Legislative Council.

Tuesday, 5th November, 1946.

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

QUESTION.

EDIBLE FAT.

As to Export Price of Wyndham Product.

Hon. R. M. FORREST asked the Chief Secretary:

1, Is it a fact that the export price of edible fat produced at the Wyndham Meat Works is £108 per ton?

2, If not £108 per ton, what is the current export price?

3, Is it a fact that the fixed Australian price is only £32 per ton?

4, If this is the case, why is the Australian price fixed so low compared with the export price?

5, If the export price were paid would not the growers receive an extra 6s. per head for their cattle?

The CHIEF SECRETARY replied:

1, No.

2, Current export price is approximately £100 per ton f.o.b. Wyndham but this price only came into being as from the 1st October, 1946, prior to which the export price f.o.b. was approximately £46.

3, The Australian fixed price is £30 per ton f.o.b. Wyndham.

4, This price was fixed by the Commonwealth Prices Commission.

5, The amount growers would receive is not known as any excess over £30 per ton on tallow exported would have to be paid into the Commonwealth Tallow Prices Equalisation Pool. The proceeds of this pool, after administration expenses are met, will be allocated to all manufacturers of tallow within Australia for the total tonnage produced on a ton basis of all qualities of tallow, irrespective of quality and sold within the Commonwealth or exported.

BILL—PLANT DISEASES ACT AMENDMENT.

Read a third time and *passed*.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Reports of Committee adopted.

BILL—MILK.

In Committee.

Resumed from the 31st October. Hon. H. Seddon in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 27 had been struck out.

Clauses 28 to 30—agreed to.

Clause 31—Appeal where license refused:

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

> That in lines 2 and 3 of Subclause (1) the words "the Minister" be struck out and the words "a magistrate" inserted in lieu.

This clause provides that any person to whom the board has refused to issue a license may appeal to the Minister in the prescribed time and manner against the decision. I am in favour of the board's taking this course in the ordinary course, and of the person who desires to appeal against the action of the board appealing through the court, in the ordinary way, to a magistrate. This Bill was introduced primarily to give the people of the State a clean and safe milk supply. The public are entitled to know of that because, after a man has been refused a license, it is not in the public interest that such matters should be hushed up, and it is not likely that statements would be made on appeals taken to the Minister. What happens to them afterwards may be quite in order but will not be known to the public. We have laws dealing with all transgressors, and the person offending against the public health should face the court in the ordinary way.

The Chief Secretary said it would take too long for the court to carry out this work in the usual way, but in one clause of the Bill it is stated that any person convicted under it shall not carry out any of the operations or functions for which a license is required during the time when the appeal is pending.

If a man appeals and the board says he should not have a license and must go to the court, there is no delay, except as far as the transgressor is concerned. I am not here to express sympathy for the man who does not give the public a clean and safe supply of milk. Clause 32 states that whenever a person appeals against the decision of the board in refusing the issue of a license to such person, such person shall, pending the hearing of the appeal, refrain from doing in relation to milk any of those things for the doing of which the authority of the license refused is necessary under this Act; so there can be no public harm in the case of a man who has transgressed against the legislation when the board has thought fit to revoke his license, and I consider that the ordinary course of law should be followed in such cases.

The CHIEF SECRETARY: I am sorry I cannot agree to the amendment. It is proposed in the Bill that the Minister shall deal with any appeals made against the refusal of the board to grant a license, or where the board revokes a license. It is considered that the court is not necessarily the best place to deal with such appeals, which on occasions have been upheld by magistrates on evidence given by health officers. In one case the board was strongly against a certain property being carried on as a dairy, but health officers appeared in court and gave evidence which showed that the business complied with the Health Act. The magistrate upheld the appeal on those grounds without taking into account the other issues involved. It is considered that the Minister could deal more expeditiously with matters of this kind. The court would, in some cases, take weeks. The time occupied by appeals can to a large extent be determined by the appellant. There is nothing to prevent publicity being given to such cases, whether heard by the court or as appeals to the Minister. We would be well advised to leave the clause as it stands, as it would be in the interests of the board and the administration of the Act, when the Bill becomes law. It is desirable that the Minister should have the right to deal with appeals from actions of the board in matters contemplated by this clause. For that reason I oppose the amendment.

Hon. Sir HAL COLEBATCH: I would draw the attention of the Committee to the marginal note, which refers to No. 49 of 1932, Section 23. The corresponding section of that Act reads—

> Any person to whom the board has refused to issue a license under this section may appeal, as prescribed, against the board's decision to a resident or police magistrate or the magistrate of a local court sitting within the metropolitan area, and the magistrate may order the license to be issued or may confirm the decision of the board, as shall be just, and effect shall be given to his decision.

This is an entirely new departure, clothing the Minister with judicial power and taking away from the citizen the right of appeal to the court. I think it is a wrong step to take.

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

Ayes	..	..	13
Noes	..	..	7
Majority for	..	..	6

AYES.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. A. L. Loton	Hon. E. H. H. Hall (*Teller.*)
Hon. W. J. Mann	

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. C. B. Williams
Hon. F. E. Gibson	Hon. E. M. Heenan (*Teller.*)
Hon. E. H. Gray	

PAIR.

AYE.	NO.
Hon. H. L. Roche	Hon. W. R. Hall

Amendment thus passed.

Hon. J. G. HISLOP: I have given notice of an amendment to strike out Subclause (2) which provides that, on the hearing of the appeal, the Minister may order the license to be issued, or may confirm the decision of the board, but I have no objection to its being retained so long as the reference to the "Minister" is consequentially amended to read the "magistrate."

The CHIEF SECRETARY: As the magistrate is to be the deciding factor, his decision will naturally take effect, so it will not matter whether the subclause is retained or deleted.

The CHAIRMAN: The hon. member had better move his amendment.

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

That Subclause (2) be struck out.

Amendment put and passed.

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

That in Subclause (3) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

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

Clause 32—Delivery or treatment of milk to be suspended pending appeal:

Hon. J. G. HISLOP: I have an amendment in line 1 of Subclause (2) to strike out the word "Minister" and insert in lieu the word "magistrate." This amendment also is really consequential.

The CHIEF SECRETARY: This clause deals with the amount of compensation to be paid to a successful appellant, and if he cannot come to an agreement with the board, provision is made for the Minister to determine the amount. In view of the amendments made to the preceding clause, the magistrate will now be called upon to fix the amount of compensation. I would not say that this amendment is consequential, and I think Dr. Hislop should move it.

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

That in line 1 of Subclause (2) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

The magistrate would have the evidence before him and would be able to decide justly the amount of compensation that should be paid. It would be wrong to have different appeals on the matter of a license and on the matter of compensation.

Amendment put and passed.

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

That in line 10 of Subclause (2) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

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

Clause 33—agreed to.

Clause 34—Revocation of licenses:

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

That in line 4 of Subclause (4) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

Amendment put and passed.

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

That at the end of Subclause (4) the following words be added:—"and to the depot, if any, to which the license holder had been supplying his milk."

It is as important to send a notice of revocation to the depot as to the local authorities.

The CHIEF SECRETARY: The proposal is a reasonable one. I think it is the practice at present.

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

Clauses 35 to 58—agreed to.

Clause 59—Provisions relating to claims for compensation:

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

That in line 6 of subparagraph (ii) of paragraph (b) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

Amendment put and passed.

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

That in line 11 of subparagraph (i) of paragraph (i) the word "Minister" be struck out and the word "magistrate" inserted in lieu.

I think this subparagraph deals with the revocation of licenses, and the matter should therefore come before a magistrate. If it is a matter of compensation for the destruction of cattle I would have no objection to the Minister dealing with it. Perhaps the Chief Secretary will explain the purpose of this subparagraph.

The CHIEF SECRETARY: The clause deals with all aspects of compensation. If the hon. member desires that a magistrate shall deal with compensation for cattle destroyed that will place a big burden upon

the gentleman. This clause will probably require reconsideration in view of the amendments which have been made to it. Large sums of money are likely to be involved in the question of compensation. For that reason we have provided that the Minister shall have a certain amount of authority, and that he may refer claims for compensation to an arbitrator in cases where no agreement can be arrived at. Apparently the hon. member desires that the magistrate shall deal with all these questions and that his decision shall be final.

Hon. J. G. Hislop: Only in regard to licenses.

The CHIEF SECRETARY: The clause deals with all questions of compensation under the Bill. It may be rather difficult to amend it to provide that the magistrate shall deal only with appeals against the board's action in regard to licenses, leaving to the Minister claims for compensation for cattle destroyed. I will have the clause looked at with a view to its being redrafted in an endeavour to meet the hon. member's wishes.

Hon. J. G. HISLOP: I am grateful to the Chief Secretary for saying that he will have the clause reviewed and made workable.

Amendment put and passed.

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

> That in subparagraph (ii) of paragraph (i) the words "The Minister shall appoint a competent person to act as arbitrator and hear and determine the appeal in the manner prescribed by the regulations, and such arbitrator may make such order in relation to the claim, either by dismissing the same or by allowing the same in whole or in part as to him may seem just" be struck out.

The word "magistrate" could be used instead of "Minister".

The CHIEF SECRETARY: What the hon. member proposes is absolutely unacceptable because all questions of compensation will be left entirely to the magistrate. The better plan would be to leave sub-paragraph (ii) for the time being in order that it might be examined from the point of view of making a distinction between appeals against licenses and appeals against compensation for stock destroyed. I will have an examination made to see if it is possible to make that distinction.

Hon. J. G. HISLOP: I am quite agreeable to that and ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause, as amended, put and passed.

Clause 60—Provision for milk improvement:

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

> That in lines 4 and 5 of Subclause (1) the words "and submit the same to the Minister for his consideration" be struck out and the words "and may make regulations for the implementation of such scheme or schemes" inserted in lieu.

I have all through maintained that we should give as much authority as possible to the board. It might be disheartening to the board to have to submit to the Minister some scheme for improvement in the production, supply, etc., of milk, particularly if the Minister sets his face against any improvement, technical or otherwise. Surely the board would not introduce major reforms against public interests. If it did, this Chamber would have the right to refuse such reforms because the board would have to make regulations to implement the schemes. Adequate protection can be given to the public against any wild schemes that the board might suggest.

The CHIEF SECRETARY: My objection to this amendment is a qualified one. Dr. Hislop hopes to succeed in a further amendment to provide that all regulations shall come before Parliament in the ordinary way and that cuts a lot of the ground from under my feet. At the same time, the present board is of the opinion that all regulations should go through the Minister in the usual way and that is that, where they are made under an Act, they are submitted to Executive Council by the Minister controlling the department or the Act. The board is of the opinion that added weight would be given to its regulations if that were done. But neither I nor the board could object if the regulations were approved by Parliament because it is a higher authority than the Minister. So, on the understanding that the further amendment referred to by Dr. Hislop is actually effected, I raise no objection to this amendment, although I think we would be wise to retain the present pro-

vision in order to make sure that the regulations should go through the Minister and Executive Council.

Hon. H. S. W. PARKER: It seems to me that the whole of Clause 60 is redundant. Clause 26 provides that the board is to be charged with the regulation and organisation of the production of milk, etc. All the necessary powers are contained there.

Hon. J. G. Hislop: I agree with that, but Clause 60 is in the Bill.

The CHIEF SECRETARY: I cannot agree that the clause is redundant. No board could be given all the authority that is suggested by this Bill unless there were ministerial authority or control over the more important matters.

Hon. H. S. W. PARKER: I agree that everything should come before Parliament, but even if this clause were struck out all the regulations would still come before us in the ordinary way. Another clause gives power to make regulations which would come before Parliament.

The CHIEF SECRETARY: I cannot agree. The board might prepare a comprehensive scheme beyond its capacity to implement without the full assistance, financial and otherwise, of the Government. It is in such cases that it would be necessary for the Minister to have some authority. It would be rather dangerous to say to the board, "You shall have the right to implement any scheme you think fit and there shall be no ministerial supervision or control." The clause refers to schemes which may be prepared and which may be very—

Hon. E. M. Heenan: Ambitious.

The CHIEF SECRETARY: Yes. If it comes to a question of finance the Government would want some say.

Hon. H. S. W. PARKER: We are talking a little at cross purposes. Under this clause the board may, from time to time, prepare any scheme for improvement. If such a scheme is outside the four corners of the Act a regulation will not bring it within the Act, even if approved by the Minister. If such a scheme were submitted to the Minister he would have to get an amendment of the Act. Clause 74 gives the Minister the right to make all the regulations that are needed. If the Minister suggests that the board might put forward a scheme that is outside the four corners of the measure, then the clause is more redundant than ever. It does not give the board power to introduce schemes that are outside the Bill.

Hon. J. G. HISLOP: I have no intention of giving the board powers to institute schemes without their being first referred to Parliament. My intention is to give the board authority, but in such a way that there would still be parliamentary control over its actions because, after all, we are responsible to the people and should continue to be so.

The CHIEF SECRETARY: As an instance of what might happen, I refer to Clause 62 and draw the attention of members to its importance in association with the one we are considering. The compensation fund, mentioned in that clause comprises the balance of an existing fund, plus certain other moneys that will be contributed from time to time, plus a contribution from the Government on a £ for £ basis. Many thousands of pounds may be involved in this matter. This is the fund from which compensation is to be paid to a dairyman whose cattle are destroyed and from which payments are to be made for all manner of things. It is possible that the board might decide upon some scheme that, if put into operation, might have very serious effects from the point of view of the fund. That in itself is a good reason why the Minister should have some authority in this regard. If Dr. Hislop succeeds with his amendment and then later provides that the regulations must come before the House, the Minister will have an opportunity to ventilate the matter in Parliament.

Hon. J. G. HISLOP: I intend to proceed with the amendment because under Clause 62 the board cannot of its own initiative use and apply money in the compensation fund unless the Governor approves. On the other hand, if the board can formulate a plan to improve the position without calling upon the Government for any money, it should have that power.

Amendment put and negatived.

Hon. J. G. HISLOP: In view of the decision of the Committee, it is useless to proceed with the other amendments I have on the notice paper dealing with this phase.

The CHAIRMAN: Then the hon. member need not move them.

Clause put and passed.

Clauses 61 to 63—agreed to.

Clause 64—Application of administration funds:

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

That in lines 3 and 4 the words "to be approved by the Minister" be struck out.

It is curious to see in a Bill which embodies so much in the form of ministerial restriction that the Minister wants to make sure that the board cannot put its money in a bank unless it has his approval. Surely the words are unnecessary! The board would not dare to put money in a bank of which the Minister did not approve.

The CHIEF SECRETARY: I do not know that it matters very much whether the words remain in or are struck out. It is a matter of draftsmanship. No harm can follow if the words are left in the clause. However, if Dr. Hislop insists upon the amendment, I shall oppose it.

Hon. J. G. HISLOP: I shall insist upon moving the amendment and leave the decision to the Committee.

Amendment put and negatived.

Clause put and passed.

Clauses 65 to 73—agreed to.

Clause 74—Regulations:

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

That in line 1 the words "Minister may with the approval of the" be struck out.

This is the clause to which I referred previously when dealing with the powers of the board. My reading of the appropriate section in the Interpretation Act is that the Minister may make regulations and Parliament need not see them.

Hon. H. S. W. Parker: No, that is not so.

Hon. J. G. HISLOP: Whether that be correct or not, I think it should be sufficient for the clause to say that the Governor may make regulations as set out in the clause.

Amendment put and passed.

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

That in line 2 after the word "Governor" the word "may" be inserted.

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

New clause:

Hon. J. G. HISLOP: I move—

That a new clause be inserted as follows:—"27. On and after the 1st September, 1949, no milk shall be sold in the metropolitan area unless such milk has been pasteurised in conformity with the definition contained in the Food and Drug Regulations and bottled and capped in conformity with regulations issued by the Board."

I shall not weary the Committee with a long dissertation upon the value, conditions or methods of pasteurisation. I have spoken on the subject before and members will have seen in the Press opinions both for and against pasteurisation. The world is moving towards the adoption of that system as representing the only means of supplying sound, clean and safe milk for the public. I do not suggest that such a supply can be obtained only by means of pasteurisation, but with the provisions embodied in the Bill plus pasteurisation, the community will be certain within a short time of receiving a clean, safe milk supply. I could point to the opinion expressed by the committee appointed under the auspices of the League of Nations upon which sat men of world-wide renown in bacteriology and milk production, which reported that no raw milk could be regarded as safe for human consumption.

I do not suggest that there are not some dairies here that are producing good, safe milk, but by the time it reaches the public it goes through a number of handlings and it is then that contamination results. The only safe way is to submit the commodity to pasteurisation, leaving the method to be adopted to the board for determination. There are various such methods and if desired I could at a later stage give information to members under that heading. I doubt very much if we have seen here much of what could be described as efficient pasteurisation. That is partly due to the fact that during the war years it was difficult to supply the required materials and labour. The war is over and my amendment will provide a period of three

years in which those concerned will be able to procure the necessary equipment for pasteurisation purposes.

Hon. C. B. Williams: What if they cannot procure it in that time, and a new Parliament may cut this out?

Hon. H. S. W. Parker: A new Parliament could amend the legislation.

Hon. J. G. HISLOP: I will take a chance because I have gone to the trouble to ascertain whether it is possible for the trade to be supplied with the necessary equipment. A few days ago I was talking to a man who is quite prepared, more particularly so if general pasteurisation is accepted, to spend a very large sum of money in that direction and he assured me that, from inquiries he had made, he would be able to procure every ounce of equipment needed by July, 1947.

Hon. C. B. Williams: Provided there are no further wars.

Hon. G. W. Miles: Or strikes.

Hon. C. B. Williams: There will always be strikes. There may be a strike by the consumers against the bottling of milk.

Hon. J. G. HISLOP: I shall be prepared to provide for a further two years of strikes, and that would mean that all would be ready by July, 1949. Inquiries from such an authority as Daniel Scott, dairy engineer, of Port Melbourne, elicited the following information:—

We can definitely guarantee to supply by the end of 1948 without any trouble the equipment for the pasteurising of all the milk required by Perth up to 50,000 gallons per day.

I made some inquiries from a friend in Melbourne interested in the milk trade and asked him his view of the possibility of obtaining equipment in England. He replied—

In reply to your letter, I am sure from information obtained both in England and locally that the term of three years you propose would allow ample time to set up complete plant to pasteurise and bottle the 20,000 gallons a day you suggest as the requirement for Perth, providing there is no undue delay in arriving at a decision.

However, to give greater authority to this assurance, I have telephoned both Melbourne and Sydney suppliers of milk-handling equipment asking them to reply direct to you by air mail as to their ability to provide the necessary plant within the time stated.

From another source I received the following communication:—

We have been asked to communicate direct to you the position with regard to the supply of equipment for pasteurising and bottling milk and specifically whether sufficient equipment could be made available to enable the whole of Perth's milk supply of approximately 20,000 gallons per day to be pasteurised and bottled by the 1st September, 1949.

We are quite confident that at the present time there would be no doubt about this equipment being available for delivery by then, but that, of course, would be determined by the date at which the orders would be placed. Unless the position changes very materially, delivery of all the equipment could be given in approximately 18 months from date of order.

The time I have allowed in the amendment would be sufficient for an individual to supply the necessary equipment. Even in dairy trade journals published in England we find statements that machinery firms are ready to export dairy machinery. I have said so much on this matter in the past that members know my views. They know that those views are disinterested and that my whole concern is for the health of the community. Members will have read the report of Dr. Cook in which he answered categorically all the objections made from day to day to pasteurisation. I cannot understand why the trade, through its agents, has opposed pasteurisation, because if the consumers were guaranteed a pure article, bottled and sealed, I am certain the quantity of milk consumed in the city would increase. Notwithstanding that there might be a slight increase in the price, I feel that the quantity consumed would double. We have for years past been paying a small extra charge for milk—it may be pasteurised, I do not know—which is not efficiently delivered. I do not think there would be any difficulty in implementing this provision. The Committee has only to make it clear to the trade that it desires pasteurisation and the trade itself will then take up the matter. The board could make regulations dealing with depots and the handling of milk. I am convinced in my mind that there is not the slightest degree of impracticability about the suggestion I make.

The CHIEF SECRETARY: Here, again, I think Dr. Hislop is trying to travel too fast. He has heard me use that expression

on several occasions. I point out to him and to the Committee that, while legislation for the control of milk has been general throughout the British Empire for some years past, no part of the Empire—except the State of Victoria—has passed legislation or made regulations dealing with compulsory pasteurisation of milk. Victoria, which has passed such legislation, has not been able to implement it.

Hon. H. S. W. Parker: Has not such legislation been passed in Canada?

The CHIEF SECRETARY: My information is that Victoria is the only part of the Empire that has passed such legislation. Dr. Hislop desires that Western Australia should take the lead in this matter. He must first prove, however, that compulsory pasteurisation is not only desirable but is absolutely necessary and I do not think he has done so. Even the medical profession is not unanimous in this matter. All the authorities that have been quoted from time to time, as far as I can judge, prove conclusively that there is not unanimity in the medical profession on this question.

Hon. J. G. Hislop: It is near enough.

The CHIEF SECRETARY: Not as far as I am concerned. Dr. Hislop has quoted correspondence and given information to the Committee that he has received from various manufacturers of machinery. To my way of thinking, this lends colour to the suggestion made in some quarters that the agitation for compulsory pasteurisation has been initiated by the machinery manufacturers.

Hon. J. G. Hislop: Surely not!

The CHIEF SECRETARY: I have received correspondence, too. I also know of one or two firms that would be quite prepared to instal the necessary plant for pasteurisation; but I am not prepared to say to those engaged in the trade, "You shall provide the money for this plant within a period of three years." Members are well aware that a number of depots in the metropolitan area are doing quite a good job. If we were to confine pasteurisation to one or two large depots it might be fairly easy to supervise them; but at this stage I am not going to be a party to insisting that all those engaged in the trade shall within three years instal pasteurisation plants complying with certain regulations. Another aspect of the pasteurisation question is that we must consider large users of milk, such as the big emporiums, teashops and cafeterias. Should this amendment be passed, they will be compelled to purchase pasteurised milk, bottled and capped, and that will add to their costs. The cost of the milk might be increased to such and extent as to put these users out of the milk business.

Hon. C. B. Williams: Let the people drink beer!

The CHIEF SECRETARY: That at least is bottled and capped.

Hon. H. L. Roche: And purified at the source.

The CHIEF SECRETARY: In 1944 New Zealand, which is looked upon as a most progressive country, passed legislation dealing with this question, but religiously refrained from making pasteurisation compulsory. In my opinion the time has not yet arrived when we should insist upon the people of the metropolitan area drinking only milk that has been pasteurised. A few days ago I read a statement supplied to me by the Commissioner of Public Health. It was in response to an inquiry about the milk supply of London. I had heard—I think in this Chamber—that London's milk supply was pasteurised, but I found that pasteurisation there was not compulsory. The statement even showed that certain classes of unpasteurised milk were of a higher grade than pasteurised milk. I understand a higher price is paid for that milk.

What would Dr. Hislop think if we suggested to him that what was good enough for the metropolitan area should also be good enough for the rest of the State and that all milk throughout the State should therefore be pasteurised? I venture to say we would not get very far with such a suggestion, and rightly so. The principle I argue at present is that we have no right at this stage to say to the people of the metropolitan area, "You shall not drink milk unless it has been pasteurised, bottled and capped in accordance with the amendment." I hope the Committee will not agree to go as far as Dr. Hislop desires.

Hon. Sir HAL COLEBATCH: While I am quite prepared to accept Dr. Hislop's opinion on the necessity for pasteurisation,

I am not quite satisfied that this Committee is in the best position to say just when this reform should be put into effect. I do not think anybody is really competent to say what should be done in three years' time in regard to anything.

Hon. C. B. Williams: Hear, hear!

Hon. Sir HAL COLEBATCH: It is a doubtful proposition. I suggest to the mover of the new clause that he strike out all the words in the first line with the exception of the word "no" and insert in lieu these words, "At any time after the first day of September, 1948, the board may, on giving 12 months notice, prescribe that after the expiration of such notice." This would mean that instead of our deciding the matter now, the board, after two years' experience and knowledge of all the circumstances and all the surroundings, could then bring in compulsory pasteurisation at the date suggested by Dr. Hislop, or at any subsequent date. I think that is the safer course to follow. I prefer the idea of arming the board with this power so that after two years' experience and extra knowledge of the whole subject it may declare that at the expiration of another year only pasteurised milk shall be sold.

Hon. E. M. HEENAN: I hope the Committee will not commit itself on this question at all, because no matter what research one makes, one is undoubtedly forced to the conclusion that there is no unanimity of opinion on the subject of pasteurisation. I am sure that everyone here has the greatest respect for Dr. Hislop's opinion; but only last week a letter appeared in "The West Australian" which was written by a doctor whose name I forget and of whose standing I am not aware. The arguments he used, however, were very convincing and made a strong appeal to me. Then I picked up a pamphlet that was issued by the Retail Dairymen's Association, and in it I found the views of a man named Peter Meikle, M.R.C.V.S., of Strathaven, who, according to the pamphlet, roundly condemns the pasteurisation of milk. The pamphlet declares—

He said at a meeting of the Strathaven Agricultural Discussion Society that it destroys vitamins, alters the fine emulsification of the fats, coagulates the lactabumin and renders the casein less easy of digestion. It also destroys the lactic acid bacteria and other ferments which are aids to digestion. Pasteurisation is also an encouragement for dirty milk; it makes it keep.

Then Dr. Charles Watson, whoever he might be, in a talk on "Clean Milk and its Value" said—

That in his experience of over 35 years as a physician in Hospital and Private practice, he was definitely of the opinion that the line of progress in relation to the improvement of the milk supply of the nation lay clearly in the continued and increasing activity of the National Clean Milk Movement. It very definitely, in his view, did not lie in the direction favoured by some of advocating the compulsory pasteurisation of all milks except certified milk. That, in his view, would be a seriously retrograde step.

I daresay that, without undertaking much research, one could obtain dozens of other medical opinions that would be in direct conflict with those expressed by Dr. Hislop. While paying the greatest respect to the hon. member's views, I consider the subject is highly debatable and apparently research has not reached a stage where any certainty on the subject has been attained; and for this small community of Western Australia to commit itself on such a highly technical and disputable topic would be very unwise. The passing of this Bill will result in a step forward being taken in the improvement of our milk supply, and I consider that the other highly debatable subject could easily be laid aside for a few years so that we can come to a wise conclusion in the light of experience and at a time when the medical profession can tell us with some certainty what is the right thing to do. Members often twit my friend Mr. Parker and myself for disagreeing; but when it comes to this question, the medical profession leaves lawyers in the shade!

Hon. F. E. GIBSON: My experience in my own town in the last few days has proved to me that the powers given to the board are particularly necessary. Yesterday morning milk was supplied to the establishment in which I live, but by six o'clock at night it was so thick that it could not be poured out of a wide-necked bottle. With Dr. Hislop's desire to improve the conditions of our milk supply I am sure every member is in sympathy, but I believe that the powers given to the board, being very much greater than those it has had in past years, will go a long way towards improving those conditions. One difficulty I am faced

with in connection with compulsory pasteurisation is the question of practicability. I hope that Dr. Hislop will agree to the amendment to his new clause suggested by Sir Hal Colebatch. That would give the board two years' added experience of the improvement that can take place as a result of the additional powers conferred upon it. If at the end of that time it is not satisfied, it will have power to take action.

Hon. H. S. W. PARKER: I was surprised to hear the remark of the Minister that the real reason for asking for pasteurised milk was a movement by the machinery people.

The Chief Secretary: I did not say that.

Hon. H. S. W. PARKER: That is what I understood.

Hon. G. Fraser: He said it lent colour to the suggestion made elsewhere.

Hon. H. S. W. PARKER: I am sorry I misunderstood the position. Milk is the only liquid we receive for human consumption that is not in some form of sealed container, and I understand it is one of the liquids most liable to contamination. Whether pasteurisation is desirable or necessary is not the question we have to discuss. The point is: What is best? If all herds were tuberculin tested we need not worry, but it is certainly essential that we should have our milk in proper containers and the most important thing is that those containers should be properly washed. I would like to quote from a journal called "The Milk Industry". The issue from which I shall read is that of December, 1945. On page 23 it contains reference to a question asked in the House of Commons. It is reported as follows:—

Mr. Dye asked the Minister of Education whether, in view of the increased production of T.T. milk in Norfolk, she would make arrangements for schoolchildren to be supplied with T.T. milk while attending school; and, as supplies became available, make similar arrangements throughout the country.

Miss Wilkinson: Under the Regulations for the Provision of Milk and Meals, 1945, the source and quality of school milk must be approved by the medical officer of health. Subject to this, no exception is taken by my Department to the supply of tuberculin tested milk to schoolchildren if heat treated milk is not available or, in other cases, if no extra expense is involved.

The following is in black type:—

I am advised by the Minister of Health that there are no medical grounds on which I should be justified in encouraging the supply of tuberculin tested milk in preference to heat treated milk.

I take it that statement should be pretty accurate; and until we get all our herds tested and have absolutely pure milk and until regulations are made for the delivery of milk in proper containers we should go ahead with pasteurisation. We have had a Milk Board all this time and so far as I can gather the supply is good but the quality is not.

New clause put and a division called for.

Remarks during Division.

Hon. J. G. Hislop: Are we speaking to the amendment by Sir Hal Colebatch, Mr. Chairman? I am prepared to accept it.

The CHAIRMAN: I did not know Sir Hal had moved the amendment.

Hon. J. G. Hislop: I understood he moved it.

The CHAIRMAN: No, it was not moved.

Division Resumed.

Division resulted as follows:—

Ayes	..	..	13
Noes	..	..	9
Majority for	..	..	4

AYES.

Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. L. Roche
Hon. J. A. Dimmitt	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. F. R. Welsh
Hon. E. H. H. Hall	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. A. L. Loton
Hon. W. J. Mann	*(Teller.)*

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. G. W. Miles
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. F. E. Gibson
Hon. E. M. Heenan	*(Teller.)*

New clause thus passed.

Sitting suspended from 6.15 to 7.30 p.m.

New clause:

Hon. J. G. HISLOP: I move—

That a new clause be inserted as follows:—

"28. The Board is authorised to permit persons to whom a treatment license has been granted to enter into an agreement or agreements with a producer or producers for the supply of milk of a higher butter-fat content than that laid down as the minimum in

the Food and Drug Regulations, provided that any agreement or agreements to be entered into under the cause are submitted to and approved by the Board."

This will make it possible for the board to empower those treating milk to enter into contracts with dairies for supplies of a higher butterfat content than is laid down in the food and drug regulations. In Melbourne the standard of milk has been raised by payment to producers on the butterfat content, and the depots have been able to sell milk of better quality. Some of the depots are pasteurising milk and selling a product with a bacterial count of from 6,000 to 8,000 and a negative phosphatase test, showing that the pasteurisation has been thorough and efficient. If they sold milk adhering strictly to the standard laid down in Melbourne for butterfat content, which is 3.5 per cent.—it is 3.2 per cent. here—they could not sell such a high quality article as they now distribute to the public. In this case I ask only that the board be authorised to permit such contracts. The clause, if passed, will raise the standard of the dairying industry in the State and the quality of the milk supplied to the public.

Hon. F. E. Gibson: How are the depots to be recouped?

Hon. J. G. HISLOP: If they wish to sell milk of a higher quality, that is their affair, and that is what is happening in Melbourne today.

The CHIEF SECRETARY: There is no need for the amendment. The practice referred to is already carried out by the board and there are numerous contracts already in existence. All such contracts must be entered into on a standard form which deals not only with the quality of the milk but with other things such as the time and place of delivery. The authority of the board at present is wide but this amendment, if passed, might in some way limit the powers. The board says the amendment is absolutely unnecessary.

Hon. J. G. HISLOP: I have heard that statement from the Chief Secretary before, and I am sorry that I must raise doubts as to its accuracy. I understand that prior to the institution of the Milk Board only one contract of the type I have mentioned existed. It has been allowed to continue but no others have since been granted. My authority is a sound one.

The Chief Secretary: Who is your authority?

Hon. J. G. HISLOP: I will not give evidence in this Chamber as to who made those statements, unless I have the equivalent from the other side. I have it from the depot with whom the contract was made, that it was entered into before the board came into existence and that no other similar contracts have been allowed.

The CHIEF SECRETARY: I am surprised at Dr. Hislop's statement. Had he made inquiries from the Milk Board as to the practice followed and the number of such contracts in force, he would have found them to be numerous. He should have done that rather than come here and contradict my statement, without being prepared to give the source of his information. By stating specifically that the board should have power to do this—Mr. Parker might correct me if I am wrong—we might limit the powers of the board. It is usually considered in law that the more we specify the more we limit.

Hon. H. S. W. Parker: That is so.

Hon. J. G. HISLOP: There will always be a tendency to produce milk to conform to the minimum standard. If what the Chief Secretary says is correct, there has been an extraordinarily large number of samples below four per cent. I had an opportunity to read a long list showing results of examinations for butterfat content, and the number falling below four per cent. was extraordinary.

The Chief Secretary: What is the standard?

Hon. J. G. HISLOP: It is 3.2 per cent. at the moment. The whole industry is raising the price of cattle which produce water rather than milk; in other words cattle that produce milk nearer to the lowest standard laid down by the regulations. Even in the report submitted by Mr. Cullity through the Chief Secretary it was stated frankly that the introduction of a clause such as this would produce better milk. I doubt whether the board has power at present to say to people, "You can enter into contracts to supply milk of a higher butterfat content than the food and drug regulations provide." I think the board should be able to give depots power to say that they will not accept anything below four per cent.

The CHIEF SECRETARY: There is nothing in the amendment to give the board power to say to the producer or depot that the milk shall be of at least four per cent. butterfat content. I hope Dr. Hislop is not under the impression that the new clause would make it possible for the board to insist on the four per cent.

Hon. J. G. HISLOP: I am leaving it to the wisdom of the board to raise the standard as it thinks fit, because it might not be fair in some districts to raise it immediately to four per cent.

New clause put and passed.

Schedule, Title—agreed to.

Bill reported with amendments.

BILL—LAND ALIENATION RESTRICTION ACT CONTINUANCE.

Received from the Assembly and read a first time.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th October.

HON. E. H. H. HALL (Central) [7.46]: This Bill has me rather puzzled, my uncertainty having followed the receipt of a letter from the Confederation of Licensed Fishermen of Western Australia. The letter reads—

> The statement attached is commended to your attention in the hope that when this Bill comes up for discussion you will recognise the advisability of allowing the suggested amendments to remain in abeyance until legislation contemplated in the matter of control of the fishing industry comes under review.
>
> An advisory committee of practical fishermen and members of the trade, sponsored by the Government, has prepared a report and drafted a Bill which will no doubt soon be receiving attention, and amendments to the Fisheries Act at the present juncture can only result in complication of an existing most unsatisfactory state of affairs in the catching, marketing and distribution of fish.

In order to make myself more familiar with the desires of the department, I sought an interview with the Chief Inspector. This was the first time I had had the pleasure of meeting Mr. Fraser. I have not had anything to do with fishing since my unfortunate venture at the Abrolhos Islands, though at that time I saw a good deal of Mr. Aldrich, who was always helpful. My interview with Mr. Fraser was very pleasing in that I found him anxious to assist in every possible way. Still, I cannot forget what has happened to the fishing industry in this State. I am unable to speak with any authority about the conditions prevailing in the southern waters, as is Mr. Tuckey. Members listened to him the other night with considerable interest because of his lifelong acquaintance with the industry in the waters bounding the province he represents. I cannot claim to have anything like an equally extensive experience of my own district of Geraldton and the Abrolhos Islands, but my association with and active participation in the industry for a few years did give me an insight into many of the difficulties attending the control of this very important industry.

Notwithstanding that we have a department imbued with a desire to protect and promote the interests of the industry, the fact remains that its efforts so far have not been of much avail and that the fish have gradually disappeared from our coastal waters. We hear the same tale from the southern part of the State to at least as far north as Geraldton—where fish were once in abundance along the coast, they have gradually disappeared. Perhaps it seems late in the day to take further measures, but I think the old adage, "Better late than never" applies. I hope it will not be a case of closing the gate after the horse has been stolen. We may hope that greater success will attend our efforts and that steps may be taken to ensure that the fish are protected and will in time become more abundant instead of being so very scarce.

Only a few weeks ago I attended a meeting in my province and had the honour of replying to the toast of "Parliament." I mentioned that there was a Bill before Parliament that closely affected the Greenough River, seven miles south of Geraldton and adjacent to the agricultural district of Greenough. Ever since I can remember, there has been a plentiful supply of mullet to be obtained towards the mouth of that river. To my knowledge the river has not been fished by many commercial fishermen, but the ordinary householder so inclined could go there and be sure of taking a plentiful supply of fish, mainly mullet. In con-

versation with Mr. Fraser, I gathered that as a result of a departmental recommendation, the 2¼in. mesh previously allowed was increased to 2½in., the idea being to protect the young fish. The enforcement of this regulation had a dire result. Towards the end of the season, the bar of the river closes, and though the water does not dry up entirely, it becomes shallow and more saline and fish can their be seen dead in their hundreds; I suppose I would be safe in saying they could be seen dead in their thousands—fish that should have been caught to form a useful adjunct to the food supply of the people who go there to fish.

These men are not high-class amateurs, but are ordinary householders, men perhaps with a little turnout who take advantage of the good bitumen road to go there for a day's fishing. They complained that they were prevented from using the nets with which they had fished for years; yet they saw the fish dead in thousands. Mr. Fraser told me that, in an endeavour to protect the younger fish, the mesh regulation had been increased, but it had not worked out in practice as expected. I understand that instructions have been given, or will be given, permitting reversion to the use of the 2¼in. mesh, and I think the local people will be satisfied with the decision. This is an important matter because it affected the source of supply of many people who could not afford to buy fish at the present high prices. When I go to Geraldton I generally try to buy a snapper; but only a small one can be obtained for 7s 6d., while three small mullet in Perth last week cost 2s. 3d. How can the ordinary man provide his family with what we are told is an essential article of diet at such prices? To do so is simply impossible.

Now I wish to mention a branch of the industry of perhaps greater importance, the crayfishing industry. I know something of this industry because it has cost me more than I care to think. Anyone who has had anything to do with crayfishing on the Abrolhos Islands is apt to conclude that the supply is inexhaustible. I have every reason to believe that that impression is not far wrong. There is certainly a very fine supply of crayfish around those islands, but we should not be too ready to talk about the supply being inexhaustible. The war caused much misery and suffering, but the old adage that "It's an ill wind that blows no-one any good" applies. The war certainly provided a very fine opportunity for the crayfish canning industry at Geraldton to make a start. Canned crayfish was made available to members of the Forces and, with such an excellent commencement, we all hope that the industry may be kept going. The spawning season for the crayfish is the three months from November to January, and I am with those who contend that it is important to police the industry. I feel doubtful whether this can be done efficiently by one inspector stationed at Geraldton, but Mr. Fraser assured me that the people in charge of the canning factory at Geraldton are alive to the importance of effectively safeguarding the source of supply and have agreed to suspend operations during those three months of the year.

Members may be interested to learn that all sorts of people are entering the crayfishing industry. A friend of mine who was a sergeant of police resigned from the force to go crayfishing. A bookmaker has given up bookmaking to enter the industry; in fact, people in many walks of life are throwing up their positions to go crayfishing. This conveys some idea of the money that may be made in the industry. Consequently, I feel somewhat fearful lest the regulations governing the crayfishing industry during the spawning season may not be policed as effectively as they should be, though with the assurance that the canning people will not take fish during that period, my fears have been somewhat allayed.

Hon. W. J. Mann: Could they be safeguarded by being put in the Act?

Hon. E. H. H. HALL: Yes. I think there is a great future ahead of the crayfish canning industry. When we come to the Committee stage, I would like some explanation from the Minister as to the advice contained in the letter, to which I have referred, to the effect that an advisory committee has been appointed by the Government, because before its report is made available, this Bill is put before us. I support the second reading.

Question put and passed.

Bill read a second time.

BILL—WESTERN AUSTRALIAN TROTTING ASSOCIATION.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.2] in moving the second reading said: Members will recollect the events which led to the introduction, last session, of a Bill to control the sport of trotting in this State. It might be as well for me briefly to remind members of those happenings. For some time there had been friction between the W.A. Trotting Association and the Breeders, Owners and Trainers' Association, two organisations which play an important part in the sport of trotting in this State. This friction culminated in the cessation of racing for a period of approximately four months—to be exact, from the 22nd January to the 26th May, 1945.

In the early stages of that dispute I, as Minister controlling the Racing Restriction Act, was asked to intervene. But I pointed out that I had no authority to do so as there was no statutory control of trotting in Western Australia except that provided by the Racing Restriction Act of 1917, which dealt only with the question of racing dates in the metropolitan area, and also gave the West Australian Trotting Association authority to control the issue of licenses for trotting meetings and races throughout the State. This fact made the Trotting Association supreme within the limits of its constitution and, of course, its rules of racing. The dispute, which lasted for quite a long while, disclosed that the Trotting Association was in rather a unique position in that it was the only racing authority in Australasia that was not subject in its operations to an Act of Parliament. The only measure dealing with trotting is the Racing Restriction Act, which was passed during the first World War with the object of limiting, in the metropolitan area particularly, the number of racing and trotting dates.

During the cessation I have mentioned, efforts were made to bring the authorities together with the idea of settling the dispute. Eventually, through the good offices of the then Solicitor General, now Mr. Justice Walker, a settlement was reached which allowed trotting meetings to be resumed. In the meantime, the Government had given consideration to the legislative position and had come to the conclusion that in the public interest it was desirable to introduce legislation to control the sport. The parties concerned were given an opportunity of coming together with the object of making recommendations to the Government but, as the Trotting Association refused to be a party to such a proceeding, nothing came of the effort.

The matter was next referred to the then Crown Solicitor, Mr. Dunphy, who is now President of the Arbitration Court, to make all necessary inquiries with a view to submitting a report and recommendations to the Government in regard to legislation for the control of the sport. In due course he presented his report, in which he stated there were two alternative methods, one being control by the principal club, subject to Act of Parliament, and that is the generally accepted form of control in turf club racing, commonly called the gallops; and the other being the league form of control, which has proved most successful in regard to trotting in South Australia and New Zealand, both of which places are, from the point of view of trotting, very important, because in them trotting has reached a very high plane. The Crown Solicitor recommended the latter method, and the Government accepted his recommendation, with the result that I introduced a Bill into this House last session. It is a coincidence that that Bill was introduced on Melbourne Cup day last year—

Hon. E. H. H. Hall: Most appropriate!

The CHIEF SECRETARY: —and I am introducing this Bill on Melbourne Cup day this year.

Hon. H. S. W. Parker: I hope it has no connection with this year's winner—Russia!

The CHIEF SECRETARY: The hon. member had better give notice of that question. Mr. Dunphy, in his report, trenchantly criticised the methods of control exercised by the W.A. Trotting Association, with the result that this House considered the circumstances warranted the appointment of a Royal Commission, and a motion to that effect was carried. The Government agreed to the motion, and eventually appointed Mr. Charles McLean, Senior Magistrate, of Mel-

bourne, and his commission was dated the 6th March, of this year.

That commission required him to inquire into the administration, conduct and control of the sport of trotting in this State, both past and present, and to make such recommendations as he thought warranted regarding legislation he might consider necessary in respect to the administration, conduct and control of the sport. It will be conceded that he was very thorough in his inquiry. Press publicity was given to much of the evidence taken during the proceedings and the Royal Commissioner presented his report and recommendations on the 19th June last. The Government has accepted his recommendations, and it will be found that the Bill, which I am now presenting, is based on them. Members have had an opportunity to study his report, because it has been in their possession for some considerable time.

In explaining the Bill, I think I need refer only to the recommendations of the Royal Commissioner which appear mainly on pages 20, 21 and 22 of the report. Briefly, he recommends that the principal club system of control, as against the league form of control, should be adopted, and he was apparently much impressed with the legislative control of the Western Australian Turf Club under its special Act of 1892. In referring only to the recommendations of the Royal Commissioner, it may be that I am taking an unusual course, but I am prompted to do this by a desire to shorten my remarks because the Bill practically consists of the recommendations of the Royal Commissioner, plus the relevant parts of the constitution of the West Australian Trotting Association. In the first place, the Royal Commissioner evidently gave earnest consideration to the principle of control, and in his report he states definitely that he favours the principal club system as against the league system. But I prefer to give the House his actual remarks, and if members will look at page 20 of the report, they will be able to follow what I am about to say a little more closely. At the commencement of his recommendations, he says—

> Quite apart from the question of whether the control of the sport throughout the State is to remain in the hands of the Association, with which I deal later in my report, the evidence has, in my opinion, clearly shown that in its conduct of the sport at Gloucester Park, handling large contributions from the public, paying large sums in taxation, and catering for the requirements of such a large percentage of the population and of those engaged in the sport, under the protection of the monopoly conferred on it by the Racing Restriction Act, 1917, some measure of Governmental control is necessary.
>
> The control I propose bears some relation to that already exercised in the case of the Western Australian Turf Club, which control, it must be remembered, existed many years before there was any legislative recognition of that body as a State-wide authority.
>
> I have next to consider the best method of exercising this Governmental control, and what form of legislation is necessary to bring it about, in the case of an incorporated association. This is a matter in which I do not presume to the specialised knowledge of a Parliamentary Draftsman, but having considered the matter, I recommend as follows:—
>
> That an Act be passed cited the "Western Australian Trotting Association Act" establishing the Association under the name of the "Western Australian Trotting Association" as a body corporate with perpetual succession and a common seal, with power of suing and being sued and of acquiring, holding, disposing of, or otherwise dealing with real and personal property and of enjoying the privileges and being subject to the obligations of limited companies with the exceptions referred to in Section 29 (4) of the Companies Act, 1943 (which Act I understand is not yet proclaimed).

Having decided that, in his opinion, the best form of control is the principal club method, he then, in accordance with that section of his report, decided that it would be necessary to make some alterations with regard to the constitution of the principal club which, of course, in this instance is the W.A. Trotting Association. It will be remembered that in the first paragraph of his report the Royal Commissioner referred to the fact that he would deal later with the matter, and it may be just as well to give members an extract from his report giving his remarks in that connection. On pages 22, 23 and 24 he deals with the question of league control of trotting throughout the State, and on page 24 he has this to say—

> Bearing in mind the whole of the evidence I have come to the conclusion that the control of trotting racing is best left in the hands of the Association as the principal Club, provided that its affairs are put in order, and it is made subject to the domestic and Governmental control and the legislative sanctions, which I have previously recommended. The arguments advanced to me for the formation of a League have not convinced me that a

League is a "cure all" for the betterment of trotting racing. On the contrary I am of the opinion that the amendment of the constitution of the Association and its establishment by Act of Parliament offer the best solution for the proper control and management of the sport.

If members refer to the Bill they will find that the first few clauses concern that aspect. At the outset they deal with the new association. They provide, as recommended by the Royal Commissioner, that the new association shall be incorporated, that it shall take the place of the old association and that all those matters that appear in the constitution of the old association shall be included in the constitution of the new body, with the exception of the recommendations that he has included in his report. They provide that the members of the old association shall, ipso facto, be members of the new association and that all assets and liabilities shall be transferred from the one to the other. They provide that it shall be an incorporated body and shall be subject to this special Act as against the present association, which is an incorporated body acting without any controlling legislation at all.

Then we come to Clause 7 which deals with the question of by-laws. Members will appreciate the fact that the by-laws of a racing authority really form the important part of the authority of that body. It is under the by-laws and racing rules that a racing authority has control over all phases of the sport. If members have read the report of the Royal Commissioner at all carefully, they will know that he made very specific recommendations in this regard. It may be desirable that I refer to them as they appear in his report. On page 21 it will be seen that he says—

> If this form of draftsmanship is followed, I suggest, that the "Western Australian Trotting Club Act" should provide that the by-laws contained in the Schedule shall be the by-laws of the Association, and that thereafter they shall be subject to amendment, repeal, or addition, by the Committee (or, if preferred, by means of a special resolution of the Association), but such amendment, etc., shall be subject to disallowance by the Governor, in similar manner to the by-laws of the Western Australian Turf Club.

Members will see that in the Bill we have provided that the by-laws shall not be subject to exactly the same method as is adopted with regard to the W.A. Turf Club by-laws where a most unusual method is provided for, which is that the club may make by-laws and so long as they have not been disallowed by the Governor-in-Council within a month they shall become law. We have proposed that the by-laws of the new trotting association shall be dealt with in just the same manner as by-laws or regulations under any other Act and rather than place the responsibility on the Minister to allow or disallow them, we provide in the Bill that they may be disallowed by either House of Parliament. Thus we reach the point regarding which Mr. Parker had a few words to say when the earlier Bill was before this House.

The responsibility with regard to the W.A.T.C. is with the Minister, but the responsibility under this Bill will be with Parliament. There are quite a number of matters covered by the by-laws and regulations, with which the Royal Commissioner dealt. Perhaps I would be in order if I made reference to the various numbers of those by-laws that are affected by the proposals in the Bill. The matters that I have already mentioned will be found dealt with in the earlier provisions up to Clause 7 and that practically every other item which I shall now deal with is included in the by-laws which, of course, are numbered. On page 21 of the Royal Commissioner's report he discusses the question of payments to the president and members of the committee of the Trotting Association and he has this to say in dealing with Rule 4 of the existing Association—

> (1) Rule 4—The meaning of the proviso to this Rule, under which it was argued that the payments to the President and members of the Committee were legally justified, is very difficult to interpret. If, as was submitted to me, it authorises those payments, but prohibits payments to other members of the Association for services actually rendered, it is rather absurd, and requires amendment. I consider that the words "or other person not being a member of the Association" should be made to read "or any member of the Association," and that a further proviso should be added, "Provided further that no remuneration or other benefit in money shall be given by the Association to any member of the Committee except repayment of out-of-pocket expenses." I refer to the fact that the wording of both these amendments is taken from Section 5 of the Sydney Turf Club Act, 1943, to which I have already referred.

These will be found to be subject to By-law 3 appearing in the Bill. I do not desire to enter upon a long explanation as to why the Royal Commissioner has stressed

this particular point of view. Members are no doubt fully aware that there was quite a controversy arising from the fact that the president of the W.A. Trotting Association and one or two others had been in receipt of fairly considerable sums of money over the years and the Royal Commissioner considered that was not quite as it ought to be. By adopting this by-law the Royal Commissioner has again followed the lead of the W.A. Turf Club in regard to the payment of expenses which, I understand, is limited to out-of-pocket expenses. Then the Royal Commissioner took the view that, from the evidence that had been submitted to him, it was highly desirable that the number of the committee of the association should be increased from seven to 10 and his next recommendation deals with that matter as follows:—

(2) Rule 5—Membership of Committee to be increased from seven to ten. With an increased membership in lieu of honorary membership as I have recommended, this will provide a wider representation. (The Turf Club, with a membership of 550, has a committee of twelve.) In addition a larger committee would tend towards a greater degree of independence in handicappers and stewards. Election to be for two years, and half to retire annually.

That will be found dealt with in By-law 8 in the Bill. The Royal Commissioner's third recommendation deals with the ballot and is as follows:—

(3) Rule 14—No ballot for new members shall be taken unless at least two days' notice thereof shall have been previously sent to each member of the committee containing particulars of names and occupations of the candidates and the names of their respective proposers and seconders.

That matter will be found dealt with in new By-law 13. Much evidence was tendered to the Royal Commissioner on the question of ballots and the Government has adopted his recommendations in that respect as indeed it has adopted all his other recommendations. Then on the question of life membership the Royal Commissioner reported—

(4) Rule 17.—Life membership is to be the subject of a special resolution at a general meeting. In my opinion, the present number, 40, is excessive.

That was the Royal Commissioner's opinion; and reference will be found to it in By-law 17, which preserves the present number of life members. In that by-law will be found the method by which life members are to be elected. I do not propose to read it—it is rather lengthy—but, as I say, it preserves the present number and provides that if a life member ceases, by reason of expulsion or otherwise, to be an ordinary member, he shall cease to be, and his name shall be erased from the register as a life member. Members will understand that particular by-law.

On the question of honorary membership, evidence was given to the Royal Commissioner that there was a very large number of honorary members of the Trotting Association. Apparently the Commissioner took a very serious view of this fact, especially as it was claimed that the association was unable to provide all the amenities which it would have liked to provide for its present membership and for any increase in the membership. I do not think I need quote the Royal Commissioner's remarks. He recommended that honorary membership should be restricted to the Governor, the Premier and Cabinet Ministers, as is the case with the W.A. Turf Club. This is a recommendation which we have not followed.

Hon. H. S. W. Parker: The Licensing Act restricts honorary membership of a club.

The CHIEF SECRETARY: Yes. The Trotting Association had a very large honorary membership list and the Commissioner considered that it would pay the association, and would be far better, if the number were smaller and the paying membership increased, as this would place the association in a position to provide the amenities to which I have referred. Perhaps I may put it the other way: On account of the large number of honorary members the accommodation and amenities provided for the paying members were somewhat limited. Instead of adopting this recommendation, we simply say in By-law 19—

Honorary members may be elected for such period or extended period as the Committee think fit and shall pay no subscription.

We have left it to the good sense of the association to exercise its best judgment.

Hon. G. B. Wood: A good idea!

The CHIEF SECRETARY: The Royal Commissioner's next recommendation deals

with the minutes of the general meeting. He recommends—

(6) Minutes of a general meeting shall be confirmed at the next annual general meeting, and, if not previously circulated to members, shall be first read at such meeting.

The Commissioner had evidence to justify that recommendation, which is dealt with in By-law 44. His next recommendation deals with Rule 46 and is as follows:—

(7) Five members of Committee (enlarged as above) to constitute a quorum. Minutes to be confirmed as in the case of a general meeting.

This will be found to be covered by By-law 46. In regard to Rules 47 and 48 of the present constitution, the Royal Commissioner says—

(8) These are superseded by the power to make by-laws embodied in the Act.

That means that Rules 47 and 48 are not included in the new by-laws. Dealing with Rule 49, the Commissioner states—

(9) The first paragraph of this rule has the effect of obviating the necessity for passing by-laws under Rule 47. It has no place in the scheme of regulation which I have recommended, and has no counterpart in the by-laws of the Western Australian Turf Club. The powers of the Committee should be clearly defined in the by-laws, and most of the necessary powers are set out in detail in Rule 49.

By-law 47 in the Bill deals with that matter. The next recommendation is rather important. It is as follows:—

(10) No employee shall be eligible to become a member of the Association, and any member, on becoming an employee, shall cease ipso facto to be a member.

That recommendation will be found to be covered by new By-law 16. The Commissioner's recommendation No. 11 is similar to the preceding recommendation and is as follows:—

A similar provision to the preceding, in regard to bookmakers. I think this almost universal in racing clubs.

This recommendation is also covered by new By-law 16. Therefore, if this Bill passes, no employee of the association and no bookmaker will be allowed to be a member of the association. Recommendation No. 12 deals with Rule 70 and is as follows:—

In my opinion, this rule should be repealed, as an undue restriction of the rights of members.

Rule 70 of the association, referred to by the Commissioner, reads as follows:—

No member shall be entitled to take action or proceedings (for damages or by way of injunction) against the Association or any officer of the Association and/or against the Committee or any member of the Committee or against the stewards or any of them for any act, matter, or thing done, or purporting to be done, under any of these Rules or under any By-laws or Rules of Racing, notwithstanding any such act, matter or thing was done in contravention of the Rules, By-laws, or Rules of Racing, the intention being that on all such matters the Committee, subject to control of a special meeting of members as before provided, shall be the sole tribunal to decide all such matters. And if any such action or proceeding be brought this Rule may be pleaded as an absolute bar.

That is the rule which the Commissioner says should, in his opinion, be repealed as an undue restriction on the rights of members; and therefore it does not appear in the by-laws of the new Bill. Recommendation No. 13 is as follows:—

Elimination, as a matter of course, of all provisions relating to the guarantor system.

This is covered by the fact that the present by-laws dealing with guarantors have been excluded from the Bill. Recommendation No. 14 reads—

The Committee may appoint one of their number to be honorary treasurer, who shall be charged with the duties of supervising the accounts of the club, subject to the Committee.

That will be found covered by By-law 5. Recommendation No. 15 reads—

No member of the Committee of any other trotting club shall be or remain a member of the Committee of the Association. This is based on Rule 56 of the constitution of the South Australian Trotting League, which prohibits membership of a committee of more than one trotting club, and is particularly applicable to the Association's relations with the Fremantle Trotting Club.

This recommendation will be found to be covered by new By-law 4. Recommendation No. 16 reads—

All payments to members of the Committee shall be clearly shown in the annual profit and loss account.

There is no need for me to make reference to the reason for that recommendation, which will be found to be covered by new By-law 5. Recommendation No. 17 reads—

A copy of the auditor's report shall be sent to members.

That is covered by new By-law 67. The Commissioner continues—

If my proposed form of legislation is acceptable, the two concluding recommendations as well as certain other provisions in the existing rules, will be provided for by the Companies Act, 1943. In re-casting the Rules, that Act will have to be carefully considered.

The recommendations with which I have dealt will be found on pages 20 and 21 of the report. On page 22, there is a number of other recommendations. I will read the first two paragraphs—

The foregoing recommended alterations relate principally to matters, the necessity for regulating which arose in the course of my inquiry. Certain minor alterations in other Rules, consequent on these, will be apparent to the draftsman. There are other matters which a perusal of the by-laws of the Western Australian Turf Club indicate should be the subject of by-laws. In particular, by-laws relating to charges for admission, to bookmakers and betting, and to the totalisator, should be included, and for these I suggest by-laws 83 to 112 of the Turf Club as a pattern. These matters have in the past apparently been regulated by the Committee of the Association under the general power conferred by the first paragraph of Rule 49, which, as I have indicated, should be deleted.

These matters will be found to be covered by By-laws 71 to 79, and also by By-laws 80 to 100 of the Bill. Then, dealing with the question of annual accounts, the Commissioner states—

The Act should, in my opinion, provide also that a copy of the annual accounts of the Association shall be transmitted to the Minister administering the Act who may also from time to time appoint an auditor for the purpose of auditing the accounts of the Association. A similar provision exists in the West Australian Turf Club Act, 1892, but in the case of the Turf Club the copy of the annual account is to be transmitted to the Registrar-General.

Those recommendations will be found to be covered by Clauses 13 and 15. The only difference is that the annual accounts of the association are to be transmitted to the Minister instead of to the Registrar-General, as is the case with regard to the W.A. Turf Club. The next important matter in the Bill to which I wish to make reference is the question of assistance to country clubs. Much evidence was given on this point to the Royal Commissioner. Members will no doubt recall that in the Bill which I introduced last session provision was made for a particular method whereby funds could be made available for the assistance of country trotting clubs. The Commissioner has set out very clearly in his report what he thinks should be done and why. Perhaps I should read what he said in this connection; it will be found on page 25 of the report—

I have referred at some length to the monetary assistance given by the Association to country clubs. The only criticism, if it can be so termed, of the past administration of the Association made by a country witness was in relation to this matter. He said, "Country clubs do not know what money they are going to get from year to year and cannot make any plans. They have to wait to see what the Association gives them. If they are not satisfied they simply have to take it." Though no dissatisfaction was expressed by any of the clubs as to their past treatment in this respect, it would be in the interest of the sport in the country if they were afforded some degree of certainty as to their future. I therefore recommend, somewhat in the terms of Clause 28 of the Trotting Control Bill, that the Legislature should provide that the Minister may—

(a) Establish a Country Clubs Benefit Fund, which shall be held by the President of the Association.

(b) Direct a club in the metropolitan area to devote the whole or any portion of the profits of a specified trotting race meeting to such fund.

(c) Authorise one meeting in any year additional to those provided for in section three of the Racing Restriction Act, 1917, to be conducted by a club in the metropolitan area the profits of which shall be devoted to such fund.

I suggest that the Act should further provide for the constitution of a committee, consisting of the President of the Association and one representative of each of the three district councils to distribute the fund to the district councils or to the clubs in such proportions as the committee, having regard to the best interests of trotting racing in country districts, from time to time determines. A similar committee is constituted in Victoria by Section 5 (3) of the Police Offences (Race Meetings) Act, 1929, to administer a like fund for the benefit of country racing, which fund is, however, raised by a levy of half per cent. on the gross revenue from all sources of the metropolitan clubs.

I have preferred the method recommended of providing moneys for this fund to some such basis as that adopted in Victoria owing to the difficulty in forecasting at the present time what amounts would normally be made available by such means.

It will be found that his recommendation in that regard is covered by Clauses 16 and 17. I think I have covered all of his recommendations which can be incorporated in the Bill. There are some suggestions in his re-

port, and I think one or two other recommendations, which cannot very well be included in legislation and which must be left to the Trotting Association to deal with as it thinks fit. For instance, he referred to the relationship between the Kalgoorlie and the Fremantle clubs and the association; to the arrangement that exists between those bodies in regard to the grounds on which trotting races are held; and to the membership of the Trotting Association, which he considered should be enlarged. We cannot very well provide in a Bill that any particular association shall increase its membership by any number, and matters of that kind have been left to the good judgment of the Trotting Association.

If agreed to, this Bill will place the association in a very similar position to the Western Australian Turf Club, and I feel it will have the effect of avoiding to a great extent the possibility of a recurrence of the kind of trouble that arose during 1944 and 1945. I think it will give a great deal more confidence in the administration of the affairs of the Trotting Association if this Bill is agreed to in its entirety; and while it may not be, and I would not claim that it will be, a cure for all the complaints that have been made from time to time, I think that at any rate it will lead to this position: In view of the Association's by-laws and rules of racing and so on being subject to legislation or parliamentary control, as provided for in the measure, those things that have been a source of very serious dissension from time to time will be placed in an entirely different category. For instance, any alteration to by-laws that takes place will be well known to all those associated with the sport. There will not be the possibility of complaint that by-laws and rules of racing have been altered over night; and that many members and others interested in the by-laws have known nothing of such alterations until they have taken effect; and that alterations were made before most of the members could take advantage, if there were any advantages, of them.

There were numerous complaints, of which members are aware, and which I do not want to enumerate unless compelled to do so. This House decided that a Royal Commission was desirable. It considered that the circumstances were such that unless a Royal Commission confirmed the statements or the report of the then Crown Solicitor, it was not particularly keen on effecting the alterations recommended at that time. The Royal Commissioner was very thorough in his inquiry. Members who followed the Press report will understand the necessity for his recommendations, and I hope the House will do as the Government has done —accept his recommendations in their entirety in the hope that they will lead to a better feeling between the two associations which were the main parties in the trouble during 1944 and 1945; and that the sport of trotting in this State, which has reached a really high plane and which is an important factor in the public life of this State, may continue to maintain the high standing it has achieved and will continue to be a very valuable sport in this State.

We are very fortunate to be able to have trotting under conditions such as we experience. Of that there can be no doubt. We are lucky that our climate is very suitable for night trotting, and we must give the Trotting Association credit for having built the sport up to its present standard. I do not think it can be beaten in any part of the world as a sporting spectacle, and if by means of legislation we can ensure a continuance of trotting at a very high standard to the satisfaction of those associated with the sport both from an administrative point of view and from the point of view of providing the animals, we will have done quite a good thing.

When introducing the Bill last session, I said I did not think it right that any racing authority should be a law unto itself. I thought it was remarkable that the Trotting Association should be in the unique position I have described, namely, of being the only racing authority in Australasia, and perhaps in the British Empire, which was not controlled in some way by an Act of Parliament. If we accept the recommendation of the Royal Commission, we will place the W.A. Trotting Association in the same position as the W.A.T.C.; and if those recommendations are carried out, I have no doubt it will be in the best interests of the sport and those associated with it. I move—

That the Bill be now read a second time.

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

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [8.55] in moving the second reading said: Amongst other things, this Bill proposes to give effect to certain recommendations made by the Royal Commission on the Vermin Act. This commission was originally appointed as a Select Committee of the Legislative Assembly by a resolution of that House passed on the 19th September, 1944. The matters referred by that resolution for the committee's consideration were—

(a) Desirable amendments to the Vermin Act.

(b) Ways and means of establishing in Western Australia a capital fund from which expenditure and/or compensation necessary may be met in combating all kinds of vermin and diseases in the form of scourges, insect pests, and plant diseases, such to include rabbits, emus, dogs and foxes.

As the prorogation of Parliament would automatically dissolve the Select Committee, and as it was desired to submit its report at the earliest opportunity, the committee was, on the 2nd May, 1945, appointed as an Honorary Royal Commission. The commission's report was presented to His Excellency the Lieut.-Governor on the 17th May, 1945, and consisted of a long and closely printed document of 28 pages. The commission visited many centres in the South-West and Murchison districts and took evidence from 198 witnesses, including representatives of local authorities from the Kimberleys and the North-West, who were then in Perth. The commission's report was carefully considered by the Government and, as a result, this Bill was brought before Parliament.

Not every recommendation made by the commission could be put into effect, particularly the one which suggested that the occupiers of farming and pastoral properties should be relieved of the responsibility of destroying vermin on their land, and that this responsibility should be shouldered by the local vermin boards. The Act at present recognises the responsibility of land-holders to destroy vermin on their own properties, and provides for the enforcement of this obligation. The Government maintains that this obligation should remain, and it is supported in this opinion by the Road Board Association. The association and the Government agree that the commission's recommendation is wrong in principle and that its adoption would not improve any campaign against vermin. It seems obvious that it is the duty of a landholder to deal with pests that thrive on his property and constitute a menace to other persons' holdings.

Another recommendation of the commission with which the Government cannot agree is the formation of an agriculture protection board, and this I will deal with later. With the exception of these two matters, the Government does not differ in any great degree with the commission's report. It is considered that quite a number of the commission's recommendations can be carried out by regulation and that there is no necessity to include them in the legislation.

The first amendment in the Bill proposes that lands held under lease under the Mining Act 1904 shall be subject to the provisions of the Act if they are being used agriculturally or pastorally. At present such properties are specifically excluded even when used for agricultural or pastoral purposes, this applying particularly to land in the Phillips River and Collie districts.

The Government proposes to adopt the Royal Commission's recommendation that local authorities be required to strike a minimum vermin rate of ⅜d. in the £ on the unimproved capital value of agricultural lands, and of not less than ½d. per 100 acres on pastoral leases. The reason for this is that it was found that some local authorities were striking such a low rate—in one case as low as ¼d.—that they did not have sufficient funds to enable them to cope with the vermin menace. Some boards have even requested authority not to rate at all and have subsequently asked for a subsidy to enable them to take action against vermin. The Government and the Royal Commission agreed that no board was worthy of assistance if it did not try to help itself, and that the best way to enable boards to procure funds was to strike a minimum vermin rate, leaving the boards the right to levy a higher rate if considered necessary, up to a limit of 2d. in the £ on agricultural property and 1s. in the £ per 100 acres on pastoral leases.

For some time there has been a provision in the Act to the effect that persons whose properties were effectively rabbit-netted

should be exempted from rates. The Royal Commission pointed out that this exemption loses sight of the fact that there are types of vermin other than rabbits. Furthermore —and this was not mentioned by the commission—there is still need to deal with rabbits even on a netted property. The commission considered that persons whose holdings were effectively netted should pay 50 per cent. of the normal vermin rate. The annual conference of road boards in 1932 recommended that there be no exemption for netted properties, and this resolution was reaffirmed at several subsequent annual conferences. The Government does not feel inclined to agree to a discontinuance of the exemption, but is prepared to agree to the commission's suggestion of a 50 per cent. reduction.

At the present time owners of holdings of less than 160 acres are not required to contribute to the Vermin Act Trust Fund. Contributions to this fund are assessed at a maximum rate of 1d. in the £ on the unimproved capital value of pastoral leases, and ½d. in the £ so far as other properties are concerned. It is felt that there is little justification for continuing this exemption, as many of these small holdings are subject to the depredations of vermin. Poultry farmers, for instance, are often at war with foxes, and steps taken to eradicate the pest will be of value to them. Rabbits and foxes are much more of a menace in the South-West than they were years ago, and owners of small properties should be prepared to pay towards the cost of the campaign against them. The amounts they will be called upon to pay into the fund will be small. Out of this fund are paid bonuses for destroyed vermin, the cost of transport of scalps and claws, travelling expenses and allowances for the honorary advisory board, and all expenses incurred by the board for vermin destruction. This amendment does not propose to discontinue the exemption of owners of property within municipal, townsite and residential boundaries from contributing to the fund.

The Act at present provides that the wages of trappers employed by the advisory board shall be paid from the Vermin Act Trust Funds. The employment of the trappers has had excellent results in the destruction of wild dogs, and it is proposed to amend the Act so as to provide for the appointment and payment from the fund of a number of additional vermin inspectors who could actively assist the poorer road boards that cannot afford to employ inspectors of their own, and also energise boards that have been laggard in combating vermin. Not very many boards employ full-time inspectors, and some, owing to the present low numbers of rabbits, are doing little to obviate a revival of the pest. It is considered that the appointment of additional inspectors will be of great benefit in the campaign against vermin.

Provision is made in the Act at present that a uniform rate shall be paid throughout the State for the destruction of vermin, and the Bill proposes to amend this so that the rates may vary in different districts. Certain pests are more dangerous in some districts than in others. For instance, wild dogs are a greater menace in sheep-raising areas than in cattle districts, and the Bill proposes to give authority for higher bonuses to be paid in such cases. The amendment will also enable certain animals to be named as pests in one district, and, if necessary, not in others, and will enable bonuses to be increased in individual districts whenever vermin become especially troublesome.

The Royal Commission recommended the appointment of an agriculture protection board which would be wholly responsible for the destruction of vermin and the control of noxious weeds, and which would appoint its own staff. This the Government cannot accept, as such a board would merely usurp the functions of the Department of Agriculture. The commission suggested that the board should have a membership of thirteen, but that number is regarded as being too large and unwieldy. The Government is prepared to increase the complement of the honorary advisory board, which at present consists of three members, namely, a representative from the pastoral industry, one from the agricultural industry, and an officer of the Department of Agriculture. The Bill proposes that the board shall have a further two members, making five in all, one being a pastoralist, two agriculturalists, one a representative of the Road Board Association, and an officer of the Department of Agriculture, who will be chairman, as at present. It is considered by the Government that this board would be of greater value in the eradication of vermin than that proposed by the commission.

The last amendment gives effect to a recommendation by the commission that Section 118 be repealed. That section states that any person in any part of the State westward of the Government fence from Starvation Boat Harbour to the 90 Mile Beach, shall be liable to a penalty if he endeavours to sell a dead rabbit, except under license. This has the effect of making it illegal to sell rabbits without license in the area to the east of a line drawn from approximately 40 miles east of Hopetoun, on the south coast, to a point midway between the North West Cape and the northerly State border. The commission pointed out this includes most of the populated areas of the State, and that the section was being honoured more in the breach than in the observance. The provision, which seems futile, is therefore repealed by the Bill. That is a brief explanation of the measure which, though not large, it is considered will enable the vermin menace to be tackled in a more satisfactory manner. I move—

That the Bill be now read a second time.

On motion by Hon. G. B. Wood, debate adjourned.

BILL—STATE HOUSING.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [9.7] in moving the second reading said: This is a very important Bill dealing with the housing position in this State which, as members are aware, is very serious. The objects of the measure are concisely stated in Part I. They are the improvement of existing housing conditions and the provision of adequate and suitable housing accommodation for persons of limited means, and certain other persons not otherwise adequately housed. In order that these objects may be effectively put into operation the Bill proposes that the Workers' Homes Act shall be consolidated under the title of the State Housing Act, and that provisions shall be included which were approved by Parliament last session when ratifying the Commonwealth-State Housing Agreement.

Members will observe from the marginal references that opportunity has been taken also to incorporate into the Bill some appropriate provisions from Acts of other States. I might add that this measure is very similar to legislation that has been approved by other State Parliaments and is along the lines of the model Bill recommended by the Commonwealth Housing Commission. The Bill will furnish the statutory authority required by the Workers' Homes Board or, as it is proposed to call it in the future, the State Housing Commission, to implement the provisions of the Commonwealth-State Housing Agreement, which have been added to the board's earlier responsibilities of erecting houses for leasehold purposes, advancing funds for the purchase or erection of homes on land owned by clients, representing the War Service Homes Commission in Western Australia, and carrying out administrative work for the McNess Housing Trust.

I feel that it is hardly necessary for me to deal at any great length with the housing situation, the importance of which is realised by all members. The position has been debated from time to time in this House, and I have on all occasions endeavoured to provide members with a clear picture of the efforts of the Government to solve the problem. Under the circumstances I do not intend to weary members with an intensive survey, but to summarise the position as briefly as possible. The housing shortage is not confined to Western Australia. It is being experienced throughout Australia and in other countries. Although the war sharply accentuated the problem, it cannot be held wholly responsible. Members may recollect that on several occasions prior to the war the difficulty experienced by workers in obtaining homes to rent was discussed in this Chamber. In pre-war days approximately 2,000 houses were being built annually in this State and, as a result of the almost complete stoppage of building during the war, it is estimated that when hostilities ceased there was a shortage of about 10,000 homes.

The Commonwealth-State Housing Agreement was the first step taken to overcome this lag, and the results of the programme commenced under that agreement can be seen in many suburbs. At the 31st October, 1946, 449 homes had been completed under that scheme, and 509 were in course of erection, while arrangements are now in hand for the construction of a fur-

ther 232. During the past year there was a modest revival of McNess Housing Trust building, 10 cottages being under construction at the end of June, and contracts having been let for others. There has also been a commencement of building under the War Service Homes Scheme, 28 houses having been completed, 80 being under construction and plans having been completed for a further 56.

The Government's housing plans, however, have been interrupted during the past 12 months by a series of unfortunate setbacks, one of the worst of which was the shortage of coal. The shortage affected local production of many articles essential to the building trade, and, to make matters worse, there was great difficulty in getting from the Eastern States goods such as porcelain and enamel ware, galvanised iron, water pipe and builders' hardware. These requisites, which are all imported from the East, were in short supply and this, together with the Australia-wide demand and the shortage of shipping, militated against this State's receiving its full requirements.

Fortunately, prospects for the future appear brighter. The gratifying co-operation at Collie has resulted in a record production of coal, which should ensure a high level in the supply of bricks, cement, plasterboard, timber and many other items dependent on coal for production or distribution. The recent rapid discharge of men from the Forces will also be of great value to industry and building. It will interest members to know that this State's output of tiles, fibrous plaster and asbestos cement sheets during the peak periods of the current year were at least equal to that of 1938-39, which is regarded as a normal year.

In regard to imports from the East, the situation was frankly worrying. The unprecedented demand throughout Australia precluded any State from receiving its total requirements, and shortage of shipping placed us in a particularly bad position. In order that all problems could be tackled at the source, the Government during the past 12 months has almost constantly had an officer in the Eastern States to ensure that it obtained the quotas it was entitled to. One of the greatest difficulties arising from the shipping shortage was the securing of storage space as goods were obtained. The demand in the East was so great that no firm would hold goods on our behalf until shipping was available, and it was necessary to have a representative on the spot to purchase the articles and arrange storage pending shipping. It is so essential to have such a representative that the Government proposes to domicile an officer permanently in Sydney for this purpose. I might add that in order to cater for all our requirements a 50 per cent. increase in the shipping space now available would be necessary.

It is a fact that the building progress in this State is better than elsewhere in Australia which, in view of the disadvantages we suffer from our isolated position, is something to be proud of. The Government's efforts to improve the production of materials is bearing fruit, and we hope that before long the lag in supply will have been overcome and that there will be a considerable increase in the issue of private permits. During 1944, 668 permits were issued for the private building of homes. In 1945 the figure increased to 1,109, and for the six months ended the 30th June, 1946, 880 permits were issued. It is hoped that during the year ended the 30th June, 1947, approximately 2,000 permits of this nature will be given.

Turning now to the Bill, it will be noted that it is divided into 11 parts. The first part provides for the repealing of the Workers' Homes Act, sets out the objects which I have already quoted, and includes a large number of definitions, some of which are not included in the present Act. One of the most important definitions concerns the alteration of the title of the statutory authority from the Workers' Homes Board to the State Housing Commission. In view of the increased activities of the board and the new responsibilities proposed by the Bill, the present designation is too restricted. The definition of worker, or a person eligible for assistance under the measure, has been amended to mean an applicant whose earnings or income does not exceed £500 per annum exclusive of overtime. The present limit, which is £400, was fixed in 1911 when the cost of living and the basic wage were much lower, and obviously an increase is warranted. The proviso is still retained to

increase the limit by £25 for each child under 16 years of age.

We propose that the complement of the commission shall be similar to that of the present board, that is, three public servants, one of whom shall be chairman; one representative of the building trades unions, and one representative of the builders. In December last Parliament, in view of the board's increasing responsibilities, approved of its membership being augmented by the appointment of representatives of the builders and of the employees. Prior to this, of course, the board had comprised only the three public servants. The two new members selected were Mr. W. L. Brine, a master builder, and Mr. J. Coram, and I am advised that the enlarged board is functioning splendidly. The three public service members are Mr. Reid (Under Treasurer), who is chairman: Mr. Clare (Principal Architect), who is the professional adviser; and Mr. Harler (Assistant Manager of the Wyndham Meatworks), who is the business representative.

The necessary provision is made by the Bill to transfer all assets, liabilities and powers of the board to the commission, which is empowered to carry out any surveys, investigations or valuations required either under the Act or for the purpose of ascertaining the housing conditions in any locality. In addition to dealing with applications under this Bill it is proposed to give the commission the authority to handle applications made under any other Act or law relating to housing, the administration of which has been entrusted to the commission.

In order effectively to carry out its duties under the Commonwealth-State Housing Agreement, under which the State is responsible for the administration of its housing projects and for the undertaking of the building programme, it will be necessary for the commission to have the authority to acquire privately-owned land. The Workers' Homes Board has already obtained large areas of land by private arrangement, and in some instances it has been found necessary to resume adjacent property, not only to eliminate such unsatisfactory features as 40 ft. blocks and "dead-end" roads, but also to utilise land which would otherwise remain vacant for many years. Any re-designing or re-subdivision is done with the co-operation of the local authority and the Town Planning Commissioner.

I propose, when in Committee, to move an amendment providing that the owner of any land which the commission wishes to acquire be given the power to appeal, first to the Minister, and then, if dissatisfied with an adverse decision, to a Judge of the Supreme Court whose finding shall be final and conclusive. The grounds on which an owner may appeal are that the land is being used or is intended to be used as a home for himself, for his child or for a near relative, and that none of these persons possesses other land suitable for such a purpose; or that it is being used for commercial, manufacturing or primary producing purposes and that its acquisition would impose hardship.

Any appeal must be submitted within three months of the date that the owner is advised of the proposed acquisition. Once this period has elapsed the commission will submit plans to the Town Planning Board for approval and prepare for the compulsory acquisition of the land. The commission may, however, allot another suitable block to any owner who fails to appeal within the specified time against the acquisition. There have already been a number of appeals against resumption and, where the owners have established their case, acquisition has not been proceeded with. In many instances the necessity to re-design the area, owing to faulty subdivision, has made it necessary to provide the appellants with other land in the near vicinity and to make an adjustment of values. So far, any action in regard to resumptions has been taken under the Public Works Act, but in view of the scope of the commission, it is considered that such power should be exercised under the appropriate housing legislation. The Bill gives the commission the power, with the consent of the Town Planning Board, to re-plan and re-subdivide any area which it has obtained, and, if agreed to by the Minister for Lands, to secure the closing of any street and the cancellation of any easement or restrictive covenant.

Provision exists in the Workers' Homes Act for the utilisation of any portion of the board's land for parks, recreation grounds and other public requirements. It is doubtful whether the term "public re-

quirements'' covers shops and business premises, and to clarify this the Bill provides that the commission may set aside land for gardens, parks, recreation grounds, community and social facilities, including public halls, infant health centres, etc., sites for shops, theatres and other business premises, and religious buildings. This will enable the commission to build and lease shops and business premises and lease its own land for similar purposes, thereby providing shopping and business facilities of a high standard for occupants of its homes and to exercise some measure of control over the class of buildings erected.

Authority is given the commission to purchase building materials and requisites for supply under terms and conditions determined by it to any person or firm undertaking work on behalf of the commission. We proposed to give the commission the right to delegate all or any of its powers to any local authority and to advance moneys to such local authority. This power of delegation was recommended by the Commonwealth Housing Commission and should ensure the closest co-operation between the commission and the local authorities. Power is also given to local authorities to purchase or compulsorily acquire land for the purpose of disposing of it to the commission.

At the request of the Local Government Association the Bill provides for the payment to local authorities, in special cases, of rates for vacant subdivided land acquired by the commission. The association fears that large-scale acquisitions by the commission might adversely affect local authorities' revenues. The commission naturally has to look well ahead so far as obtaining land is concerned, both from the point of view of obtaining a sufficient area for future requirements and of obtaining it at reasonable prices. The Government does not desire to embarrass local authorities, and it is therefore prepared, treating each case on its merits, to pay an annual amount of not more than the usual rates on the land. No such payment will be made until the land has been held vacant by the commission for two years and will be confined to those subdivided areas for which rates were paid to the local authority prior to acquisition by the commission.

Part V. of the Bill, which deals with the erection and disposal of houses for sale, is practically identical with similar provisions in the Workers' Homes Act, except that the maximum cost of the houses has been increased from £900 to £1,250 and the period allowed to a purchaser to complete his payments has been extended from 35 to 40 years. These amendments have been necessitated by the estimated increase in the cost of building of approximately 40 per cent. over pre-war prices. I might add that the Workers' Homes Board recently came to an understanding with the Master Builders' Association and the Builders' Guild to erect certain types of homes at a cost of about £1,020 for a house with four rooms and kitchen, and £1,160 for five rooms and kitchen. The provisions dealing with advances to workers to enable them to erect or purchase homes or to pay off mortgages, etc., are very similar to those in the Workers' Homes Act, with the exception that the limit of advance is £1,250 as against £900.

As members are aware, the use of Army huts has helped to meet the demand for homes. So the Bill provides that the commission may purchase or lease such huts, carry out the necessary alterations to make them habitable, and rent them to applicants, who in this case do not have to be workers within the meaning of the Bill. This type of temporary accommodation is being eagerly sought, and the work that has been done to render the huts homelike has been favourably commented on by the tenants. The reconstruction of the huts has been carried out with second-hand materials by the housing division of the Public Works Department, to whom a great deal of credit is due. The board pays approximately £100 for each hut, but I am unable to give at present the average cost of conversion. Since last Easter, when work was commenced, about 130 families have been settled in these huts. It is hoped that before long 197 families will be in occupation—120 at Melville, 40 at Guildford, 20 at Mosman Park and 17 at Gun Park, East Fremantle. As further huts become available steps will be taken to render them habitable.

Part VII. of the Bill gives the commission the statutory authority to assume the management and administration of the Commonwealth-State Housing Agreement Scheme

which is already under the control of the Workers' Homes Board. It will be remembered that the agreement with the Commonwealth laid the obligation on the State to ensure that adequate legislation existed to deal with slums. At present certain action to control such areas may be taken by local authorities and the Public Health Department, but there is a division of authority here which is confusing. The Bill proposes to remedy this by giving the commission power to request the Commissioner of Public Health to inquire and report as to whether any particular area is unfit for habitation. On receipt of an adverse report from the Commissioner, the commission may request the local authority concerned to take the necessary steps under the Health Act and, should this not be done, the commission may request the Commissioner of Public Health to take further action. The power given to the housing commission in this regard is considered essential as the commission will be responsible for improving the general standard of housing.

It is quite possible that occasions may arise when certain people such as students, old-age and invalid pensioners, or single persons, may find grave difficulty in securing accommodation. To help these persons the Bill gives the commission power to erect and manage hostels, which should prove a boon to those persons I have mentioned, and perhaps to others. The tendency today is to establish and encourage a community spirit, and one of the methods to achieve this object is the provision of what are known as community centres, places where people can meet and enjoy amenities at low cost. As the housing authority for the State, the commission is empowered by the Bill to acquire or set aside land for the purpose of providing communal facilities in any area where it is considered that such amenities are lacking.

In explaining the Bill which contains 77 clauses I have endeavoured to deal with its more important aspects. As I have mentioned earlier, it is mainly a consolidation of the Workers' Homes Act and it is therefore not necessary for me to touch on provisions which have been in operation for many years. If passed the Bill will coordinate all housing measures under one Act, will provide the necessary machinery for the commission to carry out the provisions of the Commonwealth-State Housing Agreement, and will give statutory authority for certain action that is already being taken by the Workers' Homes Board, such as the conversion of Army huts for living purposes. That is a brief explanation of the Bill, which, I hope, will meet with the approval of the House. I have pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

House adjourned at 9.36 p.m.

Legislative Assembly.

Tuesday, 5th November, 1946.

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

QUESTIONS.

RAILWAYS.

(a) As to Suburban Traffic Bridges.

Mr. NORTH asked the Minister for Railways:

1, Are traffic bridges over the suburban railways erected at the expense of the Government?