would cheapen ore-handling. Wundowie also wishes to take the weighing machine in order to weigh iron in railway trucks, so as to save double handling and assist in keeping accurate daily production records. The Bureau of Research and Development of the Western Australian Department of Industrial Development is also desirous of obtaining several items of plant, which would be used mainly for a possible coke pilot plant.

Requests have also been received from organisations, including local authorities, for the sale and re-erection elsewhere of the houses at Chandler. A number of these homes are comparatively new; others are older and had been re-erected previously. The value cannot be gainsaid of moving and using elsewhere those houses which are suitable rather than leave them vacant and subject to deterioration at Chandler. Some of the houses, of course, may not be in a condition to warrant re-erection.

It is apparent that it would be wise to dispose without delay of those items of plant, etc., which could be put to valuable use elsewhere, and to dispose of the rest of the assets as and when they are required. It is therefore desirable that there be a repeal of the provision in the principal Act, which specifies that none of the assets may be disposed of without parliamentary approval, if such sale would result in the Minister's being unable to maintain and carry on works, plant and undertakings for the purpose of producing potash and its by-products. Unless this embargo be lifted, any request during the parliamentary recess for the purchase of assets would have to await the approval of Parliament. As I have pointed out, while valuable property remains at Chandler, the services of caretakers would be required, thus adding to the loss sustained on the undertaking.

I trust that the information I have given has made it clear that it would be most uneconomical to retain at Chandler plant and equipment which can be used elsewhere, and which expert opinion states it would be inadvisable to keep against the remote possibility of further production of potash at Chandler. Professor Bayliss, Professor of Chemistry at the University of Western Australia, has said that if potash production is ever resumed, he considers that it will require an almost completely redesigned plant to make production economical. The Commonwealth Government has advised that it is not prepared to incur any expense in assisting to maintain the plant in working order.

No plant will be disposed of that Professor Bayliss considers would be worth while keeping for possible future potash production. Once the requirements of Wundowie and the Bureau of Resources and Development are met, it will probably be decided, if the Bill is passed, to sell the balance of the plant by tender. I move—

That the Bill be now read a second time.

Question put and passed.
Bill read a second time.

In Committee.

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

House adjourned at 10.2 p.m.

Legislative Assembly

Tuesday, 2nd December, 1952.

CONTENTS.

The SPEAKER 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, Warehousemen's Liens.

2, Criminal Code Amendment.

3, Health Act Amendment (No. 2).

QUESTIONS.

BUS SERVICES.

As to City Beach Holiday Arrangements.

Mr. NIMMO asked the Minister representing the Minister for Transport:

(1) Will he state whether arrangements are being made for the week-end and holiday bus services to operate to City Beach from Victoria Park, embracing Subiaco, Leederville, Wembley Park and Floreat Park en route?

(2) If so, will he inform the House when this service will start?

The MINISTER FOR EDUCATION replied:

(1) Yes. Also from Mt. Lawley subway via North Perth, Leederville and Wembley districts. These special services are operated on Sundays and public holidays. The normal Perth-City Beach service caters for weekdays and Saturdays.

(2) On Sunday, the 7th December, 1952.

GAS.

As to Tests of Fremantle Company's Supply.

Mr. HUTCHINSON asked the Minister for Works:

(1) Will he take action to see that gas tests on gas supplied by the Fremantle Gas and Coke Company are made available for public information through the medium of local governing authorities?

(2) Are the gas tests taken at irregular intervals and at times unexpected by the gas company?

(3) If not, will he consider adopting this procedure?

The MINISTER replied:

(1) The conditions under which tests are carried out are set out in Sections 12, 13, 14, 15 and 16 of the Gas (Standards) Act, 1947. As the report of the tests may be the grounds for the prosecution of any undertaking, it is not considered advisable to make public the results of individual tests as reported.

With regard to the Fremantle Gas and Coke Company's undertaking, 34 tests of the calorific value have been made and on one occasion (September, 1951) the value was below the standard.

About 100 pressure tests at various points on the system's mains have been made, and on one occasion (July, 1951) the pressure was below the standard required.

Thirty-four tests have been made for purity, and on five occasions sulphuretted hydrogen has been detected.

(2) Under Section 14 (2) the Commission, when making tests other than on the undertaking's works, must give not more than two hours' notice of its intention. The intention is to give the undertaker reasonable time in which to have its representative present at the test. Tests are made at irregular intervals.

(3) Answered by No. (2).

FORESTS DEPARTMENT.

(a) As to Empire Conference Proceedings.

Hon. A. A. M. COVERLEY asked the Minister for Forests:

As the Western Australian Forests Department was not represented at the Empire Forestry Conference, and in view of the importance of the timber industry to Western Australia, will he request the South Australian Government to make available their Conservator to visit this State, so that the technical officers of the Forests Department here may, by discussion, gain from the knowledge acquired as the result of the attendance of the South Australian Conservator at the Empire Conference?

The MINISTER replied:

It is not intended to ask the South Australian Government to make available the services of their Conservator to visit Western Australia.

A precis of the discussions at the conference will shortly be made available to this State and technical officers and forestry officers will be given the opportunity of perusal and discussion thereon.

(b) As to Pine Plantations.

Mr. KELLY asked the Minister for Forests:

(1) What area of pines was planted in the years 1950, 1951, 1952?

(2) In what localities were the plantings made?

(3) What was the expenditure?

(4) What revenue has resulted in these years from pines cut in process of thinning out and others, if any, that have reached maturity?

The MINISTER replied:

(1) For the year ended the 30th June, 1950—376 acres.

For the year ended the 30th June, 1951—434 acres.

For the year ended the 30th June, 1952—1,720 acres.

(2) 1950—Metropolitan area, 275 acres; Busselton-Harvey district, 101 acres.

1951—Metropolitan area, 348 acres; Busselton-Harvey district, 86 acres.

1952—Metropolitan area, 1,380 acres; Busselton-Harvey district, 340 acres.

(3) The total expenditure on plantations for the year ended the 30th June, 1950, was £86,773.

The total expenditure on plantations for the year ended the 30th June, 1951, was £157,088.

The total expenditure on plantations for the year ended the 30th June, 1952, was £194,482.

The expenditure includes administration and protection of all plantations, totalling approximately 21,000 acres; also the cost of clearing in preparation for the 1953 and 1954 planting, and provision of plant and permanent establishment for existing and future plantations.

(4) The gross revenue for the year ended the 30th June, was £19,877.

The gross revenue for the year ended 30th June, 1951, was £35,168.

The gross revenue for the year ended the 30th June, 1952, was £50,302.

Sales were of logs and sawn pine obtained mainly from thinnings. In addition, revenue was obtained from the sale of trees which had to be removed from the "submerged" area following the raising of the Mundaring Weir. No plantation has yet reached maturity.

WATER SUPPLIES.

As to Survey of Rock Catchments.

Mr. KELLY asked the Minister for Water Supply:

What advance has been made in the survey undertaken late in 1951 in connection with rock catchments in rural areas?

The MINISTER replied:

The following surveys have been made of rock catchments: —

Narembeen district—

(a) Surveys completed on four rocks —Mt. Walker, Welcome Hill Rock, Anderson Rock, small rock on Mr. Ketteringham's property.

(b) Two isolated rocks examined but not yet surveyed—Borayikkin Rock, one at 38 mile peg on rabbit proof fence.

(c) Surveyed in 1929—Mt. Roe, Mt. Cramphorne.

South-East Merredin district —

(a) Complete surveys made of four rocks in the Muntadgin-Tandagan area.

(b) Of other rocks investigated, only one may warrant a survey.

Westonia District—

(a) Three surveys have been completed — Yorkrakine Granite Rocks, seven miles north-east of Westonia; small rocks in Warrachuppin area; Baladgie Rock, three miles north-west of Baladgie siding.

(b) Several rocks in the North Westonia area were surveyed during the 1920's.

PYRITES.

As to Boring at Koolyanobbing.

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

What progress has been made in connection with boring Koolyanobbing iron-ore deposits, with a view to ascertaining what percentage and quantity of pyrites exist in that area?

The MINISTER FOR HOUSING replied:

Diamond drilling has actually started at Koolyanobbing, but progress has been delayed through some mechanical difficulties. It is expected that these will be quickly overcome.

NORTH-WEST.

(a) As to Air Freight Subsidy on Perishables.

Mr. RODOREDA (without notice) asked the Premier:

As the Premier recently promised, in reply to a question of mine, that the air freight subsidy for perishables to the North-West would commence on the 1st December, can he say whether the subsidy is now in operation and whether the aviation companies concerned have been advised?

The PREMIER replied:

These matters were before me yesterday and I will advise the hon. member tomorrow of what is happening.

(b) As to Application of Reduced Rate.

Mr. RODOREDA: I would like to ask the Premier whether there is any reason why the decision made some weeks ago to commence the subsidy on the 1st December has not been adhered to, as a considerable number of people have been caused great inconvenience by ordering perishables and finding that the reduced rate did not apply?

The PREMIER: At this stage I am unable to give any reason. As I said previously, I will make inquiries and let the hon. member know tomorrow.

PERSONAL EXPLANATION.

The Minister for Housing and Collie Coal Prices.

The MINISTER FOR HOUSING: With your permission, Mr. Speaker, I would like to make a personal explanation.

Mr. SPEAKER: Leave is granted.

The MINISTER FOR HOUSING: I have been asked to correct an error that was included in an answer given by me on the 4th November, 1952, on behalf of the Minister for Mines to a question asked by the member for Collie. This question referred to the price paid for coal from the various coalmining companies prior and subsequent to the metal trades strike. Unfortunately, in the answer supplied to me, the prices relating to the Griffin Coal Mining Company and the Western Coal Mining Company were transposed. The correct answers should have been:—

	£	s.	d.
Griffin Coal Mining Company.			
Price at the 21st February, 1952	2	10	11½
Price at the 18th August, 1952	5	0	8½
Western Coal Mining Company.			
Price at the 21st February, 1952	2	2	5
Price at the 18th August, 1952	2	12	8

I make this explantion as I understand the incorrect answer has caused an amount of confusion and some embarrassment to the companies concerned. The Railway Department takes full responsibility for the error.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th November.

HON. J. T. TONKIN (Melville) [4.45]: When the rents and tenancies Bill was under discussion in Parliament previously, those of us on this side of the House sought to obtain as much protection as possible for people who were living in tenanted houses and experiencing the greatest difficulty in securing alternative accommodation. The Government removed a considerable amount of the protection that was already in existence, and we pointed out at the time that it was going further than any other Government in Australia had done in this direction. That being so, it can be expected that we will support this proposal, which is to afford protection where none exists at present.

It is logical to say, and to hold, that if a soldier is entitled to protection against eviction in certain circumstances, his wife or some relative solely dependent upon him who happens to be occupying such premises should, in the absence of that soldier, be entitled to the same protection; because there would not be much sense in providing that if a soldier who was about to go on war service remained at home he would be entitled to protection but, if he went on service, his wife would not have that protection and could be evicted in his absence. The purpose of the amendment is to ensure, firstly, that the wives of certain protected persons mentioned in paragraphs (c) and (d) of Subsection (1) of Section 22 shall have the same protection as the husbands would have as long as they would have it and no longer; and, secondly, that any other dependants of such persons who are solely dependent upon them shall likewise have similar protection for the same length of time as the protected persons would have it.

The Minister for Lands: Six months after discharge.

Hon. J. T. TONKIN: Yes, that is so—for the same length of time and no longer. The protected persons so concerned are—

> (c) a person engaged on war service within any prescribed area outside the Commonwealth whilst so serving, and for such further or other period as may be prescribed;
>
> (d) a person who has enlisted in the Armed Forces or auxiliary services connected therewith of the Commonwealth for war service outside the Commonwealth and by direction of the particular service in which he is serving has left, or in the opinion of the Court will be required to leave, Western Australia to complete his training in another part of the Commonwealth prior to departure on war service outside the Commonwealth, while so serving.

It has been found in practice that that protection applies only to the persons named or for whom those categories provide, and that that protection does not extend to the wife of such protected person or any dependant, like his father or his mother or daughter, who might be solely dependent upon him. The amendment seeks to extend that protection to such dependants for such time and no longer than the Act provides that that protection shall be extended to the protected person. As that is quite in line with thought on this side of the House—that the protection should continue to be afforded to tenants who find it almost impossible to obtain alternative accommodation—we most heartily support the proposal, and all the more because it is quite possible that the persons concerned might be on their own or with only one child.

The Housing Commission today does not provide accommodation for two and three unit families that are evicted. It makes a distinction there and even though an eviction takes place under the existing Act, if it is the case of a man and his wife or a man, his wife and one child being evicted, the Commission declines to make accommodation available for them and informs such families that they are expected to make arrangements for themselves.

As can easily be seen, it is more likely than not that men who have enlisted will be young men. Such a man will probably have a wife and no children or a wife and one child, and if this protection was not afforded the wife or wife and child could be evicted and the Housing Commission would not undertake any responsibility for them. To prevent their being out in the street or in the greatest difficulty in obtaining accommodation this protection is most necessary, and I therefore support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and transmitted to the Council.

BILL — INDUSTRIAL DEVELOPMENT (KWINANA AREA) ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR INDUSTRIAL DEVELOPMENT (Hon. A. F. Watts—Stirling) [4.55] in moving the second reading said: Section 3 of the Industrial Development (Kwinana Area) Act, which was passed in March of this year, threw a blanket over all the land coloured green on the map attached to the Act, except the land required to enable the State to carry out its obligation under the agreement with the Anglo-Iranian Oil Co. The fact that there was an obligation to erect houses within two and a half miles of the refinery site was apparently overlooked when the Bill was drafted. That obligation is contained in Clause 4, subclause (n), paragraph (i) of the oil company agreement, as set out at the back of the Act also passed last March and numbered 1 of 1952. The Industrial Development (Kwinana Area) Act is No. 2 of 1952.

As houses both for the company and private persons, as well as other premises, will be built on the land to be set aside under this last mentioned obligation, it was never intended and is not desirable that the resumption should take place under different Acts, and that would be the effect of leaving the Act as it stands. The area to be exempted by this Bill from the provisions of the parent Act is therefore defined as being the land coloured red and green on the plans in the schedule to the Act dealing with the oil company's agreement, No. 1 of 1952, which will comprise the land designed for the company only.

It is also proposed in the Bill that Sections 6 to 10 inclusive, of the parent Act, No. 2 of 1952, shall not apply to land required for the purposes of town planning under the first schedule of the Town Planning and Development Act. Those purposes deal with streets, rights of way, parks, playgrounds, public conveniences, churches, schools, etc., in towns and the sub-division of land for such purposes. The provisions of Sections 6 to 10 of the Kwinana Area (Industrial Development) Act deal with allocations of land for purely industrial purposes and set up an advisory committee to recommend allocations to industry. In particular, Section 10 provides that the land so allocated shall not be sold or mortgaged without Ministerial consent.

Obviously such restrictions are neither necessary nor desirable in relation to land intended for the establishment of a township and hence the proposal in this Bill to exempt such land from the parent Act, while leaving land taken for industrial purposes fully subject to the Act—that is to say subject to Sections 6 to 10. The Land Act is to apply to such exempted land, if it is exempted by the passage of this Bill, and that will enable the various areas of land, on which it is intended to carry out the housing arrangements made with the oil company, to be reserved and the balance of that land, which will be town land for residential and shopping purposes, put up for sale and sold free of the restrictions of the parent Act.

The last portion of the Bill negates Section 15 of the Public Works Act, and that section is being negated to enable the land to be re-vested in Her Majesty after resumption so that it can become subject to the Land Act. Those are the reasons why it is desired to amend the Industrial Development (Kwinana Area) Act, No. 2 of 1952, and I think they are sufficiently plain from that explanation. I move—

> That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—CORONATION HOLIDAY.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

Debate resumed from the 27th November.

MR. W. HEGNEY (Mt. Hawthorn) [4.58]: There are one or two points in this brief Bill that I would like the Minister to clarify. A similar measure was

introduced last year in connection with the proposed Royal Visit, which unfortunately had to be postponed. The Coronation of Her Majesty is to take place on the 2nd June next year and the Bill, if passed, will grant employees in the State a public holiday. The Minister, when introducing the Bill, said—

> The Bill seeks to make provision not only for workers covered by awards and agreements of the Arbitration Court, but also ensures that those workers not covered by awards and agreements shall have the day treated as a public holiday.

The Bill, as drafted, clearly indicates that any employee working under an industrial award or agreement would be entitled to the holiday or to certain compensation if one had to work on that day. The relevant clause in the Bill commences as follows:—"Any Act or regulation." Under the Interpretation Act the word "Act" applies only to measures passed by the Western Australian Parliament. There are two classes of workers in this State who do not work under any industrial award or agreement laid down under the provisions of the Industrial Arbitration Act of Western Australia. They are employed under the terms of an award which is made in accordance with the provisions of the Commonwealth Conciliation and Arbitration Act. I refer principally to the men engaged in the pastoral industry.

About June there are approximately 1,200 workers engaged in the pastoral industry, including shearers, shed hands and cooks and also shearers who are employed on piecework but who work under an award. Under that award certain public holidays are provided. If the Bill is passed in its present form, will those workers be entitled to the special holiday? The other class of men I have in mind is the waterside workers employed at Fremantle, Bunbury and Albany who also work under a Commonwealth award. Will they also be entitled to come under the provisions of the Bill? A number of other employees, too, by the peculiarity of their vocation, their isolation, or by virtue of the fact that they have not become industrially organised, work under a contract of service. They are not covered by any industrial agreement or award and I think there is some doubt as to whether they will be entitled to the special holiday. The substance of the Bill provides—

> Any Act or regulation, or any award or industrial agreement for the time being in force pursuant to the provisions of the Industrial Arbitration Act, 1912-1952, or any other Act whether or not such Act, regulation, award, or industrial agreement provides for certain specified days or a certain number of days to be observed or treated as public, bank or public service holidays . . . .

That is the first relevant portion of the Bill. The second paragraph of that provision sets out—

> A person required by his employer to work on the special holiday shall—
>
> (a) be compensated for the work in accordance with the provisions of the relevant Act, regulation, award or industrial agreement for work on public, bank or public service holidays as the case may be; or
>
> (b) in the absence of any provision, be paid for the work at the rate of double time, or at the option of the employer, have one day added to his annual leave . . . .

As I have already said, there is a doubt as to whether a person working under a simple contract of service, or a Commonwealth industrial award or agreement is entitled to the holiday. I would like to clear up that point. Although such workers are not numerous, throughout the State as a whole there are quite a number who do not work under an industrial award or agreement. In some cases it might be their own fault but, in other instances because of their isolation, they have not been industrially organised. I would also like the Minister to bear in mind those men who are employed in shiftwork, and are forced by nature of their employment to work on Coronation Day, together with the pastoral and waterside workers. I would be pleased if the Minister would clarify the position of those workers on this proposed special holiday.

THE MINISTER FOR LABOUR (Hon. L. Thorn—Toodyay—in reply) [5.7]: When introducing the Bill I pointed out that it had been drafted on similar lines to the Royal Visit Bill. Also, discussions have taken place between representatives of the Employers' Federation, the Department of Labour and the Trades Hall. There is only one object behind the Bill and that is to give all workers a fair deal on this special holiday. Last week, by way of interjection, the hon. member asked me about piece workers. They will not get a paid holiday where such is not provided in their award but, if it is so provided, they will receive consideration the same as any other worker. The hon. member also mentioned men working in the pastoral industry and on the wharves. I have already stated that all States have brought down this legislation at the wish of the Commonwealth Government to provide for a special public holiday. Shearers, cooks and other workers in the pastoral industry come under a Commonwealth award and I presume that the Commonwealth Government would be taking steps to ensure that they will receive this holiday in the same way as employees working under a State award.

The waterside workers are similarly affected and therefore they all come under Commonwealth Government jurisdiction. I do not know that I can say much more because, as I have already stated, all parties have been consulted and the whole object of the Bill is that workers shall have a public holiday to celebrate the coronation of our Queen. Those that are compelled to work on that day will receive an extra holiday during the year or, if that is not possible, they will be paid double time for that day.

We all know that on any holiday, however broadly based it may be, some people must work to keep essential services going. I assure the member for Mt. Hawthorn that we are making an honest endeavour to treat everybody fairly and, should a case arise of an employee being unfairly treated by the application of the provisions of the Bill, the matter will be adjusted. There is no intention to put it over anybody. I appreciate the hon. member's inquiry about these various workers because he is anxious to ensure that their interests are looked after.

Question put and passed.

Bill read a second time.

In Committee, etc.

Mr. Perkins in the Chair; the Minister for Labour in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Effect of special holiday on other Acts, etc.:

Mr. W. HEGNEY: When I referred to the workers employed under the Commonwealth Conciliation and Arbitration Act I had a mind that the Commonwealth Government may—I do not know whether it will or not—act on a similar basis to the way the Western Australian Parliament intends to act. However, I interpret paragraph (b) of this clause to mean that only those who work under the jurisdiction of the Industrial Arbitration Act of Western Australia will be entitled to the holiday.

The Minister for Labour: I take it that those are the only people for whom we can pass legislation.

Mr. W. HEGNEY: The Minister said that the Bill proposed to make provision for workers, not only for those who work under an award or an industrial agreement, but also for those not covered by an award or industrial agreement. In view of the fact that there are many employees working under a contract of service, I was wondering whether he would object to including the words "or contract of service" in the clause.

The MINISTER FOR LABOUR: I would not like to see the Bill amended because it has been fully considered and discussed. As the member for Mt. Hawthorn has said, I stated that the Bill was based almost entirely on one which became an Act in 1951, when provision was made for a holiday for the proposed Royal Visit. At that time my remarks were to the effect that the Bill sought to make provision not only for workers covered by awards and agreements of the Arbitration Court, but also for those not covered by awards and agreements. If this Bill becomes an Act it will be the law of the country and these people must be provided for; they will have the right to claim that holiday. I hope that is clear. If the hon. member would allow the Bill to go through as it is, and let me have his query, I will have the matter investigated and if necessary have an amendment moved in another place.

Mr. McCULLOCH: The clause does not look good to me, either. We know there are many workers under awards and agreements, etc., who would not get the benefits of this provision. I refer to employees who are rostered and may have the day off on Tuesday, the 2nd June. We find in some establishments that workers who are not rostered to be off on a particular day will get an extra day added to the particular time. But the worker who is rostered to be off on that Tuesday will work the six days and get only six days pay. The other workers not rostered will work six days and get seven days pay. So there will be a large number of workers in that category who will get no benefit under the provisions of this clause. The same thing happened on V.P. day. Some workers on the Goldfields had been rostered off on that particular day—it changes from week to week—and despite a good deal of argument we were unsuccessful in getting those employees the benefits of that particular holiday. I feel the same thing will happen again.

The MINISTER FOR LABOUR: The hon. member refers to V.P. day. This Bill is drafted on different lines. I remember that when we discussed the Bill for a holiday for the proposed Royal Visit the same question arose regarding our domestics and nurses in hospitals. I think I can give the hon. member an assurance that it is provided for. We decided that where it was a man's rostered day off he would have it attached to his long service leave—that is as far as Government workers are concerned. I would ask the hon. member to leave the matter with me and I will have it clarified. If it cannot be adjusted then I am afraid there is nothing that can be done. If a man is unlucky enough to have that day as his rostered day off I would say it is just his bad luck. That is on the side.

Hon. J. T. Tonkin: On the nose.

The MINISTER FOR LABOUR: I did not say on the nose.

Hon. J. T. Tonkin: I did.

The MINISTER FOR LABOUR: The same question arose over hospital nurses and domestics. I will clarify the position, and if the hon. member still wants to pursue it he can have an amendment moved in the Upper House.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment, and the report adopted.

Read a third time and transmitted to the Council.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Returned from the Council without amendment.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Council's Amendment.

Returned from the Council with an amendment, which was now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Local Government in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

> Clause 9 page 4—To delete the word "subsection" in line 18 and substitute the word "section."

The MINISTER FOR LOCAL GOVERNMENT: The explanation is quite simple. The reference is to Section 71 in the Act, but inadvertently, in Clause 9, the Bill referred to Section 71 of the parent Act as "subsection." So obviously it was necessary to delete the word "subsection" and replace it with the word "section." That is all there is to it. I move—

> That the amendment be agreed to.

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

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

BILLS (2)—FIRST READING.

1, Medical Act Amendment.
Introduced by the Minister for Health.

2, Plant Diseases Act Amendment.
Received from the Council.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

Debate resumed from the 27th November.

MR. J. HEGNEY (Middle Swan) [5.25]: This Bill proposes to amend the Factories and Shops Act to enable it effectively to deal with what is commonly called the "Dust Nuisance" which pollutes the atmosphere outside workshops and factories. This nuisance is a continual source of irritation and inconvenience to many homes and persons in proximity to factories. As the law stands no power is given to deal with any external condition outside the curtilage of the factory. The Factories and Shops Act is, as its name implies, an Act to regulate and control the conditions of employees inside the factory. Should the amendment sponsored by the Minister be incorporated in the Act it will be interesting to see whether it can successfully withstand legal challenge in the courts.

The Minister in his introductory speech emphasised that this dust pollution nuisance had for some time become a real menace. During several parts of his speech he stated that numerous complaints had been made to the department over long periods. In another passage he refers to the frequent complaints over the past three years. Notwithstanding the Minister's ready admittance of the seriousness of the dust nuisance to the people concerned, it is unbelievable that he should have procrastinated until now before making any real attempt to give relief. If the nuisance is as serious as the Minister tells us—and no one denies that it is—why has he dallied until the dying hours of Parliament, and when the Standing Orders are suspended, to secure the passage of this Bill?

Two Ministers for Health and the Minister for Labour have had this problem actively before them during the past five years. Several deputations from the Belmont Park Road Board have waited on the Minister for Health. When the seriousness of the cement dust nuisance at Rivervale was ventilated some administrative moves would take place, but the final reply would be that they lacked power. There the matter ended. One would have thought that an attempt would have been made to secure the necessary power to tackle the problem. I am afraid that the vested interests they were dealing with were too powerful. I venture the opinion that if it had not been for the political sagacity of the Deputy Premier, when he heard me discuss the seriousness of the cement dust nuisance at Rivervale on the introduction of the Health Act Amendment Bill (No. 3), this Bill would not be before us now.

I listened with interest to what the Minister had to say and I have read his speech very carefully. I have tried to analyse the proposition sponsored in his Bill and I find, of course, that in substance it is the same as that contained in the amendment I submitted to the House in connection with the Health Act Amendment Bill (No. 3). There is no denying the fact that this is a real and serious menace, as the Minister for Labour admitted, and it is not only surprising but also almost unbelievable that he should have waited until the dying hours of the session before making a definite attempt to tackle the problem. I have correspondence to show that in the Belmont road district public meetings have been held from time to time to protest against the cement dust nuisance at Rivervale. Motions were carried urging that action be taken and opportunities were sought to wait on the appropriate authorities to whom the complaints could be voiced.

In several instances that I know of, deputations approached the Minister for Health and stated their case. My predecessor introduced a deputation to the then Minister for Health, who is now Attorney General, and the Belmont Park Road Board was concerned at the inactivity of that Minister. Beyond some visits being made to the cement works and some inquiries being made, nothing was done. On the 22nd February of this year, I introduced a deputation to the present Minister for Health when the Belmont Park Road Board representatives stated their complaints relative to the cement dust nuisance.

Hon. J. T. Tonkin: Did the Minister suggest to the deputation on that occasion that it was a matter for the Factories and Shops Department?

Mr. J. HEGNEY: I shall come to that in a moment. The Minister told the deputation that no power existed under the Health Act to deal with the nuisance and the deputation was referred to the Minister for Labour. I have been informed by the Belmont Park Road Board that from that time until the present, it has received no intimation of activity on the part of the Minister for Labour. Last year a protest meeting was held in the district and two motions were passed, one of which was sent to the Minister for Health and the other to the Minister for Labour. The only information received from the Minister for Labour has been an acknowledgment of receipt of the letter. No other contact has been made with the board.

Mr. Griffith: Are you of opinion that this Bill will have a beneficial effect?

Mr. J. HEGNEY: I wish to emphasise the seriousness of this problem. When speaking on another Bill, I pointed out that for nearly a quarter of a century, this trouble has been developing. In recent years the population in the surrounding areas has increased considerably, and the Minister sized up the position admirably when he described the nuisance as a real menace to the welfare of the people.

It has been contended that no power was available to the Minister for Health or the Minister for Labour to deal with the matter, and so this Bill seeks to provide the requisite power. The Minister is to be commended for having introduced the measure, even though its appearance is belated. He proposes to make an attempt under the Factories and Shops Act to deal with the nuisance. The point that I am concerned about is that the Bill revolves around a few words. The proposal is to amend Section 55 of the principal Act by adding the following words:—

> or where the Minister is of opinion that any gas, dust, fume or impurity generated in a factory interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not.

Thus the whole structure rests upon those words "whether employed in the factory or not." The Bill proposes to amend the Factories and Shops Act and the object of that Act is to safeguard the well-being of employees in factories. Consequently it will be very interesting to see whether, when action is taken under this measure, it can be challenged at law. I shall be glad to have an assurance from the Minister that my fears are groundless, but at this stage I believe that the Bill may prove to be ineffective.

Mr. Griffith: Are you going to support the second reading?

Mr. J. HEGNEY: The member for Canning will have an opportunity to speak and do something for the Belmont Park road district, a portion of which is in his electorate. If he is not aware of it, problems exist in his district and people are trying to find means by which the dust nuisance may be combated. So far as I am aware, the hon. member has not at any time risen in his place to assist to that end.

Mr. Manning: Are you opposing the Bill?

Mr. J. HEGNEY: I am dealing with the Bill and will also deal with the hon. member in a few moments. On the 25th September, 1951, the member for East Perth asked the Minister for Labour a series of questions about the ash nuisance caused by the cement works. The questions and answers were.—

> (1) Is he aware that, depending upon the direction of prevailing winds, people in the areas of East Perth, Rivervale and Victoria Park suffer from ash which emanates from the cement works at Rivervale?—

The Minister replied—

> (1) Yes, on certain occasions.

The next question was—

(2) Are there any electro-static precipitators or other devices installed in the smoke-stacks to minimise the nuisance?

The Minister replied—

(2) Yes.

The next question was—

(3) If so, is he satisfied these appliances are operating satisfactorily?

The reply was—

(3) Yes. The appliances are operating satisfactorily in collecting and taking the dust away from workers employed in and about the cement works.

The final question was—

(4) If not, will he have action taken at an early date to have the present state of affairs rectified?

The answer was—

(4) The Minister's power under the Factories and Shops Act is confined to to premises contained within the curtilage of the factory.

That was in September, 1951, and this is December, 1952, and only now in the dying hours of the session has the Minister brought down a measure for our consideration. When the Premier moved for the suspension of the Standing Orders, he indicated that a few more Bills might yet be introduced, not a great many, but now the Minister for Labour has submitted this Bill at a time when Standing Orders have been suspended and when we expect the session to end in less than 10 days.

The member for Canning was very insistent to learn whether I intend to support the second reading of the Bill. I do. I believe that the Minister is making an honest attempt to deal with the problem, but I am expressing doubt as to whether it will prove effective. From inquiries I have made, I believe it is questionable whether the measure could survive legal challenge. I know that some supporters of the Government are concerned about the question of excessive noises. It will be interesting to hear from the Minister how he proposes to deal with this matter because, as far as I have been able to ascertain, it is very difficult to define "noise." The intention is to widen the scope of the regulations and enable them to deal with nuisances of this type.

The proposed amendment to Section 55 lays down means for dealing with certain conditions in factories and this matter, too, is to be dealt with by regulations. These regulations must be published in a newspaper circulating in the area and made obvious to the persons concerned. Factory owners may lodge objections within 21 days and the Minister finally may sustain the regulations or accept amendments. If he sustains the regulations, he may refer the matter to a person or persons, so that the question in dispute will have to run the gauntlet of publicity and each case arising in the metropolitan area must be dealt with on its merits. When the regulations are gazetted, they will become effective and will be put into operation. That is the principal aspect of the measure.

There is no doubt, as I pointed out on another Bill, that this is a serious problem in my district, and I think the time has arrived when the Government should have discussions with the owners of the cement works at Rivervale with a view to having such works removed outside the city boundaries. The longer they remain where they are, the greater the menace they will become. Instead of allowing the Swan Portland Cement Works to go on spending money to increase its plant and improve its property, it would be better to establish a pilot plant somewhere else and, by a process of evolution, eventually have the cement works completely transferred beyond the city boundaries. This is a problem to which the Department of Industrial Development should address itself with a view to giving some relief.

About a month ago, the member for South Fremantle asked what would be the effect of a projected cement works in the new Kwinana area. He wanted to know whether the same nuisance would exist at the new township, estimated to have a population of 20,000, as exists in Rivervale. The reply was that Mr. Dumas, the Engineer-in-Chief, had been abroad and had visited the Rugby Cement Works in England, and had noted that there was no cement dust nuisance there. The reply indicated that a belt of greensward was around the works, and that altogether everything in the garden was lovely. If the dust nuisance can be arrested in England, and these conditions applied there, it is about time the same result was made to apply in Western Australia.

The dust nuisance at Rivervale is within three miles of the City of Perth, and it is a real menace to those living nearby, and also to those living further afield. On the 6th October, 1947, the health officer investigated the problem and made this report, a copy of which I took from the Belmont Park Road Board file—

Referring to the petition of the residents of the Rivervale-Belmont district and the opinion of the Deputy Commissioner of Public Health on Part 2 of Public Health file 385/46, I have to advise as follows:—

Investigation and general observation have been made of cement works in other parts of Australia. The largest cement works in Australia are

situated at Portland in New South Wales and are run on a dry process. Here the dust nuisance is extremely bad—much more so than at Rivervale —and officers of the New South Wales Department are endeavouring to improve the position. At Berrima there is a very large works run on the wet process and here the dust nuisance is reduced to a minimum and residents are not suffering from any marked nuisance. A factory with a large output also was visited at Geelong and this factory is comparable with the one in this State, and many of the improvements noted there could reasonably be adopted by the management of the Rivervale works which use the wet process.

Some of the petitioners have been interviewed and the conditions applying to their residences examined. Within one quarter of a mile of the Rivervale works there is a definite nuisance as a fine dust adheres to glass, windows, settles on window ledges, gutters, and tanks, and even adheres to the joists and bearers under verandahs. Gardens are also greatly depreciated.

Upon inspection and consultation with the management of the cement works I find that the following are the main subsidiary causes of the nuisance, etc.

The department there admits just how serious the nuisance is. In addition, there is a nuisance, in the way of noise, caused by the State Saw Mills, which recently bought a property in Archer-st., adjoining its present works in Carlisle. Some of the machines it has introduced there create a terrific noise. The people living in the residential area on the opposite side of the street complain bitterly as a result. Then, Westralian Plywoods—Cullity's—have a woodworks there where they burn green sawdust. When the wind is in a south-westerly direction, this burning sawdust is a definite nuisance to nearby residents, and some who are not so close to the works. The furnace burns sawdust, and there is definitely a smell coming from it.

In another portion of my district—between the Bayswater and the Perth Road Board districts—is a spotmill, and the dust coming from it is almost unbearable; so much so that residents in the vicinity complained bitterly about nothing being done. I took the matter up with the local authorities, and they said they had no power to do anything. However, they in turn took the matter up with the Health Department, which said it could do nothing further. I then got in touch with the Factories and Shops Department and implored it to send someone out to see whether it was possible to do something to abate the nuisance. These things should not occur in close proximity to decent residential areas.

In the city itself we have the problems which arise from the gas works and the power house, and also from Whittaker's in Subiaco. In addition, in Main-st., Mt. Hawthorn, I found, when I was with the State Housing Commission, a nuisance problem because of a sawmill which was there. The Cuming Smith super works, which are in the district represented by the member for Guildford-Midland, and Cresco's, which are in my electorate, create a problem from time to time. As the Minister pointed out, because of the development of industry in Western Australia, the Government feels it is time these problems were tackled and I support it on the issue of solving them. I am anxious to do the best I can for the benefit of the people, and to minimise and abate this nuisance. I know from the Minister's own supporters that this problem has been an issue, and they have tried to solve it but, because of lack of power, they have had to let it slide. It has been said that power is contained in the Municipal Corporations Act.

Some time ago, I read a letter which the town clerk of the City of Perth had written to the Belmont Park Road Board, wherein he said that they had referred the problem of the cement dust nuisance to their solicitor, and the advice they received was that they had no power to do anything. I understand that under the Road Districts Act some local authorities have gazetted bylaws to deal with specific problems in their own districts, but the secretaries of the road boards to whom I have spoken have been doubtful whether the bylaws would withstand a challenge. Consequently, the problem comes back to the Legislature, so it is our bounden duty at this stage of our development to deal with it in the best way possible. Whether this amendment is the best way to deal with it, or whether it would be better dealt with through the Health Act, or whether there is some other alternative, time will tell.

It is possible, with all these problems, that a special Act could be introduced to deal with them by setting up an expert authority to whom they could be referred for investigation and decision, and to which the local authorities and the representatives of the people could go from time to time. I realise that under the Bill the Minister is seeking power, but there are certain limitations in it. We cannot expect a company or a factory, which is battling, to spend a great deal of money in trying to mitigate a nuisance of this kind, but we could go along step by step until we had succeeded in abating it. Whilst we desire to establish industries in this country, we do not wish that their activities should be injurious to the pub-

lic health. I have explained what the amendment purports to do, but whether it will be effective only time can tell.

I propose to support the Bill because it is an attempt to do something, but I cannot see any reason why the Health Act should not be amended as well, so that it would contain power to deal with the problem at this stage. The Factories and Shops Act deals with the position inside a factory as it provides, by Section 61 (1) (c), that—

> A factory or any portion thereof shall be ventilated so as to render harmless, as far as practicable, all the gases, vapours, dust and impurities generated therein, and in the opinion of the Chief Inspector, injurious to health.

The Health Act contains a like provision. Whilst it might be said that the Bill which I introduced does not go far enough, or is not sufficiently severe, I point out that the Act sought to be amended by the Bill under discussion contains this provision at the end of Subsection (1) of Section 56—

> And thereupon the Governor may make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

Much the same kind of phraseology is contained in my Bill. I cannot see that the Minister's Bill goes any further than the one I submitted to the Chamber a month or five weeks ago.

The Minister for Labour: Does this measure cover the points you want covered?

Mr. J. HEGNEY: It deals with a like subject, but the point is whether the matter can be dealt with effectively by the Factories and Shops Act. Some people contend that the Health Act has much more force than the Factories and Shops Act but time alone will decide that aspect in connection with this phase. As the Bill attempts to do something as regards this problem, and as the Minister admits that it is a real menace, I propose to support this measure.

HON. J. T. TONKIN (Melville) [6.0]: It is inevitable that in the development of every industrial town a time will arise when it is necessary to give some attention to the amendment of legislation to deal with nuisances which must occur. Because of the industries which have been growing in Western Australia, and in the metropolitan area particularly, it was to be expected that these nuisances would occur and commence to cause trouble and inconvenience to large sections of the community. We all know that for some years now people have been complaining about these nuisances which have continued. They have complained about the smoke which comes from factory chimneys and the effect that smoke has on their houses and gardens; they have complained about the dust which has come from certain manufacturing processes and they have complained very loudly, but so far without avail.

I would say that it is almost certain that the Department of Public Health has, for some months past, if not for some years past, been giving consideration to this question because to me it is a public health question and not a factories and shops matter. The Factories and Shops Act makes provision for dealing with conditions inside and about a factory; the conditions of employment, the health of the factory workers and provision with regard to rates of pay, holidays and the like. The health of the community, away from factories, is a matter for the Public Health Department; the Minister needs power to take quick action. Because of my experience of what goes on in government circles I would be certain that the Commissioner of Public Health, and the officers of his department, have for some months past been giving consideration to what ought to be done to deal with the present situation which, to say the least of it, is most unsatisfactory. Therefore it amazes me to find this matter brought to Parliament by the Minister for Labour instead of the Minister for Health.

Because that surprised me I looked for some explanation and I found that the member for Middle Swan gave notice of a Bill to amend the Health Act on the 14th October. He had no opportunity to get his Bill dealt with quickly because it was well down the notice paper, and was kept there although other private members' business was brought forward. Five weeks afterwards the Minister for Labour introduced a Bill to amend the Factories and Shops Act and it purports to do what the Bill introduced by the member for Middle Swan intended to do. That is remarkable, to say the least. This is a matter which should not be tinkered with and in my opinion it can be comprehensively handled only by the Government. A private member, however determined he might be to have a remedy effected, has not the facilities or the expert advice at his command to enable him to frame a comprehensive measure, and the most such a private member can do is what the member for Middle Swan has attempted to do—bring down a simple amendment which is designed to deal with the worst problems brought under his notice.

I have examined his amendment very carefully and I see decided weaknesses in it. It will deal only with a small portion of the problem. I have examined the Minister's Bill and to me it is not worth anything. As many complaints have been received over the years it is obvious that a comprehensive amendment is required

to deal not only with the difficulties that have already arisen but also those which are certain to arise when we get industries like Anglo-Iranian, the cement works and others which will follow. Why is it then that in the dying hours of the session the Government brings down an amendment to the Factories and Shops Act, which is not a comprehensive amendment and can result in no action being taken to abate the nuisance? I think I will be able to show, without any doubt, that that is so. If we take what the Minister said as being the true position, the Bill was introduced—and I quote his words—"as a result of numerous complaints over a long period."

The Minister for Labour: The member for Middle Swan said 25 years.

Hon. J. T. TONKIN: But that is not what the Minister said.

The Minister for Labour: The member for Middle Swan said that.

Hon. J. T. TONKIN: We will see what the Minister had to say.

The Minister for Labour: I would like to know that.

Hon. J. T. TONKIN: It is hard to believe that, if numerous complaints over a period of years have been received, a Bill, which is not worth anything, should be introduced. If there had been numerous complaints over a period of years, one would have thought something worth while would have been introduced. The Minister went on to say—

> This problem has become a real menace as so many smaller factories are creating dust piles.

It is a real menace and yet the Minister introduces a Bill such as this. We will see how this measure will deal with the problem. It is no use the Minister trying to point out now that these complaints have been made over a period of 25 years.

The Minister for Labour: The member for Middle Swan said that.

Hon. J. T. TONKIN: Are we to believe that the member for Middle Swan stated the position as it exists and that the Minister did not state the true position? Or did the Minister give us the correct position?

The Minister for Labour: I would advise you to believe me.

Hon. J. T. TONKIN: Very well! Does the Minister believe himself?

The Minister for Labour: I do. I have great faith in myself.

Hon. J. T. TONKIN: The Minister said—

> Complaints have been frequent over the last two or three years.

The Minister himself has determined the period which ought to be under consideration and he went on to say—

> This Bill seeks to give the Minister power to provide protection for persons in areas distant from factories.

I ask you, Mr. Speaker, should a Bill which is designed to provide power to protect persons in areas distant from factories be introduced to amend the Factories and Shops Act? It is ludicrous. Power to protect people in areas distant from factories ought to be in the Health Act.

The Minister for Labour: The Factories and Shops Act has application over the whole State.

Hon. J. T. TONKIN: Only for factories.

The Minister for Labour: Yes.

Hon. J. T. TONKIN: It deals with conditions in factories.

The Minister for Labour: And in shops, too.

Hon. J. T. TONKIN: The Minister said—

> The present position is that safeguards are provided only for persons employed in factories.

And one would expect that a Factories and Shops Act would indeed provide for all things in connection with factories and shops—inside such factories and shops and round about them. When we come to provide for the health of persons in areas distant from factories, what has that to do with factories? People in distant areas might be suffering inconvenience as a result of processes carried on in mines, but this amendment to the Factories and Shops Act would not give power to deal with a problem such as that. Are those people to go on suffering those nuisances? If the Health Act were amended we could deal with these nuisances no matter where they were created, how far they were from factories or whatever created them. I suspect that there is some hidden hand in this business.

The Minister for Labour: It is not the Black Hand anyway.

Hon. J. T. TONKIN: It is pretty grimy.

Mr. Graham: It is aimed at the hand of the member for Middle Swan.

Hon. J. T. TONKIN: I suspect that some strong influence has caused the Government to bring in this amendment without any real intention of doing much under it, but to prevent the enactment of the amendment introduced by the member for Middle Swan. This measure will suggest to the people that the Government intends to do something but it will result in very little being done as I will show in a moment. The Minister said—said—

> It will be realised that at present this State is making great progress in industrial development, and I think the time is now opportune for the Government to have further power and authority to deal with these nuisances.

The Minister for Labour: Now you are getting to the root of it.

Hon. J. T. TONKIN: Having that opinion the Minister introduced this Bill. This measure will give power for the Minister to take some action if regulations are made and after they are made and having regard to these things—

> or where the Minister is of opinion that any gas, dust, fume, or impurity, generated in a factory, interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not, he may certify the gas, dust, fume, or impurity to be a nuisance under this Act.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. T. TONKIN: Before the suspension I was quoting from the amending Bill to show the additions it is proposed to make to the Factories and Shops Act. One addition refers to the position—

> where the Minister is of opinion that any gas, dust, fume, or impurity generated in a factory interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not, he may certify the gas, dust, fume, or impurity to be a nuisance under the Act.

Having had it certified to be a nuisance, the Governor thereupon may make such regulations as appear to him to be reasonably practicable and to meet the necessities of the case. Before the Governor makes any regulations under this section, the Minister—and this is the next proposed addition—

> Having regard to such related matters as he thinks fit but having regard in any case to such expenditure, such local conditions and such circumstances as are reasonably likely to be involved in the application of the regulations, shall consider the draft of the regulations.

To me that seems more like an attempt to find an excuse for not doing anything rather than providing means by which something can be done. It would seem to me that once it becomes established that something was occurring that was injurious to the health of people away from a factory, the Minister should not have regard to these extraneous matters at all, but the Public Health Department should get busy and do something. That is my view of the situation.

The Minister for Labour: That is the view of the Public Health Department, because you are putting up what it told you.

Hon. J. T. TONKIN: Who has told me what?

The Minister for Labour: Yes, that is so because that is what it put up to you.

Hon. J. T. TONKIN: Who put it up to me?

The Minister for Labour: The Public Health Department. You are quoting what the officers said almost word for word.

Hon. J. T. TONKIN: I do not know what is actuating the Minister nor do I think he knows what he is saying.

The Minister for Labour: You are putting up the department's arguments.

Hon. J. T. TONKIN: Is there anything surprising in that, if it is the logical conclusion to reach?

The Minister for Labour: That is your opinion.

Hon. J. T. TONKIN: As it is the logical thing to do, it is no wonder that it is the department's point of view. I want to tell the Minister that the Health Department has not communicated with me in any shape or form in this matter. I tell him that and look him straight in the eye.

The Minister for Labour: All right, you have told me.

Hon. J. T. TONKIN: The Minister's interjection confirms my suspicion that the Public Health Department would, if left alone, have done something in this matter. However, some stronger power has taken it out of the hands of the Health Department and has decided to amend the Factories and Shops Act.

The Minister for Labour: That is plain enough. We are amending the Factories and Shops Act.

Hon. J. T. TONKIN: I know, but the Minister should not do it. Will the amendment deal with a nuisance that might be created by a mine?

The Minister for Labour: There are inspectors of mines to deal with that.

Hon. J. T. TONKIN: They have no authority to do that.

The Minister for Labour: Of course they have.

Hon. J. T. TONKIN: They have not the power.

Mr. Moir: None at all.

Hon. J. T. TONKIN: If anything should occur in connection with a mine that would spread fumes to the inconvenience of the general public or to the detriment of the people's health, under this amendment in the Minister's Bill no possible action could be taken, because a mine is not a factory or a shop. If this applied to the Health Act, action could be taken. Years ago the Health Act contemplated action of this nature because it prescribed power to deal with nuisances. Section 182 of that Act commences as follows—

A nuisance shall be deemed to be created in any of the following cases:—

I do not propose to quote the lot but only those that I think have sufficient relevancy to the present proposal. The section contains the following—

(3) Where there exists an accumulation or deposit which is offensive or injurious or dangerous to health.

(7) (b) is so unclean as to be offensive or injurious or dangerous to health; or

(c) is not with regard to the inmates sufficiently supplied with fresh air; or

(d) is not so ventilated as to render harmless, as far as practicable, all gases, fumes, dust, or other impurities generated in the course of the work carried on therein.

The Minister for Labour: Inspectors of mines do that, do they not?

Hon. J. T. TONKIN: This is under the Health Act.

The Minister for Labour: Do not inspectors of mines do that?

Hon. J. T. TONKIN: No.

Mr. Moir: They have not the power.

The Minister for Labour: At any rate, they have got on very well over the years.

Mr. Moir: I will tell you something about that.

The Minister for Labour: Very good.

Hon. J. T. TONKIN: Then there is the following—

(9) Where an offensive trade is so carried on as to be dangerous or injurious to health or unnecessarily offensive to the public.

When any of these things are occurring, this is the action that can be taken under the Health Act—

Any such nuisance may be abated and dealt with under any of the provisions of this Act applicable for the purpose:

Provided that in summary proceedings under this Act as hereinafter provided, it shall be a sufficient defence if the defendant satisfies the justices—

(a) In the case of an alleged nuisance under Subsection (3) of this section, that the accumulation or deposit is incident to the reasonable and proper carrying-on of a trade. . . .

and so it goes on. The whole intention of the Health Act is not to delay in taking all the circumstances into consideration but to give power to the Commissioner of Public Health to get busy right away. Next I quote from Section 183—

If an inspector or other officer is satisfied that the nuisance exists, and that immediate action for its abatement is necessary in order to check or prevent the spread of infectious disease, he may act under Section 260, and in such case the provisions of that section shall, mutatis mutandis, apply, and the provisions of the next following section shall not apply.

Then Section 184 reads—

Subject as last aforesaid, any nuisance may be dealt with in manner following, that is to say:—

(1) On the report of any inspector or other person that the nuisance exists on any premises, the local authority may, and, if the Commissioner so requires, shall, by requisition to the owner and occupier of the premises, require them to abate the nuisance in the manner and within the time specified in the requisition.

I ask you, Mr. Speaker, to compare that provision with what is contained in the Minister's Bill. If an inspector or some other person reports that a nuisance exists, then immediate action can be taken to cause the nuisance to be abated—and that is as it should be. If the health of the people is being seriously affected, the matter should not go to the Minister so that he can think about making regulations if he has to give consideration to particular circumstances. If something is occurring, and is against the interests of public health, power should be provided for the Public Health Department to get busy immediately, and see that the Health Act contains power to have the nuisance abated.

The member for Middle Swan has attempted to make provision in the Health Act for the inclusion of an additional nuisance which could be dealt with in the same summary manner, as is provided in the Health Act for dealing with those nuisances already specified. Instead of that, we get this proposition of the Minister which I say is designed to find excuses for not doing anything rather than to provide power to do something. Let us study the matter again. Before the regulation can be made to deal with the nuisance, the Minister must have regard to "such related matters as he thinks fit." What is all that? What are the related matters that he may think fit? Having regard in any case to such expenditure, such local conditions and such circumstances as are reasonably likely to be involved in the application of the regulation—the Minister shall consider a draft regulation.

I repeat that that to me seems deliberately designed to provide all possible reasons and excuses for not taking action. It looks to me more like protection for the business which may be causing the inconvenience than protection for the people who are suffering as the result of a nuisance. If it is protection for the public, in the circumstances the Public Health Department should be able to take action immediately and cause the nuisance to be abated. But if it is desired to give consideration to a number of related matters that might be submitted by the proprietor of some business which does not want some action taken—

The Minister for Labour: Or some member. You have a lot of factories in your area.

Hon. J. T. TONKIN: How do I come into it?

The Minister for Labour: You might make representations on behalf of a company.

Hon. J. T. TONKIN: The member for the district would have no power with regard to the taking of action to protect the general public, and I cannot imagine there would be many members who would take action in the interests of a company against the interests of the general public who were suffering as a result of the nuisance or inconvenience being caused. If there are any such members, I have yet to meet them.

The Minister for Labour: It might be something of an irritating nature.

Hon. J. T. TONKIN: Might it? Let us deal with the cement works. That has been creating a definite nuisance for some years in the vicinity, and the people residing there are suffering as a result.

The Minister for Labour: For the last 25 years, according to the member for Middle Swan.

Hon. J. T. TONKIN: Suppose some action were contemplated to deal with this nuisance. Is it likely that the member for the district would listen to the company, or would he listen to the people? I think the answer is obvious. But the Minister would listen to the company if the pressure were strong enough.

The Minister for Labour: Would I?

Hon. J. T. TONKIN: I am afraid so.

The Premier: You would probably have to if it meant the closing of the industry and the putting of large numbers of men out of work.

Hon. J. T. TONKIN: If the public health were involved we would have to close the industry. Would the Premier say, "Let people suffer and die because industry has to go on"?

The Minister for Labour: Why did you not close the cement works?

Hon. J. T. TONKIN: That cannot be done. What would be done would be to oblige the company to take remedial action. It is just too foolish to say that the continuance of industry and the continuance of profits are to be paramount to the well-being of the general community. That is a strange outlook. Is that the reason why this amendment is being put in this way?

The Minister for Labour: Of course, you are saying that; we are not. Do not try to turn it round.

Hon. J. T. TONKIN: I am not. I am saying it and making no apology.

The Minister for Labour: We never said it.

Hon. J. T. TONKIN: What?

The Minister for Labour: That we would look after the interests of the company and not of the public health.

Hon. J. T. TONKIN: The Premier said something in that direction.

The Premier: I did nothing of the sort! Do not be too political in every remark you make.

Hon. J. T. TONKIN: Will the Premier repeat what he said?

The Premier: You know what I said.

Hon. J. T. TONKIN: Let the Premier repeat it.

The Minister for Labour: Do not repeat it.

Hon. J. T. TONKIN: No, do not repeat it!

The Minister for Labour: Why should he?

The Premier: I said that you would think, too, before you closed down a factory and put people out of work.

Hon. J. T. TONKIN: That is exactly what the Premier did say.

The Premier: You would, would you not?

Hon. J. T. TONKIN: I followed that up by saying that the interests of the general public would have to be paramount and if it meant their welfare against a particular industry, the industry would have to be closed down.

The Premier: I did not disagree with that.

The Minister for Labour: No. The health of the people comes first. We agree.

Hon. J. T. TONKIN: If the health of the people comes first, the Health Act should be amended to provide the power for the Public Health Department to act with regard to this nuisance as it can with regard to others.

The Minister for Labour: Under the Factories and Shops Act they are looking after the health of the workers all the time.

Hon. J. T. TONKIN: In his second reading speech the Minister said that this was to deal with areas distant from factories.

The Minister for Labour: That is right.

Hon. J. T. TONKIN: What has that to do with factories?

The Minister for Labour: A lot.

Hon. J. T. TONKIN: It has nothing to do with it.

The Minister for Labour: We were talking about health matters, and I said that the factories and shops inspectors look after the health of the people.

Hon. J. T. TONKIN: Yes, in factories; not outside.

The Minister for Labour: And are quite capable of looking after health matters outside of factories.

Hon. A. R. G. Hawke: They have not the power.

The Minister for Labour: We are giving it to them.

Hon. J. T. TONKIN: What would the factories and shops department know with regard to the effect on the health of the people of something in areas distant from factories? Whatever information the inspectors obtained they would have to get from the Health Department; that is where the experts in these matters are those who are safeguarding the health of the people. It seems to me that if any department is equipped to take the necessary steps to safeguard the health of the public it is the Public Health Department and not the department administering the Factories and Shops Act. It would seem to me that in making up its mind to introduce the amendment in this way, the Government has had two purposes in view—firstly, to prevent the member for Middle Swan from securing the amendment he sought to obtain.

The Minister for Labour: Which you said would not do the job.

Hon. J. T. TONKIN: No, I did not say that. What I said was that a comprehensive amendment to the Health Act was necessary to deal with all the aspects which have arisen in recent times.

The Minister for Labour: Did you not say you regretted the amendment of the member for Middle Swan would not fill the bill?

Hon. J. T. TONKIN: Yes, I believe I said it would not fill the bill. I did not use those words, but that is what it amounted to. What I said was that this requires a comprehensive amendment such as could only be prepared by the Government officers who have the necessary records, data and experience.

The Minister for Labour: That is right.

Hon. J. T. TONKIN: And it therefore requires a more comprehensive amendment than could be achieved by any private member.

The Minister for Labour: That is right.

Hon. J. T. TONKIN: Then I went on to say that the amendment introduced by the member for Middle Swan would deal with the particular aspect that has been worrying him and his people, and would deal with it more adequately than would the Governmen's amendment because if his amendment is inserted in the Act there will be some power—although I admit it will be difficult to take action because of vagueness in the phraseology —under which action may be taken; and if it were found in practice that the amendment was not sufficiently strong, it would be a comparatively simple matter to get additional power to put it right. But the way the Minister is attempting to do it provides an opening large enough to drive a horse and cart through, and will enable any influential company opposed to taking action, to delay action for a considerable time, if not completely to evade it. Whoever heard of wording such as this intended to convey power to do something? I propose to read it again. Before these regulations are made, the Minister shall have regard "to such related matters as he thinks fit." Is there anybody who could give a definition of what matters would be embraced in that? The provision continues—

> but having regard in any case to such expenditure, such local conditions and such circumstances as are reasonably likely to be involved in the application of the regulations shall consider the draft of the regulations.

That seems to me to be deliberately designed to make it possible to evade taking any action whatever. I can well imagine that any influential company such as the cement works, for example—that is the obvious example that springs to the mind of anybody—

The Premier: What about the East Perth power house?

Hon. J. T. TONKIN: That is not creating anything like the nuisance that these works create. Suppose we take the cement works! I can imagine that if there were a fair amount of expense involved and the company did not want to take any action, it could wait upon the Minister and make it extremely awkward for him, especially if it contributes to party funds.

The Premier: A nasty little insinuation!

Hon. J. T. TONKIN: I believe it does.

The Premier: You can't be beaten. You are a champion. There is no doubt about you.

Hon. J. T. TONKIN: I believe it does. The Premier would not deny it.

The Premier: I neither deny nor confirm it.

Hon. J. T. TONKIN: Of course the Premier will not!

Hon. A. R. G. Hawke: He is perfectly neutral.

The Minister for Labour: How do you sleep at night?

Hon. J. T. TONKIN: The only type of interjection the Minister can make is of a sneering sort.

The Minister for Labour: And you make innuendoes.

Hon. J. T. TONKIN: Do I? I do not. I make straight-out charges.

The Minister for Labour: About probable bribery and corruption.

Hon. J. T. TONKIN: Straight-out charges!

The Minister for Labour: You said that the cement company could bribe this Government by contributing to its political funds.

Hon. J. T. TONKIN: I never said that.

The Minister for Labour: You did.

Hon. J. T. TONKIN: I did not.

The Minister for Labour: I leave anyone to judge.

Mr. SPEAKER: Order! Interjections must cease.

Hon. J. T. TONKIN: I do not mind repeating what I said. I said this company might be a contributor to party funds.

The Minister for Labour: And bring pressure to bear.

Hon. J. T. TONKIN: Yes. It might be a contributor to party funds and could wait upon the Minister and make it extremely difficult for him.

The Minister for Labour: Exactly!

Hon. J. T. TONKIN: That is the truth. Of course it could!

The Minister for Labour: That is what I said you said.

Hon. J. T. TONKIN: Of course it could!

The Minister for Labour: Yes, that is exactly what you said.

Hon. J. T. TONKIN: Such things have happened before. Do not forget that the Black Diamond leases were given back because of pressure.

The Minister for Labour: Were they?

Hon. J. T. TONKIN: Yes; they definitely were.

The Premier: We have had an election since then.

Hon. J. T. TONKIN: That does not alter the fact.

Hon. A. R. G. Hawke: We will have another shortly.

The Minister for Labour: Have you had party funds from big business?

Hon. J. T. TONKIN: Yes.

The Minister for Labour: Too right you have!

Hon. J. T. TONKIN: That surprised the Minister, did it not?

Mr. SPEAKER: Let us get back to the Bill.

Hon. J. T. TONKIN: The Minister will not find me hedging. Do not worry about that.

The Premier: Are you getting much this time?

Hon. J. T. TONKIN: I am stating what is obvious.

Hon. A. R. G. Hawke: We will not need much this time.

The Premier: You will need all you can get.

Hon. J. T. TONKIN: This is designed deliberately to provide opportunity for not taking action. If this Bill had not been coming on tonight, I would have put some questions on the notice paper addressed to the Minister for Health. I would have asked her if her department had taken any steps whatever to introduce legislation to deal with this matter. I would further have asked her what was the date when the Health Department decided it would not take any action concerning it. I would have directed a question to the Minister for Labour asking him what was the date that the Crown Law Department was asked to give consideration to drafting a Bill such as we have here. If I had the answers to those questions, I might be able to say a lot more than I have said.

Mr. SPEAKER: The hon. member has two more minutes.

Hon. J. T. TONKIN: I am aware of that; it will be sufficient. I say in conclusion that it is a most remarkable set of circumstances which results in an amendment of this nature being made to the Factories and Shops Act to deal with areas distant from factories which normally are dealt with under the Health Act. I say furthermore that it will take a lot of justification on the part of any lawyer, and a lot of explanation to show how this amendment in the Minister's Bill can be used for the purpose of protecting the people and not protecting big businesses that might be creating nuisances. I leave that to the judgment of members. Let them read the Health Act and the Minister's amendment and make up their minds whether the Minister's amendment is a sincere attempt to take power to deal with this nuisance. As the Government will afford no opportunity for discussing the amendment of the member for Middle Swan, I am bound to vote for this amendment of the Minister in the hope that the

power might be utilised by someone, but I am of the firm conviction that it was not introduced for the purpose of dealing with nuisances at all, but rather to find reasons to avoid taking action.

MR. MOIR (Boulder) [8.1]: I have listened with great interest to the debate on this Bill because there exists, on the mines at Kalgoorlie and Boulder, a set of circumstances about which people in areas adjacent to the mines have complained bitterly for years. I am satisfied that the Bill will do nothing to help those people. The trouble there is caused by sulphur fumes escaping from the smoke stacks of the mines. The people principally affected are the children at the Eastern Goldfields High School, which is barely a quarter of a mile from an ore treatment plant which has a low smoke stack. Most of the plants on the Golden Mile have stacks about 200 ft. high and I think 212 ft. 6 in. is the highest. This particular plant has a very low stack and when an easterly breeze is blowing the fumes are taken directly into the Eastern Goldfields High School.

The Minister for Labour: Have you ever asked them to do anything about it?

Mr. MOIR: Yes, on many occasions. Not only the people who reside adjacent to that stack, but local bodies such as the Eastern Goldfields High School Parents and Citizens' Association have approached everyone they could think of in an endeavour to have something done about the fumes. In the first place they approached the company and suggested that raising the height of the smoke stack might help by carrying the fumes higher into the air before discharge. I am not certain of the facts, but I understand that the reply of the company was that the aviation authorities would not permit them to make the stack any higher. I believe that the association also approached the Health Department. I understand that they wrote to the Minister for Health.

The Minister for Health: I do not think so; at all events, not in my time.

Mr. MOIR: That may be so, but I do know that they have approached everyone that they thought might be able to do something in the matter. People living in that area are subjected to the fumes at all hours of the day and night. Two years ago when I was an official of the A.W.U. complaints were received from the workers at one mine, who said that their clothes were being burned by sulphuric acid dropping from the smoke stack on still days. On inquiring it was found that men working about there had their clothes peppered with the acid with the result that the fabric just rotted. Cars parked adjacent to the mine had the duco burned off them and people living in the area found their verandah blinds burned. When I complained to the officials of the mine they said, "Tell us how we can stop it. We get into trouble from our wives when we go home because they say the clothes are being burned on the clothes line."

I have seen no medical evidence on the question, but it is easy to imagine that acid which will burn clothes, or the duco from cars, would certainly be injurious to health. When the member for Melville was speaking the Minister for Labour interjected and said that in his opinion the mines inspectors could deal with the nuisance. They cannot. They are appointed under the Mines Regulation Act and work under it and there is no authority in that legislation empowering a mines inspector to do anything about a nuisance of this kind. Those inspectors have all sorts of power to deal with dust, bad ventilation and so on, but none to deal with this kind of thing. When we received complaints about this sort of thing from union members on the mines we went to the Mines Department in Kalgoorlie and complained to the chief inspector, who then pointed out to us that the department had no power under the Act to do anything about it.

The authority of the department is limited to mining leases and it can do nothing about anything that happens other than on a lease. I was interested when the member for Middle Swan brought his Bill down because I believed that it would make provision for dealing with circumstances such as I have outlined, but I am satisfied that under the present measure nothing could be done in that direction, because mines do not come under the Factories and Shops Act. That is why this measure will not enable us to do anything to mitigate these nuisances.

The Minister for Labour: The amendment would give full power.

Mr. MOIR: I have examined the amendment and do not think it would have that effect and, in any event, if a mining company made representations to the Minister and pointed out the difficulties that could easily be conjured up he might not say that they had to do something to do away with the nuisance.

Hon. A. R. G. Hawke: The Minister is quite wrong.

Mr. MOIR: I am sure he is, and that the Bill would not empower anyone to do away with a nuisance of this sort on the mines. We have heard mention in this House of the possibility of mining companies recovering the sulphuric acid that is given off in the fumes, but we have been told it is too costly. Some years ago, when it was known that a certain amount of gold was going off into the atmosphere in the dust from the roasters the mining companies soon found apparatus that

would save a considerable portion of that gold, because it paid them to do so. No commercial organisation, whether a sawmill, cement works or anything else, when it is creating a nuisance of this kind, is anything but reluctant to put in expensive machinery to prevent the nuisance. They are not concerned about anything that is non-profit earning and are reluctant to spend money in such directions unless they are forced to.

The Premier: I do not think that is the case with many factories today. When we see the amenities that are provided I do not think there is any desire on the part of the companies not to spend money where necessary.

Mr. MOIR: What does the Premier mean by "amenities"?

The Premier: I have seen factories providing lawns, gardens and seats, for instance.

Mr. MOIR: I have seen them growing geraniums around the plant on the mines.

The Premier: I believe many managements today have a genuine desire to improve factory conditions.

Mr. MOIR: That is not our experience with the goldmining companies. There are some exceptions, but in the great majority of cases they provide only such amenities as they are bound to under the Mines Regulation Act or awards of the Arbitration Court. I have seen little plots of grass or a few flowers around some factories in the metropolitan area, It may be that I have a bad mind, but I think they might have spent that money to avoid taxation.

The Premier: I do not think that is so.

Mr. MOIR: Perhaps not.

The Premier: I do not think you have a bad mind, either.

Mr. MOIR: Then let us say "a practical mind." I am sorry the Bill will not remove the disabilities that these people on the Goldfields are suffering. While an adult can put up with such a nuisance it is very hard on children and the effect of these fumes at the Eastern Goldfields High School is such that the children sometimes are ill and cannot continue with their work. Anyone who has had experience of sulphur fumes knows the discomfort they can cause and the fits of coughing that they can bring on. People who are susceptible to the fumes find them very distressing and I can imagine that anyone who is subject to any quantity of such fumes might well find them detrimental to health. These fumes contain acid that is strong enough to burn one's clothes or to burn the duco or hood off a car. I am sorry that the Bill has been introduced to supersede that brought down by the member for Middle Swan.

HON. A. R. G. HAWKE (Northam) [8.15]: Whilst the member for Boulder was speaking, the Minister, by way of interjection, told us that the Bill would enable the officers of the Factories and Shops Department to deal with a nuisance or menace to which the member for Boulder referred, but, of course, the Bill would do nothing of the kind.

The Minister for Labour: Would not the Bill deal with a mine from which sulphur fumes emanated?

Hon. A. R. G. HAWKE: No, because it would not be a factory. The definition of the term "factory" is very limited. If the Government continues with the idea of amending the Factories and Shops Act in an endeavour to deal with the problem, it will be tackling it in a piece-meal manner, which is always unsatisfactory. If the Government had approached the subject properly it would either have supported the Bill introduced by the member for Middle Swan or it would have itself brought down a Bill to amend the Health Act. A Bill to amend the Health Act would have universal application and would meet all needs, whereas a measure passed to amend the Factories and Shops Act would have the most limited application, as I will show when I quote the definition set out in the Factories and Shops Act of what is not a factory. That part of the Act reads as follows:—

> But the term "factory" does not include—
>
> (a) any prison, or any industrial or reformatory school: or
>
> (b) any building, premises, or place in which the occupier manufactures or prepares dairy produce from the products of his own herd; or
>
> (c) any ship; or
>
> (d) any building, premises, or place used exclusively for pastoral, agricultural, orchard, vineyard, or garden purposes;
>
> and most important of all—
>
> (e) any mine, or colliery, or any place in which machinery is used about a mine or colliery.

Obviously, the proposed amendment to the Factories and Shops Act which the Government has brought down, will not have any application whatsoever to those places which are specifically excluded from the definition of "factory" in the Act. In other words, if the Bill becomes law it will have application only to those premises which are specifically included in that definition. Is not that a foolish or at least a partially ineffective approach to the problem? For instance, there could be a factory at Kalgoorlie or Boulder which comes under the definition of the term "factory" in the Act. If the Bill

becomes law the Minister would be empowered to take action in regard to gas, dust, fume or impurity generated in that factory which interfered with or was likely to interfere with the personal comfort of any person whether employed in the factory or not. However, if in the same locality there was a mine or a quarry or any place around a mine or quarry in which machinery was being used that generated any similar gas, dust, fume or impurity which interfered with or was likely to interfere with the personal comfort of any person in the locality, the Minister or the Government could not take any action to rectify the problem.

Can one imagine anything sillier than that? It is proposed to give a Minister of the Crown power, if he cares to use it, to deal with a nuisance that emanates from a factory or around a factory, but if a worse nuisance is emanating from a mine or a quarry or from any machinery used in connection with a mine or a quarry, the Minister or the Government would have no power to deal with it. Therefore, it seems to me that the Government has made a mistake in bringing down this Bill because it will only deal with a situation and a problem in a hopelessly piece-meal fashion.

Could the Minister justify a situation such as could occur at Kalgoorlie or Boulder, or perhaps any other large centre in the State, along the lines I have suggested because of the Government's trying to amend only the Factories and Shops Act, instead of endeavouring to deal with these problems on a universal basis by amending the Health Act? Surely the Premier can see the foolishness in proposing to amend the Factories and Shops Act to deal with dust, fume or other type of menace which might emanate from a factory!

The Premier: The provisions of the Bill will deal with the greatly increased industrial expansion in the metropolitan area.

Hon. A. R. G. HAWKE: Surely the Premier has a State-wide outlook on the problem. Surely it is not a reasonable proposition when a Government and a Parliament are facing up to a problem of this kind to be asked to deal with it only in a limited fashion, when the opportunity is just as easily available to deal with it in a complete and universal way.

The Premier: The Bill covers the whole State.

Hon. A. R. G. HAWKE: It does not. It does not cover the whole of any one area in the State because it is strictly limited to those premises which come clearly within the definition of the term "factory," as set out in the Act. It would not cover a goldmine, a coalmine or a leadmine. It would not cover any machinery operating in the vicinity of those mines.

The Premier: The Leader of the Opposition does not argue that the health authorities have not control in those lead, coal, gold and other mines that he mentions.

Hon. A. R. G. HAWKE: If they have control, what is the necessity to amend the Factories and Shops Act?

The Premier: There is provision now for them to look after health in the mines.

Hon. A. R. G. HAWKE: No, there is not. If the Premier's contention is well based, and I am afraid it is not, there is no necessity whatsoever for the Bill. If the Premier is correct in saying that power already exists under the Health Act to protect the health of the people and to deal with problems of this kind, that Act would apply to the nuisances and menaces which would emanate from factories, as well as the nuisances and menaces which would emanate from a mine or from quarrying operations or from any other set of operations that might come to the mind of members.

I would like the Premier to postpone any further action on the Bill because it is hopelessly piece-meal and incomplete. It could not be otherwise because, as I have pointed out, the term "factory" in the Act is very limited. It does not cover a number of important activities within the State, the carrying on of which create a considerable amount of nuisance, inconvenience and irritation to people in various localities. One could not imagine anything more ridiculous than to amend an Act of Parliament, as we are proposing to do with this Bill, to protect the people of Kalgoorlie and Boulder from the fumes, dust and the gases which might be generated in a factory and take no action whatsoever to protect the same people from gases, fumes, dusts and impurities that might come from a mine or from the operation of machinery used on that mine or from the operation of a quarry or the machinery used in connection with a quarry.

That would be too silly for words. In fact, it might easily be that the fumes, dust, gases and impurities from a mine or quarry or from the machinery used in connection with them would be more inimical and more detrimental to the health of the people in the locality than similar nuisances coming from a factory covered by the definition of the term "factory" in the Factories and Shops Act. I suggest to the Government seriously, and in an endeavour to help the situation, that it ought to consider the passing of a Bill to deal with the problem universally and not in a piece-meal way. As far as I am concerned there are no party politics in this matter.

The overall health of the people should be the paramount consideration. The Government should look at the problem from the point of view of protecting the health

of the people from gases, fumes and other impurities, no matter whether they come from a factory as covered by the definition in the Act or from a mine or a quarry. That is the logical approach. Why fool about with the situation when a complete solution is available? I certainly hope the Minister and his colleagues will agree to postpone further consideration of the Bill in order that the whole problem might be considered on a universal basis rather than on a narrow piece-meal basis that is proposed in the Bill.

MR. W. HEGNEY (Mt. Hawthorn) [8.30]: When, as a private member, the member for Middle Swan introduced his Bill some two months ago, I thought that due consideration would have been given to the measure, which in my opinion, would have been a means of alleviating the tremendous amount of inconvenience to which people in closely built-up areas are subjected. In the Mt. Hawthorn electorate, I have a couple of places which are causing a great amount of inconvenience to residents, and without hesitation I will mention one case which has been very prominent in the eyes of the people for some time. I refer to the sawmill at the corner of Main-st. and Powell-st. in Osborne Park. I understand the owners are the W.A. Salvage Co. Ltd. The Leader of the Opposition mentioned that no party politics were involved in his remarks, and there are none in mine.

I propose to read a petition which the residents in the vicinity of this mill submitted to the Perth Road Board some time ago and, whether one sits on this side of the House or on that, one will then be able to say whether we should allow this sort of thing to continue without some remedy being applied. The letter was dated the 10th April, and addressed by a number of residents in Waterloo-st., which runs parallel to Main-st. It reads as follows:—

> We the ratepayers of the Perth Road Board whose signatures appear on this letter, lodge the following complaints against the management of the timber mill situated in a residential area on the corner of Powell and Main-sts., Joondanna Heights:—
>
> (1) Trucks pulling into the lane at the rear of residents at all hours of the night—talking and shouting of drivers and dumping of logs, causing a terrific impact with the ground, and literally shaking the homes and causing the flush jointing in wooden homes to crack, and also cracking walls of brick dwellings, and should this consistent dropping of logs continue the damage to buildings in the close proximity of the mill must increase.
>
> Apart from the facts mentioned in this clause one must realise what the nervous reaction from the crashing of these logs is to womenfolk, who are at times left in their homes at night alone.
>
> (2) Sawdust rising in the air and being blown onto wet washing, into the rooms and onto walls of homes and filling the cracks caused by the crashing logs with red sawdust which during the winter weather swells and causes the cracks to go even further.
>
> These problems we place before you in the hope that you can assist us in the eradication of them, as we feel that whilst the condition of this property remains as it is the ratepayers, properties are being depreciated by this one unsightly property.

The Minister for Labour : Do they drop them on kerosene tins? Dropping green logs makes no noise at all.

Mr. W. HEGNEY: The Minister might think that, but I have just read out the petition, without any embellishment. I visited the homes of the people concerned and from what I saw myself, there is no exaggeration concerning the sawdust nuisance. As a matter of fact, the people have to do their washing on a Sunday or Saturday afternoon to obviate the necessity for doing it on Monday and again on Tuesday. This nuisance is depreciating the value of properties in the vicinity. Everyone knows that in the winter and the summer the prevailing winds are from the south and south-west, and all the residents who signed the petition are involved in this very great nuisance.

I took the matter up with the local authority and later with the Perth Road Board, and then with the Government department. I am not going to weary members with the voluminous correspondence I have in front of me, dating from April, 1951, to March, 1952. Suffice it to say that the correspondence took place. I will read an extract which shows that the Perth Road Board endeavoured to do something, but it was necessary for the proclamation to be effected by the Government. On the 31st July, 1951, at a meeting of the Perth Road Board, the question of offensive trades cropped up. The Perth Road Board's solicitors advised as follows on the 12th July:—

> ... that declaration of offensive trade is carried out by proclamation of Governor published in "Government Gazette" under Sections 3 and 186 of Health Act. Enclosing draft bylaws which have been prepared on basis

that timber and sawmills have been declared an offensive trade and until such times as proclamation is issued it would not be possible to pass bylaws in this form.

Resolved that timber and sawmills be declared offensive trades and on proclamation being made necessary bylaws be promulgated.

During last session in March I asked the Minister for Health a number of questions, and although I will not say there was evasion by the responsible officer I will say it was a splendid example of passing the buck from one department to another. That was the inference I drew from the amount of correspondence I received and the distance I travelled to get some relief. On the 17th April, 1951, the Local Government department wrote to one of the residents, who, by the way, has since sold out and gone to another district. The letter reads—

I have for acknowledgement a petition signed by yourself and Mr. D. F. Lloyd of 41 Waterloo Street and complaining against the nuisance and inconvenience caused to surrounding residents by the operations of a timber mill situated at the corner of Powell and Main streets.

I have also received a petition signed by some fifteen other residents but as none of these gave his address I am forwarding this communication to you and possibly you will be able to contact the others.

The difficulties as set out in your petition are fully appreciated and I have discussed the matter with the Acting Secretary of the Perth Road Board who has informed me that the Public Health Department has advised the board that the business in question could be brought within the purview of the offensive trades provisions of the Health Act and that the matter is now receiving the board's consideration.

I have written the Perth Road Board on this subject and when it is ascertained what the board proposes to do, I shall communicate with you.

On the 22nd June, 1951, the Secretary for Local Government wrote the following letter to the Secretary of the Perth Road Board:—

Further approaches have been made to this department concerning the disability being suffered by residents of Powell and Main Streets in connection with the nuisance arising from the sawdust from the mill and the dumping of logs late at night and during the early hours of the morning.

The department is of the opinion that complainants have cause for grievance and it would be appreciated if you would be good enough to advise, as early as possible, what action has been taken by your board towards having the industry classed as an "offensive trade" and for the drawing up of the necessary bylaws to control the same.

We heard what action the Perth Road Board had taken on the 31st July, but still nothing had been done. The Leader of the Opposition alluded to the matter to which I will now refer. On the 23rd August, the Secretary for Local Government wrote me the following letter:—

Having further reference to my letter of the 4th ultimo, I have now received a further communication from the Perth Road Board to the effect that the Public Health Department advises that any proclamation to declare timber and sawmills as "offensive trades" would have Statewide application; therefore, it will possibly be impracticable to have the proclamation as originally intended.

The Perth Road Board, however, has been advised by the Public Health Department that the matter may be quite satisfactorily covered by bylaw and this aspect is now receiving consideration by the Road Board in conjunction with the Public Health Department.

So soon as I am in possession of further information, I shall again communicate with you.

I could go on reading letters. In March of this year I received a letter from Mr. Lindsay, Secretary for Local Government, which was very indecisive and without finality. It indicated that the position was still in abeyance. As I said before, I asked the Minister a number of questions. I am not going to read them, but if she looks them up in "Hansard" she will find that the legal advisers are still giving the matter consideration. I am dealing with this particular case because it is the most pronounced one; doubtless there are others. Incidentally, I would say that the State Saw Mills in the main street in Mt. Hawthorn is due for consideration. That property is right in the heart of a thickly-populated district, and I was along Scarborough Beach-rd. on the north side only a few days ago and people there were complaining bitterly of the sawdust nuisance arising from the State Saw Mill which is opposite.

I mention the W.A. Salvage Co.'s mill because there has been so much negotiation and correspondence in regard to it. These petitioners are so incensed, and are putting up with so much inconvenience, that only the other day one of their spokesmen asked me what remedy they had. They have been advised legally that the only remedy they have is to take action at common law. In a letter I received from the Local Government Department

the same thing was indicated. This means that before they can get any redress they will have to pay up to £100 to £150.

Mr. J. Hegney: Each one involved.

Mr. W. HEGNEY: Yes, each one of the 16 residents. As far as I know, those residents were there before the mill was erected. When introducing the Bill, the Minister mentioned that there had been a number of complaints over the years. I suggest that the Health Act could have been amended to deal with this position. I have read the Bill introduced by the Minister, and from it gained the impression that he or the administrative authority, that is, the inspector of shops and factories, will enjoy a great amount of elasticity in the implementation of this provision if it is passed. I have no doubt that it will not be satisfactory to the people involved in these districts.

Too much will be left to the discretion of the Minister, and I should say that too much consideration will be given to vested interests and that the vested interests will not be the residents. The Perth Road Board has done what it can. In common with other local authorities, it is hamstrung and its power and authority are restricted. It is so restricted that it has to get the co-operation and authority of the Health Department under the Health Act before it can take certain action. But there has been a great amount of procrastination and side-stepping in this matter.

The Minister for Health: There has never been any evasion or procrastination.

Mr. W. HEGNEY: I repeat that there has been a great deal of procrastination, and in the meantime numbers of people resident in various thickly-populated districts are suffering great inconvenience as a result of the inactivity of the department concerned. I find myself in the position of having to support the Bill, although I realise that it is merely dealing with the matter piecemeal. Although the member for Middle Swan is closely related to me, I suggest that the Government or the Minister has stolen his thunder, or in other words, has double-crossed him.

The Minister for Labour: Do not put bad ideas into his head.

Mr. W. HEGNEY: He introduced a Bill two months ago, and now at this late hour the Minister brings down a measure to amend another Act for the purpose of dealing with the same matter. Whether his Bill will again be brought forward for consideration I do not know, but we have to accept or reject this measure and, in the circumstances, I must support the second reading.

I do not know whether the present Minister will be in charge of the department when the Act is proclaimed, but sympathetic consideration will be needed on the part of whoever may be Minister in order that a due measure of redress may be provided for numbers of residents who are affected by these nuisances. I do not intend to deal with the cement works and other such undertakings, but in the Mt. Hawthorn district there are one or two factories that need attention because they cause a lot of inconvenience to some people. There is a factory in a closely built up part—there are residences on either side and at back and front, and the womenfolk complain of the bad language emanating from the factory that they have to tolerate. I know that men employed in such places are sometimes loose with their language, but it is not pleasant for mothers and children to have to listen to such talk during a good part of the day. If the Bill becomes law, I hope it will not be a dead letter, but that active steps will be taken to ensure protection where it is so badly needed.

MR. OLDFIELD (Maylands) [8.49]: I was pleased to hear the Minister say that the Bill will empower the Factories and Shops Department to deal with the nuisance created by excessive noise, but I fail to find in it any such provision to that effect, and I cannot see how it will be possible to deal with this type of nuisance under the measure.

Mr. Brady: It should be there.

Mr. OLDFIELD: I hope that when the Committee stage is reached, the Minister will accept an amendment to make that definite. As the member for Middle Swan is aware, during the last 12 months there have been numerous complaints about nuisance emanating from factories situated near the border of the Perth Road Board and the Bayswater Road Board. Although the factories are in the Perth Road Board area, the people of Bayswater suffer from the nuisance. Some of the sawmills have large heaps of sawdust that are not removed regularly. These heaps are not covered, and if the wind happens to be from the south-west, it blows the sawdust into the homes and over the washing on the line. Even in summer time, people cannot open their windows because of the sawdust nuisance.

When people have homes in a factory area or in an unclassified area, a factory may be built in the vicinity or even alongside them. It is hard on a householder who has lived in an unclassified area for 20 years to find factories springing up around him. This is occurring rapidly in the Perth Road Board area. Most factory owners today take a pride in the external appearance of their premises and endeavour to make them attractive by planting gardens and lawns. A factory in my street has as nice an appearance as one could wish to see. The owner paid for the footpath to be extended along the full length of the frontage and has had a man

continuously employed for weeks planting lawn and garden and generally beautifying the surroundings. That is fairly typical of what is being done when factories are being established, but I could mention a case where £100 spent on a machine could obviate a nuisance which is troubling the residents of the district.

In one instance the people have lived in the district for 20 years and understood it was definitely a residential area, but it has never been classified and a factory has been established there. It was necessary to provide a hood over the machines to carry off the dust which otherwise would have been injurious to the health of the employees, but the machine provided for the comfort of the employees is proving a great discomfort to the people living in the vicinity. I understand that an expenditure of £100 would be sufficient successfully to muzzle the noise from that plant and it would no longer be a nuisance, but for 12 months the owner has not seen fit to provide it or has not been sufficiently interested in the welfare of the residents to obviate the nuisance.

During the debate, members have asked whether the Health Department or the Factories and Shops Department should have power to take action in these matters. One important point that has been overlooked is that the nuisance from dust, fumes, gas, etc., emanates from inside the factory and that people living a mile away might be affected. As the nuisance occurs in the factory, I believe it should be a matter for the Factories and Shops Department to deal with. The Health Department cannot say that the smoke nuisance should be abated because in the factory steps must be taken to deal with it for the sake of the people employed there. I support the second reading and repeat the hope that provision will be made for excessive noise to be definitely included in the measure.

Mr. BRADY: I move—

That the debate be adjourned.

Motion put and negatived.

MR. BRADY (Guildford-Midland) [8.57]: I feel that the Minister has not gone half far enough with his proposed amendment to the Act. His belated attempt to do something is along the lines of what I attempted to do by a measure I introduced in 1950. Apart from one or two minor amendments in 1946-47 dealing with fees, 11 years have elapsed since any comprehensive amendment was made to the Act and in that time the number of employees in factories and industries has almost doubled. To be precise, it has increased from approximately 23,000 to over 40,000. Yet we have the Minister coming along at this stage with an amendment that means little or nothing, as has been pointed out by a previous speaker.

The Minister will be able to please himself whether he acts on the information given to him or not, and it might be that, for political reasons, he will not act. That is an unfortunate feature of the Bill. Amendments should be couched in specific language without any "ifs" or "buts." The Minister should not reserve to himself the right to decide whether the financial position of the factory is such that the owner should be asked to introduce better ventilation or abate nuisances. If the health of employees is being endangered, inspectors should have full power under the Act to give a definite ruling to the effect that the provision required to reduce fumes and dust shall be made forthwith, not if the owner can afford it or something of that sort.

If members read the section of the Act proposed to be amended by the Bill, they will find that it is practically loaded against the employee throughout. If the inspector or the Minister decides to issue a regulation providing that certain things shall be done, it must be advertised in the newspaper for a fortnight or three weeks, and then the owner of the factory has the right to protest and the Minister may appoint a person to investigate the process. So there is already sufficient protection for the factories without the Minister now providing additional protection by trying to include in the Bill what is proposed. The measure seeks to amend Section 55 of the Act, by adding after the word "dangerous" in the fourth last line of Subsection (1) the words—

> or where the Minister is of the opinion that any gas, dust, fume or impurity, generated in a factory interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not, he may certify the gas, dust, fume or impurity to be a nuisance under this Act.

There is a departure here from recognised custom inasmuch as if the Minister feels that people outside may be injured or have their domestic affairs interfered with, he can step in. If the Bill is passed in its present form a number of people in my electorate will make immediate representations to the Minister because of disabilities they suffer. For a number of years one of my electors has been trying, through the Bassendean Road Board and the Health Department, to have an iron foundry prevented from spreading dust and fumes over his house. He says the dust interferes with the washing on the line and that the dust and fumes interfere with his health.

Both the authorities to which he has appealed have done nothing because they feel they have not the power to do anything under either the Health Act or the Factories and Shops Act. This measure

will, therefore, be a blessing in disguise for this particular person. That is why I am supporting the Bill. The Premier earlier in the evening twitted the member for Boulder with not being able to say what provisions are required in the Factories and Shops Act. I introduced a Bill in 1950, which the Government did not see fit to allow me to go on with, because it closed Parliament, and I envisaged some of these things then. I feel they are even more necessary today. Safety committees are required urgently in Western Australia—so much so that people are voluntarily setting them up to protect workers in industry. First aid kits are required in many factories which do not provide them. Regulations dealing with fire escapes are long overdue.

There should be a minimum cubic capacity for people to work in in factories. There should be at least 400 cubic feet allowed, similar to what applies in most factories in New South Wales and Victoria. Protective clothing such as goggles and aprons should be issued in many factories. There should be regular cleaning of floors where dangerous oils and insecticides lie about. Windows should be cleaned regularly so that the natural light should not be excluded from workers when doing their normal work. Some factories have not cleaned their windows since they were erected. In West Perth we can see factory windows that are not frosted, but which cannot be seen through because dust is lying inches deep on them. Also, ventilation flues are required in many factories.

A terrible stench comes from one West Perth factory. It smells as though mouldy wheat is being ground there. Why should employees have to work in these circumstances year in and year out simply because they happen to be in a factory? The ceilings are very low in some factories. At this stage it would be well for me to quote part of the second reading speech I made when I introduced my Bill in 1950. This will show members how necessary it is that there should be a thorough overhaul of the Factories and Shops Act. Many more amendments beyond what are proposed by the Minister should be made. On the 28th November, 1950, I said, inter alia, reading from page 224 of Hansard for that year—

> The amendments are such as I think represent the minimum that should be made applicable to workers in industry. Apart from one or two small amendments made in 1946 and 1947, one dealing with fees and the other with standard holidays, no amendment has been made to the Act for approximately 11 years and, because of this, our legislation lags far behind that of the Eastern States. If I attempted to embody the amendments that have been adopted in the Eastern States in recent years, it would take many hours to deal with them. Therefore I have contented myself by proposing minimum requirements to give employees in industry some protection in regard to health, accidents and fire, and to provide a few amenities such as canteens, change-rooms and so forth.
>
> In the State Arbitration Court yesterday, one of the Commonwealth economists stated that the growth of industry in the post-war period had been greater in Western Australia than in any other State of the Commonwealth. Further, the Premier, in referring to activities of the State in a brochure issued by the Government last year, pointed out that pre-war the number of employees in industry in this State was approximately 23,000 and at present the number is 37,500. Thus in industry we have about 14,000 additional employees, and it is reasonable to assume that many of these people are working in congested conditions, due to the fact that the shortage of premises has led to many buildings being used as shops and factories that would not have been permitted to be so used before the war.

I know that to be a fact because in recent months I have sat on committees that have considered the amenities and requirements that are wanted in factories. I went on to say this—and I said it in all sincerity then and I feel the same circumstances exist today—

> Disused sheds, stables, garages, storehouses and similar premises are today being used as shops and factories, whereas before the war their use would not have been tolerated. The result of this is that many employees are working under difficult conditions. In recent times many new industries have come to Western Australia. Employees are now engaged in crushing minerals and dealing with poisonous substances such as D.D.T., arsenical compounds, ant exterminators and weed killers. It is probable that such preparations have a detrimental effect on the health of employees working in those industries and my amendments are for the purpose of trying to relieve the conditions of those to whom I have referred.
>
> In the heavy and semi-heavy industries as well as the chemical industry men are working in contact with fumes, gas, dust, smoke, heat and other factors which constitute disabilities under which men should not be asked to work. Some of the managements have gone to a great deal of trouble to install fans or air conditioning, but others have done very little in that regard. These amendments to the Factories and

> Shops Act are necessary to enable inspectors to police the conditions of male and female employees, both young and old. I have pointed out to members the necessity for the Bill and hope the Government will accept it, as the amendments are the minimum that a representative of the workers in industry could be expected to put forward. I would rather have seen the Government bring down a measure containing comprehensive amendments of the Act. Many reforms that have been put into operation in the Eastern States should be applied here. A number of amenities, the provision of which has been made compulsory in other States, are not mandatory here and I feel that I am putting forward the minimum requirements.

I could proceed further along those lines, because I addressed the House for approximately three-quarters of an hour on that occasion, but despite what I said then the Government saw fit to close Parliament without allowing my Bill to be dealt with. Now we have the Minister admitting that the conditions, to which I referred, have gone on for years, and he is putting through an amendment which means virtually nothing. But because there is the possibility of a small group of employees getting some benefit from the Bill, I shall support it. But I strongly condemn the Government for not making an effort to do the job comprehensively. Secondary industry in Western Australia is crying out for improved factory conditions in every way. We do not have to go far from Parliament House to find that is the position. I am reluctantly compelled to support the Bill and I hope, for the reasons I have just set out, that it will be carried.

HON. E. NULSEN (Eyre) [9.11]: I support the contents of the Bill, but I do not approve of the principle involved. It is a bad principle to amend several Acts when only one need be amended. In this case the Health Act should have been amended because it supersedes all other Acts. Had the Health Act been dealt with, the power sought in the amendment could have been delegated to the various factory inspectors. This measure is not comprehensive or universal. It deals only with something specific whereas it should deal with all industries, goldmining, coalmining, factories and so on. I have previously spoken against the principle of amending several Acts when only one need be amended.

When we amend a number of Acts it takes several lawyers to find out exactly where we stand legally. This is one of the reasons why we have a big team at the Crown Law Department. In addition the work of the men in private practice is made more difficult. The Bill seeks to add after the word "dangerous" the words "or where the Minister is of opinion." I do not agree with the proposition of "where the Minister is of opinion." I feel this should be in the opinion of the Commissioner if necessary. The amendment provides—

> Or where the Minister is of opinion that any gas, dust, fume, or impurity, generated in a factory interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not he may certify the gas, dust, fume, or impurity to be a nuisance under this Act.

Although the amendment covers a few items, it is not nearly comprehensive enough. We should have amended the Health Act so that all industries in which people worked would be covered. There is no reason why inspectors of factories, goldmines, coalmines and of other industries should have power delegated to them by the Commissioner of Public Health. The amendment covers a very small section. The wiser thing to have done was to have amended the major or principal Act, the Health Act. As the Minister explained, the Factories and Shops Act is primarily used for the protection of employees in certain factories and it covers only a limited principle in accordance with the definition of "factories and shops." I hope that for the future we adhere to the principle of dealing with these matters in a correct way so that we do not have to look here, there and everywhere to find out the legal position. In principle the Bill is wrong, but as it is to be a protection I will support it.

MR. GRIFFITH (Canning) [9.16]: I realise that the dust nuisance, particularly in the Rivervale area,—and that is where the factory which prompted the member for Middle Swan to introduce his amendment to the Health Act is situated—is one which should receive attention. I know the area particularly well. I am inclined to agree with some of the previous speakers who stated that the Minister's Bill does not entirely cover the whole of the problem, which perhaps was envisaged by the member for Middle Swan. But so far as I can see, it seeks to place a provision in the Factories and Shops Act in order to deal with factories. The Bill permits the Minister to make regulations not only for factories which are in existence, but also for factories which will come into existence in the future.

Take the Kwinana area, for instance! Undoubtedly many factories will be established in that area, and by giving the Minister power to make regulations we will be able to deal with these problems at their source. I think the member for Maylands was on the right track when

he said the nuisance emanates from the factory itself; nobody will deny that. The member for Melville spoke of factory nuisances being felt by people some distance away. That is perfectly true, but the member for Melville would not deny that the nuisance created by that factory starts in the factory and that is where its elimination should take place.

I am anxious to see some action taken to alleviate these nuisances from which people in the area mentioned by the member for Middle Swan, and in other parts of the metropolitan area, are suffering. The Bill that the member for Middle Swan introduced will give power to local authorities but they will be permitted to act only within the confines of their own particular areas, and that may be insufficient for a local authority to take the necessary action to alleviate a nuisance which may occur on its borders. An approach would have to be made by one local authority to the other in order to gain the necessary co-operation to have that nuisance eliminated. I repeat that I doubt very much whether this Bill will do all that is required. I intend, however, to support the second reading, and suggest that when the Bill introduced by the member for Middle Swan comes before the Chamber again we will have had time to consider whether his Bill will be more effective than this one.

HON. J. B. SLEEMAN (Fremantle) [9.20]: I want to have a few words to say before the Minister replies. It seems that we have two Bills on the notice paper and apparently they have the same idea—that is to protect people from nuisances. Generally speaking, I think local authorities and the Health Department could control these nuisances much better than the Factories and Shops Department, but in some cases there are peculiar circumstances. For instance, in the North Fremantle municipality there is a dust nuisance emanating from the stockpile of phosphatic rock on the premises of the Mt. Lyell Cuming Smith works in North Fremantle. I asked the superintendent about it, and he told me that the company had been advised by various Governments to keep a reserve of at least two years' supply in case of war. Normally the company keeps its supplies under cover, but that is not possible with two years' supply.

Hon. A. R. G. Hawke: They could not be covered by this Bill.

Hon. J. B. SLEEMAN: I do not know what measure would cover it, unless the health authorities could take some action. The works are situated in the North Fremantle municipality but the dust is not a nuisance to the people in that area. When the wind blows the dust is taken across to the new housing area in Mosman Park. That area has been built up by the State Housing Commission, and when the wind is blowing in that direction the houses are simply covered in dust.

I think the best thing we can do is to put both measures on the statute book. With a sympathetic Minister this Bill will do some good, and if this Minister is not sympathetic we know that we will have a new one very soon, and I am sure that when he takes over the job he will be more sympathetic. I propose to vote for both measures and I hope the Minister will give us an assurance that the one introduced by the member for Middle Swan will not be dealt with like other slaughtered innocents, but that we will be given an opportunity to place both on the statute book.

THE MINISTER FOR LABOUR (Hon. L. Thorn—Toodyay—in reply) [9.23]: There has been a lot of discussion on this measure. I can assure the member for Middle Swan that this Bill was not brought down to supersede that which he introduced. This legislation was discussed by Cabinet a few weeks before the hon. member gave notice that he would introduce an amendment to the Health Act. The Department of Industrial Development asked that this legislation be introduced because of the many new industries that were being established in this State.

Hon. E. Nulsen: Why was not the Health Act amended?

The MINISTER FOR LABOUR: The Factories and Shops Department administers the laws relating to factories practically all over the State, and we did not want to duplicate the authorities in regard to factories and have two departments coming into the picture. As the member for Maylands said, these nuisances, to a large extent, emanate from inside factories. All these new industries are springing up and, if we can bring the Factories and Shops Act up to date and enable the department to deal with these new factories and say to them, "You must do this in the interests of the health of the people," we will be able to alleviate all these nuisances. Oversea many factories are compelled to burn their smoke, and this measure will enable us to deal with nuisances emanating from spot mills and other similar factories that are springing up everywhere.

I was driving through the district represented by the member for Melville, and was surprised to see the number of new factories being built in the area set aside for them near Willagee Park. Dunlop's factory is nearing completion and many other important factories are being erected. This measure will be of great assistance because the department will be able to say to these people, "You must make provision now to prevent these nuisances occurring." I know that the Public Health Department can deal with certain matters relating to health.

Hon. E. Nulsen: It is supreme in all health matters.

The MINISTER FOR LABOUR: Yes. The Government desires to strengthen the Factories and Shops Act to deal with matters that come under that particular legislation. The Bill introduced by the member for Middle Swan is still on the notice paper and he may get an opportunity to proceed with it. We may be able to amend that measure along certain lines that will strengthen it, as the member for Melville pointed out.

Hon. A. R. G. Hawke: Why use the word "may"?

The MINISTER FOR LABOUR: I do not happen to be the Leader of the House.

Hon. A. R. G. Hawke: It is time you were.

The MINISTER FOR LABOUR: I have the greatest confidence in the present Leader and have no desire to displace him. Perhaps if I were Leader of the House I would not last very long.

Hon. A. R. G. Hawke: And neither would the House.

The MINISTER FOR LABOUR: There may be something in that. The intention of this legislation is to strengthen the Factories and Shops Act. We have a staff of well-trained inspectors who can be used for this work; the department is well organised and does a good job. I get monthly reports of its activities and it can carry out this work. The amendments contained in his measure are few, simple and right to the point. As this State is progressing we must look further ahead and care for the health of our people. There is quite a lot we shall have to do in the future with regard to the control of industries and the nuisances that may be involved. However, in this instance the Bill deals specifically with Section 55.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Yates in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 55 amended:

Mr. J. HEGNEY: I move an amendment—

That paragraph (b) be struck out.

I would like to know whether the Minister will reply to the statement I made in my second reading speech with regard to the doubtful validity of the provision. I would like to know if legal advice has been obtained to the effect that the proposal will stand a test in the law courts. As I mentioned before, the Act deals with conditions inside a factory, and it has always been understood that the Crown Law authorities advised that the Health Act should be invoked to deal with any problems that arose outside the factory itself. I would like to know if the Bill, should it be agreed to, will be enforceable.

Under the existing law the Minister has power to make regulations to deal with the various matters, and even if paragraph (b) be struck out of the Bill, the Minister will have the requisite authority to do what is necessary to meet any situation that may arise. Paragraph (b) places a limitation on what the Minister may do. With regard to the cement works, I have received information that some of the directors of the company in past years made every effort to ensure that nothing was done to stop nuisances created there. Unfortunately the gentlemen I refer to are, I think, now dead, but they included Mr. R. O. Law, Mr. H. P. Downing, K.C. and Mr. H. B. Jackson, K.C.

During the time they were directors, there were occasions when the manager, in agreement with the inspector under the Factories and Shops Act, had intimated he would do something or other, but later on he had to admit that he could not go on with the arrangement. He would convey that intimation in a letter —not drafted by him, but by one of the King's Counsellors—intimating that he did not intend to do anything about it. It appears to me with regard to the proposal in the Bill that there may be some sinister influence at work. I want something effective done either under the Factories and Shops Act or the Health Act to remedy such nuisances, and more particularly the one that has been such a damned nuisance in the Middle Swan electorate.

Mr. OLDFIELD: I desire to move an amendment to paragraph (a).

The CHAIRMAN: The member for Middle Swan will have to withdraw his amendment temporarily if that is so.

Mr. J. HEGNEY: I am agreeable to that course, and I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. OLDFIELD: I move an amendment—

That in line 4 of paragraph (a) after the word "any" the words "excessive noise" be inserted.

During my second reading speech, I gave my reasons for the insertion of the amendment. If it is agreed to, I shall move to insert the same words after the word "the" in line 13 of the same paragraph. I realise that it will be difficult for the Minister to define what constitutes a noise, whether it be excessive or otherwise. I also appreciate that some machines in factories create a lot of noise which cannot be muffled. On the other hand, it is possible to reduce the noise with some machines.

The MINISTER FOR LABOUR: I have no objection to the amendment. While it might be difficult to define what constituted a noise, I should say we could

deal with it under the heading of "nuisance." If there is a lot of noise in a factory, it must become a nuisance to people living in the neighbourhood and possibly would give rise to a claim for damages.

Hon. E. Nulsen: The amendment merely duplicates power that you already possess.

The MINISTER FOR LABOUR: That is what I think, because a noise constitutes a nuisance.

Mr. J. Hegney: Why was it not mentioned in the paragraph?

The MINISTER FOR LABOUR: Because I think it would come under the heading of nuisance.

Mr. J. Hegney: In your second reading speech you said this would deal with excessive noise.

The MINISTER FOR LABOUR: Yes, I did.

Mr. J. Hegney: I would like you to say how.

The MINISTER FOR LABOUR: I was informed by the department that it would come under the definition of nuisance.

Mr. Graham: You are pretty gullible if you swallowed that!

The MINISTER FOR LABOUR: Where did the hon. member spring from? I have not seen him all night.

Mr. Graham: You have been too busy reading your speeches to see me.

The MINISTER FOR LABOUR: Do not worry about that! I am not like you; I get the facts.

The CHAIRMAN: Order! We are dealing with "excessive noise" now.

The MINISTER FOR LABOUR: Exactly!

Hon. A. R. G. Hawke: I'll say we are!

The MINISTER FOR LABOUR: I have no objection to the amendment.

Hon. A. R. G. HAWKE: I would point out to the Minister that there is no definition in the Factories and Shops Act of the term "nuisance." Therefore "noise" could not come under the definition of "nuisance." The Minister said, with some justification, that it might be difficult to decide what noise actually is.

The Premier: Particularly excessive noise.

Hon. A. R. G. HAWKE: It would be much more difficult to define the words "excessive noise." It seems to me it would offer a marvellous field of activity and financial income to lawyers. I suggest to the member for Maylands that he use the word "noise" only and omit the word "excessive."

The Premier: I think that would make it more difficult. No factory can operate without making some noise.

Hon. A. R. G. HAWKE: That is not the point. The factory would have to do something in addition to making a noise. If the Premier reads paragraph (a) he will see that the decision as to whether action shall be taken remains in the hands of the Minister. It is a question of whether he is of opinion that the noise created interferes or is reasonably likely to interefere with the personal comfort of any person whether employed in the factory or not.

The Minister for Labour: Just the same as in the case of dust, fumes or impurities.

Hon. A. R. G. HAWKE: Yes. If the words "excessive noise" are included, it seems to me that in the event of the Minister moving in regard to a particular factory and having regulations framed and gazetted, those regulations would be subject to great legal argument in court as to whether such noise was excessive or not. If we want this law to operate effectively, we should insert only "noise" and not "excessive noise." If "excessive" is to be put before "noise" we might just as well place it before "gas," "dust," "fumes," etc.

Mr. BOVELL: I agree with the Leader of the Opposition. The inclusion of the word "excessive" would bring a harvest to the legal fraternity. The member of Middle Swan referred to the late Mr. Downing. I would like to inform him that Mr. H. P. Downing is still in the land of the living and he would not relish the inclusion of the word "excessive." I suggest that the member for Maylands redraft his amendment.

Mr. OLDFIELD: I realise what the Leader of the Opposition and the member for Vasse are aiming at. I used the word "excessive" because no factory can be conducted without some noise.

Mr. W. Hegney: What is excessive noise?

Mr. OLDFIELD: I would consider noise to be excessive when some machine that could be muffled is not muffled. The noise so made would be excessive. After all, whatever words are inserted, it depends on the Minister's opinion as to what shall be done. I am agreeable to withdrawing the word "excessive."

The PREMIER: I think there was some justification for the inclusion of the word "excessive." If this Bill becomes an Act, any person could take action.

Hon. J. T. Tonkin: What action?

The PREMIER: He could take action because he thought a factory was making too much noise.

Hon. A. R. G. Hawke: Action to do what?

The PREMIER: To prevent the factory from making a noise.

Hon. A. R. G. Hawke: Only the Minister could do that.

The PREMIER: An appeal could be made to the Minister. Every factory must create some noise. I agree with the member for Melville that health is paramount and if a factory is creating such a nuisance that it is detrimental to the health of the people, something must be done about it. On the other hand, there are some people whom it takes very little to upset, and they would use every possible power to prevent a factory from operating simply because there was a certain amount of noise. We do not want industries closed down unnecessarily. I think it would be well to give the Minister some jurisdiction as to what should be considered as noise, and if the words "excessive noise" are inserted it will make his task easier. In coming to a decision as to whether a noise was a nuisance, the Minister would be able to say that if the noise was more than it should be it could be regarded as excessive.

Hon. A. R. G. Hawke: But you have to read the rest of the paragraph.

The PREMIER: I know. The Leader of the Opposition read that out and talked about excessive gas, dust, etc.

Hon. A. R. G. Hawke: Read further than that.

The PREMIER: The hon. member means as to whether it interferes, or is reasonably likely to interfere, with personal comfort?

Hon. A. R. G. Hawke: That is the only time the Minister can take action.

Hon. J. T. Tonkin: When he is of that opinion. It is just his opinion.

Hon. A. R. G. Hawke: The Minister has absolute discretion of action.

Mr. Bovell: If the word "excessive" is to be inserted in front of "noise" it should be in front of the other words.

The PREMIER: I do not agree. However, I merely wanted to point these things out. I want this to have a practical application, but I am prepared to leave it to the Committee.

The CHAIRMAN: Does the member for Maylands want to alter his amendment?

Mr. OLDFIELD: No, Mr. Chairman. On further consideration, I feel that if we omit "excessive," some Minister could close a factory just because it made a noise. The purpose of the amendment is to have eradicated noise that can be eradicated.

Mr. Lawrence: Who is going to say whether it is excessive or not?

Mr. OLDFIELD: It is excessive if it continues when it could be eradicated. I think that the inclusion of "excessive" will make it easier for the Minister to follow the intention of the Committee.

Mr. GRIFFITH: I do not like the use of either of the words. The use of "excessive noise" would unquestionably lead to litigation over the Minister's ruling. If "excessive" is omitted, there are difficulties. Take a panel-beating shop. How could the Minister say that the noise in such a shop could be obliterated in any way? Then there is the case of a dredge on the river that makes a noise.

Mr. W. Hegney: That is not a factory.

Mr. GRIFFITH: But it still makes a noise and it could be a very undesirable noise.

Hon. A. R. G. Hawke: But that could not be dealt with under this measure.

Mr. GRIFFITH: I agree. But I am of the opinion that the inclusion of either of the words would be undesirable.

Mr. OLDFIELD: On further reflection I agree with the Leader of the Opposition and the member for Vasse and am willing to delete the word "excessive."

The CHAIRMAN: The hon. member will have to withdraw his amendment altogether and submit another one.

Amendment, by leave, withdrawn.

Mr. OLDFIELD: I move an amendment—

> That after the word "any" in line 4 of paragraph (a) the word "noise" be inserted.

Amendment put and passed.

Mr. OLDFIELD: I move an amendment—

> That in line 8 of paragraph (a) after the word "the" the word "noise" be inserted.

Amendment put and passed.

Mr. J. HEGNEY: I move an amendment—

> That paragraph (b) be struck out.

I move the amendment for the reasons I have already given.

The MINISTER FOR LABOUR: I oppose the amendment. No-one knows what a factory-owner may be up against, owing to shortage of materials or something of that kind. Whoever the Minister may be, he should have discretionary power to give a factory some relief from the provisions of the Act.

Mr. J. HEGNEY: I am amazed at the attitude of the Minister, because the Act already states that the Minister should draft the regulations. I believe the power sought to be included is for the purpose of circumscribing the effect of the measure. In the Act, provision is made for the Minister to draft the regulations, and procedure is laid down by which any objections shall be raised. The Minister already has the safeguard that if he is not satisfied he can refer the draft regulation to a committee of experts. I have a suspicion that vested interests are playing their part in connection with what

the Minister seeks to do. I hope he will not persist in his opposition to the amendment.

Hon. J. T. TONKIN: The Minister has endeavoured to buttress his argument by saying that the Minister must have discretion to deal with the situation, but the Act is already full of safeguards in the interests of the Minister. As the member for Middle Swan has pointed out, if the Minister is of opinion that a specific thing should be declared a nuisance, he has only to certify that it is a nuisance and that gives the Governor power to make regulations but, before they are made, there has to be an advertisement to the effect that it is intended to make regulations, and stating where a copy of the draft regulations may be seen. Any person objecting to the proposed draft regulation may appeal to the Minister, setting out his reasons for objecting and the Minister can then consider the representations of that person and, if he thinks fit, amend the regulations. If he declines to amend the regulations, he has to hold an inquiry, which must be held by a competent person or persons, and any witnesses brought before the inquiry may be examined on oath. When the inquiry has been held and the Minister is satisfied that the regulations ought to be made, they will be made, but not before. There is no necessity for including in the Act provision such as the Minister desires, and the wording proposed is a lot of meaningless jargon.

The Minister for Labour: No.

Hon. J. T. TONKIN: Yes, it is a lot of meaningless jargon put there so that the Minister need not do anything. There are enough safeguards already. Anybody with legitimate grounds for objecting to the proposed regulation can have an inquiry and call witnesses. What greater safeguard does the Minister want? Why fool with the position? If it is intended that something shall be done to abate these nuisances in the interests of the general public, let us make it a practical proposition. These words merely provide a loophole for the Minister to do nothing. Our purpose is not to make it easy to do nothing, but to ensure that the necessary action will be taken in the interests of the wellbeing, health and comfort of the general community.

If we frame the Act so that it will safeguard the legitimate business interests and not subject them to unnecessary expenditure, and also safeguard the wellbeing of the general community, we will not be doing an injustice to anybody. But if we put into the Act a section which enables a Minister who suffers inertia to continue to do nothing we are falling down on our job. It is my firm opinion that this clause was deliberately put in, not in the interests of the general public, but to make it possible to protect certain businesses that do not want to do the proper thing.

The Premier: An unnecessary suspicion.

Hon. J. T. TONKIN: I will tell the Premier privately why I say that, and I will mention a few names to him.

Mr. J. Hegney: He already knows.

The Premier: No, I do not.

Hon. J. T. TONKIN: I see no justification for all this verbiage. The Minister can look around and, having regard to any circumstances at all, do nothing.

The Premier: He must be justified.

Hon. J. T. TONKIN: In his own opinion. In view of what is already in the Act regulations cannot be framed before a draft has been made and advertised and a person who objects can lodge his objection. If the Minister then declines to amend the regulation he has to hold an inquiry and only after that can he make the regulations. Surely there is no need for all this verbiage! If the Minister wants to prove his sincerity he will agree to the amendment.

The MINISTER FOR LABOUR: The Deputy Leader of the Opposition has made his usual song and dance about this clause. Some company might be endeavouring to establish itself and we may be able to prevent its being loaded with extra expenditure. Surely we should be able to give consideration to that company and give it time to establish itself! Then there is the question of local conditions. They play a big part in the establishment of a factory, and we should be able to give some consideration in that regard. In many Acts in this State the Minister has these powers. I hope members will not give any weight to the opinion expressed by the member for Melville. He said that this measure had been framed in the hope of getting some party funds. Surely that could have been left out of the discussion.

Hon. J. T. Tonkin: I did not say that.

The MINISTER FOR LABOUR: We all get short of party funds and we get them from some source or another. To say that a Government would be guilty of giving special consideration under the Factories and Shops Act in order to obtain party funds is not fair.

Hon. J. T. Tonkin: I did not say that.

The MINISTER FOR LABOUR: Yes, the hon. member did.

Hon. J. T. Tonkin: I did not.

The MINISTER FOR LABOUR: He inferred it several times.

Hon. J. T. Tonkin: Now you are saying that I inferred it. I did not say it.

The MINISTER FOR LABOUR: I will leave members to judge for themselves. This amendment has been carefully considered by the Crown Law Department and by the Government.

Hon. J. T. Tonkin: You are telling me it has been carefully considered.

The MINISTER FOR LABOUR: The hon. member is of the opinion that it will not be applied fairly?

Hon. J. T. Tonkin: It has been carefully thought out.

The MINISTER FOR LABOUR: The hon. member is at it again! Those thoughts do not go through my mind. I treat all members as honest men. The thought that there might be some ulterior motive behind this clause does not enter my mind. These amendments were made and considered by Cabinet.

Hon. J. T. Tonkin: When?

The MINISTER FOR LABOUR: When does the hon. member think? When we decided the amendments would be made, of course.

Hon. J. T. Tonkin: This month or last month?

The MINISTER FOR LABOUR: What has that to do with the hon. member? It makes no difference.

Hon. J. T. Tonkin : Oh, yes, it does!

The MINISTER FOR LABOUR: No, it does not. I still oppose the amendment.

Hon. A. R. G. HAWKE: Has the Minister read Subsections (2), (3), (4) and (5) of Section 55 of the Act?

The Minister for Labour: Yes, I have it here and I have been studying it.

Hon. A. R. G. HAWKE: Does the Minister understand those subsections?

The Minister for Labour: As well as I am able.

Hon. A. R. G. HAWKE: If the Minister understands them completely—and I hope he does—they show conclusively that there is not the slightest need for paragraph (b) of Clause 2 of the Bill.

The Minister for Labour: You say that under Subsections (3) and (4) I have all those powers?

Hon. A. R. G. HAWKE: Yes.

The Minister for Labour: Then what harm can the amendment do? You do not think the same as the member for Melville does, surely?

Hon. A. R. G. HAWKE: I do not think there is any necessity to expand the size of an Act merely for the purpose of duplication. Why pack more verbiage into it when what is aimed at by the verbiage is already in the Act?

The Minister for Labour: I have been advised otherwise by the Crown Law Department and I see no harm in leaving it there. Your only argument is that it is additional verbiage.

Hon. A. R. G. HAWKE: That is one vital objection. If the Minister has already all the power that subclause will give, why insert it in the Bill again?

The Minister for Labour: My advice is that it is necessary.

Hon. A. R. G. HAWKE: The subclause gives the Minister authority to have regulations made and makes it compulsory for them to be published. It gives factory proprietors and members of the public the opportunity to object to any proposed regulation and makes it obligatory for the Minister to consider any such objection and gives him an opportunity to amend the regulations if he so desires. Surely that would cover all the dangers that the Minister mentioned a moment ago! If a factory proprietor showed by written objection that a proposed regulation would operate unjustly, the Minister in accordance with the powers given to him under the existing Act would alter the regulation to ensure that the factory in question would not be put out of existence if that were the possibility. There is also the objection I have already expressed, there is that mentioned by the member for Melville, namely, that this subclause will give to any Minister who desired to do nothing the opportunity to do nothing or to postpone indefinitely an opportunity to do something. The amendment moved by the member for Middle Swan is justified and I hope it will be agreed to.

Mr. W. HEGNEY: The Leader of the Opposition has mentioned that Subsections (2) and (3) of Section 55 adequately deal with the position, and I quite agree. In addition, Subsection (1) has relation to it because we have amended Section 55 by paragraph (a) of the clause. The Government of its own volition would not draft the regulations. They would be submitted by the Minister, approved by the Governor and published in due course. Paragraph (b) is superfluous and could be struck out. I might be misinterpreting the meaning of the subclause when the Minister states that he must have some discretion, because it seems to me that he would have none. I suggest that the Minister has very little discretion according to the last part of the paragraph in this clause. If the Minister acted under it he could be taken to task by an interested party, and it would be proved that he did not have discretion.

I cannot help but reiterate that the action of the Minister is such that it is forestalling the effort of the member for Middle Swan in trying to overcome a serious difficulty. If the clause is agreed to and the Government continues in office, I am of the opinion it will take little action, if any, to remove the nuisances and inconveniences that have been the subject of the debate. That is my conviction; the Minister may hold other views. If this paragraph is retained I do not think it will add to his power to enforce the provisions of the Factories and Shops Act. On the contrary it will leave a loophole

for interested parties to try to evade the regulations which may be gazetted. For that reason I support the amendment.

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

Ayes	....	21
Noes	....	22
Majority against	....	1

Ayes.

Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Guthrie	Mr. Read
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Ackland	Mr. McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. North
Mr. Doney	Mr. Oldfield
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hill	Mr. Thorn
Mr. Hutchinson	Mr. Totterdell
Mr. Mann	Mr. Wild
Mr. Manning	Mr. Bovell
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Griffith	Mr. May
Mr. Watts	Mr. O'Brien
Mr. Abbott	Mr. Coverley

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 3—Amendment of Section 56:

Mr. J. HEGNEY: Under this it is proposed to set up a committee of inquiry of more than one person and it will be able to examine witnesses on oath. What type of committee does the Minister propose to appoint to hold such an inquiry? Would there be more than two people? What type of people would he have in mind? Would this be a standing committee for the purpose of dealing with problems of this kind or will the personnel be elected from time to time? We must realise that in every case to be dealt with, whether it is the cement works or a spot mill in Bayswater or a spot mill in Main-st., Osborne Park, the same procedure has to be followed. So when the committee is set up, will it be one of experts and, if so, will the Minister tell us the type of experts?

The MINISTER FOR LABOUR: It is possible that consideration would have to be given to very weighty arguments that are brought forward, and that it would be necessary to have on the committee the Chief Inspector of Factories, at least two professional men, a technical man and perhaps also a legal man. That is the idea I have in mind. It would depend on the circumstances as to who would be appointed to the committee. The hon. member mentioned a sawmill or some other industry which would necessitate a technical man who understands that industry; or perhaps it may be a technical man and one legal man.

Mr. J. Hegney: What would the legal man know about it?

The MINISTER FOR LABOUR: He could interpret the legal side of the argument. But if he is not necessary, he will not be appointed. We would have a man who understands the industry associated with the Chief Inspector of Factories.

Mr. W. Hegney: Would you have a resident on the committee who was vitally involved?

The MINISTER FOR LABOUR: No, because his opinions would be biased and we would want an unbiased view.

Mr. J. HEGNEY: The Minister omitted to mention the Commissioner of Public Health, who should have been referred to because a health problem outside the factory would be involved.

The Minister for Labour: Not in nine cases out of ten.

Mr. J. HEGNEY: The Minister suggested that a legal man might be selected, but I cannot conceive of any legal interpretation or opinion being required. I think he might rather have suggested a chemist or a man like Professor Bayliss. However, all I can do is to trust that the Government will make a sound decision.

The MINISTER FOR LABOUR: I suggested that two professional men or two technical men would be appointed as circumstances warranted, and surely the Commissioner of Public Health is a professional man!

Clause put and passed.

Clauses 4 and 5, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—NURSES REGISTRATION ACT AMENDMENT (No. 1).

Council's Message.

Message from the Council received and read notifying that it had agreed to the Assembly's further amendment and to the consequential amendments made accordingly.

BILL—REFERENDA ON PROPOSALS FOR MARKETING OF WHEAT, OATS AND BARLEY.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [10.45] in moving the second reading said: This is a small Bill to make provision for the holding of referenda in connection with the marketing of wheat, barley and oats.

At a recent meeting of State Ministers for Agriculture on the 2nd October last, it was decided to make certain recommendations to their respective Governments. They recommended that the present scheme for the marketing of wheat be extended in substantially its present form for one year, on the understanding that a formula for assessing costs be subject to a special review, and that stockfeed wheat should be sold at the ruling International Wheat Agreement price or at related export parity, without provision being made for the payment of freight by growers.

They also recommended that there be a further five-year stabilisation plan, subject to the plan being submitted to growers in all States by way of a ballot. Should agreement between the Commonwealth and States be reached at an early date, the proposal can immediately be submitted to growers, provided this Bill is passed. We have agreed to an extension of the present scheme for another year, but agreement between all States has not been reached. It is intended therefore to hold discussions early next year when the Federal Minister for Agriculture returns from oversea.

Statutory authority does not exist at the present time to conduct a referendum to ascertain the desires of growers on any further Commonwealth marketing proposals for wheat, and this Bill has been introduced for the purpose. Future plans regarding wheat marketing are quite obscure and are awaiting the outcome of the International Wheat Agreement and discussions between the States. We shall have an Act on the statute book to enable an expression of opinion of growers to be obtained at any time. Oats and barley have been included as it may be desirable on some future occasion to refer questions of marketing to growers of these cereals. All of these cereals are the property of the growers, and I do not know that we could find a more democratic system of handling marketing matters than by taking a poll of the growers.

Hon. J. T. Tonkin: What would be the approximate cost of taking such a ballot?

The MINISTER FOR LANDS: I cannot say. The last ballot was conducted by Co-operative Bulk Handling Ltd., which paid the cost. I wonder whether the member for Moore has any idea of the cost?

Mr. Ackland: No, it would be only a guess.

The MINISTER FOR LANDS: I shall endeavour to get that information for the member for Melville. I move—

> That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—MILK ACT AMENDMENT.

Council's Requested Amendment.

Amendment requested by the Council now considered.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

The CHAIRMAN: The Council's requested amendment is as follows:—

> Clause 2:—Delete all words after the word "words" in line 4 of the clause and substitute the words "thirty-five pounds".

The MINISTER FOR LANDS: The Council has requested that Clause 2 be amended so that the maximum amount of compensation payable will be £35 per head. That would restore the Bill to the form in which it was introduced into this Chamber, but members here did not approve of a fixed sum and amended the measure to provide that the Milk Board should decide the amount subject to the approval of the Minister. It is felt to be wrong in principle for Parliament to hand over to an outside body the right to initiate expenditure from Consolidated Revenue. The fund is contributed to on a £ for £ basis from Revenue, and in discussing the matter with the Minister for Agriculture I told him there would be great difficulty in having his request agreed to by this Chamber. I pointed out that members were determined that there should be some authority that would fix the amount from time to time. To overcome the difficulty, I have had an amendment prepared, to which he raises no objection. I therefore move—

> That the Council's amendment be made subject to the alternative of deleting all words after the words "an amount" in line 18, down to and including the word "year" in line 20, and inserting in lieu the words "recommended from time to time by the Minister and approved by the Governor."

That will give the Minister power at any time to consider the amount of compensation. He will be in the position of having information from departmental officers as to the value of stock at certain periods and will have power to fix the amount of compensation.

Mr. NALDER: This matter was debated earlier in the session and a move was made to have the Bill brought into line so that an amount could be fixed each year instead of allowing a considerable period to elapse before the matter could be referred to Parliament. A point was overlooked when the Bill went from this Chamber, namely, that no compensation could be paid this year. What the Minister has suggested will, I think, meet the requirements of the Committee, but

we must be a little more specific. Suppose the measure came into force and the Minister agreed upon a figure! It is possible that he might not consider it necessary to alter the price for another 12 months or two years, or even three years. We should specify a time at which the Minister should call his officers together to agree on a price. I therefore suggest that after the words "an amount recommended by the Minister and approved by the Governor," the words "at least once during each financial year" should be inserted.

The CHAIRMAN: I think the hon. member will have to add after the words "time to time" the words, "but at least annually."

Mr. NALDER: That would cover it. Leaving it as the Minister suggested is not specific enough.

The CHAIRMAN: Does the hon. member wish to move to add the words "but at least annually" after the words "time to time"?

Mr. NALDER: Yes.

The MINISTER FOR LANDS: I have no objection to the amendment, but I do not see that it means very much. The amendment I proposed reads that the Minister shall from time to time consider the position, and I can assure the hon. member that the Government's intentions are quite good, and it may be necessary to consider the position in six months' time. Then it could be considered in 12 months' time. It does not say that the Minister has to do anything about it; but he will. The amendment as drafted is quite safe, but if the hon. member desires to be specific and say it shall be considered once annually, I have no objection.

Hon. J. T. TONKIN: I agree with what the hon. member is trying to achieve, but I think his wording will be cumbersome. Why not say, "recommended at least once annually by the Minister"? If we agreed to the deletion of the words "from time to time" and the insertion in lieu of the words "at least once annually," we would get what we are after.

Mr. NALDER: I move—

> That the amendment be amended by striking out the words "from time to time" and inserting the words "at least once annually" in lieu.

Amendment on amendment put and passed; the Council's requested amendment, as amended, agreed to.

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

BILL—STAMP ACT AMENDMENT.

In Committee.

Resumed from the 26th November. Mr. Perkins in the Chair; the Premier in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 2 had been agreed to.

Clause 3—Section 4 amended:

Hon. J. T. TONKIN: This is the clause which really implements the intention of the Bill. The definition of "winning bet" will mean the imposition of a burden on the small wager. Most bettors having an investment of 10s. on a short-priced horse will be taxed. Has the Premier considered exempting small bets? Why should a tax be imposed on bets of less than £1? There is no chance of a punter winning, so the tax only adds to his losses. Where betting of some magnitude—hundreds of pounds being wagered at a time—is indulged in, there is possibly some justification to take a portion of the winnings.

The Premier: A winning bet of less than 5s. is exempt.

Hon. J. T. TONKIN: That is because a tax could not be imposed on it. I believe the Premier would go down to 1s. if he could. Why does the Premier have to tax the small wager? He is already getting 3d. from the bet by way of tax on the ticket. The tax on the small wager will add to the loss of the small punters who bet as a matter of recreation and diversion.

The CHAIRMAN: Order! Is the member for Melville speaking to this particular clause, or to a later one in the Bill?

Hon. J. T. TONKIN: I am possibly speaking to a later clause, but "winning bet" is defined in this clause, and I was taking the opportunity to explain my views, because if the Premier takes any notice of what I am saying he will have to exclude bets under a certain amount from the definition.

The PREMIER: I cannot agree to the suggestion of the hon. member. In one of the other States both the punter's bet and his winnings are taxed. This does not apply under the Bill. A large proportion of winning bets are small bets, and if we exempt them from the tax we will lose a great deal of revenue, and another estimate will have to be made of the amount of money to be collected. This is a tax to obtain revenue, and members who read in "The West Australian" this morning the amount of the deficit so far accumulated this year must have been impressed with our need to get money from somewhere. This is one method by which we propose to obtain it.

Clause put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Section 108A. added:

Mr. GRAHAM: I have on the notice paper an amendment to delete paragraph (a) of Subsection (4) of the proposed new section.

The CHAIRMAN: I would suggest that the hon. member move to strike out the word "may" in line 1 of paragraph (a)

in order to test the Committee and not preclude the Premier moving a further amendment if this amendment is defeated.

Mr. GRAHAM: Very well. My intention was to move to strike out the words "may retain and apply", so as to leave the word "twenty", because another member believes that if any amount is paid to the clubs it should be far less than 20 per cent. However, I move an amendment—

> That in line 1 of paragraph (a) of Subsection (4) of proposed new Section 108A, the word "may" be struck out.

As the member for Pilbara said during the debate on the second reading, there are many different forms of taxation, but so far no-one has suggested that those who are responsible for the collection of the taxes should be paid a sum of money from the Treasury for the service performed. Under the "pay-as-you-go" system of taxation the employer has to do a lot of work and keep a lot of records, but does so without any charge on the public funds.

Why should the Government, which is groping in every direction for money with which to recoup a depleted Treasury, pay the racing and trotting clubs a subsidy of £40,000 per year under the provisions of this measure? All that the clubs are asked to do is to retain the returns of the book-makers in a locked room, to be called for and inspected by Government officials when required. Does the Premier suggest that additional amenities should, under the circumstances, be provided at racing or trotting courses, or that it is more desirable that the Government should use the £40,000 involved for the purpose of assisting the many worthy organisations that require help—apart altogether from the necessity to raise more money for the ordinary functions of government? I hope and trust that members will regard the Bill as a non-party measure, as all I seek to do is to place an additional £40,000 per year in the hands of the Treasurer. It is my opinion that none of the proposed new tax should be paid to the sporting bodies concerned.

The PREMIER: I hope that the Committee will not agree to this amendment. I have an amendment on the notice paper to provide that 75 per cent. of the money that the clubs are to receive shall be used to increase stakes and that the balance shall be used at the discretion of the club. This Bill is along the lines of Acts in operation in Victoria and South Australia where a sum of money from the tax is paid to the racing clubs in those States.

Hon. J. B. Sleeman: You do not want to follow Victoria in everything she does.

The PREMIER: No. It is felt that the clubs should be paid something for collecting the tax because it will involve a fair amount of work.

Mr. Graham: Tommy rot!

Mr. Styants: One clerk at the outside.

The PREMIER: I heard somewhere that the W.A.T.C. would want a clerk and the Trotting Association would want one as well; that makes two extra clerks. This money will not be paid only to the W.A.T.C. and the W.A. Trotting Association in Perth. The money will be collected from clubs throughout the State and this 20 per cent. will be paid to all of them.

Mr. Graham: About 75 per cent. of it will go to the two parent bodies in Perth.

The PREMIER: Probably the hon. member is right. Racing is regarded as one of the greatest amenities in this State and Australia generally. Amenities should be given to the public and I am told that it is an expensive business to keep racehorses. I have also been informed that owners of racehorses are not making very much money these days; in fact, they are having a hard struggle.

Mr. Graham: We should worry about that at this time!

The PREMIER: Thousands of people do worry about it. If people do not keep racehorses there will be no attendance at the courses.

Mr. Styants: And no S.P. bookmakers either.

The PREMIER: And I suppose a lot of other evils as well, but I will not argue along those lines. The W.A.T.C. and the Trotting Association provide a considerable sum of money to help country racing and they send their stipendiary stewards to a great many parts of the State including the North-West. They spend a lot of money in order to keep racing clean. The clubs are entitled to some of this tax and if it is used to increase stakes, as my amendment will provide, and the rest of it is used for amenities on the courses, I do not think exception can be taken to it. In a number of our country towns attempts are being made to establish trotting clubs and racing clubs and some of them are having difficulty as regards finances.

Mr. Graham: Could you not find anything else more important than racing clubs to subsidise?

The PREMIER: There are a number of more important things but I suppose it all depends on one's point of view. Like the hon. member, I seldom go to a racecourse but I do go on occasions. A great many people go there frequently.

Mr. Graham: From a Government point of view they should be priority No. 1000.

The PREMIER: That all depends on the point of view.

Mr. Graham: It is not much of a Government that places them Priority No. 1.

The PREMIER: This Government is not placing them in Priority No. 1, and if the hon. member went to the racing fraternity and asked them what they thought about their priority in regard to the imposition of this tax they would say that they are well down the list. My amendment will cover objections that were raised.

Hon. E. Nulsen: What is the estimated amount the Government will get out of the tax?

The PREMIER: About £200,000.

Mr. Cornell: Would you care to increase the percentage from 75 to 85?

The PREMIER: No, the proposition I have put forward is a fair one.

The CHAIRMAN: The Premier is not talking on his amendment?

The PREMIER: I have been discussing it.

The CHAIRMAN: I have given the Premier a good deal of latitude but I must ask him to keep to the amendment.

The PREMIER: I was replying to the argument put forward by the member for East Perth. However, I oppose his amendment.

Hon. J. B. SLEEMAN: I hope the amendment will be agreed to. I cannot see why the Government wants to subsidise these clubs. There is no doubt that it is a pauper Government and I saw in the paper the other day where it had gone £1,500,000 behind in five months. I can remember a Labour Premier being called "Gone a Million Jack" but it looks as though it will be "Gone two Million Ross." Every day the Government is saying how hard up it is. It cannot even find sufficient funds to carry out urgent work on the school yard at North Fremantle, yet it can give £40,000 to the trotting and racing clubs. Unlike the Premier and the member for East Perth, I am not professing that I never go on to a trotting or race-course.

The Premier: I did not say "never."

Hon. J. B. SLEEMAN: I have never shown much profit as a result of attending them, either. However, I do not believe the racing clubs are in need of money or that they have asked for this proposal, nor do I believe that it will take much to collect the tax. Bookmakers already keep a record of their bets, and the sheets are taken away by the racing officials in order to keep a check of the betting transactions on the course. It is a shame for a Government as hard up as this is to tell the Chamber that it must impose a tax on the winning bets made by a punter, although he may finish up having a losing day at the races, and then to say to the racing clubs, "Here is £20,000 for you, and £20,000 for you". I hope the amendment will be agreed to.

The MINISTER FOR HOUSING: I cannot subscribe to the views expressed by the member for East Perth and the member for Fremantle. I think they are off the beam when referring to the 20 per cent. that is to be retained by trotting and racing clubs. That money that is to be donated to those clubs is the punters' money, and it is to be used for the provision of better facilities and increased stakes. I admit quite freely that I follow the sport of kings, as does the member for Fremantle, and I feel sure that the punters who attend the race-courses desire the best facilities that can be provided. In two other States a similar tax has been imposed.

Hon. J. B. Sleeman: That does not make it right, either.

The MINISTER FOR HOUSING: In South Australia the tax is imposed on winning bets only, and I have been advised that the racing clubs have increased their stakes by 25 per cent. and that the patronage has also increased. On the other hand, in Victoria, the clubs have received nothing from a similar tax and attendances have decreased. I emphasise that the racing clubs are receiving the punters' money. It is proposed to take it away from them and then indirectly to return 20 per cent. of it in the way of better facilities and amenities. I cannot agree with the Premier when he said it would cost so much to collect this tax. That has nothing to do with it. The reason for granting the clubs this percentage is to enable them to provide better amenities and I oppose the amendment.

Mr. W. HEGNEY: I have listened attentively to the Premier and to the Minister for Housing in his brief but unconvincing speech. Lately the Premier's arguments appear to be rather weak. He was certainly weak in trying to oppose this amendment. He referred to building up these racing clubs in order that they might establish themselves, but the primary purpose of the Bill is to obtain revenue. Members on the other side should express their honest and reasoned views on the question. This is a proposal to raise a certain amount of income tax for governmental purposes, and the Premier expects to receive £200,000 from it and of that sum to pay £40,000 to the racing clubs. I do not think that adds up correctly. The Premier contends that it will be costly to collect the tax, but the Minister for Housing says that that is beside the point and that its collection will cost practically nothing. That astonishes me. I am not a racing man but I know enough to realise that it will not take anything like £40,000 to collect it.

The Minister for Housing: The Premier also said that some of the money will be used for amenities.

Mr. W. HEGNEY: And he further stated that the primary object of the Bill was to provide revenue. How much are employers reimbursed for the collection of income tax? The answer is nil.

Mr. Bovell: They should be, though.

Mr. W. HEGNEY: That is beside the point. The Government is an employer and as far as I know it receives no payment for the collection of income tax. If it were proposed to grant 2½ or 5 per cent. of this tax to the racing clubs in return for collecting it, I might be inclined to agree to the proposal. This seems to be a racket and I do not use that term disparagingly. In effect, the punters are going to pay an added income tax on top of that paid on their wages. The Government is to get £200,000, the bookmakers are to keep certain records and £40,000 is to be retained by the racing clubs. The Premier has probably been influenced by private members to modify the Bill in order to justify it, but it is no more justified than when it was first introduced. It is ridiculous to suggest that the money granted to the racing clubs will be used to provide more amenities.

The Minister for Housing: What happens to the taxation if the attendance gradually drops and there are very few people on the racecourse?

Mr. W. HEGNEY: While the present Government is in office and the basic wage continues to rise, the attendances will increase and there will be more taxation for the Government. The Premier's proposed amendment cuts no ice with me and I am in full accord with that moved by the member for East Perth.

Mr. BRADY: I have strong feelings on this and I do not wish to cast a silent vote. I am not a racing man and go to the races about once a year, more with a view to studying the human beings that go there. I do not bet, and I think the Government is doing the wrong thing in encouraging the racing clubs to carry on the way they have been during the time the financial position has been buoyant. I think we are entering an austerity period, and the Government should not be encouraging the racing clubs, but be trying to encourage people to save the money they have for the benefit of the community and the welfare of the State. This amenity is not as important as the Premier would have us believe. People who support racing are a strong and influential part of the community and in my opinion racing encourages a bad section in the community.

We should discourage horseracing; we would then be doing something for the State. However, these people may have their sport. They do not interfere with my sport and I do not want to interfere with theirs. Why does not the Premier reduce the fees of admission to the races? If that were done, I know of hundreds of people who would attend them; they are unable to do so now because of the prohibitive fees. They could then have some of the amenities they want instead of having to pack themselves into doubtful corners of the metropolitan area to do their punting. There again we have a very undesirable congregation of people which is not in the best interests of the State.

This legislation should not be encouraged in 1952; I thought we had passed that era. I cannot see how breeding and keeping racehorses is in the best interests of the State, nor can I see that it is in the State's interests for boys to remain at five and six stone, or for people to wake up at 5 o'clock in the morning and run horses around a track. It is a lot of "hooey" to talk about amenities and that sort of thing. There are vested interests involved. As Forgan Smith said, "If we do not control bookmakers and racing, they will soon control us". I am not sure that bookmakers are not controlling certain sections of the community now. I am convinced that betting interests in this State are more powerful than people believe. We find there are not sufficient train services for the carriage of passengers and yet they are made available to convey horses to the country areas.

The CHAIRMAN: Order! I am afraid the hon. member is getting away from the amendment.

Mr. BRADY: I may be, but I am keeping on the track! The Premier is wrong in giving the racing clubs 20 per cent. Practical business people in the insurance world have a lot more work to do and sacrifice much more time, and yet they only get three per cent. This means a difference of 17 per cent. I feel that trotting clubs and racing clubs and bookmakers should only get five per cent; they would be well paid if they did. I support the amendment.

Mr. McCULLOCH: The Premier spoke about horses being sent to the country. Any arrangement made to send horses to Kalgoorlie was at the instance of the Kalgoorlie Racing Club and not the W.A.T.C.

The Premier: I said stipendiary stewards.

Mr. McCULLOCH: The metropolitan area pays for nothing that we get on the Goldfields. I agree that amenities could be improved, especially in the metropolitan area. In this respect I would refer particularly to Gloucester Park where one is given dirty tumblers to drink out of. It is up to the health authorities to control this, and that amenity should be improved. Money spent on this would

be money well spent. The racecourse on the Goldfields has to be kept up and the race clubs are entitled to something, but not 20 per cent. of the whole of the tax collected.

When we increase stakes on the Goldfields we generally increase the entrance fee and that is how racing there is kept going. However, it has now been stopped until next Easter. So I have no doubt the £40,000 will be spent in the metropolitan area. I have been in Williams and one or two other places and there are no amenities there for the public at all. The bookmakers get their money, and that is all they are concerned about. The race clubs get their percentages, and they are satisfied. I do not think the Government would be able to compel the race clubs to increase their stakes. However, I disagree with the payment of commission to the clubs on the basis proposed.

Mr. RODOREDA: I suggest reducing the percentage to 2½, which would be ample remuneration for the little work that would be entailed in collecting the tax. This is an extraordinary measure to come from a Cabinet composed of 99 per cent. of non-racing men. Here, the Opposition is endeavouring to foist £20,000 or £30,000 on the Government, and the Premier will not have it. Members on this side of the Chamber are not opposed to the principle of the tax, but they are opposed to the suggested application of the proceeds. The amendment on the notice paper in the name of the Premier would be some improvement on the Bill as introduced. Reference was made by the Minister for Housing to Eastern States racing. Surely he realises that the position here is entirely different! The intense competition between New South Wales and Victoria and South Australia means that the State offering the highest stakes must get the horses. That is why racing in New South Wales has gone ahead.

Mr. Yates: South Australian racing has gone ahead, too.

Mr. RODOREDA: Yes. Horses are available to those three States, but not to Western Australia. Nobody could be induced to bring a team of horses here, because our population is so small that we cannot compete with the Eastern States in the matter of stakes. The Premier has suggested that part of the money be devoted to providing amenities. On that score, the W.A.T.C. does not deserve a pound of this money.

The amenities, particularly at headquarters, are a disgrace. The arrangements for the sale of liquor are about equal to those in a bush store at Wyndham, except that down here there is an iron roof instead of a bush roof. One sees the same old dirty glasses being used and being washed in the same dirty water. The afternoon tea service is scandalously inadequate and not too savoury, and the same remark applies to the supply of soft drinks. When more than the usual crowd is present at a race meeting, it is a tremendous job to get afternoon tea or a soft drink in anything like decent surroundings. The attitude of the club seems to be, "To Hell with the public."

Reference has been made to reducing the charges of admission. Members may recall that the late Alec Clydesdale reduced the charges at Belmont Park and attracted greatly increased attendances, but the W.A.T.C. compelled him to increase those charges again. The club is not going the right way to get bigger attendances. If charges were reduced, it would be an inducement for people to attend. The service provided for the public, considering the admission charges, is scandalous. For a race-book 1s 6d. is charged, and the club could well afford to supply copies gratis in order to get people on the course. Once they are on the course, the club obtains revenue from them.

A majority of punters do not object greatly to paying a tax when they win, so the Premier would be wise to accept the amendment. If he happens to be returned to office next year, he will certainly have need of the additional £40,000. If he is not returned, the man who is Premier will badly need this money I ask the Premier to reconsider his decision. I do not know who has talked him into it, but it is an outright gift to racing and trotting clubs. When it is considered that the Premier's amendments provide that 75 per cent. of amounts retained by the clubs shall be for increasing stakes—

The CHAIRMAN : I do not think the hon. member should discuss the projected amendments in detail.

Mr. RODOREDA: It has a bearing on whether we accept the amendments before us or not. The Premier's amendments are ridiculous when applied to country clubs. They could not increase the stakes by £1 a race out of the money they would get. I think the Premier should go the whole hog or do nothing at all.

The PREMIER: It should be remembered that the racing clubs are not proprietary clubs, but they are all clubs formed by people who work hard, very many of them without remuneration, in order to encourage racing or trotting. I know that they have a difficult time financially to keep their clubs going. I remember that some time ago, when we did something about the totalisator tax, there was a keen demand from the Goldfields clubs that we should provide some assistance for them. We did something to relieve them and what was done was of considerable help to the Goldfields racing clubs as well.

Mr. Styants: They appreciated it very much.

The PREMIER: I think they did. This tax has been imposed in two States under very much the same conditions as are proposed here. I do not think it is a harsh tax, but I do think that out of the money collected the racing clubs would expect us to do something to assist them.

Hon. J. T. Tonkin: What obligation are you under to them?

The PREMIER: I do not know that we are under any obligation, but we do feel that we have an obligation to do something to assist them to collect this tax and help them to improve racing in this State.

Hon. J. T. Tonkin: That is a new conception of Government, surely.

The PREMIER: I do not know that it is. This is not the only Government that has had that conception.

Hon. J. T. Tonkin : Is there any significance in the fact that they are Liberal Governments in the other States that have done it?

The PREMIER: I do not think so. This Bill was introduced only after mature consideration. After I heard the criticism of the measure when I introduced it last week, I gave further consideration to it with the result that I have placed these amendments on the notice paper specifying in which direction the 20 per cent. that goes to the clubs shall be spent.

Mr. W. Hegney: Did the clubs agree?

The PREMIER: It is not a matter of the clubs agreeing, but of their having to take what is given to them. In regard to amenities, I am satisfied to trust the clubs. I think they will spend the money to the best advantage in the provision of amenities.

Mr. Rodoreda: What makes you think that?

The PREMIER: They are decent men who run the racing and trotting clubs in his State.

Mr. Rodoreda: You should have a look at how they run them!

The PREMIER: From what I know of them, I think their desire is to run good, clean sport and give the public those amenities which they think the public should have. The member for Pilbara said something about what happened at headquarters. I have been there very seldom, but I have not seen much to complain about. If they are short of amenities in the direction indicated, they may be able to provide them from some of this money.

Mr. McCulloch: You would not have been in the public bar!

The PREMIER: I have been out amongst the crowd quite frequently. I hope the amendment will not be agreed to.

Hon. J. T. TONKIN: There is no justification for the Premier, in the straitened financial circumstances in which he finds himself, giving away to the clubs a sum which might approach £40,000. It is somewhat remarkable that a Government which came in with the promise that it was going to reduce taxation should now levy a tax for the purpose of increasing stakes on racecourses. It is surely a new conception of government that we should be obliged to impose a tax and raise money in order to hand it over to racing clubs to increase stakes and provide amenities at a time when taxation is already high and steps should be taken to reduce costs.

The Premier: This tax will not impose any increased burdens.

Hon. J. T. TONKIN: If we disregard the promise by the Premier that he was going to reduce taxation and have regard only to the circumstances in which we find ourselves—that taxation is high and that the Premier is short of money—we wonder how he can so easily view the prospect of giving away £40,000. The Premier is a strange mixture. Half the time he is considering how he can raise more money to get him out of his difficulties. Then he spends it without thought of what he is doing. There was a proposition tonight to hold a referendum at the Government's expense, and neither the Minister nor the Premier could tell me what it would cost the country. There is a decision to spend revenue without knowing how much is involved.

Here we have another proposition to give away £40,000 that there is no necessity to give away. Who is to force the Premier to give this money to the clubs? If he decides to retain the whole of the tax, who will make a noise about it? The Premier surely needs the money. It is idle to say that the clubs will be put to considerable expense to collect this money, because they will not. The people who will be put to expense will be the bookmakers, if any expense is involved. The bigger bookmakers will have to employ extra silver clerks as they do in Victoria. The smaller ones will probably manage with the labour they already have. There is no obligation on the Government at this stage to do anything to increase stakes. Some years ago, when stakes were low and the clubs were struggling we might have understood an attempt by the Government to do something in this way, but even then I would say it would not be justified, because it is not a function of Government to increase stakes on racecourses.

The Premier: The racing clubs are heavily taxed now.

Hon. J. T. TONKIN: No. The tax obtained from the totalisator is not paid by the clubs but by the punters. This will be an additional impost on those who go to the races, yet the Government imposes this tax in order to give a large sum of money to the clubs. The Government should retain the money. If some little expense were involved we would not object to, say, 2½ per cent. of the money being retained to cover it, but there is no need for the clubs to make a profit out of a tax which the Government feels inclined to levy. If the Government can do without the £40,000 it ought to make the tax that much less.

The Minister for Housing said the money would go in amenities. I wonder where he got that idea. The Premier said that threequarters of it would go in increased stakes. That will not be for the benefit of the punters, but the owners. The Premier said that the clubs could do as they wished with the other quarter. They could put down another track if they so desired. There is nothing to say that this money shall be spent on amenities for the racing public. Take the Trotting Association. Its stakes are most substantial. It has got to that position because of the way it runs its business. Its stakes do not need boosting. It can give away thousands of pounds, and put on Cup races, almost monthly.

What obligation has the Government to provide the Trotting Association with money to increase its stakes? The Premier mentioned the deficit. We cannot afford to be prodigal with this money. If it is to be obtained from the general public the Premier should hold it because he needs it. I am wondering whether any consideration has been given to the taxing of bets made between bookmakers. There are instances where a bookmaker lays a greater amount against a horse than he intends, and in order to balance his book, or keep his liability within the compass of his capacity to pay, he gets off his stand and makes a bet with another bookmaker. Will that bet be taxable?

The Premier: If it is a winning bet. I should say he is a punter in that case.

Hon. J. T. TONKIN: It is arguable whether such a bet is similar to the ordinary bet, and so should carry the tax.

The Premier: Any winning bet made on a racecourse will carry the tax.

Hon. J. T. TONKIN: It would be possible, where a thousand pounds was involved, for the bookmaker with whom the bet was made originally to step off his stand and back the same horse to win him, say, £500 in order to balance his book. The second bookmaker might back the same horse with another bookmaker. All those bets would be involved in the original bet. In that way the original wager of a thousand pounds, which would be paid by a series of bookmakers instead of one, could carry tax on several thousands of pounds. If a lot of that sort of thing went on the Premier's receipts would be greater than he anticipated, and the 20 per cent. to the clubs would exceed £40,000. I do not think this sum of money ought to go the clubs. If the Premier is going to raise this tax he should take the fullest advantage of it.

Mr. GRAHAM: Rarely have I seen the Premier so uncomfortable and stumped for the want of an argument. The Minister for Housing, who obviously felt his leader required some support, pretended there was nothing wrong with the proposition because, after all, it was the punters' money that was to go back into the game.

The Minister for Housing: Whose else is it?

Mr. GRAHAM: It is the revenue of the State.

The Minister for Housing: It is originally the punters' money.

Mr. GRAHAM: It is money that has been raised by the State under a taxation measure. This is an unnecesary hand-out of the people's money to the racing clubs. Because I pay a few pounds in sales tax, and the money is appropriated by the State, is it suggested that it is mine, and that I have any claim on it? Of course I have not. The Minister for Housing pretended that the number of people attending race meetings will increase because, presumably, they will relish the opportunity of leaving part of their winning bets behind.

The Minister for Housing: Because they will see better racing as a result of higher stakes.

Mr. GRAHAM: There is no guarantee of that.

The Minister for Housing: Do you not get more people at the Perth Cup, and so on, because of higher stakes and better racing?

Mr. GRAHAM: Because the Perth Cup is the event it is, the great majority of people in the State would follow it even if the stakes were halved.

The Minister for Housing: You would not attract the better type of horse.

Mr. GRAHAM: I follow the Melbourne Cup in a humble way, without any knowledge of what the stake might be, or regard for the calibre of the horses, and the same applies to the majority of people. At page 41 of the Estimates appears the sum of £33,181 as the total of what are known as benevolent grants for the whole of Western Australia, yet the Premier proposes to hand over £40,000 to the racing and trotting clubs.

The Premier: It is not a parallel case.

Mr. GRAHAM: The Premier is willing to provide £400 for the Surf Life-Saving Association, but £40,000 for the racing and trotting clubs.

The Premier: The clubs from which we are getting the money!

Mr. GRAHAM: Is it not far better to save human life on the beaches than to have horses galloping round a ring on Saturday afternoons? The Premier apparently believes that the ultimate in statesmanship is to provide big stakes for the races and amenities on the race courses, yet the grant for the Children's Protection Society is £100. The Premier proposes to give Mr. Stratton and the Trotting Association £20,000, and he said "I know some of the clubs have a difficult time to keep going". That is a statesman-like utterance. Does he not know that the kindergartens are finding it difficult to keep going?

Mr. Brady: And that the old-age and invalid pensioners are finding it very difficult!

Mr. GRAHAM: There are a great many organisations doing good work and more worthy of help than are the racing and trotting clubs, yet the latter are to be paid a sum far in excess of the total of the benevolent grants for the year 1952-53. I appeal again to members on both sides of the House to try to be realistic in this matter.

Hon. A. R. G. HAWKE: The Bill proposes to impose taxation upon certain race-goers to the extent of approximately £240,000 per year, of which the Government proposes to hand approximately £40,000 per year to the racing and trotting clubs and the greater part of that sum will go to the W.A. Turf Club and the W.A. Trotting Association, the headquarters of which are situated in Perth. In justification of the imposition of the tax the Treasurer said the State is badly in need of money to finance urgent matters, and though he might be able to justify the tax, he cannot justify handing over £40,000 per year to the sporting bodies that I have mentioned. During the debate on the second reading I said it would not cost the Turf Club or the Trotting Association more than 2½ per cent. of the amount collected from the bookmakers to reimburse them for collecting it.

Mr. Graham: If they were given 2½ per cent., that would be £5,000 per year.

Hon. A. R. G. HAWKE: I do not think it would cost either of the bodies concerned £500 per year for the service to be rendered. Why make them a gift of £29,000 per year? If the Treasurer and Minister for Housing have devised some new argument to justify this huge payment to the sporting clubs, it has been lately thought out and is in conflict with the grounds of justification given by the Treasurer when he introduced the Bill. If that new argument is that this huge payment will enable the Turf Club and the Trotting Association to offer higher stakes, I do not think it can carry any weight.

All the racehorses in Western Australia capable of racing, and some of them which are not capable of racing, in my opinion, race today. It is a well known fact that most racehorses are raced not for the stake money but for the betting transactions. In other words, if owners and trainers had to depend for their existence on the stake money provided, very few of them would continue to operate. An increase in stake money would not increase the number of horses racing. I do not think it would make much difference to the number of people who go regularly to racing and trotting meetings and I do not think it would assist the State in any shape or form.

We know that there are certain big racing and trotting events during the year and those events are glamourised. It is true that they carry higher stake money, but a good deal of advertising is carried on in connection with them and as a result they become a special feature in the racing or trotting calendar and additional people go to see them. However, that is not an argument in favour of giving the trotting and racing clubs £15,000 a year each by way of a gift. If the Treasurer is to collect all this money let him devote it to the urgent and important purposes, which he used in his second reading speech as a ground to justify the introduction of this new and special tax. If the Treasurer needs only £200,000 let him alter the rate of tax to be imposed so that only that amount is raised.

I support the amendment because it will lay down that the total amount of tax that can be collected shall be in the hands of the Treasurer to be devoted by him to urgent and vital requirements. The Premier does not need to be convinced that the State will require for important and urgent purposes every shilling upon which it can lay its hands during the next two or three years. So the Government, the State and the people who are to be taxed are not in a position to pay out as a gift £15,000 a year each to the Trotting Association and the Turf Club.

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

Ayes	18
Noes	21
Majority against	3

Ayes.	
Mr. Brady	Mr. Moir
Mr. Butcher	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. McCulloch	Mr. Kelly
	(Teller.)

Noes.	
Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Doney	Mr. North
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Totterdell
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Mr. McLarty	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. May	Mr. Watts
Mr. Coverley	Mr. Abbott
Mr. O'Brien	Dame F. Cardell-Oliver
Mr. J. Hegney	Mr. Ackland

Amendment thus negatived.

On motion by the Premier, clause amended by inserting after the word "may" in line 1 of paragraph (a) of Subclause (4) the words "subject to the provisions of subsection (5) of this section;" and by striking out the words "and apply."

Mr. RODOREDA: I move an amendment —

> That in line 1 of paragraph (a) of Subsection (4) the word "twenty" be struck out with a view to inserting the words "two and a half."

I will not elaborate on the amendment because sufficient has been said to indicate that the Committee entirely disagrees with the proposal to give racing clubs 20 per cent. of the tax. One member on the other side of the House, by interjection, said he thought this amount was too much and I hope he will have something to say on the amendment.

The PREMIER: It is proposed to go over the same argument again, but I do not intend to do so. The hon. member's amendment would be worthless and the Committee might as well wipe out this provision altogether.

Mr. Rodoreda: That is what I want to do.

The PREMIER: I know that.

Mr. W. Hegney: It would give them £5,000.

The PREMIER: I have already given reasons why the amount should be 20 per cent. and I still hold to them. I hope the amendment will not be agreed to.

Amendment put and negatived.

The PREMIER: I move an amendment—

> That after the word "amount" in lines 2 and 3 of paragraph (a) of Subsection (4) of proposed new Section 108A the words "to such purposes as the club or person thinks fit" be struck out.

Amendment put and passed.

The PREMIER: I move an amendment—

> That after the word "prescribe" at the end of paragraph (c) of Subsection (4) of proposed new Section 108A subsections be added as follows:—
>
> (5) Three-quarters of amounts retained by a club or person under subsection (4) of this section shall be used for increasing stakes paid by the club or person and the remaining one-quarter shall be applied to such purposes as the club or person thinks fit.
>
> (6) Where the balance mentioned in paragraph (b) of subsection (4) of this section is not remitted at or within the time appointed, it may be recovered in a court of competent jurisdiction at the suit of the Commissioner as money had and received on his behalf.

Mr. W. HEGNEY: What machinery will be put in operation to ensure that 75 per cent. of the money granted to racing clubs will be spent to increase stakes? What penalty will be imposed if it is not used for that purpose?

The PREMIER: At the end of the Bill, a penalty of £100 is prescribed for a breach of this clause. These returns will be made to the Taxation Department and there will be no difficulty in ascertaining how the money is being spent, so the hon. member need have no fear in that regard.

Mr. BRADY: I move—

> That the amendment be amended by inserting after the word "for" in line 4 of the proposed new subsection the words "reducing the admission fees of the club."

The CHAIRMAN: The member for Guildford-Midland will have to move to strike out some words in order to effect his amendment.

Mr. BRADY: I seek your guidance on the matter, Mr. Chairman.

The CHAIRMAN: The hon. member will have to withdraw his amendment on the amendment.

Amendment on amendment, by leave, withdrawn.

Mr. BRADY: I move—

> That the amendment be amended by striking out after the word "for" in line 4 of proposed new Subsection (5) the words "increasing stakes paid by the club or person."

The PREMIER: I oppose the amendment because, if agreed to, it would alter the whole set-up of the Bill and defeat the object of providing money for

increased stakes. I do not know how the amendment could be effected, even if the Committee agreed to it, or by how much the admission fees could be reduced. I do not think the decrease would be such as to give any great benefit to racecourse patrons. I understand that racehorse owners are not having a rosy time financially at present but, if the money is used to increase the stakes, it should assist to put racing on a better footing. The other portion of this money that is to go in amenities may be used by the club in any direction it pleases. It may decide to decrease the admission charges or to use the money in some other way.

Hon. A. R. G. HAWKE: I support the amendment. It is absurd to propose, as the Treasurer has done, that £30,000 of the £40,000 which he intends shall go to racing and trotting clubs shall be given by those clubs to owners of racehorses. He is going to slug the people who are lucky enough to back a winner. One can imagine the reaction a proposition of that kind will have on racegoers. They will be mighty happy to think that they are paying their tax on winning bets and that a considerable amount of what they are paying is to be transferred by the Treasurer, first to the racing clubs or trotting clubs which in turn will hand it over to owners of racehorses or trotting horses. There is no justification whatever for laying it down that £30,000 of the £40,000 shall be given to a few lucky owners of racehorses.

The Premier: Not a few.

Hon. A. R. G. HAWKE: Comparatively, there will be very few. How many owners of trotting horses or racehorses collect first, second and third prize money in a season? Some owners seem to race in and out of season without their horses running even third. Do not ask me how they do it; the only way they could is by backing the horses of other owners and not their own. If three quarters of the amount were to be used to improve conditions for racegoers there might be some merit in it. The Treasurer said that a lot of money would be used to provide amenities for racegoers, but under his amendment there will be no money left for that purpose, because the Treasurer is laying down that 75 per cent. of the total amount to be collected by the clubs is to be handed over to the owners of horses that run first, second or third. Even of the remaining 25 per cent. the Treasurer is not providing that it shall be used for better amenities; it is to be left to the discretion of the Turf Club committee and the Trotting Association committee. They could spend the 25 per cent. on entertainment or any purpose they like.

The Premier: You know that would not be done.

Hon. A. R. G. HAWKE: Why not?

The Premier: You know certain men who run country race clubs.

Hon. A. R. G. HAWKE: Yes.

The Premier: You know that they are reputable citizens.

Hon. A. R. G. HAWKE: But would the spending of this easy money on entertainment and guests be dishonest or wrong? It would be completely legal.

The Premier: That is a groundless fear.

Hon. A. R. G. HAWKE: It is not a fear, but a reasonable anticipation and they could not be blamed for doing it.

The Premier: I would blame them if they did it.

Hon. A. R. G. HAWKE: I would not. We know the form of entertainment which the Trotting Association has carried on over the years and yet we have this amendment of the Premier's. The racegoers will pay the whole of the tax and nothing will be expended for their benefit. It is lopsided. So this amendment should be supported if only as a protest against the Treasurer's amendment.

The Minister for Housing: If they were to reduce admission fees would it not indirectly reduce taxation payable to the Government?

Hon. A. R. G. HAWKE: I suggested that the other evening to the Premier, but he argued the opposite way, namely, that a reduction in admission fees would encourage more people to go to the races and trots, and that additional people would cause more money to go to the clubs and more taxation to go to the Government. It could be a logical argument and that is another reason why the amendment should be supported.

Mr. YATES: I am not against the proposed reduction of entrance fees to racing and trotting meetings. If this money was spent in that direction it would not do much to relieve the cost of entrance fees because if one worked out the average attendances of the three main clubs in the metropolitan area, namely, the W.A.T.C., the Trotting Association at Perth and Fremantle, one would find that the attendances run to thousands per meeting. I would say at the weekly meeting of the W. A. Trotting Association—it holds 46 in the year—the attendance would be 10,000 or 15,000 and some nights over 20,000. Headquarters would average an attendance of between 5,000 and 8,000 and the Fremantle Trotting Club 10,000 or so. There are seven or eight trotting clubs and 40 country racing clubs that hold meetings regularly, and if the £40,000 were spread over the people who attend, the reduction in admission charges would probably be twopence.

Hon. A. R. G. Hawke: But in the year it would amount to £40,000.

Mr. YATES: To the individual it would mean nothing.

Mr. BRADY: It should be possible for the clubs to reduce the charge for the leger or enclosure for ladies, and individuals would benefit in that way. I understand that people who bet with S.P. bookmakers claim that they cannot afford the admission charge to attend racecourses. Reduced charges would lead to larger attendances and taxation derived would also be greater.

Mr. JOHNSON: The Premier stated that the Stamp Office would be able to check the distribution of these funds. We are led to believe that the clubs are suffering from financial malnutrition, but people who attend races are suffering similarly and I prefer the suggestion that the entrance fees be reduced. If the clubs are short of money and this donation from the Government is to enable them to reduce stakes, how will the Stamp Office know that the clubs had not intended to reduce their stakes by an equal amount?

This is nothing but a pious resolution to the effect that the clubs should be requested to apply the money in that way. I doubt whether any auditor could prove that the money was in fact being expended in any particular direction. It would be paid into the general revenue and could not be earmarked so that its use could be traced. In my opinion the Premier's amendment is of no value at all.

Mr. W. HEGNEY: I asked the Premier what machinery would be set up to ensure that the clubs applied the £30,000 to increasing the stakes and he indicated that provision was made in the Bill for a penalty of £100. That penalty relates only to a breach of the regulations for failing to remit to the Commissioner the balance of the amount or to furnish such particulars as may be prescribed. The clubs could claim that the money had been used to increase the stakes, but if at the same time they decided to reduce the stakes then being paid, what would be the position? They could retain the whole of the £30,000 and use it for any purpose. Does the Premier propose to peg the existing stakes and ensure that the £30,000 will be devoted to increasing the stakes? It looks to me as though this is a blind or an attempt to try to convince supporters of the Government, who are apparently treating this as a party measure, so that the Premier will have some justification to get them to continue supporting the Bill.

I would like the Premier to indicate how the Bill will be used to ensure that the provisions of the measure are carried out by the racing and trotting clubs. Assuming that the stake money amounts to £1,000, how is the increase to be applied? If the racing clubs get £500 or £1,000 or £2,000 a month, and they decide that the stake money is to be reduced by a like amount, how will the regulations overcome that obstacle? What penalty will they incur? None at all. Although this latest proposition is a supposed modification of the original Bill, it adds up to nothing and does not hoodwink me.

The PREMIER: We will know from the returns of the racing clubs what amount of money has been paid in stakes. Provision is made that those returns have to be furnished. There may be in the mind of the hon. member some special reason why the clubs would want to reduce stakes.

Hon. A. R. G. Hawke: Increasing costs.

The PREMIER: That may be so. There may be some very special reason, but they would have to give a reason why any such reductions should be made. I do not think that the racing clubs throughout the State, as I know them, are likely to attempt to do the things the hon. member says might happen. Generally they are conducted by reputable citizens who are in the sport not for what they get out of it individually but as members of the racing clubs. I do not think that the hon. member need have any fears in that direction. If it were found that a club was not acting honestly, action could soon be taken in regard to it.

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

Ayes	16
Noes	21
Majority against ...	5

Ayes.

Mr. Brady	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. McCulloch	Mr. Kelly

(Teller.)

Noes.

Mr. Brand	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Doney	Mr. North
Mr. Grayden	Mr. Oldfield
Mr. Griffith	Mr. Owen
Mr. Hearman	Mr. Thorn
Mr. Hill	Mr. Totterdell
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell
Mr. McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. May	Mr. Watts
Mr. Coverley	Mr. Abbott
Mr. J. Hegney	Mr. Ackland
Mr. O'Brien	Dame F. Cardell-Oliver

Amendment on amendment thus negatived.

Mr. McCULLOCH: I oppose the amendment. The Premier has expressed a sincere desire to assist country clubs.

The Premier: This will assist them.

Mr. McCULLOCH: If the clubs are not operating owing to lack of finance, how will this assist them? To what clubs does this refer?

The Premier: It must be a club that is racing.

Mr. McCULLOCH: Some of them cannot race because they cannot raise the finance to get the horses there. If the Premier had allocated a certain amount of this £40,000 to the country clubs and so much to the metropolitan area, it would have been better. If the country clubs could get a few pounds, they would be able to provide some amenities and have proper race meetings. At the present time they cannot finance meetings. The Kalgoorlie and Boulder Racing Club has had to shut down. Who own the horses in the metropolitan area? I will say, without fear of contradiction, that 50 per cent. of them are owned by bookmakers. I do not know about the trotters, but I feel that trotting is also financed by the bookmakers. By giving £15,000 to the racehorse owners and the same amount to the trotting-horse owners, it means that we are giving money to the bookmakers. The Premier has expressed his desire to assist country clubs, but this amendment will not do it. At headquarters at least 10 per cent. of the attendance is composed of country people.

The Premier: You can apply that the other way round, too.

Mr. McCULLOCH: They certainly go from the metropolitan area to Kalgoorlie, but only to collect the money they can grab there. I would like at least 10 per cent. of the £30,000 to go towards country clubs.

The Premier: They will get something if they race, but if they do not race they are no longer clubs.

Mr. McCULLOCH: The winning bets tax at a country meeting might amount to only £500 or £600, and three-quarters of such a sum is nothing. The two clubs in the metropolitan area will get the money.

The CHAIRMAN: Order! I think the member for Hannans is going over the same ground again.

Mr. McCULLOCH: I am not. I say the country clubs will not get any benefit from this. The amendment should be defeated.

Mr. W. HEGNEY: As far as I can see, the country clubs will get an infinitesimal portion of the amount collected. The big racing clubs in the metropolitan area will get the cream. The governing bodies of these clubs are dominating the Bill. I think they have a battery on the Premier too.

The Premier: They have nothing on the Premier.

Mr. W. HEGNEY: If country clubs are suffering such financial stringency that they cannot conduct meetings, they get nothing; and if they do conduct meetings, the proportion they are to receive will not be worth worrying about. I will take a lot of convincing that vested interests are not pushing for the provisions outlined by the Premier now, and the 20 per cent. before.

Mr. Yates: Which vested interests?

Mr. W. HEGNEY: The racing clubs. The Government is introducing the Bill to get revenue, and the big clubs want something for their trouble in collecting the tax. They are to get 20 per cent. and now the Premier says that 75 per cent. will be paid in increased stakes. The clubs will be getting too much. I am not at all convinced that this is in the interests of the State, but rather that it is in the interests of the racing clubs. I am astounded that any Government should introduce a Bill to collect £200,000, and pay £40,000 back to the collecting authorities. There is something inequitable about it that needs probing. The Premier could well consider withdrawing the Bill, or cutting down the percentage to 2½ or three per cent.

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

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. L. Thorn—Toodyay) [1.30] in moving the second reading said: This Bill seeks to amend the Government Employees (Promotions Appeal Board) Act. The parent Act was the result, primarily, of representations made by the Civil Service Association for legislation to replace a board set up by the Public Service Commissioner, which had no legal standing. That board consisted of the Public Service Commissioner as chairman, the Auditor General or another senior administrative officer when audit cases were concerned, and the general secretary of the Civil Service Association. This "unofficial" board restricted its hearings to Public Service cases, and then only to those appellants from the department in which the vacancy occurred, who were senior to the officer recommended for promotion.

It was strictly a board to consider claims for promotion, and although it was headed by the Public Service Commissioner and consequently might have been thought to have been weighted to some extent on the side of the recommending authority, it provided an avenue for the ventilation of grievances against the failure of departmental heads to accept the claims of officers on their own valuation of their prospective worth to the Public Service. The board's activities certainly did not extend far enough but its hearings and decisions over the ten years

of its functioning did much to dispel any earlier feelings of favouritism in the selection of officers for advancement. Its partial success created the urge for something better which would have the widest possible application.

All organised bodies of Government employees then banded together and their united efforts were successful in obtaining parliamentary approval to the Act which has now been in operation for more than six years. The Act applies to persons employed in a permanent capacity in any department who are required by the terms of their appointments to give their whole time to the duties of their employment. The term "department" is wide in its application and includes all Government instrumentalities and trading concerns. Members of the Police Force, however, have recently been excluded, following the setting up of a separate tribunal to hear their promotional and other appeals.

In its present form, the Act extends the right of appeal to applicants for all positions having a salary grading up to £750 per annum, plus the basic wage increases which have been declared since the Act came into operation. The existing limit, on the current State basic wage of £622 per annum for the metropolitan area is £1,111. It will be remembered by members that the limit of £750 was fixed after quite a lot of discussion turning around an alternative proposal to determine the positions which might be excluded from appeal. It was recognised then, as I am sure it will be recognised now, that it was not possible to set out a schedule of the positions which should be excluded and neither was it practicable to define such positions, as changing circumstances would be bound to cause the creation of new positions or cancel some which were then in existence.

The figure of £750, therefore, was selected as reasonably marking the division between the responsibilities for selection which the executive Government should reserve to itself and the appointments for which appeals against the recommendations of authorities should be allowed to go before a constituted tribunal with both employer and employee representation and an independent chairman. Since that time, an amendment of Part X of the Industrial Arbitration Act, which applies to Government officers, has more clearly defined the limit of Arbitration Court jurisdiction to members of the Civil Service Association, and by a mutual understanding between the association and the Public Service Commissioner this limit has also been applied, for the purpose of promotional appeals, to a number of positions which come under the Public Service Act.

This limit, defined in the Industrial Arbitration Act as the "justificiable salary" is now a gross salary of £1,347 per annum adjustable with the metropolitan basic wage and other factors affecting the classification of officers. The Bill now before the House seeks to extend the same principle to promotion appeals as applies to Arbitration Court jurisdiction. It is considered that no fairer basis can be found for application to all services, especially when it is borne in mind that the Arbitration Court limit clearly establishes separate groups of officers in the Public Service which have their counterparts in the railway service and may readily be applied to other Government services which, in general, follow Public Service classifications.

The proposed limit of £1,347 is £246 per annum above the existing limit of the Promotion Appeal Board's jurisdiction. It includes marginal increases which have been granted since the Act came into operation and, under the definition of "justificiable salary or wage" given in the Bill, the limit will vary with basic wage and marginal adjustments in the future. This is the principal amendment proposed in the Bill. It meets with the agreement of the main employing authorities under the Crown in Western Australia, and it is also in accordance with a request received from the Civil Service Association, but is slightly less than the limit asked for by the Railway Officers' Union, which was for a limit of £1,380 on the present basic wage. For the reason I have already given, the lower present amount of £1,347 should be acceptable. The only other amendment covered by the Bill is one to give a definition of "seniority" as it applies to the teaching service.

The definition as it stands in the Act is not appropriate to seniority in the teaching service and it has had to be disregarded by the board in its consideration of teachers' appeals. A rather complicated formula was suggested by the Teachers' Union, which was much the same as the formula used in the department for the compilation of promotion lists in the primary service. However, it is not suitable for the teaching service as a whole and the formula which has been adopted by the board for its determination of seniority has been accepted for inclusion in the Bill. Certain other requests for the amendment of the Act have been given consideration, but as these all tended towards widening the scope of the measure from its intention to provide for the right of appeal against recommendations for promotion, they have not been accepted.

The Act, from its inception to the 30th June, 1952, has provided the machinery for the board to hear a total of 822 appeals. Of these, 201, or approximately 24 per cent.

have been successful. The cost, excluding the value of the time spent by departmental advocates in the presentation of cases to the board, and the salaries of the chairman and other members of the board, has amounted to £3,982 or an average of approximately £4 17s. for each case which has come before the board for hearing.

I think all members will agree that the Act has given a great deal of satisfaction to government employees. Proceedings have been conducted generally in a manner which has enabled appellants and their advocates to put forward their views in a friendly and impartial atmosphere. There has been no aftermath of discontent occasioned by the board's findings, which have, of course, been consistently observed. The amendments in this Bill, even though they do not go as far as some might wish, should bring even greater satisfaction to a large body of government employees. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

House adjourned at 1.41 a.m. (Wednesday).

Legislative Council

Wednesday, 3rd December, 1952.

CONTENTS.

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Prices Control Act Amendment and Continuance Bill.

QUESTIONS.

RAILWAYS.

As to Reducing Freights and Fares.

Hon. A. L. LOTON asked the Minister for Railways :

Will the Government give immediate consideration to the advisability of reducing freights and fares on the State railways, with a view to encouraging more