

# Legislative Council,

Tuesday, 13th September, 1938.

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

## ADDRESS-IN-REPLY.

### Presentation.

The PRESIDENT: I desire to announce that I presented to His Excellency the Lieut.-Governor the Address-in-reply passed by the House. His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) James Mitchell, Lieut.-Governor.

## QUESTION—EGGS.

### Marketing, to Legislate.

Hon. G. B. WOOD asked the Chief Secretary: Does the Government intend to introduce during the present session a Bill for the orderly marketing of eggs by a board with adequate producer representation?

The CHIEF SECRETARY replied: It is not the practice to disclose Government policy in reply to a question.

## QUESTION—NATIVE ADMINISTRATION ACT.

### Exemptions, Commissioner's Powers.

Hon. J. CORNELL (for Hon. H. Seddon) asked the Chief Secretary: 1, How many natives or half-castes have been

exempted from the provisions of the Native Administration Act since its proclamation? 2, How many of these have been so exempted on the motion of the Commissioner? 3, Under which section of the Native Administration Act does the Commissioner obtain the powers taken under Regulation 85?

The CHIEF SECRETARY replied: 1, Eighteen exemptions have been granted since the assent of the Native Administration Act, 1905-1936 (11th December, 1936). 2, 18. 3, Sections 19, 34 and 68 (f), (h).

## QUESTION—GOLDMINING.

### Compensation for Diseases.

Hon. A. THOMSON asked the Chief Secretary: What is the total amount paid by the State to workers and their dependants as compensation for diseases contracted in the goldmining industry from 1922 to 1938, inclusive?

The CHIEF SECRETARY replied: The amount paid by the Mines Department under the Miners' Phthisis Act to men and their dependants as compensation from 1922 to 1938 was £648,383 13s. 2d.

## QUESTION—AGRICULTURAL INDUSTRIES.

### Value of Production.

Hon. A. THOMSON asked the Chief Secretary: What was the total value of production in the agricultural, dairying, poultry-farming and bee-farming industries from 1922 to 1938, including the production of farmers assisted by the Industries Assistance Board, the Agricultural Bank, and the Group Settlement Scheme?

The CHIEF SECRETARY replied: The value of production from 1922-23 to 1936-37 (gross value based on principal market prices) was:—

		Dairying, Poultry and Bee-farming.
	Agriculture.	£
1922-23 .. ..	6,495,948	1,174,851
1923-24 .. ..	7,537,964	1,241,422
1924-25 .. ..	11,183,727	1,362,914
1925-26 .. ..	9,754,956	1,253,464
1926-27 .. ..	12,093,686	1,251,495
1927-28 .. ..	13,034,025	1,343,673
1928-29 .. ..	11,942,067	1,467,753
1929-30 .. ..	12,251,902	1,721,388
1930-31 .. ..	8,877,875	1,584,978
1931-32* .. ..	*10,492,701	1,655,262

	Agriculture. £	Dairying, Poultry and Bee-farming. £
1932-33 .. ..	*10,247,311	1,669,074
1933-34 .. ..	*9,511,096	1,657,818
1934-35 .. ..	*8,167,869	1,963,338
1935-36 .. ..	*8,522,428	1,948,386
1936-37 .. ..	9,435,736	2,084,770
Total ..	£149,549,291	£23,380,036

\*Including bonus paid on wheat—1931-32, £714,200; for 1932-33, £436,145; for 1933-34, £639,493; for 1934-35, £735,580; and for 1935-36, £231,250. (Excluding an amount of £161,600 for drought relief.) Total, £2,756,668.

#### BILLS (4)—FIRST READING.

- 1, University Building.
- 2, Geraldton Sailors and Soldiers' Memorial Institute (Trust Property Disposition).
- 3, Municipal Corporations Act Amendment (Hon. G. Fraser in charge).
- 4, Pensioners (Rates Exemption) Act Amendment.

Received from the Assembly.

#### RESOLUTION—YAMPI SOUND IRON ORE DEPOSITS.

##### *Commonwealth Embargo.*

Message from the Assembly received and read requesting concurrence in the following resolution:—

That this Parliament of Western Australia emphatically protests against the embargo placed by the Commonwealth Government on the export of iron ore from Australia in view of its disastrous effects upon the development of the State. We consider that the information available does not warrant such drastic action, and we urge the Commonwealth Government to remove the embargo.

#### PERSONAL EXPLANATION.

*Hon. J. M. Macfarlane and Inspection of Eggs for Export.*

**HON. J. M. MACFARLANE** (Metropolitan-Suburban) [4.51]: I wish to make a personal explanation. When speaking on the Address-in-reply, I referred to the granting of the privilege of a five-day week to Government servants, and expressed the opinion that it would in some measure have

repercussions and cause disabilities. I cited my own works as an instance of the disability having already manifested itself. The statement I made was, in essence, true, but in application it was not quite true, and that is the point I wish to explain. I said that exporters had to pack eggs till the latest possible moment on Saturday, because the mail boat sailed on Monday, and that the shipping papers had to be signed on Saturday, whereas, if Saturday were a public service holiday, the officials would not be available on that day. I made that statement fully believing it to be true, but I have been informed that a telephone message was received from the Poultry Adviser intimating that he would be available on Saturday to examine eggs for export and sign the necessary papers. I was not aware of the fact at the time I spoke, and I feel that as I might have misled members, I should make an explanation. Full assistance was and still is being given to exporters of that particular line. I cannot say whether other lines have been affected; I was dealing with eggs only.

#### MOTION—HEALTH ACT.

*To Disallow Amendment to Regulations.*

Debate resumed from the 31st August on the following motion by Hon. C. F. Baxter (East):—

That the amendment to Schedule B of the regulations made under the Health Act, 1911-1937, as published in the "Government Gazette" on the 5th August, 1938, and laid on the Table of the House on the 10th August, 1938, be and is hereby disallowed.

**HON. V. HAMERSLEY** (East) [4.53]: The tabling of these regulations takes us back several years to the time when similar regulations were laid before the Chamber and members definitely agreed that they were rather too drastic. I thought that decision would have plainly indicated to the Government the feeling of members here, but apparently the Government has not considered that aspect in bringing forward this amendment to the regulations. I have searched for a reason for the regulations and, so far as I can ascertain, they are designed to produce more revenue. Over many years growers have been endeavouring to build up their industry with the assistance of side lines, but now they find they

will be put to far greater expense than previously, and though this will mean greater revenue for the abattoirs, it will certainly be disadvantageous to growers. The regulations will have the effect of compelling growers to take their stock to the one centre for killing and to that extent will establish a monopoly. The party at present in power has always preached against monopolies and I should have thought it would be the last party to encourage a monopoly in any shape or form.

The Chief Secretary: What has that to do with the regulations?

Hon. V. HAMERSLEY: I am stating my impression of the effect that the regulations will have.

The Chief Secretary: The effect will be just the opposite.

Hon. V. HAMERSLEY: Anyhow, that is the view I take. Members are aware of the difficulty experienced by many small growers in making a living. To minimise the difficulty, they have undertaken the production of various side lines, but the regulations will be a direct blow to their efforts. Such growers have invested their small amounts of capital to build up their industry and improve their conditions, but suddenly they find that instead of being able to kill the stock they produce, it has to be sent to the central abattoirs in small consignments, thus increasing the expense and swallowing up the whole of the profit. Some of them, I have been informed, will have their profit cut away entirely. Some of them say that they will not be able to carry on their business and will have to find something else to do. That sort of thing has happened in other avenues of industry. Men have been compelled to abandon a particular industry because of interference and embark upon something totally different, thus losing the fruits of a life's work. I am satisfied that the regulation in question will have a similar effect. The fixing of the 12-mile radius was eminently fair, but the Government has extended the radius to 25 miles and I should not be surprised if it were still further extended. Therefore I join in the protest lodged by Mr. Baxter. If the regulation has been altered in order to raise additional revenue, I deplore it, because we should not interfere with people in the carrying on of their business. To have them engaged in industry is far more important than to collect additional revenue

or to study the convenience of officials. The regulation might have been framed largely in the interests of the inspectors so that, instead of having to travel around the district to inspect stock intended to be killed, they could have their work of inspection centralised. But it seems to me that centralising the slaughter of stock as proposed involves too great an expense on the community. Therefore I join in the protest.

The Chief Secretary: But this amendment is designed to give relief in the direction mentioned.

Hon. C. F. Baxter: That is a remarkable statement.

Hon. V. HAMERSLEY: It is remarkable that those affected by the amendment have approached me under the belief that the cost will be greatly increased.

The Honorary Minister: Can you not trust us?

Hon. V. HAMERSLEY: I must apologise for not being able to convey by my speech what I wish to convey. My voice is lacking. I attribute that to the fact that this House, some time ago, unfortunately passed, at the request of the Honorary Minister, an atrocious measure known as the Bread Act. I have been eating some bread baked under the provisions of that Act, and so the Honorary Minister cannot expect me in future to accept all he says. Bread is the staff of life, or we have always understood it to be. Now we have this additional regulation imposed on meat. I do not like such interference with small producers. Certainly I should be glad to find that I am wrong, and that the Minister is right in stating that the amendment will operate in the interests of the producers. It is surprising that those who have worked under the amended regulation have so misunderstood what was being put over them that they rushed to their members asking them to appeal to the House for the disallowance of the amendment. Therefore I support Mr. Baxter's motion.

**HON. J. NICHOLSON** (Metropolitan) [5.3]: Many members, amongst them myself, have experienced some difficulty in fully understanding the position with regard to this amendment of regulations. I listened attentively to Mr. Baxter's speech when moving the motion and to the Minister's speech in opposition. The more one considers what has been stated on the subject, the greater the difficulty that arises. Since the House

last met I have taken the opportunity to make inquiry of the Chief Inspector of Abattoirs, and from that officer I obtained some particulars which I propose to give to the House. I desire to say, however, that I believe Mr. Baxter feels genuinely that these regulations will prove harmful to some producers.

Hon. C. F. Baxter: I do not feel it at all. I know it.

Hon. J. NICHOLSON: I shall try to examine the position because I am confused with regard to it, as other members appear to be. I also wish to examine the subject from the aspect of the health of the community. In connection with every regulation such as this, our first consideration should be the health of the community.

Hon. C. F. Baxter: That is our first consideration in all such matters.

Hon. J. NICHOLSON: With that in view, and actuated by that one desire, we come to study in what way these regulations have been made. In the first place there is the Abattoirs' Act, passed in 1909. That Act really has relation to the establishment and maintenance of abattoirs, and certain wide powers are given for the making of regulations by the Governor-in-Council. Section 3 has been referred to, and that section states—

The Act shall be in force only in such portions of the State as the Governor may from time to time by proclamation declare to be districts for the purposes of this Act.

Under the power contained in the section the Governor-in-Council recently issued a proclamation declaring what is a district under the Abattoirs Act, including the area situate within a radius of 25 miles from the General Post Office, Perth. Previously the area, as we are aware, was limited to a radius of 12 miles. Outside that radius of 12 miles it was possible for producers to slaughter stock; in fact, licenses under the Abattoirs Act were issued to various producers there. The stock, I understand, would be brought in for examination with certain parts only—the head, tongue, lungs and liver. Those parts would be subject to inspection. I must accept the views of other members who know far more about the matter than I know, but being a member for the Metropolitan Province I look at the matter from a health point of view. It was found that certain abuses had taken place, and the area

was accordingly extended to the 25-mile radius.

Hon. A. Thomson: What were the abuses?

Hon. J. NICHOLSON: The trouble arose, I understand, in connection with the detection of certain diseases.

Hon. G. B. Wood: We have not advocated no-inspections.

Hon. J. NICHOLSON: I quite admit that. I understand that stock can be brought in, but that the difficulty is that when the carcass of, say, a bullock slaughtered outside the abattoirs area is brought in for inspection, the viscera are not there, and that it is practically impossible for any inspector to detect certain diseases in those circumstances.

Hon. C. F. Baxter: That information is absolutely misleading.

Hon. J. NICHOLSON: I view the matter only from the health standpoint. I wish to consider it from that standpoint to see what is the wisest and best thing to do, having regard to the interests of all parties concerned. The Abattoirs Act contains no provisions dealing with the health aspect; but the Health Act, as its title indicates, is the statute which comes into play when matters of health have to be considered. Under the Health Act, certain regulations have been passed at various times in order to bring that Act, as it were, into working co-operation with the Abattoirs Act. Until the amendment to regulations which is objected to was promulgated, the limit under the Health Act was the 12-mile radius, just as the limit under the Abattoirs Act previously was a 12-mile radius. But now that by proclamation the Governor has extended the radius under the Abattoirs Act, obviously it becomes necessary for a similar extension to be effected under the Health Act.

Hon. G. B. Wood: Two wrongs to make a right!

Hon. J. NICHOLSON: I want to examine the position and see exactly where we are.

Hon. A. Thomson: I think you are summing up the position very well.

Hon. J. NICHOLSON: I am trying to get the point as clear as possible. If I am wrong, I will stand corrected. Should the motion be carried, then I feel, from the study I have made of the position, that producers and others outside the 12-mile radius will be placed in a less favourable position than they would be in if the amendment to regulations were upheld.

Assuming that this amendment be disallowed, there is nothing to prevent the Government from introducing another set of regulations having probably the same effect. However, something more effective can be done. Section 158 of the Health Act provides—

(1) The Governor may by proclamation declare that no offensive trade or no offensive trade of any specified class shall be established within any area defined in the proclamation, except within such portion of the area as may be declared in the proclamation to be open to the establishment of such trade; and the Governor may in like manner revoke or vary any such proclamation, and every such proclamation shall, notwithstanding anything in this Act, be observed and have effect according to its tenor.

Hon. J. J. Holmes: Is this business an obnoxious trade?

Hon. J. NICHOLSON: Yes; it is one of the offensive trades set out in the Second Schedule to the Act. The schedule reads—

Any of the trades, businesses, or occupations usually carried on, in, or connected with the undermentioned works or establishments, that is to say—Abattoirs or slaughter-houses

Offensive trades are dealt with in Division 2 of the Act; Sections 151 to 162. I was saying that if the House disallowed the regulations, it is possible for the Governor to issue a proclamation which might take those particular persons outside the 12-mile radius, because, as members are aware, the regulation dealing with the 12-mile radius is still in force. If the new regulation is passed, the 25-mile radius will take the place of the 12-mile radius, but if we revert to the 12-mile radius, then the producers outside the 12-mile radius might be placed at a disadvantage by being prevented, by proclamation, from carrying on their business. From what the Minister told the House, I understand the Government's intention is to give producers who are outside the 25-mile radius, but who might be within the boundaries of the health district—which also comes within the area situated outside the 25-mile radius—a license to carry on their calling as heretofore. Why has the department seen fit to suggest an extension of this area? Is there any sound reason for the extension of the radius from 12 to 25 miles? The Minister informed us that last year a large number of carcasses had been condemned, and that there

had been great difficulty between the dealers and the producers.

Hon. A. Thomson: Did the Minister say whether the condemnation was due to long transit on the railways?

Hon. J. NICHOLSON: I think the Minister did allude to that in his speech. Sometimes, when carcasses are brought in by train during the hot weather and a delay occurs, they probably become diseased. The animals might not have been diseased when killed. One would require to go into each particular case very closely to find out exactly the reason for the condemnation. That, of course, I did not do. From what I was informed, we are to observe a certain distinction between the producer and the dealer within the particular area of 12 miles, or even the 25 miles. One can appreciate that the number of dealers in the vicinity of a centre such as the metropolitan area is very much larger than would be the number near a country town. One has to consider the matter from the point of view of the number of head of stock or carcasses sent in by producers within the area referred to. As to the marketing of stock, it is interesting to note that the metropolitan fat stock saleyards sell livestock subject to a condemnation allowance. If a man buys a live bullock at those saleyards and the animal is condemned by the authorities when it reaches the abattoirs, the purchaser receives a refund of the purchase price, less the sum of £2 15s., which is the amount he would lose on the deal. Of course, expense has been incurred. In the case of a cow, the reduction would be £2.

Hon. J. J. Holmes: The buyer would have the hide to compensate him for the loss.

Hon. J. NICHOLSON: Yes.

Hon. L. Craig: Where does the compensation money come from?

Hon. J. J. Holmes: From the fund.

Hon. J. NICHOLSON: A fund is in existence.

Hon. H. Tuckey: That refers to dairy cattle.

Hon. J. NICHOLSON: The distinction between the metropolitan fat stock saleyards and private saleyards is very marked. A bullock or cow purchased at a private saleyard is bought at the buyer's risk, not the seller's risk, as in the case of the metropolitan fat stock saleyards. Many people buy stock at the private saleyards, as well

as at the metropolitan fat stock saleyards, but they are dealers, not producers. The producer is the man who sends the stock into the private saleyards for sale.

Hon. A. Thomson: Where are those private saleyards?

Hon. J. NICHOLSON: There are various private saleyards.

Hon. A. Thomson: The producer may be a buyer as well.

Hon. J. NICHOLSON: Yes, but a producer is not usually a buyer. If he wants to kill cattle, he obtains a permit to kill one, two or more.

Hon. A. Thomson: He can buy stock and take them elsewhere.

Hon. J. NICHOLSON: He can become a dealer, but the ordinary man who attends the saleyard is usually not the producer of the stock, but a dealer. While the 12-mile radius is in force, dealers are able to buy stock at private saleyards and take it to a slaughterhouse situated outside the 12-mile radius. That is very easy to do with modern methods of transport.

Hon. H. Tuckey: The dealers can still go outside the area.

Hon. J. NICHOLSON: I admit that. If it be found that abuses are being committed, then the area will have to be extended still further.

Hon. A. Thomson: Make the regulation apply to the whole State, and then all cattle will have to be slaughtered at the abattoirs.

Hon. J. NICHOLSON: A limit must be set. There must be some safeguard.

Member: Now we know where we stand.

Hon. J. NICHOLSON: As I explained previously, all that is brought in with the carcass is the tongue, the lungs and the liver. Apparently that is not sufficient in itself to enable an inspector to say definitely whether the carcass is free from some of the diseases that might be revealed if all the viscera were brought in. Therefore, the advantage of having the slaughtering done at central places where an inspection can be made of the whole viscera is evident.

Hon. G. B. Wood: That is just what we want.

Hon. J. NICHOLSON: At present we have abattoirs at Midland and at Fremantle. If they are not sufficient, it might be necessary to ask the Government to build other abattoirs to facilitate the slaughter of stock.

But let us realise that the first consideration is the health of the consumer.

Hon. H. Tuckey: Then why stop at 25 miles?

Hon. J. NICHOLSON: I cannot say. Apparently 25 miles is considered to be a fair radius.

Hon. A. Thomson: Stock has to be inspected at the saleyards. In Katanning, all the stock slaughtered is inspected. Surely that should apply to the other places.

Hon. J. NICHOLSON: I have not gone fully into that matter, but I am pointing out the result of my own inquiries as regards the metropolitan area. I was given figures for the year ended the 30th June last showing the number of carcasses that came from outside the 12-mile limit and were submitted for sale at the metropolitan meat markets. The beef carcasses totalled 2,116 and were all brought in after the cattle had been killed at slaughter-houses outside the 12-mile radius. That was before the introduction of the regulations. Sheep carcasses thus offered for sale totalled 1,934. The sheep were also slaughtered outside the limit and the carcasses brought into the metropolitan area. Pigs and calves thus treated numbered 2,612 and 16,790 respectively. I was also informed that of the total beef carcasses submitted 1,417, or more than half, were slaughtered not by producers but by dealers.

Hon. A. Thomson: What is the definition of a "dealer"?

Hon. J. NICHOLSON: A man that deals and does not produce. A producer is a man that rears stock. A dealer buys stock at the saleyard and afterwards slaughters it and brings it in for sale.

Hon. J. J. Holmes: What do you call the man that produces and deals?

Hon. J. NICHOLSON: He would be a combination. Those 1,417 beef carcasses had apparently been slaughtered in the Armadale area, just outside the 12-mile limit.

Hon. C. F. Baxter: Where were the cattle obtained?

Hon. J. NICHOLSON: They were bought in the market.

Hon. C. F. Baxter: From Midland Junction, as a matter of fact.

Hon. J. NICHOLSON: By way of comparison, the carcasses that came from the producers during the same period totalled 121.

Hon. G. B. Wood: But they must all have come from the producers in the first place.

Hon. J. NICHOLSON: Yes, there must have been a producer at some time. From districts outside the 25-mile radius, the number that came to the metropolitan area was 517. The whole question is, what is safest for the public, and in what way can a thorough investigation be made in order that the public may be reasonably assured of getting for consumption stock of a healthful and not a harmful quality?

Hon. A. Thomson: The obvious reply is that more inspectors should be appointed.

Hon. J. NICHOLSON: That might be one way out of the difficulty. I do not want the legitimate producer to be injured. I realise the difficulties that have been stressed by Mr. Baxter and Mr. Thomson, but I feel that until other abattoirs are established—and their establishment could be justified only if the present abattoirs were proved inadequate—we would be wrong in rejecting the regulation. If the House does disallow it, the risk would be incurred of persons operating between the old 12-mile radius and the 25-mile radius having to face greater difficulties.

Hon. C. F. Baxter: Not at all. How could they?

Hon. J. NICHOLSON: They would. There is also the risk of meat unfit for human consumption being introduced into the metropolitan area. The matter requires consideration from that aspect as well as from the viewpoint of the producers.

**HON. C. H. WITTENOOM** (South-East) [5.39]: I intend to support the motion, but I am in no way opposed to the inspection of meat. After having listened to the speech of the Chief Secretary, in which he submitted figures showing the quantity of meat rejected at various times, not only at Midland Junction but also in other markets, no hon. member could object to the strictest supervision of meat. No commodities require closer inspection than milk and meat. I am associated in a small way with the export of meat and I know that all over the world meat offered for consumption is closely examined.

I do not intend to traverse all the ground covered by other speakers, but I would emphasise the fact that the carrying of sheep and pig carcases over long distances must be detrimental. When carcases have to be

conveyed to Perth by truck or train from Armadale and more distant places, surely the meat must suffer. The further it is transported, the worse must be the effect. I am surprised that the Government has brought up this matter again. Similar regulations have previously been submitted and, on at least two occasions, the House has expressed its disapproval of them. I support the motion because I believe the regulation will be detrimental to the interests of the small growers within the specified radius of 25 miles, inasmuch as the quality of their meat will be affected. I come into contact with many small growers and I know that the returns they obtain from their side lines are of considerable importance to them. What they derive from the sale of their meat means much to them; in many instances it provides a large part of their income. If these farmers have to convey two or three pigs or sheep to the Midland abattoirs to be slaughtered they will be faced with heavy expense. That some permits are being granted for slaughtering in certain areas is true. What we ask is that slaughtering and inspection be permitted at recognised centres under the control of local governing bodies prepared to erect slaughter-yards to the approval of the Government and to provide sufficient inspectors to conduct examinations and brand meat at the time of slaughtering. That would ensure the proper inspection of viscera. Inspectors would see the animals while they were being killed, could inspect them closely and brand them. If that were done, the Government should be satisfied.

**HON. J. M. MACFARLANE** (Metropolitan-Suburban) [5.44]: Two years ago Mr. Baxter introduced a motion opposing similar regulations. I supported him, because those regulations were likely to have a very far-reaching effect and to prove a great disability to small growers in the area within the 12-mile radius, to which the regulations then applied. Mr. Baxter was successful in securing the disallowance of the regulations, because of the disadvantage which was expected to arise from men having to send calves and pigs, and other stock, through the abattoirs for marketing. Since then a great change has taken place. The main disability affecting the marketing of calves below 150 lbs. has been removed, and registered slaughtering places have been

made available handy to the metropolitan area, and by arrangement with the authorities, examination of the stock may be made on the day of killing. Furthermore, permits to kill can be and have been granted to individuals with one or more head of stock. For those reasons I am unable to support Mr. Baxter on this occasion.

I have discussed this matter with the Chief Health Inspector, and Mr. Dunbar, of the Department of Agriculture. The health inspector gave me quite a lot of figures and information similar to that supplied to the House by Mr. Nicholson. From a health point of view, the position of affairs that has existed cannot be tolerated. Mr. Dunbar told me that small holders of animals, on application to the department, could secure a license to kill and have an examination of the carcase made at the markets subsequently. The point is also advanced that when an animal has to be killed and an examination conducted afterwards, it is better that the examination should be made immediately after the slaughter. If the animal be killed under a tree and the carcase passed into the markets, then, when the examination of the viscera is made, it is much more difficult to detect whether the animal was healthy or otherwise.

For two years, I have been informed, the Transport Board has made it easy for the small holders to transport stock to the Midland Junction abattoirs. Many trucks are now properly fitted up for the conveyance of stock, and on sale days arrangements can be made for the removal to the yards of even one beast from a particular holder, in combination with others, provided, of course, the truck can be filled. The stock is thus taken to the abattoirs direct, whereas up to two years ago, considerable difficulty was experienced in getting the beasts to the abattoirs when rail transport had to be relied on. Again from the health point of view, it is undesirable that a dealer who buys stock from small holders should slaughter it outside the 12-mile limit and then pass the carcase into the market for examination. In one instance, the inspector told me he examined half a carcase in the markets and found that it had been affected with tuberculosis. It was difficult to locate the man who took it to the markets and when found, he was asked what had happened to the other half. After some

hesitation, he had to confess that he had sold the other half on the way in and that that half had not been inspected at all. Small holders are not nearly so disadvantaged as they were two years ago; therefore they must be concerned about the soundness of the carcase that is to go into human consumption. I intend to support the regulations.

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

### MOTION—TOWN PLANNING AND DEVELOPMENT ACT.

#### *To Disallow By-laws.*

Debate resumed from the 31st August on the following motion by Hon. H. S. W. Parker (Metropolitan-Suburban):—

That the by-laws (Nos. 1 to 7 inclusive) made under the Town Planning and Development Act, 1928, as published in the "Government Gazette" on the 8th April, 1938, and laid on the Table of the House on the 10th August, 1938, be and are hereby disallowed.

**HON. J. M. MACFARLANE** (Metropolitan-Suburban) [5.50]: In supporting the motion, I am not contending that there is no room for improvement on the conditions that exist to-day. Moving about the city and suburbs one sees much evidence of objectionable conditions and seemingly the local authorities do not apply their by-laws, at any rate not in the strictest sense. I am referring particularly to residential areas, especially in those districts where one knows that by-laws governing alignments have been adopted by the local bodies. Garages on the street line, or between the setback of the house and the street line, are an objectionable sight. I am informed that these are sometimes built in defiance of the by-laws. A penalty has been imposed, but there the matter has ended since the public bodies claim that they have not the power under the Act to compel the removal of the obstructions.

The application of the by-laws to which exception is taken will not remedy the position because they are far too rigid in their terms and because such a condition of affairs has been created in respect of old subdivisions that the public bodies will not be able to enforce them. Mr. Parker questions the legality of the by-laws. In answer to my inquiries from municipalities and road



boards in the Metropolitan-Suburban Province, two local bodies have informed me that they have submitted the by-laws to their legal advisers and have received replies that they are ultra vires. I submit this information and express the hope that the by-laws will not be passed, so that rate-payers may be spared the expense of a legal contest to preserve their rights. There is no doubt that a distance of 30 feet back from the street alignment is impracticable in the older subdivided areas and also in some districts where the by-laws are in force. Many public bodies consider that under Clause 1 they are exempt and ask that the point be cleared up for them. Other bodies, however, declare that the by-laws apply to them, and the depth of some of the blocks in their districts is only 100 feet. With a depth of only 100 feet, one can visualise the lady of the house in the future using the 30 feet of space in front of the house for the purpose of drying her laundry on washing day. This would be rendered necessary by the possibility of there being more space available in the front than at the rear of the house. There are instances also where corner blocks have tennis courts laid out and where the houses are set back to provide for the courts. No. 3 of the regulations would operate harshly if it covered two blocks with any sort of building thereon. Owners of the other blocks would be compelled to set their building alignment accordingly.

The Honorary Minister: There would be more room at the back of the house than in the front.

Hon. J. M. MACFARLANE: The yards at the back are very often of more concern to public bodies than are the frontages. To obtain uniformity of conditions that would be satisfactory at the rear portions of buildings represents a greater problem than does the 30ft. alignment question. Suppose the 30ft. alignment became the general rule! An owner might then let his house to a tenant, but nothing in the by-law could compel the tenant to keep the vacant space in front of the house in such a condition as to please the eye, and conform to the general scheme that is apparently embodied in the idea of the Town Planning Regulations. Unless a tenant or owner could be compelled to keep the front portion of the land in good condition, it would

be useless to endeavour to carry the by-laws into effect.

The Honorary Minister: The Town Planning Commissioner does not say so.

Hon. J. M. MACFARLANE: A landlord may lay down grass in front of his house, but if the tenant allowed the grass to wither the premises would soon become unsightly. That is likely to happen. A uniform town planning scheme is ideal, but to carry it into effect in the city and the suburbs would be difficult under the conditions to which I have referred. Many municipalities and road boards think the by-laws should not apply to them. They have their own by-law providing for a 15ft. alignment or other depth. They feel, therefore, that they are not concerned with any by-law providing for 30ft. Other local authorities, however, feel a little uneasy about the situation, and would like to know exactly where they stand. The most bitter opposition to the regulation comes from local authorities, which take exception to the Commissioner or his deputy having the same power to enforce the regulation as have their executive officers. I understand that it would be impracticable to put such a scheme into operation. Whilst this might bring about a happy state of affairs for the Town Planning Commissioner, who would no doubt revel in the position, I cannot help feeling some sympathy for the road boards and municipalities concerned. We know the reputation of the Town Planning Commissioner, his autocratic methods and the accusation against him of lack of tact, and I consider that local authorities would be justified in strongly opposing this regulation. The House would be well advised to reject the regulation as a whole, and ask the Government to bring forward something more practicable, something that would make for smoother working and clarify the position generally. I communicated with many local authorities in the metropolitan and suburban areas, and received several answers. I was informed that the Local Government Association had passed the case on to Mr. Parker. What that hon. member puts forward will represent the views of that association. I have here a number of written opinions from various road boards and municipalities. The first of these is as follows:—

In reply to your letter of the 31st August concerning a motion in Parliament to disallow the town planning regulations regard-

ing building lines, I am directed to state that this board supports the move to disallow them.

**The Honorary Minister:** From which board did that letter come?

**Hon. J. M. MACFARLANE:** I will give the Honorary Minister the file. Another road board writes—

In reply to your letter of the 31st August, I am directed to advise you that the regulations referred to in your letter have been considered by the Local Government Association, which represents most of the local governing bodies in the metropolitan area. Any action taken by this association in submitting this matter to the members of the Legislative Council has the endorsement of this board.

**The Honorary Minister:** Who wrote that?

**Hon. J. M. MACFARLANE:** I will give the file to the Honorary Minister. Another communication says—

The policy of our board has always been to have a building alignment, and we have a by-law to that effect, which states that no building shall be erected within 15 feet of the frontage boundary. As I read the new by-law it does not affect our board. That point wants clearing up. Our board cannot see much wrong with the new by-law. The only thing is that the distance should be left to the local bodies themselves, as they are more conversant with local requirements.

**Hon. A. Thomson:** That is what I think.

**Hon. J. M. MACFARLANE:** Another letter says—

I would advise you that the objections to the present regulations are principally occasioned by their rigidity. There is no provision at all for a local governing body to exercise any discretion, and, with many old subdivisions, the carrying out of these regulations would not be in the best interests of the general public.

Another local authority suggests that the by-law is ultra vires. It says—

In reference to your letter of the 31st August, I have to advise that my council is opposed to the town planning regulations relative to alignment or building line as gazetted on the 8th April, 1938, on the following grounds:—

1. That although it may be useful in laying out a new estate, it does not work so well in places which have been as long established as Claremont.
2. A hard and fast regulation enforced by a central authority is difficult to administer without inflicting hardship on certain individuals. The council is of opinion that a local authority administering a district is the better

judge of what is necessary, as it is more acquainted with the district. Legal opinion tendered by the council's solicitor also advises that the by-law is ultra vires.

Another local authority writes—

In reply to your letter of the 31st August re town planning by-law in respect to building line, I may say that when the by-law was first gazetted the city solicitor was consulted and his advice was that the by-law is ultra vires. It is, therefore, submitted that it should be disallowed by Parliament so that there shall be no misunderstanding on the part of any local authorities.

As far as its provisions are concerned, it is submitted that it is inadvisable to have a general rule in this matter. A provision that would be admirable in a new subdivision with lots of a reasonable depth might be inapplicable in respect to some shallow allotment which were subdivided many years ago. Section 3 might also result in unreasonable treatment in certain cases. It is conceivable that buildings on either side of a vacant lot might have been set far back for special reasons which would not apply in the case of the building proposed to be erected on the vacant lot.

As regards Clause 7, the council objects to the Town Planning Commissioner or his deputy being appointed with equal power of enforcement to that held by the executive officer of the local authority. Such interference with local administration is objectionable.

One local authority is apparently in favour of the by-law, and writes as follows:—

My council has at no time expressed a desire for the by-laws fixing building lines as promulgated on the 8th April, 1938, to be rescinded.

The by-laws are rational and reasonable. The interests of local authorities (Clause 1) are protected as the local authority has the right to prescribe a building line for its own conditions in respect to vacant sections. The provision over-riding this (Clause 3) relates only to sections built upon, and is a very good and rational clause.

If a wider appreciation of town planning were to obtain and the full powers and the beneficial scope of the Town Planning Act, 1928, were more frequently availed of, it would be to the distinct advantage of local government generally.

My authority adopted the first comprehensive town planning scheme in Western Australia (1931) and has never regretted that step; but I have on frequent occasions felt grateful to the Commission which heralded the Act, which has preserved the amenities of this district.

**The Honorary Minister:** That is a progressive board. Whence does that letter come?

Hon. J. M. MACFARLANE: Another board objects to the by-law and says—

The board considers the regulation unnecessary so far as it applies to this district, as it is neither suitable nor fair to be applied to all properties and, apparently, this is so in all other districts, as the Local Government Association has also protested against its promulgation.

The board's regulation governing the alignment of buildings provides that no building shall be erected within a distance of 30ft. from the street alignment unless with the approval of the board. It is considered essential that there should be discretionary powers, as many houses were built prior to the gazetting of this regulation, and it would be unfair to force new houses back beyond the alignment of existing houses and, further, there is a section of building allotments in the district with a depth of 100 feet, and if owners are compelled to build back 30 feet it would mean there would be practically no rear yard.

In view of the letters I have received, setting out conditions that have existed for a long time and detailing the extent to which the by-laws under discussion would affect the situation generally, I hope the House will carry the motion. The Government should then table a new set of regulations, framed in co-operation with the local authorities. A more desirable alternative would perhaps be to bring down an amendment to the Municipal Corporations Act, so that there may be a better understanding of present-day conditions and a more workable and practicable arrangement arrived at.

**HON. J. NICHOLSON** (Metropolitan) [6.13]: I am of opinion that the by-law specially referred to by Mr. Macfarlane is not only ultra vires, but is also inconsistent with the regulations already drafted under the Road Districts Act. This by-law, if enforced, would create a very serious position. We have only to look at the irregularities as to depth, width, etc., of certain blocks we know of. Let me mention one instance only—Bellevue terrace. The fall from within a few feet of the frontage to the road is very steep, and it would be impossible, with a 30ft. building alignment, to erect a dwelling on a block of land in that locality. I support the motion.

On motion by Hon. J. A. Dimmitt, debate adjourned.

*House adjourned at 6.15 p.m.*

## Legislative Assembly.

*Tuesday, 13th September, 1938.*

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

### QUESTION—CAVES HOUSE.

*New Building, Completion.*

Mr. WILLMOTT asked the Minister representing the Chief Secretary: 1, What is the date specified for the completion of the new Caves House at Yallingup? 2, Will the building be completed by that date? 3, Are such arrangements being made for the furnishing of the new building that it will be available for next Christmas and New Year trade?

The MINISTER FOR JUSTICE replied: 1, 15th November, 1938. 2, Operations have been hampered by adverse weather conditions, but, given favourable weather, it is hoped to complete in time for the buildings to be used for the Christmas business. 3, Yes.

### QUESTION—DAIRY PRODUCE BOARD.

*State Representation.*

Mr. McLARTY asked the Minister for Agriculture: 1, Have any representations been made by the Government in regard to the inequality of State representation of the producers on the Australian Dairy Produce Board? 2, If not, will he press the claims of Western Australian producers for direct and separate representation on the board?

The MINISTER FOR AGRICULTURE replied: 1, No. 2, The request will receive consideration when evidence in support of the claim for greater representation on the board is produced.