who are not fortunate enough to be protected by any Arbitration Court award or agreement. It may seem strange in these enlightened times that there are quite a number of people who fall into that category. This is mainly due to the widely distributed population of the State, which has made it difficult for many workers to organise and obtain the benefit of industrial arbitration legislation. These people, who are at present catered for by the wages and conditions contained in the Factories and Shops Act, are mainly in the less populous country districts, although there are still some small sections of employment in the metropolitan area which come under the Act.

In order that there shall be consistency, the more important amendments in the Bill are designed to conform with similar provisions contained in the various awards and agreements. The proposals in the measure will not in any way usurp the privileges or functions of the Arbitration Court, which are protected by Section 163 of the Act, which is emphatic that any award or agree-

ment registered in the court overrides any industrial matter in the Act. The majority of the provisions which the Bill seeks to amend are a quarter of a century old, and in view of the progress which has been made it is apparent that the Act, in those matters, is out of step with modern industrial conditions.

The first amendment in the Bill seeks to extend the definition of "factory" so that small or "backyard" factories may be subject to inspection, from a health or safety point of view, by officers of the Factories Department. Under existing legislation such premises may be inspected only if four or more persons are employed or if motive power exceeding one horse power is used, although the inspector may investigate the conditions of employment as contained in an award or agreement, if there are one or more employees engaged. The amendment seeks to rectify this anomaly and to ensure that if one or more persons are occupied as paid employees the premises shall be subjected to inspection as to health and safety conditions.

For example, there are small plants manufacturing furniture or carrying out duco and paint spraying. In such businesses there may be only an employer and possibly one or more youths occupied in using an electro-lux, or some motive power of less than one horse power. These premises, according to the Act, are not subject to inspection, but it is contended that they should be, as the substance used, or the manner of its use, might constitute a danger to health. The Act at present provides for a maximum working week in factories of 48 hours, and as this is not consistent with modern practice, the 44-hour week being established in practically all industries, it is proposed to amend the Act to provide for the 44-hour principle.

The opportunity is taken to repeal Section 30 of the parent Act, which gives the Minister power to allow certain factory employees to work longer daily hours than those specified by the Act, provided there is no departure from the weekly rate. This section is regarded as redundant, as its provisions are also covered by Sections 33 to 36, and it is therefore unnecessary. It is also proposed to bring the Act into line with modern conditions by increasing the number of public holidays allowed to factory workers, and by providing two weeks' annual leave and

six days' sick leave each year. These are privileges that are enjoyed by the majority of workers throughout the State and are part and parcel of Arbitration Court awards. As members will be aware, the Arbitration Court recently granted a fortnight's annual leave to practically all employees of private enterprise, whereupon the Government also agreed to extend such a concession to its workers. The Act at present confers eight public holidays on factory employees, and the Bill seeks to add two more—Australia Day and Foundation Day. I might say that these ten holidays are customarily allowed in Arbitration Court awards.

Practically all awards and agreements include some provision for sick leave for workers, and the Bill, by providing six days' leave of this nature annually, will make the legislation consistent in this regard. That part of the Act which is concerned with health, sanitation and safety matters, states that a factory or any portion thereof shall be ventilated so as to render harmless, as far as practicable, all gases, vapours, dust and impurities generated therein, and which in the opinion of the Chief Inspector of Factories are injurious to health. It is proposed to delete the words "and in the opinion of the Chief Inspector are injurious to health," as these have given rise to a great deal of controversy. There have been times when the Chief Inspector considered it essential to take definite action to remove fumes and dust from factories, but this could not be done, as no definite proof could be obtained that they were injurious to health.

The Chief Inspector has on occasions considered that it would be in the interests of, and would enhance the comfort of, employees in certain factories if steps were taken to ensure that such impurities were removed, but the employers have brought in rival opinion to state that the conditions were not strictly injurious to health, and the Chief Inspector has felt that he could not proceed. For instance, wood dust could not be said to be a danger to health, but it is not pleasant to work in an atmosphere impregnated with such an impurity. There is a need to press for a reduction of dust in the cement and superphosphate manufacturing industries, in addition to other types of factories, and the amendment will enable this to be done, by deleting the words I

have referred to, and inserting others which will give the Chief Inspector the authority to order that the premises shall be ventilated to his satisfaction. If the occupier of the premises does not agree with the Chief Inspector, he may appeal to the nearest local court and have his appeal heard by the magistrate.

The next amendments refer to shop employees and are designed to improve their conditions. Two weeks' annual holiday and six days' sick leave each year are also sought for shop workers. Unlike the position with regard to factory workers, no attempt is made to increase the number of public holidays for shop employees, as apart from five specified days the Governor may proclaim the public holidays to be observed. As these holidays vary in different districts, it is obvious that it would be preferable to adhere to the present arrangements rather than lay down a hard and fast rule for the whole State.

The penultimate amendment is one which is very necessary. It seeks to amend Section 138, which applies to employees who do not come within the scope of any award or agreement, and which specifies that an employee under 21 years of age shall in his first year be entitled to a wage of 10s. per week with annual increases of 5s. until a wage of 35s. is reached. Once an employee is 21 years of age and is retained in work, the ruling basic wage has to be paid. Rather than be called on to pay the big increase between the figures I have quoted and the basic wage, many employers prefer to dismiss the employee and take on a younger worker instead. Numbers of shop assistants in country districts, in addition to other classes of employees, are covered by this provision of the Act. The rates prescribed by the Act are not reasonable in comparison with the amount required by awards and agreements, and, as I have said, there is great inducement for the employers to dispense with workers' services when they attain the age of 21 and the basic wage has to be paid. This particularly handicaps young country people who desire to take work that will enable them to live at home and who therefore have to accept poorly-paid positions with the risk of dismissal when they become of age.

The amendment seeks to delete that portion of the Act dealing with the rates of

pay and to insert a provision that the wages shall be the amounts specified in the Shop Assistants Union's award for the metropolitan area, plus any district allowance or basic wage adjustment. I think that would be preferable to the old method and would appeal to members as a matter of common justice. It should be satisfactory to all parties, as it prescribes that the rates considered by the Arbitration Court to be just and fair for the metropolitan area should be applied throughout the State, plus any allowances that are considered necessary in respect of any particular district. This will apply mainly to the country, as the metropolitan area is covered by industrial awards and agreements.

The last amendment provides that, unless otherwise agreed in writing, one week's notice shall be given of any intention to terminate employment, the employer, however, having the right to dismiss summarily any person guilty of disobedience, misconduct or neglect, taking into consideration the circumstances peculiar to each case. This provision regarding dismissal shall however, not apply to any person who has been employed for less than six consecutive working days. It is obvious that where persons are picked up for employment that may last for less than a week, it would not be equitable for an employer to be forced to give them a week's notice if they proved unsatisfactory. In cases of known casual labour, it is admitted that it would be possible for employers to arrange for workers to sign agreements dispensing with the necessity for the week's notice, but it would be a much more simple procedure if a provision was inserted into the Act to cover the position.

That is a short explanation of the Bill, which is quite plain and straightforward and, as I have indicated, seeks to improve conditions for workers who are not protected by the Arbitration Court. Many of these employees may be receiving the concessions included in the Bill, irrespective of the fact that they are not covered by any award or agreement, but nevertheless the measure is necessary, as if approved by Parliament, it will bring the Act up to date and will give legal protection to those workers to whom I have referred. I move—

That the Bill be now read a second time.

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

## BILL—FISHERIES ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 22nd October.

**HON. H. TUCKEY** (South-West) [7.45]: Although fishing cannot be classed as one of the major industries of this State, it is of considerable importance. I regret that Governments over the years have not taken any particular interest in it. Ever since the old canning days of the eighties, the industry has been allowed to look after itself, and when the business in fresh fish started some years after canning had begun, the inland waters, rivers and inlets were the main sources of supply. These shallow waters, including small rivers, lakes and inlets, were over-fished, with the result that in due time the supply became depleted.

A Fisheries Department was established and the Government seemed intent upon taking care of the industry, but one reason why the Government did not make much money available was the fact that a number of foreigners were engaged in deep-sea fishing. In fact, very few of our own people would go to sea to fish; Australians preferred to fish in the rivers and estuaries, and, apart from a few Greeks and Japanese, those fishermen comprised mainly our own people. It cannot be said that the canning operations depleted the supply of fish because, in the days of canning, fish were literally teeming in the inland waters, but the only fish considered to be of importance for canning purposes at that time was mullet. Large mullet were to be had in all our rivers and estuaries in the early days, and ample supplies of this one variety could be drawn to keep the factories working full time. Owing to lack of management and lack of restriction, these supplies eventually became depleted.

Some years ago I took the trouble to ascertain how many fisheries inspectors were engaged by the department between Broome and Albany and found that the number was eight. Those eight men had to police the coastline over all that distance, and, apart from fisheries inspection, they had certain work to do in the metropolitan area, such as checking kangaroo skins and attending to other duties about the Perth waters. Really, there were only four or five inspectors on the other part of the coastline. Not only was the number of inspectors small at places



where waters were supposed to be closed, but they were not provided with sufficient equipment to do their work efficiently.

Some members may be able to recall when the Blackwood River was a wonderful place for fish. The Blackwood is 90 miles from Bunbury, and Bunbury was the home of the nearest fisheries inspector who was responsible for control of those waters. Even this would not have been so bad had the inspector been provided with proper transport to enable him to get about his district, but when he received a report of illegal fishing in the Blackwood River, it was usual for him to catch a train at Bunbury, which took something like 24-hours to reach his destination, possibly longer, and he would be absent from Bunbury for two or three days. Anyone contemplating illegal acts soon gets to hear that an inspector is on the job and it is futile for a man to have to travel by train in order to police closed waters and catch offenders. To make a long story short, this sort of thing continued until the Blackwood was fished out.

It is not only the hauling of nets but also the setting of nets that has such bad effects. The setting of nets is very detrimental and in some instances should not be permitted. When a net is hauled, it takes in a certain quantity of fish and the fisherman then leaves the area alone for a time, but when a net is set for 10 or 12 hours, or all night, in a straight line across a stream, any fish passing along, even if not properly meshed, would have its gills injured. From that injury, the fish would not recover and would go to the bottom and die. The set net is responsible for a tremendous amount of destruction of fish life that the eye does not see. In the Blackwood River a considerable amount of net-setting was carried on, and on more than one occasion I have had sticks pointed out to me as having been put there to mark the position of set nets.

Hon. E. H. H. Hall: Is the set net approved off?

Hon. H. TUCKEY: Yes. That is only one instance. I can speak principally of Mandurah because I have had considerable experience of those waters. Years ago, all the inlets and rivers were full of fish. From Mandurah the Harvey River is 24 miles distant; the Murray is 27 miles, measured from Mandurah to Pinjarra, and the Serpentine River is about 15 miles to the extreme end,

while the Peel Inlet at its widest part is about five miles away. Yet we had an inspector provided with a small dinghy and a pair of oars to police all those waters, not for a day, but for years. If the Government were sincere or knew anything about the business it would realise that the industry could not be controlled in that way. It is a great pity that this sort of thing is happening. I am not blaming the Chief Inspector or his inspectors, but it is of no use creating a department and appointing inspectors if money is not provided so that the department may be administered effectively. If the various streams and inlets had been properly policed in years gone by, there would have been quite a lot of fish in those waters today.

We have a Bill before us under which it is proposed to do something—goodness knows what!—but it seems to me that we are asked to shut the gate after the horse has gone. We cannot provide fish by passing laws. The hard part is that in order to improve the supply of fish in our streams, we have to do something to hurt the fishermen. Either the minimum size of the fish to be taken must be increased, or the mesh of the net enlarged, or these places must be closed to fishing for a period in order to allow the fish to become re-established. However, as soon as the Government attempts to do anything of the sort, there is a hue and cry, and in nine cases out of ten, nothing is done. The only solution is to do something practical and such action must affect somebody.

I consider that fishermen, in their own interests, should agree to further restrictions being imposed and bear the consequences for the time being because they would reap the benefit in future. Recently the department extended the length of fish that may be taken to 11¼ inches, I believe; at any rate, the length was increased just enough to prevent fishermen from catching fish with the nets they were using. The fishermen made a noise about it, and I understand the minimum size has since been reduced to enable them to catch fish with the nets they were previously using. If those smaller-sized fish were allowed to remain, they would grow, and later the fishermen would be able to get an equivalent quantity of fish of larger size and of better quality.

The Bill provides for the appointment by the Government of an advisory committee. To have an advisory committee would be all right, but why not allow the fishermen to appoint a representative as we have allowed other sections to make appointments to boards already operating? If the Minister appointed three or four members of the committee and allowed the fishermen to appoint a representative of their own, it would be more satisfactory to the fishermen, and would not mean that the Government was appointing every member of the board. The Bill also contains a provision for a licensing officer to issue licenses to fishermen and for boats, and that officer "shall obey and observe the directions of the Minister." I do not like that provision. I have already said that, years ago, through shortage of inspectors, it was difficult for these men to do their work.

Let me quote one instance. We had an inspector who was a first-class man, but, through having to work 24 hours a day and police such a large area, he found the task impossible. Some of the fishermen banded together and watched the movements of the inspector while others did the illegal work. Under the Act, the inspector had the right to renew the licenses of those men when the period came round, and he made up his mind to refuse renewals to four or five fishermen. A few weeks later, a deputation of the fishermen waited on the Minister, who immediately wrote to the inspector directing him to issue licenses to those men. That was very discouraging to the inspector. It might have been somewhat difficult for the Minister to refuse on the grounds submitted to him, but it might have been better to tell those men that they would have to stand aside during the licensing period or suffer some punishment at least. That was one way of discouraging an inspector and it made him think more or less that it did not matter what the fisherman did.

The Bill provides for directing as to how many fish of a certain species shall be caught. I cannot see how anyone could give a direction of that sort. Nobody can direct a fisherman to go out and catch 200 whiting, tailer, mullet, or other variety and expect him to do it. When he casts his net, he might get 100 or 1,000 fish. What would be the use of telling a fisherman to go out and

catch, say, 10 baskets of tailer. When fishermen cast their nets they may know that there are fish in the particular area, but they are unable to say exactly what sort of fish are there until they have the nets around the fish and start to haul them into the boat. It sometimes happens that fishermen expect to get a large haul of mullet but instead they find their nets sunk by the weight of Perth herring. They possibly knew that mullet were in the vicinity and, because of the indications, believed that the fish were feeding and that they were still mullet, but when netted they turned out to be Perth herring, which were considered to be a nuisance because they were not wanted.

It is not of much use telling fishermen how many fish and what sort they are to catch. That clause should be struck out of the Bill. Generally speaking, the Minister is to have a lot of control, and that is the case with most Bills. At times, however, it is not right and I have just quoted an instance. In the interests of the industry, everything should be done to allow the Act to operate independently of any favouritism, or any political pull or pressure that might be brought to bear on the Minister administering the Act.

Hon. G. FRASER: Political pull has no effect on the fishing lines.

Hon. H. TUCKEY: I do not know about that. Fishing lines are not doing much harm, but I am not putting up a case for the anglers. My connection with the fishing industry was severed long ago and I am not going to start again now. I think it is for the want of more knowledge and information about the industry that the Government has not done more than it has. That there are so few inspectors or the department has been kept so short of money that it has not been able to carry out the provisions of the Act, might not be the Government's fault.

The whole trouble dates back to some time before the advent of the Labour Governments. It did not start 14 or 15 years ago, but has been going on for many years. No Government appears to have taken a serious view of the fishing industry and tried to protect it. I am not criticising the Government: I have always been willing to assist in this matter, and I still am. But what I have said about lack of supervision is quite correct. No shallow stream or estuary can

stand the present constant hauling of small mesh nets for seven days a week all the year round. Unless some restrictions are imposed and the Government is prepared to give the department more funds, we will get nowhere. At any rate, this Bill will not do the job.

The provision to restrict the period during which licenses can operate is a good one. I understand that today at Bunbury there is some restriction on the period in which fishermen can operate. They are not allowed, I believe, to fish for seven days a week there. At Mandurah there had been something like 80 licensed fishermen and 40 odd boats in one year. The Government could assist the industry considerably by subsidising deep-sea boats and so encourage off-shore fishing. That is the best way in which the Government could help the industry. The other day I heard a proposal by which the Government would give a fisherman so much a pound for fish on the beach and be responsible for it from them on. I do not think that is necessary.

This is not an easy industry to handle but, with the price that people are paying for fish today, the fisherman can well afford to market his own catch. In addition, there are better facilities today for marketing than ever before. We cannot depend on our inland waters to maintain the necessary supplies of fish for our people, because the fish are not there. If the Government, as I mentioned a moment ago, were to subsidise suitable boats for deep-sea fishing, where there are plenty of fish—not only in the North-West, but off the southern coastline—there should be no shortage. In the meantime the best we can hope to do is to re-establish some of our fishing grounds by imposing the restrictions that I have referred to. I will support the second reading of the Bill and will deal with the clauses in Committee.

On motion by Hon. E. H. H. Hall, debate adjourned.

## **BILL—TRAFFIC ACT AMENDMENT (No. 1).**

### *Second Reading.*

Debate resumed from the 22nd October.

**HON. W. J. MANN** (South-West) [8.7]: The Minister, when introducing the Bill, said that the most important provisions

would be found to be those by which it was hoped to curb the actions of irresponsible and reckless people who use the roads to the detriment of the ordinary travelling public. I am thoroughly in accord with any measure designed to tighten up our traffic laws. The extraordinary rise in the number of traffic accidents, fatal and otherwise, in the last year or two, is most disconcerting, and it appears, in spite of all the efforts of the authorities to date, to be on the increase. This state of affairs cannot be allowed to continue. Parliament must take action to cope with the menace and to deal effectively with the people who are to blame.

One of the means by which I think betterment can be achieved is by the appointment of not a few, but quite a number of patrolling officers. That would cost money but it would be well spent because no money can take the place of human life. Those of us who use the country roads see the position in a different light from the people in the city. The element of irresponsible driving in the city is bad enough, but I think it can be truthfully said that on the country roads it is worse. I do not blame the owners of country cars for this either generally or even in a major way.

My experience is that the people who think that the main country roads are speedways and that they are the only ones on earth—they seem to take a fiendish delight in stepping up the rate of travel and forgetting that there are other people on that road—are not always country residents. Many of them are apparently unable to see that another person has the right to a portion of the road. Special means have to be devised to catch these drivers. I should like to see a scheme instituted by which officers in ordinary cars, without any distinguishing number by which they could be identified, would be sent out on the roads. If that were done, I am satisfied that within a few months we would be astonished at the number of traffic breaches that would be reported and the prosecutions that could be reasonably and rightly instituted.

We see big trucks, with metropolitan number plates, on our roads frequently with anything up to a foot of overhang on either side in excess of that allowed by law. The country roads are not particularly wide and members can imagine what happens when a powerful truck with its load extended be-

yond each side travels along. Any oncoming motorist has to move off the road altogether or else meet with disaster, and a person following has no chance of overtaking such a vehicle. I am sorry to say that I have noted that many of these truck drivers are not of British stock and some of them, while not being altogether impudent, appear to take no notice of the ordinary means employed to ask for a share of the road. These folk should be dealt with; they should be punished severely. I know of women who will not drive from country towns to the city because they fear that the types of drivers, to whom I have just referred, are likely to cause accidents. These matters should be dealt with and Parliament should make available sufficient money to the proper authorities to ensure an effective road patrol, and should see that people who are not decent on the roads were dealt with severely.

There is another less frequent trouble but one of equal seriousness. I refer to the number of cyclists that ride at night without lights. Since Parliament has been in session I have seen quite a dozen instances where had it not been for careful driving, accidents would certainly have occurred. Only last night, when proceeding across the Causeway I saw a youth, without any lights on his bicycle, dash out almost under the driver's front wheel. Had the motorist not been travelling at a slow speed there must inevitably have been a serious accident. Youth seems to be inclined to take risks, but youth, in common with their elders, must be taught to conform to the law and do all that is necessary to prevent accidents.

Recently I received a letter from a local governing body which suggested that the time had arrived when the Government should prescribe a uniform speed limit throughout the State or, alternatively, speed limits for town and country respectively. The speed limit question is being dealt with fairly effectively today by local governing bodies, and I do not know that any uniform system would be of advantage because there are places where one could, with perfect safety, travel at 45 miles an hour, whereas in others it would be dangerous to travel at 30 miles an hour.

The only other matter I desire to refer to concerns the licensing system. In my opinion the present method of licensing by

local governing bodies is functioning smoothly and I cannot understand why any change should be suggested. License fees represent a very substantial proportion of the revenue of most local governing bodies, and they are a ready source of supply. Most local governing bodies are able to budget each year well knowing the licensing revenue they likely to receive. I am not agreeable to any change in the method of collecting license fees, and I do not think any case has been made out in favour of such a change. However, I shall support the second reading of the Bill.

**HON. E. H. H. HALL (Central) [8.20]:**

I followed the debate on the Bill in another place and again in this Chamber with great interest. The intentions of the legislation are in the main quite commendable. I take this opportunity to express the opinion that the Traffic Branch of the Police Department has done its very best in the circumstances in dealing with a very difficult problem. It is all very well to constitute ourselves as regulators of traffic, but it is a very different matter when it comes to doing what is best for the motorist and fair and equitable for the pedestrian.

I must express grave concern regarding the irresponsibility of motor cyclists in particular. They and the drivers of heavy types of vehicles seem to be particularly reckless and irresponsible whether driving through the country or in the town. They are apparently—I refer to the motor cyclists in particular—regardless of not only their own safety but that of anybody else. Just how the authorities will deal effectively with this particularly trying menace, I do not know. It should be our duty to protect the motor cyclists against themselves. They do not seem to be interested in endeavouring to protect their own lives, and they appear to hold their lives and that of others extremely cheap.

There is that double-dinking difficulty, too. It is a sad commentary upon the youth of today that in a beautiful public place like King's Park a young man and a young woman could be hurled to their sudden death. We may leave ourselves open to a charge of being "old ones" without any regard for present-day trends, but I think something should be done to protect these

young people against themselves. I received a communication from the Murchison Road Board Association asking me to endeavour to insert an amendment in the Bill to retain the present system of license fees and their collection. When the Bill is in Committee, I shall endeavour to give effect to the desires of that and other bodies. I support the second reading of the Bill.

On motion by the Honorary Minister, debate adjourned.

## BILL—CONSTITUTION ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 23rd October.

**HON. E. H. H. HALL** (Central) [8.23]: It might well have been left to the Government to introduce a Bill of this description. Had the earlier Bill dealing with the existence of this Chamber passed its second reading, I had intimated that at the Committee stage I intended to move that the referendum proposed to be held should apply only to those who had the franchise for this House. I think the Government would have been well advised to have made its Bill apply in that direction, but it did not see fit to do so. The Bill under discussion seeks to broaden the franchise for this Chamber and give it a more popular appeal to a larger public.

I am with those who think that before any attempt is made to broaden the franchise for this House, the Government would be well advised to set an example by initiating a redistribution of seats for the popular Chamber. I am perfectly aware that two wrongs do not make a right, but I think a Bill of this description should be sponsored by the Government of the day. As the earlier Bill was not acceptable to a majority of the members of this House, I cannot see my way clear to support the present measure. I have gone through it clause by clause, and I have come to the conclusion that, if agreed to, the Bill would make confusion worse confounded. There are many people entitled to have their names on the Legislative Council rolls who neither care nor desire to be so enrolled. In the circumstances, I do not see that any good would be achieved by agreeing to the Bill introduced by Sir Hal Colebatch.

I have here figures relating to the voting in the metropolitan area and these alone convince me that the great majority of people who are entitled to a vote for this Chamber are not the slightest bit interested. There may be some excuse for people in the country districts not going to the polls, but in the metropolitan area where electors have ready means of exercising the franchise, either when going to work or returning to their homes and yet refuse to avail themselves of the opportunity, no such excuse can be advanced. It is a sad commentary on the intelligence of people who should be the elite of the electorate. In the West Province, which is very ably represented in this Chamber by the Chief Secretary and the Honorary Minister, we had a percentage of electors voting of 37.97! If anyone should feel displeased with such a percentage of voters, it must be the two Ministers themselves.

That is why I say that if people who have the franchise for this Chamber do not value this House, why continue its existence? Had the Government been courageous enough it could have said to the people, "You are qualified to vote for the Legislative Council. Do you still desire the protection of that Chamber? Are you still anxious for the protection which it is claimed that Chamber gives you? If so, express yourself." If the people we claim to represent no longer desire the protection of this Chamber, why should we attempt to carry on? That is the position as I see it. I shall not weary the House by speaking at great length. I have the rest of the details regarding the percentages of electors who voted, but I shall not deal with them beyond saying that I think the West Province was about the worst! As I have indicated, I see no reason why I should support the Bill so I shall oppose the second reading.

**HON. E. M. HEENAN** (North-East) [8.29]: After listening to the remarks of Mr. E. H. H. Hall, I am quite convinced that it would be an almost impossible task to have the franchise for this House liberalised. A Bill which proposed to submit the question of the abolition of the Legislative Council or the extension of the franchise to the adult franchise, to the people, was ignominiously defeated. I think only one mem-

ber, apart from the Labour members, supported that measure. All that it proposed to do was to submit two straightforward questions to the people, in order to ascertain what was really in their mind, first, regarding the necessity for the Legislative Council and, secondly, the liberalisation of the franchise for that Chamber.

Hon. H. Seddon: Why not take a referendum on the necessity for the continuance of the Assembly?

Hon. E. M. HEENAN: That is simply drawing a red herring across the trail.

Hon. H. Seddon: It would be just as consistent as the other.

Hon. E. M. HEENAN: Two wrongs do not make a right.

Hon. H. Seddon: No.

Hon. E. M. HEENAN: The Bill to which I referred simply proposed to deal with the Council. It is quite beside the point to argue, "Why not do something to the other chap?"

Hon. J. G. Hislop: Which Bill are you speaking to?

Hon. E. M. HEENAN: To the Bill now before the House.

The PRESIDENT: Order! I would remind members that all interjections are disorderly, but highly disorderly when the member interjecting is out of his seat.

Hon. E. M. HEENAN: I have always contended—and will continue to contend—that the only right and proper thing to do is to make the franchise for the Legislative Council the adult franchise. Thus everyone would have a vote for this House, which would then be fully representative of the people of the State. The basis of election would be entirely different from that for another place, and would provide certain safeguards. We would have the people taking an intelligent interest in our doings and we certainly could claim that this House would be representative of all the people of the State. At the present time, we find that less than one-third—

The PRESIDENT: Order! The hon. member has not said one word about the Bill before the House. He is dealing with a Bill the House has disposed of.

Hon. E. M. HEENAN: I must bow to your ruling, Mr. President.

The PRESIDENT: The hon. member may, however, connect up his remarks with the Bill before the Chamber.

Hon. E. M. HEENAN. At present, we find that the number enrolled for the Legislative Council is less than one-third of the number enrolled for the Legislative Assembly. I contend that that is a bad state of affairs, and that anything tending to correct it is a step in the right direction. We have a number of involved qualifications entitling the electors to be placed on the Legislative Council roll. There is no doubt whatever that the involved nature of some of those qualifications is the main reason why people are not enrolled. I venture to say that not all members of this Chamber fully apprehend the nature of some of those involved qualifications. It is futile to blame the people for not securing enrolment. The members of this Chamber are to blame because they have not simplified the qualifications. That is what the measure now before us seeks to do.

A Select Committee of this Chamber sat in 1944 and took evidence from a number of responsible persons. One of the recommendations of the committee was that the Constitution Act and the Electoral Act should be amended by altering the qualifications of electors for the Legislative Council. First the committee dealt with flats. Then it recommended—

By permitting the husband or wife of any person enrolled under (a)—

That is, the household qualification—

—to be qualified for enrolment, and also the wife or husband of the owner of the dwelling.

The committee proceeded to recommend that any member of the Forces, upon production of his discharge as proof of service, who had served or was serving in a theatre of war should be permitted to be enrolled. The measure now before us simply gives the House the opportunity to put into effect the recommendations which that Select Committee made. I submit that a man and his wife living in a house both have what is termed a stake in the country. At present the householder is usually the husband and he can enrol; but the Select Committee recommended that the wife also should be entitled to enrolment.

As I have pointed out, the committee also recommended that a person who had served the country by fighting overseas should have a vote for the Council. I do not think anyone would question that such a man had earned what might be termed a stake in the country. Those are the principal provisions in the Bill. It is idle for Mr. E. H. H. Hall to argue that the Bill should have been introduced by the Government. The Government did not sit by idly. It submitted a measure—a much wider one than that now before us—to deal with this unsatisfactory position, but the House would not accept it. Sir Hal Colebatch is a parliamentarian of long standing and is endowed with much wisdom. He appreciates the fact that changes must be made and that it is but fair to extend the franchise for this Chamber. Consequently he introduced this measure which, to my mind, is a step in the right direction. But I still contend that the only proper and satisfactory way to deal with the situation is to make provision for adult franchise. The House has a golden opportunity to improve the franchise for this Chamber. The Legislative Council is not appreciated by the people of the State, the reason being that too few of them take any direct interest in electing its members. It will make for a healthier state of affairs if more people are given the right to vote. Mr. E. H. H. Hall said it would make the situation more confounded than it already is.

Hon. G. Fraser: It could not be.

Hon. E. M. HEENAN: The simplest qualification is the householder qualification, and if that qualification is extended to the wife of the householder the matter will be a very simple one. A man and his wife living in a house and paying rent above 6s. 6d. a week, or whatever the amount may be, will be entitled to be enrolled. That should have the effect of making this House representative of many more thousand people than it is representative of at the present time. It will be much simpler and easier to enrol people; it will create more interest in our doings and, as I have said, make the House more truly representative of the people of the State.

What should be done with another place is entirely another matter. We are only trying to avoid the problem by dragging

that matter up. I hope that when members vote on this measure they will bear in mind that it seeks to adopt the recommendation of the Select Committee which sat for some weeks and very carefully considered this problem. For years past members of this House and the public have been dissatisfied with the existing franchise. To think for one moment that we can retain the status quo indefinitely is, to my mind, a great error. The thing is to get the people of this State interested and give them an opportunity to have a vote for the election of members. If that is done, the unsatisfactory state of affairs that has existed in the past will, to my mind, be remedied to some extent. I trust that although this is only a small step forward, the House will not lose the opportunity to take it.

On motion by Hon. A. L. Loton, debate adjourned.

*House adjourned at 8.17 p.m.*

## Legislative Assembly.

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