

is a responsibility caused by war circumstances, the Government is anxious not merely to co-operate with the Commonwealth but also to insist and press as far as we can for the maximum alleviation of our position. When I rose to speak some threats came from the other side of the Chamber if I took too long. I think it is not necessary to take long. All hon. members know of the functions and activities of the Lands Department. Before resuming my seat, however, I would mention something which has a country bias, and in which the Lands Department is engaged wholeheartedly with the Commonwealth Government. I refer to mapping and planning.

Five months before the war broke out, in anticipation of the needs of the Commonwealth, we made an absolutely complete review of the maps and plans available in this State. Very much was out of date. Since that time, due to our offers to the Commonwealth and its acceptance of our offers, we have obtained an elaborate system of mapping here as advanced as the mapping of very thickly populated parts of the Eastern States. I would have liked to exhibit some of these works in this Chamber. Any hon. member interested in them, when passing the Lands Department could call in and I should be pleased to show him some of the marvellous work that has been achieved by the Survey and Drafting Branch of the Lands Department for the Commonwealth Government. We have arial maps on the scale of an inch to the mile, which, on paper, with ground measurements, with altitudes and contours shown, reflect as if from the air every local feature, every fence, every clump of trees in tremendous areas of our coastal country.

Hon. N. Keenan: Have you sent those maps to the military?

The MINISTER FOR LANDS: Yes. We had a Commonwealth officer with us yesterday who said that the maps we reviewed with him were the best of their kind he had seen in Australia. I would like to invite members to have a look at them, and I intend to keep a set in my office for that purpose. That is a work of intense importance in the defence of this country. We have maps of the metropolitan area showing every elevation of any street that

can be named from Fremantle to Midland Junction. I do not wish to delay the Committee, but I commend to it the consideration of my Estimates.

Progress reported.

*House adjourned at 10.49 p.m.*

## Legislative Council,

*Thursday, 23rd October, 1941.*

	PAGE
Leave of absence	1422
Bills: Road Districts Act Amendment (No. 2), further report	1422
Workers' Compensation Act Amendment, reports	1422
Fire Brigades Act Amendment, recom.	1422
City of Perth Scheme for Superannuation (Amendments Authorisation), Assembly's Message	1422
Money Lenders Act Amendment, 1A.	1422
Inspection of Machinery Act Amendment, returned	1422
Wills (Soldiers, Sailors, and Airmen), 2B, Com.	1422
Profiteering Prevention Act Amendment, Assembly's Message	1422
Potato Growers Licensing, 2B.	1420
Road Districts Act Amendment (No. 3), 2B.	1421
Employment Brokers Act Amendment, 2B.	1422

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

### LEAVE OF ABSENCE.

On motion by Hon. W. R. Hall, leave of absence for six consecutive sittings granted to Hon. H. Seddon (North-East) on the ground of ill-health.

### BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Further report of Committee adopted.

### BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Reports of Committee adopted.

### BILL—FIRE BRIGADES ACT AMENDMENT.

*Recommittal.*

On motion by Hon. L. B. Bolton, Bill recommitted for the further consideration of Clause 2.

*In Committee.*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

## Clause 2—Amendment of Section 41:

Hon. L. B. BOLTON: I have moved for the recommitment of this measure primarily because it was, in my opinion, hurried through the second reading stage and members had not an opportunity to give the Bill the consideration it warrants. It is but right that members should have a grasp of the Bill. The proposal is to amend the Act by striking out Subsection 2 of Section 41 and inserting in lieu a subsection altering the amount of the contributions to be made. If the clause is passed in its present form the Government will contribute approximately £2,000 per annum less and the local authorities approximately £11,000 per annum less; but the insurers will pay approximately £13,000 per annum more. In view of the present world position and the uncertainty of the future, I suggest that the further consideration of the Bill be deferred till next session. It will be impossible for it to be proclaimed until July or August of next year, and in the meantime members would have an opportunity to consider it. I know it was the fault of this Chamber that the Bill was rushed through the second reading stage.

It was stated by the member for West Perth (Mr. McDonald) that when the Minister introduced the Bill in another place he did so in a very fair manner from the point of view of the local authorities, but he also thought, with the member for Canning (Mr. Cross), that the matter might well be deferred and the whole of the fire brigades legislation overhauled in the light of modern events and developments. He considered that not only horse-drawn vehicles and mechanically propelled vehicles should be taken into consideration, as suggested by the member for Canning, but fire brigade installations generally. I am at some little disadvantage because I am not quite clear on the point as to whether my amendment is relative to the Bill. Probably the Chairman of Committees will put me right if I lapse into error.

Hon. J. J. Holmes: It is a good scheme to go on until you are stopped.

Hon. L. B. BOLTON: The boast has frequently been heard that Western Australian legislation represents some of the most

progressive in the world, and yet on this occasion the Government has completely ignored the latest legislation dealing with fire brigade contributions. In recent years a Royal Commission was appointed in England to consider fire brigade organisation and in its report stated that there appeared to be no more reason for the fire department of insurance companies to contribute to fire brigades than for the marine department of those companies to subsidise lighthouses or the companies' burglary department to subsidise the police.

The new English Fire Brigades Act recognised the principle laid down in the report of the Royal Commission, of which Lord Riverdale was chairman, that fire services should be maintained at the public expense, and should be available, whether people are insured or not, in the same way as are other public services, such as street lighting, street protection, or other public functions provided for the community. Under that Act, statutory obligations have been imposed upon every local authority to make contributions towards an efficient fire service. In Africa and in the United States the same principle is followed, namely, no contributions from insurance companies.

The CHAIRMAN: Order! Unless the hon. member, as the notice paper suggests, is going to amend Clause 2 as originally agreed to—that is, in respect to the proportions of the contribution—I cannot allow him to proceed, because the amendment of which he has given notice is that none of this money shall be spent on the "installation of hydrants nor on any plant or equipment in connection with air raids precautions." The hon. member must confine himself to hydrants and air raids precautions equipment.

Hon. G. W. Miles: I thought he was making a second reading speech.

Hon. L. B. BOLTON: It will be necessary for me to make practically a second reading speech, due to the neglect of the hon. member.

The CHAIRMAN: Order! The hon. member must not accuse other members of neglect, or point to them.

Hon. G. W. Miles: It is the fault of the Committee.

The CHAIRMAN: Order! That makes the matter worse.

Hon. G. W. Miles: I withdraw.

Hon. L. B. BOLTON: I should only take one twenty-ninth of the blame. It is necessary for me to make practically a second reading speech in order to prove my case.

The CHAIRMAN: Are you taking exception to the allocation?

Hon. L. B. BOLTON: No, but I am trying to avoid further cost by making an addition to the clause.

The CHAIRMAN: That is the mechanism for air raids precautions.

Hon. L. B. BOLTON: The Minister in introducing the Bill in another place rather misled members, possibly unintentionally, when he said that the increase would be spread over 108 concerns doing fire insurance business in the State. He said that there are at present 108 contributors to the board from the insurance contributors' side, and that they comprised:—

- 5 brokers.
- 18 firms of self insurers or oversea insurers not transacting insurance business with the public.
- 9 marine (solely) companies and agencies.
- 2 motor vehicle (solely) companies.
- 1 aviation (solely) company.
- 73 insurance (general) companies and agencies of which 26 are in the same office as the "parent" or "acquiring" company with one manager only.

Instead of 73 there were really only 47! The remark by the Minister was misleading. Firstly it suggests that there are 108 concerns in this State carrying on the business of fire insurance. It is also misleading because it suggests that those 108 concerns would all participate in the increased contribution of insurance companies. This would not be so, because the nine marine companies pay a fixed, prescribed annual fee which does not vary and also because many other companies, possibly at least one-fifth of them, at present pay £10 per annum minimum contribution and would not be likely to exceed that contribution even under the proposed amendment. The increase, therefore, would probably be spread over approximately 80 insurance companies.

Another point is: This will probably mean increased costs. The same illogical charge pertains to all property in country towns where there are no brigades. There is an additional cogent reason at the present time why this extra proportion should not be shouldered by insurance companies, namely, in the event of hostilities eventuating in this State the fire brigades will necessarily play an important part. Should there be loss of

or serious damage to the Fire Brigade Board's very expensive plant, the cost of replacement would be enormous. It would be iniquitable for insurance companies to have to bear five-ninths of that cost, more particularly as the damage would have occurred through war risks which insurers throughout the world cannot, and do not, attempt to cover.

Hon. J. J. Holmes: The insurance companies will not pay, but the public and the industries have to do so.

Hon. L. B. BOLTON: I am trying to point that out. No one can tell me that the insurance companies of this State will pay out an additional £15,000 without passing it on. I understand the Chief Officer of the Fire Brigades Board has already asked for additional plant to the value of £21,070 for air raids precautions, and what that means to the companies can well be imagined. I remind country representatives that at present farmhouses, sheds, furniture, plant, crops, etc., contribute £6 15s. 6d. per £100 for fire upkeep. If this measure is passed, the amount will be increased to £10 per £100.

The CHAIRMAN: The Bill has gone through and the hon. member has indicated that he is not opposed to it.

Hon. J. J. Holmes: It has not gone through. It has yet to pass the third reading.

Hon. L. B. BOLTON: It is a pity that the Bill passed the second reading stage so quickly. I confess that one of my reasons for moving the amendment is that I wish to give members an opportunity to discuss the Bill further.

The CHAIRMAN: Order! I remind the hon. member that this is a Bill of one clause, and though, to use a vulgarism, it might have sneaked through the second reading, if the Committee so desires, it may knock out the clause and that will be the end of the Bill.

Hon. L. B. BOLTON: This is an instance of the insurance companies being made a taxing machine. I cannot imagine that local authorities, which will benefit greatly, will reduce their rates proportionately; and the Government will be saving a fairly large sum. I move an amendment—

That the following proviso be added:—"Provided, however, that the board shall not expend any funds on the installation of hydrants, nor on any plant or equipment in connection with air raids precautions."

The CHAIRMAN: Before the amendment is discussed I point out that I have looked up Section 41 (2) of the principal Act which it is intended to delete. The proposed new subsection reads—

The Treasurer shall contribute two-ninths of the amount of such annual estimated expenditure, the said local authorities two-ninths there- of, and the said insurance companies five-ninths thereof.

All that Section 41 does is to give authority to raise the money; there is no qualification as to how it shall be spent. Section 26 (1), however, contains the following:—

The board may purchase, take on lease, or otherwise acquire stations for engines, stables, houses for firemen, and such other buildings or land, and all such engines, escapes and other apparatus and plant and other property as the board may think requisite for carrying into effect the purposes of this Act.

The purposes of the Act, according to the title, were to consolidate and amend the law relating to the protection of life and property from fire. The amendment ought to be made to Section 26. I will accept the amendment, and the Committee may adopt it and then, on the question that the clause stand as amended, the Committee can knock it out and that will be the end of the Bill.

The HONORARY MINISTER: I wanted to give the hon. member an opportunity to make his explanation, but I think the amendment is out of order. It is outside the scope of the Bill and, as you have pointed out, Mr. Chairman, is not relevant either to the proposed new subsection 2, or to Section 41 as a whole. Section 41 deals only with the matter of contributions by the Treasurer, the local authorities and the insurance companies towards the cost of administration, etc., as set out in Section 40. The proposed new subsection 2 prescribes the proportions in which the Treasurer, the local authorities and the insurance companies shall contribute towards the expenditure which has been estimated for the year in accordance with Section 40. Neither Section 40 nor Section 41 contains any provision as to what the Fire Brigades Board may or may not do in the exercise of its functions under the Act. The section which does prescribe the powers of the board is Section 29—

The CHAIRMAN: That should be Section 26.

The HONORARY MINISTER: That is the section which should be amended by the

addition of a proviso on the lines proposed by Mr. Bolton. Having shown that the amendment is out of order, may I make an explanation? I moved the second reading in a speech that was brief and clear. Members had an opportunity to study the proposal and, as with many other small Bills, this measure passed the second reading without further discussion.

Hon. J. J. Holmes: You are not to blame; the House is to blame.

The HONORARY MINISTER: If any member desires to amend the other section and will put the amendment on the notice paper, I am prepared to report progress and the matter can be dealt with on Tuesday next. That is a fair thing. I shall be able to offer a very effective reply to the hon. member.

Hon. Sir HAL COLEBATCH: I should like to ask whether it will be competent for the Committee to add a proviso to this clause establishing a different basis of contribution for capital expenditure rendered necessary because of the war. I can quite understand that while many members might consider the new method of contribution in regard to the ordinary expenditure on fire brigades quite acceptable, they may take a very different view when it comes to possibly large expenditure required on account of war conditions, and they may think that for such expenditure there should be a different basis of contribution. I feel interested in this matter because, for many years, I had the privilege of being a member of the Fire Brigades Board.

I had an opportunity of furnishing particulars of our methods to Lord Riverdale, who sat as a Royal Commission on the question of fire brigades in Great Britain. Lord Riverdale was rather surprised to find that, whereas in England it was quite usual for a fire brigade in one district to be of no earthly use in a district 10 or 15 miles distant, because of the difference in fittings, yet in our young State the fire brigades were a national organisation covering the whole of the State and endeavouring to make its arrangements effective throughout the State. I have not prepared any amendment, and I do not think Mr. Bolton's amendment would in any way meet the case; indeed, it might have only the effect of hampering the operations of fire bri-

gades in times of great stress. Would it be competent to move the proviso I have suggested?

Hon. A. Thomson: A private member cannot move what Sir Hal Colebatch suggests.

The CHAIRMAN: Clause 2 has been put to the Committee as printed. Therefore the only question is as to the amendment. The difficulty, as regards Sir Hal Colebatch's proviso, would be to get Clause 2 out of the way. The Minister said he was prepared to accept an amendment to Section 29 of the Act. That, however, would affect the Title of the Bill.

The Honorary Minister: I did not say that, Sir!

The CHAIRMAN: This is a very small Bill but highly complicated.

Hon. L. B. BOLTON: I appreciate the Honorary Minister's offer to report progress. My reason for moving an amendment was that this Chamber should have an opportunity to discuss the Bill. Ours is a House of Review, and the House has not reviewed the measure. We must all accept our share of the blame.

The CHAIRMAN: The simplest way out would be to introduce a new Bill.

Progress reported.

#### **BILL—CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION).**

##### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

#### **BILL—MONEY LENDERS ACT AMENDMENT.**

Received from the Assembly and, on motion by Hon. G. Fraser, read a first time.

#### **BILL—INSPECTION OF MACHINERY ACT AMENDMENT.**

Returned from the Assembly without amendment.

#### **BILL—WILLS (SOLDIERS, SAILORS, AND AIRMEN).**

##### *Second Reading.*

Debate resumed from the previous day.

HON. A. THOMSON (South-East [5.8]: I desire to congratulate the member for West Perth (Mr. McDonald) on having introduced this Bill in another place. As was mentioned by Mr. Craig in moving the second reading, a large number of our soldiers are minors and under the law as it stands cannot make a will. The measure is a Bill for the Committee stage, and I shall not labour the question. I support the second reading, and I sincerely hope that not many of the wills that may be made under the provisions of this Bill will become effective, but that our young soldiers will return to their homes.

HON. T. MOORE (Central) [5.9]: Like Mr. Thomson, I am pleased at the introduction of the Bill. It is a necessary measure, and should be passed speedily; otherwise there is likely to be much confusion. Already there is some difficulty in relation to soldiers who have lost their lives. It takes altogether too long for the dependants to obtain money rightly coming to them. A case of the kind was brought under my notice recently. We are not getting a move on as we should in the matter. When a soldier dies his dependants are cut off from the receipt of allowances except for a very short space of time. After that, nothing further comes along. I am wondering whether it is not necessary to introduce another Bill to meet that difficulty. Nothing can be done under this measure. There is also much delay in obtaining payment of the insurance policy of a deceased soldier.

Hon. L. Craig: That is quick enough.

Hon. T. MOORE: There is nothing quick about it.

Hon. L. Craig: That must be the fault of the Government.

Hon. T. MOORE: In the case I have in mind, the mother is waiting for her money now, and has been waiting far too long already. We do not want such things to happen. Mr. Parker, who understands what can be done, might look into the matter and inform the House how the great difficulties existing today may be met.

**HON. H. V. PIESSE** (South-East) [5.11]: I wish to stress the same matter as Mr. Moore has brought forward. I also know of a case in which great delay took place. Indeed, had it not been for the aid of the Returned Soldiers' Association in obtaining information and certificates and so forth, widows and dependants of soldiers who have already died in this war would have had to wait for a very lengthy period to obtain moneys due to them. It is most unfortunate that these matters are not attended to more promptly.

**HON. J. CORNELL** (South) [5.12]: A cursory glance at the Bill convinces me that it will not remedy the defects mentioned by Mr. Moore and Mr. Piesse.

Hon. T. Moore: I pointed that out.

Hon. J. CORNELL: All this Bill does is to make valid the wills of soldiers even if they are under 21 years of age, and also to make it easier to prove wills than has been the case hitherto. Mr. Moore's and Mr. Piesse's remarks have drawn attention to another phase of the situation. That phase is one entirely for the Federal authorities and not for the State authorities at all. I have been associated for 23 years with an organisation whose function is to look into these things and it has secured satisfaction in cases of the kind mentioned. When a soldier is reported missing, his pay goes on for a certain period and so do the allowances to his dependants.

Hon. T. Moore: For one month. In the case of men killed, it is not so.

Hon. J. CORNELL: A peculiarity of this war is that many men supposed to have been killed have turned up alive, and that many men supposed to be missing have proved to be dead. The Federal authorities have endeavoured to mete out justice whenever possible; I am convinced of that. I have yet to learn that a relative or dependant of a deceased soldier on whose behalf representations were made in the proper quarter has not received justice.

Hon. A. Thomson: By the "proper quarter" you mean the military department?

Hon. J. CORNELL: That is where representations have to be made. I happen to know that the people who have that responsibility have gone to infinite pains to straighten matters out. One of the difficul-

ties is that a dependant feeling aggrieved is likely to approach the member for the district, or some other person. There is one organisation which I always advise such people to contact, and that is the Returned Soldiers' League. If they interview the league officials their cases are not only inquired into but also followed up.

Hon. A. Thomson: That is so.

Hon. J. CORNELL: I have had many cases referred to me by people I have known through the years—not always constituents of mine—and I have immediately put them in touch with Mr. Benson or Mr. Ferguson whose job is to look after these matters. That is the purpose for which the organisation exists.

Hon. A. Thomson: And they do not let up!

Hon. J. CORNELL: That is so.

Hon. T. Moore: There is the matter of probate.

Hon. J. CORNELL: I admit that there is the question of probate, but what I am most concerned about is that the dependants of a breadwinner whose death has occurred overseas should not be allowed to be in straitened circumstances during the time they are waiting for the soldier's affairs to be dealt with and adjusted by the Federal authorities. The question of the will is another matter altogether. I suggest to members that whenever they hear of a case they get in touch immediately with the Returned Soldiers' League. It is not generally known even today that the dependant of a soldier killed 25 years ago, who is in receipt of a pension of £1 a week can, if she is able to convince the Repatriation Department that she is in straitened circumstances and that the sum allowed is not sufficient, receive 31s. per week. I sometimes lose faith in the Federal authorities but, taking the matter by and large, it does mete out justice. The trouble is that people in difficulty do not know the right way to go about obtaining satisfaction.

**HON. J. J. HOLMES** (North) [5.19]: Mr. Moore raised the question of the delay in payments to dependants. That is a serious matter but I cannot see that anyone is to blame. First of all, there must be proof of death before any action can be taken, and there can be no distribution of assets until

probate is granted. Probate will not be granted until the assets and liabilities are declared.

Hon. T. Moore: The granting of probate has often been delayed too long.

Hon. J. J. HOLMES: That may or may not be. I know that there was some delay in connection with the case of the mother of a nephew of mine, but I know, too, that the officer appointed by the Federal Government to deal with these matters is kindness itself.

Hon. T. Moore: I know that, too!

Hon. J. J. HOLMES: He does all he can to facilitate a settlement. I do not want anyone unnecessarily blamed. The difficulty experienced in all the States is that first there must be proof of death; next, there must be a declaration by the persons concerned as to the assets and liabilities, and no payment can be made to anybody until probate is granted. Probate is not granted until the necessary information is supplied. Consequently, delay has occurred and will continue to occur but I am satisfied that the officer concerned, from what I have been told, is doing his best to expedite matters. Even if there were a public trustee, to whose appointment we have been asked to agree, he would find himself up against the same problems.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.21]: I cordially support the measure. I would not have risen except for the remarks made by Mr. Moore. I desire to furnish a little information as to whether immediate help can be obtained by dependants of soldiers while their difficulties are being straightened out. In almost every instance there are sure to be problems and the association to which I belong realises that its task is to provide relief pending permanent relief being given by the Commonwealth. We find that the department is very considerate in doing all it possibly can to finalise cases at the earliest possible moment. If there is any doubt in the mind of any hon. member as to where relief can be secured for the dependants of soldiers who have been killed in action, I would like to point out that an application to the secretary of the Soldiers' Dependants' Fund will result in the desired help being given.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; Hon. L. Craig in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Extension of Section 11 of Wills Act, 1837:

Hon. L. CRAIG: I move an amendment—

That in lines 3 to 5 the words "including any member of the Naval Forces of the Commonwealth of Australia as constituted under the Defence Act, 1903-1939," be struck out.

These words are redundant.

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

Clauses 4, 5—agreed to.

Clause 6—interpretation:

Hon. L. CRAIG: I move an amendment—

That in lines 2 to 8 the words "expression 'soldier' includes a member of His Majesty's Air Force and a member of the Air Force of the Commonwealth of Australia as constituted under the Defence Act, 1903-1939, and the Air Force Act, 1923-1941, and the expression 'in actual military service' means such service whether in Australia or elsewhere" be struck out and the words "phrase 'soldier in actual military service' shall include any man who, by the terms of his enlistment, is liable for service beyond the limits of the Commonwealth of Australia as a member of the Military or Air Forces or the Army Medical Service of the Commonwealth of Australia or of any other part of His Majesty's Dominions" inserted in lieu.

I explained in my second reading speech the necessity for this amendment. The Bill, as printed, made provision to include all soldiers whether in Australia or elsewhere. It is now found that that would include the militia and it is considered undesirable that the position should be made too easy. Every camp has a legal officer who suggests to soldiers going overseas that they should make their wills properly, and in most cases it is being done. Many hundreds of wills have already been prepared. It is considered that the special privilege should apply only to those who have actually enlisted and been accepted for service outside Australia. That is the reason for the amendment.

Hon. T. Moore: What about nurses?

Hon. L. CRAIG: This applies entirely to minors. I am informed that no nurse completes her training until she is over twenty-one.

The CHAIRMAN: She cannot start to train until she is nineteen.

Hon. L. CRAIG: That is so. Nurses are not dealt with by the Bill.

Hon. H. S. W. PARKER: This law was originally introduced at a time when fighting was under different conditions, and men were out in places where it was almost impossible to obtain writing materials and many soldiers were illiterate. As regards nurses, the minority question does not arise because they are all of age and are not likely to be in places where writing materials are unavailable. Consequently, it is deemed advisable not to include them.

Hon. T. Moore: What about V.A.D.s?

Hon. H. S. W. PARKER: They will not be in the front line area, without an opportunity of making a will, and none of them is under twenty-one.

Hon. G. FRASER: While nurses may not necessarily be affected, we must not lose sight of the fact that quite a number of females under 18 years of age have been enlisted in the Air Force.

Hon. L. Craig: For service oversea?

Hon. G. FRASER: At the moment they are in Australia, but seeing that certain sections of females have been sent oversea for various duties, it is possible that the young women I refer to may have a similar experience.

Hon. L. Craig: Surely they will be sent to places where writing material will be available.

Hon. G. FRASER: We do not know. We should extend equal protection to any young women in the position I have indicated.

Hon. H. S. W. Parker: Clause 6 affects that position.

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

New clause:

Hon. L. CRAIG: I move—

That a new clause, to stand as Clause 6, be inserted as follows:—“Any person who being then under the age of twenty-one years has made a will which is rendered valid by Section 11 of the Wills Act, 1837, and this Act, and who thereafter ceases to be a person to whom Section 11 of the Wills Act, 1837, as explained and extended by this Act, applies, may revoke such will although at the time of such revocation he is still under the age of 21 years in any manner (other than by the making of another will) in which the Wills Act, 1837, provides that a will may be revoked.

Yesterday I explained that it would be necessary, having made provision that a minor who is a sailor, soldier or airman may make a will, also to enable him to revoke it. A soldier in that position might make his will, but on his return to Western Australia and discharge from the forces, he would not be in a position to revoke the will he had made earlier because he would then be a civilian and no civilian minor is capable of making a will. The new clause will overcome the difficulty.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—PROFITEERING PREVENTION ACT AMENDMENT.

### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to the amendment made by the Council subject to a further amendment now considered.

### *In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: The Council's amendment was to delete from Clause 3 all the words after “time” in line 6, and substitute the words “during the continuance of this Act” in lieu. The Assembly's amendment is to insert before the word “delete” the words “amend by inserting the words ‘of Section 51’ after the word ‘provisions’ in line 4.”

The CHIEF SECRETARY: When the Bill was dealt with by members here they provided that prosecutions might be launched during the continuance of the Act notwithstanding any provision that might appear in the Justices Act, Section 51 of which prescribes that such prosecutions must be launched within six months. The Crown Law Department advised that it was necessary that Section 51 of the Justices Act should be mentioned in the clause, and if the Assembly's amendment on the Council's amendment be agreed to, the proviso included in Clause 3 will then read—

Provided that notwithstanding the provisions of Section 51 of the Justices Act, proceedings may be commenced at any time during the continuance of this Act.



I move—

That the amendment, as amended, be agreed to.

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

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

## BILL—POTATO GROWERS LICENSING.

*Second Reading.*

**THE HONORARY MINISTER** (Hon. E. H. Gray—West) [541] in moving the second reading said: The Bill provides for the licensing of potato growers so as to secure the collection of accurate statistics regarding the potato industry, to be utilised for the benefit and organisation of that industry. The question of the registration of potato growers has been discussed at several meetings of the Australian Agricultural Council, which is composed of representatives of the Commonwealth, the Council for Scientific and Industrial Research, and the Ministers for Agriculture in each State. At a recent meeting the council carried a motion to the effect that the State Governments concerned should take steps to provide for the necessary legislation with a view to subsequently organising the industry throughout the whole of Australia.

Representations have also been made to the Government of this State by growers from the several districts in which the industry is established, asking that the required Bill be introduced. The Government had no hesitation in doing so and trusts that the Bill now submitted will have the approval of Parliament. Action has already been taken by the various States of the Commonwealth with the exception of two—South Australia and Western Australia—in order to control and organise the industry.

During the 1939 session Mr. Piesse introduced in this Chamber a somewhat similar Bill to the one I am now placing before members. His Bill was introduced in November of that year and reached the Committee stage but was not further proceeded with. The present Bill has an almost identical title, but contains one or two variations in its proposals. I desire to pay a tribute to Mr. Piesse who has done a lot of

work in promoting the industry and has devoted much time and energy in furthering the interests of the potato growers.

The Bill provides that after the expiration of a period of three months from the commencement of the Act no person shall use in any year any area of land exceeding one half acre, or any areas of land exceeding in the aggregate one half acre, for the production of potatoes unless he has obtained a license under the Act.

Hon. T. Moore: Even for his own use?

The HONORARY MINISTER: I will deal with that phase. It is considered that many advantages will accrue to the potato industry under the system of licensing. In the first place it will enable the collection of accurate statistics regarding the industry as a whole. It is known that figures now obtained from the Government Statistician are very approximate. For instance, the officer in charge of the Potato Branch of the Agricultural Department knows that there are about 1,000 growers in this State, although the statistical figures show that there are only 836. Production figures statistically are quoted at 26,000 tons per year, in comparison with a figure of 30,000 tons, a total which has been obtained through inspections being carried out by officers of the Potato Branch. Furthermore, it is considered that as a result of knowing and having particulars of all growers, advice could be given regarding the dates on which areas should be sown in each district, with a view to regulating the market and avoiding gluts.

Another factor which may be taken into consideration is that, in the event of any marketing control measures being contemplated, the statistical information available as a result of this Bill will be of great assistance in determining the best methods for such control. The Bill further provides that an application for a license, or for a renewal of a license, shall be made on the prescribed form to the Under Secretary at the Department of Agriculture. A license may be renewed, and on each renewal shall take effect for a further period of one year. Any person not being the holder of a license after the expiration of three months from the commencement of the Act, who uses land for the production of potatoes contrary to the provisions of the Act, shall be liable to a penalty of not less than £2 and not exceeding £100.

It is proposed that a committee known as the potato growers advisory committee shall be created, the three members of which shall be appointed by the Governor-in-Council on the recommendation of the Minister. Two members will represent the growers and the other will be an officer of the Department of Agriculture. The Bill provides also that a license fee shall be paid in accordance with the schedule, and the revenues derived therefrom shall be used for the benefit and development of the potato industry. The other provisions of the measure will readily be understood. I trust members will approve of the proposals advanced, and point out that their implementation will be of great benefit to potato growers in this State.

Hon. J. J. Holmes: Does the Bill prohibit foreigners from growing potatoes?

The HONORARY MINISTER: It makes no provision for that. I move—

That the Bill be now read a second time.

On motion by Hon. H. V. Piesse, debate adjourned.

### BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

#### *Second Reading.*

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.48] in moving the second reading said: This is a small Bill to amend the Road Districts Act, and is one which I think will appeal to the House. It should appeal more particularly to those who have been associated with road boards, and to those who represent provinces in which are situated places that are used as holiday resorts. The measure seeks to add a new paragraph to Section 204, to stand as paragraph (61), under which power will be given to road boards to regulate the parking on any land of any caravan or vehicle which can be used as a habitation or for sleeping purposes. It also provides for prohibiting the parking of such vehicle without written permission from the local governing authority.

If this Bill becomes law a local governing authority may authorise the period during which a caravan can remain on any property, whether such property is owned by the Crown or by the road board, or is private property. Members will, I feel sure, see the reasonableness of such con-

trol being vested in road boards. I am informed that road boards have already experienced some difficulty with caravan owners, who have parked their vehicles on public property for a length of time that has caused them to become a nuisance. They have also parked their caravans on private property where no sanitation has been provided and no water facilities were available. Members will readily see that without control, and without the provision of such conveniences as I have indicated, it would be easy for caravan parking to become a definite menace to public health.

Local governing authorities, if the Bill is passed, will be encouraged to set aside in their districts areas for parking purposes. They will also be encouraged to provide sanitary conveniences and water supplies within those specified areas. Without such control road boards would not be encouraged to invest funds in such directions. Other dangers that now exist will also be prevented upon the Bill becoming law. I refer to the infringement of building and health by-laws. Without the control I have indicated, and as things are at present, it is possible for a caravan to park for any length of time upon any private property.

Hon. J. J. Holmes: With the consent of the owner, I suppose.

Hon. J. A. DIMMITT: Yes, but without the consent of the road board. Another aspect of the matter is that road boards must protect their ratepayers. There are ratepayers who are in business in these districts, such as hotelkeepers, boardinghouse keepers and proprietors, and flat owners. At present it would be possible for the owner of a caravan or of a number of caravans, to park the caravan, or caravans, on private property alongside, opposite, or adjoining a boardinghouse, or an hotel, or a block of flats, and to allow the caravan, or caravans, to become practically permanent residences. Such people would not be subject to the building by-laws, nor to the health by-laws. They would not have to pay the rates and taxes which people in business in permanent structures are compelled to pay.

For these reasons I feel that hon. members will realise there is a real need for amending legislation of this kind. I hope they will be prepared to confer upon local

governing authorities the powers set forth in the Bill. Those powers will give them an opportunity to control a very desirable activity in caravanning, but one which can easily, without this control, become a real menace. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

### **BILL—EMPLOYMENT BROKERS ACT AMENDMENT.**

#### *Second Reading.*

**THE HONORARY MINISTER** (Hon. E. H. Gray—West) [5.55] in moving the second reading said: For many years past in this House an amending Bill of this nature has been brought down. In the meantime, however, conditions have changed. This Bill has been introduced as a war measure. I hope members will see the necessity for it and will drop their old prejudices against legislation of this type, in the interests of the people concerned. The Bill is substantially the same as that which was sent to this Chamber last session from another place, with a radical change in the Sixth Schedule which fixes the maximum charges payable by the worker and the employer.

The change has been made chiefly in order to fall into line with views expressed by members. Several of them declared during the second reading debate last session that the schedule of charges in the Bill then under discussion, although the same as that which existed in Victoria, was set at too low a figure and would drive private labour exchanges out of business. They said it was unfair to include the Victorian schedule owing to the big disparity between the population of that State and of Western Australia. I will deal with that alteration at a later stage. The Bill before the House conforms to the general policy of the Government in developing the State labour exchanges for women, young people and men. One of the most important amendments provides for a radical change in the licensing of private employment brokers. The present Act contains ten sections dealing directly or indirectly with the licensing of those who desire to become employment brokers.

Hon. J. J. Holmes: I am glad to know that at last you have some consideration for the employment brokers.

The **HONORARY MINISTER**: This measure provides that an application has to be made to the clerk of a local court, who then has to post up the necessary notice and notify the Chief Inspector of Factories. A licensing court has to be appointed, by proclamation, to sit at a certain place for the purpose of hearing and deciding any application that may come before it. Under the present system persons are, of course, given the right to raise objection to any application with which the court may be concerned. The licensing court finally decides whether the license applied for is to be granted.

The amendments in the Bill will simplify the business of licensing. Applications will be made to the Chief Inspector of Factories, who will hear and decide each application. The procedure will be somewhat similar to that under the licensing provision in the Bread Act. In addition to conferring upon the Chief Inspector power to grant or refuse an application for a license, the Bill proposes also to give him power to cancel any existing license if he considers there are sufficient grounds to warrant drastic action of that character.

Hon. J. J. Holmes: Who will do the cancellation?

The **HONORARY MINISTER**: I will explain that later. Whenever the Chief Inspector refuses to grant a license that has been applied for, or cancels an existing license, there will be a right of appeal from his decision to a magistrate.

The grounds upon which an application may be refused are that the applicant is not a fit and proper person to hold a license; that he has practised fraud, imposition or extortion; that he has conducted his business for immoral purposes; that he has failed to observe the provisions of the Act; that he has suffered forfeiture or cancellation of a license under the Act; that the requisite requirements of the district do not warrant the granting of a license, and, finally, that the premises in which the applicant proposes to exercise, or to continue to exercise a license, are unsuitable for the purpose.

When the Chief Inspector refuses an application for a license or cancels an existing license, and a magistrate, if appealed to, upholds the decision of the Chief Inspector, the person concerned in the making of the application or in the holding of the cancelled license will be prohibited from carry-

ing on business in any way as an employment broker, and from acting as a servant or agent of any other employment broker. An endeavour is made in the Bill to widen the definition of the term "servant." The idea is to enable more workers to receive the protection of the Act than is possible today. The words "for reward," where they appear in the definitions of "employment broker" and "servant" in the parent Act are deleted by this measure; and the words "under a contract of service or a contract for service" are substituted. The effect of this amendment will be that independent contractors will receive the protection of the law.

It is well to mention here that a contract of service is held in law to be a straight-out contract for wages. A contract for service, on the other hand, is held to be an independent contract. We have had some evidence that clearers, woodcutters, shearers and other similar workers have been exploited in the past; this provision will clear up any doubt with regard to their position and they will therefore have the protection of the Act.

Hon. A. Thomson: In what way were they exploited?

The HONORARY MINISTER: By being charged extortionate fees. Furthermore, this type of worker, because of his independence, is more entitled than is the ordinary worker to protective legislation. Again, he would be more likely to obtain employment through the offices of employment brokers than would the general run of workers.

Members are familiar with the recommendations embodied in the report of the Royal Commissioner (Mr. Justice Wolff) on youth employment. He stressed the necessity for the Government labour exchanges forming an important link in the carrying out of a plan of vocational guidance and placement. The International Labour Organisation of the League of Nations, at the General Conference convened at Washington on the 20th October, 1919, dealt exhaustively with labour exchanges. Article 2 of the Draft Convention reads—

Each member who ratifies this convention shall establish a system of free public employment agencies under the control of a central authority. Committees, which shall include representatives of employers and of workers, shall be appointed to advise on matters concerning the carrying on of these agencies. Where both public and private free employment agencies

exist, steps should be taken to co-ordinate the operations of such agencies on a national scale. The operations of the various national systems shall be co-ordinated by the International Labour Office in agreement with the countries concerned.

This, with other important recommendations, was adopted at the General Conference at Geneva in 1933. Included in the recommendations were the following:—

(1) That a system of State-controlled labour exchanges be instituted, with free service to both employer and employee.

(2) That the activities of the exchanges be divided into two distinct branches—

(i) Adult placement (persons over 25 years of age);

(ii) Youth placement (persons under 25 years of age).

(3) That the Labour Bureau and the Boys' Employment League be absorbed in the new organisation.

Effect has been given to these recommendations in this State. Another recommendation is—

(4) That private, fee-charging agencies should be brought under more strict control and placed directly under the Minister for Labour, who should be given the power to renew and cancel licenses. The fees chargeable by these agencies should be definitely fixed by law.

Effect to this recommendation is given in the Bill. I now come to the only change from the Bill of last session, namely, the alteration in the scale of fees. Members will recall that the main attack on the measure introduced last session was against the low scale of maximum charges. Consideration has been given to that phase. Fees payable by employers have been increased by 100 per cent. This increase will meet the expressed wish of those members who last session stated emphatically that the scale of fees in the Bill then before the House would drive the private labour exchanges out of business. Fees payable by workers have been reduced by 50 per cent. and there is ample justification for this reduction.

Farm labourers and domestic servants especially are in great demand, which at the moment cannot be met. This position, bad enough before the outbreak of the war, has become intensified, particularly as regards farm workers. This is reflected in the annual figures of the State Labour Bureau, where male engagements this year totalled 2,517, as against 3,379 the previous year, a decrease of 862. In the women's branch 5,976 positions were available. There

were 4,491 engagements, so that 485 positions could not be filled. These workers of both sexes are not protected by Arbitration Court awards. There is a big demand for their services and consequently no justification exists for a parasitical charge for obtaining work for them. Such a charge would be bad enough in times of peace, but should not be tolerated in a war period. If employers desire the privilege of obtaining labour from private labour exchanges, it is but reasonable that they should expect to pay for such a luxury. They are not compelled to do so, because the Government labour exchanges for youths, women and men give a free service immeasurably superior to that given by private enterprise. The passing of the Bill will afford relief to a large number of men, women and young people by reducing the fee, which is mainly a levy of their first week's wages.

Hon. G. W. Miles: But you send any kind of worker, including nit-wits.

The HONORARY MINISTER: No.

Hon. G. W. Miles: I know of several cases.

The HONORARY MINISTER: The hon. member knows he gets good workers.

Hon. G. W. Miles: No.

The HONORARY MINISTER: This is a war economy measure which it will be very difficult to combat if members give it fair consideration. I feel sure that, if it is considered from the viewpoint of labour difficulties—caused mainly by the absorption of country workers in the A.I.F. and other defence forces—it will be passed without amendment. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

*House adjourned at 6.9 p.m.*

## Legislative Assembly.

Thursday, 23rd October, 1941.

	PAGE
Questions: Agricultural Bank, enlisting clients, power of attorney .....	1434
Railways, as to conversion to standard gauge .....	1434
Perth tramways, extension .....	1435
Main Roads Department—(1) as to straightening Guildford Road; (2) receipts from the Commonwealth .....	1435
Drainage and irrigation works .....	1435
Bills: Factories and Shops Act Amendment, 1A. ....	1435
Public Service Appeal Board Act Amendment, 1A. ....	1435
Money Lenders Act Amendment, 3A. ....	1435
Inspection of Machinery Act Amendment, 3A., passed .....	1435
Perth Dental Hospital Land, 2A. ....	1436
Franchise, Com. ....	1436
Proteifering Prevention Act Amendment, Council's Message .....	1446

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

### QUESTION—AGRICULTURAL BANK.

*Enlisting Clients, Power of Attorney.*

Mr. SEWARD asked the Minister for Lands: 1, In the power of attorney form which the Agricultural Bank obtains from its settlers who enlist in the A.I.F., is the following clause included:—To mortgage all or any of the said lands, leases, or holdings, either as primary security or as a collateral security to secure any sum of money which my said attorney may borrow for his own purpose from the Agricultural Bank of Western Australia or any other institution or company? 2, Is it usual to include such a clause in a power of attorney form? 3, If not, why is it included in the form used by the Agricultural Bank?

The MINISTER FOR LANDS replied: 1, Yes. 2, It is not unusual. 3, See answer to No. 2.

### QUESTION—RAILWAYS.

*As to Conversion to Standard Gauge.*

Mr. NORTH asked the Minister for Railways: 1, Is he aware that members of the present Federal Government have in the past advocated unification of railway gauges? 2, As this policy may now be implemented by the Federal Government, can our railway workshops handle the construction of modern standard gauge locomotives? 3, Can the workshops construct the latest type of passenger coaches equal to the best