my speeches, and the sunburn shows. The proposal of the Minister is sound. To say that the people responsible for putting forward this legislation are doubtful of it, is a misinterpretation of an acknowledgment that practically all legislation is not 100 per cent. perfect. We are practical people and we know there are bound to be some loopholes. As long as there are lawyers looking for loopholes, they will be able to find them. Therefore, it is necessary to review the legislation. If by some mischance the Liberal Government is returned at the next elections, it will have to take the responsibility, and not dodge it like it did the last time, of trying to improve it. I oppose the amendment.

Mr. O'BRIEN: The Bill was introduced on a non-party basis. I consider it very fair and some consideration and credit should be given to the Minister in charge of it.

The CHAIRMAN: I would like members to direct their attention to the amendment, and not to the merits of the Bill. The amendment proposes to strike out the word "seven" with a view to inserting the word "six". Members can support the amendment or otherwise.

Mr. O'BRIEN: I accept the ruling. After four days of debate and hearing all the arguments for and against this legislation, it would be fitting to give it a trial until 1957. I oppose the amendment.

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

Ayes	14
Noes	21
Majority against	7

Ayes.

Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Thorn
Mr. Hearman	Mr. Wild
Mr. Manning	Mr. Yates
Sir Ross McLarty	Mr. Hutchinson

(*Teller.*)

Noes.

Mr. Andrew	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Johnson	Mr. Sewell
Mr. Kelly	Mr. Sleeman
Mr. Lapham	Mr. Styants
Mr. Lawrence	Mr. May
Mr. McCulloch	

(*Teller.*)

Amendment thus negatived.

New clause put and passed.

Schedule, Title—agreed to.

Bill reported with amendments and the report adopted.

BILLS (4)—RETURNED.

1, Milk Act Amendment.

2, Vermin Act Amendment.
With amendments.

3, Stock Diseases Act Amendment.

4, Marketing of Eggs Act Amendment.
Without amendment.

House adjourned at 8.57 p.m.

Legislative Council

Tuesday, 23rd November, 1954.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Health Act Amendment (No. 2).

2, Constitution Acts Amendment (No. 2).

3, Physiotherapists Act Amendment.

QUESTION.

MILK.

As to Tabling Papers on Solids-not-fat Research.

Hon. C. H. HENNING asked the Minister for the North-West:

In view of the vague answers given to my questions dealing with investigation and research conducted by the Milk Board into the solids-not-fat content of milk.

(1) Will the Minister lay on the Table of the House the papers dealing with this investigation and research?

(2) If not, why not?

The MINISTER replied:

Yes. It is not considered that the answers given to the hon. member's previous questions were vague. Only a portion of the Milk Board's investigation into the solids-not-fat content of milk—which is not yet complete—is covered by papers.

LEAVE OF ABSENCE.

On motion by Hon. W. R. Hall, leave of absence for 12 consecutive sittings granted to Hon. G. Bennetts (South-East) on the ground of ill-health.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Second Reading.

HON. H. L. ROCHE (South) [4.38] in moving the second reading said: In introducing this brief amendment to the Act I myself shall be brief because I think it is, in the main, self-explanatory. It has always seemed to me, when dealing with amendments to the Native Administration Act, which seeks to confer citizenship rights on members of the native population of this State, that there was room for question as to its fairness to men who had served this country in the forces overseas not being eligible for full citizenship rights. I consider it has been an omission on the part of those who have asked Parliament in recent years to consider amendments to the Native Administration Act that no provision was included to confer on such men the same rights as were possessed by anyone else. Even the Bill now before the House, entitled the Native Welfare Bill, contains no provision to grant full citizenship rights to those natives who have served overseas. Therefore, I thought the time was opportune to introduce this measure.

There can be no question that a man who has seen fit to serve his country overseas in a theatre of war should not take his rightful place in the community. There is a separate reference to the territory of New Guinea. That has been included because of some doubt as to whether the Bill would apply to a person who has served in that territory, unless it has been specifically and clearly defined. If it is included in the territories of the Commonwealth, it is quite possible that service in New Guinea would be excluded. It is not necessary for me to explain this Bill further. I commend it to members for their favourable consideration. I move—

That the Bill be now read a second time.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.42]: I am very pleased to see this amending Bill. Had previous provisions before this House been carried, there would have been no necessity for the measure. The aversion that has always been shown to giving natives citizenship rights dissuaded the Government from including in the Bill introduced this year any reference to those rights. It was thought that any attempt to alter the status of natives on the question of citizenship rights would have prejudiced the Bill altogether, as it did last year. This Bill needs further amendment because, in common justice, when citizenship rights are extended to natives who have served overseas, the same rights should be extended to their families.

Hon. Sir Charles Latham: Would it not be extended automatically?

The MINISTER FOR THE NORTH-WEST: Not automatically. The wife must apply if she is over 21. I do not know what is the position of the wife of a soldier who is under 21. The names of children can be endorsed on the back of the certificate. When that provision was before the House, it was amended so that when they reached the age of 21 they must apply personally for those rights. I commend the Bill, and I am sure it will receive the endorsement of Parliament. I shall give it further consideration, and possibly introduce an amendment. I support the second reading.

HON. C. W. D. BARKER (North) [4.45]: I support this Bill. I, too, would like to see it go further instead of there being a restriction to territories beyond the limits of the Commonwealth. A soldier who served at Darwin was treated as a returned soldier because Darwin was a war zone. The R.S.L. recognised and accepted any serviceman who had been stationed at Darwin or on the North-West coast. These areas were classified as areas of active service. I ask the mover to include in this Bill any native who has seen service at Darwin or in any other active service area.

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

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th November.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [4.46]: I was pleased to hear Mr. Murray's wholehearted support of the Bill, as he knows the timber industry and the condition in the forests as well as, or better than, anyone else in the House.

In replying to the several points he made, I would first like to refer to fence posts. In this connection, the Forests Department cannot be expected to give highest grade timber for posts at quarter or less of the true royalty, which was fixed as long ago as 1925. The department provides timber considered reasonably suitable, but does not think it should provide first-grade trees for relatively inferior purposes. However, if people are prepared to pay the true value of the timber sought, there is no need to fear difficulty with the department on the part of which, I am assured, a more realistic attitude now prevails.

So far as licences are concerned, only regulation for a blanket set of royalties for various produce, which is too inelastic to meet varying conditions of location, quality and type of produce, are submitted for the approval of Parliament. I am advised that it would be extremely unlikely that the conservator would delegate his powers over licences to any officer, except in relatively unimportant cases, and then only on some basis laid down by himself. I am told the conservator can be relied upon to realise the need to protect himself in such matters.

Concerning the right of appeal to the Minister, I am advised that the conservator proposes to work on the scientific and demonstrably sound basis of royality appraisal and sets of conditions which he should be able to defend if any queries are raised with the Minister. If the Minister is not satisfied, he will naturally take any appeals further.

Contrary to Mr. Murray's contention, there is no appeal body in Victoria. In New South Wales there is a committee which may be appealed to, but this is not provided for in the New South Wales Act. It is a committee appointed by the Minister voluntarily and has three representatives: one from the Forests Commission, another from the Department of Conservation—both of which departments are under the one Minister—and one from the housing commission. Even then, the Forests Commission is not bound to accept the committee's decision.

If the need for an appeal committee did emerge, the Minister could take the necessary action—either by executive or legislative decision. I am advised that the sawmillers have considered this matter, and are satisfied with the proposals in the Bill.

In regard to funds, nine-tenths of the net revenue will be the statutory allowance; but this will not prevent the Government adding to it if that is considered necessary or desirable.

Surprise was expressed by Mr. Murray at what he termed the complacency of sawmillers. In this regard I am told that the sawmillers fully realise the position and that the amendments can work for them as easily as against them. As I pointed out in introducing the Bill, the conservator could achieve his ends in a far more drastic and less palatable manner under the Act as it now stands; whereas, under the provisions in the Bill, he can work in a more elastic fashion.

It is obvious that the sawmillers have full confidence in the conservator and his officers, and are aware of what is necessary for the joint welfare of the forests and the industry.

It was suggested by Mr. Logan that the Act should be consolidated. However, all of the amendments since 1918 are relatively unimportant, short-term financial provisions, the main body of the Act not having been altered. The amendments in the present Bill, are, however, all to the main part of the Forests Act, and can be appreciated merely by reference to that Act. However, the principal Act is now out of print, and steps will be taken to consolidate and reprint it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Section 33 amended:

Hon. J. MURRAY: I do not wish this clause to be passed without having a further word on the matter. I want members and sawmillers to realise that, under the Act at present, there is a recognised mode of appeal, mainly to the Minister. This has been accepted, and there has been a certain amount of give and take between the conservator and the sawmillers. What I wish to stress is that if this and the next clause are agreed to, the conservator will be empowered to do all those things that I pointed out he could do and in my view will do eventually.

We were told by the Chief Secretary that there would still be a right of appeal to the Minister and that, if he was not satisfied, he could set up a committee. Unfortunately, the Government did not feel disposed to insert provision for a statutory appeal body. However, the proposal suits me, because I consider that the conservator should have dictatorial powers; but I wanted to point out that

under the two clauses indicated, the sawmillers can surrender any idea they have of a right of appeal.

Clause put and passed.

Clauses 7 to 17, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—DENTISTS ACT AMENDMENT.

Report of Committee adopted.

BILL—MINES REGULATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 11th November.

HON. H. HEARN (Metropolitan) [4.57]: I oppose the second reading after having had a good look at the provisions of the Bill. In the first place, the intention is to allow the union secretary to go into a mine fairly often.

The Minister for the North-West: No; you are speaking on the wrong Bill.

Hon. H. HEARN: I do not think so. What is the Bill, Mr. President?

The PRESIDENT: The Mines Regulation Act Amendment Bill.

Hon. H. HEARN: That is the Bill to which I am addressing my remarks. As Mr. Watson told us, provision has been made for workmen's inspectors to go into a mine at any time, and there are certain regulations that must be observed in the matter of reporting accidents. Should it be a fatal accident, it must be reported immediately. In my opinion the real reason for introducing the Bill is to give the right of entry practically at any time to the secretary of the Australian Workers' Union.

The Minister for the North-West: Do the mines object to that?

Hon. H. HEARN: There is no secret about it, because I can quote from the "Australian Worker" of the 20th October, 1954. At page 4, it states that the union secretary reported on the question of the right to enter a mine periodically; and, strangely enough, when this application was made privately to the workmen's inspectors, it was not received very sympathetically by them.

The Minister for the North-West: This Bill does not mean that at all.

Hon. H. HEARN: The "Australian Worker" stated—

> Mining division Secretary, Fred Collard reports that members employed in the mining industry may be unaware of the fact that there is no provision in the Mines Regulation Act or regulations to give a union official the right to enter—

The PRESIDENT: Order! Under Standing Order 390, the hon. member is precluded from quoting extracts from newspapers or other documents referring to current legislation.

Hon. H. HEARN: I bow to your ruling, Mr. President; but Mr. Collard announced to his union that the union would negotiate with workmen's inspectors to see whether they would allow the union secretary the right to go down with them on inspections; and because the union did not receive sympathetic consideration from the workmen's inspectors—who, by the way, are elected by the union—they wrote to the Minister for Mines and asked that this provision should be placed in the Bill which is now before us. The relevant provision states—

> The manager shall, on the occurrence of any accident in the mine involving loss of time to the worker concerned, give notice thereof to the inspector, or, in the absence of the inspector, to the warden or mining registrar or Under Secretary for Mines—

and then it is desired to insert—

> and to the secretary of the mining branch of the body known as the Australian Workers' Union (Western Australian Branch) Industrial Union of Workers at Boulder within one week from the occurrence of such accident.

The workmen's inspectors have the right at all times to go down into a mine, and it is undoubtedly their prerogative to report accidents. The suggestion that we should also give the secretary of the Australian Workers' Union power to go down the mine is only another way of giving him the right of entry into mines.

The Minister for the North-West: Where does the Bill say that?

Hon. H. HEARN: The accident would only have to be reported, and he would go down.

The Minister for the North-West: This has nothing to do with that.

Hon. H. HEARN: I do not know what is in the mind of the Government in seeking to bring the other provision into the Act. If in a few days from now another determination were made by the court, this part of the Bill would become null and void, just as did the hours contained in the Act. Again, it would lead to confusion; because if the hours were altered by the court, another Bill would have to be introduced to bring the legislation into line. It is a dangerous thing to legislate for the hours when they can be varied from time to time—

Hon. J. J. Garrigan: There is no suggestion of that.

Hon. H. HEARN: If the provisions of this Bill became incorporated in the Act, and next week the Arbitration Court

varied the hours, we would have to suspend this provision. It is the height of foolishness to include hours in a Bill which seeks to incorporate them in the Act. As I see no value in the measure, I ask the House to reject it on the second reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.4]: We have heard some short speeches on this Bill, and they have contained absolutely nothing but a few red herrings. To suggest for a moment that the Bill would give the union secretary right of entry into any mine is ridiculous.

Hon. H. Hearn: It is not.

The MINISTER FOR THE NORTH-WEST: The Bill does nothing of the kind. All it seeks to do is to ensure that the mine management, while typing the form to send to the mines inspector when an accident has taken place involving loss of time to the worker, shall include another carbon copy and post it to the union secretary at Boulder.

Hon. C. H. Simpson: That is done now, as an act of courtesy.

The MINISTER FOR THE NORTH-WEST: It may be done on the Golden Mile; but mining extends throughout the State, and in many places there is no union secretary within call, and no mines inspector within easy reach. There are mining inspectors at Kalgoorlie, Leonora and Cue. There is a workmen's inspector at Marble Bar, several on the Golden Mile, and one at Leonora.

Hon. C. H. Simpson: Different districts.

The MINISTER FOR THE NORTH-WEST: Yes; but they cover the whole State. The inspector at Cue has to travel as far as Yampi Sound, and also takes in Hall's Creek and all that section of the State, as well as the Murchison goldfields. There is one workmen's inspector at Marble Bar to look after the Pilbara, Ashburton and Kimberley goldfields. I recall when a fatal accident occurred at Cockatoo Island a couple of years ago. I met the workmen's inspector proceeding there to investigate the accident, but he would not have been able to get there until ten or 12 days after it had occurred.

To suggest that the Bill would give the secretary of the A.W.U. the right to enter a mine is absurd, as it would do nothing of the kind. It simply requires notification to be posted to the secretary of the union at the same time as it is posted to the mines inspector. At present, there is only one to be informed, and that is the inspector. If he is absent, there are several other persons who can be informed in his stead, and that is what the regulation means. What is the objection to that? Surely industrial relations on the mines have been excellent! This measure does not aim at making the provision compulsory simply for the Golden Mile, but also for the outlying districts, so that the secretary may be informed and take the necessary steps, which will be required of him sooner or later, to commence the case for compensation on behalf of the injured person.

There are a large number of new Australians in the mining industry now, and many of them do not understand fully what compensation means or what action should be taken; and so surely the union that looks after their rights is entitled to be informed. A stamp, a sheet of paper and an envelope are all it would cost the mine management concerned, and I see no reason why the House should object to the clause.

The second amendment contained in the Bill seeks to regulate the shifts which miners work underground—not on the surface—and even then they have to be in charge of some machinery.

Hon. H. Hearn: This will have no effect on them.

The MINISTER FOR THE NORTH-WEST: That is what Mr. Simpson said; and so what is the objection to it? The union desires it and I cannot understand why there is always this opposition to anything that the industrial movement requires.

Hon. H. Hearn: What happened to the hours—

The MINISTER FOR THE NORTH-WEST: This affects the hours only to the extent that, under the clause, men cannot be required to work too long underground where they would endanger their health.

Hon. H. Hearn: That is covered by the award.

The MINISTER FOR THE NORTH-WEST: No. The award of the court prescribes the period of hours and the payment, but does not limit the hours.

Hon. H. Hearn: Then why did you suspend the hours?

The MINISTER FOR THE NORTH-WEST: Mr. Parker, when he was Minister for Mines, suspended them rather than amend the provision. When the Arbitration Court sat in Boulder in 1946, and took evidence for the change of hours, the union advocate, Mr. Oliver, pointed out to the president of the court that his award would affect an amendment to the Mines Regulation Act which had been passed by both Houses of Parliament that year, but which had not been assented to up till then; and the president remarked, "Well, the Act can be amended."

Hon. Sir Charles Latham: Do you mean it was not proclaimed?

The MINISTER FOR THE NORTH-WEST: Yes; it had not been proclaimed up till then. I understand the amendment

was going through Parliament while the Arbitration Court was hearing the case for the change of hours.

Hon. H. Hearn: The position would be the same if it varied the hours again.

The MINISTER FOR THE NORTH-WEST: The hours of work are not varied so frequently that it would be any trouble for Parliament to amend the Act in regard to hours. This clause is specifically to protect the health of the men, and particularly new Australians, who do not understand the danger of working long, continuous shifts underground.

Hon. H. Hearn: But they work uniform hours. Do not tell us that!

The MINISTER FOR THE NORTH-WEST: So long as this regulation is not in operation, they may be requested to work as many hours as the management wishes; and it is being done now in some parts of the State. That is why the union requested this amendment.

Hon. N. E. Baxter: Why not ask the Arbitration Court to alter the hours?

The MINISTER FOR THE NORTH-WEST: As I have said, the court sets the payment for a period of hours, and that is all. It places no limitation on the hours worked, although it specifies the payment for overtime. It does not say that a man shall not work more than 7½ hours—

Hon. N. E. Baxter: Some awards do. Why not ask the court to do that?

The MINISTER FOR THE NORTH-WEST: I do not know of any award which limits the hours.

Hon. H. Hearn: The award of the furniture workers does, on overtime.

Hon. N. E. Baxter: And that governing hotel workers, also.

The MINISTER FOR THE NORTH-WEST: That may be; but this provision refers to men in charge of machinery. The worker concerned might be driving a winder, and have many men's lives in his hands; and he would be subject to fatigue, just the same as anybody else.

Hon. H. Hearn: It is entirely unnecessary.

The MINISTER FOR THE NORTH-WEST: We know it is unnecessary from the hon. member's point of view, because he believes that men should be made to work as long as the boss wants them to.

Hon. H. Hearn: That is not so.

The MINISTER FOR THE NORTH-WEST: The principle involved in the second amendment is to prevent workmen underground from working long hours in foul air, and injuring their health. That is the substance of it.

Hon. C. H. Simpson: It went from 1949 to 1954 without question.

The MINISTER FOR THE NORTH-WEST: That may be so; but the union has found cause now to ask that the Act be amended to meet some of the abuses which they believe are occurring in some of the outback mines. That is the only object. I cannot see why any objection should be voiced. Mr. Watson also raised the objection that this is the second Bill we have had to amend the same Act; and he asked why all amendments could not be brought down at the same time. He went on to say, however, that he did not agree that hours should be specified in this Act at all. The hours under these regulations are for the protection of the men who work underground. Accordingly, I trust the Bill will receive a second reading.

Question put and a division taken with the following result:

Ayes	17
Noes	10
Majority for	7

Ayes.

Hon. C. W. D. Barker	Hon. A. R. Jones
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. Sir Frank Gibson	Hon. J. McI. Thomson
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. R. J. Boylen
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. J. Murray
	(Teller.)

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. A. F. Griffith

Question thus passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to .

Clause 2—Section 31 amended:

Hon. H. HEARN: I merely wish to say, Mr. Chairman, that I do not propose to proceed with the amendment I have on the notice paper.

Hon. C. H. SIMPSON: I do not question the hon. member in not proceeding with his amendment. I think I made it clear when speaking to the second reading that this is one of those Bills that does practically nothing.

The CHAIRMAN: I would like to inform the hon. member that we are on Clause 2, which proposes to amend Section 31.

Hon. C. H. SIMPSON: It is the clause that refers to the notification of the union officials. But the interval between my

speech and now has been so great that members will have forgotten what I said. I deprecate the length of time that has elapsed since the Bill was introduced and now, when the debate has been closed. What the clause seeks to do is already being done. The objection to the provision is that it is loading up mines by statutory regulation and requiring something to be done, which, if not done, could result in the people concerned being brought to book. But with the close co-operation between the officials and the A.W.U. this is already being carried out. The workmen's inspector covers a big district on the Golden Mile. There is close liaison between the inspector and the mine officials, and no complaints could be lodged without notifying the workman concerned. It is impossible for the workmen's inspector to be everywhere, I admit, but I am sure the mines do their duty in passing on necessary information.

Hon. R. J. Boylen: This is really your second reading speech; I remember it.

Hon. C. H. SIMPSON: Most members may have forgotten it. I will not oppose the clause because, as I have said, it is a Bill, which, whether it is passed or not, does not matter very much.

Hon. R. J. Boylen: Why oppose it?

Hon. C. H. SIMPSON: I think it is unnecessary.

The CHIEF SECRETARY: If Mr. Simpson's words were wise they would not have been forgotten. Apparently I cannot do the right thing. The Bill was delayed for this length of time because I have been endeavouring to meet the wishes of members for one reason or another. If members are to take the attitude adopted by Mr. Simpson, then it might be necessary to proceed with legislation as it appears on the notice paper instead of delaying it.

The CHAIRMAN: I would like the Chief Secretary to keep within Clause 2.

Clause put and passed.

Clause 3—Section 36 amended:

Hon. A. R. JONES: I would like a little explanation before I cast a vote. Could the Minister tell me why it is necessary to take out the words "seven hours twelve minutes" in Section 36 and substitute the other words?

The Minister for the North-West: It is not very easy to hear you. Would you speak up?

Hon. F. R. H. Lavery: We cannot hear what the hon. member is saying.

Hon. A. R. JONES: I would like the Minister to give some explanation on that point.

Hon. H. Hearn: The reason is that it is in the Arbitration Court award.

Hon. A. R. JONES: If this only brings it into line with the award, I cannot see why there should be objection to the provision in the Act.

The MINISTER FOR THE NORTH-WEST: The explanation is that this proposes to bring the hours underground in line with the award.

Hon. L. A. Logan: If it is in the Arbitration Court award, how was it that the Minister said that some mines are making the men work longer hours? It does not fit in. If it is in the Arbitration award, no mine could ask the men to work longer hours.

The MINISTER FOR THE NORTH-WEST: At present the award does not limit the hours at all; a mine manager can request the men underground to go on and work for any reason at all, even though they may be paid overtime for it.

Hon. N. E. Baxter: They can refuse.

The MINISTER FOR THE NORTH-WEST: That is so; but some of those places are 250 miles from transport of any kind. That is a long way to walk and men would much prefer to work on and endanger their health rather than take the risk of a long walk.

Hon. L. C. Diver: You do not mean to say that employers would impose such a penalty on a man!

The MINISTER FOR THE NORTH-WEST: I have had it imposed on me.

Hon. L. C. Diver: Many long years ago.

The MINISTER FOR THE NORTH-WEST: I had it imposed on me—but not more than once!

Hon. Sir Charles Latham: You must have been a bad man.

The MINISTER FOR THE NORTH-WEST: I was quite a good man—a better man, perhaps, than I am now. Just the same, there are times when human endurance reaches its limit. Mr. Logan wanted to know why the hours should be amended. The reason is to keep them in line with the award. The regulations could be enforced to prevent men from being worked too long underground.

Hon. L. A. LOGAN: The Act provides that the men cannot work more than seven hours 12 minutes.

The Minister for the North-West: No; that has been suspended.

Hon. L. A. LOGAN: If the time were varied and made 7½ hours, would not the suspension still be in operation? I voted for the second reading of this measure because I could not see anything wrong with the first part of the Bill; but I do not altogether agree with the second part. I am not very happy about this provision, and I have not had a full explanation. Altering the hours does not remove the suspension.

The MINISTER FOR THE NORTH-WEST: The hon. member may be correct. Mr. Simpson said that no matter whether the Bill is passed or rejected, it makes no difference. That may be so; but there may be a time when the suspension will be lifted, and then the 7½ hours would apply. If it were lifted now, and the 7 hours 12 minutes applied, that would conflict with the Arbitration Court award. It would be useless to lift any suspension now.

Hon. H. K. WATSON: The position is that these sections control the hours. It is all very well for the Minister to say that the idea is to stop a man working in foul air. The air is not as bad as that. I suggest that the proposal has nothing to do with that at all. The important point is that Sections 36 to 39 deal with the conditions governing employment. They should therefore not be in an Act of Parliament, but should come within the jurisdiction of the Arbitration Court. It has been recognised for the past five years, and perhaps as long as the Act has been in operation, that the provisions should not be in this statute; and they have been suspended. I suggest that Parliament should take this opportunity of removing them from the Act altogether. Instead of amending the sections, we should tidy up the Act by repealing them.

The Minister for the North-West: Repeal the whole Act?

Hon. H. K. WATSON: No.

The Minister for the North-West: Only as much as suits you!

Hon. H. K. WATSON: I suggest merely that these sections that relate to labour conditions should be repealed. They are dead wood in the Act.

The Minister for the North-West: No.

Hon. H. K. WATSON: They are. With respect, I suggest to the Minister that they are dead wood if they are suspended, and have been suspended for perhaps six years.

The Minister for the North-West: They are dead wood now, but they are necessary.

Hon. H. K. WATSON: I disagree. They should not have made their appearance in the Act at all; and instead of our amending them, with the prospect of further amending them later, if the court should vary the hours, we should leave the matter entirely to the court and take it outside the purview of Parliament. I therefore desire to move the amendments that stand on the notice paper in the name of Mr. Hearn. I move an amendment—

> That the word "Section" in line 8, page 2, be struck out and the word "Sections" inserted in lieu.

Point of Order.

The Minister for the North-West: The hon. member is correct is saying that these sections are dead wood at present, but they are necessary, and I have pointed out on numerous occasions why that is so. In my opinion the proposed amendments are a direct negative of the intention of the Bill and conflict with Standing Order 191. I desire a ruling on that point.

The Chairman: Standing Order 191 reads as follows:—

> Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

The proposals contained in the Bill provide for an amendment of those sections in the Act that fix the hours to be worked in the mines. The proposed amendments would have the effect of removing those sections from the Act. In my opinion, therefore, they go beyond the intention of the subject matter of the Bill, and I therefore rule them out of order.

Committee Resumed.

Hon. C. H. SIMPSON: Naturally, I accept your ruling, Mr. Chairman. But I would point out that Clause 3 deals with the first of the three sections covering the hours, and the term is varied. I would remind members that all this arose out of an apparent conflict between the Mines Regulation Act and an Arbitration Court award that was actually given after the amendments to the Act were framed. Originally the men were working a 40-hour week, which is 7 hours 12 minutes per day, with four hours on Saturday. Then they came back to a five-day week. The hours were reduced from 40 to 37½ and the necessary time was added each day to ensure that the 37½ hours were worked over the five days. I think it was probably overlooked that the Mines Regulation Act had laid down the hours; and in 1949, by an Order in Council, which I quoted during my second reading speech, the suspension of that part of the regulations was gazetted so that there would be no remaining conflict between the regulations and the Arbitration Court award.

I said that I did not think it mattered whether the Bill was amended or rejected in regard to the question of hours. I am of opinion that there would be little purpose served by agreeing to the amendments that have been suggested. There is an excellent understanding between the mining companies and the A.W.U.; and if anything were done to alter what has been the practice over the last few years, it could be interpreted by one side or the other as a desire to interfere; and I do not think that would be advisable. When

the gazettal of that order took place in 1949, the apparent conflict between the regulations and the award had been in existence for over two years. There was no objection to its being put in, and it has existed from 1949 to the present time without trouble or misunderstanding. I consider no purpose will be served by our interfering with what is in the Act, seeing that members as a whole agreed to the second reading of the Bill.

Clause put and passed.

Clauses 4 and 5, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 9th November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 53 amended:

Hon. C. H. SIMPSON: I move an amendment—

> That the words "where they are under the charge of one driver" in lines 15 and 16, page 2, be struck out.

I do not think there will be objection to the amendment, because these words could be misunderstood. The section of the Act which this clause seeks to amend provides for certain exemptions in the matter of certificated drivers. As paragraph (f) of the Bill is drafted, it provides, in effect, that where there is a small engine or a number of small engines with a combined area not exceeding 200 square in., a certificate shall not be required. The words "where they are under the charge of one driver" could be ambiguous. They could mean that if only one driver was in charge, no certificate would be required, but where two drivers were necessary, they would need to be certificated. I have discussed the matter with the department, which agrees that the deletion of these words would be sensible and would not only meet the intention of the paragraph but would, in fact, be in line with what is being done as a matter of administration.

The MINISTER FOR THE NORTH-WEST: As Mr. Simpson has said, no objection is raised by the department to the amendment, which certainly clarifies the intention of the paragraph.

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

Clause 3—agreed to.

Clause 4—Section 82 amended:

Hon. C. H. SIMPSON: I move an amendment—

> That the words "with any machinery" in line 8, page 3, be struck out and the word "therewith" inserted in lieu.

The fear in the minds of some people is that the words "with any machinery" would automatically give power to the chief inspector of machinery to make regulations concerning any sort of machinery which, I am sure, is not intended. The word "therewith" would confine the regulations to what is mentioned in the paragraph. This is concerned with the questions of inspection, issuance of certificates, and the prescribing of fees. The inspection of machinery is being carried out now as a safety precaution; but as there is no provision for the issuance of certificates and the prescribing of fees, it is necessary to have this provision in order to clear up the matter. I have discussed this with the department. If my amendments are carried, the position will be quite clear and satisfactory.

Hon. E. M. DAVIES: It seems to me that the department adopts a peculiar system. First of all a Bill, framed by those accustomed to dealing with machinery, is brought down. Apparently when some member finds that it contains words which he does not like, he goes to the department, which then says, "It will not make any difference; those words are not necessary." The department should know the type of Bill it wants introduced. I feel that the time has arrived when the department should be told that if it is going to have a Bill brought down it should be drafted in suitable language.

Hon. C. H. SIMPSON: The hon. member has rather mistaken the spirit of the intention of the inquiries. It is desirable at times that the two parties to an arrangement should be given the opportunity of knowing exactly what is in each other's mind. This is merely clarification. What has been done has been done not only with the best of intentions but, I think, with the best result.

The MINISTER FOR THE NORTH-WEST: This Chamber is a House of review, and we frequently find that Bills contain mistakes in drafting so that they do not completely show their intention. Mr. Simpson discussed this matter with the responsible officers. He suggested something that might meet their desires in a clearer manner, and they agreed with him. His amendment will clarify the department's intentions. It is, perhaps, a good thing at times that this House of review does exist to clear up such matters.

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

Title—agreed to.

Bill reported with amendments.

BILL—BETTING CONTROL.

Received from the Assembly and read a first time.

BILL—LIMITATION ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 47A added:

Hon. H. K. WATSON: This clause provides that any action to be commenced against a public authority can be commenced only if the prospective plaintiff gives the prospective defendant notice as soon as practicable of his intention to take the action; and, secondly, the action must be commenced before the expiration of one year from the date on which the cause of action accrued.

As I mentioned the other night, the latest amendment to the English Act provides that any action against any public authority can be commenced at any time within a period of three years after the cause of action arose, and without the necessity of giving any notice at all. It seems that the limitations in this Bill are rather stringent; and while I do not suggest that we should go as far as the English legislation, I say that the period within which an action may be commenced should be two years after giving of the notice instead of one year from the date on which the cause of action accrued, as is proposed in the Bill. I move an amendment—

> That the words "one year" in line 28, page 2, be struck out and the words "two years" inserted in lieu.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment, because the purpose of the clause is to protect by limiting the time for taking action and to provide for the giving of notice of intended action against persons acting in execution of a statutory or other public duty. It is to be noticed that the Crown—i.e. the Crown in right of the State of Western Australia—is expressly excluded by the clause, as the proceedings against the Crown are covered by the Crown Suits Act, 1947.

The Bill is modelled on the English Public Authorities Act, 1893, the English Limitation Act, 1939, and the New Zealand Limitation Act, 1950. It does not affect actions between subject and subject. Although the clause is in terms applied to "any person", it is well settled in law by numerous English decisions that only those persons who are in some sense public authorities are entitled to its protection (per Lord Buckmaster L.C. in Bradford v. Myers, 1916 A.C. 247). In general, the protection given extends not only to public bodies in the execution of an Act of Parliament or public duty or authority, but also to their officers or servants carrying out their mandates (Greenwell v. Howell, 1900 1 Q.B. 535 and other cases).

Paragraph (a) of Subclause (1) provides for notice to be given as soon as practicable, and the action commenced within one year from the accrual of the cause of action. It is important from the point of view of Government instrumentalities, departments etc., owing to the difficulty in obtaining evidence if early notice is not given, that the expression "as soon as practicable" be insisted upon. It is the expression used in the New Zealand Act and in the view of the department, as the Act deals with public authorities, as distinct from the Crown, it should be retained. Notwithstanding the other provisions of the Bill, a person may consent to an action being brought against him within six years from the date the cause of action accrued, whether or not the required notice of intention to bring the action has been given.

Subclause (3) permits a court to grant leave to bring an action within six years of the cause of action accruing notwithstanding that the required notice has not been given. The leave may be given in the circumstances set out in the subclause. Take the case of a person who falls off a tram. Members do not need me to emphasise that in such a case, if action were not commenced within two years, it would be almost impossible for evidence to be obtained.

Hon. H. K. Watson: I am not altering the notice provision.

The CHIEF SECRETARY: No, the commencement of the action. We think it should be commenced within 12 months. Surely 12 months is sufficient for any person.

Hon. H. K. Watson: They give three years in the United Kingdom.

The CHIEF SECRETARY: They might have particular reasons for it, but I do not see why three years should be given. I think ample time is provided under this legislation, and I hope the Committee will not agree to the amendment.

Hon. Sir CHARLES LATHAM: I cannot support the amendment. My complaint is that too frequently too much time is given. Fancy people having to give evidence 12 months after something happened! It must be very difficult. If anyone can memorise anything that happened a year ago, he has a pretty good memory. Two years would be too long a period.

Hon. H. K. Watson: The Crown can get six years.

Hon. Sir CHARLES LATHAM: I admit that, but that provision is not often used. I think an action should be commenced as soon as possible, and I could not support the amendment.

Amendment put and negatived.

Hon. H. K. WATSON: As the Committee has disagreed with that amendment, it might consider the other which appears on the notice paper. I suggest that the words "the cause of action accrued" should be struck out, and the words "such notice is given" inserted in lieu. The Minister might relent to this extent because, according to paragraph (a), notice has to be given as soon as practicable after the event. A man could conceivably be in hospital for three to six months, and a period of 12 months would not be sufficient in a case such as that.

The CHIEF SECRETARY: I would like to relent; but if I give way on this, I might as well give way on the other.

Hon. H. K. Watson: No.

The CHIEF SECRETARY: Yes. I could see some beautiful arguments in the courts over the interpretation of the words "as soon as practicable".

Hon. H. K. Watson: You told me that the words "as soon as practicable" were desirable. I challenged you on that, and I left them in on your assertion.

The CHIEF SECRETARY: There would be a good deal of legal argument about the words. For the reasons I have given, I would ask the Committee not to agree to the amendment.

The CHAIRMAN: As yet Mr. Watson has not moved any amendment.

Hon. H. K. WATSON: I move an amendment—

> That the words "the cause of action accrued" in line 29, page 2, be struck out and the words "such notice is given" inserted in lieu.

Hon. E. M. HEENAN: I entirely agree with the remarks of the Chief Secretary, and this amendment should be opposed. We must bear in mind that the provisions of this measure will apply to about 50 existing Acts of Parliament.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: I will not repeat what I have already said, other than to remind members that I am opposing the amendment.

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

Ayes	11
Noes	10
Majority for	1

Ayes.	
Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. H. Hearn
Hon. Sir Chas. Latham	*(Teller.)*

Noes.	
Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. E. M. Heenan
	(Teller.)

Pair.	
Aye.	No.
Hon. A. F. Griffith	Hon. G. Bennetts

Amendment thus passed; the clause, as amended, agreed to.

Clauses 5 to 7—agreed to.

Clause 8—Second Schedule added:

The CHAIRMAN: I want to draw the Chief Secretary's attention to the fact that the heading on page 5 is, "First Schedule—*continued*", but under this clause, on page 4, is set out the Second Schedule. Evidently there has been an error in compiling the Bill.

The CHIEF SECRETARY: It is obviously a mistake. I move an amendment—

> That the word "First" on pages 5 and 6 be struck out and the word "Second" inserted in lieu.

Hon. H. K. WATSON: I would like to point out that at the top of page 4 appear the words, "The enactments specified in the Second Schedule to this Act are amended in the manner indicated in the Schedule." That, of course, refers to the Second Schedule in the Act. At the moment, I imagine the Act contains a schedule which is now being made the First Schedule, and the schedule contained in Clause 8 will become the Second Schedule.

The CHIEF SECRETARY: The best way to overcome the problem is for me to withdraw my amendment, and have progress reported.

Amendment, by leave, withdrawn.

Progress reported.

BILL—BUSH FIRES.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 3, 5, 7, 14, 15, 18 and 21 made by the Council, had disagreed to Nos. 2, 6, 8 to 13, 16, 17, 19, 20 and 22, and had agreed to No. 4 subject to a further amendment now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

No. 2. Clause 8, page 5—Delete all words after the word "held" in line 7 down to and including the word "prescribed" in line 9 and substitute the following:—"at least once every two months

during the period between the first day of October and the first day of May following and during the remainder of the year."

The CHAIRMAN: The Assembly's reasons for disagreeing are—

(1) Busiest time of the year for the board will be during the winter months, when all planning is made for the summer fire season.

(2) Clause 9 (i) provides for a delegation of the board's powers to the chairman or any of its members in order to effect urgent day to day decisions.

The MINISTER FOR THE NORTH-WEST: I hope the Committee will not insist on this amendment. I move—

That the amendment be not insisted on.

It is a fact that the members of the Bush Fires Board desire such a provision because quick decisions have to be made. The board considers it can administer the Act and give effect to the provisions much better if the amendment is not insisted on.

Hon. L. C. DIVER: I trust the Committee will insist on this amendment, because the reasons given for disagreeing are remarkable. The amendment dealt with by another place concerned only the summer months and was designed to make sure that if there was any emergency it could be dealt with in a reasonable time. We have not in any way altered the original Bill as regards the winter months. If the board desires to hold a meeting every day, nothing has been put forward to prevent it. It has been left to the chairman of the board to determine when to call a meeting. We only insist that once in two months during the summer-time a meeting shall be held. It does no harm to have such a provision in the Bill.

The MINISTER FOR THE NORTH-WEST: The amendment makes it compulsory for the board to meet every two months during the summer. It is contended that it would be a waste of time for members to attend compulsory meetings when there might be no business. If there were business requiring the attention of the board, then a meeting could be called. If this amendment is agreed to, the board might be called together when all the business to be conducted would be for the members to greet each other. There is a provision for the payment of fees, and it would be unreasonable to have to pay these fees when there was no business to be done.

Hon. H. L. ROCHE: The Minister has given strong reasons why the amendment should be insisted on. If this board is to function this way, then Clause 9 will be availed of. That clause provides for delegation of powers. If the amendment is not insisted on, country members will be able to delegate their powers to officers of the board at a time when the bush fire menace is at its height.

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

Ayes	11
Noes	15
Majority against	4

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon R. J. Boylen
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	*(Teller.)*

Pair.

Aye.	No.
Hon. G. Bennetts	Hon. A. F. Griffith

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

No. 6. Clause 18, page 13—Insert after the word "writing" in line 22 the words "or otherwise as provided in paragraph (a) of section nineteen of this Act."

The CHAIRMAN: The Assembly's reason for disagreeing is—

If notices are given verbally, both parties will have difficulty in proving whether the notice was either given or not given. The written notice protects both parties from endless argument and litigation.

The MINISTER FOR THE NORTH-WEST: I move—

That the amendment be not insisted on.

The amendment deals with the requirement to give notice, in writing, of intention to burn. Right from its inception the Act has required that notice be given for the important reason that it protects both parties from endless arguments and litigation. If the notice were given verbally, either party might have difficulty in proving that had been done. This could be of the utmost importance when a fire escaped and damage claims ensued. The Act requires written notice to be delivered personally, but in some instances this is a difficult provision to carry out. For this reason Clause 19 was inserted in the Bill to make delivery of a notice a simple matter. The amendment would only lead to endless difficulty.

Hon. H. L. ROCHE: I ask the Committee not to agree with the Minister. Members may recall that this amendment was consequential to No. 12 which the Assembly has not agreed to. We cannot insist on the one without the other. The present position is rather ridiculous, and this was

pointed out during the second reading. The provision is being honoured more in the breach than in the observance, because I know that in my own district few notices, if any, are served in writing. It is generally done by telephone where a bush fire brigade is operating, and brigades are operating in most areas of the State. Dates for the burning of properties are allocated before a season begins, and the people know when the fires will take place.

The provision in the Bill, before the amendment was agreed to, was cumbersome, and to a considerable extent unworkable. Country members understand only too well that to deliver such a notice personally may involve half a dozen trips to each of the half-dozen or more parties concerned. The Minister has argued that persons can dispute the receipt of a verbal notice; but if a person wants to dispute a written notice, he can do so if there is no witness to the handing over of the notice.

To have absolute proof that notice has been given would necessitate the sending of it by registered mail. That again is not practicable. In places where there is a weekly mail, the farmer concerned might not meet the mail. A card would be left for him to pick up a registered letter which he might do in a week's time. I cannot see that any purpose would be served by making the provision too rigid. If damage were done to a neighbour's property, he would have recourse at common law.

The MINISTER FOR THE NORTH-WEST: To give a notice in writing would not be difficult. It could be delivered to the owner of the farm or to a person apparently over the age of 16.

Hon. H. L. Roche: What if there were no one in occupation?

The MINISTER FOR THE NORTH-WEST: That would be a peculiar farm. If there were a vacant block, the owner would not be far away.

Hon. N. E. BAXTER: We should insist upon the amendment. I have travelled the agricultural areas from one end to the other and visited farm after farm on the one day without finding anybody at home or in the paddocks. In those circumstances, it would be most difficult to deliver the notice.

Question put and negatived; the Council's amendment insisted on.

No. 8. Clause 18, page 14—Insert after the word "authority" in line 15 the words "if a bush fire control officer is not available."

The CHAIRMAN: The Assembly's reason for disagreeing is as follows:—

> Some road boards co-ordinate all fire control matters through the board in order to burn in accordance with a programme. Where no bush fire control officer is appointed, the secretary should be able to issue the permit.

The MINISTER FOR THE NORTH-WEST: The Assembly's reasons indicate clearly why the amendment should not be insisted on. The effect of the amendment would be to leave the issuing of permits in the hands of the fire control officer; but surely the local authority would be the best judge of what is required! I move—

> That the amendment be not insisted on.

Hon. C. H. HENNING: The idea behind the amendment is to obviate dual control. If there were two parties issuing permits, the people would not take long to find out which was the easier one to deal with. Obviously, if a bush fire control officer had not been appointed, he could not be available. I would be agreeable to altering the Council's amendment by striking out the word "available" and inserting in lieu the word "appointed."

The MINISTER FOR THE NORTH-WEST: I cannot see that the hon. member's suggestion would have any greater effect. Under the amendment, the bush fire control officer would have power over the local authority.

Hon. H. L. Roche: Who appoints him?

The MINISTER FOR THE NORTH-WEST: The local authority, I believe, and the power would be taken from the local authority. The secretary would be acting for the road board. Members would be making a mistake by insisting on the amendment.

Hon. N. E. BAXTER: The amendment would not take any control from the secretary, but it would give precedence to the bush fire control officer if he were available, and he would be the man who would understand the existing situation, much more so than would the secretary. It is a question of whether the bush fire control officer should have precedence in issuing the permits.

Hon. A. R. JONES: It is usual for a local authority to appoint each of its members as a bush fire control officer and each is available in his area to issue permits. If those men were not available, the secretary would issue the permits. The Council's amendment would make things easier for all concerned. A man living in the district would know more about the prevailing conditions than would the secretary of the board.

The MINISTER FOR THE NORTH-WEST: If there were several bush fire control officers, there would be no co-ordination in the issuing of permits. The idea of channelling them all through the secretary of the road board is to obtain co-ordination. A programme of burning would be set out, and if one person were responsible for issuing the permits, he

would know the period they should cover in order that the whole countryside should not be set alight at the one time. If we had half a dozen officers issuing permits, the situation would get out of control. That is the opinion of the committee.

Question put and negatived; the Council's amendment insisted on.

No. 9. Clause 18, page 14— Delete the words "of at least ten feet or such greater width" in lines 21 and 22.

The CHAIRMAN: The Assembly's reason for disagreeing is as follows:—

> The clause applies to practically every case of burning off, and the volunteer officer should not be required to inspect the land concerned in every instance before issuing a permit. He should have the benefit of a minimum in the Bill. Small properties are adequately protected by Clause 23, which allows protective burning to be carried out and does not require a 10ft. break.

The MINISTER FOR THE NORTH-WEST: I move—

> That the amendment be not insisted on.

As stated in the reason given, the amendment would remove the minimum width of a firebreak around land that was to be burnt off. The clause applies to practically all burning off in the State, and the Advisory Committee is strongly of the opinion that the Bill should provide for a minimum width of firebreak. It means that the bush fire control officer would have to state in the permit the width of firebreak required. At present volunteer officers are not required to inspect the land concerned in a permit to burn and the responsibility for complying with the requirements of the clause rests with the applicant. If the control officer is familiar with the conditions, he can request a wider break; but if he does not do this, it reverts to the 10ft. break which has always been a requirement of the Act.

The argument for deleting this provision has been in regard to small land-holders who desire to carry out protective burning. This circumstance is fully met in Clause 23, which allows protective burning to be carried on. This may be done during prohibited times, and a 10ft. break is not required. In ordinary burning off there is little indeed that would be protected by a break of less than 10ft.

Previous amendments to the Act have gradually increased the responsibility of bush fire control officers, and in many cases the decisions forced on them are difficult to carry out in their own communities. The amendment would add yet another decision for them to make on every permit to burn which was issued. Prescribing matters of this nature in the Bill gives these volunteer officers something to fall back upon.

Hon. A. R. JONES: There is some justification for not pressing this amendment. I move an alternative amendment—

> That the words "at least" in line 21, page 14, be struck out, and after the word "greater" in line 22 the words "or lesser" be inserted.

That would give a standard width of 10ft., but would leave it to the issuing officer to say whether it should be less or more.

The MINISTER FOR THE NORTH-WEST: It would still leave the onus on the officer issuing the permit. The amendment is perhaps more desirable than the original one which has been disagreed to by another place; but it does not remove the responsibility from the officer issuing the permit.

Hon. L. Craig: If he made no statement at all as to width, it would be 10ft., even with the amendment. The better way to achieve the purpose would be to strike out the word "greater."

Hon. A. R. JONES: I ask leave to withdraw my amendment.

Alternative amendment, by leave, withdrawn.

Question put and negatived; the Council's amendment insisted on.

No. 10. Clause 18, page 16—Delete Subclause (5).

The CHAIRMAN: The Assembly's reason for disagreeing is—

> Quite a number of bush fire brigades want this provision. It can only operate at their discretion, even though the subclause does establish a liability to pay.

The MINISTER FOR THE NORTH-WEST: This is a contentious amendment, and it was so during the Committee stage. It will prevent a bush fire brigade recovering expenses when it has to attend a property to fight a fire which is either out of control or has extended to someone else's property. The subclause is supported by the committee because the desire of the brigades for some power in the matter is justified.

Quite a number of brigades have requested it, in order to meet cases where they consider there has been some negligence which justifies the payment of some expenses. To have mentioned negligence in the clause would have meant that they would have to prove it before a court. This was not the desire of the brigades. They just wanted some simple provision which could be brought into force by themselves if they considered circumstances warranted it.

The subclause does establish a liability to pay, but it could be effective only if a demand were made, and this could emanate only from the brigade itself. After a

thorough investigation, the committee decided that the provisions of the subclause represented the only practical way of meeting the desires which had been expressed. The brigades comprise local people, and it is unlikely that they would take action under the clause unless they felt it was entirely warranted by the circumstances. I feel it is a just provision; and as it could not be applied in any vicious manner, I would prefer to see it remain in the Bill. I move—

That the amendment be not insisted on.

Hon. H. L. ROCHE: I do not know which brigades have asked for this. When my local authority knew it was in the Bill it wrote to me and asked me to have it taken out. It feels it is bad enough for a man to have his property burnt without his having to be confronted with the damages that some unreasonable warden or fire control officer might decide was necessary. We must bear in mind that these brigades are voluntary. It would be most unfortunate for a man voluntarily to have attended 50 fires and then, because one is out of control on his property, to find himself faced with a demand for the payment of expenses.

Hon. L. Craig: Only if the board feels it is warranted.

Hon. H. L. ROCHE: It could be the warden or the local fire control officer. It is a dangerous provision and will destroy more than anything else will the voluntary principles of the brigade. I hope the Committee will insist on this amendment.

Hon. L. C. DIVER: I, too, hope the Committee will insist on the amendment. Recently I read extracts from a report of the Kellerberrin Bush Fire Brigade in which it was shown that 11 fires had been started in that area by railway trains. The fires caused each summer in this country by railway trains would be 10 times those started by individuals. We do not propose, however, to make the Comissioner of Railways responsible unless it can be proved there was an ineffective spark arrester or it was due to negligence. It is impossible to bring a case against the Minister.

Question put and negatived; the Council's amendment insisted on.

No. 11. Clause 18, page 16—Delete the words "other than Subsection (5)" in line 21.

The CHAIRMAN: The Assembly's reason for disagreeing is—

Complementary to No. 10.

The MINISTER FOR THE NORTH-WEST: This is complementary to No. 10 and for the same reason as I gave previously, I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 12. Clause 19, page 16—Insert after the word "personally" in line 32 the words "or in such other manner either verbally or in writing as will ensure (except in the case mentioned in paragraph (c) of this section) that every owner occupier or other person is made aware of the intention to burn and the date and time thereof."

The CHAIRMAN: The Assembly's reason for disagreeing is—

Complementary to No. 6 and is opposed for the same reasons.

The MINISTER FOR THE NORTH-WEST: Because this is complementary to No. 6, the amendment is opposed for the reasons already outlined. I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 13. Clause 19, page 16—Delete paragraph (b) in lines 33 to 38.

The CHAIRMAN: The Assembly's reason for disagreeing is—

Complementary to No. 6 and is opposed for the same reasons.

The MINISTER FOR THE NORTH-WEST: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 16. Clause 21, page 18—Delete Subclause (3).

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is most essential to have one person in charge when several local authorities are involved. A similar provision exists in all other States.

The MINISTER FOR THE NORTH-WEST. The sole purpose of this clause is to overcome the difficulty that the Bush Fires Act does not make any provision for the case where there is an extensive fire affecting the territory of a number of local authorities. There is a great deal of confusion at the moment when a bad and widespread fire occurs, and the clause will enable commonsense steps to be taken. A similar provision exists in every other State, but there is no such authority in this State. The desirability of being able to appoint one officer to co-ordinate the activities of possibly three or four local authorities and the Forests Department should be obvious. I move—

That the amendment be not insisted on.

Hon. L. A. LOGAN: I will not urge that this be insisted on. The position can arise, however, where a fire may be raging before the Minister knows anything

about it. Somebody takes control, and the Minister, when he is informed, can appoint somebody else to take charge. That is most unfair.

Question put and passed; the Council's amendment not insisted on.

No. 17. Clause 24, page 22—Delete all words after the word "permit" in line 21 down to and including the word "acres" in line 22.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> Most of this type of burning is done by contractors and it is too risky to allow a greater area than 50 acres to be burned at one time.

The MINISTER FOR THE NORTH-WEST: I move—

> That the amendment be not insisted on.

This amendment proposes to delete the maximum of 50 acres which may be burnt for the purpose of collecting clover seed, and is strongly opposed. The burning is done during the prohibited burning times at the most hazardous period of the year. Members of the committee have always been concerned regarding the dangers of this burning. They consider that in no circumstances should an area greater than 50 acres be burnt at one time. A good deal of burning is done by contractors who could have no concern for the risks taken.

Hon. L. A. Logan: They are still liable.

The MINISTER FOR THE NORTH-WEST: That might be so; but the committee considers that 50 acres is the maximum which it is prepared to allow.

Hon. N. E. BAXTER: I hope the Committee will insist on the amendment. I have had experience of this matter in various parts of the State. The limit of 50 acres is a good protection for the South-West, where there are small areas in between timber country. But in the Central Province there are well cleared areas and big farms; and farmers burn, for the purpose of clover rolling, up to 500 acres annually. In the South-West, where not more than 50 acres might be burnt, it is quite a different proposition. The deletion of the words concerned still left the local authority which issues a permit power to state the maximum area that may be burnt. To restrict people in my area to 50 acres is ridiculous. For years farmers have burnt without permits, because of this provision.

The Minister for the North-West: And without prosecution?

Hon. N. E. BAXTER: Yes. One board has never issued a permit for this purpose. More than 1,500 acres are burnt for clover in that particular road district every year, and a fire has never got away from that burning.

The MINISTER FOR THE NORTH-WEST: It is quite true that a permit can be issued for any specified area, but this provision says that in any event the area must not exceed 50 acres at one time. A person can burn 50 acres one day and another 50 the next day. If the provision regarding 50 acres has worked successfully in years gone by, I cannot see—except in the case of farmers who, according to Mr. Baxter, break the law—that anything can be gained by deleting these words.

Question put and negatived; the Council's amendment insisted on.

No. 19. Clause 37, page 36—Insert after the word "to" in line 21 the words "or from."

The CHAIRMAN: The Assembly's reason for disagreeing is—

> These policies are based on the Workers' Compensation Act, and there should be no variation.

The MINISTER FOR THE NORTH-WEST: I move—

> That the amendment be not insisted on.

The basis of the insurance policies issued in connection with bush fire brigades is the Workers' Compensation Act. If that Act were amended to cover returning from employment, then the bush fire policies would automatically come into line. The additional cover in the manner suggested would be difficult to police, and it is almost certain that premiums which local authorities must pay would be increased. As the conditions of the policies are based on the Workers' Compensation Act, it will obviously create difficulties to have a variation in the provisions. Since this provision was inserted, some information has been gathered in connection with bush fire insurance, and the experience of the State Insurance Office under the uniform bush fire policy since its inception in 1951-52. The table I have is as follows:—

	Premiums	Claims Paid
	£	£
1951-52 ...	247	559
1952-53	1,018	138
1953-54	1,197	1,935
Estimated outstanding liability on unsettled claims at 30-6-1954	—	250
	£2,462	£2,882

Prior to the introduction of the uniform policy, the office had paid some substantial bush fire claims, including one in connection with a fatal accident. Of the 146 local authorities in the State, 121 were insured with the State office at the end of June this year. It is anticipated that to

provide for insurance in respect of a man going from a fire would result in the raising of premiums.

Hon. H. L. ROCHE: It is difficult to understand how these policies can be based on workers' compensation, because they cover farm tractors. They cover the employer; workers' compensation does not go so far as that. As I explained when the amendment was inserted in the Bill, its whole purpose is to ensure that the employer has cover for his employees coming from a fire. The employee will have redress against the employer if he has gone to a fire and has been injured returning therefrom. But the employer cannot insure against that unless this provision is inserted in the Bill. I think someone must have drawn fairly extensively on his imagination when he likened this provision to workers' compensation.

The Minister for the North-West: Are you not insuring the employees?

Hon. H. L. ROCHE: The average farmer covers his employees under workers' compensation, but not in respect of their going off the property to a fire. Under the Bill, they are covered; but, unless this amendment is agreed to, they will not be covered when returning from a fire, and that is what we want to provide for. If an increase in the premium resulted, it would not amount to more than a couple of shillings.

The MINISTER FOR THE NORTH-WEST: I cannot reconcile the hon. member's views. There is not the slightest doubt some of these men would be employees; and, although vehicles are covered, the proposed amendment will cover those workers, and they will be covered returning from the fire. I imagine they would be covered under third-party motor-vehicle insurance. This is really workers' compensation, because some fire-fighters would be workers.

Question put and negatived; the Council's amendment insisted on.

No. 20. Clause 37, page 36—After the word "brigade" in line 24 add the following proviso:—

> Provided that the provisions of this paragraph shall not apply in respect of an injury sustained after the work of controlling or extinguishing a bush fire has been completed unless such injury occurs during the journey back to the place of employment, business or residence of the person concerned without any deviation or interruption thereof unconnected with the work of extinguishing or controlling the bush fire.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> Complementary to No. 19.

The MINISTER FOR THE NORTH-WEST: I move—

> That the amendment be not insisted on.

There is no point in opposing this, because it is complementary to the previous amendment.

Question put and negatived; the Council's amendment insisted on.

No. 22. Clause 40—Delete.

The CHAIRMAN: The Assembly's reason for disagreeing is—

> If this clause is deleted bush fire control officers will have to stop fighting a fire when it reaches a road board boundary, or they will be deprived of the protection of the Act, including the insurance provision.
>
> Not all local authorities have appointed bush fire control officers, and in the smaller road districts of the closer settled areas, the provision is frequently in use.

The MINISTER FOR THE NORTH-WEST: This provision deals with the duties of bush fire control officers on the outbreak of a bush fire, and when they are required to step outside their own district into some other district. It is considered that they are covered by insurance only for their own district and not any other district. According to the notes submitted to me on this subject, this provision has been in the Act since its inception, and there has been little difficulty in its operation. It is extremely important to bush fire control officers, and its deletion will seriously curtail their powers.

In a number of cases, the local authorities have not registered bush fire brigades; and in these instances, provided the bush fire control officer takes charge of the appliances and the volunteers in the fighting of a fire, they are afforded the legal protection conferred by the Act, and also come under the board's insurance policy.

The most important provision of the clause is the only authority in the Bill for a bush fire control officer to continue to exercise his powers should he cross the boundary of a local authority and should there be no bush fire control officer of that local authority present. This is a power which is frequently in use, particularly in the smaller road districts of the more closely settled areas.

Deletion of the clause would give rise to some ridiculous situations. It would mean that if a fire jumped a road which happened to be a district boundary, the people fighting it would have to stop and call on the bush fire control officers from the next district. In some cases they do not exist. If they went on fighting the fire in the adjoining districts, as commonsense would indicate, they would not be covered by insurance, nor would they have

any authority under the Act. It is unlikely, of course, that anyone would stop fighting a bush fire, no matter what boundary he came to. The point in the amendment is that it takes away the insurance cover. As the provision has been in the Act since its inception and has done no harm—in fact it has some merit—I move—

That the amendment be not insisted on.

Hon. H. L. ROCHE: The Minister has referred to only one portion of the clause. The first part is possibly better left alone. The Minister has concentrated on Subclause (2). This subclause clashes to quite an extent with Clause 39 (f) and Clause 45 (3) (a). I imagine this provision found its way into the Act originally because the department thought it might be necessary; but so far it has not been necessary. The original measure was an experimental one, and we now have an opportunity to tidy it up. I hope we will see no more bush fires legislation for another five or ten years.

Even supposing the contention is right that a bush fire officer will be deprived of his insurance, that officer, without his team or brigade with him, is not a great deal of use. Apparently he is to be insured, but not his brigade or team. That seems to be the full argument against the deletion of the clause. In view of the manner in which it conflicts with other provisions, and the absurdity of the first portion, it would be much better if it were taken out of the Bill. I hope the Committee will insist on its amendment. I do not think it is a valid objection to say that the insurance provision applies only to the bush fire control officer.

The MINISTER FOR THE NORTH-WEST: This provision has been in the Bush Fires Act since its inception.

Hon. H. L. Roche: That was in 1937.

The MINISTER FOR THE NORTH-WEST: I remember listening to arguments for and against it for many hours in 1950 or 1951 when Parliament agreed to it. All the first portion of the clause does is to place some responsibility on the bush fire control officers.

Hon. H. L. Roche: They are purely voluntary.

The MINISTER FOR THE NORTH-WEST: That is so. The members of the A.I.F. were purely voluntary, too; but they all did a good job. They volunteered to take instructions; and I assume that these brigades must have some responsibility. I see no objection to the part to which Mr. Roche takes exception. It means that bush fire brigades have some responsibility to render assistance outside their own territory. We do not think that any bush fire officer would knock off just because he came to a boundary, and was not insured. He would still carry on and fight the fire. Surely we would not expect him to sit down in his own district and watch his next door neighbour being burnt out.

Hon. L. A. LOGAN: That this has been in the Act since 1937, is no reason for saying it shall remain in the Bill now. When we look at Clause 40 and see what is dealt with in subparagraph (iii) we perceive the stupidity of it. When a fire starts 20 miles away, how does a bush fire control officer know that it has been lit unlawfully or has occurred accidentally or is not adequately controlled, etc.?

The Minister for the North-West: You have been a long time finding out.

Hon. L. A. LOGAN: The whole thing is just too silly. If it has been in the Act since 1937, it is time it was taken out.

Question put and negatived; the Council's amendment insisted on.

No. 4. Clause 13, page 9—Delete the words "may make use of the services of" in lines 7 and 8 and substitute the words "shall co-operate with."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to add the words "in an advisory capacity."

The MINISTER FOR THE NORTH-WEST: There is no objection to what is proposed here. It clarifies the position. I move—

That the amendment be agreed to.

Hon. N. E. BAXTER: I agree with the amendment made by the Assembly. It goes a little further than the amendment we agreed to, and I think it is a good addition to our amendment.

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

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

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Report of Committee adopted.

STANDING ORDERS COMMITTEE.

Consideration of Report.

Report of Standing Orders Committee further considered.

In Committee.

Resumed from the 18th November: Hon. C. H. Simpson in the Chair.

The CHAIRMAN: We were considering an amendment to Standing Order 321 to strike out all words after the word "shall" in line 5 and substitute the words "be four."

This amendment is one of two to overcome the necessity of having to obtain a unanimous decision on matters referred to a conference between the two Chambers. The question is—

That the recommendation be agreed to.

Hon. L. CRAIG: We were dealing with Standing Order 329 as well and the amendment to make the majority six to two.

The Chief Secretary: No, three to four.

Hon. L. CRAIG: What do you mean?

The Chief Secretary: Altering the number of managers from three to four.

Hon. L. CRAIG: Yes, but along with that the proposal that the decision should be on a six to two majority. I am a member of the Standing Orders Committee, and I wish to point out the weaknesses in connection with this proposal. I did not put in a minority report, but I want to point out the dangers in adopting this recommendation.

When the previous Government was in power, and we had a meeting of managers, the three from another place were unanimous in wanting a certain thing done in regard to the franchise of this Chamber. If the number had been altered to four, as is proposed in this standing order, we in this Chamber would have been in a hopeless position because two from here would have agreed with the four from another place and that would have meant a six to two decision. In my opinion it would be much better to leave the position as it is.

Hon. E. M. DAVIES: I disagree with Mr. Craig. I think that the recommendations of the Committee have been submitted in all good faith, in the belief that the system of conferences is worth while. It would be a retrograde step if we were to discontinue the conference system. Many people believe that the time has arrived when we should cease to have conferences and merely abide by the decision of one Chamber if it rejects a Bill. I believe that on many occasions there can be a compromise in the interests of electors. We should give consideration to the adoption of this system rather than insist upon a unanimous decision.

Hon. L. A. LOGAN: Although I am a member of the Standing Orders Committee, I think it is up to all members to decide whether they shall accept the amendment or not. In the committee room I agreed to give this a trial; but I am of the opinion that, if it is carried, the results of future conferences will not be as good as those of the past. Since 1940, 34 conferences have been held, and only five have been failures. While all decisions have not been 100 per cent., as far as the Government is concerned, they have been acceptable to the majority.

There is not much wrong with today's conditions, and I am worried about the circumstances Mr. Craig mentioned. There will probably be a stiffening of party discipline in conferences rather than the spirit of compromise which we have had in the past. That is the danger. Members in the Assembly will be told what they have to do; and if that happens, we will lose what goodwill we have had in the past. I shall not recommend one way or the other, but members can see what could happen.

Hon. H. HEARN: I hope members will not agree to this amendment. From experience that I have had of conferences I feel that all Mr. Logan has said could take place; and bearing in mind the fact that this is a House of review, and that it could be thrown into a party Chamber, I feel it would be a retrograde step; and, as a result, I think we should decide to leave this amendment well alone.

The CHIEF SECRETARY: I am wondering where we are going. We have a Standing Orders Committee which brings in a report; and, of the three members of that committee who have spoken, two are against the recommendations.

Hon. H. Hearn: That is all right; they can have second thoughts.

The CHIEF SECRETARY: When we appoint a committee and it recommends certain alterations, its members should be prepared to stand up to them. What is the value of submitting anything if they are not prepared to do that?

Hon. Sir Charles Latham: I have always argued that way. I endorse your remarks there.

The CHIEF SECRETARY: When a special committee is appointed to deal with these questions, one naturally expects it to have all the information on the matter.

Hon. H. L. Roche: Suppose it did not have it?

The CHIEF SECRETARY: If it did not have sufficient information it should not have submitted this recommendation. I am surprised at those two members entering this Chamber and opposing their own recommendation.

Hon. N. E. Baxter: How do you know they agreed to it?

The CHIEF SECRETARY: I should think that if they had not agreed to it they would have submitted a minority report. At least Mr. Logan admitted that he agreed to this recommendation when it was deliberated by the Standing Orders Committee.

Hon. E. M. Heenan: There is the question of expense, too.

The CHIEF SECRETARY: In any case, it is most deplorable that a situation such as this should occur. Dealing with the question itself, I cannot see any dangers in it.

Hon. L. Craig: Is it an improvement?

The CHIEF SECRETARY: I think it would be. If some members had sat in conference for as many hours as Mr. Watson and myself they would agree that the present position is most unsatisfactory, especially when no decision is arrived at.

Hon. H. Hearn: Can you suggest a system that would be successful?

The CHIEF SECRETARY: The system in this Chamber is that the majority rules. In this case the majority would be on a 75 per cent. = 25 per cent. basis. In view of the fact that the parties are split evenly—the Government would have four representatives and the Opposition would have four—and that 50 per cent. of the representatives of the Opposition would have to agree with the Government's nominees, I cannot see any objection to the recommendation.

Hon. L. Craig: There is no Government or Opposition in this House.

The CHIEF SECRETARY: I like to face facts. We are on the Ministerial bench regardless of whether there are Government members or Opposition members. I will admit, however, that when we were on the other side of the Chamber we were not always members in opposition. I cannot see that any greater safeguard could be included in the recommendation put forward. Therefore, I consider we should agree to the recommendation contained in the report.

Hon. H. L. Roche: You are too trusting.

The CHIEF SECRETARY: I am always trusting. I believe the recommendation would be a great improvement. In any event, it need only be tried for one session to ascertain whether it is an improvement. We are aware of the failures of the old system.

Hon. N. E. Baxter: What are they?

Hon. H. K. Watson: But it worked.

The CHIEF SECRETARY: Anything works in some sort of way, but it is not always efficient.

Hon. N. E. Baxter: You are the only one that is saying it.

The CHIEF SECRETARY: I will say what I want to say, and the hon. member can say what he wants to say later. The old system has proved that it has its failures; so why not give this new system a trial and, if at the end of one session it is found not to be a success, it can be altered?

Hon. L. A. LOGAN: I have been taken to task by the Chief Secretary for endeavouring to put before the Chamber the pros and cons of this proposed amendment. Surely, as one of the Standing Orders Committee, I am entitled to place before members of this Committee the arguments for and against the recommendation! I did not indicate how I was going to vote. Apparently very few members have studied this question. The other evening consideration of it was postponed because there were only a few members present; but apparently there are still some members who do not understand it. One who has spoken against the recommendation was not present at the meeting of the Standing Orders Committee when it was agreed to; so how can the Chief Secretary say that he accepted it? Therefore the Minister is making a stab in the dark again. I have raised the points at issue merely for the information of members. It is up to them what they decide to do.

The MINISTER FOR THE NORTH-WEST: I support the committee's recommendation. I have not been a member of Parliament for very long, but I have been present at a few conferences. In many instances a majority decision in conference is extremely difficult to achieve. With one member standing out during a conference, we virtually get down to a one-man Government, despite all the debate that has taken place in the House on the Bill; because if that man continues to hold out during a conference of managers, the Bill is lost. By accepting that principle we are immediately departing from democratic government. There should be some margin allowed, of course, and I think the margin granted by the recommendation is reasonable. If there is a conference of eight managers, and six are in agreement, that is a fair percentage on which to base a decision.

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

Ayes	13
Noes	14
Majority against	1

Ayes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. R. J. Boylen
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. J. G. Hislop
Hon. L. Craig	Hon. A. R. Jones
Hon. L. C. Diver	Hon. Sir Chas. Latham
Hon. Sir Frank Gibson	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
	(Teller.)

Recommendation thus negatived.

Standing Order 329—Insert after the word "Assembly" in lines 3 and 4 the words "An agreement by six of the Managers shall be a decision of the Conference."

The CHAIRMAN: The reason for the amendment is given at the foot of page 4 of the report which is as follows:—

> These amendments are recommended to overcome the necessity of having to obtain an unanimous decision on matters referred to a Conference.

The CHIEF SECRETARY: I think it is stupid going on with that recommendation. I hope I shall never see such an exhibition as this again. If I were a member of this Standing Orders Committee I would immediately hand in my resignation.

Hon. L. A. Logan: That is unfair!

The CHIEF SECRETARY: The hon. member can consider it as being unfair.

Hon. H. L. Roche: The trouble is that one cannot disagree with the Chief Secretary.

The CHIEF SECRETARY: When a committee submits a recommendation based on a unanimous decision—as far as we know—I consider it should be agreed to by the members forming that committee. Not one recommendation made by the committee has been agreed to by the members I have referred to. If I were a member of the Standing Orders Committee I would resign from it.

Hon. L. A. Logan: On what grounds?

The CHIEF SECRETARY: A committee was appointed to make recommendations, but it is now found that the very same committee does not stand up to what it has recommended, and without giving any intimation beforehand. It would be stupid to proceed with this recommendation. Without any motion from this Chamber, the recommendation should be ruled out because it would be impracticable.

The CHAIRMAN: I prefer the Committee to deal with it. The recommendation is practicable within the strict terms of Standing Order 329 and the wording could apply. I admit that as a consequential amendment to Standing Order 321, it is hardly consistent.

Recommendation put and negatived.

Resolutions reported and the report adopted.

BILL—PLANT DISEASES ACT AMENDMENT.

Recommittal.

On motion by Hon. L. C. Diver, Bill recommitted for further consideration of Clause 2.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 2—Section 12C amended:

Hon. L. C. DIVER: I move an amendment—

> That the word "ten" in line 8, page 2, be struck out and the word "seven" inserted in lieu.

I hope members will alter their opinions on this matter after reading the second reading debate, because some members were not able to hear the whole of it.

The MINISTER FOR THE NORTH-WEST: A division was taken on the very same amendment and was defeated. The Bill proposes to allow the Fruit Fly Baiting Committee to increase its charges from 6s. to 10s. per 100 plants for commercial orchards; and in the case of non-commercial orchards, which consist of less than 100 plants, to enable it to charge a fee not exceeding 3d. per plant or 1s. 6d. for each attendance at the orchard. The object is to keep the Government subsidy at not more than £1,500 a year, and for the growers to find the balance to carry out the baiting scheme.

The district which has been in bother financially is the south suburban where there is a considerable number of non-commercial orchards. It was unable to raise the necessary funds under the existing rates. Since the Bill was before the Chamber previously, a statement has been submitted by the south suburban committee showing that it will be able to finance its scheme with a smaller charge. The estimated expediture this year is £5,994. It will be getting a Government subsidy of £1,500 and an advance of £750 has already been made. The committee expects to reduce the expenditure somewhat by selling the old plant and buying jeeps, and using a more modern system.

After a discussion of this matter with the Minister for Agriculture, it was considered that a maximum of 8s. was required. I ask the mover of this amendment to agree to a maximum of 8s. in a spirit of compromise. The Government is prepared to go half-way.

Hon. L. C. DIVER: I agree to the compromise. This substantiates the case I put up previously, showing that the amount of 10s. was excessive.

Hon. L. Craig: It is the maximum.

Hon. Sir Charles Latham: How frequently it becomes the minimum in many cases!

Hon. L. C. DIVER: I ask leave to alter my amendment by substituting the word "eight" for the word "seven."

Leave granted.

Amendment, as altered, put and passed.

Hon. L. C. DIVER: Backyard orchardists are responsible for a great proportion of the work in the south suburban scheme, and I hope that the Minister has more figures for our enlightenment. Even with the reduced figure, a considerable amount of revenue would be made available. As the Minister has shown a spirit of compromise, I am quite prepared to insert the word "five" instead of the word "four", as originally intended. I move an amendment—

That the word "six" in line 18, page 2, be struck out and the word "five" inserted in lieu.

The MINISTER FOR THE NORTH-WEST: The amendment affects the backyard orchardist, or the man who grows fruit for home consumption. Very few owners of six-tree orchards would sell fruit. I endeavoured to obtain statistics of the number of orchards and trees respectively, but was unable to do so. One tree more or less does not make much difference. Many of these people provide for their own protection and would not cost the scheme very much. A person who grows fruit trees usually takes a pride in them, although some are negligent, but people of that type are found in every walk of life. In such cases, the committee would do the spraying at the owner's expense. In a spirit of compromise, I accept the amendment.

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

Bill again reported with further amendments.

BILL—NATIVE WELFARE.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Section 6 amended:

Hon. N. E. BAXTER: I move an amendment—

That paragraph (b) be struck out.

The paragraph proposes to delete the words "and to protect them against injustice, imposition and fraud" and insert in lieu "as the Minister in his discretion considers most fit to assist in their economic and social assimilation by the community of the State". It is the duty of the department to exercise general supervision and to protect the natives against injustice, imposition and fraud. The words are very necessary for the protection of natives. The words proposed to be inserted are, for all practical purposes, covered by the Act and are really redundant. The native is a person without much education.

Hon. J. McI. Thomson: Today?

Hon. N. E. BAXTER: Yes, even today there are some in my province who cannot read or write.

The Minister for the North-West: It is a disgrace.

Hon. N. E. BAXTER: Who is responsible for it?

The Minister for the North-West: Whoever has been employing them.

Hon. N. E. BAXTER: They should have been educated as children; their parents were not ambitious enough to see that they were educated.

The Minister for the North-West: They might not have had time.

Hon. N. E. BAXTER: To delete the words would do a great disservice to the natives. No harm could result from retaining the words, but hardship might be caused to some natives if the words were deleted. Under the paragraph, it would be possible for the Minister to foist on the natives something that would not be in their interests. It could be construed to go to any length.

Hon. C. W. D. Barker: You want to help them.

The Minister for the North-West: You want to restrict them.

Hon. N. E. BAXTER: I have no wish to restrict them. I ask members to study the paragraph closely, because it could prove very dangerous. The provision in the Act has done much good in the past, whereas the proposal in the Bill will not help the natives at all.

The MINISTER FOR THE NORTH-WEST: I cannot understand how the hon. member reconciles this attitude with his expressed desire to do something for the natives. The natives are protected by the law elsewhere, in regard to the words to be struck out, and therefore I must oppose the amendment. I would point out that the responsibility of the department is based on the welfare of the natives and there is absolutely no harm in this clause.

Hon. F. R. H. LAVERY: Having studied the Bill, and having again visited the department since I previously spoke on this measure, I believe the reason for this clause is to give greater freedom to officers of the department, through the Minister, to make special efforts on behalf of an individual native, a family or small group, where considered desirable. I cannot support the amendment.

Hon. L. CRAIG: I think the purpose of the clause is to open a new vista to the natives. Previously it was the duty of the department to protect them from fraud and imposition, and the purpose of the clause is to help to absorb them into the white community by giving the department power to take the necessary action. In my opinion it is a desirable provision.

Hon. C. H. SIMPSON: When dealing with a similar clause last year I could not understand the reason for deleting the words sought to be deleted in favour of the amending wording. My first approach to the Bill is one of co-operation as I believe it is an improvement on last year's measure and that the Minister has tried to make it acceptable to the Committee.

In the last 12 or 18 months an enactment was passed in America relieving the Red Indians of certain protection that had been accorded them for many years. They appealed to the Government not to remove that protection. I believe they are regarded as of a fairly high standard, as such races go, but they felt that without the protection any Yank could put it over them, and that they had not the resistance to enable them to stand up for their rights. I ask the Minister to consider the necessity for specifying care and protection of the natives as far as the department is concerned.

Hon. C. W. D. BARKER: I think Mr. Craig gave a very fair view of the clause, which would not take protection from the natives but give them more. It would allow the department to assist the outstanding native to be assimilated into our community.

Hon. J. G. HISLOP: The Committee seems to consider that the natives should be helped in this manner, and yet some members feel that certain protection should be afforded to the native. If Mr. Baxter would agree to withdraw his amendment I propose to move one which I think would achieve the desired end.

The MINISTER FOR THE NORTH-WEST: The reason for the wording of this clause is not to dodge responsibility but that the words proposed to be deleted are superfluous. I am agreeable to leaving them there if that is the desire of the Committee, but I hope members will oppose the amendment. I have no objection to hearing Dr. Hislop's proposal.

Hon. N. E. BAXTER: I feel that the clause would remove the possibility of the department's taking certain necessary action, but I am willing to listen to Dr. Hislop's proposal. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. G. HISLOP: I move an amendment—

That in paragraph (b) the words "substituting for the words, 'and to protect them against injustice, imposition, and fraud' in lines 3 and 4 of" be struck out and the words "inserting in" inserted in lieu.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That after "(6)" in line 21, page 3, the words "after the word 'natives'" be inserted.

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

Progress reported.

House adjourned at 10.39 p.m.

Legislative Assembly

Tuesday, 23rd November, 1954.

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