

Legislative Assembly.

Thursday, 9th December, 1948.

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The SPEAKER took the Chair at 3.0 p.m., and read prayers.

QUESTIONS.

NATIVES.

As to Hospital Treatment at Broome.

Hon. A. A. M. COVERLEY asked the Minister for Health:

(1) Is it a fact that the Health Department intends closing the Broome Native Hospital?

(2) Is it the intention of the Medical and Health Departments to treat native patients at the Broome General Hospital?

The MINISTER replied:

(1) This matter is receiving consideration, but no decision has yet been reached.

(2) Surgical cases are at present dealt with at the Broome General Hospital, and would continue to be so treated. Other cases would be treated at native hospitals.

WATER SUPPLIES.

As to Pressure at Inglewood.

Mr. GRAYDEN asked the Minister for Works:

(1) Is he aware that water pressure in the vicinity of Wood-street, Inglewood, is extremely low and that as a result householders do not obtain sufficient water for their minimum requirements?

(2) Is any action being taken to relieve the position?

(3) If the answer to No. 2 is "No," will he have an investigation made with a view to remedying the position at the earliest opportunity?

The MINISTER replied:

(1) It is known that the pressure is low.

(2) Yes.

(3) See answer to No. 2.

POULTRY INDUSTRY.

As to Supplies of Bran and Pollard.

Hon. J. T. TONKIN asked the Minister for Lands:

(1) Is he aware that the increase in price of bran and pollard has placed poultry farmers in such a serious position that they have no alternative but to reduce drastically the size of their flocks of birds?

(2) Does he realise that this must inevitably result in there being a great shortage of egg supplies in this State in the near future?

(3) What steps, if any, does he intend to take to help the poultry industry and safeguard the interests of consumers?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Representations have been made to the Minister for Commerce with a view to the raising of the export price.

The W.A. Egg Board has plans in hand to partly alleviate the position.

ROADS.

As to Widening Section of Albany Highway.

Mr. WILD asked the Minister for Works:

Could he give some indication when it is likely that a further section of the Armadale Road from Nicholson Road towards Gosnells will be widened?

The MINISTER replied:

Not in the near future.

ROAD HAULAGE OF WHEAT.

(a) As to Instructions by Co-operative Bulk Handling Ltd.

Mr. WILD asked the Minister for Transport:

(1) Will he explain why the handling of wheat haulage has been given to Bulk Handling instead of being conducted by the Transport Board which was originally set up for that purpose?

(2) Is he aware that instructions have been issued by Co-operative Bulk Handling to the effect that all wheat being carted from the country must be weighed at the place of loading?

(3) Is he aware that such weighbridges in the country are only capable of weighing a gross weight of 11 tons, and as a result of this instruction, that large diesel trucks and trailers capable of handling up to 20 tons will be debarred from wheat carting this season?

(4) In view of the serious petrol shortage, does he consider it fair that small petrol-driven trucks should be engaged in preference to four-wheeled trailers capable of carrying 7-10 tons and attached to a diesel truck which would use very little more fuel to haul the additional load?

(5) In view of the cutting down of the petrol ration to all concerned, does he consider that by enforcing this policy that Co-operative Bulk Handling are helping in regard to the supplies of petrol, as by this edict it means that at least twice or three times the quantity of petrol will be consumed?

(6) Will he have enquiries made with a view to correcting this anomaly?

The MINISTER replied:

(1) The handling of wheat haulage by road was not given over to Co-operative Bulk Handling and taken away from the Transport Board. A license to engage in the work has to be obtained from the Transport Board, as before, if the contractor and his vehicle comply with the necessary conditions. As Co-operative Bulk Handling are responsible for the transport of the wheat to ports, however, and as this work last year, in some cases, left much to be desired, contractors must first obtain the company's approval for their vehicles, while the policing of the work also has been placed in Co-operative Bulk Handling Ltd.'s hands this year.

(2) As the company is responsible for delivering all the wheat that is despatched from sidings, it has to be weighed both at the siding and at the point of delivery, just as is done on the railways.

(3) I am aware that the weighbridges in the country are capable of weighing only limited weights, but this will not debar large diesel trucks from engaging in wheat carting. In co-operation with Co-operative Bulk Handling Ltd. the owners of these trucks have devised a means of covering and sealing them which will obviate the need for weighing, and so enable these trucks to be used, provided they otherwise comply with Transport Board regulations.

(4), (5) and (6) Answered by No. (3).

(b) As to Types of Vehicle to be Used.

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

In answering a question earlier this afternoon about the carting of wheat, the Minister said that diesel trucks will not be debarred from carting wheat. Does that include trailers, or did his answer apply to trucks only?

The MINISTER replied:

As I indicated in my answer, it is necessary that all wheat transported by road should be weighed at the point of loading and also at the point of destination to ensure that the same quantity of wheat that is loaded is actually delivered. Some weigh-bridges in country districts are not capable of dealing with large trucks, and arrangements have been made between Co-operative Bulk Handling Ltd. and the contractors for the sealing of the tops of the trucks, including the trailers, so that they can be used and will not be debarred because they have not been weighed. My answer covered both trucks and trailers.

NORTH-WEST.

As to Jetty at Point Torment.

Hon. A. A. M. COVERLEY: (without notice) asked the Premier:

Has any decision been reached with reference to the deep-water jetty at Pt. Torment, near Derby?

The PREMIER replied:

A decision has been reached, but nothing is likely to be done in the immediate future. If the hon. member is concerned, as I think he is, about the future of the township of Derby, I can inform him that there is no intention of shifting the town.

POTATOES.

As to Busselton Shipment.

Mr. BOVELL (without notice) asked the Premier:

(1) Is he aware that the M.V. "Momba" was booked to load approximately 800 tons of potatoes grown in the Busselton district, at Busselton, on the 14th and 15th December for Adelaide?

(2) Is he further aware that the visit to Busselton of the M.V. "Momba" has today been cancelled and that arrangements are now being made for the 800 tons of potatoes to be railed to Fremantle for shipment from that port resulting in—

(a) loss of employment of much needed work for registered waterside workers at Busselton?

(b) Unnecessary use of much needed coal for locomotive power to haul the said 800 tons potatoes from Busselton to Fremantle?

(3) Will the Government take immediate steps to investigate and rectify this anomalous position?

The PREMIER replied: I was not aware of this position and I suggest that the hon. member hands the question in for consideration, or has it put on the notice paper.

Mr. Bovell: It will be too late.

The PREMIER: Immediate inquiries will be made.

TRAMWAYS.

As to Supply of Driving Gears.

Mr. FOX (without notice) asked the Premier:

I understand the Tramway Department placed an order for tramcar driving gear with an Eastern States firm. The gears in question have been made in W.A. for the last seven or eight years by R. Moore & Sons. I also understand that their tender for the work in question was £185 below that of the successful tenderer from the Eastern States. In view of this information, is the Premier prepared to table papers dealing with the contract let by the Government to the Eastern States firm for the supply of these tramcar driving gears?

The PREMIER replied: I had no knowledge of this position and I suggest that the hon. member hands the question in and will have inquiries made in order to convey the information to him before the House rises.

RAILWAYS.

As to Port Hedland-Marble Bar Line.

Mr. HEGNEY (without notice) asked the Minister for Railways:

Has any decision been arrived at by the Government in connection with the reported discontinuance of the Port Hedland-Marble Bar railway?

The MINISTER replied:

No decision has been arrived at yet.

LEGISLATIVE COUNCIL.

As to Defeat of Franchise Proposals.

Hon. A. R. G. HAWKE (without notice) asked the Premier:

Has he any comment to offer regarding the arrogant action of a majority of the members of the Legislative Council in killing the Bill to liberalise the franchise for that Chamber?

The PREMIER replied:

Cabinet has not yet had time to consider the matter, and at this stage I do not wish to offer any comment.

CO-OPERATIVE BULK HANDLING LTD.

As to Execution of Agreements.

Hon. J. T. TONKIN (without notice) asked the Minister for Lands:

(1) Have agreements in connection with the handing over to Co-operative Bulk Handling, Ltd. of the State-owned bulk handling facilities at Bunbury and Fremantle, been executed?

(2) If not, why not?

The MINISTER replied:

I have no knowledge of the matter, but I shall endeavour to answer the question later in the sitting.

PERSONAL EXPLANATION.

Mr. Leslie and the Administration Act Amendment Bill.

Mr. LESLIE: I desire to make a personal explanation to the House in connection with the Bill I introduced early in November to amend the Administration Act. I gave the House certain information on that occasion that was based upon statements, the authenticity of which I had no reason to doubt at the time. Since then I have obtained further information regarding the statements I made; and I have reason to believe that what I conveyed to the House was not in accordance with the facts. I think it only fair to make the explanation to the House and express my regret for misleading members on that occasion. I also express my regret to the two reputable firms whose names I mentioned in my remarks on the Bill. Those firms are Elder Smith & Co. Ltd. and Elder's Trustee and Agency Co. of South Australia. I desire to convey to them my regrets respecting what I said. I am sorry if anything I stated in the course of my remarks cast a reflection upon those firms, and in any way reflected upon their reputations.

BILL—LOCAL GOVERNMENT.

Leave to Introduce.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. A. F. Watts—Kataning [3.15]: I move—

For leave to introduce a Bill for "An Act to consolidate and amend the law relating to local government; to repeal the Municipal Corporations Act, 1906-1947, the Road Districts Act, 1919-1948, and certain other Acts; and for other purposes incidental thereto."

I feel the House is due for some explanation as to the reason for such a motion at this stage of the session. I make no bones about saying there is no idea of asking the House to consider the measure this year. As the result of a conversation I had with the Acting Leader of the Opposition, a suggestion of mine appeared agreeable to him that the ordinary practice of distributing the printed copies of the Bill only when the second reading stage was reached might, in the circumstances of this case, be departed from, and that early in the New Year printed copies of it should be distributed to members of this House and of another place, and subsequently local authorities in order that consideration might be given to the terms of the measure in the intervening months between now and when Parliament re-assembles. By that means, members would have an opportunity in the meantime to discuss with local authorities, if deemed necessary, any points of interest, thereby being in a far better position to discuss the measure in Parliament than otherwise they would have been.

I intend to ask the House to order the Bill to be printed and to fix the second reading as an Order of the Day for some subsequent date. I will then arrange to have the Bill printed as soon as possible with a view to its distribution early in the New Year in the way I have suggested. The measure is the result of deliberations by a committee set up by the Government in the early part of this year, which consisted of Mr. W. E. Stockdale, representing the Road Board Association; Mr. L. R. Latham, representing the Western Australian Local Government Officers' Association; in the early stages Mr. McIver Green, representing the Local Government Association of W.A., who resigned owing to ill-health and later his position was taken by Mr. L. Gibbons; Mr. P. Payne, representing the Country

Municipal Association; Mr. A. E. White, auditor and officer of the Local Government Branch, and Mr. D. L. Davidson, the Town Planning Commissioner, who acted as convener.

In consequence of their deliberations and after consultation with myself, this measure has been compiled after periodical references had been made by local governing bodies' associations to the effect that efforts should be made to consolidate all the Acts relating to local government in this State. The Bill will contain a number of new principles which are not at present to be found in local government legislation, and it is proposed that when copies of the Bill are distributed in the manner I have indicated, they will be accompanied by a memorandum which might be regarded as a second reading explanation for the benefit of members and local governing authorities concerning those particular points that are of considerable interest. I feel that this suggestion is likely to result in far easier consideration of the measure when, as I expect, it comes before the House at some subsequent time during next year, and that it will enable members, soon after the House re-assembles, to place on the notice paper such amendments as they might have in mind, thus giving myself and the officers of the Local Government Department an opportunity to consider them, so that when the House proceeds to tackle the measure we shall be able to make reasonable progress.

Mr. Needham: Was the Perth City Council represented on the committee that you mentioned?

THE MINISTER FOR LOCAL GOVERNMENT: Originally Mr. McIver Green, the Town Clerk of Perth, was the representative of the Local Government Association. Subsequently, owing to ill-health, he resigned and the association appointed Mr. L. Gibbons in his place. These appointments to the committee were not made by me; they were the nominations, at my request, of the various local governing bodies and associations. The nominations were approved by me and, as members will realise, they were all excellent men to undertake the task. They had to consider a measure comprising between 500 and 600 clauses, although many of the provisions were to be found in the existing law. Nevertheless, they all had to be considered, and members thus have an indication of the

very substantial work which the committee did. I hope that subsequently Parliament's view of it will be that an excellent job was done by these persons, with the result that if the measure, or anything like it, becomes law, the prestige of local governing bodies in this State will be raised, their work simplified and a number of anomalies and difficulties removed which have been stressed by local authorities for a long period of years. As I said, I feel the House is entitled to this explanation before I ask you, Sir, to put the motion.

Question put and passed.

Bill introduced and read a first time.

LEAVE OF ABSENCE.

On motion by Mr. Rodoreda, leave of absence for the remainder of the session granted to Mr. Leahy (Hannans) on the ground of ill-health.

BILL—COUNTRY TOWNS SEWERAGE.

Council's Amendments.

Schedule of eight amendments made by the Council now considered.

In Committee.

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

No. 1. Clause 11 (1), page 6—Add at the end of the subclause a proviso as follows:—"Provided that the Minister shall not exercise any of such powers in any sewerage area where the local authority in whose district such sewerage area is situated is itself desirous of undertaking such works."

THE MINISTER FOR WORKS: I cannot think that any local governing body would prefer to finance and maintain a sewerage system when the Government is prepared to do it. However, I cannot see any objection to such a course. There would be no onus whatever on the Government to finance such a scheme, although the Government might do so if a sound case were submitted to it. I move—

That the amendment be agreed to.

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

No. 2. Clause 12, paragraph (a), page 6—Insert after the word "Minister" in line 36, the words "and of the local authorities."

The MINISTER FOR WORKS: I have no objection to this amendment. I move—

That the amendment be agreed to.

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

No. 3. Clause 13, page 7—Delete the words "on payment of the prescribed fee" in lines 12 and 13, and substitute the words "free of charge."

The MINISTER FOR WORKS: A similar provision is contained in other Acts. I have had a search made, however, and can find no occasion whatever when it was found desirable to impose a fee. I therefore raise no objection to the proposal and move—

That the amendment be agreed to.

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

No. 4. Clause 37 (1), page 16—Delete the word "twenty-four" in line 35, and substitute the word "forty."

The MINISTER FOR WORKS: I submit that the Council's reason for this alteration is not sound. I have made inquiries from the Under Secretary, who informs me that in no case where the Government has found the money for a householder has a period beyond six years been fixed for repayment. If there were any real value in the amendment, I should be pleased to accept it. Leniency will always be extended if a good case is submitted.

Mr. Marshall: There is a big difference between 24 and 40.

The MINISTER FOR WORKS: Yes. That would give to people well able to pay the right to wait for ten years before finalising their obligations. I see no reason for this, and I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 5. Clause 37 (2), page 16—Insert after the word "such" in line 37, the word "lesser."

The MINISTER FOR WORKS: If this amendment were carried, the department would lose the right to make the rate five and a half per cent. or six per cent. I cannot, however, see any circumstances where we would be likely to charge more than five per cent. The usual rates are three and a quarter to three and three quarters per cent.

I have no objection to the amendment. I move—

That the amendment be agreed to.

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

No. 6. Clause 89, page 35—Insert after the word "Commonwealth" in line 29, the words "or State."

The MINISTER FOR WORKS: This amendment seeks to make the Minister amenable to the State as well as to the Commonwealth law in connection with the transfer or conveyance of land. I have no objection to it. I move—

That the amendment be agreed to.

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

No. 7. Clause 93, page 37—Delete the whole of paragraphs "Thirdly" and "Fourthly" contained in lines 9 to 37, and substitute the following—

Thirdly—In payment of all unpaid moneys owing for rates and taxes and any costs or other moneys due to or imposed by the Crown in the right of the State or any Department, Agency, Instrumentality or Branch of His Majesty's Government of the State including the Government Agency Department of the Rural and Industries Bank of Western Australia and also in payment of all moneys for unpaid rates due to or imposed by the Municipal Council or Road Board and the Local Authority under the Health Act, 1911-1944 in respect of the land at the time of the sale.

Provided that where the moneys remaining after the payments provided for firstly and secondly herein have been made are not sufficient for the payment in full of all the rates, taxes and other moneys mentioned and provided for in this paragraph such moneys shall be distributed between the Crown, the Department, the Agency, the Branch, the Municipal Council or Road Board and the Local Health Authority pro rata with the amounts of their claims respectively.

The MINISTER FOR WORKS: This amendment was moved in the Council by the Honorary Minister for Agriculture in response to an agreement I entered into with the Acting Leader of the Opposition. I move—

That the amendment be agreed to.

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

No. 8. Clause 93, page 37—Insert after the word "Provided" in line 38, the word "also."

The MINISTER FOR WORKS: This is a minor amendment. As there is an earlier proviso, it is necessary that this shall commence with the words "Provided also." I move—

That the amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of the Minister for Works, Mr. Nimmo and Mr. Styants drew up reasons for not agreeing to amendment No. 1 made by the Council.

Reasons adopted and a message accordingly returned to the Council.

BILL—MILK ACT AMENDMENT.

As to Consideration of Council's Amendments.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [345]: Mr. Speaker, I move—

That you do now leave the Chair for the purpose of considering in Committee the amendments made by the Legislative Council in the Milk Act Amendment Bill.

HON. J. B. SLEEMAN (Fremantle) [346]: I do not see any reason for you, Sir, to leave the Chair at this time. I am becoming sick and tired of messages coming here from another place and our debating them and sending messages back, and then receiving further messages and debating them again and appointing committees to draw up reasons, and sending the reasons back to another place, only to have the legislation laid aside. I am going to endeavour to influence this House to decide that you should not leave the Chair on this occasion, as I feel your time could be better employed in the Chair while members discuss the business that is on the notice paper. This is quite within the Standing Orders.

We have something like 12 measures on the notice paper and the Loan and General Estimates to be dealt with. I think also

that the Chairman of Committees would be better employed in his seat, debating legislation, than in the Chair listening to the Committee dealing with messages that come back from another place. I hope the House will not agree to the Minister's motion, as I think the time has long gone past when we should discuss any message from another place, if it is to treat this Assembly as it has lately. If that is to continue we should refuse to debate any message from that place. I hope you will remain in the Chair so that members may deal with the business that appears on the notice paper. I ask the House again to refuse to carry the motion.

Question put and passed.

Council's Amendments.

Schedule of 11 amendments made by the Council now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

No. 1—Clause 3: New Section 11, page 2—Delete paragraph (b) of Subsection (3) and substitute the following:—

(b) Is directly financially interested in the production, transport, supply, treatment or distribution of milk.

The MINISTER FOR LANDS: I move—

That the amendment be not agreed to.

It will be remembered that when the Bill was previously before this Chamber doubt was expressed by different members when discussing this clause. I assured the member for North-East Fremantle that the Honorary Minister for Agriculture would consult him with a view to drawing up the amendments desired on this clause. This amendment does away with unnecessary verbiage.

HON. J. T. TONKIN: The amendment goes further than the Minister said. The original provision laid down that no-one directly or indirectly interested in the milk industry should be a member of the board, but the Council's amendment provides that any person who is indirectly connected with the industry may be a member of the board. There must have been some reason originally for providing that no-one in any way interested in the industry should be on the

board. A person indirectly interested in the industry might be interested to a far greater degree financially than one who was directly interested. I cannot support the amendment until I hear more about it.

The MINISTER FOR LANDS: As the provision stood it was very wide indeed and might have applied to anyone at all handling milk—even those who conduct milk bars.

Mr. Graham: Or those drinking the milk.

The MINISTER FOR LANDS: It might have applied to a person holding one share in Westralian Farmers Ltd., as that firm handles milk and the shareholder would be indirectly financially interested.

Hon. J. T. Tonkin: The shareholder would be directly financially interested.

The Minister for Housing: The ordinary consumer of milk is indirectly interested, through the price.

The MINISTER FOR LANDS: The original provision had very wide application.

Hon. A. R. G. Hawke: So has the Council's amendment.

The MINISTER FOR LANDS: It is more specific. "Directly" does not apply so widely as does "indirectly." I think the amendment should be agreed to. The Governor will be careful, in appointing the representatives, to see that they are not in any way interested in the industry.

Mr. NEEDHAM: I hope the Committee will not agree to the amendment. When the Bill was previously before the Committee I moved to have Subsection (3) struck out, but the amendment was not agreed to. The Council's amendment will apply to those directly financially concerned in the industry and will disqualify them from being on the board. I would prefer the original provision.

Mr. FOX: The Minister cannot have it both ways. Members in another place, with investments in milk processing businesses, have seen that the provision might affect them, and the Council's amendment would debar the only people who should be represented on the board. I oppose the amendment.

Hon. J. T. TONKIN: The Minister has not said why he wanted at first to exclude

persons either directly or indirectly financially interested in the industry. On the answer to that question rests the decision as to what one should do with regard to this amendment. But if a person who is indirectly associated with the industry is appointed to the board, then he could be working "under the lap" in his own interests and the people would not be aware of it. If there were any reason for including persons who were directly financially interested, then the reason is stronger to exclude those who are indirectly interested. If the Minister wants to exclude persons who are directly financially interested, then, so far as I am concerned, he will have to exclude the lot.

Mr. MARSHALL: The greatest opposition that I have to this amendment is the principle which was revolting to me when we were considering the Bill itself. The Government, in order to get a tighter grip on the distribution of milk, brought down the Bill with the object of tightening up the law relating to vendors because of a recent industrial upheaval. To that extent the Bill might be justified. My strongest objection to the amendment is that the integrity and honour of the producer are challenged. The pioneers of the dairying industry are subject to the effects of this measure. The Government should not besmirch the reputation of milk producers who are honest and hard-working citizens. As the member for North-East Fremantle has pointed out, a man who is indirectly financially interested could, if devoid of honour and integrity, and selfish in the extreme, get on the board and by virtue of his activities do injustice to the producers of milk, destroy their assets and ruin their future. The Minister should contest the amendment up to a point.

Hon. A. R. G. HAWKE: I am opposed to the clause altogether and would like to see the board continued on its present basis. However, the House previously decided against that and further agreed that the Governor shall in future appoint to the board those persons recommended by the Minister. Seeing that Parliament has accepted that principle, why do we not accept it completely? Why do we want to dither around now trying to exclude from consideration certain groups of people? Why do we not now try to decide to trust completely the Minister, in the first place, to recommend the best persons available, and the Governor, in the second place, to appoint

those persons on his recommendation? I should think the Government should be anxious to have this new principle operate on that basis. What we ought to do with the amendment, if it is possible at this stage, is to amend it to provide for the complete exclusion of Subclause (3) of Clause 3. If that could be achieved finally the Government would then be left with complete discretion to appoint the persons to the board, and in addition would have the right to choose those persons from any group or from any portion of the State. That is the commonsense solution of this argument and I trust the Minister will see his way clear to embrace it.

THE MINISTER FOR LANDS: There are times in this House when one finds himself in an unenviable position. When I moved the acceptance to this amendment I had in mind that it had been drawn up after consultation with the member for North-East Fremantle. It has now been indicated to me that I was wrong. I am quite impressed with the arguments put forward by different speakers. Personally, I am satisfied with the Bill as it stands and I am now only too happy to leave the question in the hands of the Committee.

Question put and passed; the Council's amendment not agreed to.

No. 2—Clause 9: New Section 26A, page 4—In Subsection (2) delete the words "or is likely to be" in line 20.

THE MINISTER FOR LANDS: I move—That the amendment be agreed to.

It is proposed to delete the words "or is likely to be" to make the subsection more specific.

MR. FOX: We should disagree with this amendment also. Personally, I do not agree with any of the contents of the Bill. If the Minister thinks that a stoppage might occur it would be better for him to negotiate at that particular time than to leave the position until a stoppage actually took place. That is the principle of conciliatory arbitration.

HON. J. T. TONKIN: The Minister was under the impression that the Honorary Minister for Agriculture and I had conferred on the Bill. There has been no conference at all. The Honorary Minister for Agriculture spoke to me about a possible amendment to this provision, but at no time did we get down to discussing what would

be satisfactory to him and to me. The proposed new subsection should be retained because it would permit the Government to vest milk in the board, as it desired to do. That is in conformity with my ideas, and I was glad to see the subsection had been included. The Minister would only need to have an idea that trouble was likely to occur and then the milk could be vested in the board. I am sticking to the words in the Bill.

Question put and the Committee divided.

As to Member's Vote.

HON. A. H. PANTON: An hon. member is not permitted to cross the floor after the appointment of tellers.

THE CHAIRMAN: I did not see the hon. member cross the floor, but if any member draws my attention to the fact, I shall take action.

HON. J. T. TONKIN: It is unfortunate for the hon. member, but Standing Orders should be observed. I understand that the hon. member crossed the floor after tellers had been appointed, and that is contrary to the Standing Orders.

THE CHAIRMAN: Is it correct that the member for Geraldton was on the opposite side when tellers were appointed?

HON. E. H. H. HALL: Not consciously so.

THE CHAIRMAN: If the hon. member was on the other side at the time, he must vote on that side.

Committee Resumed.

Division resulted as follows:—

Ayes	21
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Noes	20
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Majority for	1
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	AYES.
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Cornell	Mr. North
Mr. Doney	Mr. Seward
Mr. Grayden	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. N. Keenan	Mr. Watts
Mr. Mann	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Brand
Mr. Murray	

(Teller.)

	NOES.
Mr. Coverley	Mr. Oliver
Mr. Fox	Mr. Panton
Mr. Hall	Mr. Read
Mr. Hegney	Mr. Reynolds
Mr. Hoar	Mr. Sleeman
Mr. Kelly	Mr. Smith
Mr. Marshall	Mr. Styants
Mr. Maw	Mr. Tonkin
Mr. Needham	Mr. Triant
Mr. Nulsen	Mr. Rodoreda

(Teller.)

Question thus passed; the Council's amendment agreed to.

No. 3—Clause 9: New Section 26A, page 4—In Subsection (2), delete the words "affecting, or likely to affect, the production or distribution of milk, or both," in lines 20 to 22, and substitute the words "to prevent or be likely to prevent the distribution of milk so that a state of emergency has in the opinion of the board arisen or is about to arise."

The MINISTER FOR LANDS: I move—
That the amendment be agreed to.

Hon. J. T. TONKIN: My attitude is the same as on the previous amendment. A most remarkable situation has developed. Members of the Opposition are sticking out for the Bill as originally introduced by the Government, and the Government is voting against its own Bill.

The Minister for Housing: The amendment will merely make the position clearer.

The Minister for Lands: That is so.

Hon. J. T. TONKIN: I believe that the Government did not realise what power it was taking and, having now realised it, wants to tone down the provision. I believe that the vesting of milk in the board would make for a more effective method of distribution than that operating at present. The original provision would make this easy of accomplishment, but the amendments of another place would prevent such action from being taken.

The MINISTER FOR EDUCATION: The member for North-East Fremantle seems to be either forgetful or not quite fair. He indicated that another place was entirely responsible for the amendment, but an amendment containing almost the same words and certainly the same intention was prepared and circulated in this Chamber before the Bill left us, because it was prepared with my assistance to deal with the position that had been ventilated by the hon. member. Therefore, it is not right to say that the amendment had its genesis in another place.

Hon. J. T. TONKIN: I had not forgotten that a similar amendment was circulated here, but I would have opposed it, as I am opposing it now. It was prepared only after I had directed the attention of the Government to the fact that the provision in the Bill would facilitate the carrying out of

Government policy and after I had said that I would be surprised if the provision were allowed to remain in the Bill. Members of the Government then became busy to prevent the occurrence of what I had said would happen. The reason why the Government did not proceed with the amendment here was that it might have been difficult to get it carried.

The Minister for Lands: No, we wanted to get the Bill to another place promptly.

Hon. J. T. TONKIN: I repeat that it is remarkable that members of the Opposition should be supporting the Bill, as introduced by the Government, while the Government is taking the contrary attitude to its own measure. This indicates one of two things—either insufficient care and thought were given to the preparation of the Bill so that it was not in conformity with Government policy, or the Government, since introducing the Bill, has relented as regards its original purpose and desires now to follow the contrary policy. The provision as introduced suited me and most members on this side of the Chamber. The vesting of milk in the board is the policy in New South Wales.

The Attorney General: Do not blame the drafting department for having accepted advice.

Hon. J. T. TONKIN: No, I am blaming the Government. This is a policy matter. The Government introduced a punitive clause in order that it might be empowered to take disciplinary action. The Minister quoted a communication which showed that the producers favoured the provision. When so many people expressed a liking for the idea, the Government went cold on it. Ministers evidently concluded, "This big stick that we put in the Bill is so big that most people like the idea, and therefore we had better get it out." This is the method of getting it out. Had the producers risen in arms against it and issued a threat of strike if it were not deleted from the Bill, the Government would have held fast to the provision and said it was desired by the Government. But when the producers said, "It is a fine idea; we are all for it"; and the Opposition said, "It is a jolly good policy, just the thing that will enable the Government to operate this," the Liberals said, "We will have to hold our horses. What has gone wrong?"

Thus we find this amendment moved so that the big stick will become a small stick and not of much value to anybody.

The MINISTER FOR LANDS: I will not accuse the hon. member of inconsistency because I remember his remarks very well, and that is exactly what he did say. He asked me, "Have you a full realisation of what this clause is going to do? It suits me." I had been talking about temporarily vesting the milk in the board when there was a hold-up, and that is the Government's policy. When the hon. member pointed out that the provision gave full power to vest the milk at all times, I knew that was not our desire. The hon. member mentioned a communication I received from the producers. The producers were in favour of the Bill. In fact, they said, "We would be in favour of fully vesting the milk in the board." But that is not the Government's policy, which is to provide for the temporary vesting of the milk in the board during a crisis.

Mr. GRAHAM: I move—

That the amendment be amended by striking out the word "be" in line 5.

Amendment put and passed.

Mr. GRAHAM: There is a vital omission from the amendment. I consider that anything that is likely to affect the supply of milk, whether at the source or at some intermediate stage, is a matter of grave public concern and the board should have power to take drastic steps. But the Legislative Council proposes that certain powers shall be vested in the board if there is likely to be any bother in connection only with the distribution of milk. I move—

That the amendment be amended by inserting in line 5 after the word "the" the words "production or."

I want some authority to have power to take the steps it deems appropriate in the event of there being a threat to the supply of milk. I am not concerned at what stage of the supplying of milk the interruption occurs.

Mr. FOX: I oppose the amendment. I do not like the Council's amendment either. I do not want a big stick held over the producers or the distributors. In any event, I do not believe the Government would be able to put such a provision into operation. The Government said it had plans ready

on a previous occasion when a hold-up occurred, but it did nothing. The provision is punitive; and if it were applied to any industrial organisation it would be followed by one of the biggest upheavals in Western Australia. All the unions would make common cause to defeat it.

Hon. J. T. TONKIN: I appeal to members on this side of the House to realise that the producers do not regard this provision as in any way punitive.

Mr. Fox: Don't they!

Hon. J. T. TONKIN: No.

Mr. Fox: I have met producers, and they do.

Hon. J. T. TONKIN: They have signified that they favour the vesting of milk in the board. There are people who believe this clause will be used as a disciplinary measure, but the producers generally do not regard it in that way. The Legislative Council obviously thinks this is a disciplinary measure and it wants to discipline only the retailers. That is why the amendment was made to deal with distributors only. I would point out to the Government that if it is necessary to vest in the board power to deal with an emergency, that emergency could just as easily arise from the producers withholding supplies as from the retailers refusing to distribute them. It would only want producers to become dissatisfied with the price being received by them, and to agree to withhold their milk and feed it to the pigs, and a state of emergency would then develop.

As the Legislative Council's amendment stands, there would be no power resting with the board to vest the milk in itself if such an event occurred. The power could only be used where trouble arose with distributors. I do not feel that we are justified in applying it to one section only and I do not regard it as a disciplinary measure. It is a policy which is in daily operation in New South Wales, is readily acceptable, and apparently giving satisfaction. Producers should not be regarded in a different class to retailers or milk treatment plants. Where persons are withholding milk supplies to mothers and babies and other needy persons, the board should have authority to vest the milk in itself to ensure a continuity of supply. I propose to support the amendment moved by the

member for East Perth and then to endeavour to defeat the whole of the amendment made by the Legislative Council.

Mr. LESLIE: The member for North-East Fremantle made reference to the fact that producers were satisfied with this provision of vesting milk in the board. They were at first

Hon. J. T. Tonkin: They told the Minister that and he informed the Chamber.

Mr. LESLIE: They were at first, but then they woke up to what it meant. It was then desired that the word "production" should be taken out.

Hon. J. T. Tonkin: They were in favour of it so long as it applied to retailers only.

Mr. LESLIE: The member for North-East Fremantle is apparently not prepared to concede the point that the product of the land is the property of those who produce it.

Mr. Fox: You would not give them a representation on the board.

Mr. LESLIE: When I agreed to the second reading I was aware that the producers were making representation to have the word "production" struck out and I was satisfied. We should attempt to avoid interference between the consumers and the producers by a third party.

Hon. J. T. Tonkin: You are arguing that if the producers want to withhold their product, they are entitled to do so.

Mr. LESLIE: If a man desires to sow only five acres of land with potatoes this year instead of ten, it is his own pigeon. If the amendment of the member for East Perth is agreed to, and there was interference in the transport of foodstuffs or the handling which prevented the production of milk, that would then give the board power to vest the milk in itself. That would be most unjust. I oppose the amendment.

The MINISTER FOR HOUSING: I support the amendment. I think there would be something in the argument of the member for Mt. Marshall if producers were selling on an open market and took the risk of supply and demand, price and so on. However, producers and other parties are given certain valuable security by price fixation, franchise and even monopolies

and the producers in return should be prepared to meet a certain obligation to the public.

Amendment put and passed.

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

No. 4. Clause 9: New Section 26A, page 4—Insert after the word "Governor" in line 24, the words, "as soon as the state of emergency has terminated."

The MINISTER FOR LANDS: I move—That the amendment be agreed to.

Hon. J. T. TONKIN: This seems to be a direction to the Governor as to what he shall do. Is that not unusual? Can we tell the King what he is to do? All we can do is to request the Governor and he will take action when it suits him. If the Government is satisfied that the state of emergency has terminated, it will then ask the Governor to take action and I assume the Governor will do so. However, he could say, "I will please myself when I take the action."

The Minister for Lands: Has he ever said that up to date?

Hon. J. T. TONKIN: He has never been asked to do it up to date.

The Minister for Lands: You feel that the amendment is unnecessary.

Hon. J. T. TONKIN: Yes, and some thing which is not usually done. If we ask the Governor to take action we must leave him to decide when he shall take it.

The MINISTER FOR HOUSING: There is no lack of courtesy expressed or implied by this measure. In the Electoral Districts Act Section 10 states that the State may be wholly or partially re-divided into electoral districts by the commissioners when ever directed by the Governor by proclamation. Then it goes on to say that such proclamation shall be issued on a resolution being passed by the Legislative Assembly. I appreciate the point raised by the member for North-East Fremantle. I recognise that there are certain conventions to be observed with respect to the representatives of His Majesty, but I do not think any real difficulty would arise through the use of these words.

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

No. 5—Clause 9: New Section 26B, page 10—Delete the words “or attempt or prepare to dispose” in line 13.

The MINISTER FOR LANDS: I move—
That the amendment be agreed to.

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

No. 6—Clause 9: New Section 26B, page 10—Delete the word “business” in lines 13 and 14, and substitute the word “license.”

The MINISTER FOR LANDS: I move—
That the amendment be agreed to.

Hon. J. T. Tonkin: Are we to have no explanation?

The MINISTER FOR LANDS: The explanation is that though we refer to a business, the license is the most important part of the business of a milk vendor or producer, and that is what we really mean. In many instances a business is absolutely no good without a license.

Hon. J. T. Tonkin: How could you dispose of half a license, which would be the effect if the Council's amendment were agreed to? It is just nonsense.

The MINISTER FOR LANDS: That is the point. A license may be held under partnership. One partner might desire to dispose of his share. Would not that be possible? I have known of a license to be sold, and the dairyman has been left with his cows and milk but without any license to dispose of that commodity.

Hon. J. T. Tonkin: Could a person in charge of a licensed treatment plant dispose of it to someone else without a license?

The MINISTER FOR LANDS: I suppose he could.

Hon. J. T. Tonkin: Well, he could not do so.

The MINISTER FOR LANDS: No; I suppose it would be the premises that would be licensed.

Hon. J. T. TONKIN: Of course, the premises are licensed. How could part of the license of a licensed treatment plant be disposed of? This is just too stupid. I know what is in the mind of another place regarding this matter. Those who sponsored this amendment want to leave a man free to dispose of his business and

that only control over his milk license shall be retained. That cannot be done, because it will not work. The intention of the Bill is to prevent a person who owns a licensed treatment plant from selling it to someone else. The board wants a say in the matter to prevent a certain line of action. When I discussed the Bill during the second reading stage, I pointed out that it all depended how the board viewed the matter whether it was good or bad.

If the board desired to set up a monopoly, this power would permit it to do so. It could decline to agree to the transfer of any license or business unless the transaction was in accordance with its desire. If the board wanted to set up a monopoly, it could refuse to sanction a proposed transaction that did not tend in that direction. As a matter of fact, it is necessary that the board should have control so as to prevent the creation of a monopoly, signs of the growth of which are already apparent. If the Council's amendment is agreed to, it will be the license only that will be controlled, and that would be unworkable. We must control both the license and the business. To agree to the amendment would make the position futile.

The MINISTER FOR HOUSING: I think the member for North-East Fremantle has drawn attention to a drafting error, because the Legislative Council has left in the clause the words “or any part of it”. Without assuming any authority or claiming personal knowledge, I should say that the Legislative Council has aimed at getting at the crux of the matter in connection with licenses. It is like hotel licenses. The license carries the value and is the crux of the whole situation. The Legislative Council has attempted to put its finger on the real position in providing for no dealings in licenses without the consent of the board. I cannot imagine a person buying a business without a license. So far from weakening the intention of the Bill, apart from the verbal correction I have mentioned, I am disposed to think that the clause would be more effective as amended, than it is at present.

The MINISTER FOR LANDS: This is what I have had in mind all through. If there is any objection I have to the Milk Act, it is with regard to the premiums that have been paid on licenses. The member for North-East Fremantle suggested that a

person who purchased a treatment plant would be in a position to demand a license. If the board considered he was not a suitable person, he would not get the license. There has been too much trafficking in licenses and the situation has become almost as bad as the dealings in hotel licenses.

The Minister for Education: It is getting towards that.

The MINISTER FOR LANDS: I am prepared to move an amendment on the amendment as suggested by the Minister for Housing.

The CHAIRMAN: The Minister cannot do that. He will have to get someone else to do so.

Hon. J. T. TONKIN: I do not see why I should worry about this matter if the Government is determined to get into a mess. After I have said what I now propose to state, I shall let the Government do what it pleases. These licenses have a currency of only 12 months.

The Minister for Housing: That applies to liquor licenses.

The Minister for Education: They are all for 12 months.

Hon. J. T. TONKIN: Does the Minister intend to have control over what persons or places shall be licensed from time to time? I think that is the purpose of the amendment.

The Minister for Lands: Yes.

Hon. J. T. TONKIN: That being so, what control would remain if the Legislative Council's amendment were agreed to and it applied only to licenses? If a license has a currency of 12 months, a person with a licensed treatment plant or dairy that he desires to sell, could dispose of it the day before the license ran out. He could sell his property and, having done so, would not apply for a renewal of the license. The purchaser would have to go to the board and apply for a license.

The Minister for Education: Yes, in the same way as a hotel licensee. The principle is the same.

Hon. E. H. H. Hall: Would not the vendor have to obtain the permission of the board?

Hon. J. T. TONKIN: Not if the amendment is agreed to.

The Minister for Education: He would make a heavy loss on the sale of his business without the license.

Hon. J. T. TONKIN: No. It costs a large sum of money to install a treatment plant. How could it be possible for the board to withhold a license from the purchaser? Suppose Pascomi sold its business on the day the license expired, could the board refuse to give the purchaser a license?

The Minister for Education: Yes.

Hon. J. T. TONKIN: No, the board would not permit a dislocation of the distribution of milk in the metropolitan area.

The MINISTER FOR HOUSING: I am interested in the ingenious argument of the member for North-East Fremantle. I am disposed to think that if the vendor did what the hon. member suggests, he would not come within the prohibition of the Act any more than would McLean's or Sandovers if they sold a treatment plant. I move—

That the amendment be amended by inserting after the word "business" the words "or any part of it."

Amendment on amendment put and passed.

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

No. 7—Clause 9: New section 26B, page 10—Delete the words "or attempt or prepare to acquire" in line 17 and 18.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

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

No. 8—Clause 9: New section 26B, page 10—Substitute the word "license" for the word "business" where it appears in line 18.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

The MINISTER FOR HOUSING: I move—

That the amendment be amended by inserting after the word "business" the words "or part of any business."

Amendment put and passed.

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

No. 9—Clause 9: New Section 26B, page 10—In Subsection (3), delete the words "and the determination of the Board shall be final and conclusive" in lines 24 to 26.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

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

No. 10—Clause 9: New Section 26B, page 10—Insert a further subsection after Subsection (3) as follows:—

(4) (a) In any case where the Board refuses its consent under this section there shall be an appeal to the Minister within the prescribed time and manner.

(b) On the hearing of any such appeal the Minister may make such order as he thinks just.

The MINISTER FOR LANDS: This will give the dairyman or the person concerned the right to appeal to the Minister. I move—

That the amendment be agreed to.

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

No. 11—New clause: Insert a new clause after Clause 4, to stand as Clause 5, as follows:—

5. Section thirteen of the principal Act is amended by adding at the end of the section the words "or becomes incapable of carrying out his duties."

The MINISTER FOR LANDS: This amendment was considered necessary as it was thought there would not be sufficient power to dispose of the services of the chairman if he became incapable of carrying out his duties. I move—

That the amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of the Minister for Housing, Hon. J. T. Tonkin and the Minister for Lands drew up reasons for not agreeing to Council's amendment No. 1.

Reasons adopted and a message accordingly returned to the Council.

BILLS (2)—RETURNED.

1, Coal Mine Workers (Pensions) Act Amendment.

Without amendment.

2, Wheat Industry Stabilisation.

With amendments.

BILL—MARKETING OF APPLES AND PEARS.

Read a third time and transmitted to the Council.

BILL—CITY OF FREMANTLE (FREE LITERARY INSTITUTE).

Second Reading.

HON. J. B. SLEEMAN (Fremantle) [4.35] in moving the second reading said: The Bill provides for the taking over by the Fremantle City Council of the present Fremantle Literary Institute and Library. For many years the institute has been battling along under great financial and other difficulties. The estimated cost of acquisition is as follows:—

	£
Liability to the Commonwealth Bank	1,550
Loan	200
Alterations to building	1,000

The City Council is quite prepared to assume those liabilities in order to provide a free library for the people of Fremantle. The Bill provides that the land and all other assets of the Fremantle Literary Institute shall be vested in the City of Fremantle; that the City of Fremantle shall hold the land and assets freed and discharged from all trusts affecting the same; the City of Fremantle shall take over and hold the said land and assets upon the terms and subject to the conditions contained in an indenture dated the 18th November, 1948; the council shall discharge all of the debts and liabilities of the institute and shall indemnify the institute and the trustees and subscribers in respect thereof; the council may use and deal with the premises as it deems fit. The council may make bylaws, in addition to the purposes provided by Part VIII of the principal Act, for the following purposes:—

1. The conduct of the Literary Institute and Library.

2. Regulating the use of the same and of the contents thereof, and for protecting the same and the fittings, furniture and contents thereof from injury, destruction or misuse.

3. Requiring from any member or person using the same any deposit, guarantee or security against the loss of or injury to any book or other article.

The following persons shall be eligible as members of the Literary Institute and Library:—

1. All ratepayers of the council.
2. All employees of ratepayers of the council.
3. All persons who at any time during a period of two years prior to the passing of the Act have been subscribers to the institute and have not previously been expelled by the institute.

4. Any other person or class of persons as determined by the council.

No charge shall be made to a member for admission to the Literary Institute or Library except as provided in Section 12 of the Act, but the council, if it thinks fit, may grant the use of the facilities of the Literary Institute and Library to persons not members, either gratuitously or for payment. Any other local authority may from time to time become a contributor to the upkeep of the Literary Institute and Library.

Mr. SPEAKER: Order! Is the hon. member reading the clauses as printed, or a description of the Bill?

Hon. J. B. SLEEMAN: This is a description of the Bill. The City Council sent the following letter to other local authorities:—

This council have recently adopted in principle the establishment of a free lending library in accordance with the proposals attached hereto.

The terms and conditions as set out have been endorsed by the Fremantle Literary Institute and the preliminary steps are being taken in regard to legal and legislative action necessary to permit the acquisition of the Fremantle Literary Institute.

It has been suggested that the local authorities adjoining Fremantle, namely, North Fremantle Municipal Council, East Fremantle Municipal Council, Melville Road Board and Fremantle Road Board, may desire to join with Fremantle City Council in this scheme and I have been directed to invite you to participate in the establishment of this library scheme on a financial basis to be mutually agreed upon.

I will be pleased to receive your advice regarding your reaction to the proposal.

Replies were received, and I shall read the last paragraph in each case. The first is from the Melville Road Board, as follows:—

Accordingly, it was considered that the possible expense to the board in view of their already heavy commitments in connection with road construction would not justify their participating in the proposal.

The next is from the East Fremantle Municipality—

This communication was considered by the council at its meeting held last evening, and as a result the matter has been referred to its Finance Committee for consideration and they have been empowered to appoint delegates to attend the proposed conference, when, it is understood, the whole scheme will be discussed.

The Fremantle District Road Board wrote:—

Should a conference be convened it would be appreciated if you would forward notices to Mr. A. Berry, of Spearwood, and Mr. A. Mayor, also of Spearwood.

From the North Fremantle Municipality we received the following:—

Your letter was read and discussed at the last meeting of my council but it was resolved not to take any action as it is considered that the library at present being operated by my council meets the needs of the North Fremantle citizens.

It will be seen that not one of the other local authorities is prepared to come in at the present time. The Fremantle City Council, however, is quite willing to take over the Literary Institute and carry it on as a free library. I move—

That the Bill be now read a second time.

THE MINISTER FOR EDUCATION

(Hon. A. F. Watts—Katanning) [4.40]: I have had a good look at the Bill and I regard it as a most commendable measure. From what I can understand, had the Fremantle City Council not undertaken this responsibility there was considerable doubt as to whether the Literary Institute would have continued. In the circumstances I feel that, however good the work of the Literary Institute in the past, there is likely to be an opportunity for improvement as a result of control by the Fremantle City Council. We ought to be pleased with the proposals in the Bill in relation to membership, and the agreement which has been made between the Literary Institute and the City Council, a copy of which is set out in the schedule to the measure. It indicates that complete agreement has been arrived at. The members of the Literary Institute's staff have been guaranteed to be retained on no worse terms than they have enjoyed from the institute, and proper provision has been made for the safeguarding of the transfer and the taking over of the liabilities, and for ensuring that the proper financial provision shall be made by the Fremantle City Council.

The taking over of the liabilities and the expansion of the institute can only be done with the approval of the Government under the Municipal Corporations Act. The provision is also made for the co-operation of the adjoining local authorities, if that should be desired by them. At present it is quite clear it is not. It cannot be said, therefore, that there is any intention on the part of the Fremantle City Council to prevent the application of such benefits as may be available to the people of Fremantle under this Bill and to the institute being available to citizens of the adjoining local authorities. The Legislative Council has passed the Bill, and it now remains for us to decide whether we shall agree to it. I can see no reason why we should not. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time, and passed.

BILL—PHARMACY AND POISONS ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

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

Long Title—Substitute the words "Poisons Act" for the words "Poison Acts."

The MINISTER FOR HEALTH: 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.

BILL—HEALTH ACT AMENDMENT (No. 3).

Second Reading.

Debate resumed from the 15th November.

MR. STYANTS (Kalgoorlie) [5.52]: The main provisions of this Bill lie in the direction of altering the jurisdiction of local governing bodies over health matters. As the measure refers to municipalities, I have been requested by the Kalgoorlie Municipality to offer strenuous opposition to it. Members representing road districts will probably find much in the measure to object to. I have discussed the matter with the Minister, who has assured me that he does not intend to proceed with the portion of the Bill that would take from municipalities the control of health in their districts and place it under what is mentioned in the Bill as a regional health board.

The Minister for Health: That is correct.

Mr. STYANTS: Accepting the Minister's assurance, I will not further discuss those provisions. The other provisions of the Bill are, generally, commendable. Most of them deal with minor matters, such as giving local governing bodies power to dispose of pig-swill, which some of them have done for a long time, although there does not seem to be statutory authority for it. There is on the notice paper an amendment by the Minister that will be much more elaborate than what is proposed in the Bill. I have no objection to it. The Bill also provides power for local health authorities to prohibit the use of damaged utensils, such as cups, plates, etc. I think the power should go further, because it is generally recognised that the use of cracked cups or plates is distinctly dangerous from a health point of view. If the provision remains as it appears in the Bill and the health authority is simply given power to prohibit the use of damaged vessels, it may happen that the health officer will go to a restaurant or eating-house and instruct the management to withdraw certain damaged property from use, and they will do that, perhaps for a few days. Then the prohibited ware will probably find its way back into use.

When the Bill is in the Committee stage, I will move an amendment to give the health authority power to confiscate any damaged vessels found in use. The health officer will then be sure that the damaged crockery is not going to be used further. The Bill provides for the control of false claims as to the curative qualities of certain remedies. That is already provided for, with regard

to printed matter, but the Bill proposes to extend that control to broadcasting and screen advertising. Although such claims in printed form have been controlled in the past, I do not think there has been strict supervision in that regard, as many quack remedies are advertised in print and I cannot remember the proprietors or vendors of such medicines having been proceeded against by the health authority. The member for Victoria Park, who is highly qualified in this regard, drew the attention of the House to the fact that there are on the market a number of patent medicines—some at very high prices—that are not worth the containers in which they are sold. I hope that when the health authorities are given these extended powers they will not only supervise the advertising of such remedies strictly, but will also take up with the vendors of certain medicines the matter of their printed claims.

It might also be necessary for the price control authorities to inquire whether reasonable prices are being charged for certain patent medicines. I have in mind one that costs £1. 1s. for a small bottle. According to the opinion of many pharmacists in this State, it is worth nothing like £1. 1s., and perhaps nothing at all, for its remedial qualities. I think the Minister should have an investigation made not only into the remedial powers of certain medicines but also as to whether, in the event of their possessing any such qualities, the prices being charged are fair and reasonable. A better method could have been adopted in the Bill for the releasing of penicillin for use by stockowners to deal with complaints such as mastitis. It seems to me that the whole of the schedule of dangerous drugs that cannot be purchased except on a doctor's prescription is to be thrown open for the purpose of releasing penicillin. A better method might have been to exclude penicillin from the list of those drugs and it would not have thrown the whole of the schedule open, as I think the proposal in the Bill will do.

There is also provision in the Bill that midwives in attending confinement cases where there is a premature or fulltime birth, have to notify the health authorities. In the Health Act it is already provided that with a stillborn child or an abortion the midwife must make a report to the Health

Department, and the proposal now is to make it obligatory on the midwife to report in cases of premature or fulltime births. From my reading of the Bill it appears that the only object is, in the event of epidemics occurring, to endeavour to promote research to ascertain what exactly is the cause of them. There is a clause in the Bill that these provisions shall only apply, during the period of the proclamation by the Governor, to the areas concerned.

It would appear that the intention is to deal with the matter in a general way and to try to discover by research the cause of the premature or stillborn birth and endeavour, in the interests of the community, to avoid a repetition. That intention is quite good. It might provide, however, an extremely fertile field for investigation agents dealing with matrimonial offences. Provision should be made to ensure that any of these reports when made to the Commissioner shall be strictly confidential. I can easily imagine that where the pregnancy has taken place as the result of domestic infelicity there would be reluctance on the part of the woman even to call in a midwife to attend her, and she probably would get some unskilled woman to care for her because she feared that the information might be divulged and make her liable to divorce proceedings. Therefore, I hope that when such information is supplied it will be of a strictly confidential nature.

There is one portion of the Bill on which I would like the Minister to advise the House, and that is the proposal that the Governor may make regulations requiring persons in prescribed industries to submit themselves to periodical examinations at the times and in the manner prescribed. I would like the Minister to let the House know whether this is a subtle method or a method that might be described as a "backdoor one" to make the ladies of easy virtue in Ropstreet present themselves for examination.

The Minister for Health: It is hardly an industry.

Mr. STYANTS: I have heard it said that it is the oldest profession in the world, but I do not know whether it is a profession or an industry. We have to remember that in some States of Australia, one State to my knowledge, Queensland, these unfortunate women who follow this profession or

occupation are called upon to submit themselves regularly for examination. I believe that if this provision in the Bill is inserted in the Act it certainly will give authority to call upon these women to present themselves for examination. With the exception of those clauses which the Minister assures me he will not proceed with, so far as the municipal and road boards forming regional health areas are concerned, the other proposals in the Bill are quite desirable, and I intend to support them with an amendment in regard to the power given to a health officer concerning damaged property. I desire that the officers be given power not only to prohibit the use of damaged crockery, but to confiscate it to ensure that it will not continue to be used.

THE MINISTER FOR EDUCATION

(Hon. A. F. Watts—Katanning) [6.8]: In reference to the Bill and on behalf of the Premier, who is otherwise engaged on another Bill, I desire to make a statement for the information of the House. Representations have been made to the Government by local authorities in respect of the Health Act Amendment Bill No. 3, to the effect that the portion of the Bill dealing with regional health districts should be allowed to stand over until next session in order that the matter may be further discussed with local authorities and the proposals explained to them before consideration is given by Parliament to them.

The Government has given this suggestion consideration. It is proposed that legislation consolidating local government law should be considered by Parliament next year and it has been suggested that it would be better if both propositions were dealt with at the same time. The Government feels that this is the best course to pursue and accordingly will ask members, when in Committee on the Bill, to delete the clauses referring to regional health districts. It is not considered desirable to withdraw the remainder of the Bill because it contains provisions which are of great importance in regard to public health, among them being matters affecting the distribution of penicillin and the effective handling of pig swill and other details. I have to make this statement to the House at this stage so that members might be informed of the Government's ideas on the subject, and if they are in agreement on

that point of view it may enable them to refrain from discussing those particular clauses of the Bill at any great length.

MR. LESLIE (Mt. Marshall) [6.10]: I greatly appreciate the announcement made by the Minister for Education which has achieved its objective. It was my intention to vote against the Bill and convince the House to do so by giving a somewhat lengthy dissertation upon it. I doubt whether one can remember—I cannot, anyhow—a proposal submitted by any Government in recent times which has aroused a greater storm of protest from responsible bodies than the proposal now under review. There is no actual opposition to the appointment of the board, but the fact that it is being done without any indication whatsoever to the road boards as to what the proposal would involve has aroused the opposition to it. The local authorities are desirous of knowing where the regions are to be, how many road boards are to be involved; the financial aspects and so forth.

Local governing bodies, and by that I mean road boards, are prepared to be reasonable with the Commissioner of Public Health. They realise that they have a duty to perform to the public of the State and they are prepared to meet him. On the other hand, they suggest that the Commissioner should be prepared to meet them and assist them in the problems which are peculiar to their circumstances. I am indeed glad to hear that the Government has decided not to proceed with the clauses in question, and before any move is made these questions must be fully discussed in a reasonable manner with the local authorities. After hearing the Minister's explanation I am prepared to support the Bill, but there are some other points I will raise in Committee.

THE MINISTER FOR HEALTH (Hon.

A. V. R. Abbott—North Perth—in reply) [6.12]: I was asked to reply to one question raised by the member for Kalgoorlie relating to the clause dealing with industrial diseases. There is no thought in the suggestion put forward by him.

Mr. Leslie: Is it an industrial disease?

THE MINISTER FOR HEALTH: As a matter of fact, any such conduct would be

entirely outside the law of Western Australia.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Repeal of and Substitution of Section 18:

The MINISTER FOR HEALTH: As pointed out by the Minister for Education it is desired to delete this clause and a number of clauses following.

Clause put and negatived.

Clauses 5 to 11—put and negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 12—Amendment of Section 133:

The MINISTER FOR HEALTH: If pig swill is to be controlled, further powers are required on account of the risk of swine fever. I move an amendment—

That paragraph (a) be struck out and the following inserted in lieu:—

(34A) Regulating the collection and disposal of pig swill, providing for the annual registration of collectors of pig swill, prescribing the conditions of and fees for registration, prohibiting any unregistered person from undertaking such collection or from disposing of pig swill, prescribing the mode, means and hours of collection, and compelling notification to the local authority of the premises from which a collector has contracted to collect pig swill.

Amendment put and passed.

Mr. STYANTS: Paragraph (47a) empowers a local authority to make regulations prohibiting the use of damaged crockery or glass for serving food for reward. The power of confiscation should be included; otherwise a restaurant proprietor might merely withdraw damaged crockery temporarily and use it again later. I move an amendment—

That after the word "of" in line 1 of paragraph (47a) the words "and confiscation of" be inserted.

The MINISTER FOR HEALTH: To concede such power would be rather drastic. The existing bylaw is fairly strong in that offenders may be fined for using cracked crockery. However, I have no very strong feeling about the amendment.

Mr. MARSHALL: I cannot support the amendment. Some of the bylaws made under the Act of 1944 were given retrospective effect, which was very dangerous. This would be a drastic power to give to a health authority. There is already a penalty for any breach, and that should afford a safeguard. Inspectors are particularly severe in that they condemn a cup if it has only the slightest chip out of it. In these days when labour is indifferent, employees are not careful with other people's property and if corrected for carelessness, they walk out. On this account, cafe proprietors are having a bad time, and their replacement costs are very heavy. Such costs in the long run have to be paid for by the public.

Mr. READ: I support the amendment, having had some experience of the inspection of these places and knowing the difficulties under which the inspectors are labouring. They have power to insist that these cracked vessels are not used; but a week or so after their visit, on making another inspection they find that the same vessels are being utilised. New assistants take them from where they have been put and use them, and they are also brought forward in a rush period. It is all very well for the member for Murchison to stress the disabilities of restaurant proprietors, but we are dealing with the health of the people and with the danger of using vessels the cracks in which provide lodgment for bacteria.

Mr. STYANTS: Dealing with the Minister's objection that confiscation is much more severe than prohibition, I cannot see that there is much difference. If an inspector prohibits the use of these vessels, that prevents the proprietor from getting any benefit from them. But it is much safer to give the health authority power to confiscate them and it is a surer method of preventing their employment. The member for Murchison said that these things might be used for storage purposes. With such vessels as basins that might be done, but saturation point would soon be reached in that regard with cracked cups, saucers and plates. It would also be equally objectionable to use these cracked articles in private homes, especially when as many as a dozen people may be living in a five-roomed home.

Mr. MARSHALL: I want the Committee to understand that the word "vessel" is used. If reference were made merely to cups, saucers and plates I would not mind. But why should an owner not be able to use for other purposes an enamel dish or earthenware basin? It is ridiculous to say that a minute crack in one of these vessels would contaminate anybody. When have we witnessed an epidemic caused in this way? There is power already to prosecute these cafe proprietors, even to the extent of cancelling their licenses, and that power has been used. What greater authority does the member for Victoria Park want? We need to control these places, but there is a limit to the power that should be given. I do not know that any particular concern is shown about chipped beer glasses or about several people drinking out of the same bottle; and I think that some attention could be given to enlarging certain chemist shops in which it is not possible to swing a cat. These are matters that should be attended to before we insert provisions like this in a measure.

Mr. MANN: I support the amendment, but I think that Government instrumentalities making use of chipped and broken eating and drinking vessels should be dealt with the same as private concerns. At the Chidlow refreshment rooms there are enormous chips in the crockery and there is no method of sterilisation; and that applies to other Railway Department property. It is preposterous to exercise control over private individuals and exempt Government instrumentalities.

Mr. SHEARN: I desire to move an amendment to the amendment by deleting the words "vessels, whether" in proposed new paragraph (47a).

The CHAIRMAN: I cannot accept such an amendment. It has nothing to do with that which is before the Chair. The hon. member may move it later.

Mr. READ: I want to disabuse the mind of the member for Murchison about the word "vessels." Admittedly a vessel may be a bowl or a bath-tub, but the paragraph indicates what particular vessels are to be dealt with under this measure.

Amendment put and negatived.

Mr. SHEARN: I move an amendment—

That in line 2 of proposed new paragraph (47a) the words "vessels, whether" be struck out.

The greatest potential danger to the public lies in vessels such as cups, plates and dishes.

Mr. STYANTS: I oppose this amendment. I would have had no objection to it had the Committee agreed to the previous amendment. But this amendment proposes to strike out the prohibition of certain vessels, and if it is agreed to it will take away the right of a health inspector to prohibit the use of a vessel that in his opinion is unfit for the purpose of serving up food.

The MINISTER FOR HEALTH: I cannot agree to the amendment as it will make the clause too limited. My reasons coincide with those of the member for Kalgoorlie.

Amendment put and negatived.

Mr. BRADY I move an amendment—

That the following paragraph be added to stand as paragraph (47d):—

Prescribing what matters and things shall be observed and done by persons to prevent house-flies or blowflies entering in on or about premises or vehicles where food is sold or kept.

Last evening I attended a road board meeting and while there a discussion arose about a milk vendor's vehicle which was found to be riddled with maggots. There was nothing the board could do to take action against that particular vendor.

The MINISTER FOR HEALTH: I cannot agree to the amendment as there is provision to cover that aspect in another part of the Act. There is certainly provision in the Act to deal with milk and dairy produce and its proper sale and distribution as well as power to deal with flies because they carry infection.

Mr. MARSHALL: What is the use of trying to cast a conscientious vote when I do not know what is proposed? The amendment may be one that is worthy of support. I cannot hear the Chairman unless he speaks up.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 13—agreed to.

Clause 14—Section 185A added:

Mr. MARSHALL: I want the Minister to explain the effect of this particular clause. There may be some urgent necessity for the provision, and I want to know what it is all about. If it is to make it

obligatory for an employee to lose time and wages as well as inconvenience his employer because of a compulsory law, then I intend to have something to say about it.

The MINISTER FOR HEALTH: This is to protect the health of the employee. Employees have for too long been permitted to carry on in industries where their health is likely to be jeopardised without any examination or any care and attention. On some occasions certain such individuals have refused to be examined. There are such industries as the manufacture of paint where dust is very prevalent, as well as flax mills, chemical works, cement works and a number of others. It is entirely in the interests of the employees and to ensure that they are looked after if they are employed in industries where there is a risk to their health.

Mr. MARSHALL: What industries has the Minister in mind?

The Minister for Health: I haven't any particular industry in mind.

Mr. MARSHALL: That is the point. If an employee in a certain industry is compulsorily examined under this provision and found to be suffering from some complaint, what will be the result if the employee is forced to forfeit his employment? Will he get compensation, or will he be left high and dry? He may not be any danger to the public at all and he may be working in an industry where there is no danger of spreading his complaint.

The Minister for Health: Would it not be better to warn him?

Mr. MARSHALL: This will impose a hardship upon a minute section of the community only. The Minister does not seem to have named any industries that might be affected.

The Minister for Health: I have named several.

Mr. MARSHALL: All I heard the Minister mention was "dust" and "cement works." Some of these individuals are covered by the Third Schedule and the Mining Act. Why is such a provision in the Health Act? I want to know from the Minister whether there is any means of compensating these people if they are forced to leave their employment after these medical examinations.

Mr. BRADY: I hope the Minister will retain the clause, which is a very desirable one. I have often sought to have a similar provision included in the Health Act to cover new industries that will be established, as well as those at present in operation. At the moment, the trouble is that some men are paying with their lives, whereas they should be taken from industry and be paid compensation because their health has been detrimentally affected. Such industries should be investigated and the men clinically examined. If it were proved that their health had been detrimentally affected, they should receive compensation.

Mr. Marshall: But that could not be done under this legislation.

Mr. BRADY: Let us first establish which industries are dangerous, and we cannot do that under the present system.

Mr. MARSHALL: It would be tragic if the attitude of the member for Guildford-Midland should receive support. The effect would be to cast employees on to the industrial scrap-heap without any compensation.

Mr. Brady: That is happening now.

Mr. MARSHALL: They should be brought within the scope of the Third Schedule of the Workers' Compensation Act.

Mr. Brady: Let us bring them in afterwards.

Mr. MARSHALL: They will get no compensation under this measure.

Mr. LESLIE: There is something behind this clause. It will not achieve what the member for Guildford-Midland desires, but the effect will be rather as the member for Murchison has indicated. It will exclude from the benefits of workers' compensation men who are suffering as a result of the hazards of particular industries. If the intention is that the Commissioner of Public Health should have the power—this is what I think is behind it—to go to an establishment under the impression that someone there is suffering from an ailment likely to be communicated to others, in consequence of which he will make that establishment a prescribed industry, and all the employees will then be subject to examination as directed.

The Minister for Health: Nothing of the sort.

Mr. LESLIE: If that is so, there is no justification for the provision at all. I agree entirely with the member for Murchison. This provision would enable the health authorities to inform an employer that the health of one of his employees was such that it was likely the other employees would be affected, and the employer could put the man off without any compensation at all. That is where the principle is wrong. This is regimentation of the worst possible type.

The MINISTER FOR HEALTH: For too long have men been allowed to work in industry without any intimation as to the injury likely to be done to their health in consequence of their employment. Public health conscience today holds the view that investigations should take place in connection with industries to ascertain which are injurious to the health of the employees, and then to determine the steps necessary to remedy the position. That is the purpose of the clause.

Hon. E. Nulsen: What would happen to the individual worker who suffered in consequence?

The MINISTER FOR HEALTH: Is it not better that he should be notified of his condition and be advised to take a job elsewhere, rather than that he should remain in ignorance? Should not the conditions in the industry be investigated so that it could be determined whether the use of injurious substances could be done away with or used only under direction? We have a conscientious Commissioner of Public Health who wants to investigate industrial diseases and, after the investigations are carried out, to take steps to deal with the position.

Hon. A. H. PANTON: I think this proposal originated with the Painters' Union. When I was Minister for Health in 1945, that union started out to ascertain exactly what was the effect of paint spraying, the use of lead in paint, and so forth. They invited me to get the Commissioner of Public Health to participate in the inquiries and to have the whole of the employees in the industry examined for the purpose of ascertaining what damage was being done. I approve of that sort of thing, and I certainly do not agree with the views of the member for Murchison. The sooner we find out the effect of industries upon the health of the employees, the better it will be.

The next step would be to bring those adversely affected under the appropriate schedule of the Workers' Compensation Act. If a man is found to be suffering from the effects of the industry in which he is employed, surely it is better that he should be told to get out and work somewhere else rather than be allowed to stay there until he dies. That is what happened in the mining industry in the early days. With the advance of science and its application to industry we do not know what harm is being done to the health of employees, and the Commissioner of Public Health is justified in trying to find out.

Hon. E. H. H. HALL: Prevention is better than cure. The object of the Commissioner of Public Health is apparently to make inquiries regarding industry with a view to the adoption of preventive measures to protect the health of the employees. The Bill does not make that clear.

Mr. BRADY: Recently I took a deputation to the Commissioner of Public Health and six men from half a dozen different industries, all within 15 miles of the G.P.O. told him that their work was detrimental to their health. They displayed samples of their work, indicated the general practices adopted in their respective industries and urged that the Commissioner should inquire into the position in order to determine whether or not their industrial conditions were detrimental. The point is that unless an inquiry is made these men will not be aware that they have contracted a disease until it is too late to cure it. That is undesirable. No fewer than six new chemical industries have been commenced in this State in recent years, at Chandler, Wundowie, Middle Swan, Bassendean and Welshpool. These industries are dealing with various kinds of chemicals and crushed minerals, some of which have never been treated in the State before. Prevention is better than cure. Some men discover that their health is deteriorating and leave the industry; but others remain in the industry and succumb to the disease. I heard a doctor, a member of another place, say that he had seen men working with chemicals which he knew would be detrimental to their health. The workers should have the benefit of this clause.

Clause put and passed.

Clause 15—Amendment of Section 193:

Mr. STYANTS: This clause proposes to amend the parent Act by substituting 15 days for 30 days as the period when milk may not be used prior to the parturition of a cow. I was reared on a farm and such a short period was unheard of then. Thirty days might be reasonable. Will the Minister tell the Committee the reason for this alteration?

The MINISTER FOR HEALTH: I was informed by the Commissioner that there is a similar provision in another part of the Act and that this alteration is for the sake of conformity. Ten days after parturition is not too short a period.

Mr. Styants: But I am not talking about that.

The MINISTER FOR HEALTH: I am advised that 15 days is not unreasonable from a health point of view.

Mr. STYANTS: The Minister's explanation does not convince me. Unless he can tell the Committee upon whose authority this long-standing provision for 30 days is being altered, I shall vote against the clause and I hope the remainder of the Committee will do likewise.

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

Ayes	19
Noes	22

Majority against 3

AYES.

Mr. Abbott	Mr. McDonald
Mr. Ackland	Mr. McLarty
Mr. Bovell	Mr. Murray
Mrs. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. North
Mr. Doney	Mr. Seward
Mr. Grayden	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Leslie	Mr. Brand
Mr. Mann	

(Teller.)

NOES.

Mr. Brady	Mr. Nulsen
Mr. Coverley	Mr. Oliver
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Read
Mr. Hall	Mr. Reynolds
Mr. Hawke	Mr. Shearn
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Smith
Mr. Kelly	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Rodoreda

(Teller.)

Clause thus negatived.

Clauses 16 and 17—agreed to.

Clause 18—Amendment of Section 225:

Mr. MARSHALL: Would the Minister explain the type of infant's bottle the manufacture of which he desires to be prohibited?

The MINISTER FOR HEALTH: It is the type of bottle with a long tube that was in use many years ago.

Clause put and passed.

Clause 19—Amendment of Section 228:

The MINISTER FOR HEALTH: I move an amendment—

That in line 2 of paragraph (b) the word "disinfecting" be struck out and the word "disinfesting" inserted in lieu.

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

Clause 20—agreed to.

Clause 21—Amendment of Section 314:

Mr. LESLIE: Would the Minister justify this clause? The Act requires a midwife to register every birth whether the child is alive, stillborn or an abortion. The provision in the Bill is to include notification of whether the birth was premature or full term. I want to know why this is necessary. The member for Kalgoorlie pointed out the danger that would arise if the information got outside of the department to which it was sent.

Hon. A. H. Panton: It looks as if it is required for statistical purposes.

Mr. LESLIE: Yes. I do not think that is justified.

The MINISTER FOR HEALTH: In this matter the desire is to improve the health of the community, and that can only be done by investigating cases of ill-health. We want to remedy the number of premature and still births. The Commonwealth research section is desirous of securing uniformity in all States. Australia has not a very good record in this respect, and we desire to improve it. Our deaths in connection with childbirth are not so low as not to warrant some research in the matter. We investigated abortion in cows, found the cause and remedied the trouble. We want to improve our preventive health effort.

Mr. LESLIE: It is of no use the Minister telling me about what has been done in connection with abortion in cows. Women do not go out in paddocks to give birth to babies. The circumstances are entirely different.

The Minister for Health: They suffer from the same disease.

Mr. LESLIE: That is news to me. Most women are attended by a doctor. This appears to be a vote of no confidence in the medical fraternity. If a doctor is any good, he can discover the cause of a still-birth or an abortion.

The Minister for Health: We want the matter reported.

Hon. A. R. G. Hawke: This wrangling between the Liberal Party and the Country and Democratic League is unbecoming.

Mr. LESLIE: What is the good of reporting a premature birth in the case of a living child? The average woman would say she was against it. Further on we provide that the Commissioner of Public Health shall have the right to order a postmortem on a stillborn child. I want reasons for that, too. The birth of a stillborn child is bad enough for the average woman without the knowledge that it is to be mutilated for research purposes.

The Minister for Health: How are we going to progress?

Mr. LESLIE: The Minister is confirming what I have said, that we have no confidence in the doctors. If the Minister would exclude the information in connection with a living child I would be quite happy. The doctor can give the necessary information in connection with a stillborn child.

The MINISTER FOR HEALTH: The member for Mt. Marshall has misunderstood the position. The Act provides that there shall be reported by the midwife every case attended by her, whether living, stillborn or abortion. All the amendment seeks to do is to say that a report must be made, whether it is a premature or a fulltime birth.

Mr. STYANTS: It appears that the Minister has not been fully advised as to the reasons for this provision. He says this is to be nation-wide. It is quite evident that he has not read the Bill, because it refers to a district or part of a district being proclaimed at the discretion of the Governor. The provision seems to be included to cover something more in the nature of an epidemic. The Governor is also empowered to lift the provisions of this clause if and when he thinks fit. The Minister said he

has ample confidence in the doctors attending these cases, but that is not borne out here. The Bill provides that a doctor attending these cases has to report if there is an abortion, a stillbirth or a premature birth. Further on there is provision for the Commissioner of Public Health to authorise doctors to perform postmortem examinations so that in the case of a stillborn birth one of the doctors so authorised, and not the one who attended the mother at the time of the birth, would conduct the postmortem. It seems that the Minister does not know what is contained here.

The Minister for Health: I know exactly.

Mr. STYANTS: I refer the Minister to the provisions in paragraph (c). I do not think the matter is on a national or State-wide basis, because it is to apply only when the Governor proclaims that it shall apply to the whole or part of a district. The Governor also has the right to lift the application of the provision, when he thinks fit, from the whole or part of a district. I think there is some explanation other than that which the Minister has given.

The MINISTER FOR HEALTH: If there was an epidemic of some disease that caused still or premature births, an investigation could take place. Under the Health Act this State is divided into health districts, but it would not be possible to apply the provisions of this clause to certain districts that had not medical officers available. I would remind members that it was only after careful research that German measles was discovered to be responsible for the condition of spastic children. It is only by proper methods of investigation on broad lines that such research can be undertaken.

Mr. LESLIE: After listening to the Minister's explanation, I feel that the clause would provide only for legalised body-snatching for the purpose of research on the bodies of still-born children. I move an amendment—

That paragraph (b) be struck out.

The MINISTER FOR HEALTH: The intention is to investigate the causes of conditions such as that of spastic children—

Mr. Leslie: They already know the cause of that condition.

The MINISTER FOR HEALTH: How did they find it out?

Mr. Leslie: Not by turning still-born children into guinea pigs.

Amendment put and negatived.

Mr. BRADY: I move an amendment—

That in line 5 of paragraph (c) of proposed new Subsection (6) the word "every" be struck out, and the word "any" inserted in lieu.

I will later move to add at the end of the paragraph the words "provided the parents agree".

The MINISTER FOR HEALTH: I think this amendment could better be made to a later paragraph, as this one deals only with the appointment of medical officers. The amendment should be made to paragraph (e).

Mr. BRADY: Then I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR HEALTH: I move an amendment—

That in line 12 of paragraph (e) of proposed new Subsection (6) after the word "shall" the words "unless otherwise authorised or directed by the Commissioner" be inserted.

That would give the Commissioner some discretion in the matter.

Mr. MARSHALL: I support the amendment, but would ask the Committee to vote against the clause as then amended. I would have liked to see the whole of paragraph (e) struck out, as I do not think there is any justification for it. Now it is obligatory upon midwives and medical practitioners to notify the Commissioner of all births. What more does the Minister want? However, I support the amendment.

Amendment put and passed.

Mr. BRADY: I move an amendment—

That in line 12 of paragraph (a) of Subclause (6) after the word "Commissioner" the words "and consented to by the parents" be inserted.

The MINISTER FOR HEALTH: I cannot accept the amendment. This is an instance where no consent should be obtained from the parents. It should be left to the Commissioner to decide whether it is essential.

Mr. LESLIE: The amendment moved by the member for Guildford-Midland will

overcome my objection to the paragraph and I appeal to the Committee to pass it. Before a doctor can operate on a man even to save his life he must obtain that man's consent. It is not unreasonable that before a medical practitioner operates on a woman for a birth that he should obtain the consent of her parents.

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

Ayes	..	..	..	9
Noes	..	..	..	29

Majority, against .. 20

AYES.

Mr. Ackland	Mr. Marshall
Mr. Brady	Mr. May
Mr. Cornell	Mr. Nulken
Mr. Hogney	Mr. Rodoreda
Mr. Leslie	(Teller.)

NOES.

Mr. Abbott	Mr. Nimmo
Mr. Bovell	Mr. North
Mrs. Cardell-Oliver	Mr. Oliver
Mr. Coverley	Mr. Panton
Mr. Doney	Mr. Read
Mr. Graham	Mr. Reynolds
Mr. Grayden	Mr. Seward
Mr. Hall	Mr. Shearn
Mr. Hawke	Mr. Sleeman
Mr. Hill	Mr. Styants
Mr. Hoar	Mr. Tonkin
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Brand
Mr. Murray	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 22—Section 318A added:

Mr. STYANTS: This is a proposed new section which is concerning local authorities. Over the weekend I was approached by the Town Clerk of the Kalgoorlie municipality to ascertain from the Minister what is the meaning of this clause. It has been the practice of many local governing bodies to institute immunisation clinics but apparently they have had no statutory power to do so and this clause is to give them that power. The local authorities desire to know whether this is intended to relieve the Public Health Department from providing prophylactic treatment by way of serums and vaccines.

In such cases as whooping cough vaccine is sent to the local authority by the Public Health Department and by a certificate from a doctor a person can obtain that vaccine free, and the doctor, without any charge to the local authority, will perform the immunisation operation. Will that

practice be followed? The local authorities also want to know if there will be any compulsion. I realise the word "may" is used and I pointed out to the Kalgoorlie Town Clerk that that would relieve his municipality of any compulsion to provide these free immunisation services. If the Minister will assure me that these practices will continue the local authorities will have no objection to the clause.

The MINISTER FOR HEALTH: That entirely is the object. All the local authorities have assisted in these immunisation campaigns. Some of their funds have been used for that purpose and this clause is to authorise that to be done.

Clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, The West Australian Club (Private).
- 2, Builders' Registration Act Amendment.
- 3, Road Districts Act Amendment.
- 4, Friendly Societies Act Amendment.
- 5, McNess Housing Trust Act Amendment (No. 2).
- 6, Poultry Industry (Trust Fund).
- 7, Justices Act Amendment.
- 8, Foundation Day Observance (1949 Royal Visit).
- 9, Motor Vehicle (Third Party Insurance) Act Amendment.

BILLS (5)—RETURNED.

- 1, Trading Stamp.
- 2, Government Employees' Pensions.
- 3, Purchasers' Protection Act Amendment.

Without amendment.

- 4, Mining Act Amendment.
 - 5, Land Sales Control Act Amendment.
- With amendments.

BILL—MILK ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it did not insist upon its amendment No. 1 to which the Assembly had disagreed, and had agreed to the further amendments made by the Assembly to the Council's amendments Nos. 3, 6 and 8.

BILL—PARLIAMENTARY SUPERANNUATION.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [9.34] in moving the second reading said: I believe that every State Parliament in Australia, with the possible exception of Tasmania, has made provision of some kind for a superannuation fund for retiring or defeated members. The Bill is based on the recommendations of a committee representative of both Houses and of the various parties, which has submitted to the Government a scheme to provide superannuation benefits for members of Parliament and their dependants.

Under the measure it is proposed to supersede the existing legislation whereby members receive a lump sum payment from the Members of Parliament Fund by way of compensation for loss of membership, and to establish in lieu a system of pension benefits. Any rights which have accrued to members as contributors under the Members of Parliament Fund Act will not be disturbed, however, by the proposals now before the House.

The Bill provides that all members will be required to contribute at the rate of £48 a year to a fund to be known as the Parliamentary Superannuation Fund, which will be administered by five trustees comprising the Treasurer (or his deputy) as chairman and two members from each House. The Bill makes no provision for any contribution from State revenue. From the fund, payments will be made to ex-members or their dependants, who have qualified for pension benefits. To unqualified ex-members or their dependants,

will be refunded the amount of their contributions with interest as determined by the trustees.

Dealing with benefits, before any member may qualify for a pension upon retirement, he must have served for at least seven years in the Parliament of this State. Moreover, having ceased to be a member, he will not be entitled to a pension, unless he stands for re-election and is defeated, or satisfies the trustees that there are good and sufficient reasons why he should not seek re-election. The rate of pension is to be governed partly by length of parliamentary service and partly by the period of the member's contributions under the Members of Parliament Fund Act and the proposed legislation —

(a) Where the person has served as a member for not less than 14 years and the aggregate period of contribution is also not less than 14 years, a pension will be payable at the rate of £6 per week for 10 years and £3 per week for a period of 10 years thereafter.

(b) Where the period of service is not less than seven years, but less than 14 years and the member's contributions have covered a period of not less than seven years, a pension will be payable to the ex-member at the rate of £3 per week for 10 years.

Concessions are provided, however, in the case of persons who are members of Parliament at the commencement of the proposed legislation. Any such member who has served the requisite qualifying period, but whose period of contribution may ultimately prove to be less than 14 years or seven years, as the case may be, will be entitled to a pension at five-sixths of the relevant normal rate. In this connection, I would mention that it is a fairly general practice to provide concessional benefits to veteran joiners at the commencement of a new superannuation scheme.

As regards pensioners who have accrued rights under the Members of Parliament Fund Act, the Bill provides that they shall receive their lump sum payment in due course. It also provides, however, that the lump sum shall be regarded as in lieu of the pension until such time as it would be exhausted at the relevant pension rate. At the expiration of that time the pension will commence, but will be payable during the balance of the pension period only. I propose to move a small amendment in Committee to clarify that intention.

No person will be able to transfer his pension benefits. The Bill provides, however, that the widow or widower of an ex-member, who was married to the deceased before his loss of membership, shall be entitled to a proportion of his accrued pension benefit. Any dependent child or children under 16 years of age, who are the issue of such a marriage, shall be entitled to the benefit if there is no widow or widower. It is proposed to pay to these classes of beneficiaries a pension at half the rate for which the contributor had qualified, subject to the provision that, where a contributor dies while still a member, the pension to the dependant for the first five years shall be two-thirds of the relevant ex-member rate.

There will inevitably be cases where a member re-enters Parliament after receiving a pension or a refund of contributions with interest. Provision is made in the Bill to ensure that in such cases contributions and benefits or refunds will ultimately be the same as if the period of the member's service had been continuous. The Bill does not contemplate the payment of a pension to any ex-member who receives any payment from the Crown (whether in right of a State or the Commonwealth) at a rate in excess of £312 per annum.

In a small scheme of this character, it is impossible to make a satisfactory estimate of future commitments, which are likely to show substantial variations from time to time. In view of this, it has been considered expedient to provide for an actuarial investigation of the fund every five years. If the actuary reports that the benefits or the contributions should be varied, the decision as to what action shall be taken shall be made by Parliament. I move—

That the Bill be now read a second time.

MR. GRAHAM (East Perth) [9.44]: This Bill is the result of many months' work and research on the part of a non-party committee consisting of members of both Houses. It is a measure that is long overdue and I feel that it will be welcomed by the great majority of members. I appreciate that usually there is a certain amount of odium attached to a Government that initiates legislation for any advance in the conditions for members of Parliament, be it a matter of salary or anything else, and that it is easy for the Press and public to

indulge in unwarranted criticism, not only of the Government but also of members generally.

This is entirely a non-party Bill. Endeavours will be made by none of the political parties, nor, I am certain, by the Independents, to seek to make capital out of the fact that this measure has been introduced. As mentioned by the Premier, superannuation schemes have been introduced in many States of the Commonwealth, together with one covering the Commonwealth Parliament. In addition to that, two years ago a superannuation scheme for ex-members of Parliament was agreed to in New Zealand. It may appear to many who are looking for opportunities to criticise that there is something extra specially generous about the provisions of this measure; but I would point out that the maximum benefit available is a sum less than the present basic wage, and that in order to qualify for that amount a period of service exceeding 14 years is necessary.

The experience in Western Australia over the last 58 years has been that, of approximately 420 members, only 31 served for 14 years or more. That is the total number of ex-members, since the year 1890, who would have qualified for the full benefit. In certain instances that number would have to be reduced in respect of members who died while they were serving, and only 2/3rds of the pension would have been payable to their widows. Accordingly, it can be seen that the qualification is a stringent one so far as the maximum benefit is concerned. This Bill is necessary and long overdue, because, without going into detail, all of us are aware of the tragic circumstances of men who have for many years given of their best in service to this State, and who for one reason or another, have ceased to be members of Parliament, and at the conclusion of their terms have been practically penniless.

As a matter of fact, in the case of an ex-Premier of Western Australia it was necessary for a collection to be taken in the district he represented because he was entirely without income. The salaries or allowances paid to members of Parliament are not generous when one takes into account the obligations and calls that are made upon them, and more especially upon those who hold office in Parliament. It is shocking that that sort of thing should oc-

cur, and I commend the Government for having the courage to introduce this legislation. I say courage because it is so easy for critics to endeavour to make some sort of capital out of or belittle parliamentary institutions on account of such measures. But after all, who else but members of Parliament themselves can introduce legislation for a pension scheme?

This Bill will supply a long-felt need and will serve the interests of members for many years to come. Because there has been an all-Party committee deliberating this matter for four months; because there have been discussions in Party meeting rooms and a combined meeting of members several days ago; and because there have been many conferences and discussions between members themselves, I feel that the provisions of the measure are sufficiently well-known to require no reiteration or emphasis.

Mr. Marshall: I suggest it is a pretty costly proposition to us.

Mr. GRAHAM: Provision is made for an investigation by an actuary every five years to determine the nature of the fund and the matter of increasing or decreasing the benefits, or the contributions, as the case may be, as revealed by those investigations. Those steps will be taken, as provided in the Bill, only after a joint meeting of a majority of members of both Houses; so it is entirely in the hands of members as to what steps shall be taken if it is felt some adjustment of the scheme is required. With regard to our contributions, which are set at £48 a year, I want to make a comparison to indicate to the thoughtless public that we are not being unduly generous to ourselves. In Victoria for a benefit similar to ours, members are required to contribute only £26 per annum.

I want to express my appreciation to the Government for having introduced the legislation, and the appreciation of the members of the committee, of which I have the honour to be chairman, to Mr. Reid, the Under-Treasurer, and to Mr. Lancaster, the Research Officer, for their co-operation particularly in the latter stages when many investigations were necessary. I think it will be appreciated that the committee's work was fairly well done, since little amendment was needed to provide a reasonable scheme and to conform to the require-

ments of the Government. I emphasise that the Bill, at this stage, makes provision for no contribution by the taxpayers.

Some consideration will be given to that matter, perhaps, two Parliaments hence. The reason for that is that some members felt that all of us, in this Chamber at any rate, should report to our masters, the electors, before the Treasury was called upon to make a contribution. In any event, it is the intention—but probably we shall have to be guided by actuarial calculations—that the contribution on the part of the Government shall be limited, and I feel certain that when the amending Bill is introduced in two years' time, there will be no room for complaint or valid criticism by any reasonable person.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Premier in charge of the Bill.

Clauses 1 to 10—agreed to.

(Clause 11—Benefits and pensions:

The PREMIER: I move an amendment—

That the following words be added to Sub-clause (4) "but for the purpose of computing the period during which the pension shall be payable the pension shall be deemed to have been paid from the date on which it would have been paid had the person not received the benefit under Subsection (1) of this section."

I explained, when introducing the Bill, that this was to clarify the clause.

Mr. GRAHAM: This amendment conforms with the wishes of the committee, and I have pleasure in supporting it.

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

(Clause 12—Disqualification from benefit upon resignation, etc., without sufficient cause.

Mr. RODOREDA: I am not enamoured of the wording of the clause. A similar clause is already in the Act under which the current scheme operates, and one or two decisions have been given by the trustees that were not in accordance with the provisions of the Act nor the intention of Parliament when the measure was passed. I am not prepared to leave matters such as are outlined in this clause to the discretion of

the trustees, whose decision is final. We should be able to insert one or two reasons that admit of no dispute. We could specify, for instance, that a member who resigns from office shall not be entitled to any payment under the Act, unless in addition to qualifying in all other respects for such benefit, he satisfies the trustees that he has been defeated in a pre-selection ballot; or that his health is such as to preclude his carrying out his duties; and then have a general clause relating to "any other reason." As a matter of fact, I do not see a great deal of reason for this clause at all. If a member has contributed for seven years, or 14 years, as the case may be, and, of his own volition, wishes to leave a salary of £1,000 a year to draw £5 a week, that is entirely his own business. I would like an explanation of the clause from the Premier.

The PREMIER: This is a matter for members to decide. When I first received the Bill I was struck by the same clause as was the member for Roebourne. Its intention is to ensure that no member shall resign, or not stand for re-election, to enjoy the benefits provided under the legislation. If a member resigned from Parliament to take a more lucrative position, I should think that would be a reason for his not qualifying under the Bill.

Hon. E. Nulsen: What about a man beaten in a selection ballot?

The PREMIER: In that case I would say that it was a valid reason for his coming under the benefits of the Bill because he would lose his seat, but not because of his own wish. It would be difficult to state the reasons in a Bill of this description and it would be hard to draft an amendment. In the circumstances, I think we should allow the Bill to go through as printed, and, in view of the fact that there is to be an actuarial investigation at the end of five years, the Act can then be amended, if necessary or even before, if so desired.

Mr. RODOREDA: If the Premier will give an assurance that he will go into the matter, if necessary, and that he will move an amending Bill if it is desirable, then I shall be satisfied. However, some adverse decisions have been given by trustees, and one member of this Committee is an example of that. We are all vitally interested in this matter because we pay a considerable sum

of money into the fund each year and we do not want to be done out of our legitimate rights.

Hon. E. H. H. HALL: I support the remarks of the member for Roebourne, and I have every reason to do so. While the gentlemen who are trustees of our Parliamentary fund, may have given a decision that they thought was right legally, I think they were wrong. I am not prepared to leave the matter entirely in the hands of the trustees without some appeal.

Mr. GRAHAM: The position is amply covered. The trustees are comprised entirely of fellow members and they have personal knowledge of the difficulties that are likely to arise. Clause 16 provides for the making of regulations, and, if necessary, a regulation could be drafted to give effect to the objections raised. I believe there is to be an amending Bill brought down in two years' time, and perhaps on reflection a number of amendments might be made.

Mr. FOX: There should be some appeal from the decision of the trustees if a member feels aggrieved, and that appeal should be to Parliament. A member might feel compelled to retire, and although the reason would be sufficient as far as he was concerned, it might not be sufficient for the trustees.

The PREMIER: I cannot agree with the member for South Fremantle that we should constitute Parliament as a court of appeal. I can imagine the debate that would ensue, with all the pros and cons. The member for East Perth stated the vital point of the matter when he said the fund would be controlled by members of Parliament and, because of that fact, it would be controlled sympathetically.

Mr. Rodoreda: That is not a reflection on the present trustees?

The PREMIER: No. I will watch the position, and if it is found to be unsatisfactory, I will rectify it.

Clause put and passed.

Clauses 13 to 18, Title—agreed to.

Bill reported with an amendment, and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—WHEAT INDUSTRY STABILISATION.

Council's Amendments.

Schedule of eight amendments made by the Council now considered.

In Committee.

Mr. Hill in the Chair; the Minister for Education (for the Minister for Lands) in charge of the Bill.

The MINISTER FOR EDUCATION: Before dealing with the Council's amendments, I wish to advise the Committee that the Minister for Lands, under medical advice, has been obliged to leave the Chamber, and I fear that it will be for the remainder of the session. In consequence, it devolves upon me to handle this matter.

No. 1. Clause 4 (2), page 3: Delete the word "six" in line 1, and substitute the word "seven."

The MINISTER FOR EDUCATION: Upon this amendment depend several other amendments proposed by the Council. It is proposed that the State board shall be increased from six persons to seven, and to make the number of nominated wheat-growers three instead of two. I move—

That the amendment be agreed to.

Hon. J. T. TONKIN: Something must have happened up above. We attempted to do something similar here, but without success. Apparently somebody has got to work somewhere and as a result we are to have more growers on the board. However, they will still not have a majority nor will they be elected. I move—

That the amendment be amended by striking out the word "seven" and inserting the word "eight" in lieu.

That will make four growers on the board.

The MINISTER FOR EDUCATION: I hope the Committee will not agree to the amendment on the amendment. I am most anxious that we shall not engage in further arguments with the Legislative Council on this Bill, because I cannot see that it would serve any useful purpose.

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

Ayes	..	..	..	16
Noes	..	..	..	22

Majority against .. 6

AYES.

Mr. Coverley
Mr. Fox
Mr. Hawke
Mr. Hegney
Mr. Hoar
Mr. Marshall
Mr. May
Mr. Nulaen

Mr. Oliver
Mr. Panton
Mr. Reynolds
Mr. Sleeman
Mr. Smith
Mr. Styants
Mr. Tonkin
Mr. Rodoreda

(Teller.)

NOES.

Mr. Abbott
Mr. Ackland
Mr. Bovell
Mr. Brady
Mrs. Cardell-Oliver
Mr. Donoy
Mr. Grayden
Mr. Hall
Mr. Mann
Mr. McDonald
Mr. McLarty

Mr. Murray
Mr. Nalder
Mr. Nimmo
Mr. North
Mr. Perkins
Mr. Read
Mr. Seward
Mr. Shearn
Mr. Watts
Mr. Wild
Mr. Brand

(Teller.)

Amendment on amendment thus negatived.

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

No. 2. Clause 4, (3), page 3: Delete the word "six" in line 4, and substitute the word "seven."

The MINISTER FOR EDUCATION: This deals with a matter upon which the Committee has already agreed. I move—

That the amendment be agreed to.

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

No. 3. Clause 4, (3), (a), page 3: Delete the word "two" in line 5, and substitute the word "three."

The MINISTER FOR EDUCATION: The object of the amendment is to increase the number of wheatgrowers' representatives from one to two and is consequential upon amendment No. 1. I move—

That the amendment be agreed to.

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

No. 4. Clause 4, page 3: Delete paragraph (c) of Subclause (3) and substitute the following:—

(c) one shall be selected by the Minister from a panel of three names submitted by the W.A. Flour Millowners' Association.

The MINISTER FOR EDUCATION: The result would appear to be much the same under the paragraph as it will be under the Council's amendment. The panel system has been adopted in quite a few instances and has not been found objection-

able. In the circumstances, I propose to ask the Committee to agree to this amendment, and I move—

That the amendment be agreed to.

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

No. 5. Clause 4, page 3: Delete paragraph (a) of Subclause (6).

The MINISTER FOR EDUCATION: The paragraph in Subclause (6) provides that the office of a member of the State board shall become vacant if he is absent from his duties for at least one month without the consent of the board and the Minister. From inquiries I have made, I understand it is unlikely that the State board will meet frequently during the year and consequently an interval of more than one month is likely to elapse between meetings. It is contended that the provision in the Bill would be unwise and improper seeing that the board will meet at such infrequent intervals.

Hon. J. T. TONKIN: There does not seem much need for the State board at all, if it is to meet infrequently as the Minister has indicated. I have no objection to the amendment except that it serves to emphasise what I suggested before that there was no necessity for it apart from the question of having uniform legislation. It also emphasises what I suggested that the board is set up merely to give Co-operative Bulk Handling Ltd., control of the business.

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

No. 6. Clause 6, page 6: Delete all words in Subclause (2) after the word "shall" in line 8, and substitute the words "by force of this subsection be regarded as licensed by the Board as a licensed receiver with the powers and subject to the duties conferred and imposed by those provisions."

The MINISTER FOR EDUCATION: Subclause (6) sets out that an authority, including the State board, authorised under the provisions of any other Act to receive wheat, shall be entitled to a license pursuant to the provisions of the applicable section. The Legislative Council desires to make the position perfectly clear, but I do not see that its amendment affects the application of the subclause. I do not propose to offer objection to it. I move—

That the amendment be agreed to.

Hon. J. T. TONKIN: It would be interesting to know who moved this amendment in the Legislative Council.

The Minister for Education: I cannot inform the hon. member on that point.

Hon. J. T. TONKIN: The authority mentioned in the subclause in the Bill would be entitled to a license but might not necessarily get it.

The Minister for Education: As I interpret the provision, it must get it.

Hon. J. T. TONKIN: The Legislative Council's amendment says that by force of the section the license shall be forthcoming automatically. I cannot see how a State law can compel an authority acting under a Commonwealth law to issue a license if it does not intend to do so. I cannot argue that point from the legal aspect, but I am awake to what is being attempted by the Council. It appears as if someone connected with Co-operative Bulk Handling Ltd. has got busy in another place and has sewn up the position properly. If the Honorary Minister for Agriculture moved the amendment, I would not be at all surprised, and my suspicions would be confirmed because he has the ear of Mr. Braine—

Hon. A. H. Pantton: Or vice versa.

Hon. J. T. TONKIN: I do not think we are entitled to pass such a provision, but we should leave it to the Australian Wheat Board to grant the license. We are quite within our rights to say that the local authority shall be entitled to a license, but we should not usurp the authority of the Australian Wheat Board to grant it. If we do so in this instance, we must look round to see what other authorities are authorised and see that they also are automatically made licensed receivers. We have no right to do that. We can say who, in our opinion, are entitled to be licensed; but, having done that, it should be left to the Australian Wheat Board to issue the licenses. I hope the amendment will not be agreed to. It is typical of the attitude of another place, which is drunk with power.

The MINISTER FOR EDUCATION: The member for North-East Fremantle seems to be equipped with a suspicious mind.

Hon. J. T. Tonkin: I have every reason to be suspicious.

The MINISTER FOR EDUCATION: Not in this particular instance. What is wrong with Co-operative Bulk Handling having a license?

Hon. J. T. Tonkin: Nothing that I can see.

The MINISTER FOR EDUCATION: Then why the suspicion and why all that argument?

Hon. J. T. Tonkin: What is wrong with the clause?

The MINISTER FOR EDUCATION: When we accept the hon. member's statement that nothing is wrong with Co-operative Bulk Handling having a license, there is no reason why it should not be made clear in the measure that it is so entitled and is going to get the license. That is what the amendment provides. So far from having advanced reasons why the Committee should reject the amendment, the hon. member is supporting the amendment.

Hon. J. T. TONKIN: I do not see the matter in the way the Minister does, but that is not to be expected. We have no right to usurp the authority to grant a license. The people who are to operate as licensed receivers will be licensed by the Australian Wheat Board.

The Minister for Education: That is covered by Clause 2.

Hon. J. T. TONKIN: The Australian Wheat Board should at least be permitted to grant the license. The Minister expressed his considered opinion that this was merely a matter of terminology and said that what was in the Bill was, he felt, the same as the Legislative Council was proposing in different words.

The Minister for Education: That is so.

Hon. J. T. TONKIN: He does not say that now.

The Minister for Education: I have no reason to reconsider what I said because the arguments which the hon. member put up, and I think I have dealt with them.

Hon. J. T. TONKIN: We have no right to dictate to the principal. This legislation is complementary to the Commonwealth legislation which established the Australian Wheat Board and gave it certain powers.

THE MINISTER FOR EDUCATION: I never profess, as the member for North-East Fremantle knows from past discussions which we have had, to give a definitive opinion on a constitutional matter. I will go so far as to say, however, that supposing the point he has raised can be successfully taken, it is effectively covered by Clause 2. The hon. member has put forward his views clearly and explicitly. If by any chance they are correct, they are covered by Clause 2.

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

No. 7. Clause 6, page 6: Add a further subclause after Subclause (2) as follows:—

(3) When the licensed receiver receives from a grower wheat in new cornsacks the licensed receiver shall—

(a) credit the grower with the net weight of that wheat;

(b) pay the grower an amount equal to the market price of the new cornsacks when received.

THE MINISTER FOR EDUCATION: I have been given a note to say that this amendment deals with the position of growers at very small sidings, where bulk installations are either not justified or cannot be provided owing to lack of material and manpower. There are a few sidings where wheat is handled in bags and it is desired that the growers shall be credited with the net weight of the wheat and shall be paid for the bags. I move—

That the amendment be agreed to.

Hon. J. T. TONKIN: This is another example of permitting agents to carry on business in a way not sanctioned by the principal. The Australian Wheat Board is the principal and will appoint agents to do its job. But here we have agents fixing the terms under which the job will be done. This legislation is supposed to be uniform in all the States.

The Minister for Railways: What about South Australia? It has no bulk-handling.

Hon. J. T. TONKIN: I do not know what is done in South Australia. I have compared the legislation there with ours and find it is almost identical. This amendment will result in different prices being paid in the various States. How that will ultimately affect the finance it is impossible or anyone to say. The agents have no right

to determine the terms on which the business shall be done. The State board could make representations to the Australian Wheat Board on the question of the absence of bulk handling facilities in certain places, but it should be left to the board to say what shall be done. I have never heard the like of it before, but it is being attempted by the Government. First of all it tried to usurp the authority of the board to appoint its licensed receivers, and then it has said that the licensed receivers, who must get a license, shall receive wheat under these conditions. The legislation contains a provision that under certain circumstances the license of a licensed receiver can be revoked. But we have attempted to make that impossible. Whether the licensed receiver gives the Australian Wheat Board satisfaction or not, the board can do nothing about it. If this does not conflict with the Commonwealth law, then I am a Dutchman. This is a matter for the Australian Wheat Board to decide.

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

Ayes	20
Noes	18

Majority for 2

AYES.

Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. North
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Seward
Mr. Hall	Mr. Shearn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Brand

(Teller.)

NOES.

Mr. Brady	Mr. Oliver
Mr. Coverley	Mr. Panton
Mr. Fox	Mr. Read
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Sleeman
Mr. Hear	Mr. Smith
Mr. Marshall	Mr. Styants
Mr. May	Mr. Tonkin
Mr. Nulsen	Mr. Roldreda

(Teller.)

Question thus passed; the Council's amendment agreed to.

No. 8. Clause 9, page 8—Add at the end of Subclause (2) after the word "wheat" in line 6 the words "and, subject to the provisions of Subsection (3) of Section 12 of this Act, the rights and interests of every person in and to the wheat shall be converted into a claim against the board."

The MINISTER FOR EDUCATION: We usually find in measures of this nature some such provision. It is what must happen in practice, because once the wheat is delivered to the board it does not return to the grower in the form of wheat but by way of compensation for it, which, naturally would be money. I move—

That the amendment be agreed to.

Hon. J. T. TONKIN: I am unable to grasp the full import of the amendment, not having it in front of me, but I point out that neither South Australia nor Victoria thought it necessary to include it. It is possible that before those States pass their Bills this alteration will be made in them, but it is unlikely. However, I can see no objection to it.

Hon. A. R. G. HAWKE: When, in similar circumstances, we have to deal with amendments to other Bills I would like the Government to ensure that at least one carbon copy of the amendments is made available to the Opposition.

The Minister for Education: Yes.

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

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

BILL—RAILWAY (MT. MAGNET- BLACK RANGE) DIS- CONTINUANCE.

Returned from the Council without amendment.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [10.55] in moving the second reading said: The Lotteries Commission was established in 1932, and provision was made in the Act that the aggregate fee payable in any one year should not exceed the sum of £1,000. In 1933 the sales of tickets amounted to £106,800 and this year to £624,990. Members will, therefore, realise the tremendous increase in the business of the Commission. No additional remuneration has been allowed to its members although their work has naturally in-

creased. There are more sweeps to be supervised, allotments to be made and generally, a good deal more to be done. I think members appreciate the good work being carried out by the members of the Commission. The chairman has practically made it a full-time job and devotes a good deal of his time to it. The Government considers that some additional remuneration should be allowed, and the Bill is for that purpose. The proposal is to increase the amount from £1,000 to £1,400 to be allocated as follows:—A sum not exceeding £800 to the chairman, and a sum not exceeding £200 to each of the remaining members. At the moment the moneys have been allotted in the following manner, that is to say, £500 to the chairman and £166 13s. 4d. to each of the members. I move—

That the Bill be now read a second time.

HON. A. H. PANTON (Leederville) [10.57]: I have pleasure in supporting the Bill. The trend is for salaries to go up. It must be recognised that the Commission is doing a particularly good job and handles a tremendous amount of money. Whether we like lotteries or not the fact remains that the Commission is doing good work. The amount suggested is not too much. I think these people are about the last to have their salaries increased.

HON. E. H. H. HALL (Geraldton) [10.58]: I know I shall not get any support for my remarks.

Hon. J. T. Tonkin: You never know. You get support from unexpected places sometimes.

Hon. E. H. H. HALL: I have expressed my opinion in another place on many occasions, and I have not heard anything to convince me I am wrong. There are many men in this city who have devoted a considerable portion of their spare time, in an entirely honorary capacity, to charitable organisations. I have in mind one gentleman but I do not want to mention his name because I am not a personal friend of his. He stands very high in the estimation of the people of this city and the State. He occupied a high managerial position for a long time, and a couple of years ago he retired. He is filling in his retirement in a small building looking after waste paper. I think

he would consider it an honour to be asked to take a seat on this Commission in an honorary capacity.

I know the amount mentioned tonight is not very much when we consider the money the members of the commission handle. But this Commission was appointed to handle money for charity, and when we know of men who stand high in the estimation of the people and who give up their time in an honorary capacity to many charitable organisations, I think the Government would be well advised to look round for such men and appoint them to this Commission in an honorary capacity. I make no complaint about the way in which the present members of the Commission are doing their job, but I do not think we should pay men for that work when there are others who would discharge the duties just as capably in an honorary capacity.

Hon. J. T. Tonkin: There is too much involved in it, for that.

Hon. E. H. HALL: We have a paid staff there, and the executive head is the secretary, so why do we need paid Commissioners to distribute the money?

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till tomorrow at 11 a.m.

Question put and passed.

House adjourned at 11.15 p.m.

Legislative Council.

Friday, 10th December, 1948.

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The **PRESIDENT** took the Chair at 11 a.m. and read prayers.

QUESTION.

MEAT.

As to Exports to Malaya,

Hon. C. H. SIMPSON asked the Chief Secretary:

On the 10th November the following questions were submitted to the Premier:—

(1) Has the Premier's attention been drawn to the paragraph in the issue of "The West Australian" dated the 8th November, dealing with a protest against re-