

Legislative Council

Tuesday, 4th December, 1951.

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

QUESTION.

PORT HEDLAND-MARBLE BAR RAILWAY.

As to Use of Rails.

Hon. H. C. STRICKLAND asked the Minister for Railways:

With reference to the discontinued Port Hedland-Marble Bar railway—

(1) Has the W.A.G.R. Department altered its original intention to sell the rails from this line to industry in the district?

(2) If this is so, what does the department propose to do with the rails?

The MINISTER FOR AGRICULTURE replied:

(1) No, but it is probable that the quantity available for sale will be limited.

(2) In view of the acute shortage of steel, it is proposed to lift and stack rails at Port Hedland pending a decision regarding their ultimate disposal.

BILL—ROYAL VISIT, 1952, SPECIAL HOLIDAY.

Third Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [4.35]: I move—

That the Bill be now read a third time.

HON. H. HEARN (Metropolitan) [4.36]: I would like the Government to give due consideration to the contents of this Bill before it is read a third time and passed. I am astounded, bearing in mind the experience we had as the result of the special holiday for the Jubilee year, that the watch-dogs for the working man in another place allowed the Bill to pass through that House in its present form.

Being a representative—as I have been told consistently—of big business, I think it is fitting that I, as a representative of big business which we are told grinds the faces of the poor, should rise in this House and point out that the Bill, in its present form, will do only about two-thirds of what the Government apparently intended it should. I take it that the Government intended the Bill to do one of two things; either to ensure a paid holiday for all workers in industry on the occasion of the Royal Visit or, alternately, to give those workers a day in lieu of that particular holiday.

Clause 8 of the Bill provides—

Where any Act or regulation, or any award or industrial agreement for the time being in force pursuant to the provisions of the Industrial Arbitration Act, 1912-1950, provides for certain specified days or for a certain number of days to be observed or treated as public holidays, or empowers the Governor by proclamation or otherwise to proclaim, appoint, or declare any day as a public holiday, such Act, regulation, award, or industrial agreement shall be deemed to be amended so as to provide that the special holiday shall be observed or treated as a public holiday in addition to any other public holiday therein specified, authorised or referred to.

I would remind members that there are awards that do not provide for any public holidays. The awards covering nurses and motor bus and taxi drivers are examples. The workers under those awards receive additional annual leave as compensation instead of paid holidays. Under the Bill it is necessary, first of all, that there shall be certain days specified in the awards and, secondly, that the special holiday proposed in the Bill shall be added to the public holidays laid down in those awards.

As there is nothing to add the special holiday to where an award makes no provision for public holidays, workers under the awards I have mentioned would not be entitled to a special holiday, and I am sure that was not the intention of the Government. The building trades award provides for certain workers to receive unpaid public holidays and in lieu thereof they receive a weekly allowance on their standard wage. They do, however, receive annual leave.

That will not help them in this instance because the Bill, if passed in its present form, will give them only an unpaid holiday, and I do not think that was the intention of the Government. The Bill states that the special holiday is to be treated as a public holiday in addition to any public holidays specified in an award. The effect, therefore, is that unless the public holiday is specified, the worker will simply receive an unpaid holiday.

I am bringing this point forward as the result of the many inquiries that took place after the Jubilee holiday. The association, with which I happen to spend a good deal of time, is in charge of circulating advice among employers generally. It is faced with difficulties as a result of the last holiday granted, and we now want to be sure that the intentions of the Government and of the employers also are carried out by the Bill. I suggest to the Minister that we should adjourn the debate at this stage to give me an opportunity of drafting amendments and in order that I can request that the Bill be recommitted. We can then put into shape the wording of the Bill in order that both the intentions of the Government and of the employers may be carried out. I am sure it was their intention that every worker in this State should enjoy a holiday on account of the Royal Visit.

HON. G. FRASER (West) [4.41]: With all due humility, I thank Mr. Hearn for drawing attention to the weakness in the Bill. I admit, quite frankly, that it did not enter my mind. Naturally, we would have thought that the watch-dogs of the industrial organisations—that is, the secretaries of the unions—would have communicated with the Labour members of Parliament with a view to having an amendment made to the Bill, especially in view of the nature of it and also the late stage it has reached. However, no such representations have been made, so our thanks are entirely due to a representative of big business for drawing attention to the fact. I think Standing Order No. 205 covers the position where it is desired that a Bill be recommitted, and I think that is the procedure that should be followed. I have had a quick glance through the Bill and possibly, Clause 8 is the only one that will require amending. I therefore suggest that the Bill be recommitted for the further consideration of Clause 8.

On motion by the Minister for Agriculture, debate adjourned.

BILLS (3)—THIRD READING.

- 1, Fruit Growing Industry (Trust Fund) Act Amendment.

- 2, Collie-Cardiff Railway.
- 3, Coal Mine Workers (Pensions) Act Amendment.
Passed.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Assembly's Message.

Message from the Assembly notifying that it had disagreed to the Council's amendment now considered.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture (for the Minister for Transport) in charge of the Bill.

The CHAIRMAN: The Council's amendment was:—

Clause 4: Page 2—Delete the words "or imprisonment for a term not exceeding two years, or both fine and imprisonment" in lines 19 to 21.

The Assembly's reason for disagreeing is—

We disagree with the amendment of the Legislative Council because without imprisonment the penalty is not a sufficient deterrent in some cases.

The MINISTER FOR AGRICULTURE: Enough has already been said about this penalty clause. I will merely move—

That the amendment be not insisted on.

Hon. H. K. WATSON: I agree with the Minister in stating that there is no necessity for continuing the debate on this clause. I think that the Committee, when it arrived at its previous decision, had good and substantial reason for it. At this late stage there is no reason why these vicious penalties should be imposed. I trust that the Committee will disagree with the amendment made by the Legislative Assembly.

Hon. G. FRASER: I am not fussy whether the Committee insists on the amendment or not. I may be wrong in what I am about to say, but if I am perhaps some of the legal members in the Committee will put me right. Is it not a fact that even if no term of imprisonment is provided, the law of default will operate if a man fails to pay his fine and that he will thus be imprisoned for three days for every £1 defaulted?

Hon. Sir Charles Latham: But that does not apply there.

Hon. G. FRASER: Admittedly, there is another aspect; but at the moment I am dealing only with that phase relating to default of payment of a fine. If that were the effect, those concerned would be in a worse position than ever, seeing that, on the basis I have mentioned, the term of imprisonment might run into four years.

Hon. H. K. Watson: That is very subtle, but I do not think the Committee will fall for it.

Hon. G. FRASER: It would be better to agree to the definite stipulation regarding imprisonment rather than to leave the position in the air. It is a poor old argument that because we did something the other day, we should continue doing it.

Hon. H. Hearn: But what about the argument against continuance Bills?

Hon. G. FRASER: Let us be reasonable in dealing with this matter. Should the Committee insist on its amendment, the matter might go to a conference and there would be the possibility of the Bill being lost.

Hon. H. Hearn: A very remote possibility.

Hon. G. FRASER: It is a risk we should not take. The matter is hardly worth arguing about. There may be occasions when we should insist on our amendment, but it is not worth while this time. The maximum fine provided is £500, with two years' imprisonment. Who would that affect—the legitimate builder who made an unfortunate mistake, or the scoundrel who has gone to work purposely to defeat the objects of the Act? Are members to defend the man who will defy the law? Only in glaring cases would the maximum penalty be imposed.

Hon. L. A. Logan: It does not say that they must be glaring cases.

Hon. G. FRASER: It would be a matter for the discretion of the court, and certainly the penalty would be imposed only in a glaring case.

Hon. L. CRAIG: I am not concerned as to whether the term of imprisonment is retained or not. What concerns me is that 80 members of Parliament should waste valuable time squabbling about whether a magistrate is to be given power to use his discretion regarding penalties imposed in special cases. We have yet to consider important legislation, and we are wasting hours squabbling about a matter like this. If we insist upon the amendment, the Assembly will insist upon its attitude; there will be a conference, and we may sit here in the middle of the night for hours while managers debate whether a magistrate shall have discretion to impose this penalty. It is all rather foolish. We are getting towards the end of controls.

Hon. A. L. Loton: Are we getting towards the end of them?

Hon. L. CRAIG: The Minister has said so. If we are not to believe the Minister when he says so, whom can we believe? I do not care which way the vote goes, but we should not waste the time of Parliament.

Hon. Sir CHARLES LATHAM: I am surprised to hear Mr. Craig talk about wasting the time of Parliament. Are we

not sent here to speak on behalf of our constituents? Is it necessary that we shall adjourn on the 13th December, or the 24th December, or some time in January? As a representative of the people, I object to being told we are wasting the time of Parliament. I certainly am not going to be stampeded in this matter. An important principle is involved concerning the imprisoning of a man who has not committed any offence but seeks to build houses for the people.

Hon. E. H. Gray: And defraud the public.

Hon. Sir CHARLES LATHAM: He is not defrauding the public.

Hon. L. Craig: Of course, he defrauds them.

Hon. Sir CHARLES LATHAM: Simply because a man obtains materials that are not released, he is to be subject to a fine of £500, with imprisonment for two years—and it is a judge who will deal with the matter, not a magistrate. No man, through any vote of mine, will be imprisoned for providing homes for the people.

Hon. L. Craig: Not even if he is a crook?

Hon. Sir CHARLES LATHAM: He is providing homes for the people. An instance was submitted to me today that makes me wonder how such things can happen. It is the case of a husband and his wife, both new Australians, who are residing in Bunyip-rd., Mt. Pleasant, and are living in a fowlhouse.

Hon. L. Craig: A member of Parliament once lived in a fowlhouse—and you know it!

Hon. Sir CHARLES LATHAM: He did it of his own free will. The man and woman I refer to have two young children, one three years and the other five years of age. I want those people to be housed in a decent home. In a civilised country such as Australia, for such a thing to happen makes me annoyed, particularly when we imprison a person because he is providing homes for people.

Hon. E. H. Gray: No, he is not.

Hon. Sir CHARLES LATHAM: I will do anything within reason to prevent this Committee giving way on an important matter of principle.

The Minister for Agriculture: How many people do you think are living in fowlhouses?

Hon. Sir CHARLES LATHAM: The fact that one family can live in those conditions makes me annoyed.

Hon. E. H. Gray: But this has nothing to do with the Bill!

Hon. Sir CHARLES LATHAM: Not providing homes for people! If it has not, what has? The Justices Act, to which Mr. Fraser referred, has nothing to do with the matter. There is a provision that, if a person defaults, he is liable to a term of imprisonment according to a certain

scale. If a man defaulted in the payment of his fine of £500, he could be imprisoned; but that would be his funeral. I do not care whether the Bill is lost or not. I am sick and tired of controls, and the sooner we let people run their businesses in their own way, the sooner the position will right itself.

There are builders who are refusing to build because of the harassing restrictions imposed on them by legislation of this sort. A family man and his youngsters are living under conditions worse than those of the natives about which complaint has been made in the past and, when such conditions prevail, I do not care if I have to stay here for two days—I will not allow Mr. Craig to say that a discussion of this sort is wasting the time of Parliament. Do not let us talk about waste of time! We are sent here by our electors and paid for our services, and there is no such thing as waste of time. After all, the Chairman will pull me up if I indulge in tedious repetition.

Hon. H. L. ROCHE: I hope the Committee will insist on its amendment. Ministers are talking of restrictions being removed from the supply of bricks and cement, etc., within nine or 12 months. If we are to accept the assurances that we are nearly at the end of these controls, it seems to me to be inconsistent to talk of imprisoning people for offences of this kind. The condition of affairs to which Sir Charles Latham referred will be accentuated if we have legislation of this kind.

Already builders are not anxious to carry on with their work on account of the restrictions to which they are subjected; but if the threat of imprisonment is added, a man will not be able to afford to take a risk of any kind. If he took the risk of borrowing a few bags of cement to finish a job he might have to go to gaol for anything from three to 12 months. We had some experience not long ago of one magistrate's activities in this connection.

Hon. G. Fraser: I will bet—

The CHAIRMAN: If the hon. member wishes to address the Committee, will he please stand up in his seat?

Hon. A. R. JONES: We should insist on the amendment, which was discussed rather fully on a previous occasion. The reason for it was that we were given an assurance that controls would be removed within the next 12 months. If the amendment is not insisted upon, it could be possible for a man to be fined £500 and imprisoned for two years, and controls could be lifted 12 months before he came out of gaol. That seems to be plain silly. It appears to me that all people building houses or buildings of any sort will be liable to prosecution at some stage. At any rate, 50 per cent. could come under that category. I do not think it would be right and just to pass a Bill of this nature and

perhaps have wholesale gaoling of people who have enough worry on their hands in trying to build homes in face of controls and the red tape which has to be cut through. We will fill our gaols if we take proceedings against everybody liable to prosecution.

Hon. H. HEARN: I trust that the Committee will insist on the amendment. Mr. Craig has said we must take notice of what Ministers say. I would point out that the Minister in charge of the Bill in another place was not desirous of carrying on this difference of opinion between the two Houses, and we should take notice of him. I am astounded to know that any thinking Australian would be prepared to add a penalty such as imprisonment for such an innocent thing as endeavouring to provide people with houses. If it is true, as many hon. members believe, that we are getting towards the end of controls, why, at this late hour, should we impose these further penalties? It is quite inconsistent with the traditional view of Australian freedom.

Hon. H. C. STRICKLAND: A lot of emphasis has been placed on people being fined or imprisoned for building homes. That is quite wrong. A man cannot be gaol for building a home.

Hon. H. Hearn: You try it!

Hon. H. C. STRICKLAND: Unless he is building a mansion or a palace, something in line with the hon. member's pocket. A person living in a fowlhouse could not possibly be gaol for building a home. It is legal for him to build up to 15 squares. Releases can be obtained for that. This provision is to stop illegal building operations. It is to ensure that material goes to the building of homes, and is a deterrent to people who want to build shops, factories, dance halls and picture shows. If we remove the penalty of imprisonment we will not deter such people. It has been said that a man might be put in gaol and the restrictions then be lifted altogether. Would it not be just as silly to allow a man openly to defy the law knowing that it will cost him only £500? Such a punishment would not deter him from committing a second offence.

Hon. R. J. BOYLEN: I hope the Committee will not insist on the amendment. Reference has been made to the Justices Act, which contains default provisions in respect of penalties under any Act. It seems to me that it is sectional legislation. If a wealthy man commits this offence with his eyes open, he knows that he will incur no more than a penalty of £500 and that he can afford to pay it. But if an ordinary home builder commits the offence, irrespective of whether he does it with his eyes open or by pure accident, and is brought to book, he cannot afford to pay the fine and has to come under the default provisions of the Justices Act. Thus we have one law for the wealthy and one for the poor.

Hon. E. M. HEENAN: It seems to me that we have to decide whether we are going to adopt the rule of law or not. I am sure no one would feel happy about sending anyone to gaol; but in this country we live by the rule of law, and the housing situation is apparently very urgent. The Government feels it is so serious that stringent penalties must be imposed on those who flout the law relating to housing. I do not consider that a measure like this will restrict building. The whole idea behind it is to encourage building and to see that places are erected in accordance with the priority which the law has decided upon. That is the only point at issue.

If Parliament makes a law, are we going to insist that it be carried out, and are we going to make the penalties of such dimensions that people will be constrained to comply with the law? I do not think any innocent person has anything to worry about. No one who abides by the law has anything to fear. Surely it is our function to look after the law-abiding section of the community, and if people flout the law—

Hon. H. K. Watson: Such as by going on strike.

Hon. E. M. HEENAN: There are penalties for people who go on strike. If the hon. member or anyone else thinks that the penalties are not adequate for people who flout the law in any direction, he can do something about it.

Hon. H. L. Roche: With regard to the Licensing Act?

Hon. E. M. HEENAN: Yes. If a person flouts some of the serious provisions of the Licensing Act, he will quickly go to gaol.

Hon. H. L. Roche: On the Goldfields?

Hon. E. M. HEENAN: Yes. There is nothing to laugh about. If either of the members who laughed goes to the Goldfields and supplies liquor to a native or to a person under age, he will soon see what happens.

Hon. H. L. Roche: Are those the only serious offences?

Hon. E. M. HEENAN: How many would the hon. member like me to mention?

The CHAIRMAN: The hon. member should not permit himself to be sidetracked by interjections.

Hon. E. M. HEENAN: I am a firm believer in the rule of law, and if we are to function as a community and live properly, there must be a respect for the law. If a person breaks it, that is bad enough; but if a person openly flouts it, the community has to do something about it.

Hon. J. M. A. CUNNINGHAM: I intend to vote to insist upon our amendment. A lot has been said about whether we intend to uphold the law or not, but I believe there are ample penalties already

provided without sending a man to gaol and making a criminal of him. If these provisions are included in the Act, a man may be sent to gaol and in 12 months' time this particular provision may be repealed and the man will still be in gaol paying a penalty for something that is no longer a crime. A fair go is a fair go in any part of the world, and it is not fair that we should penalise a man and gaol him merely because he wishes to build a home for himself.

Hon. E. M. DAVIES: I trust that the Committee will not insist upon its amendment. Great emphasis has been placed upon the fact that a man can be put in gaol merely for building a house for himself. That is not so. A man can build a house up to 15 squares and obtain releases for the necessary material. This new provision is to be a deterrent in an effort to prevent people from building in excess of the permitted squareage. It will also deter people from building swimming pools and so on.

We had a case the other day where a person built a house of over 20 squares and also built a swimming pool as well. That involved the use of a lot of cement and materials that could have been used in the building of homes for other people. The imprisonment penalty should be included for cases of that nature and it is wrong for members to say that this penalty will be used against someone who merely wants to build a house for himself. In many instances, or in the majority of instances, magistrates will not impose imprisonment. A magistrate will judge a case on its merits and if a flagrant breach of the law has been committed—one that warrants the imposition of the imprisonment penalty—the magistrate will have the necessary power.

Hon. G. BENNETTS: I, too, support the Minister. A person who wishes to build a home up to a certain squareage will still be able to build, and there will be no fear at all of his being imprisoned. This provision is to prevent the building of mansions.

Hon. H. Hearn: Where are they?

Hon. G. BENNETTS: There are plenty of people amongst the capitalist class who would build mansions if they had the opportunity. This provision has been inserted to give those people a taste of the "clink". A fine of a few hundred pounds is no deterrent to many people who have made money by exploiting others. That type of person is prepared to spend a large sum of money to get a home. I know of many people who are living in hovels and unless some deterrent is provided to prevent people from building mansions, the small home-builder will not have a chance to get any materials. In the old days people could build anything they liked.

Hon. H. Hearn: But not under the State Housing Commission.

Hon. G. BENNETTS: We are suffering from the effects of the war years, and it is necessary to have some controls to prevent the building of theatres and other large premises.

Hon. H. S. W. PARKER: I support the Minister because there are instances of where people have defied the law and have said, "Oh well, it will only cost me £50 so I will continue with the job.

Hon. R. M. Forrest: How many cases like that have there been.

Hon. H. S. W. PARKER: Many of them. The object of the provision is to prevent breaches of the law so that building material, as far as possible, will be diverted to the construction of houses. If a man likes to defy the law and erects a billiard room, a garage, an outhouse or something of that nature, he knows that at the moment it will cost him only an extra £50 or so. I have heard that said.

Hon. A. R. Jones: But it is £500 now.

Hon. H. S. W. PARKER: I have heard it said, "Well, it was worth it." If a man puts up a building worth £700 and he is fined only £50, it makes little difference to the final cost. A fine does not deter many people, and after all this provision will permit the magistrate to imprison a person only if he considers the offence warrants it. I believe that not one person will ever be imprisoned under this measure.

Hon. H. Hearn: Then why give the magistrate that power?

Hon. H. S. W. PARKER: I am trying to use a little logic. If the magistrate has the power to imprison an offender it will deter would-be flouters of the law. Some years ago the law relating to the whipping of children was altered, and I have heard people who advocated the abolition of that law say "It is a pity that the law was amended because the penalty could be held over their heads and thus provide a greater deterrent." That is the reason why I support the Minister. The same thing happened with the law relating to flogging.

Hon. H. Hearn: Why not make that the sentence?

Hon. H. S. W. PARKER: I wish the hon. member could understand that this is a maximum and not a minimum. This provision will not affect the honest citizen in any way, or even the person who makes a mistake; it will affect only the man who deliberately defies the law. Only on rare occasions will the magistrate inflict the penalty of imprisonment, even if he has the power to do so.

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

Ayes	12
Noes	14
Majority against		2

Ayes.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. R. J. Boylen	Hon. E. M. Heenan
Hon. L. Craig	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. G. Fraser

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. J. Cunningham	Hon. A. L. Loton
Hon. R. M. Forrest	Hon. J. Murray
Hon. C. H. Henning	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. J. McI. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. H. Hearn

(Teller.)

Question thus negatived; the Council's amendment insisted on.

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

BILL—ACTS AMENDMENT (FIRE BRIGADES BOARD AND FIRE HYDRANTS).

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.30] in moving the second reading said: The aim of the Bill is to amend the Fire Brigades Act and certain other related Acts. Its main purpose is to resolve a matter which, over a period of 20 years, has been the subject of numerous deputations and representations to various Governments from metropolitan local authorities. This is the question of who should bear the financial responsibility for the installation, in gazzetted fire districts, of fire hydrants on water mains, this applying more particularly to the metropolitan area.

There was a time when a fire hydrant served several purposes. Primarily, of course, they were used for fire fighting, but in the past they were often used for filling water carts for street watering and for road making. Under those circumstances, it was equitable that local authorities should accept full responsibility for their installation. Circumstances, however, have altered and a hydrant has little use now other than for fire fighting purposes. Of recent years, owing to the rapid expansion of building in certain residential areas, and the resultant heavy commitments for essential services, such as road construction, footpaths, health and sanitary matters, which some local authorities have had to face, compared with other perhaps more fortunate authorities whose building expansion has been more gradual, it has been felt by the Government that some more equitable method of financing hydrant installation should be evolved.

On consideration it was decided that the fairest method of apportioning the cost would be to make the Fire Brigades Board entirely responsible, as that authority is enabled under the Fire Brigades Act to recover its expenditure from its three contributors in the following proportions: insurance companies, five-ninths; local authorities, two-ninths; and the State Government two-ninths. It will be noted therefore that local authorities will not be fully relieved of the responsibility of contributing to the cost of fire hydrants. They, however, will be excluded from seven-ninths of the cost, and this is not inconsiderable as a hydrant costs from £20 to £22, including cost of installation.

The most important aspect from the point of view of local authorities, who have recently been faced with increasingly heavy commitments, will be that the cost of hydrant installation, if this measure is approved, will, like all other fire brigade expenditure, be spread over all the local authorities situated within the Metropolitan Fire District, which encompasses an area stretching from South Fremantle to beyond Midland Junction. That is the main purpose of the Bill. It is provided in the measure that the Fire Brigades Board will become responsible for hydrant installation, as from the date that the Bill is proclaimed. Due to several factors, not the least of which has been shortage of finance and of materials, there is at present a substantial accumulation of uninstalled fire hydrants that are considered essential for adequate fire protection. There are approximately 531 of these in the metropolitan area.

It is not proposed, however, that the Fire Brigades Board should accept responsibility for this large number which local authorities, for various reasons, have been unable to install. It is therefore suggested that local authorities be held responsible, even after the Bill is proclaimed, for those uninstalled hydrants for which the board has issued notices requiring their installation, in accordance with Section 54 of the Act. In this connection the Fire Brigades Board has undertaken that it will not issue any orders for hydrants which were not the subject of a request to the local authority concerned, prior to the 5th June, 1951, this being the date on which the Government decided that the Fire Brigades Board would, in future, accept the responsibility of installation.

The number of hydrants for which notices have been issued is 296, which, in effect, means that, if the Bill is agreed to, the Fire Brigades Board will be called upon to meet a leeway of some 235 hydrants. In addition, it is known that many additional hydrants will be required in the near future, in areas where water mains are soon to be constructed in new residential areas. Members will realise that the installation of fire hydrants by

the Fire Brigades Board applies only in gazetted fire districts. Local authorities will be at liberty to continue to install hydrants in ungazetted fire districts; that is, country towns where no fire brigade is established.

The Bill also contains two minor amendments, the first of which is to rectify an anomaly. The Bunbury Municipal Council has made representations to extend its fire district to include portion of an area which formerly was the fire district of the now defunct Bunbury Road Board. The principal Act at present provides for the inclusion in fire districts of areas not formerly portion of a fire district, but does not provide for the inclusion of an area formerly portion of another fire district. This difficulty is overcome in the Bill.

The other amendment deals with the period for which members of the Fire Brigades Board are appointed. The Bill proposes to extend the appointment of ordinary members from the present term of two years to three years, and in the case of the president of the board, from a two-year term to an indefinite period. It is considered that the longer period of appointment will be advantageous, as it will enable members not only to gain a more complete knowledge of the ramifications of the fire fighting service but will allow of a more definite and continuing policy. With the two-year term of appointment, one-half of the board, that is, five of the 10 members, retire each year, but with a three-year term of appointment, one-third of the board, that is, three members, will retire each succeeding year. Admittedly, members are eligible for re-election, but in the event of new appointments the three-year rotation will ensure a more evenly continued policy.

As members probably are aware, the board comprises—

- (a) two Government representatives, one of whom shall be the President—Mr. R. Irvine (president) and Mr. J. Coran (secretary, Plumbers' Union);
- (b) three persons elected by insurance companies;
- (c) one representative of the Perth City Council;
- (d) One person elected by the volunteer fire brigades;
- (e) one person elected by metropolitan municipal and road districts;
- (f) one elected by Goldfields municipal and road districts, and
- (g) one elected by rural municipal and road districts.

I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

**BILL—MOTOR VEHICLE (THIRD
PARTY INSURANCE) ACT
AMENDMENT.**

Second Reading.

THE MINISTER FOR AGRICULTURE
(Hon. G. B. Wood—Central) [5.39] in moving the second reading said: This small Bill seeks to rectify some anomalies in the principal Act and to obtain statutory concurrence in the methods on which the accounts of the Motor Vehicle Insurance Trust are based. In the parent Act the word "incorporated" is used when referring to the Fire and Accident Underwriters' Association of Western Australia. As the association is not incorporated, it is proposed that this word be deleted.

A provision in the Act which has not proved of advantage in its administration is to be amended by the Bill. This refers to the constitution of the Motor Vehicle Insurance Trust, which consists of five members who are appointed by the Governor. These members are the manager of the State Government Insurance Office, three nominees of the Fire and Accident Underwriters' Association, and one nominee of those insurers who are not members of the Fire and Accident Underwriters' Association, but who participate in, and contribute to, the Motor Vehicle Insurance Fund.

The Act provides that each member of the trust, with the exception of the representative of the State Government Insurance Office, shall hold office for a period of three years. Under this provision, the situation might arise that at the end of the triennial period not one of the three representatives of the Fire and Accident Underwriters' Association would be re-nominated for a further term, thereby depriving the trust of a continuity of membership possessing knowledge of its activities.

The proposal in the Bill, which is supported by the trust and by the Fire and Accident Underwriters' Association, is that in their order of nomination, the three representatives of the association shall hold office for five, four and three years respectively, this arrangement to commence as from January, 1952. The other two amendments are of a routine nature, and are for the purpose of validating the manner in which the accounts of the trust are, and have always been, kept. The conditions of participation in, and contribution to, the Motor Vehicle Insurance Fund by approved insurers are governed by the principal Act.

The Bill seeks to make it quite clear that claims paid by the trust are related to insurance effected and accidents occurring during a specific year, in order to enable a correct distribution to, or levy on, insurers. As I have indicated the books and accounts of the trust have always been

kept on this basis, and the amendments will provide merely that the procedure is specified in the Act.

The final amendment proposes that the terms and conditions of all policies shall be submitted to the Minister for approval. At the present time the trust has power to determine the terms, warranties and conditions of any policy and the premium to be charged. This being a public matter it is thought that the Minister's approval should be required for any variation of these terms, conditions, etc. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRAFFIC ACT AMENDMENT.

Received from the Assembly and read a first time.

**BILL—STATE HOUSING ACT
AMENDMENT.**

Second Reading.

Debate resumed from the 29th November.

HON. H. K. WATSON (Metropolitan) [5.47]: There is one point on which I should like an explanation by the Minister when he replies to the debate. It relates to the State Housing Commission and its future dealings in land that has been resumed. I understand that the Commission has some 8,000 blocks excluding the area acquired at Wanneroo which, I believe, represents approximately 40,000 blocks. There has been some talk that, in view of the prospective drop in financial assistance from the Commonwealth for the building of rental homes, the Commission may have greatly to diminish, if not entirely cease, the building of these homes.

It has also been suggested that, in those circumstances, the Housing Commission proposes to invite certain builders, who have been erecting homes, to engage rather extensively in building houses on their own account and that, for this purpose, the Commission will dispose of certain lots of land that it has resumed to certain selected builders. This House should seriously consider the question whether the Commission should be permitted to traffic in land.

It seems, from the extensive resumptions over the past few years, that it has bitten off more than it can chew or is

likely to be able to chew in the next 15 years. I understand that the policy covers a period of 15 years at the rate of rental home building during the last two or three years, and so I imagine that the Commission might have land to suffice for the next 45 years.

The question arises as to what will be done with the excess land that the Commission has resumed from various people. It has resumed blocks, one or more, from numerous individuals, and members have been circularised by a company that was carrying on business as land dealers and has virtually been put out of business through the resumption of practically the whole of its stock-in-trade. Before the Commission proceeds to sell or hand over any land to a builder, the person from whom it was obtained should have the first right to get it at the price at which it was resumed from him. I do not know whether this Bill would be the proper place in which to give expression to that principle, but I should like the Minister to consider the matter carefully and inform the House fully on what I consider to be an important principle.

HON. J. G. HISLOP (Metropolitan) [5.51]: I am not very much concerned about the fact that large areas of land have been resumed by the Commission at Wanneroo because I believe it possible that the owners could not have needed such large areas, but what disturbs me is a couple of paragraphs in a letter addressed to all members of Parliament, from which it would appear that the method of resumption adopted by the Commission is not all that it should be. It is suggested that owners of small blocks have had to accept a price below the fair value of the land, whereas holders of larger areas have been treated in a different manner.

Another paragraph states that an area of nine acres was resumed from a woman after she had been told that she would not be permitted to subdivide it, and yet it was resumed for sub-division. Such reports disturb me, and I am wondering whether there is any necessity for an extension of the policy of resuming land in view of the very large area already held by the Commission. I should like the Minister to explain to the House why further resumption is necessary.

On motion by the Minister for Agriculture, debate adjourned.

BILL—LICENSING (PROVISIONAL CERTIFICATE) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [5.54] in moving the second reading said: This is a small but interesting Bill, the necessity for which is dictated by the current build-

ing problems. Section 61 of the Licensing Act provides that a provisional certificate may be granted by the Licensing Court to any person desirous of obtaining a publican's general licence for—

- (a) premises proposed to be erected;
- (b) premises in course of erection; and
- (c) premises erected, but requiring alterations or additions to make them suitable to be licensed.

Subsequently, a publican's general licence will be granted to the holder of the provisional certificate, provided that the premises have been erected or completed within a period of 12 months following the issue of the provisional certificate and that all other conditions have been complied with. As a result of the outbreak of war, a measure was passed in 1941, extending the term of provisional certificates for a period ending 12 months after the termination of hostilities.

By 1947, it had become increasingly obvious that it would be some considerable time, in view of housing needs, before holders of provisional certificates could comply with the conditions of their certificates and erect the necessary premises. Parliament, therefore, in that year, approved of a Bill repealing the emergency 1941 measure, and extending the term of all provisional certificates granted on and after the 1st January, 1939, to a date to be fixed by proclamation, which should be not later than the 31st December, 1951. That measure also provided that no provisional certificate should be transferable unless the transfer was approved by the Licensing Court.

There is no doubt that it will not be possible to build hotel premises on any large scale for some time. In any case, under the principal Act, all provisional certificates at present in existence will lapse at the end of this year. For the information of members, I would say there are seven of these certificates—at Rottneest, Welshpool, North Perth, Manjimup, Rivervale, Northcliffe and Agnew.

For these reasons, the Bill proposes to extend the life of all these certificates—that is, those granted since the 1st January, 1939—to a date which will be fixed by proclamation, which will be not later than the 31st December, 1956. Another amendment is designed to rectify an omission in the principal Act. This requires that any application for a transfer of a provisional licence shall be on the correct form and shall be accompanied by a fee of £5. I move—

That the Bill be now read a second time.

On motion by Hon. A. L. Loton, debate adjourned.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR AGRICULTURE
(Hon. G. B. Wood—Central): I move—

That the House at its rising adjourn
till tomorrow at 2.30 p.m.

Question put and passed.

House adjourned at 5.58 p.m.

Legislative Assembly

Tuesday, 4th December, 1951.

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The SPEAKER took the Chair at 3.30 p.m., and read prayers.

QUESTIONS.

ELECTRICITY SUPPLIES.

(a) As to Use of South Fremantle Station and Frequency Changeover.

Hon. J. B. SLEEMAN asked the Minister for Works:

(1) Why bother at the present juncture with a few residents in South Perth being changed over to 50 cycles when they represent only a very small percentage of the load on East Perth power station, when

Fremantle itself, within a distance of three miles, could be changed to 50 cycles and relieve the East Perth power station of approximately 10,000 kilowatts instead of as at present the 50 cycles being sent to Perth, 16 miles away, broken down to 40 cycles, and sent back another 12 miles to Fremantle?

(2) Why is it necessary to talk about restrictions in power and ask private concerns to start their auxiliary plants when East Perth and South Fremantle power stations are generating 76,000 kilowatts with only a 52,000 kilowatt load?

(3) Why all the talk about 25,000 kilowatts at East Perth when there are 50,000 kilowatts at South Fremantle and the cable connecting Fremantle with the power house, being able to transmit 50 cycles, has been ready for use for a long while?

(4) In view of this, why was Fremantle not changed over to 50 cycles at first as it was supposed to be and as was recommended by the frequency change committee?

The MINISTER replied:

(1), (2), (3) and (4) It was necessary to train and build up an organisation to carry out the frequency change, and therefore the districts which were accessible and could be most readily changed were chosen. Nothing would have been gained by starting in the Fremantle district.

(b) As to Effect of Breakdown on Industries.

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

(1) Is he aware that heavy industries in the eastern suburbs have been without power from early this morning until 1 p.m. on the hour-on, hour-off system?

(2) Will he have inquiries made as to the full effect that this has on those industries, and endeavour to take steps to remedy the position?

The MINISTER replied:

I was not aware of the situation as it affected those industries. I understood that satisfactory arrangements were being made with the Commission. I am not informed as to the details, nor am I able to make a statement other than to say that the present breakdown of the exciter will possibly be repaired by Monday next.

HOME FOR AGED WOMEN.

As to Provision for Eastern Goldfields.

Mr. McCULLOCH asked the Minister for Health:

In view of the fact that the limited accommodation at Mt. Henry Home for Aged Women does not present much opportunity for admittance to such home of aged women from the Goldfields, many of whom are worthy pioneers, will she give favourable consideration to the possibility of