Legislative Assembly

Thursday, 26th September, 1957.

CONTENTS.

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

QUESTIONS.

FRUIT-FLY ERADICATION.

Undertaking by Late Hon. G. B. Wood re Funds.

Mr. WILD asked the Minister for Agriculture:

(1) Is he aware that the late Hon. G. B. Wood, when Minister for Agriculture, made a statement to the annual meeting of the Fruitgrowers' Association of Western Australia that funds, namely, £10,000 for the first two years, to be raised subsequently to £20,000 thereafter, would be made available to assist in the eradication of fruit-fly?

(2) Will he honour the undertaking given by Hon. G. B. Wood?

(3) If not, why not?

The MINISTER replied:

The late Hon. G. B. Wood, when Minister for Agriculture in 1950, did not make a statement to the annual meeting of the Fruit Growers' Association dealing with financial assistance to eradicate fruit-fly.

However, Hon. G. B. Wood, received a deputation from the Fruit-fly Advisory Committee on the 2nd February, 1950, with a request that financial assistance up to £20,000 per annum should be provided for eradication measures.

Mr. Wood said he appreciated the seriousness of fruit-fly and that he would make an immediate approach to the Government.

Subsequently Hon. Sir Ross McLarty, then Premier and Treasurer, announced in "The West Australian" on the 3rd March, 1950, that he had agreed to provide £10,000 to combat fruit-fly during 1950-51.

Since that year activities against fruit-fly had not been reduced, although costs had increased considerably as follows:—

Year.	Total Expenditure	Registration Fees.
	£	£
1950-51	9,920	5,168
1951-52	11,130	5,797
1952-53	12,494	5,696
1953-54	13,396	9,969
1954-55	13,970	10,586
1955-56	16,252	10,512
1956-57	17,518	10,947

Increased fees in 1953-54 resulted by raising the registration fee for "backyard orchards" from 1s. to 2s. Fees paid by commercial orchardists were not amended.

The total expenditure does not include research or advisory work being carried out by departmental officers. This work will be continued.

At the last meeting of the Agricultural Council, the Commonwealth Government agreed to meet initial costs of research into biological means of attacking fruit-fly in Australia.

Entomologists will visit Pacific islands where insect parasites exist, with the view of introduction to the mainland for testing under quarantine conditions.

Western Australia will co-operate in this work in the release of insect parasites.

STATE BUILDING SUPPLIES.

Overtime at Carlisle.

Mr. COURT asked the Minister for Native Welfare:

(1) Are some sections of State Building Supplies at Carlisle working overtime?

(2) If so, to what extent and for what reason?

(3) From what sources are the orders obtained involving overtime?

The MINISTER replied:

(1) Yes, but to a very limited extent.

(2) (a) In the joiners' shop, averaging over the past three months 2½ per cent. of total ordinary man hours in this department. Standing instructions are that limited overtime only may be worked to meet deliveries promised to regular clients.

(b) Occasional overtime is worked in the yard for varying reasons but over the past three months, this has been less than ½ per cent of ordinary man hours in the yard.

(3) State Building Supplies enjoys an outstanding reputation for the quality of joinery, and supplies large quantities for Government requirements, to private contractors and other customers.

ELECTORAL.

Quotas on the 30th June, 1957.

Mr. CORNELL asked the Minister for Justice:

(1) What were the approximate electoral quotas based on enrolments on the 30th June last for—

(a) metropolitan seats;

(b) mining, pastoral and agricultural seats?

(2) What electorates, based thereon, are over, or under, their present approximate quotas?

The MINISTER replied:

(1) Quotas as ascertained for the last redistribution as published in the final report of the Electoral Commissioners in the "Government Gazette" of the 22nd August, 1955, still remain, viz.—

Metropolitan area 9,369

Agricultural, mining and pastoral area 5,070

Margins 20 per cent. over and under quotas (provided under the Electoral Districts Act, 1947-1955)—

Metropolitan area:

20 per cent. over = 11,243; 20 per cent. under = 7,495.

Agricultural, mining and pastoral area:

20 per cent. over = 6,084; 20 per cent. under = 4,056.

(2) Districts 20 per cent. over quotas—

Beeloo	11,455
Canning	11,806
Wembley Beaches	14,194

Districts 20 per cent. under quotas—

Nil.

MAIN ROADS DEPARTMENT.

Koorda-Bencubbin-Mukinbudin-Rd., etc.

Mr. CORNELL asked the Minister for Works:

(1) What work, and its estimated cost, is proposed to be done by the Main Roads Department on the Koorda-Bencubbin-Mukinbudin-rd. during the current financial year?

(2) What other works are proposed to be carried out this year by the department in each of the following road districts—

Mukinbudin;
Mount Marshall;
Koorda; and
Kununoppin-Trayning?

The MINISTER replied:

	£
(1) Koorda Road Board—	
Forming and gravelling 20,700ft. Koorda East	5,000
Maintenance	100
	£5,100
Mt. Marshall Road Board—	
Culverting, form and gravel (18ft. wide) approx. eight miles—Bencubbin West	8,000
Maintenance	150
	£8,150
Mukinbudin Road Board—	
Improvements Mukinbudin West	2,500
Maintenance	75
	£2,575
Total—Koorda-Bencubbin-Mukinbudin-rd	£15,825

(2) The details are set out in the following statement:—

Main Roads Department.

Details of Works Proposed on 1957-58 Programme.

		£
(a) Mukinbudin Roard Board.		
Kununoppin-Mukinbudin Road	Construct 4 miles, 17·75–21·75m.	5,000
Do. do. do.	Forming, gravelling (18ft.) and priming 3 miles (12ft.), 184–187 miles	4,500
Do. do. do.	Sealing 3 miles (12ft.), Mukinbudin South	2,600
Do. do. do.	Maintenance	150
Wialki-Mukinbudin Road	Forming and gravelling	1,000
Bonnie Rock-Mukinbudin Road	Forming and gravelling	1,500
Mukinbudin-Nungarin Road	Sheeting 100 chains (18ft. wide)	474
Do. do.	Improvements	526
Contributory Bitumen Surfacing Scheme	Details to be arranged	2,000
General Allocation (£2,700)—		
Ninghan Road £200		
Unallocated £2,500		
		2,700
School Bus Routes	Maintenance	1,390
		£21,840
(b) Mt. Marshall Road Board.		
Burakin-Bonnie Rock Road	Improvements, Mollerin-Dalgouring	1,000
Cleary-Gabbin Road	Improvements	1,000
Marshall Road South	Widen, form and sheet 1 mile	500
Beacon-Bencubbin Road	Improvements	2,000
Wialki-Mukinbudin	Clear, form and gravel 6,600ft.	1,000
General Allocation (£2,700)—		
Unallocated		2,700
School Bus Routes	Maintenance	1,480
		£9,680
(c) Koorda Road Board.		
Burakin-Bonnie Rock Road	Widen formation Kulja-Cleary Section	2,000
Koorda North-East Road	Clear, form and gravel 2 miles	1,500
Koorda North-West Road	Clear, form and gravel 5,700ft.	1,000
Contributory Bitumen Surfacing Scheme	Koorda South-West, Koorda North and Koorda South Road Priming 6 miles (£2,635, including £1,635 unexpended from previous year)	1,000
General Allocation (£2,700)—	£	
Lake Margaret North	200	
Mollerin South	600	
Mollerin Rock	250	
Koorda North-West	300	
Koorda North	500	
Mulji Road	250	
Koorda South-West	400	
Best Road	50	
Mahers Road	50	
Hockings Road	100	
		2,700
School Bus Routes	Maintenance	780
		£8,980
(d) Kununoppin-Trayning Road Board.		
Goomalling-Wyalkatchem-Merredin Road	Reseal 1·8m. (16ft. wide), 160·2–162m.	2,000
Do. do. do. do.	Maintenance	3,000
Kununoppin-Mukinbudin Road	Construct and prime 4 miles (12ft.), 163·1m.–167·1m.	6,500
Do. do. do.	Culverting, forming and gravelling 3·85m. (167–177m.)	6,000
Do. do. do.	Sealing 2·25m. (12ft. wide), Kununoppin North	2,000
Do. do. do.	Maintenance	150
Trayning-Bencubbin Road	Realign Waddouring South	1,000
Yelbeni South	Improvements	500
Contributory Bitumen Surfacing Scheme	Details to be arranged	3,000
General Allocations (£2,700)	Unallocated	2,700
School Bus Routes	Maintenance	1,150
		£28,000

RAILWAYS.

(a) Number of Employees.

Mr. ACKLAND asked the Minister representing the Minister for Railways:

(1) What was the total number of employees of the W.A.G.R. on the 1st March, 1953—

(a) clerical staff;

(b) other personnel?

(2) What was the total number of employees of the W.A.G.R. on the 1st December, 1956—

(a) clerical staff;

(b) other employees?

(3) What was the total number of employees of the W.A.G.R. on the 1st September, 1957—

(a) clerical staff;

(b) other employees?

The MINISTER FOR TRANSPORT replied:

As at:	Salaried Staff.	Wages Staff.	Total.
(1) 6/3/1953	2,064	10,707	12,771
(2) 6/12/1956	2,126	12,211	14,337
(3) 30/8/1957	2,090	11,417	13,507

For the information of the hon. member, similar figures for the 7th March, 1952, are: Salaried staff, 1,984; wages staff, 10,201; total, 12,185.

The increased staff was mainly attributable to railway rehabilitation and, in particular, permanent way maintenance and relaying.

(b) Exchange of Locomotives, Katanning-Tambellup.

Mr. NALDER asked the Minister representing the Minister for Railways:

(1) Do the exchange railway locomotives that run between Katanning and Tambellup each Saturday haul regular train loads?

(2) What time does the train leave Katanning for Tambellup?

(3) What time is the locomotive from Katanning due in Tambellup?

(4) What is the time allowed for crews to exchange locomotives?

(5) What time does the locomotive leave for Katanning?

(6) What time does the locomotive arrive in Katanning?

The MINISTER FOR TRANSPORT replied:

(1) The trains running at present are primarily for the haulage of water.

There is no regular arrangement for exchange of locomotives.

(2) 9 a.m.

(3) 10.40 a.m.

(4) Crews are not changed. Approximately 1½ hours are required at Tambellup to fill the tanks.

(5) 12.10 p.m.

(6) 1.50 p.m.

(c) Standard Gauge Scheme, Kalgoorlie-Fremantle, Progress.

Mr. HEARMAN asked the Minister representing the Minister for Railways:

(1) Has any finality been reached on the route for the proposed standard gauge railway line from Kalgoorlie to Fremantle?

(2) If so, could an outline of the route chosen be given to the House?

(3) Are any further surveys required before working plans and estimates can be made?

(4) Are any surveys in hand at the present time?

The MINISTER FOR TRANSPORT replied:

(1) No.

(2) Answered by No. (1).

(3) Survey of Avon Valley section is reasonably complete, except for relocation to reduce grade over some five miles. Reconnaissance has been made of parts only of the balance of the route.

(4) No.

(d) Refreshment Rooms, Notice of Train Arrivals, etc.

Mr. EVANS asked the Minister representing the Minister for Railways:

(1) Are attendants at railway refreshment rooms given notice prior to the arrival of a train, of the number of passengers on the train?

(2) Would there be merit in the suggestion that at refreshment booths such as Chidlows, when a large patronage of passengers is expected, both sides of the booth be open for service, thus overcoming the crush that often occurs in the 10 minute interval?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) The instructions are that both sides of the Chidlow refreshment booth be opened for the convenience of passengers, except when it is desirable to shelter from boisterous winds or rain.

GOLDFIELDS RACING ROUND.

Attendance and Totalisator Turnover.

Mr. EVANS asked the Minister for Police:

(1) What was the total attendance on the three feature days of the Goldfields racing round, for—

(a) 1956;

(b) 1957?

(2) What was the total totalisator turnover for the Kalgoorlie-Boulder Racing Club, during the three feature days of the Goldfields racing round, for—

(a) 1956;
(b) 1957?

The MINISTER replied:

(1) (a) 1956—8,411.
(b) 1957—7,772.

(2) (a) 1956—£25,322.
(b) 1957—£28,403.

BREAD.

Deliveries in Kalgoorlie.

Mr. EVANS asked the Minister for Labour:

As he is aware that I have received a petition signed by 120 housewives of Kalgoorlie, requesting that street delivery of bread be re-introduced in the Kalgoorlie district, will he please have the present situation re sale of bread on the Goldfields investigated by the Unfair Trading Commissioner for the purpose of removing what is openly regarded as a form of restrictive trading, which, if overcome, could lead to a form of street delivery without any necessary increase in the price of bread?

The MINISTER replied:

This matter will be discussed with the commissioner.

SOUTH COAST, ALBANY.

Provision of Water and Electricity Supplies.

Mr. HALL asked the Minister for Water Supplies:

(1) Can he give an exact date for the commencement of work on the South Coast water scheme at Albany?

(2) Will pumps to operate that scheme be electrically driven?

(3) If the answer to question No. (2) is "Yes," will be give earnest consideration to south coast residents being connected to power lines?

The MINISTER replied:

(1) Two bores have been completed and work on construction of the low level storage reservoir will be commenced about the end of October.

(2) Yes.

(3) When the electricity supply is connected to the water supply pump station, it will be possible to supply a number of the prospective consumers on the west side of the harbour.

BUNBURY HARBOUR.

Investigations re Land-Backed Quay.

Mr. ROBERTS asked the Minister for Works:

(1) Is the matter of providing a land-backed quay at the port of Bunbury still being investigated?

(2) If so, when is it contemplated the investigation will be finalised?

The MINISTER replied:

(1) The matter is still under review.

(2) As other matters of prior importance at Bunbury harbour will demand the resources of finance and staff for some considerable time, it is not possible to indicate when investigations of suggestions for developments in the more distant future can be finalised.

CHEMICAL INDUSTRY, BUNBURY.

Newspaper Report re Failure of Negotiations.

Mr. ROBERTS asked the Minister for Works:

Was he correctly reported in the "South Western Times" of the 13th September, 1957, as having told delegates to the South West Conference of the A.L.P., that "it could well be a blessing in disguise that negotiations with the Laporte company for the establishment of a chemical industry in Bunbury had broken down?"

The MINISTER replied:

So far as I am aware there was no issue of the "South Western Times" on the 13th September, 1957.

The following statement from me, which sets out the position quite clearly, appeared in the "South Western Times" issued on the 12th September, 1957:—

> It could well be a blessing in disguise that negotiations with the Laporte company for the establishment of a chemical industry in Bunbury had broken down, Mr. J. T. Tonkin, Minister for Works, told delegates to the quarterly meeting of the South West District Council of the A.L.P. on Sunday.
>
> A conference had already been held between the Government and another company much bigger than Laporte, he said. He was not at liberty at this juncture to disclose the name of this company, but he could say the prospects were very good, and if the negotiations were successful, there would be other industries as well as titanium involved.
>
> Mr. Tonkin informed delegates the reason for Laporte deciding against coming to Bunbury was that the economics of the venture would not be satisfactory.

WAR SERVICE LAND SETTLEMENT.

Advertising, Allocating Properties, etc.

Mr. NALDER asked the Minister for Lands:

(1) When was the last quota of war service land settlement properties advertised?

(2) How many properties were included in the quota?

(3) Where are the properties situated that were advertised?

(4) Were all the properties that were advertised, allocated? If not, why not?

(5) Will he give consideration to advertising the lists of the successful applicants?

The MINISTER replied:

(1) Brochures were posted to applicants on the 19th June, 1957, for a quota of farms, the applications for which closed on the 17th July, 1957.

(2) Fourteen.

(3) One at Dinninup.
Four at Corackerup.
Nine at Jerramungup.

(4) No. Farms A827c and A827e at Corackerup, and farms A1092 and A1093 and A1094 at Jerramungup were withdrawn from the brochure owing to the pastures thereon not having reached the required level of development which had been anticipated. However, farms A1075, 1076 and 1079 at Jerramungup were substituted. They were all allotted.

(5) Yes. This procedure will be followed in future allotments.

HOTELS.

Cost of Drinking Vessels, Local and Eastern States.

Mr. EVANS asked the Minister for Police:

With reference to my question on the 24th September regarding the stamping of contents of drinking containers, will he supply or undertake to supply, the comparative figures of the cost of five ounce and seven ounce standard drinking vessels used in hotels in—

(a) Western Australia, unstamped;

(b) any one of the Eastern States where vessels are stamped?

The MINISTER replied:

(a) 5oz. 14s. 8d. and 7oz. 16s. per dozen, respectively, plus 8-1/3 per cent. sales tax.

(b) So far as is known such measures are not stamped by any weights and measures authority in the Commonwealth.

TOURISM.

Finance for National Park, Albany.

Mr. HALL asked the Minister for Lands:

With the thought in mind that Albany will be called on to serve the Albany region as a tourist resort, and the established fact that land is reserved for a national park, what finance is available to local authorities to develop such a park?

The MINISTER replied:

The national park at Albany has not been vested and no proposals for development have been submitted for consideration.

TRAFFIC.

"Plying for Hire" Prosecution.

Hon. A. F. WATTS asked the Minister for Transport:

In view of the fact that there is no definition of "plying for hire" in the Traffic Act and no regulation has been gazetted, how is it possible for a taxi driver to be prosecuted and convicted of "plying for hire" as recently happened?

The MINISTER replied:

I have no knowledge of any taxi driver being prosecuted recently and convicted of an offence of "plying for hire".

WHALE MEAL.

Handling by Railways.

Mr. HEARMAN asked the Minister representing the Minister for Railways:

(1) Has there been any objection from employees of the W.A.G.R. to the handling of whale meal from Albany by rail?

(2) Does the commission object to this traffic being handled in W.A.G.R. trucks?

The MINISTER FOR TRANSPORT replied:

(1) No.

(2) No.

WATER SUPPLIES.

Relieving Shortage in Country Towns.

Hon. D. BRAND (without notice) asked the Minister for Works:

In view of the statement that in a number of towns, including Katanning, Kulin, Gnowangerup, Carnamah, Kojonup and Dalwallinu, the dams are short of water, what steps has he in mind to maintain some supply to the residents of those towns in the event of no further rain falling this summer?

The MINISTER replied:

Obviously the first step is to restrict the consumption of water to such a level that the quantity available will see those towns through during the period necessary. On steps already taken, it is considered that if the consumption can be restricted to those amounts, then the districts will be able to get through, because there is a possibility of rain falling in the meantime and augmenting the supply. The position will be very carefully watched. If it deteriorates to such an extent that water will have to be carted to those areas, then the organisation will be put into operation to carry that out.

FACTORIES AND SHOPS ACT AMENDMENT ACT, 1956.

Tabling of Papers re Non-Proclamation.

Mr. HEARMAN (without notice) asked the Premier:

What consideration has he given to the request made last Tuesday with reference to the tabling of files and correspondence leading to the Government's decision not to proclaim the Factories and Shops Act Amendment Act, 1956?

The PREMIER replied:

The Minister for Labour has been away for a few days. I shall discuss this matter with him and report to the House next week.

NATIVE WELFARE.

Inquiry into Allegations against Commissioner.

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

Will the Minister delay any inquiry into allegations made in respect of the Commissioner of Native Welfare until such time as this House has had an opportunity of debating the nature of the inquiry which it is proposed to hold, or at least until members who wish to do so, are able to deal with the matter during the debate on the Estimates?

The MINISTER replied:

I would suggest the hon. member putting the question on the notice paper so that I can give him a considered reply at the next sitting.

GOVERNMENT COAL CONTRACTS.

Tabling of Papers.

Mr. COURT (without notice) asked the Premier:

When does he propose to table the papers regarding the coal supply negotiations which were the subject of a motion recently?

The PREMIER replied:

Next Tuesday.

TRAM TRACKS, VICTORIA PARK.

Removal from Albany Highway.

Mr. ANDREW (without notice) asked the Minister for Transport:

What is the position in respect of the taking up of tram tracks in Albany Highway, Victoria Park?

The MINISTER replied:

The Tramway Department commenced work on Monday of this week which work will be continued until the whole of the track and sleepers to the terminus are taken up. The road base will be made good and a bituminous base laid, after which the road will be resurfaced by the Perth City Council.

LEAVE OF ABSENCE.

On motion by Mr. I. W. Manning, leave of absence for one week granted to Mr. Mann (Avon Valley) on the ground of ill health.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Third Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.34]: I move—

That the Bill be now read a third time.

MR. HEARMAN (Blackwood) [2.35]: I rise to speak briefly on the third reading. The Government will ultimately have to pay the penalty for this legislation. It now proposes to make it illegal for people to serve fuel to doctors, nurses and other essential personnel outside of the trading hours, unless they happen to be members of the R.A.C. That is a completely unwarranted interference with the rights of the people. This legislation has been directed purely at the people who have been selling petrol for 24 hours a day in the metropolitan area.

All the control that was required and sought by the Government, was agreed to last year so far as areas outside the metropolitan areas were concerned. This Bill is purely a vendetta on the part of certain people who are endeavouring to prevent the giving of this service. Apparently, the Government has become the cat's paw of the people waging that vendetta. I oppose the third reading.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—CEMETERIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th September.

MR. CROMMELIN (Claremont) [2.36]: This Bill is required purely as an enabling measure as the existing legislation is due for reprinting.

Mr. Ross Hutchinson: It is not a very live issue.

Mr. CROMMELIN: There are some amendments to the Act to be included in the reprint, and I have checked them. It would be a big help to the Cemeteries Board if a copy of the Act could be sent

down to Karrakatta, because the most modern version that is available is dated 1911.

The Minister for Justice: There is nothing to stop the board getting one.

Mr. CROMMELIN: I know that. In any case, I can see no objection to the Bill and I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BETTING CONTROL ACT CONTINUANCE.

In Committee.

Mr. Moir in the Chair; the Minister for Police in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 35 amended:

Mr. WILD: I move an amendment—

> That all the words after the word "by" in line 4, page 2, be struck out and the following inserted in lieu:—
>
> deleting the word "fifty-seven" in line 3 of the section and inserting in lieu the word "sixty."

It is only fit and proper that, with regard to any new piece of social legislation such as this, Parliament should have an opportunity of review from time to time. There are two other points which make it most necessary for Parliament to be given that opportunity. I do not think that either the racing or trotting clubs are getting a fair go under this legislation. I know that the Treasurer is short of money and tries to derive the most he can from any source possible, but the fact remains that the racing and trotting clubs provide the amusement. If there were not horses at the trotting ground or the racecourse, what would be the good of having s.p. shops? In the end there would be no betting, and the Treasurer would not get any money by way of turnover tax. We should have the opportunity of reviewing the position from time to time.

No one knows better than the Treasurer that when it comes to something that affects the cash resources of the State, no private member is likely to have an opportunity of bringing forward a measure providing for more to be recouped to racing and trotting clubs out of the tax. But if the legislation were subject to review periodically, members would have an opportunity to express their views on different sections of the Act, even though the Treasurer might not want to do anything to alter the taxation.

With the Leader of the Country Party, I am not perfectly satisfied that everything is going according to Hoyle. During the second reading debate I made some observations about the proximity of betting shops to hotels, and the Leader of the Country Party stressed the fact that we had not had a report from the board. That report has now been tabled; and it indicates that many of the fears that we had three years ago, when this legislation was before the House, have been realised. Quite a number of minors have been prosecuted for going into betting shops, and there have been changes of ownership concerning which I am not satisfied. I think trafficking has been occurring, though it is difficult to pinpoint cases. I consider that even a period of three years is too great a time to elapse before a review is made of such legislation. It would be two years if I had my way. However, if we have an opportunity to review this legislation in three years' time, members on this side will be satisfied.

In the Press this morning another point was mentioned which none of us dealt with on Thursday last when the Bill was at the second reading stage, but which was debated at great length when the original measure was before Parliament. I refer to the possibility of having totalisators throughout the country instead of s.p. shops. We read in the Press that the Premier of Victoria says he is very much in favour of that system.

The CHAIRMAN: Does the hon. member intend to link his remarks with the amendment?

Mr. WILD: Yes. I want to convey to the Committee that it is necessary to have this legislation brought before Parliament from time to time. I was about to observe that we also find the general manager of Totalisators of Australia saying that the company has gone so far with its investigations into the possibility of establishing totalisators throughout the whole of Australia that it considers it will be able to submit a report in the not-too-distant future. For that reason alone, apart from the others I have mentioned, it is necessary that Parliament should have an opportunity to review this legislation.

I hope the Minister will give consideration to this amendment. I thought that in his reply to the debate the other night he was a little each way on the matter; and I am rather inclined to think that, having put it under the pillow for a few nights, he may consider that we are in the right in saying that Parliament—not only members of the Opposition but the Government's back-benchers—should have the right to review this legislation from time to time.

Mr. May: I do not think it went under his pillow.

Mr. WILD: I hope it did. I think he is a man of vision and sound principle and has given favourable consideration to the amendment.

The MINISTER FOR POLICE: I ask the Committee to defeat the amendment. When members were debating this subject the other evening, all agreed that there had been a considerable improvement with regard to betting conditions in this State compared with those that prevailed under the old system which continued for some 40 or more years. The situation was becoming very bad at the time the legislation was introduced. I do not think anyone believes that after three years this Chamber would wish to revert to the system of betting that obtained before the Act was passed.

The other evening I promised that if any amendments were required, I would have them dealt with at this sitting if possible, but in regard to the allegation that the clubs are not getting what they should out of racing, I would remind members that the Treasurer last year agreed to amend the taxing Act so as to give the clubs much more than they had received before. In this age of mechanisation, many people may be finding horse-racing too slow, as would seem apparent from the size of the crowds that follow motorcycle and car racing and it is possible that the younger people are looking for something faster than horse-racing. If public interest in horse-racing should fall, it might be difficult for the racing and trotting clubs to continue their present scale of entertainment, but that should not be held against the Act or the present administration of it.

In country towns there used to be some doubtful types of bookmakers operating and often several of them to a town, but in 90 per cent. of instances today, each town has only one licensed bookmaker. Despite the allegation that there is considerable trafficking in betting shops, the return by the board, which was tabled the other evening, discloses that at the 31st July, 1956, there were 210 exclusive bookmakers' premises. Only 206 licences were renewed and if the business is so lucrative, it is hard to imagine people not wanting to renew their licences.

During the year, 39 new licences were issued, three were terminated by cancellation and 29 surrendered, with the result that after 12 months' operation of the Act there were 213 bookmakers' premises as against the initial 210. The number of prosecutions under the Act during the year was 43 and in two cases the charges were dismissed, thus showing a substantial reduction as compared with the previous year. As the board gains experience, weaknesses in the Act will be apparent and can be dealt with by Parliament.

I believe that it is necessary in the interests of the Betting Control Board, the bookmakers and others to give the Act permanence. If that were done, the board could appoint permanent staff, which would make the position more satisfactory. The present chairman of the board is on loan from the Police Department. The Government has been criticised for not making his appointment permanent, but to do so would be ludicrous if the Act remains a temporary measure. I therefore ask the Committee to reject the amendment.

Mr. WILD: The Minister's argument was not convincing. He said the clubs did not require more finance and referred to the mechanised age, but that has nothing to do with it. It has been said in this Chamber on many occasions that in South Australia the racing and trotting clubs receive the whole of the turnover tax from bets made on the course. Last year the Treasurer doubled what he previously gave the clubs and I repeat that if we are to have a high standard of racing the clubs that provide the sport must get more out of it.

The Minister said the Act should be permanent so that the officers of the board could be permanent employees, but I would point out that the late Mr. Kenneally, as chairman of the Lotteries Commission, was a temporary officer year after year, and the same applies to Mr. Green. Who will say that Parliament would not renew the legislation again in three years? The Minister said the other evening that members on both sides of the House thought the present system better than the backyard methods which preceded it, and he must recognise that the majority of members are prepared to continue the legislation but we are asking simply for an opportunity to review it. The Minister should give Parliament an opportunity to re-examine the Act in three years' time.

Hon. D. BRAND: The Minister certainly put up no valid argument as to why the Act should not be considered as a temporary measure. It must be remembered that this is the first time in Australia that a system such as this has operated. It is the first time that s.p. bookmakers' shops have been legalised. The Government gave us all sorts of assurances in respect of investigations and reports if the Bill that was then introduced was passed. I am astounded that the Government is not prepared to allow this legislation—which deals with one of the social problems of the world—to come up for review every three years.

There are quite a number of members who felt that the review should be more often, but seeing that the original legislation had a life of three years, they thought it reasonable it should run for that period, and perhaps for a further three years. The Minister has not joined in the debate with any great enthusiasm. He should tell us why this situation should continue if the experiment has proved there is no fear, and no dissatisfaction; that everything is

in order; and that the problem of gambling is not on the increase as the result of these legalised s.p. shops.

What is there to fear in bringing the measure to Parliament? As the member for Dale has told us, the legislation dealing with the lotteries came up for review and there was no thought of not continuing it so long as the Lotteries Commission retained its good reputation from year to year. It is absurd to say that the reason for wanting this measure to be made permanent is the desire to obtain permanent officers. Why should Parliament pass an Act to solve that problem? If it came up for review there would be some incentive for the chairman and the officers of the board to see that the s.p. shops were conducted properly throughout the State.

The Minister said something about slow horses, though I cannot see what that has to do with making the measure permanent. Most people are confronted with the problem of slow horses. If we look at the history of legislation that has been introduced by private members, and the Government, to legalise s.p. betting, we will see that it was generally opposed. Indeed, Mr. Collier said that he would not have a bar of it, and he must have had some grounds for his suspicions. I urge the Government to accept the amendment moved by the member for Dale.

Mr. W. A. MANNING: In the second reading debate I said I was opposed to this measure becoming permanent, and I still am. I support the amendment moved by the member for Dale. Review after three years is ample, though I would have preferred the matter to have been reviewed every second year. Though the Minister has said the position has been improved by the board, I do not think he can claim it is perfect. If it is not, it should be reviewed periodically, and who is better qualified to review it than members of this Chamber. There would be nothing to lose, and it would help the efficient working of the board.

Why should we make this measure permanent for the sake of appointing a permanent staff? Is the board there to keep the staff going, or is the staff there to look after the administration of the Act? It is wrong to alter the wording of an Act merely in the interests of the staff. We need only consider whether the Act is being correctly interpreted, and we have had evidence to show that that has not been so, and that certain aspects require improving. I support the amendment.

Mr. I. W. MANNING: I support the amendment. When the original legislation was introduced, I opposed it, but I do not propose to oppose this measure because I feel the position now is better than that which existed prior to its introduction. It is desirable for us to review this matter every three years. Gambling is a major social problem and Parliament should be given the right of review. The position has certainly improved. Prior to the innovation of the jackpot tote, the increase in s.p. betting was very noticeable and the figures bear that out.

Accordingly, the point that was made three years ago that there would be an increase of s.p. betting if it were legalised was certainly correct. We cannot overlook the experience of South Australia when s.p. shops were legalised in that State. The position became so completely out of hand that the Government had to wipe the legislation off the statute book, and that was tragic from the point of view of South Australia. Bearing all aspects in mind, I think the amendment moved by the member for Dale is reasonable, and I support it.

Mr. JOHNSON: I support the idea of legislation being reviewed when necessary, but the proposition before us is that this legislation should be reviewed compulsorily every three years, and I cannot support that.

Mr. Roberts: That is not correct.

Mr. Wild: Three years on this occasion.

Mr. JOHNSON: After three years, we would have the same arguments put up.

Hon. D. Brand: We will make it shorter if you like.

Mr. JOHNSON: Legislation can be reviewed whenever a member considers it necessary. The Bank Holidays Act has been reviewed on four occasions at the instance of a private member.

Mr. Roberts: This is a Government measure.

Mr. JOHNSON: My point is that legislation can be reviewed when necessary.

Mr. Wild: Would you have the opportunity of bringing in an amendment in an endeavour to amend the taxation clause?

Mr. JOHNSON: The taxation clause cannot be amended in this way, either.

Mr. Wild: At least, it could be brought to Parliament for decision.

Mr. JOHNSON: It is obvious that the member for Dale has a weak argument. Review of taxation can only be done in certain circumstances, and it is competent for a member to deal with it under the Estimates or during the debate on the Address-in-reply.

Hon. D. Brand: You know how much notice will be taken of it?

Mr. Ross Hutchinson: That is a very helpful suggestion.

Mr. Wild: Why don't you try bringing your banking measure up on the Estimates?

Mr. JOHNSON: There are many ways of reviewing legislation. The first time the Bank Holidays Act was reviewed it received short shrift, but on the fourth occasion the attempt was more successful.

The CHAIRMAN: I would ask the hon. member to keep to the amendment.

Mr. JOHNSON: I was dealing with the fact that legislation can be reviewed.

Mr. Wild: So that the s.p. bookmakers could put their money in the bank.

Mr. JOHNSON: The member for Dale knows more than I do about bookmaking and where these people get their money.

Mr. Wild: I certainly do.

Mr. JOHNSON: I would say that the bookmakers' accounts are pretty healthy. The main point is that review is possible. If legislation needs reviewing, it is possible for a back-bencher to get something done as in the case of the legislation of which I have just spoken. I have brought it forward at regular intervals, and will do so every time I feel like bringing it to the notice of Parliament. The same can be done by any member in regard to this legislation. Therefore, I feel we are beating the air and it is unnecessary to insert the amendment. I support the Bill as it stands.

Mr. ROSS HUTCHINSON: I think the amendment proposed is very reasonable. It is an amendment which does not blindly oppose the Bill, but merely asks the Government to bring this legislation down again in three years' time when it can be examined in the light of experience. Therefore, I would say it is a reasonable proposition. Many members who have spoken to this amendment so far have used the word "reasonable," and I think it is the right word in this situation.

After having a look at the conditions which have operated since the inception of this legislation, I think it is only fair to state that the situation is much better than many of us thought it would be. Many of us realise that the old method of s.p. betting was a blot on our State, and when the Bill was first introduced we thought the evils that would arise out of the legalisation of this industry would outweigh the good. However, it appears that so far the position is in many ways better than before.

That does not mean we would be wise at this stage to give permanency to the legislation. The Government should agree to a review at the end of a period of three years. It would not mean the end of the legislation then as I do not think any one of us would accept that. It only means that at the end of three years, the legislation will be reviewed and therefore the amendment should be given favourable consideration.

Mr. COURT: I had quite a bit to say on this measure when it was originally before the House and subsequently when a revision of the taxation provisions was being debated last session. I strongly favour the amendment and deplore the move by the Government to create a state of permanency in the s.p. betting set-up in this State. If we examine the position over the last three years, we will find that not only in this State but in other parts of Australia, the economy of the country is becoming tied up to the gambling machine.

The Minister for Police: Don't you think it is more tied to hire-purchase?

Mr. COURT: People can do worse than invest in hire-purchase as they get something for their money.

Mr. Heal: They do in this racket sometimes.

Mr. COURT: After bets and beer, a person has very little to show at the end of the day. The whole question under discussion is basically a social one and Parliament has a responsibility to not only consider the social question but examine the machinery operating in connection with this legislation. It is the duty of Parliament to see that justice is done by the racing clubs and trotting clubs, which make this sport possible.

The situation will change. It is not going to remain constant during the next 20 or 30 years, and we will find from time to time that there will be a new situation created. For instance, during the last few months, we have seen a change in connection with the patronage of racing clubs due to the jackpot system. That will be a passing phase, and unless there is something to take its place they will be back where they were before and roughly in the position they were in last session.

There is also the relationship of the bookmakers to the system which should be reviewed by this Parliament from time to time. If the measure becomes permanent we will, for all practical purposes, be dependent on the Government of the day bringing down amendments. If the Government of the day does not agree with our viewpoint, there is very little chance of getting a Bill through this Chamber. On the other hand, if it is a continuance measure there is a chance of something being done about it, because it also has to be passed in another place.

When this legislation was before the House originally, I said it was experimental, and, so far as I am concerned, it still is and it should be reviewed from time to time. Originally, the Lotteries (Control) Act was not permanent, but eventually the time was considered opportune to make it so. It may be that in 20 years from now, Parliament will consider the time opportune to make this legislation permanent. Superficially, I was inclined to agree that the three year term was too long, but on reflection, I am prepared to support this term because it creates a reasonable period during which the industry can organise itself and, with

the comparatively small amount of capital invested, the bookmakers can be expected to function satisfactorily with an assurance of three years' continuity.

We must not lose sight of the great moral effect of parliamentary review. It is rather akin to the moral effect of an audit. It is well known that auditors do not find all discrepancies, but one cannot deny the moral effect. The fact that this legislation has to be reviewed by Parliament will have the effect of making those operating in the industry more cautious in their conduct and I would suggest that a review would be a god-send to the administrators because they would be able to point out to those in the industry who wanted to kick over the traces occasionally, that the legislation had to go before Parliament for a review. I cannot imagine anything having a more salutory effect on those in the industry. I support the amendment.

Mr. NALDER: I am very sorry indeed that the Government has seen fit to oppose the amendment, which I think is in the best interests of the State. Parliament should have an opportunity of discussing s.p. betting as it affects the State. I do not think that any member of this Committee can view with enthusiasm the rise of s.p. betting. It concerns everybody, not only from the point of view as expressed by the member for Nedlands, but also in regard to other aspects. It is not a healthy sign in a young country such as this State, to see so many people so interested in something that is not conducive to our welfare in any way from the State's point of view. It is not assisting the State internally nor is it exporting anything.

The Premier: Would you think it was a healthy sign if you saw people on the racecourses?

Mr. NALDER: That is another subject altogether. However, I would prefer to see people betting there than betting in the street or in s.p. shops.

Mr. May: Only one thing stops them; they haven't enough money to go.

Mr. NALDER: I think we should, from time to time, have an opportunity to discuss this legislation and I hope the Minister will see the advisability of bringing it before Parliament periodically. I would far prefer to see it at a lesser time than three years, but will support the amendment and hope the Government will give favourable consideration to it because I think it is vitally important. The growth of the s.p. business is nothing that we can be proud of. I support the amendment.

Mr. WILD: It seems as though the Minister is not going to have a further word on this.

The Minister for Police: I thought I would hear you first.

Mr. WILD: Very well. The member for Leederville said this should be a permanent measure. I find that the Lotteries (Control) Act was introduced by a Labour Government in 1932 and it took 22 years before it was decided to make it permanent, and for 15 of those years the Treasury bench was occupied by a Labour Government. Mr. Collier, Mr. Wise and other far-seeing gentlemen did not see fit to make the Lotteries Commission permanent with permanent employees, and the change was not made until 1947.

I am certain that when the Minister speaks on this subject he talks with his tongue in his cheek. On the 11th November, 1954, at page 2962 of Hansard, the Minister said—

> I feel that the Bill should pass the second reading; I believe it can be amended in many directions so as to help the community generally. I am just as anxious to help the working man and the community to control bookmaking, as I would anything else. That is the reason why I am voting for the Bill. There are certain clauses which, if carried out to the letter, will enable the Government to see what is involved.

This is what I want members to take particular note of—

> At the moment, nobody seems to know. It is all guess-work. The Bill also sets out to legalise certain premises for the purpose of betting.

So, three years ago, the Minister said it was all guess-work, and that is right; it is all guess-work. When we look at the report from the Betting Control Board we find it is still all guess-work.

Earlier when the Minister spoke in opposition to the amendment he quoted from the board's report and said that s.p. bookmakers were getting out of the game as it was not the lucrative business it was said to be. He mentioned certain figures but he did not tell us of the 39 new licences that had been issued.

The Minister for Police: Yes, I did.

Mr. WILD: There were 29 who surrendered their licences. If I am a licensed boarding-house keeper and I decide to sell my business to someone else, I then come within the statistics of those who surrender their licences. I suggest to the Minister that he go down into the city and ask Healey or Augustine if they would be prepared to hand over their betting shops to him. I say that the figures presented by the control board are useless.

Hon. D. Brand: What is the meaning of the words "surrender"?

Mr. WILD: It does not say what it is here. The report simply refers to 29 people having surrendered their licences. Possibly 75 per cent. of those people have sold their businessess to someone else.

Mr. May: Some may have died.

Mr. WILD: That is a possibility. Then the Minister said that two or three had gone out of business. I do not know the position in regard to the Applecross shop about which we heard so much 12 months ago, but I have reason to believe that the proprietor could not make it pay because it was too far from the hotel.

Hon. J. B. Sleeman: How far do you reckon it was from the hotel?

Hon. D. Brand: It was uphill to the pub!

Mr. WILD: Yes. The same thing applied in Armadale where a man surrendered his licence. The story on the grapevine was that he did not surrender, but that someone else was ready to take over.

Mr. Heal: I think you know the full story about it.

Mr. WILD: I do, as a matter of fact. This report is inconclusive. The Minister has said it is all guess-work, and I submit there is every justification for Parliament to have a look at the legislation. I hope the Minister will have a few words to say before the amendment goes to the vote.

Hon. J. B. SLEEMAN: I cannot understand why the Opposition is arguing about this. If members opposite, next year or the year after, can produce anything against the legislation, they can move to wipe it out altogether. It is just as easy to do that as it is to amend it.

Hon. D. Brand: It is easier to amend it now.

Hon. J. B. SLEEMAN: The legislation permits the people to obey the law instead of breaking it. The member for Dale will not deny that he is a regular punter at the racecourse the same as I am, and he bets with the bookmakers there. If he wanted to obey the law he had no right to bet with them. Today we can go and have a bet and return home with a pocket full of money—I hope. Some Bills that come up year after year are just a damned nuisance. The Farmers' Debts Adjustment Act must have come forward each year for about 25 years.

Mr. CROMMELIN: The conditions in the s.p. betting racket are better than they were. We do not have people betting in backyards or on street corners. It is true that all s.p. shops do their best to get close to hotels. At Claremont the shop was right outside the picture theatre, but within 12 months it was within 25 yards of the hotel, and there it is today. Members have said that most Bills do not need to be brought up for review, but in the short time I have been here, the banking Bill has come before us twice and it will probably be brought here for the next 22 years. The rents and tenancies Act is another.

Mr. May: You cannot lay the blame in regard to the rent legislation on this Chamber.

Mr. CROMMELIN: The hon. member is only turning over backwards now. The Betting (Control) Act has created a comfortable living for a very few people.

Mr. Nalder: At the expense of a lot of others.

Mr. CROMMELIN: I have been betting for 25 years and I still say I am a fool, but I continue to bet.

Mr. Rodoreda: They would have got a better living before this was introduced.

Mr. CROMMELIN: Perhaps. We have created this fraternity of s.p. bookmakers.

Mr. I. W. Manning: Parasites!

Mr. CROMMELIN: I would not say that. If we give these people permanency, we are giving the permanency to a very few. If the Bill becomes law, they will have more permanency than have members here.

Hon. D. Brand: As a matter of fact, there is a Bill before Parliament to take away the permanency of certain officers who are more important than bookmakers.

Mr. CROMMELIN: The numbers of bookmakers are growing, and so is the problem of financing the racing clubs. Members have said that the jackpot attracts people to the racecourses, but until it reaches a high figure it does not attract many people; and in any case the novelty will probably wear off. If the legislation becomes permanent, I do not see how we can have a chance to review the position.

The Minister for Justice: Are you in favour of permanent betting on racecourses, because this Act makes it legal?

Mr. CROMMELIN: It is possible that within a few years, many people will be able to sit at home and do their betting there. Totalisators will probably be provided at street corners. When television is established, people will remain at home and see the races. There is a possibility of automatic betting.

Siting suspended from 3.45 to 4.7 p.m.

Mr. CROMMELIN: This Bill has been very contentious ever since the legislation became law three years ago. In some sections of the community it is considered morally wrong for the Government to permit betting legally. Parliament should therefore have the opportunity of reviewing this legislation every three years. In the main the Betting Control Board has done a very good job. The chairman, a man of strong character, has set an excellent example in controlling its activities. Whether the same gentleman will be in office at the end of another three years, I cannot say; it is possible for the personnel of the board to change. Over the next

three years serious problems could arise, and it would be advisable for Parliament to retain the right to review this legislation every three years. I support the amendment.

The MINISTER FOR POLICE: I wish to reply to some of the points that have been raised. Some members make play of the fact that the Lotteries Commission was carried on for 22 years before the legislation was passed on a permanent basis. So it is not a good argument to use the Lotteries Commission as an example of why the legislation now being discussed should not be on a permanent basis. Much of the time of Parliament was wasted by considering the lotteries legislation on 22 occasions in 22 years. In the whole of that time, no member saw any vital change in the basic approach being introduced; in other words, the lotteries legislation was the same in the beginning as it was at the end of those 22 years.

Mr. Wild: Were all the members wrong in those years?

The MINISTER FOR POLICE: It would seem that much of the time of Parliament could have been saved. Not one member opposing the Bill before us has been able to show any weaknesses in it.

Mr. Wild: Don't you think it is still a matter of guess-work?

The MINISTER FOR POLICE: I am not guessing at all! Members could have pointed to any possible weaknesses if they had existed.

Mr. Wild: You yourself three years ago said it was only a matter of guess-work.

The MINISTER FOR POLICE: My argument was that members used the lotteries legislation as a reason why the Betting Control Act should be continued from year to year. Under that Act there are no less than 18 provisions for the making of regulations to tighten up any weaknesses that become apparent. On the whole, the board has exercised its power during its term of office in making regulations. In the report tabled within the last fortnight, and referred to by the member for Dale, at least nine attempts during the past 12 months were made to improve the legislation by regulation. The board will continue to do that.

With regard to the reference of trafficking in licences, if that goes on the Government will endeavour to bring in an amendment this year to see that it is stopped. The Deputy Leader of the Opposition referred to the moral effect of betting and said that unless Parliament was able to review this legislation from year to year, it would be tantamount to creating an institution out of s.p. betting. The board is charged with the administration of the Act, and includes one member from each of the two organisations which have been most vociferous about the effect of s.p. betting, namely the W.A.T.C., and the W.A.T.A. The members of the Betting Control Board are continually watching for any weaknesses in the Act on behalf of the interests, which the member for Dale said should be given every assistance.

Hon. D. Brand: That is what those two members are there for.

The MINISTER FOR POLICE: Exactly, but that is not a reason why we should review the legislation every twelve months.

Hon. D. Brand: We are asking that it be reviewed every three years.

The MINISTER FOR POLICE: The arguments raised against the Bill are not logical. Not one member would be prepared to revert to the chaotic position which existed three years ago. When the Commissioner of Police made his report in 1954 he said that no less than 137 persons had been charged with shop betting, and over 2,000 persons charged with obstructing the traffic.

Mr. Wild: Does the Minister not agree that the representatives of the trotting association and turf club can be outvoted by the three Government nominees?

The MINISTER FOR POLICE: They can be. On the other hand the other representatives are very reasonable men.

Mr. Wild: I am not saying they are not.

The MINISTER FOR POLICE: If those two clubs were reasonable in their attitude, they would agree to the Bill because the board has been of assistance to them, as in the instance when doubles betting was made illegal. The turf club was the body that urged for that decision to be made.

I am not 100 per cent. enthusiastic about betting as such, but I am 100 per cent. enthusiastic about control. It has been said that a lot of guess-work has taken place. That is going overboard, because information is available to the Treasury officials and the board, and the Government will know what is involved.

Mr. Wild: Doesn't that justify a review of the measure in three years' time? You say it is going overboard, but not that it has gone overboard.

The MINISTER FOR POLICE: By making the measure permanent, we would not remove the opportunity of its being amended in the future. Parliament would still have the right to amend it; and it would be most unusual if it were not amended in years to come. I would be agreeably surprised to find in three or four years' time that there had not been amendments. If there are abuses, Parliament will be able to remove them. I hope the amendment will be defeated.

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

Ayes	....	16
Noes	....	23
Majority against	....	7

Ayes.

Mr. Ackland	Mr. W. Manning
Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
	(Teller.)

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Kelly	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Norton
Sir Ross McLarty	Mr. Nulsen
Mr. Thorn	Mr. Graham
Mr. Oldfield	Mr. Moir
Mr. Cornell	Mr. Lapham

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [4.23] in moving the second reading said: It is some three years since the Bush Fires Board was constituted under the 1954 Act. Since that time we have been able to have a good look at the work it has been doing, and to make some sort of assessment whether the intentions behind the Act—particularly in regard to its flexibility—have been carried out to the general advantage of farmers, of bush fire brigades, and of local authorities.

Prior to 1954 we had the legislation of 1937, which was the foundation of the present statute. As members know, many amendments have been made to the Bush Fires Act over a great many years; and it was in 1954 that a Bill was introduced to create a new bush fires board, and to consolidate the amendments that had been made in previous years.

The purpose in all the legislation has been to provide for close co-operation with local authorities. The Road Board Association, or its executive, originally had three members on the committee, which was later increased to four; and, in the existing Act, to five. The other members of the board comprise a representative of the Forests Department, the Department of Agriculture, the Railway Department, and the Underwriters' Association, the Under Secretary for Lands being chairman.

The departments concerned, in addition to the Road Board Association representative, have a good deal of knowledge of bush fire control activities, of the requirements of bush fire brigades, and of district and local conditions, which knowledge has proved to be of utmost advantage to the board and all with whom it is associated.

It will be noted that the local authorities have the predominant representation on the board; and, I think, quite rightly so, because they are most closely concerned with bush fire brigades, for which they are responsible in their districts, and are fully aware of the immediate fire problems as they arise from time to time.

Members are probably aware that the Road Board Association is organised into wards. There are four of these, each representing a certain group of local authorities; and each one of the wards provides a representative on the board. In this way, through the wards, each local authority and each fire brigade has a personal and direct representation on the board; and there is a close tie-up all the time between the local authorities, the fire brigades and the executive council—as one might call it—which operates the policy under this legislation on behalf of the State.

I well remember that when I introduced the Bill to establish this board in 1954 there appeared to be a good deal of misapprehension on the part of some members who felt that it was designed principally to increase the control and restrictions over people. Its work over the last three years has proved beyond the shadow of a doubt that absolutely the opposite was the intention, and that the opposite has been achieved.

Although additional powers and restrictions were included in the 1954 measure, they were intended to act as alternatives so that the different needs in the various parts of the State could be met. All of us who have lived in country districts for a number of years have recognised that we cannot very well legislate in a tight sort of form with regard to certain duties for certain purposes in connection with bush fires or their control, because bush fires are no respecters of persons or districts. The weather can entirely change from one district to another; and, in consequence, if legislation were too restrictive in character, it would be impossible for it to operate successfully over quite a large number of districts.

Thus, the 1954 Bill was designed to make more flexible conditions which had to some extent been onerous in past years; and the present Bill is to take that flexibility a step further in certain cases, as

a result of the experience that has been gained over the last three years. And so, whatever members may feel about the amendments that I will briefly explain, I do not want them to think this is an effort to tighten up controls and restrict the activities of the board and its officers because, in fact, it is just the reverse.

The Bill contains ten amendments, all of which are important, but two of them especially so. It was felt that as this may be the last time for a number of years that it will be necessary to amend the Act, we should give it the closest examination on this occasion in order to make all the necessary amendments by means of one measure. I think I have the amendments in the same order as they appear in the Bill and I will explain them briefly.

The first has reference to the appointment of bush fire wardens. The Act provides that with the approval of the Minister the board may appoint a person a bush fire warden for a defined district in the State. Apart from the three wardens who were appointed some time ago, the board, as the result of its experience, has also appointed its senior officers as wardens in all the districts and that has led to a great deal of satisfaction in country areas where there is now a far more ready call on these officers than would be the case if their number was limited to the three wardens appointed automatically under the Act. However, there is doubt whether the present day to day practice is clearly defined in the Act and this amendment is designed for that purpose.

The second amendment proposed covers restricted burning times and it is one of the most important in the Bill. If approved, it will go far towards making the law in this regard more flexible. I repeat that one cannot control the weather and the Act is at present too restrictive because it lists the restricted burning times as between the 1st October and the following 31st May, but there are frequent appeals from local authorities in various districts either for an extension of the time or an alteration to it, because the weather at that date does not suit the requirements of the Act.

The amendment proposes to make the restricted burning period flexible so that if a local authority requires an alteration due to the state of the weather, it will be able to suspend these provisions for a period of up to two months in respect of that district at the beginning or the end of the burning time. If, owing to weather conditions, a local authority requires the restricted burning time to commence later than the 1st October, it can apply to have any date selected between the 1st October and the 30th November, thus giving the necessary flexibility, and the same applies at the end of the period, which at present is the 31st May following. It will be seen that some of the present restrictions may be onerous and that a date earlier than the 31st May might in some cases be more suitable.

Hon. D. Brand: Have you considered in this Bill the proposals of the people from Many Peaks who complained?

The MINISTER FOR LANDS: I have received no complaint personally from that district, but it may have been sent to the Bush Fires Board.

Hon. D. Brand: Complaints were sent through the Farmers' Union.

The MINISTER FOR LANDS: Then it is possibly as a result of advice from districts such as Many Peaks that this amendment has been incorporated in the Bill. I think it is a good idea as most local authorities have at some time had reason to complain about this restriction. I think members will agree that the amendment is necessary.

The next amendment deals with clover germination. Section 24 of the Act provides for the burning of subterranean clover for the purpose of collecting burr for seed purposes. Submissions have been made to the Bush Fires Board that in certain areas and especially irrigation districts, it is the practice to burn clover to assist germination. That has been the practice for a long time but there is no provision for it in the Act. It is therefore thought necessary to make provision to enable farmers in irrigation areas to burn clover for that purpose.

The Bill contains that provision and the burning will be conducted under conditions that are laid down. A permit will not require a fee and the conditions will be laid down in regulations so that they may readily be changed in the light of experience. That further indicates the board's desire to assist farmers as far as possible with due regard to the seriousness of the fire hazard.

Another amendment arises from a number of cases reported to the board of bush fires, including some large ones, being caused by fuses used in blasting operations. A considerable quantity of explosives is used in our land settlement and development work, and there is plenty of evidence that serious fires have been caused, particularly in timber country, in this manner. The amendment provides that any person using explosives during restricted or prohibited burning times must take proper precautions and clear a break of something like 10ft. around the area in which the explosives are to be used, in addition to carrying out any instructions of a local authority, a bush fire control officer or a bush fire brigade officer.

Mr. Owen: Would that apply to the use of log-splitting guns in the forest?

The MINISTER FOR LANDS: Yes, I imagine so. If the amendment is agreed to, all precautions must be taken. In view of the damage that can be done by fires and the necessity for bush fire brigades to be amply prepared, during the most dangerous periods, by the provision of equipment, water supplies and so on, it is an extraordinary thing that we find quite a number of silly people ringing up bush fire brigades and local authorities with what are, in fact, false alarms.

I do not know whether these people think it is a game but as this sort of thing is of frequent occurrence, the Bill includes an amendment to deal with anyone who knowingly calls a bush fire brigade when no fire actually exists. I am aware that this offence could possibly be dealt with under some other Act, but if included here it will act as a deterrent to such people.

When the bush fire brigades are preparing their equipment and assembling it a good deal of it is left, in some cases, at the main gate of a farm, on the side of the road. Sometimes the equipment contains emergency supplies of water, ready for a quick getaway. Vandalism has taken such a toll of that equipment—sometimes including the destruction of emergency water supplies by firing bullets into the tanks—that a serious situation has developed and so the Bill seeks to make such conduct an offence for which a severe penalty is provided. If agreed to, the amendment will be a deterrent to such practices. It must be a peculiar type of person who will ring up a local authority or bush fire brigade and report a fire which does not exist, or destroy the valuable equipment necessary for the suppression of fires.

A further amendment relates to a question that was debated in 1954 but not approved on that occasion. However, it is such a serious matter that unless we approve of the amendment a lot of volunteer fire brigades will cease to do their work as efficiently as they will if afforded the protection which the measure envisages. I refer here to the authority for bush fire brigades to operate in the districts of adjoining local authorities. This question was debated in 1954 but the provision was then not approved even though the power had been in the Act for many years before the 1954 measure came before Parliament.

The reason for the provision not being agreed to on that occasion may have been the complicated way in which it was presentend to the House. A great deal of concern has arisen among some brigades at their not having automatic power to enter into adjoining districts to continue fire fighting activities. Members know as well as I do that when people are chasing a fire in a particular district, it is likely to spread to other districts, because fires are no respecters of districts. Apart from that, not all districts are clearly defined. There is an imaginary line, but when one is following a fire through the bush, half the time one does not know where one is working—whether it is in one's own district or in one's neighbour's.

Under the Act at present, if our officers and their fire brigade members decide, knowingly or unknowingly, to fight a fire in someone else's district, or to fight the fire on their own, which may have gone over to somebody else's district, they have no protection whatever. They are not insured against injury, or against damage to their equipment. Members are aware that quite a lot of the equipment used by bush fire brigades is the personal property of the brigade members themselves. A number of them use their own utilities. The position has now arisen where we will have difficulty in getting these brigades to function as they ought to by chasing the fire to its proper conclusion—particularly if they know that they will get no compensation if their utilities get burnt in the process.

I endeavoured to explain this aspect in 1954 but, apparently, for some reason or other, I did not make very much impression. It is one of the most serious features with which this board of ours is confronted today, and it is very necessary that we should do something about it. It has been found possible, although in a most tedious manner, to overcome this difficulty to some extent. There is a practice in existence today entailing a type of registration system, under which one local authority or district registers with another, and that with its neighbour, and so on, until there are four or five road board districts affiliated or registered for a common purpose.

But they also have another group outside this and another further on. It is found to be a most cumbersome method of endeavouring to obtain unanimity amongst the local authorities for the suppression of a fire that may perhaps have gone for miles, and which may have reached large proportions. As a consequence, if any of these officers, or bush fire brigade members, happen to go into another district where there is no fire control officer available, not only is he denied the protection of the Act as it stands at present, but he could personally be up for heavy civil damages as a result of his entering another district—and all he is trying to do is to put out a fire!

That is a very serious situation indeed, and I hope members will look at it in a different light from what they did some years ago. There are something like 650 bush fire brigades that are individually registered, and quite a large proportion of these are also the subject of joint registration. It could easily be seen therefore the confusion that could arise, and in fact,

it does arise. In the interests of these volunteers who do so much and spend so much of their time in suppressing and preventing fires, we should do something to ensure their protection. There is no other way of doing it than by an amendment to the present Act, and that has been included in this Bill.

A further amendment covers the specific authority of bush fire brigade officers, and bush fire control officers to carry out protective burning on roadsides. At present, Section 38(4) provides that a bush fire control officer shall, subject to any directions which may be given by the local authority for the district, take such measures as he considers necessary or expedient for preventing the outbreak of bush fires. This has been interpreted to cover burning bush along roadsides on the road reserves. But the actual practice in this type of fire control is that many bush fire brigades now organise this work which is considered to be an extremely valuable preventive and presuppression measure.

On the prevention side it is effective in stopping fires from lighted cigarettes, or from campsites as the case may be; and it is an extremely valuable control measure when fires actually occur. The members of the Bush Fires Board—and I agree with them—consider that there should be in the Act specific conditions and provisions to authorise not only the control officers to undertake this work and to organise it, but the brigade officers also.

There is that slight weakness in the present Act. If a control officer is not there to do it or does not happen to be available, then there is no power in the Act to delegate that authority to anyone else. Because bush fire brigades are active in their own territory to a large extent, we feel that this power should be extended to brigade officers also, subject to any orders which may be given by the local authority to organise and carry out this work, and to the normal provisions in the Bush Fires Act. It merely extends the local opportunities to undertake another type of fire control.

A further amendment is with respect to members of the bush fire brigades exercising certain powers. Section 44 of the Bush Fires Act sets out the powers of a bush fire brigade captain and also includes provision that the next senior officer may exercise the powers until such time as the captain arrives. We all know that. Most of the by-laws adopted by local authorities contain a provision that a member of a bush fire brigade may exercise the same powers as the captain, if his captain or a senior officer is not present.

It is only commonsense to expect him to do so. If half-a-dozen or more brigade members arrive at the scene of a fire, it is not likely that they will stand idly by and wait for the captain or senior officer to come along. The natural inclination would be to get straight into it and endeavour to put the fire out. Under the present Act, however, there is no power that would enable one of these members to take charge. In consequence, it is reasonable, I think, that they should be protected by having the necessary power in the Act stating that he can take charge until such time as the officer arrives.

The final amendment in the Bill concerns prosecutions by local authorities. Section 59 of the Bush Fires Act implies that a local authority must consider each case for prosecution under the Bush Fires Act. It is desired that local authorities should be able to delegate this power to someone else; to the secretary of a local authority, or to a bush fire control officer, or a brigade officer—but that they should at least have power to delegate this authority. It largely involves those cases where the local authority has ordered the provision of firebreaks, and it should be able to delegate to the secretary authority to take action for failure to comply with the notice without each individual case being referred back to the local authority itself.

Members know that local authorities do not meet very often—perhaps once a fortnight or, in some cases, once a month. In any case, there is a tremendous delay in any endeavour to stamp out a breach of the Act as a result of the local authority only having the power to undertake prosecutions. In connection with the offences I have mentioned, it is proposed to delegate that power to some other person, and in such cases it would be to the secretary of the road board concerned. If members have a look at the Bush Fires Act as it now stands—and I know a great many of them know it very well indeed—and consider what is contained in this legislation, they will see that the Bush Fires Board is very sincere in its desire to assist local authorities, bush fires brigades and their members, because it knows full well what a valuable job they are doing in the country districts.

So do not let us think any more that our present Bush Fires Act is designed to restrict only; it is nothing of the kind. It is designed to decentralise, as much as possible, the power of the central authority. That has been done extensively over the last three years and the Bill now seeks to take it a step further and to spread that power and authority to a greater degree among those people in whom I think it should rest. I move—

That the Bill be now read a second time.

On motion by Mr. Perkins, debate adjourned.

BILL—LICENSING ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.59] in moving the second reading said: This is not a very large Bill.

Hon. D. Brand: Where is the nigger in the woodpile in this?

The MINISTER FOR JUSTICE: There are only two matters dealt with in the measure. The first concerns railway refreshment rooms and the second relates to sites for licensed premises in subdivisional areas of land.

Three matters are affected under the first heading. The first extends to travellers on railway road buses the privileges now enjoyed by train passengers at railway refreshment rooms. Since their inception railway road buses have been regarded as an integral part of the Railway Department's operations in the conveyance of passengers. It is considered that buses have simply provided an augmented and ancillary service to that given by trains. For the purpose of providing service at the various refreshment rooms, including bar service, buses have been treated similarly to trains. In order that there should be no doubt about the matter, an amendment to the section dealing with railway refreshment room licences will specifically include railway road buses. I cannot see any valid objection to the proposal. The object is merely to put buses on the same basis as the railways in regard to refreshments. This is only fair because the buses are an auxiliary of the railway system.

The same section authorises the sale of liquor only to bona fide travellers on the railways. It, therefore, prohibits persons who welcome or farewell passengers from legally obtaining liquor refreshment. I think it will be agreed that such a provision is very difficult to enforce completely. Because of the restricted trading, difficulty is also experienced in leasing railway refreshment rooms. It is proposed in the amendment to delete the restriction. Provision is made for the service to be given on any day except Good Friday. People who have friends, either welcoming them or seeing them off, have been getting liquor because it has not been possible to keep them out. Now there will be provision whereby they can get refreshments at either a welcome or a farewell.

Section 46 of the principal Act provides that the Railways Commission may, under the Government Railways Act, 1904-1953, grant to an officer employed by it, a licence for the sale of liquor in any railway refreshment room under conditions prescribed in accordance with the Government Railways Act. This division of authority as regards licences for railway refreshment rooms is unsatisfactory, especially as the provisions covering the sale of liquor also vary. The Licensing Court will now have jurisdiction where the commission grants a licence to an officer employed by it. The Licensing Court in future will have control after the licence has been granted in regard to the carrying out of obligations.

I will now deal with the other matter covered by the Bill. That is the provision of hotel sites in new housing areas. This is something which has been brought forward by the State Housing Commission and considered by the Licensing Court. The commission has been endeavouring to develop its areas on modern town-planning lines, and plans prepared by professional town planners make provision for the necessary business sites, including sites for hotels. However, under the present provisions of the Licensing Act, there is difficulty in disposing of these areas as hotel sites, so an amendment has been prepared to ensure that lots disposed of by the commission as hotel sites can eventually be used for that purpose, subject to satisfactory application and submission of plans to the Licensing Court.

The terms of the amendment have been settled by members of the Licensing Court and the State Housing Commission. The new provisions authorise the court to approve a selected site in a land subdivision approved by the Town Planning Board, as the prospective site for premises to be conducted in due course following on the development of the subdivision, under a publican's general licence, and to protect that site from competition arising out of the possibility of other premises being erected in the vicinity of the site by a person who had done nothing to contribute to the development of the subdivision.

Mr. Ross Hutchinson: That does not mean you are going to have a State hotel on that site, does it?

The MINISTER FOR JUSTICE: It is a provision for hotel sites on the subdivision so designed, and will more or less protect that particular town, wherever it may be, in regard to hotels. At the moment, a hotel can be erected on the border and not in the town, and it is not possible to get rid of such sites.

Mr. Ross Hutchinson: It is not meant to preserve them for State use?

The MINISTER FOR JUSTICE: No, for private use.

Mr. Court: Does that mean from then onward the decision as to where a hotel will go in a district will not be in the hands of the Licensing Court?

The MINISTER FOR JUSTICE: Yes.

Mr. Court: The location will not be?

The MINISTER FOR JUSTICE: No, but the court will co-operate with the Housing Commission and will continue to do that.

Mr. Ross Hutchinson: Is there anything to say whether or not this site will be put up for auction?

The MINISTER FOR JUSTICE: No, I do not think there is anything here, but naturally all these blocks will be put up for auction and, when sold, will have a certain amount of protection. Those concerned can make application for a provisional licence, and if there is not sufficient population to warrant the expenditure of £100,000, it can be held up for two years and reviewed after two years. However, the protection afforded is subject to periodical review by the Licensing Court because the proprietor of the site must make application to the court for a provisional licence and at the court's discretion renew it from time to time. The maximum period for review is two years, but the court is at liberty to fix a lesser period.

Although I have said this idea was put forward by the State Housing Commission, I want to make it perfectly clear that the provisions in the Bill in respect to applications for site certificates apply to people other than the State Housing Commission.

I move—

That the Bill be now read a second time.

On motion by Mr. Ross Hutchinson, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 13th August.

MR. BOVELL (Vasse) [5.8]: It is so long since I secured the adjournment of the debate on this Bill that I thought the Government had decided, in its wisdom, to withdraw it from the notice paper. However, it comes up this afternoon at a time when I am suffering from a heavy cold and do not feel very disposed to contribute to the debate.

The Premier: We tried to send you home earlier in the day.

Mr. BOVELL: This is the reason why I stayed. During every session the Government has introduced Bills to amend the Electoral Act and it would appear that the Bill now under discussion is designed, amongst other things, to eliminate the personal equation in State parliamentary elections in favour of a party machine system. I do not subscribe to this policy, as I contend that the existing system of names only on the ballot paper should continue without any reference whatsoever to party affiliations. In the heat and battle of an election campaign, the policies of political parties and independent candidates are impressed upon the electorate in adequate measure without carrying the party political tag into the polling place and into the ballot box.

Mr. Rodoreda: Do you think newspaper advertisements should be stopped.

Mr. BOVELL: On election day, yes.

Mr. Rodoreda: How long before?

Mr. BOVELL: The day before is all right but not on election day. If electors have not made up their minds by election day, they do not intend to make up their minds, and it would be undue influence and a last-minute decision which could give support to some wrong political party.

Mr. Lawrence: Is it against the Act now?

Mr. BOVELL: I understand it is. That is what I have been saying since I started this speech. I want the Act to remain as it stands at present.

The Premier: I am sorry, but members this end are not able to hear you very well.

Mr. BOVELL: If I may reply to that comment, there are very few members down that end of the Chamber on the other side; they seem to be on the Government cross-benches.

The Premier: The Opposition cross-benches are not overflowing.

Mr. BOVELL: It is not desirable, in the interests of British democracy, to legislate to make the party tag an essential feature of parliamentary elections. The names of the candidates are all that are required on the ballot paper, in my opinion. Another amendment embodied in this measure seeks to alter the existing practice of permitting enrolments after three months' residence so that the period will be reduced to one month. I understand that the three months' qualification exists in Great Britain and New Zealand.

Hon. J. B. Sleeman: That does not make it right.

Mr. BOVELL: The electoral systems there are entirely satisfactory so far as I am concerned.

Mr. Rodoreda: What about the Commonwealth?

Mr. BOVELL: Another factor in operation in Great Britain and New Zealand is the five-year period between elections. If the Government were to adopt that principle, it would be to the advantage of good government in Western Australia.

Mr. Johnson: What is the provision in the Commonwealth Act, as it applies here?

Mr. BOVELL: I am not discussing the Commonwealth Act; I am pointing out that there are two countries which have

adopted the three months' system, and Western Australia is the third. It has proved satisfactory over the years during which it has been in operation, and I see no reason for a change.

Mr. Johnson: Do you think the Commonwealth Act should be the same?

Mr. BOVELL: Instances have occurred where roll-stacking has been tried, and this procedure is more likely to happen when the residential qualification is restricted to one month's operation. I well recall that in the electorate I represent, which was called the electorate of Sussex, during the depression years a number of unemployed were put into the district because it was thought that one party had a chance of winning the election; and it was nearly successful.

The Premier: What year would that be?

Mr. BOVELL: In 1930, I think.

The Minister for Education: What work were they put on?

Mr. BOVELL: They were not put on any work; there were no picks and shovels. They were sent down just in time to be enrolled.

The Minister for Education: They were on land clearing.

Mr. BOVELL: My uncle was then the member for the district and I have some knowledge of what occurred.

The Minister for Education: Were there not a number at Jiggalup?

Mr. BOVELL: Yes, including Mr. Chamberlain.

The Premier: Were they not ex-group settlers?

Mr. BOVELL: No.

The Premier: Some were.

Mr. BOVELL: They had left the district and they came back for a very brief sojourn. I do not know but that the present Premier was conducting a vigorous campaign as a Labour Party organiser in the district at the time. However, I am of the opinion that the present three-month qualification is sufficient to meet the circumstances, and it assures that there is no possibility of roll-stacking.

The provision in the Bill placing certain power in the Chief Electoral Officer does not meet with my approval. I have the highest regard for that officer, as I did for former chief electoral officers, but I do not approve of the principle of an appeal from Caesar to Caesar. Under the Bill, if it appears to the returning officer that the endorsement is validly authenticated, he may grant the application—that is in regard to the party tag—but otherwise he can refuse the application and his decision is to be final and not subject to appeal.

Mr. Lawrence interjected.

Mr. BOVELL: I know the member for South Fremantle, whose interjection I did not hear, believes in the right of appeal.

Mr. Lawrence: To whom?

Mr. BOVELL: I know that he believes in this right in any matter where a decision may have been given. It is a general principle of British justice and that is why we have a number of courts—the Supreme Court, the High Court and so on. The highest authority is the Privy Council.

This measure, if passed, will give the Chief Electoral Officer the right to refuse an application, and his decision is to be final and not subject to any appeal. I oppose that principle most definitely. I believe that the Chief Electoral Officer should not adjudicate, and furthermore, if my contention in that matter is overruled, I consider there should be a right of appeal.

The Bill also places the Chief Electoral Officer in the position of being a court in his own right because it states that an order made by him has effect according to its tenor and is enforceable as if made by justices in exercise of power conferred by the Justices Act, 1902; and the penalty, I might say, is £50. So the Chief Electoral Officer forms himself into a court and tries the person concerned. If he decides he is guilty, he then imposes the necessary fine.

In my opinion, it is a dangerous principle that departmental executives should be able to impose fines for breaches of any Act of Parliament. We have an established system of law for this purpose and I would ask the Minister to have these objectionable provisions erased from the Bill. I certainly object to any move to take away the right of a person to be tried in any acknowledged court of law.

With these few comments, I would say that there has been too much effort by the Government in the last few years to amend the Electoral Act in a manner which, I would say, would serve the Government's own party political purposes.

The Minister for Education: That is entirely uncalled for.

On motion by the Minister for Works, debate adjourned.

BILL—MARKETING OF POTATOES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [5.24] in moving the second reading said: The purpose of the Bill is to endeavour to prevent illegal trading in potatoes. A serious situation has actually developed in the State as a result of potato growers,

who are not licensed, depending again this year, as they did last year, on high prices in the Eastern States. Finding that they are unable to market their potatoes in the Eastern States they are pushing them, quite illegally, through the retail system of this State and by so doing are breaking down the authority of the board which has done so much over quite a few years to regularise the production and distribution of potatoes.

Going back to the war years, we find that there was some sort of control over the potato-growing industry, but up to that time there had been no control whatsoever. As a result, potato growers in those days grew potatoes when they felt inclined to do so. If the prices happened to be right, they grew potatoes, but if the prices were not right, they did not. There was no regularity of supplies and no desire, apparently, by anyone other than the growers, to have an organised system by which the growers could reasonably expect to gain some security and by which the consumers could buy potatoes at reasonable prices.

During the war years the Commonwealth Government itself introduced a system of growing potatoes under contract at a guaranteed price. It became necessary in those days to feed the people. We were then, as we are now, largely a food-producing nation and we were feeding a lot of other mouths besides our own. Potatoes being such a staple article of diet, and appearing on everyone's table, it was considered necessary to undertake this contract system. The guaranteed price under the system introduced by the Commonwealth Government was such as to stimulate production; and it definitely did that in Western Australia, because the area under potatoes almost immediately increased from 7,000 acres to 14,000 acres. In next to no time the area was doubled. This fact lends colour to the view I hold that unless we have some sort of regulation and an orderly marketing system, we will have no potatoes at certain times and a glut of them on other occasions.

Mr. Nalder: By regulation, do you mean the control of planting?

The MINISTER FOR AGRICULTURE: Yes, the regulation of the flow of potatoes and of the production and distribution of them in the same manner as applies under the State marketing board.

What I have said indicates that the growers will respond to some system of orderly marketing because, as I say, when the Commonwealth contract system was introduced, our acreage actually doubled. When the national security regulations expired at the end of 1946, the growers were greatly concerned, and they then asked for State legislation to provide for a controlled system of production and marketing, and a Bill was in fact introduced in that year—1946—and it became law.

The Potato Marketing Board in this State is composed of six members. There is the chairman, a person not engaged or financially interested in the growing of potatoes or the production of them, who is nominated and appointed by the Minister, as also are the two consumer-representatives and the grower-representatives. The other two members are commercial producers and they are elected by the commercial producers and appointed by the Government.

So we have this marketing set-up in Western Australia which over the years has become the envy of a number of other States to my own certain knowledge. Over the last three or four years I have made available copies of the Act and other information to a number of other Ministers for Agriculture in different parts of the Commonwealth, because they felt we had something that could well be put into operation elsewhere.

Recently the Potato Marketing Board has been very much concerned about the number of potatoes which are being purchased on the blackmarket. That is not new. A little of this has always been going on; but not very much of it. However, there appears to be no doubt at all now that at present a considerable quantity of second-grade potatoes are finding their way into the retail stores as a result of this illicit trading method.

The purpose of the Bill is to tighten up certain provisions in the Act to counteract this illicit trading or blackmarketing. The Bill proposes to give the board's inspectors the right to demand a sales docket or a delivery note for consignments of potatoes above 10 stone in weight, failing the provision of which a prima facie case is established that the potatoes have been bought outside the facilities for marketing provided by the board. Of course, the limit of 10 stone has been included in the Bill because it is not intended to include the stocks of potatoes held by the average housewife; there is no intention of interfering with anything of that kind.

It will be noticed also that the Bill contains a small amendment to Section 22 by including a definite day, the first day of October, 1948, in place of the term "the appointed day," on and after which every grower shall comply with the requirements of the Act. The court requires the production of the public notice in "The West Australian" when hearing charges under the Act, and by inserting a definite day in the Act this inconvenience will be overcome. The reason why the 1st October, 1948, was selected was because the influence of the Australian Potato Committee, whose powers really expired under the

national security regulations at the end of 1946, still carried on for a further 12 months or so until the Western Australian Potato Marketing Board came into existence and commenced to operate.

I said that prior to 1956 blackmarketing was kept within reasonable bounds, so far as this State was concerned, and at no time did it exceed more than 1 per cent. of the State's production. But since the high prices offered in the Eastern States last year, many people decided that they would grow potatoes for the Eastern States, and for that they would not require licences from the board. We all know the arguments we had last year in endeavouring to prevent the sales to the Eastern States of potatoes grown under the authority of the Western Australian Potato Marketing Act; but because of the Federal Constitution, it is simply impossible to do anything about it. So these people, some of whom gained tremendously last year, decided to practise this method of growing potatoes without licences this year, in the vain hope that the prices obtained in the Eastern States last year would be in evidence again this year.

But whenever there is a drought, or potatoes are affected with disease in the various States, and extraordinary prices are obtained, the conditions next year are invariably reversed. These people overlooked that fact, and the other States of the Commonwealth this year are not nearly so badly placed for potatoes as they were last year due to the great increase in production.

Mr. Nalder: Has it been a good season for potato growers in the Eastern States?

The MINISTER FOR AGRICULTURE: They have plenty of potatoes in the Eastern States and, as a consequence, prices over there are much below the price in this State, when transport costs are also taken into consideration. These growers, many of whom never grew potatoes until last season, made the mistake of growing potatoes without licences in the hope that they would be able to pick up the Eastern States market which does not, in fact, now exist. These people are to a large extent unscrupulous because in the first place they want completely to avoid having anything to do with the board, which has the authority in this State; they are not concerned about what prices consumers have to pay for their potatoes; they are not worried about anybody except their own selfish interests; but now they find themselves in the position where they have either to bury the potatoes or endeavour to sell them on the blackmarket.

The board quickly realised what sort of situation was going to develop and early in the season offered to market these potatoes for unlicensed growers in the Eastern States, either by a pool system or by separate consignments. But nothing came of that, for obvious reasons—there was no market for them over there. Not only are these growers, who have no regard for anybody else but only for their own selfish interests, endeavouring illegally to sell their potatoes in Western Australia, but there are also some unscrupulous retailers who are quick to take advantage of a smart turnover and the chance to make a profit of a quick penny or so on the way. Unfortunately, blackmarketing in this State today has reached a stage where the local distribution of potatoes is about only 80 per cent. of the normal distribution; in other words, 20 per cent. of our normal trade in potatoes is being undertaken today by blackmarketeers.

In a large number of cases, our inspectors are locating the illegally bought potatoes in retail stores and other places, but they are not able to secure convictions under the Act because in all cases we have to prove the actual identity of the grower who is responsible. That is how the present legislation reads and, of course, it is impossible to do that. The buyers themselves know of this difficulty and as the potatoes are always in unbranded bags, the inspector, in order to secure a conviction, has actually to catch the grower delivering the potatoes to a buyer's premises, or he has to catch the buyer taking delivery of potatoes from a grower on the farm. It is impossible to do that under the present Act.

There are many buyers who freely admit that the potatoes they have in their possession were not bought through the board's channels and they say, "I have no intention of buying from the board." But even that statement is not sufficient under the Act to secure a conviction.

Mr. Crommelin: Is this blackmarketing of potatoes making them cheaper to public?

The MINISTER FOR AGRICULTURE: I will tell the hon. member what it is doing. A number of these unlicensed growers are not experienced potato growers and they are foisting inferior potatoes on to the market today. What price they are getting for them I do not know—nobody does because we cannot prove anything. But there is trading going on in stores today where storekeepers are endeavouring to sell certain articles below the normal price in order to gain custom, and people are influenced by being able to buy this type of potato, which is sold through the present illegal channels. As a result, I am quite certain that a tremendous quantity of these potatoes, some of which are not even fit to eat, are being sold under the lap; but what prices are given for them I do not know.

However, I know that the board itself is frequently blamed for the condition of potatoes which are being sold on the blackmarket and which are not the concern of the board, nor has it any control over them.

This is the sort of thing that shows how difficult it is for the board to pinpoint the person responsible. I have in front of me a declaration signed by a person who had 5½ tons of blackmarket potatoes on his premises. This declaration is typical of what is going on and the board can do nothing about it. The declaration is a typewritten form which is sent out by the board in order to secure information from various retailers and other people who are dealing in potatoes.

It quotes Regulation 30, first of all, as follows:—

> A person carrying on any business whatsoever or employed on the land or premises in which potatoes are produced, held, stored, graded, packed or otherwise treated shall if requested so to do by a person so authorised, state in writing the name and address of the person from whom potatoes displayed for sale or held on the land or premises were purchased, consigned or supplied.

The declaration goes on—

> In pursuance of the above regulation, you are hereby required to furnish the following information:—
>
> (1) Number of bags of potatoes on your premises.

The declaration is signed by a man named S. Capo, and is witnessed by a person whose name I cannot understand. To the first question, regarding the number of bags on the premises, he has answered, "5½ tons." He is then asked to give the grower's name on such bags and if not branded to state, "Nil." He has written, "Nil." The next question is, "When purchased or taken delivery of" and the answer is, "Saturday night." The last question is, "From whom did you purchase or take delivery of the potatoes" and he has answered, "Carrier's name unknown. Address unknown." He then states that he declares the foregoing to be the facts.

Retailers who buy potatoes from growers are actually shortcircuiting the normal legal channels of trading and are thereby avoiding the reasonable margins and marketing costs normally charged by wholesale merchants and the board; and worse than that, by this illegal method they dodge paying a levy which is imposed under the Potato Growing Industry Trust Fund Act and this enables them to sell potatoes cheaper and make a greater profit than the great majority of retailers who buy their potatoes through legitimate channels.

Another important factor is that when potatoes are bought direct from the grower they are not subject in any way to an inspection by an officer of the Department of Agriculture. That is why neither the board nor the department has any knowledge as to the quality of the potatoes which are now being spread around the metropolitan area. As I said earlier, the public is buying potatoes which are not up to standard by any means. These potatoes represent one-fifth of the normal supply to the markets.

Mr. Roberts: Potatoes distributed to country areas are not always subject to inspection.

The MINISTER FOR AGRICULTURE: They are. The board employs permanent officers to inspect potatoes. They do not inspect every bag.

Mr. Roberts: They do not inspect every consignment to a retailer, either.

The MINISTER FOR AGRICULTURE: They take one or two bags out of a consignment for inspection.

Mr. Roberts: Not always. You are wrong.

The MINISTER FOR AGRICULTURE: I may be. Potatoes grown under the authority of the board are subject to inspection at all times.

Mr. Roberts: Every truckload is not inspected.

The MINISTER FOR AGRICULTURE: I did not say that. I said that there was constant inspection by the board at all times.

Mr. Hearman: Are there any inspections going on outside of the metropolitan area, apart from export potatoes?

The MINISTER FOR AGRICULTURE: The board employs a number of officers to carry out inspections in country districts. There was an inspector at one time stationed in Harvey. I say again there is no chance of blackmarket potatoes being subjected to inspection. I do not know at what price they are disposed of on the market, but very often the sale of these potatoes is detrimental to the consumers. It certainly is detrimental to the growers and the Potato Marketing Board, which, over the years, has done such a good job. I followed the functions of the board long before I became a Minister because I was interested in it, and to my knowledge it has never exploited the public in any way under its powers of inspection.

There were three brief periods when rationing was necessary but yet the board was able to distribute 60 per cent. of full supplies to retailers. There is no doubt that the public of this State have enjoyed a continuous supply of potatoes over the last eight years at reasonable prices. The

price paid to the grower by the board has also been very favourable when compared with the production costs.

Blackmarketeers of potatoes and the retailers who dispose of such potatoes who do not care what the public has to pay for potatoes or what happens to the board, are taking a course of action that cannot be disregarded. Parliament is asked to do something about the matter. The board cannot prevent potatoes from being sent to the Eastern States and this Bill does not attempt to do that, but if this State is to have an efficient marketing board, it must be clothed with sufficient powers to enable it to work in the interests of all sections of the people within its own borders.

When a situation exists like the one I have just referred to, one which we hear existed in the racketeering days of America, it makes me wonder what should be done about it. It may be that the passing of this Bill will not achieve all that is desired although I hope it does so. There is nothing that I would not do to those who set out to wreck an organisation which has been of so much value to the people of this State for so long. The Bill will give the board the necessary power to find out the information it requires. It will enable the board to stop trucks on the road for examination; it will enable the board to impound dockets or notes in respect of the sale of potatoes; it will enable the board to impound containers, bags and such like; it will enable the board to demand of a person in possession of more than 10 stone of potatoes the source of those potatoes, failing which there will be a prima facie case against the holder of such potatoes.

On the whole, retailers, consumers and growers are infinitely better off today than they were in the days of fluctuating prices. Any person who contends that the marketing board operates in the interests of the growers only does not know what he is talking about. Only last year the board had an opportunity of favouring the growers to a great extent. It could have exported most of the potatoes to the Eastern States at fabulous prices, but it refused to do that. It is a well known fact that as a result of the board's action during that time, the consumers of potatoes in Western Australia were saved over £500,000. If that amount of money extra had to be paid by the consumers for potatoes the basic wage in this State would have increased by 6s., with all the attendant repercussions in industry.

The Potato Marketing Board is one of the best boards in existence. It looks after the interests of consumers as well as all sections of the trade. It should be clothed with sufficient powers in order that it may perform its functions effectively. I trust that members will give very sympathetic consideration to this measure because I am certain that if nothing is done about the situation which has developed over the years, it will not be very long before there will be no marketing board at all and the chaotic conditions which existed before the last war will reappear. I move—

> That the Bill be now read a second time.

On motion by Mr. Hearman, debate adjourned.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Heal in the Chair; the Minister for Works in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Clause 2.

Page 2—Delete.

The MINISTER FOR WORKS: The Legislative Council was prepared to agree to the Bill as it left this Chamber with the exception of Clause 2. This clause contains an amendment to Section 20B of the principal Act which extended certain provisions for a further year. The amendment in the Bill was to substitute the year 1958 for 1957, the purpose being to continue the provisions of that section for a further 12 months.

Section 20B(4) reads—

> The provisions of subsections (2) and (3) of this section shall continue in force until the thirty-first day of August, one thousand nine hundred and fifty-five and no longer.

That was altered by an amendment in 1955 to make it continue in force until the 31st August, 1956. The amendment in the Bill which was introduced last year amended the date to the 31st August, 1957. It is obvious that the provisions in that part of the Act are no longer operative because the 31st August, 1957, has passed, and the House has not agreed to any extension so the amendment cannot possibly revive something that is dead. So in any event we cannot do anything to put the amendment into the Bill even if the concurrence of the Legislative Council is obtained.

Subsection (2) of Section 20B reads—

> Upon any application pursuant to the provisions of section thirteen of this Act being lodged by a lessee (other than a lessee under notice to quit or to terminate the tenancy of premises) with a Fair Rents Court or an inspector (as the case may be) for the amount of the rent of the premises to be determined, a notice to quit or terminate the tenancy shall not thereafter be issued in respect of those premises until the expiration of a period of three months from the date of lodgment of such application.
>
> Provided that where the amount of the rent determined by the Court is less than eighty per centum of the amount of the rent being charged or requested by the lessor at the date of the application as aforesaid, a notice to quit or terminate the tenancy shall not be given to any such lessee until after the expiration of a period of twelve months from the date of that determination of the rent by the Court.

Subsection (3) of Section 20B reads—

> Upon the hearing by the Supreme Court or a Local Court of any summons for the recovery of possession of premises (other than premises in respect of which there subsists a lease entered into after the thirty-first day of December, one thousand nine hundred and fifty) the Court hearing such summons may at its discretion, on account of any reason of severe hardship which may be proved by the lessee, suspend the operation of any judgment or order thereon for such period not exceeding three months from the date of the hearing as the Court may determine.

The effect of the amendment made by the Legislative Council is to take from that Act the two subsections I have just read, so that protection will no longer exist. It does not exist now because the provision in the legislation was only to operate until the 31st August of this year. As that date has passed the protection is no longer available. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

House adjourned at 5.58 p.m.

Legislative Assembly

Tuesday, 1st October, 1957.

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