

AYES.

Hon. E. H. Angelo
 Hon. C. F. Baxter
 Hon. L. B. Bolton
 Hon. J. M. Drew
 Hon. J. T. Franklin
 Hon. G. Fraser
 Hon. E. H. Gray
 Hon. W. H. Kilson
 Hon. J. M. Macfarlane
 Hon. W. J. Mann

Hon. G. W. Niks
 Hon. R. G. Moore
 Hon. J. Nicholson
 Hon. H. S. W. Parker
 Hon. H. V. Piesse
 Hon. A. Thomson
 Hon. C. B. Williams
 Hon. C. H. Wippenoom
 Hon. H. J. Yelland
 Hon. L. Craig
 (Teller.)

NOES.

Hon. J. Cornell
 Hon. J. J. Holmes

Hon. V. Hamersley
 (Teller.)

Question thus passed.

Bill read a second time.

Select Committee appointed.

HON. J. NICHOLSON (Metropolitan)

[5.55]: I move—

That the Bill be referred to a select committee of five members, consisting of Hon. J. M. Drew, Hon. C. F. Baxter, Hon. J. Cornell, Hon. H. S. W. Parker, and the mover, the committee to have power to call for persons and papers and records, that three members shall form a quorum, and that the committee report one month from this date.

When I was speaking on the Bill I suggested the appointment of a joint select committee. As the measure originated in this House, and so that as many members here as possible might be given an opportunity to consider it, it has been suggested to me that it should instead be referred to a committee of this House. If it were referred to a joint committee only three members would represent this House, and three would represent another place, and the appointment of such a committee would mean delay in the sending of messages between the two Houses. So that a committee of this House may undertake its duties without delay which is probably the best course to adopt, I have moved that the committee should consist of five members of this House.

HON. J. CORNELL (South) [5.57]: I second the motion. It is best for this House to deal with the Bill and have it amended in a manner that is acceptable to us. When it goes to another place there is nothing to prevent it from being referred to a select committee there. On the Farmers' Debts Adjustment Bill two select committees of another place were appointed. When the measure came here it was also referred to a select committee, of which the Chief Secretary was chairman. Our committee made a good job of that Bill. It is

better that each House should deal with it on its merits, and that we should have the two viewpoints brought to bear upon it. The Bill has been brought down first of all in this House. It is logical to assume that if it is rendered acceptable to members of this Chamber it will be acceptable to members of another place.

Question put and passed.

House adjourned at 5.58 p.m.

Legislative Assembly,

Wednesday, 28th August, 1935.

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

RETURN—EDUCATION, SCHOOLS' EXCESS WATER.

HON. N. KEENAN (Nedlands) [4.35]: I move—

That a return be laid on the Table of the House showing—

- (a) The amount of excess water (if any) used by each of the undermentioned State schools during the years 1932-33, 1933-34, and 1934-35: (1) James Street, (2) South Perth, (3) North Perth, (4) Victoria Park, (5) Subiaco, (6) Nedlands, (7) Maylands, (8) Claremont, (9) Highgate Hill, and (10) Fremantle.
 - (b) The amount charged for such excess water in each case.
 - (c) If paid, by whom was such amount paid?
- I understand that no objection is raised on the part of the Government to the presentation of the return.

On motion by the Minister for Agriculture, debate adjourned.

BILL—RURAL RELIEF FUND.*Message.*

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

BILL—TRAFFIC ACT AMENDMENT.

Introduced by the Acting Minister for Works and read a first time.

BILL—CREMATION ACT AMENDMENT.*As to reinstatement of Order.*

On motion by Mr. Hawke, ordered: That a Message be sent to the Legislative Council to the following effect:—"The Legislative Assembly requests that the consideration of a Bill for an Act to amend Section Four of the Cremation Act, 1929, and to make provision in the said Act for the disposal of the ashes of dead human bodies after cremation and for other relative purposes, which lapsed during the last session of Parliament, may be resumed by the Legislative Council."

MOTION—BULK HANDLING OF WHEAT.*Consideration of Royal Commission's Report.*

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [4.36]: As many members have expressed a desire to discuss the report of the Royal Commission on Bulk Handling of Wheat, and as the report of the Commission has been placed before the House, I move—

That the House take into consideration the report of the Royal Commission appointed to inquire into the bulk handling of wheat.

Mr. SLEEMAN: Before the motion is put, I ask for a ruling as to just what purpose will be served by the discussion. Will it be possible for any member to move to add to, or take away?

Mr. SPEAKER: To add to or take away from what?

Mr. SLEEMAN: The report of the Royal Commission.

Mr. SPEAKER: If the motion be carried, the House will certainly have no right to add to, or take away from, anything that appears in the report. The hon. member may take advantage of the opportunity to move an amendment to the motion

that is before the House. Nothing that appears in the report can be amended or altered by this Chamber. The report has been furnished by a Royal Commission who were appointed by the Executive, not by Parliament.

The Minister for Lands: The motion will give members an opportunity to express their views.

Mr. SLEEMAN: Would I be in order if I moved the adjournment of the debate?

Mr. SPEAKER: The hon. member would be in order, but I do not know what would be achieved, seeing that the motion is that the report be taken into consideration.

Hon. N. Keenan: Just what does that mean?

Mr. SPEAKER: I am not here to give an interpretation on that point.

The Premier: It means that the matter will come before the House at a later date for consideration.

Mr. SPEAKER: That is, the report itself.

The Minister for Lands: No, it means that the House will have an opportunity to discuss the matter, as it will then be in the hands of members to deal with.

Hon. W. D. Johnson: What if the House has no desire to discuss the report?

The Minister for Justice: Members opposite have indicated their desire to do so.

Mr. SPEAKER: The motion is that the House take into consideration the report of the Royal Commission appointed to inquire into bulk handling of wheat. I presume the Government are anxious to give the House an opportunity to discuss the report and recommendations of the Royal Commission.

The Minister for Lands: That is the point.

Mr. SPEAKER: It will be necessary to carry the motion before that can be done. Once we agree that the report may be discussed, it will be before members. A member may move an amendment to the motion before the House now, but certainly he cannot move to amend the report.

Mr. Patrick: We do not want to discuss the report; we are in favour of it.

Question put and passed.

Mr. SLEEMAN: I understand it is now open to members to discuss the report.

Mr. SPEAKER: Yes.

Mr. SLEEMAN: I desire to move that the consideration of the report be made an

Order of the Day for the next sitting of the House.

The Minister for Lands: I think the motion is finished with. The House has taken the matter into consideration and intends to do nothing.

Hon. W. D. Johnson: Hear, hear!

The Minister for Lands: That is the position. That is where it stands now, and the matter is finished with.

Mr. SLEEMAN: I asked for your ruling first, Mr. Speaker, and I understood you to rule that the matter could not be discussed until the motion was carried.

Mr. SPEAKER: That is so.

Mr. SLEEMAN: And I understood you to say that, once the motion was carried, the matter would be open for discussion. The motion has been carried, and I ask for your ruling as to whether the report is open for discussion.

Mr. SPEAKER: That was the decision I gave, and I cannot see that anything else could be done. If the House did not desire to take the report into consideration, members could have voted against the motion. They voted for it, and the motion was carried. In the circumstances, that allows the report to be open for discussion, whether now or at some future date. If the member for Fremantle desires to discuss the report at some future date, he can move in that direction.

Mr. SLEEMAN: I move—

That the consideration of the report of the Royal Commission on the Bulk Handling of Wheat be made an Order of the Day for the next sitting of the House.

Question put and passed.

BILL — FREMANTLE (SKINNER STREET) DISUSED CEMETERY AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [4.45]: I have no objection to the Bill. The hon. member discussed it with me and assured me, as he has assured the House, that all the parties are agreeable to the course proposed to be adopted. The proposal is to remove the tombstones, which have been there for a long time. I assume that there are no bodies there. I think the hon. member stated that all the churches were in agreement.

Mr. Sleeman: Not all; most of them.

The MINISTER FOR LANDS: If all parties are satisfied, the Government have no objection. I have heard of no reason why we should not pass the Bill.

HON. C. G. LATHAM (York) [4.46]: I hope the House will not agree to pass this measure without further consideration. I fully expected the Minister to satisfy the House that everything was in order, but he has not done so. In most cemeteries the land is held by the churches in fee simple. They have the Crown grant of it. Usually, when Ministers have introduced legislation of this kind, they have presented a document from the churches, or from the people holding the deeds, stating that they were prepared to surrender the land.

The Minister for Justice: This land is to be made a Class "A" reserve.

Hon. C. G. LATHAM: Land held by people in fee simple cannot be taken from them in order to make it a Class "A" reserve.

The Premier: A Class "A" reserve is the property of the Crown.

Hon. C. G. LATHAM: Yes, once it is made a Class "A" reserve, not before. After it has been made a Class "A" reserve, Parliament may determine how the land shall be utilised. In the case of the East Perth cemetery, an undertaking was obtained from the people who had a right to deal in the securities of the churches notifying their willingness to surrender the land to the Crown. In this instance, however, a private member has introduced the Bill and has not satisfied us whether the land is held in fee simple, whether it was a grant made merely for the purpose of burying the dead, or for any other purpose. I do not want another place to be able to say that we gave no consideration to the measure, and before it is sent there, I wish to be assured that no fee simple land is involved. If fee simple land is involved, I want an assurance that we shall not be taking it without the consent of the people who have a right to hold it. The Minister might arrange for the debate to be adjourned pending inquiry as to how the land is held. No doubt the member for the district will be able to obtain from those in authority consent to the surrender of the land, so that the land may then be re-vested in the Crown and converted into a Class "A" reserve. The Crown cannot make a

Class "A" reserve of other people's property, and it would be wrong to attempt to do so by Act of Parliament. I have not had time to investigate the matter. The second reading of the Bill was moved only last night.

Mr. Sleeman: You introduced a Bill that was practically similar.

Hon. C. G. LATHAM: But the files presented at the time showed that surrender had been obtained from all the people who held a right to the land. It is of no use telling us that there has been no objection. Probably there has been no objection from the department, but it is something quite new to introduce legislation to deprive individuals of a right they possess.

Mr. Wansbrough: Is it not already a Class "A" reserve?

Hon. C. G. LATHAM: No. I have no objection to its being made a Class "A" reserve after the Crown has acquired it, but let it be acquired by correct procedure. Had the Bill been before the House for a week or so, I would not have minded so much. I did not expect that private members' business would be discussed last night; usually, it is discussed on Wednesday. The brief interval that has elapsed since the second reading was moved has not given the people concerned an opportunity to learn what is proposed. How could they know of it? We should not attempt to force the Bill through. I am sure the hon. member does not desire to do that, and will agree that a delay of a week will make no difference.

Mr. Sleeman: Pass the second reading.

Hon. C. G. LATHAM: The second reading should not be passed to-day. I hope the Minister will agree to the debate being adjourned in order that further consideration may be given to the matter. Then, if the land is privately held, we can take what is deemed to be the right action. Usually, a file is produced when such legislation is proposed; in fact, a Minister has never introduced such legislation without presenting a file. A private member has no right to lay files on the Table, and consequently members are in the dark. The Minister should at least protect those people who may possess some right to the land by requiring that the passage of the Bill be delayed until the matter has been thoroughly investigated.

On motion by the Minister for Water Supplies, debate adjourned.

MOTION—METROPOLITAN WHOLE MILK ACT.

To disallow regulations.

Debate resumed from the previous day on the following motion by Mr. North (Claremont):—

That regulations Nos. 93 to 99, both inclusive (Part XVI., Limitation of sales) made under the Metropolitan Whole Milk Act, 1932-33, published in the "Government Gazette" of the 15th February, 1935, and laid upon the Table of the House on the 6th August, 1935, be and are hereby disallowed.

§ MR. McLARTY (Murray - Wellington)

[4.53]: I hope the House will not agree to the motion. If the regulations are disallowed, I do not think the board will be able to carry on at all. It would spell ruination to quite a large number of whole milk suppliers. The hon. member indicated that the disallowance of the regulations would not be a very serious matter, but I wish to point out how serious it would be. Members are doubtless aware that already three attempts have been made through the courts to have these regulations upset. The police magistrate, Mr. Moseley, gave a decision in favour of the board. The Full Court upheld the magistrate's decision, and a request for leave to appeal to the High Court was refused. The regulations are regarded as being of vital importance. Approximately 500 dairymen are supplying the metropolitan area with whole milk. In 1933 about 20 of those dairymen broke the regulations of the board and broke them continuously. An effort was made in 1934 to control those dairymen and certain percentage increases were allowed. But the people who had defied the board in 1933 were still anxious to defy the board in 1934, and efforts had to be made to compel them to conform with the regulations. In February last the board introduced new regulations—those to which the member for Claremont objects. Those regulations made it necessary for the board to fix a daily maximum quantity for each producer. The hon. member asked why the daily maximum quantity should be based on the year 1933. That was the only year in which the board had a fair measure of experience to guide them. If any other period had been taken, those who had broken the law would have had a decided advantage. There is no doubt about that. For example, a dairy-

man who had continuously broken the 1933 quota by, say, 20 gallons per day, would have had that advantage for all time, whereas the man who had obeyed the law would have been penalised, because his output would not have been so great as that of the man who had defied the board by increasing his supplies.

Mr. North: Should not dairymen be encouraged to supply more milk?

Mr. McLARTY: It was clearly indicated to all dairymen that they could supply only a certain quantity. When an enhanced price was offering, certain people wanted to take advantage of it, and did not want to be restricted. When this legislation was originally introduced, every member realised that certain dairymen would have to be restricted.

Mr. Patriek: The member for Claremont said that surplus milk had been poured into the ground.

Mr. McLARTY: The hon. member did say something about that, but I hope members will not believe it. Surplus milk is not thrown away.

Hon. W. D. Johnson: Would it not be turned into butter fat?

Mr. McLARTY: Yes.

Mr. North: Or fed to pigs.

Mr. McLARTY: It is mostly skim-milk that is fed to pigs. Practically every dairyman is suffering that hardship, for very few of them supply all their output as whole milk. Most of them, I think, have to separate a portion of their milk. The hon. member wants to see more milk consumed. That is also my desire. I am very keen about it, but feel that the disallowance of the regulations will not have that effect. The hon. member did not explain how that desired end could be brought about as the result of disallowing the regulations.

Hon. P. D. Ferguson: There is plenty of milk available.

Mr. McLARTY: It is not the intention of the board to adhere for ever to the 1933 basis. It is hoped the consumption of milk in the metropolitan area will increase as time goes on, and no doubt that will be so. When that time comes the board will have a different basis to work upon.

Mr. F. C. L. Smith: Can the consumption of milk increase if that quota is retained?

Mr. McLARTY: Yes.

Mr. F. C. L. Smith: Tell us how.

Mr. McLARTY: There is nothing to prevent the consumption of milk from increasing.

Hon. W. D. Johnson: The quotas can be increased at butter fat prices.

Mr. McLARTY: If the demand increases the quotas will increase.

Mr. SPEAKER: Order! Will the hon. member address the Chair?

Mr. McLARTY: If the regulations are disallowed the dairymen in the outer areas will be in a sorry plight. The dairyman-vendor in the metropolitan area is sure to do all he can to increase his output, and, that being so, every section outside must suffer. When the measure was brought down members knew it was necessary the board should have power to make regulations. Quite a number of regulations have been made, and these have been upheld by three different courts. In his judgment the Chief Justice indicated that these regulations were necessary, and I hope the House will not disallow them. A deputation recently waited on the Minister for Agriculture on this matter. He said it was his intention to amend the Act. If that is so, why interfere with it at this stage? Later on members will have an opportunity to express their views, and suggest such amendments as they think fit. If the motion were carried at this stage it would create chaos in the milk industry, and make the position as bad as it was before the measure was enacted.

MR. CROSS (Canning) [5.5]: The member for Murray-Wellington (Mr. McLarty) has missed the real point. It is evident from his remarks that he has read neither the Act nor the regulations. The Act lays down the method by which the quota shall be calculated. According to the definitions, the quota or milk quota means the average daily quantity of milk actually produced and marketed by a dairyman during March to May inclusive in each year, or other similar period of production that the board may from time to time determine. The regulation in question goes outside the scope of the Act.

Mr. McLarty: The law courts do not think so.

Mr. CROSS: This particular regulation has not come before them.

Mr. McLarty: They have all been before the courts.

Mr. CROSS: I claim that power has not been given to the board by the Act to include this regulation in the other regulations. The board have taken to themselves the right to fix the quota from March to May inclusive, as it was in 1933. The regulations go on to say what percentage of increase in quota is to be permitted to dairy-men over and above the quota for 1933. The very foundations of our laws are fairness and equity. One would have thought the board, when they started upon the difficult task of regulating an industry which is found difficult to regulate in any other country, would in the first year not have tied themselves down to any line of demarcation. I know of one farmer in the metropolitan area who has invested £3,000 in his land and buildings. He has been a dairy-man all his life. When his quota was fixed he had between 30 and 40 cows, which were practically all dry. His quota was fixed at a minimum of eight gallons, and he was told he could not sell any more milk. It is ridiculous to ask a man to feed 30 or 40 cows, and make a living on about an 8s. 8d. a day return.

Hon. W. D. Johnson: It might have been his fair quota.

Mr. CROSS: At that time he was buying milk. When his cows came into milk he increased his quota to about 32 gallons. As a result of doing that, he was fined 1s. by the court, but is still carrying on. In order to rope him in, and others as well, the board propose to fix the quotas on the 1933 basis. The member for Claremont pointed out that the board were wrong in taking this action. I can find nothing in the Act to give them power to do other than take the period from March to May inclusive annually. I do not want to see the regulations entirely disallowed.

Mr. North: We do not want that.

Mr. CROSS: We want the Milk Board to stick to the powers that are given to them by the Act. Last week I discussed this matter with the chairman of the board. He admitted that if 15 or 16 people, who, on their low quotas could not earn enough to make a living, were forced out of the industry, he could not say what other dairy-men would derive any advantage from that occurrence. I told the chairman that if the board carried on for this year and allowed these men who have only a small quota to continue as they are doing, they would not

hurt anyone and would merely carry on with their rounds. I also suggested that when the Act was being amended provision could be made to overcome the difficulty. If the board had fixed the quotas as laid down in the Act, this trouble would never have arisen. I wish to voice my strong resentment that the board should have taken to themselves powers that are not given to them by the Act.

Mr. North: To make legal what is now illegal.

Mr. CROSS: They are trying to take powers I do not believe they have. The board would be well advised to allow things to drift on for a few weeks until the amending Bill is brought down. They should not pursue a few men who have exceeded their quotas. There are only 15 or 16 of them. If they were compelled to conform to the quotas fixed for 1933 I think most of them would be driven into bankruptcy. In some cases they have put their life's savings into the business. I hope the board will take some notice of the motion. Whilst I am not prepared to see the regulations disallowed in their entirety, for that would bring about chaos in the industry, I do want to see them amended.

MR. MOLONEY (Subiaco) [5.12]: I have been rather impressed by the remarks of previous speakers. They bring to my mind the anomalies that creep in when we try to do something to circumscribe the activities of those concerned in a particular trade.

Hon. W. D. Johnson: To do so in a limited way often brings about injustice.

Mr. MOLONEY: The board has been attacked. Anyone who knows that institution must resent that, as I do. Despite the fallacious reasoning of the members for Claremont and Canning, it seems to me they have been briefed on behalf of 16 people who wish to have an open go.

Mr. Cross: Not at all.

Mr. MOLONEY: They do not want to be circumscribed. These are the very people who appealed for the regulation of the industry. I hold no brief for anyone other than the consumers.

Mr. North: The consumption is too low.

Mr. MOLONEY: We have people who first desired to restrict the output of milk in order to secure advanced prices, and when it suits them they want to be in a position to flood the market to the detriment of other people in the industry. That sums

up the whole situation. The member for Murray-Wellington put up an admirable case. The member for Claremont proclaimed that this was illegal and that was illegal. Others have said they do not desire to see the regulations disallowed in their entirety, and have suggested something else of an extremely nebulous character. I for one do not know what certain hon. members want. I have been satisfied to listen, and I shall not vote for the disallowance of these regulations. Certainly I shall stand up for the Whole Milk Board, who have produced out of chaos orderly methods, and have introduced a certain degree of equity which was entirely lacking prior to their advent. As regards the milk itself, in the course of a long discussion I recently had with the chairman of the board, who is undoubtedly the right man for the job and has his heart in it, I was given specific instances—

Hon. W. D. JOHNSON: You are briefed, are you?

Mr. MOLONEY: —specific instances where the quota has been raised considerably. As regards the bacteria which the chairman illustrated to me, it was a revelation to me to learn what existed. Yet to-night some hon. members urge, "Let the poor dairymen swamp the market with all the milk they can produce, even irrespective of quality. Let us have no regulations whatever, but let us have absolute Rafferty rules." I am surprised at an hon. member, especially one who belongs to the legal profession, putting forward such a plea. Usually I can see eye to eye with the member for Canning (Mr. Cross), but I fear I cannot coincide with the views expressed in the brief he has received.

HON. P. D. FERGUSON (Irwin-Moore) [5.18]: I regret that there has been a considerable amount of what may be termed insidious propaganda introduced for the purpose of injuring the operations of the Whole Milk Board. I do not suggest that the member for Claremont (Mr. North) has participated in that propaganda: such a thing would be quite foreign to his nature.

Mr. Moloney: He has participated unconsciously, though.

Hon. P. D. FERGUSON: I do suggest, however, that the member for Claremont is being used by other people who are not above resorting to propaganda of that na-

ture. I have had it brought home to me that the member for Claremont is actuated by the desire to assist some people who are engaged in the distribution of milk. His speech of last night confirms me in that opinion. After all, though, the milk distributors are not the only people to be considered in this matter. The very essence of the legislation under which the regulations have been framed is to organise the distribution of milk in the metropolitan area: and in order to enable the board to do that effectively, the quota system was incorporated as part and parcel of the legislation. It was realised that a state of chaos existed prior to the introduction of the legislation, and that the quota system was the only system which could be evolved to enable the board, with the assistance of certain regulations, to organise effectively the distribution of the commodity. Seeing that the quota system is part and parcel of the regulations here in question, if we disallow those regulations it means that we shall dislocate the Whole Milk Board and re-introduce a state of chaos. The House should be careful not to lend itself to anything of that nature. It would be a thousand pities if the production and distribution of milk in and around the metropolitan area were allowed to revert to the situation which existed a few short years ago. It has been stated that there is not much opportunity to increase the consumption of milk under the quota system: but that is not so at all. The board could at any time increase the quota of milk which the men engaged in the industry could supply under contract. But if the board had no desire to increase the quota, still there is ample milk being produced and available to-day to supply any demands. It may be news to hon. members to learn that producers of no less than 12,000 gallons of milk per week are anxious to secure from the board licenses for the metropolitan area. The board, however, would not issue those licenses, knowing that there is no market available under present conditions for that additional quantity of milk. If licenses were issued for the vending of that additional milk in the metropolitan area without any restriction as to price, the market would be flooded and every one of the producers of the 12,000 gallons per week and the producers of the 10,000-odd gallons now being

consumed daily, would be in a mess. None of them would be able to make a living. But by regulating the market and issuing licenses to the people who can produce sufficient milk for the actual demand of the city and suburbs to-day at a fair and reasonable price, all the requirements of the position are met. It would be the greatest of pities if the motion were carried and those regulations disallowed. I am convinced that a great injury would thereby be inflicted firstly on the producers of milk, and next upon the consumers, who would not be able to secure a plentiful supply of milk such as they are able to procure to-day—and milk of a quality that we want to see consumed in the metropolitan area and in Western Australia generally. I believe I am safe in saying that the quality of the milk to-day consumed in the metropolitan area compares more than favourably with that consumed in the capital city of any other Australian State; and that circumstance is largely due to the activities of the Whole Milk Board. When we bear in mind that the board's activities have been responsible for increasing the price of milk to the producer to such an extent as to enable him to make a reasonable living out of the production of his commodity, and this without increasing the price to the consumer by one pennypiece, we must recognise that the board have done a vast amount of good. They can do a great deal more good if they are allowed to continue, either under this legislation or under improved legislation, if that can be brought about. The members of the Whole Milk Board deserve well of the consumers in the metropolitan area, and Parliament should do nothing to place the board in a position where it will be impossible to carry out the Act as it stands and the regulations which have been framed under that Act.

THE MINISTER FOR AGRICULTURE

(Hon. F. J. S. Wise—Gascoyne) [5.25]: All legislation such as the Metropolitan Whole Milk Act, together with all regulations drafted under such legislation, although designed to protect individuals, is generally complained of most bitterly by the people upon whom it confers the most benefit.

Mr. Moloney: Hear, hear!

The MINISTER FOR AGRICULTURE: That is so in this case. The people who complain about these regulations are the

people who have received most protection and most benefit from the Act. It is my desire, in replying to the motion, not only to endeavour to clarify what led up to the application of the quota system, but also to show that there is no equitable basis to apply to the quota system except the period of 1933. I shall endeavour also to show that there is no possibility of restricting the consumption of milk under the quota system. When the legislation passed this House in 1932, regulations under the Act followed quickly. Although in the definition section of the Act the matter of quota is made perfectly clear, the latter part of the particular definition in question, which in essence is the regulation now being attacked, was neither dwelt upon nor mentioned by the member for Canning (Mr. Cross) when he dealt particularly with the question of quota. The concluding part of the definition says:—

During the months from March to May, both inclusive, in each year may from time to time determine . . .

That is, the same period in the year 1933. When the legislation was enacted, and actually before the quota period commenced, in February of 1933, great publicity was given to this question. The chairman of the board laid particular stress on the system of quota being considered, as well as the manner in which it was intended to apply the quota. In every newspaper of this State the question was debated. Although every effort was made by the board to hasten the drafting of quota regulations, attention had first of all to be given to the control and licensing of suitable persons and suitable premises. Thus it was some time before the quota system came into actual operation. However, during that period, although an intensive campaign was being indulged in and although tremendous comments were appearing in the Press, not one objection was raised against the quota system suggested. From the outset the board made it their policy that the quantities of milk supplied by dairymen, whether they were dairymen only or dairymen-retailers, should enjoy under the quota system the same measure of protection, irrespective of the particular calling of the supplier, irrespective of whether he confined his operations entirely to the production of milk. During May of 1933 the whole question of quantity control was dealt with in the metropolitan Press. I

shall subsequently show that the board not only gave consideration to that aspect, in spite of their earlier decision to apply a different quota, but that when they did, after consulting the Minister on the subject, try it out, many faults and weaknesses were discovered in that system. Although earlier the board had fixed a quota basis, it was not until July, 1933, that the original regulations were gazetted. Then it was found that as the original Act included the words "under written contract," adverting to the supply of fresh milk under written contract, a weakness existed. The man who produced milk and retailed it was not under any written contract. Therefore, even at that early stage, it was felt to be necessary, so that quibbles might be avoided, to delete those words. That was subsequently done in an endeavour to bring all into line on that point. I should like to say to the members for Claremont and for Canning that from the original application of the quota system, 97 per cent. of the dairymen supplying the metropolitan area were absolutely loyal to the first quota regulations. It is the other 3 per cent. who have caused all the trouble in that connection. They found that under control they enjoyed a greatly enhanced price as against what they were previously getting, and they found that with the protection possible under the Act, not only were they getting an increased price but by disobeying the regulations they increased their quantities tremendously, they were getting the benefit of the attitude of those persons who were loyal and who, in the first instance, desired this relief from the chaotic condition of the milk industry in the metropolitan area. It was found that those people increased their quotas not only by 50 per cent., but by many hundreds per cent. Where a man at the outset was producing and selling ten gallons of milk per day we found that under the protection of the enhanced price made possible by the Act, in some instances he increased his quantity to 40 gallons per day. Surely members will not support such a man! I do not desire to name those people in the House, but it ill behoves members, without making due inquiry into the full facts of the case, to come along with a brief on behalf of that type of person. At the latter end of 1933 and 1934, it was found by many within the metropolitan area that by increasing their numbers, purely on

account of the original draft of the quota interpretation, they would have, during the months of March to May of the next year, 200 and 300 per cent. increase over the previous year. So in all unfairness to competitors and all others in the industry equally protected under the Act, men with money bought in many instances four times the number of cows they previously owned, in order to get the benefit of the quota in the following year. The man who could not do this had no possibility of increasing his quantity and enjoying the application of the quota basis for his protection. That is one reason why the 1933 quota should be strictly adhered to. Many of them deliberately flouted the law.

Hon. P. D. Ferguson: A number were fined.

The MINISTER FOR AGRICULTURE: Following on their being fined, many of them built up big herds, definitely and deliberately to increase their quota at the expense of other men. Ultimately there were so many complaints that the quota was not equitable that the board decided to impose restrictions on all in the industry. That was done to endeavour to build up to a reasonable quantity the men who were not making a living from the quantities which it was possible for them to supply. So the man who during 1933 was only able to supply from ten gallons up to 40 gallons a day had his quota increased tremendously. Thus any person who was able to produce only small quantities in 1933 had up to 40 per cent. increase allowed him by the board when it was found he was not on a fair basis. In every instance where a dairyman has been able to show that he has unduly suffered through some reason which the Bill was not designed to control, he has received the utmost consideration at the hands of the board. In fixing the quota basis, the board made very generous allowance for any possibility of increase in consumption. The original quota basis was fixed on an increase of 25 per cent. in the consumption in the metropolitan area at that time, and since the application of the quota in 1933, it is interesting to note, a 4 per cent. per annum increase in the maximum demand for milk supplied in the metropolitan area has occurred. So it is considered by the board that a margin of 25 per cent. over the actual requirements of 1933 certainly gives a fair margin of expansion in the trade, and to

everybody concerned in it. I wish to deal specifically with the authority of the Minister and of the board under the Act. The member for Canning questioned the authority of the Minister and the authority of the board under the regulations now being discussed, and although I commend him for his zeal in putting forward the case of many who are interested with him in his district, I submit to him that while he claims it is necessary that fairness and equity be the ruling factors in such decisions, it would go very hard with some of those he pleads for if fairness and equity were applied to the individual cases. The board is charged, under the Act, with the control of the production of milk in dairy areas. I use the word "control" designedly, for it was specifically stated by Mr. Moseley in his decision, that there is power to regulate for the purpose of the milk supply, and that the regulation amounts to control provided it does not mean prohibition. So the board is charged with (a) the production of milk in dairy areas, (b) the supply and sale of milk by dairymen to milk vendors, (c) the supply, sale and distribution of milk to consumers in the metropolitan area, and upon Subsection (4) of Section 30 of the Act, which reads as follows:—

Measures and means which in the opinion of the Board are requisite and necessary to provide a regular supply of fresh, clean and wholesome milk to consumers in the metropolitan area.

If we were to permit what the member for Claremont seeks, we would immediately revert to the chaotic condition which obtained in 1933.

Mr. North interjected.

The MINISTER FOR AGRICULTURE: The motion is that the regulations be disallowed. In that case it cannot be supported that the hon. member would, in the ultimate, benefit the people whom he desires to protect. It could not benefit them at all. What would happen if that regulation were disallowed, is that it would mean immediately the lack of control or the impossibility of control by the board, and so it would mean the flooding of the metropolitan market with whole milk. Who would benefit from that? Not the people whom the member for Claremont wishes to protect. It would mean the people who are able to produce when those people whom the hon. member wishes to protect cannot produce. The regulation really gives more protection

to the persons now complaining of it than it does to any other section of the community. There is another point: in pre-board times the retailer-producer bought his milk from those who now are also within the scope of the Act, and he bought it at his own rates. That is what we should go back to if the regulation were disallowed. There would be no 1s. 1d. per gallon for the electors of the member for Claremont, and they could not possibly hope to compete with the people who would then supply the metropolitan area. One of the main points at issue has arisen over the fixing of the 1933 period as a basis. It cannot be supported that the people who deliberately flouted the regulations and who deliberately increased their quota during 1934, should have the protection of those who were loyal to the regulations and who were in the industry in 1932-33. If we were to fix 1934 period as a basis, we would be giving full benefit to the persons who were definitely in the wrong at that time.

Hon. C. G. Latham: The pirates.

The MINISTER FOR AGRICULTURE: Yes, the pirates of industry. I repeat that those who seek to remove these regulations would ultimately be much worse off than they are at present. They could not exist if we were to remove the control they originally sought. If any member has sufficient interest to read the words, not only of Mr. Moseley but of the Full Court, he will have no doubt left in his mind as to the quota and its equity or as to the powers of the Minister and the board under the Act. I will oppose the motion.

MR. NORTH (Claremont—in reply) [5.42]: I should say that the situation disclosed by the various speeches makes the occasion well worth while, and so I am glad I brought forward my motion for disallowance. In the first place, regulations go through the House by the hundred, and members have a perfect right to challenge any of them which invite challenge. When such a regulation is threshed out, those within the community who are interested learn of what is going on. I do not claim to know the ramifications of the milk industry, but every member has the right to challenge a regulation when complaints are made to him by his electors.

The Premier: No one is objecting to that.

Mr. NORTH: The only information I have is that of the secretary of the retailers' association, who is also connected with a lot of producer-retailers. The story related to me was that those producer-retailers had increased the capacity of their herds for producing milk with a view to taking up the increased orders they were obtaining. They had been improving their milk and so were securing increased orders. If it is true that the board knew this, and told the producer-retailers that they could go ahead, then we have a definite situation. I quite realise the difficulty of the early producers and the fact that they are going to suffer for those who have infringed the regulation. The Act is purely experimental and therefore can be improved. Provision should be made not to give any advantage in the price but to see whether consumption in the metropolitan area can be increased. As we know, the only way to effect the amendment of a regulation is to seek its disallowance. Then the Minister will bring it in again amended in the way desired. Some good has been done by the discussion and, although I can see the House will allow the regulation to stand, I feel sure from the speeches that have been made, there will be an alteration and that from now on there will be a working of the quotas annually. In Perth we have probably the lowest consumption of milk per head of the population in the world. Those who care to do so can go to any dairyman and find that in nearly every instance they supply half a pint of milk to dozens of houses in the metropolitan area where there may be six or seven in the household. There is really need for increasing the consumption, and I hope that during the next two or three years it will be possible to bring about that increase.

Question put and negatived.

BILL—BUNBURY RACECOURSE RAILWAY DISCONTINUANCE.

Second Reading.

Debate resumed from the previous day.

HON. C. G. LATHAM (York) [548]: I have no objection to offer to the Bill. A Bill having a similar object was introduced in this House some years ago but it failed to go through. It is unfortunate that it

did not become law because, since then, the rails and sleepers have deteriorated.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—NORTHERN AUSTRALIA SURVEY AGREEMENT.

Second Reading.

Debate resumed from the previous day.

MR. MARSHALL (Murchison) [553]: I do not propose to vote against the second reading but I have no wish to cast a silent vote. It is true that the object of the Bill is to ratify the action of the Government in spending money in certain directions. The only pleasant feature that I can see about the Bill is the fact that the money is being expended in that portion of the State that has been sadly neglected by past Governments—I refer to the North-West. I admit that in recent years the North-West has had quite a lot more consideration than was shown to it by previous Administrations, but my principal objection now is that the bulk of the money—something like £38,000—is going to be spent in a direction that will give little result for that expenditure. When the Minister for Mines submitted his Estimates last year, he made reference to this particular agreement, which had been concluded between the States of Western Australia and Queensland and the Commonwealth Government. I then said that expenditure on an aerial and geophysical survey would give very little result of a practical character. The Acting Minister for Mines might have told us yesterday how the money had been expended. The Minister for Mines, when introducing the Mines Estimates last year, stated that an observational survey had been completed then, but we have had no information from the Acting Minister regarding how much money has been spent altogether on the aerial survey and geophysical work. To my way of thinking, the only profitable result that can be obtained from an aerial survey would be probably from an examination of unexplored territory; that is to say, probably

an aeroplane could from a base travel over unexplored country and, with the aid of a photographer, perhaps get valuable information. But to conduct an aerial survey of country that is fairly well known, I consider to be waste of good money.

Mr. Sampson: Have you seen a plan of the areas?

Mr. MARSHALL: No, and I think I would learn just as little as the hon. member could learn if I did see it. In what way is an aerial plan likely to be of benefit to the practical prospector, who, after all, is the man that is going to do the job? If it were intended to make an aerial survey of country that has not been explored, there might be some valuable information gathered, but to send an aeroplane to country, say, in the proximity of Nullagine and the Kimberleys, would be a waste of effort because there are reports dealing with those areas in the Mines Department, and those reports explain fully the characteristics of the territory examined.

Mr. Sampson interjected.

Mr. MARSHALL: Of course the hon. member is a human encyclopaedia. The only part of the North-West that he knows anything at all about is that which he has seen through the porthole of a ship. He might give some of us who have travelled through the North-West credit for knowing something about it. I do not wish to speak disparaging of geological reports, but when we take into consideration the development of the gold mining industry of this State, we must ask to what extent the position it occupies to-day depends upon geological reports and surveys of the past.

Hon. P. D. Ferguson: Don't ask me.

Mr. MARSHALL: I am asking the human encyclopaedia, the member for Swan. Everyone knows that the discovery of our well-established mines was not the outcome of geological surveys. All the same, such surveys are far more valuable than taking photographs of territory from an aeroplane. The geologist does practical work. He is on the ground, testing it, and from his technical knowledge he can present a valuable report about the possibilities of the areas he has examined. From the practical prospector's point of view there is not even much value in a geological survey. We also know that geologists invariably base their reports on the amount of work done. For instance, if we read the report of Peak Hill,

we find that a geologist went out of his way to describe the number of workings, and it was indicated that unless there was a certain amount of practical work done, even a geologist would be at a loss to present a report that would be of any value. I have read several of their reports and found that, after having described the country, they state that very little work has been done on the particular mine and then they base their statements on the work already done. This proves to me at least that, after all, the most valuable form of prospecting, that which will give the greatest return in value, is that form of prospecting which is practical, not technical. Again, all members are well aware that these highly technical men lodge reports which, though probably valuable to anyone possessing the like technical education, have little value for practical prospecting and mining purposes. Usually they are couched in high-flown language, which men such as myself and ordinary prospectors do not understand.

Mr. Mann: You cannot blame the scientific men for that.

Mr. MARSHALL: In consequence, I claim that this expenditure would yield slight result. The reports will be all right for men highly trained in geology and the allied sciences; but for actually benefitting the bona fide work necessary to develop gold mining here, I forecast, the reports will be of but the slightest value. I have some fear, also, as to those reports. I do not know of any technical man who at any time shows enthusiasm in reporting. That type of man is most careful in making a report. It might easily happen that the proposed reports, if not of an enthusiastic character, would prove detrimental rather than beneficial to the developing of our mining industry. Those reports would be scanned carefully by prospecting companies, who would probably be guided by them. Such a company may say, "So-and-so made a geological, or geophysical, or aerial survey of the country, and his report on it is not very enthusiastic." The effect would be injurious to the industry. I do not look forward with any degree of satisfaction to the proposed expenditure. Its only pleasant feature is that it will be made in a portion of the State which richly merits consideration. The Acting Minister for Mines, if he has the figures at hand, might

give the House a detailed account of how money has been expended on such reports. The Minister for Mines, speaking on the subject some 12 months ago, said he was in close touch with all the operations and was obtaining frequent progress reports. We ought to be furnished with the information contained in those reports. Personally, I claim that the money would have been more wisely expended if a geologist and a party of practical mining men had done the surveying. This would have secured far more serviceable results. The geophysical apparatus has been working in Wiluna, but I do not know that it has yielded any material benefit. Possibly it has, but there has been no discovery from its operation, extending over many months. When an Administration has but a limited amount of money available for expenditure in this direction, it should work along lines calculated to yield the best results. Most of the expenditure now proposed will go through the exhaust pipe of aeroplanes; and Yankeeland, or Sumatra, or some other foreign country will reap material advantage from that expenditure. The same amount of money would employ a party of bona-fide prospectors for a considerable period, and with considerably better results. I contend that while geological and other technical surveys by scientists may be of value, expenditure on such surveys should be deferred until the State's finances are in a much better condition than at present. If Western Australia has money to invest in those avenues, let the expenditure be made along practical rather than theoretical lines. I hope I am not disparaging the scientists. The assistance of technically educated men may be of great value, and expenditure in that direction may be worth while when the finances of the State can afford it. At present, however, the sum of £38,000 would be far more usefully spent in providing for bona-fide prospectors aided by a good geologist. Such an effort would yield far better results than the activities suggested in the Bill.

Mr. Patrick: Has not a lot of that money been spent already?

Mr. MARSHALL: Yes, it was spent from the commencement, immediately after the Governments agreed upon the scheme. The Bill is really to ratify the action of the present Government, and to that I do not object. I do not oppose the Bill, but am merely expressing my opinion regarding the

question. The most pleasing feature about it is that the expenditure will be incurred in a portion of the State that has not been over-generously treated by Governments heretofore. Certainly the present Government have done more than past Governments for the North, but, speaking generally, the North does not receive nearly as much assistance as could be expected. That is my opinion, and I adhere to it. I believe we would have been more wisely advised to embark upon a more practical scheme than upon this technical form of investigation.

MR. SAMPSON (Swan) [6.10]: It is gratifying indeed to know, after listening to the wild verbiage of the speech of the member for Murchison (Mr. Marshall), that he is not opposed to the Bill. I was disappointed to hear that member's remarks, seeing that the Bill refers to a proposal under which the North is to receive consideration. Time after time we have heard complaints in this Chamber that the North has been neglected. Personally, I applaud the Government for participating in work of the description contemplated. I was astounded to hear the member for Murchison suggest that prospecting should be done only by those with a water-bag in one hand and a pick in the other. It is impossible to do that in these days, and certainly in much of the back country it cannot be done. The member for Murchison, who represents such a large part of the northern areas, should know something about it. After hearing him making such derogatory remarks regarding the proposed operations, and then saying that he was not opposed to the Bill, I wondered what his speech was all about. His criticism was entirely destructive. Again I applaud the Government for what they propose to do, in conjunction with another Government. As a result of this undertaking, our gold yield and our knowledge may be greatly added to. I do not know that the Government desire to be commended, but I think they should be commended for their attitude in this matter. My only regret is that the member for Murchison should have spoken against such operations being undertaken. For the information of the member for Murchison, I would point out that the money will not be used exclusively for aerial survey work but will also be spent on geological and geophysical operations. As a result of the

undertaking. I believe the expenditure will prove profitable to the State. I support the second reading of the Bill.

On motion by Hon. P. D. Ferguson, debate adjourned.

House adjourned at 6.12 p.m.

Legislative Council,

Thursday, 29th August, 1935.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. C. F. BAXTER (East) [4.36]: All too frequently Parliament is requested to deal with restrictive legislation. We seem to be continually imposing further restrictions on individual effort and harassing the everyday life of those who attempt to use their energies in building up some progressive industry. The Bill is designed to prevent a large number of persons from making a living. The restricted trade of recent years has caused the dismissal of employees in various handicrafts, but it is pleasing to note that many of those employees had made savings which enabled them to use their ability in the direction of turning out products of their own crafts and thereby earning an independent living, instead of looking for Government assistance or charity. To carry out the work they were engaged in, a small capital enabled them to establish small concerns at their own homes. Assuredly, some of those people will eventually develop progressive businesses. There

is very little doubt that a fair quantity of the products produced by those people has been the means of replacing what otherwise would have been imported from outside the State. To such persons every credit should be given, for they deserve great consideration for the work they are doing, instead of being enrolled amongst those depending upon Government assistance. The existing Factories and Shops Act does not extend to those people, and does not want to interfere with them. Up to the number of three persons it does not apply, but if the Bill be passed without amendment it will apply to the smallest so-called factories, and practically 90 per cent., possibly more, of those people operating to-day will go out of business altogether.

Hon. H. V. Piesse: What business?

Hon. C. F. BAXTER: Small businesses. I think the hon. member's forebears started business in the same way, and the business thus created is to-day one of the most important in Western Australia.

Hon. H. V. Piesse: That was under the conditions obtaining in those days.

Hon. C. F. BAXTER: I do not intend to support the second reading, indeed I will oppose it. The proposed amendment, to become Section 41A of the Act, is most extraordinary and very drastic. It actually means that if after knock-off time a worker remains on the premises for any purpose whatever, he will be deemed to be in the employer's service during that period. There are many reasons why an employee might remain for a little while after knock-off time: he might wish to wash and clean himself up and change his clothes, or he may wait to meet a friend there, or he may be whiling away his time awaiting transport to his home. Yet under any of those conditions he will be deemed to be in the employer's service during the time he is waiting. If the wording of the Bill be adopted, a worker may occupy only 10 or 15 minutes each day at his meal and may remain for the balance of his meal-time, yet under the Bill he will be deemed to be employed for all the time other than that actually used in partaking of the meal. Section 38 of the parent Act provides that a record shall be at all times kept and shall be open to inspection. To add to that the proposed amendment 41A would be to impose unwarranted obligations on the employer. The Arbitration Act