

## Legislative Council.

Wednesday, 15th October, 1947.

Mr. NALDER: Of course there has been a lot of talk about a guaranteed price. The Bill is for an Act to terminate in 1951, unless it is extended by this Parliament. All members will appreciate that the guarantee of 5s. per bushel f.o.b., backed by the tax of £15,000,000 of the growers' money, will not cost the Government—nor was it intended to cost the Government—a brass farthing. It is noticeable that some members have said little or nothing about the proposed stabilisation. That stabilisation should and would be provided entirely by the farmers themselves.

Such a scheme brings no new money into the industry, but merely imposes a compulsory saving on the farmers, yet the Commonwealth Government did not provide any savings certificate for the individual farmer. However, the fund is already in hand as the result of the tax, and there is neither need nor power for the State Government to provide machinery—within this Bill—for its distribution. The idea of a stabilisation fund is not entirely new, as we have had it in the flour tax since 1935. The distribution of that fund took place when open marketing was functioning. There are other points that could be enlarged on, but at this stage I would leave them to other members who have something to say on the matter. I support the Bill.

On motion by Mr. Triat, debate adjourned.

*House adjourned at 11.13 p.m.*

	PAGE.
Questions: Railways, as to safety devices for Leighton crossing	1248
Milk, as to Royal Commission terms of reference	1248
Bills: Stipendiary Magistrates Act Amendment, 3a. passed	1249
Coal Mine Workers (Pensions) Act Amendment, 3a. passed	1249
Public Service Act Amendment, 3a. passed	1249
Milk Act Amendment, 2a.	1249
War Relief Funds Act Amendment, 2a., Com., report	1250
Western Australian Bush Nursing Trust Act Amendment, 1a.	1251
Water Boards Act Amendment, 1a.	1251
Town Planning and Development Act Amendment, 1a.	1251
Main Roads Act (Funds Appropriation), 2a.	1251
Municipal Corporations Act Amendment, (No. 1) 2a., Com.	1252
Road Districts Act Amendment, (No. 1) 2a.	1252
Optometrists Act Amendment, 2a., Com., report	1252
Adjournment, special	1252

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

## QUESTIONS.

## RAILWAYS.

*As to Safety Devices for Leighton Crossing.*

Hon. G. FRASER asked the Minister for Mines:

In view of the number of serious accidents that have occurred at Leighton railway crossing, will the Government install safety devices at this crossing at the earliest possible moment?

The MINISTER replied:

Leighton is included in a list of crossings under consideration for equipping with flashlight signals and will be given a high priority in the next programme of crossings to receive attention.

## MILK.

*As to Royal Commission Terms of Reference.*

Hon. J. G. HISLOP asked the Minister for Mines:

What were the terms of reference extended to the chairman of the Milk Board when appointed a Royal Commissioner?

The MINISTER replied:

That an enquiry be held to ascertain what is a fair price to the producer of whole-milk and what is a fair margin to

the retailer, also as to the costs of distribution and that he be assisted by a chartered accountant.

### BILLS (3)—THIRD READING.

- 1, Stipendiary Magistrates Act Amendment.
  - 2, Coal Mine Workers (Pensions) Act Amendment.
  - 3, Public Service Act Amendment.
- Passed.*

### BILL—MILK ACT AMENDMENT.

#### *Second Reading.*

**HON. E. H. GRAY** (West) [4.38] in moving the second reading said: This is a small but very important Bill, which was sponsored in another place by the former Minister for Agriculture. The endeavours of the Milk Board and the Department of Agriculture to rid the dairy herds of T.B., and generally to improve the milk supply, to increase the quantity being consumed by the public and to make it absolutely fool-proof from a health point of view have, I think, received the approbation and backing of every thinking person in Western Australia. A lot of progress has yet to be made before we can consider ourselves the equal of countries such as the U.S.A., New Zealand or the Old Country. Much work remains to be done and a great deal of education is necessary among dairy farmers and others in the industry.

I believe the move now being made to inquire into the cost of production and sale of milk is a good one. It shows that both the Milk Board and the Government are alive to the necessity of doing everything possible to put the industry on a safe and profitable footing. There is a lot of uneasiness in the trade regarding the distribution of milk in the metropolitan area. At the 30th of June last there were 20 licensed depots. Unless it has been done within the last few days, no depots have yet been licensed in the metropolitan area since that date, but the Milk Board has given permission for 20 depots to operate. It is difficult to ascertain the real reason for that.

There have been moves to purchase some depots, and the sponsor of the Bill in another place said that as much as £20,000

had been offered for one depot by a firm operating in the metropolitan area. I do not think any firm operating in the metropolitan district can be trusted with a monopoly of the sale of milk to retailers, as such a monopoly would be dangerous to the public and the farmers who supply the milk, as well as being a bad thing for the Government, which after all is in charge of the industry.

**Hon. L. Craig:** Is it proposed to give anyone a monopoly?

**Hon. E. H. GRAY:** The purpose of this Bill is to guarantee that no-one can get a monopoly. The provisions contained in the Bill lay down that no-one shall obtain a hold over more than 25 per cent. of the trade in the metropolitan area. That will prevent a monopoly being established. The Bill has been examined by the Government. I understand that the Minister for Agriculture had no objection to it and agreed that it was a good idea that such a measure should be brought forward. I take it for granted that there will be no opposition to the Bill from either the Minister or the Honorary Minister in this House. As the object of the measure is to safeguard the industry, the public and the Government, it should appeal to all members.

I have taken a great interest in the milk industry for many years and I do not think it can be denied that a considerable improvement in the quality and purity of the milk is necessary. Every effort should be made to that end, and to expand the distribution and consumption of milk, particularly in the metropolitan area. I appreciate the work with which the Milk Board is faced, but I am not satisfied with the standard of distribution in the metropolitan area. In travelling over the State I always kept an eye on the distribution of bread and milk, and I believe the Busselton municipality has the cleanest and best milk distribution in Western Australia.

**Hon. L. Craig:** There are only four dairy-men there.

**Hon. E. H. GRAY:** Whoever handles the milk there deserves all possible credit for the way in which that work is carried out. There is still a great deal to be done before we can be satisfied with the distribution of milk in the metropolitan area. Like Dr. Hislop, I am looking forward to the day

when the pasteurisation of all milk for human consumption will be made compulsory. No matter what country one reads about, one finds that all the health experts stress the need for pasteurisation. Even if we could be assured that all the dairy cattle were disease-free, I think we should still strive to attain the objective of pasteurisation by the most modern methods. When that objective can be realised, I believe the Milk Board will insist on the installation of the latest and most scientific methods of pasteurisation. We will then be able to allay the fears of the public and particularly of the mothers, and increase the sale of milk in schools.

There is no denying that milk is the most complete food possible, and although pasteurisation destroys some of the vitamins contained in milk, they can be replaced by orange or fruit juice. The Bill has been brought forward owing to fears of people in the industry regarding the creation of a monopoly which, if the Bill is passed, will be impossible. The Bill also ensures that no-one will be able to use back-door methods to obtain control over milk depots in the metropolitan area. I ask the House to give the Bill serious consideration, as I think it is a most reasonable and necessary measure. I hope it will be passed without amendment, by a large majority of members. I move—

That the Bill be now read a second time.

On motion by the Minister for Mines, debate adjourned.

### **BILL—WAR RELIEF FUNDS ACT AMENDMENT.**

#### *Second Reading.*

**HON. E. H. GRAY** (West) [5.48] in moving the second reading said: This is another small Bill which I am sure will receive the support of all members. Its purpose is to amend the War Relief Funds Act of 1926. The origin of that legislation was in 1922, when Parliament appointed a Select Committee to inquire into the best methods of finalising the activities of the various war service charitable organisations that had operated during the 1914-1918 war. Although a wonderful job was done by those organisations, no legislative attempt had been made to deal with the funds remaining when the war had finished. That lesson was learned, and during the recent war legis-

lation was passed to overcome the difficulty in regard to funds raised during the last war.

The Select Committee I have mentioned was appointed in November, 1922, and was afterwards converted into an honorary Royal Commission, which presented its report in 1923. The commission recommended that the funds of all war organisations be vested in three trustees, one to be appointed on the nomination of the central executive of the R.S.L., one from the Ugly Men's Association and one by the Government. During the 1914-18 war, the Ugly Men's Association did a remarkably fine job and raised large sums of money. Members will recall that the late Mr. Clydesdale was president of the association. When the legislation was passed to provide for the vesting of the funds in three trustees, Mr. Clydesdale was nominated by the association and I think became chairman of the trustees; Col. Collett was nominated by the R.S.L. and Mr. A. A. Wilson, the former member for Collie who retired from public life at the beginning of this year, represented the Government.

These three trustees did excellent work during their term of 20 years. An honorary secretary was appointed and was paid a small honorarium. During my term as Honorary Minister, I was brought into close contact with the work of the trustees because a member of my staff, Mr. Steve Smith, was the honorary secretary. In sponsoring this Bill, I take the opportunity to congratulate the trustees on their work; the fund was well managed and the money came in very handy at a critical period. The Ugly Men's Association is practically defunct, and this amendment is necessary to permit of the appointment of another trustee of the fund. Mr. Clydesdale has passed away and so has Col. Collett. Mr. Hoar M.L.A. is the Government representative at present, the R.S.L. has to nominate a representative and the Government has to appoint a third.

When the fund was handed over to the trustees, the amount to its credit was £6,902 10s. 9d., and bank interest over the period of 20 years totalled £1,947 8s. 11d. Blocks of land were donated to the value of £2,000. Seven of these blocks have been sold for £615. The amount paid out during the period by the trustees to ex-Servicemen

and their dependants totalled £6,192 10s. 4d. and to sub-branches of the R.S.L. a sum of £146. The cost of administration over the 20 years amounted to only £431 9s. 11d. The books have been audited by a firm of solicitors free of cost. The cash balance on the 26th July of this year was £2,700 0s. 3d., while the value of the land still held was about £1,500.

Under the Act the fund is designed to benefit ex-Servicemen of World War I and their dependants, and is not applicable to men who served in the second world war. The Bill provides for the deletion from Section 3 (1) of the Act of the words "and another on the nomination of the Ugly Men's Voluntary Workers' Association." I commend the Bill to the House. Those who have operated the fund from its inception deserve congratulations on the good work they have done and on the straightforward manner in which the funds have been conserved and applied. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

#### **BILLS (3)—FIRST READING.**

- 1, Western Australian Bush Nursing Trust Act Amendment.
- 2, Water Board's Act Amendment.
- 3, Town Planning and Development Act Amendment.

Received from the Assembly.

#### **BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).**

*Second Reading.*

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.1] in moving the second reading said: This is a very important Bill that is not new to the House and is really a continuation of a former Act providing for the allocation of certain moneys. It is necessary to bring in a new Bill to give effect to a

Commonwealth Act which has only just been introduced in the Commonwealth Parliament, although the same effect was brought about by another Commonwealth Act of a different name. In 1941, this law first came into being and arose in this way: Certain funds were provided by the Grants Commission which looked into the question, and that Commission recommended that the grant to Western Australia be reduced by £65,000 as our road finance policy did not meet with its approval. The Commission decided that the State revenue should bear some portion of loan costs on roads and this Bill is to give effect to that determination.

To carry out the wishes of the Grants Commission it was necessary to take into revenue 22½ per cent. of the metropolitan traffic fees instead of as required by Section 34 of the Main Roads Act, which transferred the money to the fund known as the Main Roads Contribution Trust Account, which is used by the Commissioner of Main Roads for financing the construction and maintenance of roads and bridges within the metropolitan area. To compensate the fund for this loss, an equivalent amount is transferred to it annually out of the State's share of petrol tax which is normally paid in to another trust account. What we have to do, instead of paying the money into one account, is to pay it into another. It is purely a question of accountancy.

This Bill is merely a continuation of a former measure and does not alter matters in any way. Further, from 1941, the Act had to be continued each year, but in 1944 it was continued for three years up to the 31st December, 1947. We now propose to continue the Act until the 31st December, 1950, which synchronises with the term recently enacted by the Commonwealth Government under the Act known as the Commonwealth Aid Roads and Works Act, 1947, which has replaced the previous Federal Aid Roads Agreement. I commend the Bill to the House.

Hon. J. G. Hislop: Robbing Peter to pay Paul!

**THE MINISTER FOR MINES:** But there is no robbery about this. I move—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

**BILL—MUNICIPAL CORPORATIONS  
ACT AMENDMENT (No. 1).**

*Second Reading.*

Debate resumed from the previous day.

**HON. SIR HAL COLEBATCH** (Metropolitan) [5.6]: I had only one motive in moving the adjournment of the debate and that was to see that the amendment I desire to move in Committee appeared on the notice paper. It would be more convenient to discuss that amendment when we reach the Committee stage. I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 4—agreed to.

Clause 5—Amendment of Section 180:

**Hon. Sir HAL COLEBATCH**: I move an amendment—

That a new paragraph to follow proposed new paragraph (23A) be inserted as follows:—“(23B) For licensing and regulating the photographing of persons for gain in any public place and prescribing the fees for such licenses.”

There has been a good deal of discussion in the Press and elsewhere on the matter of street photography, indicating considerable difference of opinion on the subject. I think this difference of opinion arose largely from the fact that what might be suitable in one locality might be unsuitable in another. The matter is one for each municipality to handle. At present, municipalities have no power to license street photographers. My amendment will give them that power and enable each municipality to do what it thinks right in the circumstances.

It does not come within the scope of Parliament to deal with a matter of this kind, which is one purely for local government control. Circumstances may change. Any Act that is passed today might prove unsuitable in a short period. If power is given to municipalities to control street photography and circumstances alter, they can alter their regulations. The matter is simple, and is entirely for local governing authorities to deal with.

Hon. G. FRASER: I move—

That the amendment be amended by striking out the words “licensing and.”

I understand there is a Bill in another place dealing with street photographers. Parliament ought to make a pronouncement on the question. I do not know what the position will be if we pass this amendment and then come to deal with the other measure to which I have referred. I would prefer to deal with that other Bill which will come to us in due course. If this amendment is allowed to go through, we shall be giving local governing authorities the right to regulate the licensing of street photography. It would be better that we should deal first with the Bill that is on its way to us.

Hon. L. CRAIG: I think we should hasten slowly on this matter. Newspapermen frequently snap people in the street. Is it suggested that they should be licensed before they can do that? Furthermore, a sporting ground, a school ground and such-like places are public places, and photographs of people are taken at football matches. Another Bill is to come to us dealing with the subject, and I feel that to pass this amendment would be dangerous. I hope the Minister will give consideration to this question before we pass the amendment.

Hon. G. W. MILES: The Minister should report progress so that we can see what happens when the other Bill comes to us.

Hon. L. B. Bolton: This amendment may make the other Bill unnecessary.

Hon. G. W. MILES: It would not do any harm if progress were reported.

Hon. Sir HAL COLEBATCH: Does Mr. Craig think that the prescribing of all these details is a fit subject for Parliament to engage in? Surely details of this kind will vary from locality to locality. If a pressman wanted to take photographs, all he would have to do would be to apply to the local authority.

Hon. E. H. Gray: Do you mean he should get a license from each local authority?

Hon. Sir HAL COLEBATCH: From each local authority in which he was interested. There must be some control over

street photography. I cannot see who is suitable to do it, other than the local authority.

Hon. L. CRAIG: Why is it necessary?

Hon. Sir HAL COLEBATCH: I do not know that it is in order for us to consider a measure which may be before another place, and the fate of which we know nothing about. We have simply to decide which is the right authority to deal with a matter of this kind. I can see no room for any difference of opinion. The local governing body is the right authority.

Hon. E. H. GRAY: I oppose the amendment. It is too dangerous. Furthermore, why should these people be licensed? Shopkeepers, butchers and various others are licensed, but their hours and so on are policed. These people, however, will get no service from the local authority. The license is only an encumbrance to them. We should be sufficiently broadminded to allow them to carry on. The modern street photographer supplies a requirement of many people who cannot afford to go to an ordinary studio. This amendment would be a hindrance. Fancy the official photographer of "The Daily News" or "The West Australian" having to be licensed by every local authority throughout the State! It is ridiculous. I think the opinion expressed by Mr. Miles is sound. The matter should be investigated before any action is taken.

Hon. L. B. BOLTON: I agree with Sir Hal Colebatch. It is not the province of Parliament to say whether a man should be permitted to take a photograph, sell fish or do anything else. The local authorities should have the sole right to say what shall be done in that direction. If the amendment is passed, it will, I understand, overcome any difficulty in another measure. I believe that measure only provides for sections. I have no objection to licensing anybody, or nobody; but I do not believe in picking out one particular section.

Hon. L. CRAIG: I think Mr. Bolton has rather missed the point. I am not saying whether Parliament or a local authority should have the power to issue licenses. I say it is not necessary for anyone to issue a license to a photographer. If I want to take a photograph and sell it to a paper, why should I not go out and do

so? This makes it necessary for someone to issue a license. Imagine a child being asked, "Have you a license, sonny, to take a photograph of your brother?"

Hon. Sir Hal Colebatch: But this is for gain!

Hon. L. CRAIG: But many photographs are taken with the idea of getting 7s. 6d. for them from a newspaper. If I want to take a photograph in a street, with a view to gain, why should I not do so? The amendment will prevent anyone from taking a photograph in a public place without being licensed.

Hon. Sir Hal Colebatch: It is only if you are doing it for gain.

Hon. L. CRAIG: Yes, but it is adding another semi-governmental authority in order to obstruct the liberty of the individual. No harm is being done today. I am clicked in the street occasionally, and I suppose other members are, too. Let us have no more licenses of this sort; let us click our cameras as much as we like until we do harm to someone.

Hon. G. BENNETTS: I am of the same opinion as Mr. Craig. Street photographers operate in all parts of Australia, and people travelling round get a lot of enjoyment from them. We should allow them to continue. If only a certain number of licenses were granted, some people wanting to make a living in this way would, perhaps, be crippled. I am not in favour of this.

The MINISTER FOR MINES: It seems that members do not quite understand the suggestion in the amendment. Section 180 of the Act provides—

Subject to the provisions hereinafter contained, bylaws may be made by any municipality for the purposes mentioned in this Act, and for the purposes following:—

One of the purposes following is for licensing and regulating the photographing of persons for gain in any public place, and prescribing the fees for such licenses. If a municipality desires to make a bylaw to force people to have a license in any particular portion of its area, it will bring down a bylaw which will have to come before this House and another place, and members will have an opportunity of throwing it out if they so desire. This only gives municipalities an opportunity to make bylaws to regulate. That is the whole object.

The amendment does not mean that a person must have a license.

Hon. G. FRASER: My amendment will give them the power to regulate.

The MINISTER FOR MINES: If we have the power to regulate, have we the power to license? I do not know how we can regulate, without licensing. A local authority can license these people with or without a fee, or it can say that there will be an open go on the Esplanade or anywhere else. It rests with this House to say finally whether the regulation is reasonable. I have no objection to the proposed new paragraph.

The CHAIRMAN: I am afraid the Committee has drifted away from the question before it, which is an amendment on a proposed amendment to delete the words "licensing and."

Hon. E. M. HEENAN: I support the amendment on the amendment. Just recently an expert saxophone player delighted many people by playing his instrument in the towns of Kalgoorlie and Boulder. In Perth, these photographers take photos in the streets, and it is possible to purchase the prints in the course of a day or two. I cannot see anything wrong with that. Why any municipality should have additional authority to regulate or license these people is beyond me. The ones I have been in contact with have been very courteous. I listened to a number of speeches last night, and the substance of them was that we in Australia are making our form of society so complex, by the establishment of government departments and government controls, that life is becoming more and more difficult. I have to keep a very accurate diary to know when my motor license is due, and my radio license, and so on. Many of these controls are inevitable. It is a bit inconsistent on the part of those who complain of that state of affairs to attempt to foist another form of licensing on to a section of the community, which I think is doing no harm. They will next be wanting to license our saxophone player in Kalgoorlie!

Hon. G. FRASER: I merely wanted to deal with the licensing question. Many municipalities throughout the State adjoin one another. Two adjacent local authorities might make different decisions. For instance, the Fremantle Council might decide to license these people, whereas the East

Fremantle Council might not. The line of demarcation then would be down the centre of a street.

The Minister for Mines: This is only to give them power to regulate.

Hon. G. FRASER: That is so. I can see a tremendous amount of bother as the result of different decisions by municipalities. The Minister for Mines says there is no difference between licensing and regulating. I can see a lot of difference between them. A person may be licensed, and then regulations may be passed to say where he may take photos, etc. I want the municipalities to have the right to pass a bylaw to exclude the operations of these people if they make a nuisance of themselves. But I will not give the right to some to issue about 50 licenses and at the same time to enable others to reject a similar number. Let it be one thing or the other. If they are to be licensed, the municipalities should have the power to regulate them in the carrying out of their business.

The MINISTER FOR MINES: The amendment merely gives power to license and regulate, not to refuse to license or to regulate. At present municipalities do not worry about the matter, but should they desire to do so they will in future be able to license or regulate. If the amendment on the amendment be agreed to, municipalities will simply be able to bring in regulations and that would mean they could prescribe that photographs could only be taken side face or full face, while a person was walking or while he was standing still. On the point raised by Mr. Heenan, municipalities have at present power to regulate the playing of music, but perhaps what he referred to was not a musical instrument!

Hon. G. FRASER: Am I to interpret the Minister's explanation as meaning that municipalities would have the right only to regulate or license and not the right to refuse to do so?

The Minister for Mines: I think so.

Hon. G. FRASER: That seems a rather peculiar position.

Hon. J. G. HISLOP: I would like to be certain as to what the position is now and what it will be if we agree to the proposition before the Committee. Has a local governing body now the power to prohibit

this particular occupation? If the amendment be agreed to, does it mean that a local governing body will have power only to license?

The MINISTER FOR MINES: About 12 months ago a man was charged with obstructing the traffic and was fined. Members are probably aware that each week reports about charges preferred against starting price bookmakers for obstructing the traffic, are published in the newspapers. In the case I mention, an appeal was taken to the Full Court and it was proved that the man had not, in fact, obstructed anyone to any appreciable extent, but the court held that the streets were meant for people to use by moving up and down and not for the purpose of carrying on any vocation, because the mere fact of carrying on a vocation would mean an obstruction to traffic. Presumably the same argument would apply to street photographers.

Amendment on amendment put and negatived.

Hon. G. FRASER: I oppose the amendment. Although Sir Hal Colebatch mentioned that we are not supposed to know what is going on elsewhere, we cannot shut our eyes to what is happening. A decision is to be made by Parliament on this particular question. In the circumstances it would be much better to leave the position as it is until that decision is reached. What is proposed may amount to putting something into another Act that may be absolutely useless. Should Parliament decide against the measure that is under discussion, there may be no necessity for this provision.

Hon. E. M. HEENAN: I hope the amendment will not be agreed to, principally for the reasons I outlined in my earlier remarks. My point of view has been consolidated by what the Minister has said. There is at present a law available to deal with people who obstruct the traffic. If street photographers should make a nuisance of themselves in the streets as starting price bookmakers do, the situation could be dealt with. Much more important matters require regulating than these inoffensive beings.

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

Ayes .. .. .	10
Noes .. .. .	12
<hr/>	
Majority against ..	2

#### AYES.

Hon. C. F. Baxter	Hon. J. G. Hislop
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. C. H. Simpson
Hon. H. A. C. Daffin	Hon. H. Tuckey
Hon. F. E. Gibson	Hon. W. J. Mann
	(Teller)

#### NOES.

Hon. R. J. Boylen	Hon. E. M. Heenan
Hon. L. Craig	Hon. L. A. Logan
Hon. E. M. Davies	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. F. R. Welsh
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. Bennetts
	(Teller)

Amendment thus negatived.

The MINISTER FOR MINES: I move an amendment—

That in line 2<sup>nd</sup> of paragraph (c) after the word "the" the words "date of the" be inserted.

This is merely to correct a typographical error.

Amendment put and passed.

Hon. E. M. DAVIES: I move an amendment—

That a new paragraph be added as follows:—

"(d) adding to paragraph (47) a proviso as follows:—

Provided that nothing herein contained will invalidate any bylaw heretofore made by any municipality under this paragraph but any such municipality by bylaw may extend from time to time the time prescribed in any bylaw heretofore made by it for the removal of verandahs and balconies supported on posts and projecting over the footway of any street road or way in any part of the municipality."

Local authorities at present have the right to order the removal of verandahs and balconies after a period of ten years but the Bill proposes to extend that period to 1952. I prefer that the local authorities should have the right to say when such structures should be removed. During the course of my second reading speech, I said that people know that the time will arrive when such structures will have to be demolished and in the circumstances are not prone to spend money on putting the verandahs or balconies in a proper state of repair. If the time is still further extended, greater difficulty will be experienced by local



authorities in requiring such structures to be kept in reasonable condition. I admit that under the Municipal Corporations Act a local authority has power to compel the removal of a verandah or balcony that has become dangerous, but until such time as the balcony or the verandah becomes dangerous, the municipality has not the power to order its demolition. It is now proposed to extend the period to 1952. The local authority should be the deciding factor.

Hon. H. Tuckey: What difference would the extension of time make to Fremantle?

Hon. E. M. DAVIES: It would give the Fremantle Council authority to order, after January, 1949, the removal of a verandah; if the council did not so desire, it could extend the time for such period as it determined.

Hon. F. E. GIBSON: I support the amendment. Mr. Davies has outlined the position at Fremantle. Should the amendment not be agreed to, it means that the council could not enforce the removal of verandahs before 1952. Members will realise that in an old town like Fremantle many balconies and verandahs are not in a satisfactory state of repair. Some owners have removed verandahs and erected in their place cantilever verandahs which are a decided improvement. Local authorities do not act arbitrarily; they give every consideration to owners of property.

The MINISTER FOR MINES: Members may recall that when I introduced the Bill I pointed out that, owing to existing conditions, it would not be reasonable to permit municipalities to force owners to remove verandah posts at present. It was consequently decided to extend the operations of the Act until February, 1952. The object which the mover of the amendment desires to achieve is already provided for in the bylaws. A municipal council may make bylaws for regulating the construction and use of verandahs now or hereafter erected over any part of a street, road or way, for requiring proper maintenance of verandahs and balconies and prescribing for their removal at the expense of the owner. That is provided for by Bylaw 47. Bylaw 42 provides that a municipal council may make orders prescribing the removal, at the expense of the owner or occupier, of any verandah or

balcony which obstructs the footway or street, irrespective of whether it was erected before or after the commencement of the Act. A municipality may make orders for the removal of verandah posts which are dangerous.

Hon. F. E. Gibson: Assume they are not dangerous.

The MINISTER FOR MINES: Then the municipality could not enforce their removal until February, 1952.

Hon. F. E. Gibson: The municipalities want to retain the power they have.

The MINISTER FOR MINES: It is for the Committee to decide whether it is reasonable to permit a local authority to force an owner to remove his verandah and put up a cantilever verandah. I am asking the Committee to agree that a municipality cannot force an owner to remove his verandah until 1952, provided it is in good repair.

Hon. L. Craig: Who would determine whether it was?

The MINISTER FOR MINES: The building surveyor.

Hon. E. M. DAVIES: I regret that the Minister has used the word "force," because my experience of local governing bodies is that they usually endeavour to assist ratepayers. Some owners are prepared to allow their properties to fall into a very dilapidated state of repair. For instance, a municipality has not the power to force an owner to paint his property.

The Minister for Mines: I think so.

Hon. E. M. DAVIES: The desire of the local authorities is that they should be the deciding factor in ordering whether these structures should be demolished.

The MINISTER FOR MINES: Quite obviously, the City of Fremantle, or any other municipality, has power to make bylaws. The object is, of course, to force people to obey them. I am not suggesting that bylaws made by municipalities are forced on to owners, but there are occasions when orders made under them must be obeyed.

Hon. G. BENNETTS: In my opinion the amendment would give local authorities too much power. At Kalgoorlie, a couple of owners have built the new type of cantilever verandah in front of their

premises; but there are only half a dozen buildings in Kalgoorlie that could carry that class of verandah. If Kalgoorlie property owners were forced to pull down their existing verandahs and replace them with cantilever verandahs, it would mean an expenditure of thousands of pounds, and it must be borne in mind that at present materials are not available to carry out the work. I cannot support the amendment.

Hon. C. F. BAXTER: There is nothing drastic about the amendment. We should respect bylaws made by local governing bodies. We should do what Parliament always does and that is honour existing agreements. After all, this amounts to an agreement between the municipal authorities and the owners of premises. We would do well to pass the amendment and allow those bodies that have already taken action to continue to do so. If an alteration were made and the time extended, then, as Mr. Davies pointed out, there would be no power on the part of municipalities to order the removal of dilapidated verandahs. Some landlords will not spend money on repairing or improving their premises. I do not think we need worry much about the fears expressed by Mr. Davies. These matters are left in the hands of local authorities who do not attempt the impossible. I support the amendment.

Hon. H. TUCKEY: We should be careful about this matter. We are not legislating for Fremantle alone. This law will affect the State as a whole. I question whether the building position will be very much better in 1952 than it is today.

Hon. G. FRASER: You have not much faith in your Government.

Hon. H. TUCKEY: We know that as time passes more people will require homes and shops. It seems to me that industrial troubles and strikes are seriously retarding industry. When it is desired to erect a cantilever verandah, provision should be made for it when the building is being constructed. It is not possible to place a cantilever verandah on some buildings without a lot of trouble and expense. I think there is something in what Mr. Bennetts said and that it would be drastic to tell people in some municipalities to undertake this work,

because it would mean remodelling their shops or houses.

Hon. E. H. Gray: It would be the job of the local authority to attend to that, and local authorities can be relied upon to do a fair thing.

Hon. H. TUCKEY: I happen to know something of this problem. We have been dealing with it in the Murray district and it is not easy to build a cantilever verandah on premises that have not been constructed to carry one.

Hon. E. M. Davies: The same thing would apply in 1952. The construction aspect does not come into the matter.

Hon. H. TUCKEY: It does, because it shows that instead of selecting isolated buildings in connection with this matter the provision will apply to all buildings.

Hon. F. E. Gibson: The local authority would have to enforce it.

Hon. H. TUCKEY: That is certainly a safeguard, but I am pointing out the difficulty in erecting such verandahs on buildings which have not been constructed to carry them. It might be necessary to pull down the whole front of a building in order to install such a verandah.

Hon. G. FRASER: I support the amendment, which is a wise one. It will not be compulsory for the local authority to compel everyone to pull down a verandah in 1949. It is left to the local authority as to whether that shall be the date, or whether there shall be an extension. I am prepared to leave it to the good sense of the local authority.

The Minister for Mines: Whether it should enforce the matter or not?

Hon. G. FRASER: The Minister uses the word "enforce." There are some people who will never do anything unless they are forced.

The Minister for Mines: That is quite true.

Hon. G. FRASER: If the Bill is passed as it stands, those people whom it is necessary to force are the ones that will take full advantage of the extension. If a verandah is in such a condition—not necessarily dangerous—that it is a bad advertisement for the town, I think the local authority should have the right to say whether it should be demolished. A local authority is prepared

to listen to reason and if there were difficulties in the way we would not expect it to issue an order for demolition. For instance, it would not do so if materials were not available or if the people concerned were in financial difficulties and asked for an extension. But I want the local authorities to have power over those who will do nothing unless they are forced.

Hon. L. CRAIG: I can see no harm in this amendment, which I think is a good one. It seems to me that it is proposed to take power out of the hands of those who should have it. I believe that these are matters for local authorities. What right has the Government to say that this period shall be extended from 1949 to 1952? Members of local governing bodies are as sensible as members of Parliament.

Hon. G. W. Miles: More sensible in a lot of cases!

Hon. L. CRAIG: At all events, they know local conditions and I should say they were more lenient with ratepayers. They are capable of determining whether an extension is necessary or not. But as Mr. Fraser said, some people if given a loophole will jump right through it. All this amendment does is to give local authorities power, if they think it necessary, to have a verandah pulled down.

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

Clauses 6 to 10—agreed to.

Clause 11—Amendment of Section 450:

Hon. E. M. DAVIES: I move an amendment—

That paragraph (b) be struck out and a new paragraph inserted as follows:—

“(b) substituting for the words ‘any twenty owners’ in line five the words ‘one twentieth of the total number of owners.’”

I feel that in a large municipality such as that in which I am interested, with over 3,000 owner ratepayers, a larger number than 50 should be required to decide whether the local authority should go to the expense of conducting a loan poll.

The MINISTER FOR MINES: The object of the clause is to prevent what might be called frivolous appeals to ratepayers which would cause a lot of expense. It is not difficult to get 20 ratepayers in the City of Perth, for instance, to ask for a poll.

Members can imagine evilly-disposed people thinking that there might be money attached to such a poll in the way of canvassing, etc. The clause proposes to strike out the provision relating to 20 owners being able to demand a poll and to substitute the word “fifty”. The hon. member proposes to make the total one-twentieth of the owners. Imagine what a tremendous number that would be in a place like the City of Perth, where there are 40,000 owners! There would be no chance of getting such a huge number to appeal. I do not propose to labour the matter but I oppose the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 12, Title—agreed to.

Bill reported with amendments.

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

## **BILL—ROAD DISTRICTS ACT AMENDMENT (No. 1).**

*Second Reading.*

Debate resumed from the 7th October.

HON. J. A. DIMMITT (Metropolitan-Suburban) [7.32]: I secured the adjournment of the debate on this Bill for the reason that I had from one of the road board districts in the Metropolitan-Suburban Province a request to see the Minister and ascertain from him whether he would agree to the Housing Commission providing 50 per cent. of the cost of new roads. An investigation revealed that where new districts are opened up, the Housing Commission makes an ex gratia payment of 50 per cent. of the cost of new roads. The Commission does not do that in areas that have previously been subdivided, or where roads have already been gazetted. On reporting this to the local authority that had raised the question with me, that authority expressed satisfaction with the arrangement, provided the Minister would indicate that the arrangement would be continued. The Minister has already given that indication and I will therefore take no further action but to support the second reading of the Bill.

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

# **BILL—OPTOMETRISTS ACT AMENDMENT.**

*Second Reading.*

## **Legislative Assembly.**

Wednesday, 15th October, 1947.

### **THE MINISTER FOR MINES (Hon. H.**

**S. W. Parker—Metropolitan-Suburban)** [7.35] in moving the second reading said: This is a short Bill, the purpose of which is to correct one or two anomalies in the matter of dates and to strike out a section which provides that all surplus funds must be paid to the Treasury. Why that provision ever got into the Act is hard to say. Section 16 of the Act provides that certain funds of the board, which consist of these prescribed by or under the Act and payable to the board, and grants by the Government or the State and all gifts and donations made by any persons to the board, all other moneys, and so on, shall be charged with the payment of various matters. Subsection (3) provides that at the end of the year all surplus funds shall be handed over to the Treasury, and it is desired to strike out that subsection.

The other amendments are for the purpose of correcting various anomalies. Section 25 provides that during January of each year there shall be published in the "Government Gazette" a copy of the register of optometrists corrected to the 31st December. That date should really be the 15th January, as otherwise it would be the previous year's list that would be published. That is the purpose of the other alterations. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee.*

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

### **ADJOURNMENT—SPECIAL.**

### **THE MINISTER FOR MINES (Hon. H.**

**S. W. Parker—Metropolitan-Suburban)** I move—

That the House at its rising adjourn till Tuesday, the 21st October.

Question put and passed.

*House adjourned at 7.40 p.m.*

	Page.
Questions: Apple scab, as to occurrence in Manjimup areas	1259
X-ray examinations, as to plant and charges at Kalgoorlie	1260
Housing, as to allocation of War Service Homes	1260
J. J. Cracknell, indeterminate sentence, as to tabling papers	1261
Banking nationalisation, as to early adjournment of House	1261
Select Committee: Hampshire & Sons cattle and T.B. report presented	1261
Leave of absence	1261
Bills: Municipal Corporations Act Amendment (No. 2), 1R.	1261
Road Districts Act Amendment (No. 2), 1R.	1261
Companies Act Amendment, reports	1261
Western Australian Bush Nursing Trust Act Amendment, 3R.	1261
Water Boards Act Amendment, 3R.	1261
Town Planning and Development Act Amendment, 3R.	1261
Constitution Acts Amendment (No. 3), 3R., points of order	1262
Electoral Act Amendment, 2R.	1278
Stipendiary Magistrates Act Amendment, returned	1261
Coal Mine Workers (Pensions) Act Amendment, returned	1261
Public Service Act Amendment, returned	1261
Street Photographers, Com.	1263
Motions: Gold, as to treatment of refractory ores	1261
Gold, as to stimulating production from low-grade ore, passed	1261

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

### **QUESTIONS.**

#### **APPLE SCAB.**

*As to Occurrence in Manjimup Areas.*

Mr. HOAR (on notice) asked the Minister for Agriculture:

(1) Is he aware that apple scab was discovered in the Manjimup fruit-growing areas recently?

(2) That the trees in question are alleged to have been imported from Tasmania last season, and that the powers under the Plant Diseases Act were not sufficiently used to ensure that the trees were free of disease?

(3) That the following resolution was carried by the Manjimup Fruit Growers' Association:—"That the appropriate authorities be approached to have a full inquiry made into the recently imported apple tree stocks being allowed to pass to growers whilst apparently affected by disease (apple scab)?"

(4) In view of the above resolution and request, will he cause such inquiry to be instituted without delay, and if not, why not?