ADJOURNMENT—SPECIAL.

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

That the House at its rising adjourn till 4.30 p.m. on Thursday, the 7th October, 1948.

Question put and passed.

House adjourned at 10.11 p.m.

Legislative Assembly.

Thursday, 7th October, 1948.

CONTENTS.

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

QUESTIONS.

COALMINING.

(a) As to Observance of Labour Covenants.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

Will he consider taking the necessary action to prevent any coal mining company operating at Collie from increasing its present holding area until such time as such company complies with the labour covenants of the Mining Act?

The MINISTER FOR HOUSING replied:

Yes, consideration will be given.

(b) As to Production on Black Diamond Leases.

Mr. MARSHALL asked the Minister representing the Minister for Mines:

(1) Has any agreement been signed between the Government and the Amalgamated Collieries (W.A.) Limited for the production of coal on leases and tenements known as the Black Diamond Leases?

(2) Is the Amalgamated Collieries (W.A.) Limited doing, or has it engaged any other party to do, any active mining operations on tenements or leases returned to it from the State Electricity Commission?

(3) If so, just what is the nature of the work being performed?

The MINISTER FOR HOUSING replied:

(1) Correspondence has passed between the parties which forms the basis of an agreement which has not yet been signed.

(2) Yes.

(3) Clearing overburden in order to extract from open cut.

TRAFFIC.

As to Car Parking, Riverside Drive.

Mr. GRAHAM asked the Minister for Lands:

What steps have been taken to establish a car-parking area on the land bounded by Riverside Drive, Repatriation Department, Government House Gardens and Christian Brothers' College, which was set aside for that purpose last year at his instigation?

The MINISTER FOR RAILWAYS (for the Minister for Lands) replied:

This matter is the subject of negotiations with the City Council and a decision has not yet been arrived at.

HEALTH.

As to Treatment of T.B. Subjects.

Mr. GRAHAM asked the Minister for Health:

(1) Have representations been made to him by the Tuberculosis Assocation of W.A. seeking amendments to the Health Act to enable public health authorities to compel persons suffering from tuberculosis to remain in hospital or otherwise in isolation for treatment and the prevention of the spread of the disease?

(2) If so, is it the Government's intention to introduce legislation this session for that purpose?

(3) If not, why not?

The MINISTER replied:

(1), (2) and (3) No, but the Government is giving consideration to amendments to the Health Act to deal with the treatment of persons suffering from tuberculosis.

ELECTORAL.

As to Ensuring Accuracy of Rolls.

Mr. NEEDHAM asked the Attorney General:

(1) Is it customary for the State Electoral Department to make a triennial census of electoral districts in order to ensure a correct electoral roll?

(2) If so, is he aware that such census has not been successful, in the past, and that electoral rolls were far from correct?

(3) Will he favourably consider the appointment of the State Electoral Officer to work in conjunction with Commonwealth electoral officers on the days when ration cards are being distributed, and thus help to get a correct electoral roll for the new electoral boundaries?

The ATTORNEY GENERAL replied:

(1) A canvass of electoral districts in the metropolitan area, and of the compact centres of districts in the agricultural, mining and pastoral areas is usually made before the closing of the rolls prior to a general election.

(2) So far as I am aware, the canvasses in the past have been reasonably successful.

(3) No. Because Commonwealth electoral rolls are not used in connection with the issue of ration cards.

RAILWAYS.

As to Fitting of Spark-Arresters.

Mr. STYANTS asked the Minister for Railways:

(1) Is it correct that the size of the exhaust nozzle on locomotives is being reduced to make the engines steam better with Cyclone spark-arresters fitted?

(2) What percentage reduction is being made on the various classes of engines?

(3) Has the effect of retarding the exit of the exhaust steam to a degree greater than that intended by the designer been thoroughly tested in relation to back pressure, etc.?

(4) Is it not correct that reducing the size of the exhaust nozzle has for all time been prohibited on the W.A.G.R., and any attempt to "jimmy" the exhaust strictly forbidden?

The MINISTER replied:

(1) Yes.

(2) Es, Fs, and D classes have been reduced 21 per cent.

(3) Yes.

(4) Yes; reduction of exhaust nozzle by unauthorised employees is forbidden. "Jimmying" is also forbidden.

BILLS (7)—FIRST READING.

1, Government Railways Act Amendment.

2, Western Australian Government Tramways and Ferries.
Introduced by the Minister for Railways.

3, Justices Act Amendment.
Introduced by the Attorney General.

4, Mining Act Amendment.

5, Matrimonial Causes and Personal Status Code.
Introduced by the Minister for Housing.

6, Poultry Industry (Trust Fund).
Introduced by the Minister for Lands.

7, Motor Vehicle (Third Party Insurance) Act Amendment.

Introduced by the Minister for Local Government.

LEAVE OF ABSENCE.

On motion by Mr. Brand, leave of absence for two weeks granted to the Honorary Minister for Supply and Shipping, Hon. A. F. G. Cardell-Oliver (Subiaco) on the ground of urgent public business.

BILLS (2)—REPORT.

1, Workers' Compensation Act Amendment.

2, Prevention of Cruelty to Animals Act Amendment.

Adopted.

BILLS (2)—THIRD READING.

1, Factories and Shops Act Amendment.

2, Licensing Act Amendment.

Passed.

BILL—MARRIAGE ACT AMENDMENT.

Report of Committee.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [4.46]: In moving that the report be adopted I desire to inform the House that, following some queries raised by the member for Kalgoorlie with regard to the wording of a clause in the Bill, I had the matter investigated by the Registrar General, who has informed me that the clause to which I have referred does accurately convey the position.

I confess that it is not altogether easy to follow what is in this respect a procedural Bill, but the procedure appears to be that when a marriage is celebrated by the registrar he makes out three certificates of the marriage, one of which is signed by him as the person celebrating the marriage and is handed to one of the contracting parties. He then has two certificates left, and these he proceeds to register. When he registers those two remaining certificates he signs his name as the registration officer, and fixes the official seal of his department and enters the certificates in a numerical register according to the numbers to which they are entitled. Of those two remaining certificates, which he so registers in his capacity as registrar, he keeps one for the local registry and sends the other on to the Registrar General to be retained at the head office of the registry.

When, therefore, the clause referred to by the member for Kalgoorlie states that the third and second certificates shall be registered by the registrar, it refers to that particular procedure by which he effects registration in accordance with the practice of his office. While, like the hon. member, I was not quite clear about the position, the explanation given to me by the Registrar General has satisfied me that the terms of the clause conform to the existing and correct procedure, and I therefore think it might remain. When I referred this matter to the Registrar General this morning he informed me that in another respect altogether he thought the clause might be improved and made clearer. For that purpose it is my intention, before the third reading takes place, to ask the indulgence of the House to enable the Bill to be recommitted so that that clause may be reconsidered. In the meantime I move—

That the report be adopted.

Question put and passed; report of Committee adopted.

BILL—WEST AUSTRALIAN CLUB (PRIVATE).

Adoption of Report of Select Committee.

Order of the Day read for the consideration of the report of the Select Committee.

The CHAIRMAN OF COMMITTEES (Mr. Perkins): I report that the Bill contains the several provisions required by the Standing Orders.

Mr. NEEDHAM (Perth): I move—

That the report of the Select Committee be adopted.

Question put and passed; the report adopted.

BILL—FEEDING STUFFS ACT AMENDMENT.

In Committee.

Resumed from the 5th October. Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clause 4—Amendment of Section 5C:

The CHAIRMAN: Progress was reported on Clause 4, to which the member for Swan had moved an amendment to add after the word "by-product" in line 3 of paragraph (c) the words "and such analysis shall, if the stock-food or by-product be laying mash for poultry, show that such laying mash contains protein content of not less than 16 per cent."

The MINISTER FOR LANDS: When the member for Swan moved his amendment I asked that progress be reported so that the amendment could be examined by the Crown Law Department. That has been done, and the department states that the amendment cannot be accepted as it would compel persons who sell any manufactured food for stock to show the information as set out in the amendment irrespective of whether the protein content was less than 16 per cent. or not. The department also states that if the amendment is insisted on it will be necessary to show the protein content on the label irrespective of whether there is that protein content or not. The trouble is that the amendment would be inserted in the wrong clause and I must therefore ask the Committee to disagree with it.

Hon. J. B. Sleeman: Will you re-commit the Bill later on and put it in?

The MINISTER FOR LANDS: No. If it is possible under Standing Orders for the member for Swan to amend the Act during this session, I suggest that he introduces a small private Bill to make the necessary alteration.

Hon. J. T. TONKIN: I appreciate the fact that the amendment proposed by the member for Swan is not in its proper place, but it must be realised that there is no choice in the matter if the amendment is to be inserted at all, because the rest of the Act is not under discussion. I had hoped that the Minister would have been more explicit in giving the reasons why the Crown Law Department has advised him that the amendment should not be accepted. It is true that the amendment now covered by the Bill refers to what is being shown on the label because it states that the labels affixed to the packages will contain information as to the chemical analysis as well as the other information required under the Act. If it is decided that such chemical analysis shall indicate a minimum protein content, I cannot see why that should not be done. If it were possible the amendment should be placed in the section setting out the various requirements as to foods, but that cannot be done under this Bill. The Minister has not told me sufficient to convince me that the amendment would be inoperative if it were accepted. I would like the Minister or the Attorney General to give the Committee some further information.

The MINISTER FOR LANDS: As promised, I sought the advice of the Crown Law Department and I have already quoted the Crown Solicitor's view on the matter. I doubt that we could force any manufacturer to put a certain protein content in the food. If the food is described correctly on the label he is within the law, and I do not think we can force him to build the food up to a certain strength. That may be the attitude of a bush lawyer, but I feel that it is correct.

Mr. GRAYDEN: I think we should have some more information from the Minister as to whether it is desirable that 16 per cent. of meatmeal should be included in laying mash. I take it from the remarks of the member for Swan that the tests to which he referred were carried out over a six-monthly period, and it was found highly desirable that the 16 per cent. should be included in the mash. To get an accurate result I think the tests should have been carried out over a two-year period, which, I understand, is considered to be the life of a laying hen. The tests were carried out over a six-monthly period and it may have forced the hens to lay eggs which may possibly have an adverse effect upon them for the remaining 18 months of their laying life. Some years ago 10 per cent. was considered to be the average percentage and in view of this fact I feel we should have some more information from the Minister.

Mr. WILD: I cannot follow the line of reasoning of the Minister handling the Bill. He says that by putting 16 per cent. on the label it will mean that all other foods under the Feeding Stuffs Act will be similarly affected. I draw the attention of the Minister again to the amendment, from which it can be seen that the only bag that will require to have 16 per cent. protein marked on the label will be a bag of laying mash. I agree with the member for North-East Fremantle when he says that no harm can be done by agreeing to the amendment.

Furthermore, in reply to the Minister's suggestion that I could bring in a private member's Bill later in the Session, I consider it would be very doubtful whether it would go through, and thus the poultry farmers would continue to be robbed for a further nine or twelve months as they have been during the last two years. I implore the Committee to agree to the amendment.

The MINISTER FOR LANDS: The member for Swan has said that the poultry farmers have been robbed for the last two years. The Bill prescribes that the analysis shall be shown on the label, and therefore the poultry farmer will not be robbed because he will be getting the correct analysis of what he buys. I agree with the member for Middle Swan that the poultry adviser should be consulted on these matters before we agree to any increase in protein strength of the mash.

Hon. J. T. TONKIN: He has been consulted.

The MINISTER FOR LANDS: Has he? However, it is necessary to seek his advice. It is up to the Committee to accept the advice of the Crown Law Department. We are already going to some length to protect the poultry farmer. I agree that he should be protected, and I also agree that probably all sorts of mixtures were put over him during the war and that the food values were not in the manufactured article. However, in the Bill we are providing for the analysis to be shown on the label, and I think that as long as the poultry farmer knows what he is buying and the price is based accordingly, that is a protection for him. Another point is that the costs of these foods are going up all the time and it might not be advisable to stipulate that the foods should contain 16 per cent. protein.

Hon. A. H. Panton: Are eggs going up too?

The MINISTER FOR LANDS: They may be. As the member for Middle Swan has said, fowls will be forced to lay in a period of six months and thus at the end of their lifetime of two years they may be only a bundle of feathers. I think we should agree with the opinion of the Crown Law Department and disallow the amendment.

The ATTORNEY GENERAL: On the amendment I do not think we can argue the merits of whether the bran mashes shall contain 16 per cent. or not. We have to bear in mind the section of the Act with which we are dealing. That section deals only with labels and not the contents of any bran mash. All it says is that there shall be a label affixed on which shall be set out the name of the manufacturer and his place of business, etc. The Bill seeks to add a further qualification in that the chemical analysis shall also be shown on the label. The Crown Law Department advises that it is of no use showing the protein content on the label because it may not be accurate. There may be considerable merit in what the member for Swan has suggested, but I am not prepared to say whether there is or not. It is of no use inserting a provision that cannot be interpreted in the courts.

Mr. MARSHALL: I am taking no part in arguing the virtues of the proposed amendment, but I feel that the Minister has some objection to the substance of it.

The Attorney General: I have no objection at all.

Mr. MARSHALL: I said the Minister!

The Attorney General: I am sorry.

Mr. MARSHALL: The Minister is hiding behind the fact that the amendment is being inserted in the wrong place. If he is sincere and has no objection to the substance of the proposed amendment, he could have long since suggested that the Bill be recommitted for the purpose of putting it into its correct position. Alternatively, he could have given the Committee an assurance that it would be inserted in another place. I understand it could be appropriately put in another part of the Bill. If that is so, why delay the Committee?

Hon. J. T. TONKIN: This matter is not as clear as some members would have us believe.

Hon. A. H. Panton: It is as clear as mud, after the Attorney General's explanation.

Hon. J. T. TONKIN: Section 5C, which the clause seeks to amend, refers to labels that have to be fixed on packages and to what has to be shown on them. It would be competent for the Committee to make provision there for excluding certain businesses. It might be undesirable in some circumstances that these foods should be

manufactured in certain places. The labels must have on them the distinguishing name of the food product and we could, if we so desired, make provision there that the word "Australian" or "Royal" should not be used in the name of the product. The Bill proposes to require the analysis of the foodstuff to be shown on the label. Why could we not indicate that the quantity of protein to be included in the foodstuff should be not less than 16 per cent.?

It is idle to say that such a provision might result in incorrect statements being made, as the Attorney General would lead us to believe. If the manufacturer were to submit his formula as indicating that more than 16 per cent. protein was included, whereas it contained less, he would certainly be in trouble. The Act already provides that the manufacturer shall, within 30 days of the commencement of the measure, or within 60 days after the date of his commencing in business as a manufacturer or importer of stock food, whichever should be the later date, and thereafter each year on or before the 30th June, submit an application to the Agricultural Department for the registration of the stock food. In the form of application there has to be included a chemical analysis of the stock food showing the minimum percentages of crude protein, crude fat and crude fibre.

Why cannot we prescribe that the percentage of protein content should not be less than 16? I admit that the more appropriate place for the amendment would be in Subsection (1) of Section 5. By providing that the protein content shall be not less than 16 per cent., we shall improve the quality of the foods that are being sold. If the producers had their way, they would not use the manufactured mashes at all but would buy their bran and pollard supplies and make the feed themselves. They cannot do that as the manufacturers prefer to sell the prepared stock foods, which have not proved satisfactory for the poultry people, who want a higher protein content. I understand the member for Swan has been in contact with the poultry adviser at the Agricultural Department, and that officer has recommended 16 per cent. as being required. The question has been raised whether, if we do make provision for that minimum protein content, it would be effective and could be enforced. If it could be, we should insert the amendment.

Mr. WILD: The member for North-East Fremantle has explained the position fully and what the effect of the amendment would be. If a manufacturer submitted a statement in his application that the stock food contained 16 per cent. protein, whereas it was less, he would throw himself open to prosecution.

The Attorney General: Why?

Mr. WILD: Because the law says that the manufacturer must attach the chemical analysis to his application and, if the statements therein are not correct and he sells stock food that is not in accord with the analysis, he will certainly be in trouble. The Minister for Lands objected to my statement that the poultrymen had been robbed. I remind the Minister of the statement I made regarding the analyses that had been submitted by manufacturers to the Agricultural Department and the deficiencies disclosed on examination. Thirteen out of 28 were found to be deficient. Some of them were not merely one per cent. but were as much as 14 per cent. down. The Western Egg Food, which is supposed to contain 40 per cent., had only 26.2 per cent. So there is every justification for requiring the analysis on the bag to show up to 16 per cent. of protein content.

The experiments I referred to were over a period of six months, but it has been recognised in the poultry industry for many years that 15 to 16 per cent. is necessary for efficient production. I use David Gray's mash, which is supposed to contain 14.5 per cent., but if I could get meatmeal and add an extra five per cent., I could increase my production of eggs by 20 per cent. Unfortunately, I cannot get the meatmeal. We might well pass the amendment. If it fails in its object, the poultry farmer will be no worse off than he is at present, and other action would have to be taken.

Mr. RODOREDA: I agree with the Ministers that this is not the place to insert the amendment. It is outside the scope of the clause and, I think, outside the scope of the Bill, but I do not wish to argue that point. If the Department of Agriculture is fully seized of the need for prescribing 15 or 16 per cent. of protein, it has power to

do so by regulation. Then, if a manufacturer applied to register a formula that was not up to standard, the department could refuse him.

This is a technical matter with which we are not competent to deal. The department has its experts, and if they were persuaded that there is insufficient protein in laying mashes, regulations could be made to compel manufacturers to include the requisite percentage. We could lay down a minimum standard and would be well advised to do so, but that should not be inserted in this Bill. The Bill should be recommitted so that the amendment might be inserted in its proper place in the Act. I consider that it should be included in the schedule.

I would not favour the amendment as proposed. The member for Swan knows that there are two grades of laying mash and that the purchaser must have a permit for one while the other is available to citizens without permit. If the hon. member insists upon 16 per cent. being prescribed, the price will be increased considerably to all users. I could support the hon. member if he were satisfied to apply that percentage only to mashes supplied to poultry farmers under permit, but I do not wish to see the price increased to people who are not in the industry commercially. The Minister stated that if a poultry farmer could find out from the analysis what he was buying, everything would be satisfactory, but that is not so, because the poultry farmer has no choice in the matter.

The Minister for Lands: I meant to convey that the food would be correctly described.

Mr. RODOREDA: That could be insisted upon now, but the protein content is less than that shown in the certificate of registration. This is a matter for departmental policing.

The Minister for Lands: Previously the analysis was not given and the Bill provides that it must be given.

Mr. RODOREDA: But it was given to the department, and the analysis was not adhered to.

The Minister for Lands: It is a matter for policing.

Mr. RODOREDA: A mash reputed to have 15 per cent. might not contain 10 per cent. If the Minister is wise, he will recommit the Bill, discuss the matter with the member for Swan and with the technical officers of the department, and insert a provision in the appropriate place in the Act.

The ATTORNEY GENERAL: In reply to the member for North-East Fremantle, I point out that the certificate is filled in when the manufacturer applies for registration of the product. Section 7 deals with the grounds on which a prosecution may be based. Originally there were three grounds but, by the amending Act of 1940, an additional ground was included. One section says—

> (d) sells any manufactured food for stock or by-product which—
>
> (i) does not consist solely of the materials set out in the application for registration of such food for stock or by-product; or
>
> (ii) is not registered in accordance with the provisions of this Act and the regulations thereunder; or
>
> (iii) is not in accordance with the chemical analysis set out in the application for registration of such manufactured food for stock or by-product; or
>
> (iv) is not in accordance with the standard prescribed therefor.

I agree with the member for North-East Fremantle that that certainly suggests what is desirable. It may be a strong inducement to a manufacturer who wishes to comply with the spirit of the Act; but it certainly would not in many cases catch up with the manufacturer who does not so wish.

Hon. J. T. Tonkin: Yes, it would. That is where you are missing the point.

The ATTORNEY GENERAL: He certainly could not be prosecuted under that section.

Hon. J. T. Tonkin: I think I can prove conclusively that he could.

The ATTORNEY GENERAL: I agree with the member for Roebourne that we should make our Acts so clear as to enable them to be easily interpreted. We should not leave any loopholes. If we are to amend the parent Act, let us do so in a proper way.

Hon. J. T. TONKIN: In my opinion, the Attorney General has missed the vital point. I am not concerned so much whether the Agricultural Department or someone else prosecutes a person who sells something not true to label, so long as he can be prosecuted for doing so. If he is obliged to state

on the label that the minimum protein content shall be not less than 16 per cent. and the food does not contain that percentage, then he can be prosecuted. The label would in that case be an implied warranty. The Act provides that an invoice certificate given by the seller shall have the effect of a written warranty by the seller that the particulars contained therein are correct. Therefore, with the label and the invoice, the purchaser could take action on his own account without waiting for the Agricultural Department to police the Act.

When the present Government took office it did not proceed against certain manufacturers who had contravened the Act, notwithstanding that the prosecutions had been recommended. Had the purchasers of the goods been in the position themselves to take action, they could have proceeded against the manufacturers; the label and the invoice together would have been a solid ground for success, as the purchasers could have proved beyond doubt that the goods which they bought were not true to label and invoice. That is the point.

The Attorney General. The Act merely mentions "the prescribed particulars." It does not say anything about the label.

Hon. J. T. TONKIN: Does it not?

The Attorney General: No.

Hon. J. T. TONKIN: The Minister must surely realise that the Act provides that the manufacturer shall register his formula and that he shall affix a label to the article which he sells. The amending Bill provides for the chemical analysis to be shown.

The Attorney General: No, it does not.

Hon. J. T. TONKIN: Read the amending Bill. The Attorney General has been arguing without knowing the contents of the Bill. Does he admit that he is wrong?

The Attorney General: No.

Hon. J. T. TONKIN: There is no need to argue further. All we have to decide is whether, if we insert this provision in the Bill, it will have the force of law and benefit the consumer. If we provide that in the particulars to be set out in the label there shall be a minimum protein content disclosed, that could not harm the producer but would probably be for his benefit.

The MINISTER FOR LANDS: I submit that the member for North-East Fremantle, who occupied the position of Minister for Agriculture, would have done, had he still been in that position, what I have done. He would have obtained the advice of the Crown Law authorities. They have said that this is the wrong place in the Bill to insert the amendment.

Hon. J. T. Tonkin: We know that.

The MINISTER FOR LANDS: When the member for North-East Fremantle was speaking previously, he was rather noncommittal as to whether the amendment should be inserted in this part of the Bill or not; he said he would not suggest that this was the right place for it.

Hon. J. T. Tonkin: Be fair. I said I had my doubts about it.

The MINISTER FOR LANDS: I know the hon. member did. He said the Government did not proceed with certain prosecutions.

Hon. J. T. Tonkin: That is so.

The MINISTER FOR LANDS: I think those prosecutions were on the stocks when the member for North-East Fremantle was Minister. He could have taken action had he so desired.

Hon. J. T. Tonkin: No, I could not.

The MINISTER FOR LANDS: The member for Swan made mention of what had appeared in the "Government Gazette." All that appeared there was the analyses of foods.

Mr. Wild: The registered analyses.

The MINISTER FOR LANDS: Yes. The member for Roebourne clarified the position when he suggested that the analyses could be governed by regulation. I am quite prepared to say to the member for Swan, "I will have the position examined to ascertain whether the matter can be provided for by regulation." The member for Roebourne also raised the point about meatmeals being rationed. That is the case; they are strictly rationed amongst the pig feeders, poultry farmers and others. The necessary protein might not be available to the manufacturers to enable them to make a food containing 16 per cent. protein.

Mr. Nalder: They should not be allowed to manufacture the food if they cannot get the protein.

The MINISTER FOR LANDS: That is a new aspect. Was the member for Wagin present when the discussion on this point took place?

Mr. Nalder: Yes.

The CHAIRMAN: Order!

The MINISTER FOR LANDS: As the member for Roebourne said, there are two lines manufactured, one with a lower protein content than the other. The food with the lower protein content is not controlled and is available to any producer who wants it. The food with the higher protein content is controlled. If we provide that all this food must contain the higher protein content, it will all be controlled, the price will be increased accordingly and we shall probably find that many producers will not be able to procure it. So there are several aspects of the matter to be considered. The whole purport of the amendments is to assist the producer. The analysis has to appear on the label; previously that has not been so. If the user has any doubt about the analysis he can have the product analysed and can take action if necessary. I suggest that the Committee accept the advice of the Crown Law Department, which says that this is not the right position for the amendment. I hope it will be negatived.

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

Ayes	.. .. ..	28
Noes	.. .. ..	11
Majority for	.. ..	17

Ayes		Noes	
Mr. Cornell	Mr. Nalder	Mr. Abbott	Mr. McLarty
Mr. Fox	Mr. Needham	Mr. Ackland	Mr. Seward
Mr. Graham	Mr. Nimmo	Mr. Bovell	Mr. Thorn
Mr. Grayden	Mr. Panton	Mr. Doney	Mr. Watts
Mr. Hawke	Mr. Read	Mr. Hall	Mr. Rodoreda
Mr. Hegney	Mr. Reynolds	Mr. McDonald	(Teller.)
Mr. Hill	Mr. Shearn		
Mr. Hoar	Mr. Sleeman		
Mr. Kelly	Mr. Smith		
Mr. Leslie	Mr. Styants		
Mr. Mann	Mr. Tonkin		
Mr. Marshall	Mr. Wild		
Mr. May	Mr. Yates		
Mr. Murray	Mr. Brand		
	(Teller.)		

Amendment thus passed.

Progress reported.

BILL—McNESS HOUSING TRUST ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [5.47] in moving the second reading said: This is a Bill to amend the McNess Housing Trust Act, 1930-1940. During his life-time, and later through his estate, Sir Charles McNess made very substantial benefactions for the purpose of housing people in poor circumstances. To those amounts was added a sum made available by the Lotteries Commission; and the total of the fund, including certain accretions from income from securities, rose as high as £122,260. The trustees of the fund are Hon. H. Millington and Mr. H. J. Harler, who is a member of the State Housing Commission. The present position is that the funds or assets of the trust stand at £121,228, which is just a little less than the highest total the fund has reached at any time.

Up to date the trust has built 195 homes, of which 83 are under what is called fee simple tenure; 19 are under what is called free life tenure; and 93 are held under weekly tenancy. The trust has built homes in 22 country towns and in various suburbs which comprise part of the metropolitan area. The operations of the trust were given legal form by the Housing Trust Act, 1930, the title of which was afterwards altered to the McNess Housing Trust Act. Under the original Act of 1930 authority was granted to provide houses of two kinds—life tenure and fee simple tenure.

Life tenures enabled the occupants to live there free of rent for the rest of their days, or for some lesser period as the trustees might stipulate. A fee simple tenure, as the name rather implies, enabled the occupant to buy the house and land—the house at all events—on very easy terms. In 1940 an amendment of the Act created a third type of house which the trust was to build for occupation by weekly tenants. The class of tenant to occupy such houses was described in that amending Act as "being a person who has proved to the satisfaction of the trust that he or she cannot rent a house as a tenant out of his or her own resources." The trust is not now building homes under life or fee simple tenures, but is confining

its building to homes which can be let under weekly tenancies. The reason is that the trust feels that by building homes to let to weekly tenants, it can do more with the funds at its disposal than by building them for sale or for occupation by people who reside there free of rent for life.

Under the 1940 Act, which gave power to build homes for occupation by tenants, the weekly rent was fixed at 5s. It has been found, since the Act came into operation, that conditions have undergone great changes. In the first place, the cost of building has increased out of all proportion, and, in the second, it has been considered that a number of people who entered as weekly tenants in the first place and were eligible in every way for the privilege of such a home, became, as time went on, possessed of a substantial income because of their families growing up, yet they still continued to pay the 5s. a week rent. Further, it was found with regard to these people, to whom I shall make further reference in a moment, that owing to the operations of the National Security regulations it was difficult or impossible to terminate their tenancies.

Under the Increase of Rent (War Restrictions) Act, 1948, which we passed earlier this year, by which ejectment proceedings came under our State law, the McNess homes were exempted from the application of the restrictions on ejectment. In other words, it was suggested to the House by that Act —and members agreed—that in the case of the McNess homes where there are special privileges, it should be left to the discretion of the trustees whether a house should be resumed, if they had good reason to believe that the tenant was a type of person who should not have the occupancy of one of those homes.

Hon. J. B. Sleeman: This will alter the principle altogether. They were originally for indigent people.

The MINISTER FOR HOUSING: It will still be the same.

Hon. A. H. Panton: Not if one-fifth of the basic wage is charged as rent.

The MINISTER FOR HOUSING: No. That is an extreme case, which I will deal with in a moment. At the time the original Act was passed in 1930, the old-age pension rate was 17s. 6d. a week. In 1939 it had risen to 19s. 6d. a week and now, as we know, with the recent addition to be granted under social services, it will shortly be £2 2s. 6d. a week, so that a man and wife will be entitled to a joint weekly income of £4 5s. In the early days, and in fact right throughout the administration until recent years, the idea was that these houses should be given to widows in poor circumstances, invalid pensioners, old-age pensioners or others who, by reason of their slender incomes and incapacity to earn additional money, could not meet the ruling rent for a decent type of home. So, a small type of house was built to meet the needs of those people, and they became the occupants at 5s. a week.

As time went on, however, it happened in a number of cases that the family of an invalid pensioner or widow would grow up, and those people could not have their places taken from them on account of the operations of the National Security Act. They therefore continued to occupy a McNess home at 5s. a week. In one case, the combined income of the people occupying a home was £20 a week. There are numbers of instances where people who became occupants of a McNess home—and properly so, on account of their indigent circumstances—have, because of their family growing up and living with them, or because of other people coming into the home, been paying the 5s. a week, and the income coming to them has been £7, £8, £14 and up to £20 a week.

Hon. A. R. G. Hawke: Has any effort ever been made to get the houses from those people for the purpose of making them available to more deserving cases?

The MINISTER FOR HOUSING: Yes. In the meantime many people have become deserving of these homes, and the Commission is desirous of granting their applications because they are the right people to occupy them.

Mr. Styants: I know of one case where an indigent person handed a house over to an in-law, and then went to the country, but never notified the trust.

The MINISTER FOR HOUSING: Yes. Some 1,520 people have applied for McNess homes, and 531 have been regarded by the trust as being persons who would be quali-

fied and deserving of such homes. In reply to the Acting Leader of the Oppostion, the trustees have been very worried about the situation, and they made an appeal to families with large incomes to leave their homes so that they might be made available to those with small means. Some occupants were good enough to respond to the appeal, but quite a number refused to do so. The trust knows, and no doubt members do too—I know the member for Geraldton does because he drew my attention to one case—that some families in receipt of large incomes have insisted on remaining in these houses at 5s. a week to the exclusion of people who should be the occupants. It is, therefore, proposed that while the minimum rent shall still remain at 5s. a week, the trustees shall have discretion to fix the rent, provided they cannot charge more than one-fifth of the current basic wage. They will also have power, if the Bill be passed, to vary the rent from time to time in accordance with the financial capacity of the occupants.

One reason why there is to be a permissible maximum of one-fifth of the basic wage is this: that there are people in McNess homes today in receipt of substantial incomes, but who should leave those homes to make way for persons more deserving of them. But the trustees may not be able to eject the tenants at once without causing great hardship, as, when ejected, they would have to go into another house, and it might take some time to find that accommodation. Therefore, while those people are under notice to quit and are being allowed a reasonable time in which to find alternative accommodation, the trustees will have power to do justice to the trust fund by charging up to one-fifth of the basic wage as rent. I will refer, in a moment, to the position of the trust with regard to building.

There is a matter of fundamental policy that must be observed in the administration of a trust of this kind. It is possible to charge extremely low rent, much less than the economic rent or the actual cost of maintaining the house concerned, with sinking fund, but by that means the fund would become depleted. It would be a matter of time only, under those circumstances, before this fund of £120,000 would cease to exist. Perhaps it is unavoidable that there should be some depletion of the fund, in order to meet the paramount objective of the benefaction, which is to assist people who are in very poor circumstances. On the other hand, I think it is desirable that the trustees should, as far as they can, so regulate the administration of their trust as to keep it going as long as possible. If it could be kept going with the capital fund intact, it would be a permanent endowment for the relief of people in difficult circumstances. Even if that is not achievable, I feel it is desirable that the trustees should so regulate their administration as to maintain the fund in existence for the help of people in indigent circumstances for as many years as is possible.

Members may be interested in a few figures that will illustrate clearly the situation that has now arisen. I have already given the figures with relation to pensions. In 1930, the year when the parent Act was passed, the basic wage was £4 6s. 0d. In 1939, it was £4 2s. 2d. and recently, on figures supplied to me, it rose to £5 15s. 9d. In 1930, the average cost of construction of a McNess home was £280. For such a home a rental of £13 per year, or 5s. per week, covered completely the rates, maintenance, insurance and amortisation of the building extending over 45 years. In 1930, the position was sound financially, and it appeared that the fund could carry on, with a 5s. rental, for an indefinite peroid. In 1939, the cost of building the average McNess home had risen to £370, and a rental of £13 per year, or 5s. per week, was no longer adequate to keep the fund intact, and in fact, meant a loss of £4 3s. 0d. per year on every house. In 1948, the cost of constructing a decent house for this trust has risen to £1,000. The trustees have pointed out to me that the type of £1,000 home now frequently being built—some still cost less—is on better lines than the original McNess home, because standards have risen and people look for better homes now than they were prepared to accept in 1930.

Mr. Marshall: They are building houses like those of the Housing Commission.

The MINISTER FOR HOUSING: Some of the houses cost up to £1,000.

Mr. Marshall: The original McNess houses cost £280 to £300.

The MINISTER FOR HOUSING: The trustees are endeavouring to build houses at lower cost. They are building duplex homes for old couples, running into a cost of about £650 each.

Mr. Styants: Surely the indigent people who apply for these houses do not demand homes of a certain standard.

The MINISTER FOR HOUSING: They do not make such a demand, but I understand that a large proportion of those who apply for and really need these homes are people with fairly large families. I know of one instance where there are eight members in the family. The father may be an invalid pensioner, unable to work. He may be in need of assistance but, owing to the size of his family, cannot go into a two-roomed cottage. In many cases, a man's family responsibilities are such that he requires a four-roomed or five-roomed house. It is hard to build such houses at a low cost.

Mr. Styants: But in 1932 there would have been applicants with large families, also.

The MINISTER FOR HOUSING: That is so, but in 1930 people were in bad circumstances and were prepared to take almost any shelter at all. I understand from the trustees that there is a general feeling on the part of the people, even those who want McNess homes, that they are entitled to housing standards more adequate than those they were prepared to accept in 1930. So the McNess trustees felt that they should do something to meet the development of public opinion as to the minimum requirements of a dwelling, and for that reason the cost has risen considerably.

I need not stress that with modern houses, even if we scale the costs down as much as possible, the 5s. per week is quite inadequate to meet the amortisation, maintenance, rates and taxes and so on. Unless there is power to increase the rent beyond the 5s. it is only a matter of time before the fund will disappear and its ability to do good will have ceased. It is therefore desired by the trustees that there should be a somewhat elastic authority to fix a rent in accordance with the ability of the tenant to pay. An invalid occupant may have a family of some size which would mean a considerable income from child endowment in addition to the pension.

Hon. J. B. Sleeman: A person who can pay £1 per week was never meant to have a McNess home.

The MINISTER FOR HOUSING: No. When I say "no" I mean to say that that was the case, but I admit that on current values I do not think the statement is altogether correct. With the rentals of Commonwealth-State rental homes going up to as much as 36s. per week for a modest type of home, as it does owing to current costs, it may be that £1 per week will represent a very valuable aid to a number of people whose circumstances are not too good. In general the trustees desire to have the rents fixed at less than £1 per week. However, the circumstances of tenants may change by reason of child endowment, or it may happen that other people are living in the same house, or a relative who earns an income lives in the same house. Thus the circumstances of tenants vary considerably. It is therefore justifiable to trust the administrators of the fund sufficiently to enable them to fix a rent which is equitable, having regard to the income which comes into the family.

Mr. Marshall: The definition of "eligible person" in the parent Act limits the possibilities of applicants.

The MINISTER FOR HOUSING: Yes, it does. No person is eligible if he can pay the current rent for the type of house he would require, so there is that limiting factor. The policy of the trustees is that no house is ever allocated to a family which receives more than the basic wage. In fact the houses allocated by the McNess Trust would almost always be to people who would be receiving something appreciably below that figure.

The main factors of the Bill are that owing to the costs of building and the more advanced ideas of people as to the minimum standards of housing, it is no longer possible to finance the McNess Trust on 5s. per week rental. If the figure were to be left as it was fixed at the beginning of the war, then the capital fund of the Trust would fairly rapidly diminish and cease. It is

therefore desired to give the trustees a discretion under which they can fix the rent above 5s. and adjust it from time to time to the ability of the tenant to pay, fixing a ceiling of one-fifth of the basic wage. The ceiling would be used only to meet special circumstances, one example of which I mentioned. I move—

That the Bill be now read a second time.

On motion by Mr. Graham, debate adjourned.

House adjourned at 6.14 p.m.

Legislative Council.

Tuesday, 12th October, 1948.

CONTENTS.

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

BILL—GOLD BUYERS ACT AMENDMENT.

In Committee.

Resumed from the 29th September. Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clause 17—Amendment of Section 36:

The CHAIRMAN: Progress was reported after the clause had been amended by inserting the word "or" before the words "gold matter," striking out the words "or wrought gold" in paragraph (a), and by striking out paragraph (b).

Clause, as amended, put and passed.

Clauses 18 to 26, Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. H. Tuckey, Bill recommitted for the further consideration of Clause 12.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clause 12—Amendment of Section 27:

Hon. H. TUCKEY: I move an amendment—

That in proposed Subsection (3) after the word "any" the word "licensed" be struck out.

The CHAIRMAN: I hope members are clear on the amendment. The clause was amended in a previous Committee by inserting after the word "bank" in line 3 of proposed new Subsection (3) the words "or any licensed metallurgist with premises in Western Australia." Mr. Tuckey's amendment is to strike out the word "licensed" before the word "metallurgist.".

Hon. G. FRASER: I hope Mr. Tuckey will give the Committee reason for his amendment. We may have no objection to it, but we should be given some good reason for striking out the word "licensed."

Hon. H. TUCKEY: There are no licensed metallurgists in the State and therefore the word is unnecessary.

The CHIEF SECRETARY: The effect of the amendment would be to throw the entire Act overboard. There are people who call themselves metallurgists, as there are people who call themselves accountants. No doubt a person who calls himself a metallurgist has some knowledge of metallurgy. Therefore, if a person desired to engage in illicit gold dealing, all he need do would be to call himself a metallurgist, get all the gold he could and sell it to any dentist, jeweller or other person.