However, there have been no negotiations in this instance; but resumption notices have simply been served on these people, and an advertisement has been inserted in the "Government Gazette" telling them that their land has been resumed. All the things that have happened since have been the result of the introduction of my motion. Mr. Heenan does not think that the motion can do any harm. I ask members to support it. All it does is to ask the Government whether it will review the situation and hear the claims of these people, who hope they may be able to retain their land. They do not want money; they want their land.

The Chief Secretary: The Government does not need motions like this to induce it to do things.

Hon. A. F. GRIFFITH: Then the Government should have taken action before the motion was introduced. Meeting after meeting has been held; and at the one which took place on Tuesday night, the people said they did not want to be paid money, but wanted to retain possession of their land.

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

Ayes	12
Noes	9
Majority for	3

Ayes.

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

Noes.

Hon. G. Bennetts	Hon. R. F. Hutchison
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. W. R. Hall	Hon. F. R. H. Lavery *(Teller.)*
Hon. E. M. Heenan	

Pairs.

Ayes.	Noes.
Hon. H. L. Roche	Hon. J. J. Garrigan
Hon. C. H. Simpson	Hon. R. J. Boylen
Hon. L. C. Diver	Hon. J. D. Teahan
Hon. J. G. Hislop	Hon. C. W. D. Barker

Question thus passed.

House adjourned at 6.17 p.m.

Legislative Assembly

Thursday, 4th November, 1954.

CONTENTS.

	Page
Questions : Subiaco flats, as to tabling of file	2638
King's Park Board, as to constitution and by-laws	2639
Trolley-buses, (a) as to extension of service to Linden Gardens	2639
(b) as to completion of substation, Wembley	2639
(c) as to extension of service to Oceanic Drive	2639
Forests, as to royalties on timber from private holdings	2639
Collie fire brigade, as to charges for water used	2639
Traffic Act, as to regulations in force	2639
Rural & Industries Bank, as to capital increase from loan funds	2640
Davison Paints (W.A.) Pty. Ltd., as to manufacturing in Western Australia	2640
Harbours, as to collapse of sheet piling at Albany	2640
Education, as to lavatory block, East Cannington school	2640
State Housing Commission, (a) as to purchase of Austrian houses from Railways Commission	2640
(b) as to sale of blocks, Mt. Yokine and Wanneroo	2641
(c) as to official notification to owners of land resumed	2641
(d) as to procedure regarding resumptions	2641
Milk, as to sterilised product from Africa	2641
Kimberley cattle industry, (a) as to proposed assistance	2641
(b) as to Grants Commission and Air Beef subsidy	2642
Oil exploration, as to rumoured flow at Rough Range	2649
Bills : Builders Registration Act Amendment, 1r.	2642
Public Service Act Amendment, 1r.	2642
Mining Act Amendment, 1r.	2642
Physiotherapists Act Amendment, 3r., passed	2642
Constitution Acts Amendment (No. 2), 3r., passed	2643
Dentists Act Amendment, 3r.	2643
Limitation Act Amendment, 3r.	2643
Milk Act Amendment, report	2643
Forests Act Amendment, 2r., Com., report	2644
Vermin Act Amendment, 2r., Com.	2649
Corneal and Tissue Grafting, 2r., Com.	2651

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

SUBIACO FLATS.

As to Tabling of File.

The MINISTER FOR HOUSING: On Tuesday last, the member for Dale asked for some papers relating to the Subiaco

flats to be laid on the Table of the House. I have here several files containing those papers and I move—

That the files lay on the Table of the House for one week.

Question put and passed.

KING'S PARK BOARD.

As to Constitution and By-laws.

Mr. LAPHAM asked the Minister for Lands:

(1) Under what Act is the King's Park Board constituted?

(2) Will he lay upon the Table of the House a copy of the by-laws of the King's Park Board?

The MINISTER replied:

(1) Parks and Reserves Act, 1895.

(2) Yes.

TROLLEY-BUSES.

(a) As to Extension of Service to Linden Gardens.

Mr. NIMMO asked the Minister for Railways:

Can he inform the House when the trolley-bus service will commence on the new extension from Reserve-st. to Linden Gardens in Grantham-st?

The MINISTER replied:

It is planned to commence the service on Monday, the 6th December.

(b) As to Completion of Substation, Wembley.

Mr. NIMMO asked the Minister for Railways:

When will the traction substation be completed in Wembley?

The MINISTER replied:

Probably by next July.

(c) As to Extension of Service to Oceanic Drive.

Mr. NIMMO asked the Minister for Railways:

Can he give any information as to when the extension of the trolley-bus service to Oceanic Drive will commence?

The MINISTER replied:

Coinciding with the completion of the substation; probably by next July.

FORESTS.

As to Royalties on Timber from Private Holdings.

Mr. BOVELL asked the Minister for Forests:

Will he inform the House in detail—

(1) Amount of timber royalties due to landowner-farmers on all timber removed from holdings by the Forests Department?

(2) Area and type of timber which can be claimed and retained by landowner-farmers for own use?

(3) Responsibility of Forests Department to clear debris, protect pastures and repair damage to fences and other improvements?

The MINISTER replied:

Yes. However, the information will take considerable time to prepare.

COLLIE FIRE BRIGADE.

As to Charges for Water Used.

Mr. MAY asked the Minister representing the Chief Secretary:

(1) Is he aware that the Collie fire brigade is being charged for water used for training purposes?

(2) Will he have inquiries made into this matter, with a view to a concession being granted to a volunteer organisation of this nature, for water used in the interests of the general public?

The MINISTER FOR HOUSING replied:

(1) No.

(2) Yes. Section 61 of the Fire Brigades Act, 1942-51, provides that any brigade registered under this Act is entitled to free water for practice and competition purposes. The Collie volunteer fire brigade is a registered brigade.

TRAFFIC ACT.

As to Regulations in Force.

Mr. CORNELL asked the Minister representing the Minister for Local Government:

(1) What is the total number of regulations made under the Traffic Act, at present in force?

(2) Are these regulations readily available to the public in manual or booklet form?

(3) Is there a regulation providing that policemen on point duty shall give signals in a clear and definite manner? If not, why not?

The MINISTER FOR RAILWAYS replied:

(1) There are 336, of which a number are divided into sub-regulations.

(2) No. The regulations have been consolidated by the Local Government Department in conjunction with the Crown Law Department. They will shortly be presented for the approval of Executive Council, after which arrangements will be made to print them in book form.

(3) The traffic regulations provide that signals by policemen on point duty must be made as specified in the Fifth Schedule to the Traffic Act.

RURAL & INDUSTRIES BANK.

As to Capital Increase from Loan Funds.

Mr. CORNELL asked the Treasurer:

(1) Since the 31st March, 1953, has the capital of the Rural & Industries Bank been increased from loan funds?

(2) If so, by how much has it been increased?

The TREASURER replied:

(1) Yes.

(2) £1,350,500.

DAVISON PAINTS (W.A) PTY. LTD.

As to Manufacturing in Western Australia.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) When did the firm of Davison Paints (W.A.) Pty. Ltd. first make official contact with the Department of Industrial Development?

(2) What assistance in respect to availability of land was made to the company, and when?

(3) What is the latest development in regard to this firm being enabled to start manufacture in this State?

The MINISTER replied:

(1) The 21st December, 1953.

(2) Executive Council approved on the 31st August, 1954, of North Fremantle Lots 247, 248 and 320 being leased (with an option of purchase) to the company.

(3) The company's plans for the construction of its factory have not yet been approved.

HARBOURS.

As to Collapse of Sheet Piling, Albany.

Hon. D. BRAND asked the Minister for Works:

(1) Is it true that, as reported in "The West Australian" of the 3rd November, 1954, sheet piling had collapsed in the Albany harbour?

(2) Is it true that the Premier was warned of the possibility of such occurrence?

(3) What is the estimated cost of the damage?

(4) Will it endanger the full use of the harbour berths?

(5) In view of the deterioration of existing piling, will he make money available to proceed with permanent work?

The MINISTER replied:

(1) Yes; two pieces of sheet piling only.

(2) Yes.

(3) No estimate was taken out; a few pounds only.

(4) No.

(5) Approval has already been given to proceed with the manufacture and driving of the permanent concrete sheet piling for No. 2 berth.

In amplification of these replies, I would point out that, before the matter was brought to the notice of the Premier, officers of my department had reported that the Toredo worm had badly affected the timber piling and that is was desirable, if possible, to have all work done with concrete sheet piling to remedy the position. Quite some days ago approval was given for the necessary expenditure for this work to be carried out.

EDUCATION.

As to Lavatory Block, East Cannington School.

Mr. WILD asked the Minister for Works:

(1) Is he aware that work has ceased on the new lavatory block at the East Cannington school?

(2) What is the reason for such cessation?

(3) What alternative steps are to be taken, if any are necessary, to provide this much needed accommodation?

The MINISTER replied:

(1) Yes.

(2) Anticipated difficulty in disposing of effluent during winter.

(3) A satisfactory method of effluent disposal has now been evolved and work has been recommenced.

STATE HOUSING COMMISSION.

(a) As to Purchase of Austrian Houses from Railways Commission.

Mr. WILD asked the Minister for Housing:

(1) Is it a fact that the State Housing Commission has agreed to purchase a number of Austrian houses from the Railways Commission?

(2) If "Yes" is the answer to No. (1)—

(a) How many houses are to be purchased;

(b) what price is to be paid for each individual unit;

(c) where are the houses located;

(d) are the funds to be made available under the Commonwealth-State rental agreement or loan money provided for the Workers' Homes Act?

The MINISTER replied:

(1) No, but the State Housing Commission did, at the request of the Railways Commission, take over 29 of the 150 Austrian houses ordered on behalf of the Railways Commission during the last financial year.

(2) (a) Answered by No. (1).

(b) Six houses at £960 17s. each, 23 houses at £1,213 1s. each, being the cost of components only. These prices were net after allowing for the Commonwealth subsidy of £300 per house.

(c) Cannot be identified, as these 29 houses were part of the general building project covering several areas.

(d) Funds made available under the Commonwealth - State rental housing agreement.

(b) As to Sale of Blocks, Mt. Yokine and Wanneroo.

Mr. OLDFIELD (without notice) asked the Minister for Housing:

Has the State Housing Commission sold, or does it intend to sell, any residential building blocks in the Mt. Yokine or Wanneroo areas?

The MINISTER replied:

Representations have been made to the commission by land and estate agents who owned property in those areas prior to the blocks being resumed several years ago, for the return of some blocks. No consideration has been given to, and no decision has been made on, any proposal to sell any of the land acquired under that resumption.

(c) As to Official Notification to Owners of Land Resumed.

Mr. HUTCHINSON (without notice) asked the Minister for Housing:

In view of the fact that uncertainty exists in the minds of some people regarding resumptions of land, can he say whether all those who were listed in the "Government Gazette" recently in the matter of having their land resumed, have personally received official notification of such resumptions? If not, is there any reason for the delay?

The MINISTER replied:

The resumptions are carried out by the Public Works Department acting for the State Housing Commission. Any person who has received notice and who is uncertain as to the position, can easily ascertain the true position by making inquiries through official channels.

Mr. Hutchinson: From the Public Works Department?

The MINISTER: Or the State Housing Commission. There is a great deal of uncertainty in the minds of some people because of the action of busybodies and others who are deliberately creating scares and giving these people false information, many of them being in no way associated with the area or having any land of theirs affected. My advice to the people feeling concern, I repeat, is to go to official sources. The great majority of those who have taken this step have left the State Housing Commission feeling quite contented and satisfied with what is proposed. Their concern was caused by the cock-and-bull stories that people with nothing better to do had circulated in the district.

(d) As to Procedure regarding Resumptions.

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

Has there been any alteration to the machinery or administration with respect to the resumption of land in the metropolitan area during his term as Minister?

The MINISTER replied:

No; precisely the same procedure is being followed in connection with the present resumptions as was adopted by the previous Government with respect to the Mt. Yokine and Wanneroo resumptions, which affected far more people and resulted in the taking away from owners of more than three times the area of land.

MILK.

As to Sterilised Product from Africa.

Mr. BOVELL (without notice) asked the Minister for Agriculture:

Regarding the three bottles of sterilised milk which I brought back from Africa and which are now in the custody of an officer of the Agricultural Department, would he lay these bottles on the Table of the House for the guidance and information of members regarding one method of sterilising milk?

The Minister for Works: For the information and not the asphixiation of members.

Mr. BOVELL: I promise there will be no asphixiation.

The MINISTER replied:

If the question is serious, the bottles will be laid on the Table of the House.

Mr. Bovell: It is serious.

KIMBERLEY CATTLE INDUSTRY.

(a) As to Proposed Assistance.

Hon. D. BRAND (without notice) asked the Premier:

Can any detailed information be given regarding the Government's plan to assist all cattle-men in the Kimberleys?

The PREMIER replied:

At no stage have I said that all cattlemen in the Kimberleys would be assisted. I said last night that the Government would use the moneys, which would have been paid to Air Beef Pty. Ltd. if the subsidy scheme had been continued this year, for the purpose of assisting the cattle industry generally in the Kimberleys. The

method of assistance will be worked out. Basically the main method would be to provide financial assistance, under very reasonable conditions, to cattle producers who are, if I might use the term, battling, and who would be assisted very materially if finance were made available to them under reasonable and, I might say, even generous conditions.

(b) As to Grants Commission and Air Beef Subsidy.

Hon. D. BRAND (without notice) asked the Premier:

Has the cost of this subsidy paid by the State been met by the Grants Commission in the past?

The PREMIER replied:

I cannot give an answer off-hand. If on inquiry it is found that the answer is "Yes," then undoubtedly the Commonwealth Grants Commission will continue to recoup the State for the moneys which it intends to spend in a different way to assist some cattle producers, and maybe the cattle industry generally in the Kimberleys.

BILLS (3)—FIRST READING.

1, Builders Registration Act Amendment.
Introduced by the Minister for Works.

2, Public Service Act Amendment.
Introduced by the Premier.

3, Mining Act Amendment.
Introduced by the Minister for Mines.

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Third Reading.

HON. J. B. SLEEMAN (Fremantle) [2.34]: I move—

That the Bill be now read a third time.

HON. DAME FLORENCE CARDELL-OLIVER (Subiaco) [2.35]: I wish to inform the Minister that I do not intend to vote for the third reading, although I stated yesterday that I proposed to do so. I have considered the question further, and have found that there is a difficulty about which my friends might differ, and that is the question of reciprocity.

The Premier: Will the hon. member speak up a little.

Hon. Dame FLORENCE CARDELL-OLIVER: Cannot the Premier hear me?

The Premier: No.

Hon. Dame FLORENCE CARDELL-OLIVER: I am sorry. At the time the original legislation was passed, there were many cases of poliomyelitis, and we were worried because we could not obtain the services of physiotherapists. We got some from the Eastern States—wisely, I think, because we were not training people for this work—but they did not stay here very long. Girls who went from here to the Eastern States to receive their training stayed there, and it was very difficult for us to get the services of these people.

In consequence, I visited the Eastern States and the measure passed soon afterwards was based on the legislation functioning over there, the idea being that we would secure reciprocity for our girls, when trained, who wished to go East, or Eastern States physiotherapists who wished to remain in Western Australia. In fact, we went further. Although our girls paid for their training at the rate of £50 a year for three years we arranged for that amount to be repaid to them, when trained, at the rate of £50 a year for three years, if they would remain here. The idea was to retain the services of the physiotherapists who had been trained in accordance with the conditions in our Act.

When I was in the Eastern States, I contacted most of the people who were considered to be authorities on physiotherapy. We wanted to get an Act that would ensure reciprocity, which was very necessary to us. The fact that the girls would receive £50 a year for the three years they stayed here for their training would encourage them to remain for that period, or longer.

As the Minister explained yesterday—perhaps some members did not agree with him—many doctors know very little about physiotherapy. The doctors that were named by the member for Fremantle might, or might not, have a knowledge of it; I do not know, but I am satisfied that some of them have very little knowledge of it. My point is that if we pass this Bill, we shall be letting ourselves down in the eyes of people in the Eastern States. We shall not be able to say that we have trained our girls under the same conditions as theirs are trained, and, of course, we shall be letting in some men or women—I do not know which—who have not been trained in the manner that we expected them to be trained under our Act.

Although I feel sure that the Bill will be passed, because certain people, including some doctors, want it, I cannot refrain from repeating my opinion that we are letting ourselves down. I was very concerned about getting the original legislation passed, and I have no intention of going back to the East and telling physiotherapists there that our Government has let them down and that men might be permitted to practice who would not be allowed to do so over there because they have not complied with the conditions laid down in the Act. I apologise to the Minister for my action—he made an excellent speech—but I say quite definitely that I

shall not be a party to going back on the word I passed to those people in the Eastern States.

Hon. D. Brand: The Minister was with you in your opinion.

Hon. Dame FLORENCE CARDELL-OLIVER: So was the Commissioner of Public Health. The trouble is that we have a few nitwit doctors who know nothing about physiotherapy, and so the Bill is being passed.

Hon. D. Brand: Will you name them?

Hon. Dame FLORENCE CARDELL-OLIVER: Of course I will not, but I know very well that a great many medical practitioners do not know much about physiotherapy. As I have indicated, I shall vote against the third reading.

Question put and passed.

Bill read a third time and *passed*.

BILLS (3)—THIRD READING.

1, Constitution Acts Amendment (No. 2).

Passed.

2, Dentists Act Amendment.

3, Limitation Act Amendment.

Transmitted to the Council.

BILL—MILK ACT AMENDMENT.

Report

The MINISTER FOR AGRICULTURE: I move—

That the report of the Committee be adopted.

Hon. D. BRAND: Although there is no intention of launching a full-scale debate at this stage, as further opportunity will be afforded when the third reading is moved, I should like again to voice our regret that the Act is being amended in such a way as we believe will make it unsatisfactory, particularly to those producers who approached the Minister with a request for the original amendment to include producer representation on the board.

Because that was the original intention, and because, as a result of the amendments made last night, that objective has been nullified, we believe it would be far more satisfactory if the board remained and were allowed to continue as at present. I rise on behalf of the Opposition to make that protest and appeal to the Minister to give further consideration to the amendments which were made last night and which we believe have made the Bill anything but what was originally intended.

The MINISTER FOR AGRICULTURE: (in reply): I cannot allow this opportunity to pass without indicating that the Farmers' Union—the milk section of it in particular—has been in contact with me more than once this year.

Hon. D. Brand: Were its representatives in contact with you this morning?

The MINISTER FOR AGRICULTURE: No. I repeat that more than once the Farmers' Union has been in contact with me this year for the purpose of having effect given to as much as possible of its policy, which was laid down at its last congress and which, of course, is, in the first place, equal representation and, finally —if that ever becomes possible—majority representation.

Although at that time, in January of this year, I was unable to indicate exactly what the Government intended to do in this regard, I gave the union the assurance that I was having a look at all the marketing Acts to see what amendments could be effected to give producer representation on all the boards, and, if not all the representation that they desired, at least for the time being some representation which in this particular instance it has not had for a number of years, under the Milk Act.

Later on, in August last, the question was presented to the Government and on that occasion Cabinet decided that for a start—bearing in mind what took place in 1948—if we gave one producer representative a position on this board, that would be adequate to meet the policy of the Government at this time, in order not to interfere more than was absolutely necessary with the functioning of the board as it now exists. That is precisely what we have done.

I think that if members opposite are really sincere—as I believe them to be—in wanting to keep the number of members of the board down to three, that objective can be achieved later and far more safely than at present, because even though we have additional representation placed on the board in the form of a consumers' representative, the original board still has the majority which will determine the policy of the Milk Board until such time as the Act may be further amended.

There will be this advantage, that it will have a direct voice from the producers on the one hand and from the consumers on the other. In other words, the policy and strength of the board have not been impaired in any way but have been added to as the result of this extra representation. In days to come, if members want to have on this board sectional representation in its entirety, as was the case under the original Act—in that instance two producers and two consumers, with a chairman appointed—but on the basis of one consumer and one producer with a chairman appointed, that could be done by annulling the various positions as they become vacant, and then Parliament will have the opportunity to do what is desired at some future time, and with safety.

Hon. D. Brand: What approach was made to you by the consumer interests?

The MINISTER FOR AGRICULTURE: Who would the hon. member describe as the consumer interests, as regards any organisation?

Hon. D. Brand: You said you were approached by those interests.

The MINISTER FOR AGRICULTURE: Not the consumer interests.

Hon. A. V. R. Abbott: Have you had any approach from the distributors?

The MINISTER FOR AGRICULTURE: This position arose from the wish of the member for Fremantle to have on the board consumer representation. Like all other Bills, this measure had to be open to debate and amendment in this Chamber, and the hon. member was entitled to do as he did. I think his amendment gave to the board a proper balance which did not exist hitherto.

I do not believe, as some members do, that chaos will result from what has been done, because if that would be the result from putting a producer on the board, members should have opposed the Bill. They cannot have it both ways, but I do not think there will be any difficulty at all. Just because a few cans of milk were tipped over in 1948 and some sort of a strike occurred on that occasion—I do not remember the details of it—that is no reason to believe that this board, so powerful and so valuable to the State, should for ever and a day remain without producer representation.

Hon. D. Brand: We think the producers should have representation.

The MINISTER FOR AGRICULTURE: But the Opposition argued in two different ways until after one o'clock this morning. If members opposite are sincere in regard to the Bill, I think they will agree that this is the best and safest way in which to overcome the difficulty. It would have been a weakness if we had decided so to amend the Act that when the next vacancy occurred a producer should be put on the board, and someone else when the following vacancy occurred. That would not have been a safe procedure at this time. I think the parties that hope to get representation on this board should be given the opportunity to do so safely, having proved their spirit of co-operation over a period of time before further steps are taken. When I said last night that the Government had given serious consideration to the very point raised by the member for Harvey, I can assure him that that was so, and that we feel that this is the safest way to deal with the position at the present time.

Question put and passed.

Report adopted.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

MR. WILD (Dale) [2.51]: I desire to say at the outset that I intend to support the Bill although it contains at least one clause which I think is dangerous. I refer to that which seeks to give the conservator very much greater power than he has at present. As members who followed the course of the Royal Commission into forestry matters, held about three years ago, probably know, that is a view to which I do not subscribe. While I am in agreement with the general principles of this amending Bill, I feel certain that the whole interests of forestry in this State would be better served by having a small board of three, such as exists in New South Wales, and on which there would be the Conservator of Forests.

In this connection I wish to link these remarks up with one of the main clauses of the Bill; that which specifies that the conservator shall have a diploma, just as the other officers appointed to senior posts in the department. I think that is only right and am surprised that over the years the necessity has been overlooked, but that still does not get away from my objection to the head of the Forests Department necessarily being the conservator. I am not prepared at this stage to say what has been the success of the board that operates in New South Wales, as it has been in operation only since 1950, but there are very few men who have exceptional attainments in professional life and who also make good administrators.

That was the main point upon which hinged the evidence I gave before the Royal Commission, when I suggested there should be a change. I think a classic example of that—while I have the greatest respect for the two professions concerned—is the legal and medical professions, in which we get very eminent men who, when appointed to administrative posts, in many instances fall far short of what is required of them. I believe that the same circumstances would, and do, prevail in regard to forestry. I feel that the predecessor of the present conservator, while being an officer without peer in forestry matters in Australasia, and probably one of the leading forestry men in the world, had as his weakest point the fact that he was a very poor administrator.

In reality this amending Bill only tightens up the position and gives more power to the conservator who, in my view, is not the right man to be the head of the Forests Department. Irrespective of what Mr. Roger had to say or what has transpired since, I still believe that the conservator, without a doubt, should be

one of the three men on the board but that the head man should be an administrator, because this is a very big department and one of the greatest consequence to Western Australia. I am voicing these thoughts in view of the fact that it is indicated in the Bill that the conservator should hold a Diploma of Forestry.

The measure contains two or three minor amendments to which the Minister referred, such as that dealing with the bringing of seeds within the interpretation of "forest produce," which I feel is a logical amendment. Another amendment seeks to give the conservator power to deal in small property transactions and I would like the Minister, when replying—even though I looked through the Act this morning I cannot discover whether it will still be so—to tell me whether he will still have to bring before the House each session the usual revocation motion which is necessary when the department wishes to dispose of small portions of its land, sometimes in exchange for farm land and sometimes where a farmer simply wants a small piece of forest land adjoining his property.

According to the Act it is necessary at present to move the motion to which I have referred and lay the relevant papers on the Table of the House so that everybody has the right to see what is being given away by the Forests Department. I would like the Minister to explain whether, if this amendment is agreed to, it will still be necessary each session to move the revocation motion. A further small point mentioned by the Minister was the raising of the right of the conservator to dispense with calling tenders, from the figure of £10 to £50. With the changed money values that obtain today that is a sensible amendment.

A clause about which I am not keen, because, as I have said, I still think the Conservator of Forests should be only one of a board of three, is that which seeks to amend Section 33. When introducing the Bill the Minister said that this clause seeks only to provide in the Act for what has been going on for years. We know that at present the holders of permits have to re-apply and, in addition, when it comes to assessing the amount of the royalty they have to pay, that question has been settled by negotiation between the sawmilling interests concerned and the Conservator of Forests.

I understand that that method has worked reasonably amicably over the years but this measure seeks to make clear in the Act the right of the conservator to grant the permit for up to 10 years. The Bill will give power to the conservator to give these people a tenure of up to 10 years, with a further 10 years as time progresses. Even though I understand there can be read into other sections of the Act practically the same power today, this also virtually gives the conservator the sole right to say what the royalties shall be on forest country that is given by permit to sawmilling interests, and that is a rather dangerous power. The Minister referred to the position in New South Wales and indicated that if the sawmilling interests, after a determination by the conservator, desired to appeal against that decision, the Minister's door would always be open. That may be so. I think, in the main, all Ministers' doors are open to appeals of that kind. But that does not mean to say that the Minister will override the Conservator of Forests.

While there may or may not be a necessity for looking at the royalties in this State, they are very much out of balance in some respects, as members know. Some permits were granted many years ago and while, over the years, there have been a couple of increases, to a large degree the royalties are out of balance. I think one classic example is the area around Nannup where the Kauri Timber Co. has been operating a mill. When I was Minister for Forests, land was put up for tender and, from memory, the figure reached something over 10s., whereas on adjacent blocks, that had been let many years before, the figures were as low as 4s. and 5s. However, this is placing a big weapon in the hands of the Conservator of Forests.

Whilst I do not know the present conservator, except, as one might say, superficially, one does not know what attitude he will adopt in regard to these permits. Even though the Minister says that people will have the right to appeal to him, he may be of the same opinion as the conservator, and so the sawmilling interests might be forced either to pay the higher royalty or go out of business. I think there is a lot of sound reasoning behind the idea of giving these people a longer tenure. While, at the moment, the Act says that they may be granted up to ten years, each year they have been called upon to reapply for the areas that they have held. Whether that has been the policy or general practice I know not.

Most of the big milling companies in this State have spent large sums of money —anything between £50,000 and £150,000 —on erecting mills and it is not satisfactory if a company, after spending such a large sum of money, suddenly finds itself without sufficient timber to carry on its mills. While we know that, irrespective of the Government in power, it is hardly likely that there would be such alterations in the royalty rates as would necessitate a mill having to close down, I want to be perfectly frank with the Minister and tell him that we, on this side of the House, realise that he, like all members of the Labour Party, believes in socialism and in the socialisation of industry.

One way the party could effect the closure of these mills—that is, mills run by private enterprise—would be to make the royalty so tough that the companies would have to sell all they own to the Government or go out of business. While that may be a long-range plan, as sure as we are sitting in Parliament this afternoon, that sort of thing could gradually come about.

The Minister for Railways: There would be a much easier way of doing it if we wanted to—that is, if what you suggest were true.

Mr. WILD: I know that, but it is not the policy of a Labour Government to take big bites of the cherry. I think the Minister for Labour—although he is not in his seat—is one of the best examples of that. He introduces workers' compensation legislation, and native welfare legislation each year. He gets a little bit more on each occasion and, as a result, by the time most of us have left this Chamber, all his desires will have been achieved. So I offer that warning to the industry; it is something that they may have to face up to in a few years' time. If we gradually give away a little bit each time the Act is amended, it is possible that the timber industry will be completely socialised. However, that position will have to be watched by the people who think the same way as I do, and if there is to be a move in that direction we shall have to be wide awake to see that the holder of the office at the time does not overstep the mark.

There is a further clause which will have the effect of adding one or two words to a section of the Act to enable the conservator to grant a licence or licences as he thinks fit. This section is rarely used. As the Minister will know it is used to a minor degree around the metropolitan area, particularly in regard to the cutting of the timber for fruit cases. I can see no objection to the provision in the Bill. From my limited knowledge, these small areas are given to only one licensee and so it seems to be only a means of tidying up the English in the Act and enabling the conservator to issue either a single licence or more than one if he so desires.

Another clause in the Bill will have the effect of enabling the Forests Department to retain nine-tenths of the income it receives, whereas at the moment, it retains only three-fifths; the balance being passed into the funds of the Treasury. I notice that, in the year just passed, the money spent on pine planting was considerably lower than that spent in previous years. In this year's Loan Estimates the sum has been stepped up from £75,000 to £104,000 and I think it is our responsibility to make sure that pine planting reforestation in Western Australia is pushed forward as quickly as possible. I mention this because I understand that little of the money that goes into the Treasury is used for that purpose. In the main, the funds come from loan money although, from time to time, small sums have been made available from Treasury funds.

Recent surveys in this State have shown that we cannot cut more than 800,000 loads of our natural forests each year. If we cut more we will entirely denude our forests and will leave virtually nothing for posterity. That assessment is based on population figures as at 12 months ago. But, as members know, with our migration programme and the people coming here from the Eastern States because of the industrial activity at Kwinana and the search for oil up north, we can look forward, in five or ten years' time, to a much larger population than we have at the moment. We must accept the advice of our forestry officers and if we are permitted to cut only 800,000 loads a year, the balance of our timber requirements—we will need considerably more than that figure in a few years' time—will have to be imported.

We could take a leaf out of South Australia's book. I think, if my memory serves me rightly, the present Premier was the member for Burra in South Australia when they had a hullabaloo about a long-sighted gentleman who had decided that that State should undertake a pine planting campaign in the South-East. One member lost his seat because of his drive in supporting the campaign to ensure that the Government spent a large sum of money in this direction.

Hon. J. B. Sleeman: Where was this?

Mr. WILD: Around Mt. Gambier and Mt. Burr.

Hon. J. B. Sleeman: In South Australia?

Mr. WILD: Yes. The dividends that have accrued from the move taken in about 1926 or 1927—the original pine planting goes back some years before that—have been considerable. As the Minister for Forests probably knows, that State has reached the stage where it is able to export softwoods. It has taken up its timber lag and whereas, other than sandalwood, that State had to import all its timber requirements, it has now reached the stage where it has more than sufficient for its own needs and is able to export to the other States and New Zealand.

Another interesting point about pine plantations is the small amount of ground under pines that it takes to operate a large mill. When I was there three years ago I was interested to learn that on an area of 1,000 acres they can operate one big mill. They start to thin out from the eighth or ninth year and every fifth or sixth year after that they repeat the thinning out. When the pines have

reached their 45th or 50th year—that is the estimated life of a mature pine—1,000 acres will keep a timber mill going in full production in perpetuity. When I say a mill, I mean one equal to the biggest mill that we have in Western Australia. That sounds a tall order, but it is an absolute fact and 1,000 acres of pines will keep a 50-load mill going. If we can plant 1,000, or even 2,000 acres or more of pines each year, our children and our children's children will be in the happy position of not having to import timber. We will not have sufficient hardwoods because, as I said, the men who know say that we are limited to 800,000 loads a year, and they are not certain that that estimate is correct.

Mr. SPEAKER: Order! I hope the member for Dale will tie up these remarks with the Bill. I think they would be more appropriate in a speech on the Estimates.

Mr. WILD: I think they are relevant because of the amount of money that is to be retained by the Forests Department, plus a sufficient sum from loan funds, will be made available for pine planting. If that is done, I will be perfectly happy. As the Minister knows, in the past the department has had to go cap in hand to the Treasury to get sufficient money to enable it to carry on this work. I will leave that thought with the Minister and I hope that everything possible will be done to lay down a large stand of pines so that posterity will have plenty of timber in Western Australia.

Apropos of the same question of paying funds into the Treasury, there is another amendment dealing with the question of rents. This is only a small administrative incidental, but as the department must have houses in the country districts, and as they cost money to build, it is only reasonable to say that the money received from rents should be retained for amortisation of the houses built, rather than that it should be paid into the Treasury. There are two further provisions in the Bill, one of which is that which does away with a section that is now redundant; permits that were in vogue during the 1914-18 war had to be renewed. That is many years ago, and it is about time it was taken out of the Act.

A further clause provides for an increase of penalties for people who offend against the provisions of the Forests Act. I agree with the Minister that that is very necessary, particularly with the decreased money values of today. While I am not cavilling at the Minister about this, I am afraid I cannot quite follow his line of thought when he says that under the Forests Act at the present time a magistrate is empowered only to fine a man one-twentieth of the amount for his first offence. Looking at the Act I find that the pecuniary penalty for forestry offences is a minimum of one-twentieth. In my view, it is purely at the option of the magistrate. Even with the penalties as they are today, if the department makes a good case before the magistrate, he is empowered to impose the maximum fine.

The penalties are to be raised and I do not think that the Minister was quite right when he said—unless, of course, there is some other regulation—the magistrate can only fine them one-twentieth for their first offence. As far as I am concerned, anybody who deliberately sets fire to forest country needs to be fined heavily; far more than the fines provided in the Act or those which it is proposed to insert. One has only to go to the forestry country to see the devastation that takes place when foolish people carelessly light fires. There is, of course, also the danger to life, and the forestry officers and permanent fire brigades have a very difficult job to perform when the fires are lighted.

The final clause refers to regulations. It is proposed to expunge from this Act the power to make regulations because that is provided for in the Interpretation Act. This is along the lines followed with many similar Bills, and I have no objection to it. I support the second reading of the Bill.

THE MINISTER FOR FORESTS (Hon. H. E. Graham—East Perth—in reply) [3.18]: First of all let me express appreciation of the attitude adopted by the member for Dale when dealing with this Bill. My feeling is that far too few members have any knowledge of forestry work generally; not necessarily of the Forests Department. I have been discussing with the Conservator of Forests a proposal that, if it is practicable from a financial point of view, members be given an opportunity of going on a conducted tour to see forestry operations, and what they really mean; to see their consequence and their importance to the State. I mention that because I think it is rather unusual that there was no interjection when the Bill was introduced; there was no interjection when the member for Dale made his contribution, and there have been no speakers other than the ex-Minister for Forests and the present Minister for Forests. I do not say that critically, though I think there is not a general appreciation and understanding of forestry work.

Mr. Bovell: They are confined to such a limited area.

The MINISTER FOR FORESTS: That is so, but the Forests Department and that for which it is responsible is of tremendous economic importance to the State.

Mr. Bovell: I agree.

The MINISTER FOR FORESTS: First of all, I would like to touch on the matter exercising the mind of the member for Dale concerning the alterations of the boundaries of State forests at the present moment. As members are aware, certain

resolutions have to be passed by Parliament and I think the hon. member will find the answer to his question in Section 21 of the Act which, of course, is not interfered with.

It was suggested that there might be far better administration if there were a board of commissioners rather than a single Conservator of Forests such as we have had in this State since the passing of the legislation in the first place. I am one who does not agree with that viewpoint. There have been some unfortunate experiences. I understand that, so far as the railway commissioners are concerned, by and large there is a ganging up on the part of two of them against another; the stronger personality usually survives. Instead of there being a unit of control under which it is possible to make an instant decision, there is the necessity for conferences and conflicting points of view, and a waste of time in many cases, and so on.

I do not know that there has been any disadvantage to the Forests Department because of that single control. As the member for Dale has suggested, perhaps the important clause in the Bill is that which seeks to amend Section 33. I think I should repeat that this will not give any greater powers to the Conservator of Forests. All it will do is to lay down in the Act a procedure which, in my view very definitely, is the commonsense course to follow, instead of his being compelled—as I am certain as I stand here he will be—to take action to terminate permits or, perhaps more properly put, refuse to renew permits unless those concerned agree to some variation in the conditions.

That instantly suggests differences between the Forests Department on the one hand and the sawmillers on the other, based on friction and on divergence. Surely it is a far better method of procedure for the Conservator of Forests and his technical officers to lay down a plan on a sliding scale of royalties to be charged, and then for them to be adjusted upwards or downwards in accordance with altered circumstances.

As a matter of fact, I have before me a copy of a draft Bill that was prepared for the member for Dale when he was Minister. It provided that very thing. It set out first of all that the Forestry Commission should formulate a basis for the triennial appraisement of royalties payable in respect of permits, and then provided that before the 1st March in the year 1953, and each succeeding third year, the commission should make an appraisement of royalties on the basis formulated.

Some consideration was given by the department to a proposition along those lines. It was felt, however, that it was far better for an adjustment to be made when the circumstances had altered, rather than to wait for the sands of time to run out. In other words, if there was an upward adjustment of railway freights taking place as from tomorrow then from as close to that date as possible, adjustments should be made in the royalties to be paid. It will be appreciated that where railway freights are increased it is virtually a bounty to those sawmills that are operating closest to the city. Their timber is sold to merchants and on the market generally for exactly the same price as timber which comes from hundreds of miles away. Put in a few short words, it means additional profits for those who happen to be fortunate enough to be close to the main market.

It was suggested that the commissioner might go to extremes which would cause the sawmills to close by virtue of royalties being raised to impossible figures. Forestry has many aspects and the Forests Department is just as interested in sawmilling and the utilisation of the timber as it is with the growing and husbanding of the forestry wealth of the State. After all, the ultimate utilisation of it is but a final step in the work of the forester, and, naturally enough, sawmills are the natural accompaniment of forestry activities.

I do not think the member for Dale was serious when he referred to socialisation of the timber industry. If that were sought to be accomplished it would be a simple matter, for instance, for the Forests Department, by ministerial direction, to undertake all the falling that is done in the forests. Quite an amount was done under the administration of the member for Dale and a lot is being done at the present moment. It would be similarly possible for permits to cut timber to be given to the State Saw Mills and no other mill, by a variation of conditions which would have the effect of nullifying the application or any tender submitted by any other sawmill. There is definitely a part and function for the State Saw Mills as there is for private mills, and the present relationship between them is happy and cordial in all major rsepects.

In so far as funds are concerned, I hope the member for Dale has not got the impression that the only reforestation in progress is that relative to pines. That, of course, is only one aspect. There is an appreciation from the top to the bottom in the Forests Department of the need to press on with the planting of pines. Unfortunately, over the past two or three years shortage of funds has interfered to a considerable extent, even to the point where land had been cleared in preparation for pine planting, but there was not sufficient money to proceed beyond that stage. It does not take long, of course, before suckers establish themselves and accordingly there is a waste of finance and effort.

I speak as a layman, but from my observations and the consultations I have had with departmental officers, I feel that we do not yet know all there should be learnt in respect of the growth of pines. A great deal of experimentation still needs to be carried out to enable us to get the maximum growth in the minimum of time, and so that there can be healthy stands of timber. However, I will pursue that line no further since, if I did, Mr. Speaker would probably address remarks to me similar to those he made to the member for Dale about speaking on matters not directly related to the Bill.

With respect to the financial rearrangement, I want to make it quite clear that it will not necessarily mean any extra money for the Forests Department, because it will receive nine-tenths of the net revenue instead of three-fifths. The difference is that the department will be receiving these funds in its own right, instead of having to depend upon a Treasury hand-out. As indicated the other evening, forestry is a continuous process, and there could be most serious consequences if there were a violent interruption to the flow of moneys available to the department for essential work. That is all I have to say in reply to the debate. I am certain that minor differences of opinion can be ironed out in Committee without a great deal of difficulty.

Question put and passed.

Bill read a second time.

In Committee.

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

OIL EXPLORATION.

As to Rumoured Flow at Rough Range.

Mr. YATES: I rise on a point of information, Mr. Speaker. Would it be possible to obtain any information at this stage about a rumoured oil discovery below 10,000 ft. at No. 1 well at Rough Range where, it is said, the oil flow is 30 barrels an hour? Is it permisable to seek that advice from the Minister for Mines?

Mr. SPEAKER: No. The time for questions has passed.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

MR. PERKINS (Roe) [3.35]: In introducing the Bill, the Minister explained that there were few provisions in it that were contentious, most of them having to do with purely routine matters and to correct various anomalies in the Act and make it somewhat more informative to those who administer it. The main provisions deal with the method of computing values of past releases, and I think the Minister's explanation was fairly clear and reasonable.

It is quite obvious that unless some action is taken to set out in the statute the basis of values, there will be a good deal of delay and confusion if the values are to be obtained by any other means. There is one point I think the Minister might clarify in regard to the provision dealing with forest leases. It is provided that the figure should be based on 5s. per acre. It could be that on a very large lease a very limited portion was actually having timber cut off it; and I do not know whether an anomaly might not be created if the value was to be computed on that portion of the lease which, in effect, was returning no revenue to the lessee.

Mr. Court: The road districts get over it by levying 5s. on the cutting area.

Mr. PERKINS: I think the hon. member explained that fairly well, and I am wondering whether the same procedure is to be followed in administering the Vermin Act. Perhaps the Minister could clear up that point. Most of the other provisions have been more or less lifted from other measures or have been inserted to make the Act clearer.

I agree that with regard to the provisions concerning penalties to be inflicted where notices have been given to destroy vermin and there is a continuing offence, the explanation of the Minister was reasonable; and it appears that the amendments proposed will satisfactorily meet the case. The Minister also explained that in regard to the classes of land that are exempt from rating, these are at present specified in the Land and Income Tax Assessment Act, but difficulty can occur if a local authority has not a copy of that statute. I agree that it is desirable to have these classes of land specified in the Vermin Act.

Finally, I notice that a comma has been left out of line 7, page 5. The wording is—

> benevolent institution, public charitable purpose, church chapel for public worship.....

This is only a drafting error. There should be a comma after the word "church." It is a question of punctuation, but the absence of the comma does alter the sense in some degree. I support the second reading.

MR. NORTON (Gascoyne) [3.42]: I support the second reading and commend the object of the measure which is to effect a consolidation and make clearer the meaning of certain provisions. There is one point I would like the Minister to make clear. I refer to the fact that the proposed amendment to Section 98 of the Act requires the owner of a property to

destroy vermin on roads or reserves when required or when notified through the "Government Gazette."

It is provided that eggs shall be destroyed. The usual method of destroying the eggs of grasshoppers and the burrows of rabbits is by scarifying, and I am wondering whether a person, by the action of scarifying, would be deemed to be destroying or damaging a road. If so, that person would be liable under the Public Works Act, Section 5, relating to roads, rivers and bridges. Portion of that section reads as follows:—

> The Minister may sue any person for damage done to any road or bridge or other works in contravention of by-laws made under this Act.

I would like the Minister to make it clear whether this proposed amendment to Section 98 would constitute a contravention of the other Act to which I have referred.

Sitting suspended from 3.44 to 4.8 p.m.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren—in reply) [4.8]: The member for Roe sought some further information on the provision that permits the charging of a sum equal to 5s. for every acre of land in those instances where land has been released by the Forests Department for the time being for leasehold purposes, or has issued licences for timber-getting or some other concession on its land. There are quite a number of those in existence and from time to time the department feels disposed to lease such land on a temporary basis. The moment it does that, it loses all control over the land for the period of the lease and therefore is not liable itself to any vermin tax or for the payment of contributions to the fund.

In our forest areas, although the department is not levied in pounds, shillings and pence, it nevertheless makes a considerable annual contribution towards the destruction of vermin on the areas over which it has control. However, on those sections which are leased, the leaseholder contributes to the vermin fund. That is proposed in the relevant clause contained in the Bill and I cannot see anything wrong with that provision. It applies not only to those people who are issued with a timber concession, but also to those who are leasing forest land for short periods for some other purpose. The department is now endeavouring to insert in the Act a provision whereby owners of land who are working it for profit should contribute something towards the destruction of vermin.

The member for Gascoyne also raised a query. As I did not have a copy of the Road Districts Act available at the time I was unable to study it. However, if a person received the written consent of the local authority, all that is provided under the Bill and the Act itself, such as the destruction of eggs and egg beds, could be carried out on the sides of roads in the existing area, except on the surface of the road. I think I am right in saying that.

Neither in the Bill nor in the Act is there a definition of a road. A definition is contained in the Road Districts Act, but it has been omitted from the Vermin Act because many roads differ. Some come under the authority of the local governing body but will, in due course, be under the control of the owners of land. For instance, if a man had his property subdivided by a road that he had built himself, it would be his responsibility to keep it vermin-free. In such an instance he could be given instructions to carry out the destruction of egg beds and would be given advice on the best method to adopt.

As for gazetted roads which come under the control of the local governing bodies, we must bear in mind that all vermin boards are also under the control of local authorities. It would be impossible for a local authority to issue instructions to a vermin board contrary to the power granted to it under the Road Districts Act, although I believe there is some doubt about that. At this stage, however, I am inclined to think that if there were egg beds adjacent to a man's property and within the gazetted road area, he could be given instructions to destroy them and would be issued with advice as to the best method of carrying out the work.

That can be done now under the Road Districts Act if the instructions are issued in writing. I suggest that the Bill should be allowed to go through in the normal way, and I will inquire into the point raised by the hon. member. Should there be an amendment necessary, it could be moved in another place. I understand there is a provision in the Road Districts Act, dealing with the matter but, as I have not had an opportunity to study it, I think the difficulty could be best overcome in the way I suggest.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 59 amended:

Mr. COURT: I was not present when the Minister referred to proposed new Section 6 (b). The member for Roe raised the query as to the area on which the charge of 5s. per acre would be assessed. The 5s. per acre is the basis used by road boards as a standard for arriving at a valuation. They follow the procedure of levying only the legal rates on the cutting area and not on the total acreage of the Crown grant. The query is what would

be the basis of arriving at the acreage, for which 5s. per acre is charged for vermin rate.

The MINISTER FOR AGRICULTURE: The acreage is determined when the leasehold is established. It would be measured up in accordance with the Road Districts Act. This Bill is designed to bring the Vermin Act into line with that Act because it is the general practice for local authorities to administer both. The Bill does not lay down the method under which the acreage would be measured.

Mr. COURT: This provision brings the valuation per acre on the same basis as under the Road Districts Act, but it does not say whether the actual rate would be levied on the valuation over the total acreage of timber rights, or merely over the cutting area itself. The Road Districts Act provides for a levy on the cutting section as distinct from the total acreage.

The MINISTER FOR AGRICULTURE: It is not possible to add a few shillings week by week on to the rates. The timber concession would be an area for the time being outside the control of the Forests Department, and therefore would not contribute in any way to the vermin rate. The area would be rated as it is under the Road Districts Act, which is now 5s. per acre.

Mr. O'BRIEN: I commend the Minister for including this clause. In my electorate the majority of road boards administer both the vermin and health regulations. This clause will obviate conflict between the Vermin Act and the Road Districts Act. In the past it has always been very difficult for a road board to decide upon its position. The local authority used to rate on the total acreage according to what amount was needed to meet its commitments. It might levy a rate of ½d. per acre, and yet by the end of the financial year might show a credit balance.

Mr. COURT: I want to be clear about the explanation given. According to the Minister's statement the vermin rate will only be levied on that parcel of land which is effectively available to the sawmiller at that particular time.

The Minister for Agriculture. That is so.

Clause put and passed.

Clauses 5 to 7—agreed to.

Clause 8—Section 99 amended:

The MINISTER FOR AGRICULTURE: During the second reading I indicated that I was not agreeable to the drafting of paragraph (b). It is not fair to have different rates of fines for the same offence. The fines should be all on the same basis because there is no differing degree in the offence. I therefore move—

> That the words "of not less than one pound nor more than two pounds" in lines 20 and 21, page 4, be struck out and the words "nor more than one pound" inserted in lieu.

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

Clause 9, Title—agreed to.

Bill reported with an amendment.

BILL—CORNEAL AND TISSUE GRAFTING.

Second Reading.

Debate resumed from the 27th October.

MR. OLDFIELD (Maylands) [4.26]: In supporting this Bill I wish to make several observations, one being that it is a Bill of the utmost importance to a certain section of our community. I am very pleased to see the Government taking a step in this direction.

For many years the medical profession throughout the world has been attempting to obtain the necessary legislation to enable it to further its research and to build up banks of corneal and arterial tissues which can be drawn upon as required. Later I shall explain one or two minor amendments I desire to move, which, if accepted, will still retain the principles of the Bill without altering the policy of the Government. They will help to make the position easier for interested parties.

Referring to the cornea of the eye, I personally know of people who have had their sight restored or saved by the grafting of the cornea of a deceased person. There is no need for me to tell members what a terrible thing it is for a person to lose his sight. I am heartened at the attitude adopted by the churches towards this measure, and I was very pleased to read the observations made by all the church leaders in the State. In no case was an objection raised.

Each church commended the scheme, and one even went so far as to say that it was really a Christian gesture for a person to will part of his body for the benefit of the living. I whole-heartedly agree with that attitude. The logical and Christian view to adopt is that the cornea of the eye of a deceased person is not of much use to him, but it can be the means of restoring the sight of the living, particularly of young children. The grafting of arterial tissues could be the means of saving young lives.

The Bill, as introduced, when read in conjunction with the Anatomy Act, does not meet with the full approval of the medical profession. According to my advice received from certain doctors, the measure does not provide for much more than is contained in the Anatomy Act. It has been said that the scope under the Anatomy Act for therapeutical purposes is restricted, and until we have a medical school established in Western Australia, it will be difficult to deal with sufficient bodies to further the studies of medical students,

Possibly the Anatomy Act will have to be amended later on to assist the practical operation of this measure. For the time being, however, I consider that this Bill should be passed as quickly as possible so that it may be proclaimed and may become operative, even though, as claimed by some members of the medical profession, it does not go as far possibly as was intended or as far as the medical profession would like.

A difficulty arises in this way: We are a House of 50 members, all of whom are laymen able to base opinions and decisions only upon information imparted to us by members of the medical profession. Consequently, whatever is adopted will be based on information gained by us after discussing the matter with interested parties.

So far as I have been able to ascertain, in England and in the United States of America, suitable legislation has been passed to permit of the setting up of banks —an eye bank and an arterial tissue bank. An eye bank, as I understand the position, is not like an arterial bank. The cornea of the eye must be grafted into the eye of the living person within three days of the death of the person from whom it was taken. A roster of people awaiting corneal grafting is kept, and when a person who has signified his willingness to donate his eyes to the bank passes away, it is necessary to remove the eyes within 12 hours of death.

The Minister for Health: And within three hours for the arteries.

Mr. OLDFIELD: Yes; at present I am dealing with eyes. Under the roster system, the next person in turn awaiting corneal grafting is admitted to hospital so that, after the cornea has been removed from the eyes of the deceased person, it can be grafted on to the eyes of the living person within three days. A great deal of organisation is necessary to ensure that the whereabouts of the persons on the waiting list are known. Then when the cornea is available, the person can be communicated with and put into hospital so that the grafting may be done on the following day. Therefore our legislation should be so framed that nothing will prevent the removal of the cornea from a deceased person's eyes within 12 hours.

In the case of arteries, I have been informed that the only suitable arterial tissue is that taken within three hours after death. Further, it is suitable only when taken from a person between the ages of 16 and 30 years. Hence the scope for obtaining the necessary arterial tissues would be very limited in this State. Another factor is that the tissue must be taken from the body of a healthy person. Evidently the only supply of tissue that would be available would be from the bodies of relatively young people, such, for instance, as those killed in motor accidents.

The arterial tissue must be removed under strict hygienic conditions in an operating theatre and, after having been removed, it is frozen to a temperature of six degrees centigrade and then kept in a bank until such time as it is required. As I have mentioned, England and the United States have legislation enabling them to build up banks of arterial tissues.

One of the difficulties confronting us lies in the fact that the Anatomy Act prohibits the removal of a body from the place of death within a period of 12 hours. Under existing legislation, therefore, though a person might have signified his willingness to leave his body for therapeutical purposes and the relatives have raised no objection, nothing can be done within 12 hours of death.

The Minister for Railways: What section of the Anatomy Act provides for that?

Mr. OLDFIELD: I cannot quote the section offhand. Of course, the Anatomy Act was a most necessary piece of legislation one hundred or two hundred years ago when there was wholesale dealing in corpses for medical purposes.

The Minister for Railways: A body may be taken from a private dwelling to a mortuary an hour after death occurs.

Mr. OLDFIELD: But under the Anatomy Act, a body may not be taken to an operating theatre and dealt with for the purposes of this Act within 12 hours.

The Minister for Railways: That is a different matter.

Mr. OLDFIELD: When I was seeking advice on this subject, I was informed that some clauses of the Bill could be misinterpreted and could lead to an unhappy state of affairs on account of the wording. I whole-heartedly support the attitude of the Government to this question as exemplified by the introduction of the Bill, but I find it hard to reconcile the phraseology of the Bill with the Minister's speech in moving the second reading. Therefore I propose to table one or two minor amendments in order to clear up small matters that are causing some anxiety. Clause 2 of the Bill provides—

> If any person, either in writing at any time, or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes or other tissues of his body be used for therapeutic purposes after his death, etc.

This could be interpreted to mean that the clause could have effect only if the person signified his willingness during his last illness. Therefore I propose to suggest the insertion of a few words to keep that provision consistent with the Anatomy Act. If the clause is passed in its present form, it will mean that if a person dies in a hospital after having complied with the provisions of that clause,

the spouse or any surviving relatives, bearing in mind the necessity for speed, because any tissue, to be of any use would have to be removed within three or four hours, would have to be contacted by the hospital to see whether there was any objection to the request of the deceased being given effect.

Members can imagine the heartlessness of the position when the hospital rang the widow and informed her of her husband's death and asked had she or any other next of kin objections to the body being used for therapeutic purposes. Under the present wording of the measure, even if the surviving spouse agreed to the wishes of the deceased being carried out, any surviving relative could raise objection which would prevent the body passing into the hands of the pathologist. The words "surviving relatives" are very wide and sweeping and would include a first or second cousin, at least.

The present wording of the provision would throw on the hospital authorities the onus of contacting the spouse or surviving relatives, and a position could arise in which a distant cousin, who under the measure would be a surviving relative, could later create a fuss despite the fact that the bereaved spouse and other close relatives had been agreeable to what was done. He could say he had not been contacted and that he should have been.

For that reason I propose, when the Bill is in Committee, to move an amendment, the purpose of which will be to remove from the hospital the onus of contacting the spouse or surviving relatives, and make it necessary for them to contact the hospital within a space of three hours if they desire to raise any objection. I feel such an amendment is required in order to avoid unnecessary delay and the necessity for the hospital to raise such a question with the bereaved spouse or relatives.

I think that generally a husband and wife discuss such questions as this during their life-times, and if one or the other of them expressed the intention of leaving his or her body to the hospital authorities for the purposes of this legislation and then later became ill and entered hospital, it would be known to the other party to the marriage, if the illness became serious, that such a request had been made. For the reasons I have given, I do not think there can be any objection to the amendment I propose to move. I would like the relevant provision to read in such a way that the party lawfully in possession of the body after death should have authority to authorise the removal of the eyes or other tissues for use for the specified purposes unless such person had reason to believe that the request had subsequently been withdrawn or unless within three hours of death the surviving spouse, or any surviving relative, informed him of their objection to the body being so dealt with.

This is a measure in which all members should take a great and personal interest. They should study it with the utmost deliberation and vote on the various issues that are raised, according to the dictates of their consciences and the findings based on their own inquiries. This is a measure without precedent in Western Australia and one of vital importance to the medical profession. The powers which it seeks to give to the medical profession could well result in the saving of life and limb and, in many instances, the restoration of sight. In the interests of the physical well-being of the community, members should take a keen interest in this measure.

None of us knows when it will be his turn to have a serious accident. We read daily in the Press of accidents involving aircraft, motorcars, motorcycles and other vehicles, in which people are killed or badly mutilated, and I feel that therefore a bank of the necessary tissues should be built up as quickly as possible. A patient requiring a corneal graft can wait for 12 months if necessary, but where an artery has been badly damaged, the patient cannot wait until a replacement becomes available. It must be ready at once to be used, if it is to be of any benefit to that patient.

Up to date, a great handicap in this State has been the lack of legislation giving the medical profession authority to gain possession of tissues badly needed in certain circumstances, and I feel that members will realise the absolute necessity for the passing of this measure. The church leaders in our community have stated their attitude towards the Bill.

The Minister for Health: Does that include all the churches?

Mr. OLDFIELD: It includes the Church of England, the Catholic Church, the Methodist, Presbyterian and other leading churches. I understand that adherents of the Mohammedan faith object to the mutilation of the body of one of their people, but it is obvious from the Press report the other evening that the Christian churches—we are a Christian country—raise no objection to this measure. That outlook on the part of the churches may be new, and in the past they may have felt otherwise on this question, but at all events they now agree unanimously on the necessity for this legislation.

In view of that, I feel that when the measure becomes law, an inquiry should be held so that the medical profession might be fully consulted and further legislation introduced, perhaps next session if necessary, to amend the relevant sections of the Anatomy Act and possibly add further provisions to this Act, in an endeavour to bring the position in this State into line with what is happening overseas.

That inquiry would have to be dealt with on a medical level, but consideration would also have to be given to the rights

of individuals. I am led to believe that the hospital authorities in the United Kingdom and the United States of America have the right to remove arterial tissues from the body of any young person between the ages of 16 and 30 years, without having to obtain the permission of the relatives or next of kin. If, as a result of an accident, a young person between those ages dies, the hospital authorities have that right.

The Minister for Railways: Do you think the churches would approve of that?

Mr. OLDFIELD: I do not know.

The Minister for Railways: I am sure they would not.

Mr. OLDFIELD: I do not know whether it is a fact or not, but I have been informed that that is the position in the United States of America and the United Kingdom. Any member who makes a contribution to this debate will have to mention mainly what he has been told by members of the medical profession. After all, we are an assembly of laymen, and can base our opinions and decisions only on what we are told by members of the profession. Whether church authorities would agree to our having similar legislation to that which exists overseas I do not know. But they could be consulted in the matter and, if they raised any objections, they could be given reasonable consideration. Private citizens, too, would be entitled to raise an objection. But, after all, we are living in enlightened times and must face realities.

The lead has been taken overseas, and banks for arteries and other tissues of the body have been established. If we wish to progress along with other countries of the world, we should be prepared to follow suit in some degree. In my opinion, the saving of life is of far greater importance than the introduction of what would possibly be unpleasant legislation. However nauseating it may be to some people to think that after they were dead their bodies would be mutilated for medical purposes, there would be a far greater number of people who would be willing to allow their bodies to be used in that way. Personally, I would have no objection to my body being used for medical purposes—after death.

The Minister for Housing: You should not have added that proviso.

Mr. Lapham: You would not have much say in it!

Mr. OLDFIELD: After all, there may be many people who are not much good while living, but after death their bodies could be of some use to other people. That could be their contribution; they could leave their bodies for medical purposes and so, if they had not led useful lives, at least their bodies would be of use to someone else.

Mr. Lapham: Do you want to make an example of yourself?

Mr. OLDFIELD: Although it may be unpleasant to think of what may happen when a young chap dies in hospital and doctors cannot get to him quickly enough, we must be realistic about it. Though it is unpleasant, properly constituted legislation could be framed in such a way that a person who did not object, during his lifetime, could have his body dealt with in this way after death. In that case, only those who did not raise objection would have the arteries and the cornea of the eyes removed after death. Provision could also be made that the family could object, within a certain period after the death of the person concerned.

I leave that as a suggestion. The provision could not be inserted in the Bill, but I trust that once the measure becomes law the Government will consider a full inquiry into the matter to see if we cannot make it easier for the medical profession without taking away the rights of individuals; they must be respected at all times. We should try to remove as many restrictions as possible because it is a handicap when members of the profession have only three hours after death in which to deal with a body, and in that time relatives have to be contacted. If they are to comply with those restrictions, they will have very few bodies. It may be difficult to contact relatives; the surviving spouse may be overseas or in the Eastern States, and there may be no relatives within the State.

Mr. Lapham: What happens then?

Mr. OLDFIELD: From my reading of the Bill, it would mean that although the deceased had expressed a desire for his body to be so dealt with, it could not be used because the relatives could not be contacted.

Mr. Lapham: If the husband and wife were separated, do you think that would be the position?

Mr. OLDFIELD: If they were separated, there is a strong possibility that they would not know the whereabouts of the surviving spouse.

The Minister for Railways: You know that the Bill does not provide for that at all. It provides that unless objection is lodged, it can be done. If they cannot find the spouse, they can go on with it.

Mr. OLDFIELD: The Minister says, "if they have no objection." But the Bill reads—

> If any person, either in writing at any time, or orally in the presence of two or more witnesses during his last illness, has expressed a request that his eyes or other tissues of his body be used for therapeutic purposes after his death, the party lawfully in possession of his body after his death shall, unless he has reason to believe that the request was subsequently withdrawn, or that the surviving

spouse or any surviving relative of the deceased objects to the deceased's eyes or other tissues being so dealt with—

People must be given a right to that objection and, from the way the Bill reads, there could be trouble if the body had been dealt with and the surviving spouse or relatives have not been contacted and asked for permission. The Minister shakes his head, but I would remind him that I am not a lawyer and neither is he.

The Minister for Railways: But you are trying to build up a fictitious case.

Mr. OLDFIELD: I am not. I am trying to take a reasonable and impartial view of the Bill. I discussed it with two qualified legal practitioners, and that was the opinion given to me. I have had amendments drafted to try to make the picture clearer, and have the Bill read more in conformity with the phraseology the Minister used during his second reading speech.

The Premier: The hon. member may be spoiling a very good speech by speaking too long.

The Minister for Housing: Hear, hear!

Mr. OLDFIELD: I do not want to quarrel with the Minister in the handling of the Bill because I am in complete agreement with his second reading speech. There is nothing we can put in the Bill which will bring it into line with what I have outlined during my speech. But I would appreciate it if the Government would give consideration to acting on the suggestion of having a further inquiry into the matter with a view to amending the Anatomy Act, and this measure at a later stage if necessary, to enable the medical profession of this State to operate with as few restrictions as possible. I thank the Government for a courteous hearing; it is not often that I can speak in this Chamber without members interjecting. I trust that in the Committee stages reasonable consideration will be given to any amendments which may be moved. I support the second reading.

HON. A. V. R. ABBOTT (Mt. Lawley) [5.12]: I think every member will support the principles proposed in this Bill. The difficulty is so to arrange the provisions that they will carry out the wishes either of the deceased or his relatives within such reasonable time as to be of practical use. I think we should remember that where the law thinks it is necessary, a body may now be made the subject of a post mortem examination. If he thinks fit, a coroner can at any time, in the interests of justice or law, order a post mortem without the consent of anyone at all. So I feel that we could be too tender to someone who has gone beyond and not sufficiently thoughtful of those who have to carry on in this world while suffering from great deficiencies. If anything can be done to assist them, it should be done.

My own view is that the next of kin are not so close to a person that their feelings should prevent a sufferer from receiving any possible benefit. I think that a husband and wife are so close and their lives are so linked together that their wishes should be paramount. Apart from them, I do not think there is any next of kin who is so close to an individual that his or her wishes should be paramount, and I think this Bill goes too far in this respect. As to the next of kin, there may be numbers of them. It may, for instance, be that four or five have equal relationship. They may be sons, cousins, or sisters who are affected. I think if we got the consent of one of the next of kin where necessary that ought to be sufficient.

I think we should cut out of this Bill anything that is not absolutely essential and which might cause delay. I see no necessity for the consent of the coroner to be obtained in any circumstances. What risk would there be to the community if tissues or eyes are removed without the coroner's consent? Personally, I do not think that consent need be obtained in any circumstances. From what I have heard it is possible that his consent would have to be obtained in cases of accident. But the coroner is not always available and I do not think there should be provision in the Bill stating that his consent should be obtained.

The only other comment I wish to make is that in connection with possession of the body. I presume it is clear who will have possession. The police may take it on occasions, and on others the hospitals may take possession. I do not know whether the Minister has considered the point. I am not sure that the medical practitioner should not be allowed to make the necessary arrangements. He is an expert and he is the one to certify that death has occurred. So he might be the better choice. That is only a suggestion I make to the Minister for his consideration, because arrangements should commence to be made immediately the doctor has certified that death has taken place.

Mr. May: You want to put the onus on the doctor? I do not think that is right.

Hon. A. V. R. ABBOTT: I have no strong convictions on that point.

Mr. May: I think the coroner should be the man.

The Minister for Railways: It would be too long to wait for the coroner.

Hon. A. V. R. ABBOTT: I agree with the Minister. Usually it would be the hospital authorities or the matron in charge who would make the arrangements. I should have thought, however, that the medical adviser would have been the wiser choice. There would certainly not be any

objection in a public hospital; and most of the institutions are public hospitals these days. I support the second reading.

HON. A. F. WATTS (Stirling) [5.20]: Had it not been for the advances made in medical science in recent years this Bill, of course, would not have been before us at all. It seems to me that it is only a question of deciding whether we desire the people of the State who need it to receive the benefit of the advances in medical science, and in view of that whether we should support the Bill whole-heartedly or not. I have no doubt about it. To me it is eminently desirable that we should put the responsible medical profession in the position of being able to take advantage of the latest advances made in these branches of medical knowledge to improve the health of persons in their hands; and more particularly, with reference to the matters contained in this Bill, to give some people a better opportunity of having their sight maintained or restored. Accordingly, there should be no doubt as to support for the general principles of the measure.

I think there was something in the point raised by the member for Maylands when he referred to that part of the measure which at present prevents the use of the body, if the person in charge of it has reason to believe that the spouse or one of the relatives objects. In my opinion, that places the onus of establishing what the position is on the person in charge of the body. It would place him in the position of feeling that he ought to satisfy himself that the spouse or relative did not object. That would be all right if it were not for the fact that if corneal or other tissues are to be made use of it must be in a very limited time. I understand that the times mentioned by the member for Maylands are correct, and that in regard to arterial diseases a maximum of three hours is required and in relation to others a maximum of 12 hours from the time that life ceases.

From the point of view of the medical practitioner, I have no doubt, that it would be advantageous if a lesser period than that were provided. It is quite obvious to me that if the clause remains in its present form, the person in charge of the body has no reason to believe that either the relatives or the spouse are not going to object; he will feel that the onus is on him to establish that they will not object. In the emergency circumstances which the use of these tissues raise and the time limits required, there is no doubt in my mind that the onus should be on the spouse or relatives, and unless they give notice within a stipulated period to the person that they do object, he is entitled to go right ahead.

That, I think, was what the member for Maylands intended in the remarks he made. The onus should be moved from the person in charge of the body who, in the circumstances, would, I suggest, have responsibility enough without having to wonder whether or not he should satisfy himself by direct contact with the next of kin or spouse or relative. If we are going to allow the medical profession to take full advantage of the best opportunites within the restricted times available to them, I consider we should give them the opportunity to make the most effective use of those times. We should not place the person in charge of the body in the position that he is not too certain of the action he should take.

It should be the responsibility of those closely connected with the deceased person to voice their objection within a stipulated time. Be it borne in mind that the person in charge of the body would, under this Bill, have no right at all to use the body. I believe that is quite right unless the deceased person had consented with regard to the use of his body in writing, or verbally, in the presence of two witnesses during his last illness. So the right to use the body does not arise unless the deceased person desires it to be used. I think it is more desirable that the person in charge of the body after death should have no obstruction placed in his way at all.

The member for Maylands has certain amendments on the notice paper which I understand he proposes to move. The general tenor of them is, in my opinion, the right one because it does, as I have already indicated, throw the burden of establishing objection on to the spouse or next of kin within a limited time. What that time is to be is a matter for the Minister to decide. Certainly it is quite clear that there should be a stipulated time in which the objection must be made, or else the person in charge of the body is entirely exempt from any need to make any inquiry.

Again, as I have said, that cannot arise unless the deceased person has either in writing or verbally in the presence of witnesses expressed a desire that his tissues should be made available. The person who is most concerned has already given his consent, and objections can only be raised by third parties. While I agree they should have an opportunity, particularly on religious and sentimental grounds, to state their objections, nevertheless I do not think they should have the right to state those objections in such a way that they could by even failing to state them, nullify the right of the person in charge of the body to take advantage of this legislation, notwithstanding the consent of the deceased person himself.

I hope the Minister will give consideration to amendments such as those to which I have referred, because I think the Bill with them included, would be eminently satisfactory for the time being. I was struck by the remarks of the member for

Maylands as to the necessity to overhaul other aspects of the laws in regard to these matters. He agreed that this legislation should not be held up because of the desirability of safeguarding the rights of the medical profession in view of these current advances. At the same time, I thought he made out a strong case for some further consideration to be given to other legislation to see that the enactments dovetail properly, and that the whole situation with regard to these recent additions to our medical knowledge should be made perfectly clear to everyone. That, of course, is incidental to this measure; and, as the member for Maylands said, could be discussed with advantage next session. So, for the time being, I content myself with supporting the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. Styants—Kalgoorlie—in reply) [5.31]: I thank members for their comments on this measure, but would point out that what they have indicated would be desirable goes much further than is provided for by the Bill. The intention of the measure is to remove the bar which now exists to a person deciding during his lifetime what can be done with his body, or portion of it, after his death. This, of course, applies to both men and women. That is the sole purpose of the Bill.

Hon. A. V. R. Abbott: Without the consent of anyone else.

The MINISTER FOR RAILWAYS: At present, according to a test case in England—to which I referred, and which is set out in Halsbury—a person has not the right to say what shall be done with his corpse after death. The Bill proposes to remove that bar, and to permit him during his lifetime to indicate in writing at any time, or in the presence of two witnesses during his last illness, what he wishes to have done with his body. That is the essence of the English law in connection with this matter as far as it has been explained to me by the chief medical officer.

In this Bill there is an addition which was inserted after considerable thought. It has relation to the rare case in which a spouse or next of kin has an objection to the body of the deceased being used for scientific purposes. Such a person would have the right to object. Some people have very vivid imaginations, and are of a neurotic type; and if they thought that after death, the body of the deceased was to be what they would designate "mutilated", they would not have a peaceful vision of the deceased in the mortuary, or in the home, or in the coffin. What they saw would always remain vividly in their minds. If they looked upon one who was near and dear to them, and found that portion of the body had been removed, particularly the eyes, they would, in imagination, always conjure up that picture afterwards.

Hon. A. V. R. Abbott: Do you know whether it is necessary to remove the whole of an eye?

The MINISTER FOR RAILWAYS: Yes; the whole of the eye is removed. Though only the cornea is used, the whole eye is taken out. For the protection of the feelings of the few people who would come within the category to which I have been referring, a provision has been inserted in the Bill. I believe that in 99 cases out of 100, if a person expresses to the spouse, mother or father, or son or daughter, as the case may be, that he wishes to have his body dedicated to the purposes of science for the alleviation of those afflicted with blindness, the wishes of that person would be given effect to on his death.

It has been indicated by the member for Maylands that time is the essence of the contract, and that is quite correct. The Commissioner of Public Health tells me that the maximum period is six hours; and the minimum, three hours; and that is desirable under this legislation. There appears to be a division of opinion in that connection. What the member for Maylands wants to provide for—and his amendment indicates this—is that, if a person dies in hospital; and if, within a period of three hours, the spouse or next of kin has not rung the hospital authorities and raised an objection, the hospital authorities will have the right to remove any portion of the body of the deceased.

Mr. Oldfield: Only provided the deceased has expressed his willingness during his lifetime.

The MINISTER FOR RAILWAYS: That is so; but in order to ascertain whether he has, a tremendous amount of organisation will be necessary. Let us take the position of a young married man with a wife and a couple of children. He leaves home in the morning, and two hours afterwards is killed in an accident in the Terrace. What the medical fraternity desires is the right to whisk the body away to a surgery; and, without the leave of or consultation with the widow, remove portion of the body. One doctor approached me in connection with this matter and said that the Bill, in its present form, was no good because it did not go far enough. He said, "The people we are concerned about mostly are those who have accidents"—young people, as the member for Maylands said, between 16 and 30 years of age.

According to the hon. member, the onus should be on the spouse, or mother or father, or sister or brother, as the case may be; and if, within three hours, the hospital authorities are not notified, portion of the body can be removed. Imagine the position that would be created! Take the case I mentioned of a man leaving

home in the morning and being killed two hours afterwards. I understand it is customary in such cases for the police to break the sad news to the widow. What would be the condition of the woman? She would be distraught with grief and would probably faint. Yet the hon. member's suggestion is that the onus is on her to ring up the hospital and say that it is O.K. and that a portion of her husband's body may be removed.

Mr. Oldfield: Under the measure the hospital would ring her.

The MINISTER FOR RAILWAYS: If any attempt were made to pass legislation of that kind, there would, as I told the doctor who approached me, be a public outcry in this State. It may be necessary to go further in this matter. I believe that the Bill does not meet the total requirements of the medical profession if it desires to practice this particular type of surgery further. That is not provided for, and is not intended to be provided for.

At the present time a person, when he is alive cannot give authority for his corpse to be used for any purpose; and all the Bill proposes to do is to remove that bar. We should not go any further. I have looked carefully at the amendments suggested by the member for Maylands. I think that one of them is quite unnecessary and that the other two would create a position in which, despite an objection being raised by the spouse or the next of kin, the person could decree what was to be done with his body. I understand that is the position in the English Act, but the provision here is that a person can direct what is to be done with his body after his death provided his spouse, or next of kin, does not object. In 99 cases out of 100, I believe there would be no objection.

Question put and passed.

Bill read a second time.

In Committee.

Mr. J. Hegney in the Chair; the Minister for Railways (for the Minister for Health) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Authorisation for use of eyes and other tissues:

Mr. OLDFIELD: I move an amendment—

> That after the word "time" in line 10, the words "during his lifetime" be inserted.

I have been informed by certain people with legal qualifications that the provision in the Bill could be misinterpreted to read "at any time during his last illness." I do not propose to enter into a legal debate on this matter because I am a layman. The Bill was drafted by a person with legal qualifications, but we know how such people can disagree on interpretations. The High Court has upset interpretations of the Supreme Court. The Minister said the amendment was unnecessary; that may be so, but it will not alter any principle in the Bill. It will makes the measure clearer.

The Minister for Railways: He could not do it before he was born, or after he was dead.

Mr. OLDFIELD: I do not know why, when members seek to amend any of the Minister's Bills, be it ever so slightly, he erupts as though it were a personal attack on him. I possibly have a greater insight into the Bill than has the Minister, because I am greatly interested in blind people. These amendments have been drafted after a considerable amount of research and as a result of inquiries from people who are qualified to give the information. When we framed the amendment we had before us a copy of the Minister's second reading speech. It is a pity the Bill is not as clear as that speech. The words "or orally in the presence of two or more witnesses" provide an additional safeguard to the position. The clause could be interpreted to mean "in writing at any time during his last illness."

The Minister for Railways: Perhaps, if you delete the word "or".

Mr. OLDFIELD: I am just as qualified as the Minister to argue on legal matters because, like me, he has no legal qualifications whatever.

The Minister for Railways: Did I ever claim to have any?

Mr. OLDFIELD: These words were selected to be inserted because the Anatomy Act reads in this way.

The Minister for Railways: What section of the Anatomy Act is that?

Mr. OLDFIELD: I do not know offhand. The amendment is reasonable, and I cannot understand why the Minister raises objection to it.

The MINISTER FOR RAILWAYS: Within the last few days the hon. member was good enough to give me a copy of his proposed amendments. Because of my lack of knowledge of the law, I did not endeavour to decide whether this amendment was necessary or not, but referred it to the appropriate authority where it created some hilarity because the words were considered to be redundant. It is obvious that if the person had given authority in writing, he must have given it during his lifetime. Is there any necessity to overload the Bill with redundant words?

The clause is crystal-clear. At any time a man may indicate in writing what he desires to have done with his body after his death, not only whilst he is in good

health, but also during his last illness. If he is not well enough during his last illness, such document will be valid if it is signed in the presence of two witnesses. I, personally, am not querying whether such provisions are necessary. The responsible authority that suggested the Bill in the first place considers that the words in the amendment are redundant and that the clause meets all requirements.

Mr. HUTCHINSON: I know that the reason why this provision was proposed was an attempt to clarify the Bill and make it more workable. As the member for Maylands has mentioned, a precedent has been set by the use of those words in the Anatomy Act. Section 9 of that Act reads—

> . . . . the deceased person has expressed his desire, either in writing at any time during his life or verbally in the presence of two or more witnesses during his illness. . . . . .

and so on. That phrase has been used in that section purely to clarify it. Section 10 reads—

> Subject to this Act if any person, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he dies . . . .

Therefore, a precedent has been set with this phrase in that Act and advice has been given that the amendment, if agreed to, will materially assist in clarifying the clause.

The Minister for Railways: How does the wording of the clause fall short? If you can tell me that, I will agree to the amendment.

Mr. HUTCHINSON: I find it difficult to understand how the phrase does clarify the clause. I admit that. However, apparently it was inserted in the Anatomy Act for legal clarification, and the member for Maylands has been advised that the amendment is necessary, and for those reasons I have given my support. Perhaps the Minister would be prepared to report progress.

The Minister for Railways: No, not on an amendment such as this.

Mr. HUTCHINSON: If the Minister is opposing the amendment merely because he considers its wording redundant, so far as it has been used in the Anatomy Act to clarify the relevant section, and in view of the fact that advice has been received after research has been made on this Bill that the phrase is necessary, I suggest that the Minister's objection has been overcome. Surely Ministers in the past have waived their objections to redundant phrases if the only reason for their objections is that the wording is redundant.

The Minister for Railways: In what way does the Bill fall short? Tell me that.

Mr. OLDFIELD: I thought I made it clear that the Bill fell short in the opinion of a legal practitioner whose advice I sought. To him it was obvious that this provision applied to a man whilst he was alive, but how would it be interpreted by members of the legal profession after his death? Since I have been a member of Parliament, there have been occasions when legislation has been submitted in this House and its meaning has been slightly altered by the draftsman or by amendments moved by members. The legal practitioner whose opinion I sought checked the Bill with the Anatomy Act and he considered that this phrase should be inserted in the Bill.

The Minister for Railways: A Q.C. told me that it would be quite redundant.

Mr. OLDFIELD: Even if it is redundant, I fail to see the reason for the Minister's objection. As the member for Cottesloe has pointed out, we have often passed legislation which contained words that could be regarded as redundant but which were inserted in the Act obviously for the purpose of clarification. There is no doubt that if a member studied other clauses in the Bill he could rewrite them with the use of fewer words.

In using legal phraseology, a certain amount of redundancy is necessary for clarification. This is an amendment to insert extra words so as not to cause confusion. They may well be redundant, but they will ensure that there will be no confusion. It was pointed out to me by a legally qualified person that this clause means during the last illness and not at any time during lifetime. The amendment has been suggested to bring this clause into line with the Anatomy Act. Even if the words are considered redundant by half the legal fraternity, they should still be inserted if the other half consider they will clarify the position.

Hon. J. B. SLEEMAN: I cannot agree to the amendment that a person can do this during his lifetime, because it is certain that a person cannot do it before or after that period. The medical profession prefers the bodies of deceased young persons who have never been ill. They prefer the bodies of persons who have been killed accidentally. If a person is killed in an accident, he has not died from illness; so the words proposed to be inserted will not meet such a case. I have heard three legal members of this House give three different opinions, so we cannot rely too much on them. We should use our commonsense in deciding such matters. I do not consider that the words "during his last illness" should appear in the clause at all.

Mr. HUTCHINSON: The amendment helps to clarify the position. Without any time being stated, I point out to the Minister that it could be at any time during his last illness.

The Minister for Railways: If that is so, the word "or" must be struck out. The words appearing after that word refer to a different set of circumstances.

Mr. HUTCHINSON: It is a question whether a comma separates the meaning of two clauses. I am not prepared to say there is no ground for inserting the words "during his life."

The Minister for Railways: That will not make any difference.

Hon. J. B. Sleeman: Why use the words "during his life"? A person cannot do it at any other time.

Mr. HUTCHINSON: The hon. member misses the point. If the words "during his life" are not inserted, the clause could be constructed as meaning "at any time or orally in the presence of two persons during his last illness."

Hon. J. B. Sleeman: What happens if a person has never had an illness?

Mr. HUTCHINSON: That is another question which the hon. member might well take up.

The Minister for Railways: It would not apply.

Mr. HUTCHINSON: The words "during his lifetime" would qualify the words "any time" in the clause, and would obviate the risk of its being construed to mean "at any time during his last illness." The Minister told us that a Q.C. had said there need be no fear of the meaning being misconstrued, but another Q.C. might give an opposite opinion. I consider that there is a possibility of the clause being misconstrued and that the Minister is being unreasonable.

The MINISTER FOR RAILWAYS: The intention is that a person should be able to express in writing his wishes regarding the disposal of his corpse after death. This might be done at any time while in full health or in his last illness. Of course, if he died instantaneously and had not made provision, the clause would not apply. The subsequent portion of the clause says, "or orally in the presence of two or more witnesses during his last illness." That refers to a person who is desperately ill and is unable to put his wishes in writing. In that event, he would be able to indicate his wishes in the presence of two nurses, two orderlies or two doctors.

Amendment put and negatived.

Progress reported.

House adjourned at 6.11 p.m.

Legislative Council

Tuesday, 9th November, 1954.

CONTENTS.

	Page
Assent to Bills	2660
Bills: Dentists Act Amendment, 2r.	2660
Limitation Act Amendment, 2r.	2661
Loan, £14,808,000, 2r.	2662
Married Women's Protection Act Amendment, 2r.	2664
Health Act Amendment (No. 1), Assembly's message	2665
Supply, (No. 2), £15,000,000 2r.	2666
Milk Act Amendment, 1r.	2671
Forests Act Amendment, 1r.	2671
Inspection of Machinery Act Amendment, 2r.	2671
Motor Vehicle (Third Party Insurance) Act Amendment, 2r.	2673
Dog Act Amendment, 2r., Com., recom.	2674
Native Welfare, 2r.	2680

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, Government Employees (Promotions Appeal Board) Act Amendment.

2, War Service Land Settlement Scheme.

BILL—DENTISTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35] in moving the second reading said: This small Bill, which contains only two amendments, is introduced as a result of representations made to the Government by the Dental Board of Western Australia. The first amendment proposes to allow the board to reduce the fees payable by dentists who have withdrawn their names from the register because they are not practising, but who desire at a later date to have their names restored. The second amendment is designed to permit the board to increase the licence fees paid by dentists and assistants.

The first proposal will remove a hardship inflicted on those dentists who leave the State for a long period to take postgraduate studies, or for other reasons. At present the Act makes it compulsory for a dentist who withdraws his name from the register to pay the licence fees for the years he has been away, in order to have his name restored to the register. The amendment seeks to provide that he shall pay only the current year's licence fee.

In regard to the second amendment, the board, under the principal Act, is permitted to apply its funds for the furtherance of dental education and research for