Legislative Assembly.

Thursday, 23rd September, 1948.

CONTENTS.

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

QUESTIONS.

PRICES CONTROL.

As to Hay and Chaff.

Hon. A. R. G. HAWKE asked the Minister for Lands:

Will he obtain a report from the Prices Commissioner covering the prices at which merchants have purchased hay in the stooks from farmers, and the price subsequently charged by these merchants to consumers after the hay has been processed into chaff, and lay the report, or a copy of it, on the Table of the House?

The MINISTER replied:

I will confer with the Attorney General, as Minister in charge of prices, with a view to having the position investigated.

WHEAT FERTILISER.

As to Supplies of Impregnated Super.

Mr. BRAND asked the Minister for Lands:

(1) In view of the results of the wheat experiments at Dongara last year, which proved conclusively that it is necessary to use copper and zinc together with superphosphate when cropping the light land of Midland coastal areas, will he reveal what action is being taken to make adequate supplies of these trace elements available for mixing with super.?

(2) What tonnage of impregnated super. was produced last year—(a) ex Bassendean; (b) ex Geraldton; (c) ex Picton?

(3) As increased acreage is anticipated in coastal light land, will he approach superphosphate companies and request their co-operation in producing all necessary fertiliser in good time for seeding?

The MINISTER replied:

(1) The Department of Agriculture and the superphosphate manufacturers have been co-operating for some time on this matter. Copper supplies are good, but the quantity of zinc in sight is sufficient only to meet a portion of our total requirements. Manufacturers have approached industrial concerns in South Australia seeking additional supplies to enable them to meet the anticipated demand from other classes of farmers and the Department of Agriculture in this State is making representations through the Department of Agriculture in South Australia in support of their requests.

(2) Tonnages delivered last year from works were:—Super and copper—metropolitan works, 4,362; Geraldton, 104; Picton, 3,243. Super and zinc—metropolitan works, 20; Geraldton, nil; Picton, 549.

(3) Yes.

EDUCATION.

As to Establishment of Area Schools.

Mr. NALDER asked the Minister for Education:

(1) Does the Government intend establishing area schools in country districts similar to those in Tasmania?

(2) If so, (a) when; (b) where?

The MINISTER replied:

(1) It may be practicable and desirable to do so in one or two places, but the Tasmanian area school differs from the Western Australian consolidated school mainly in the matter of decentralisation of control. In the Tasmanian area school the headmaster is given a free hand in the development of the curriculum, and does so to make it correlate closely with the set-up in the surrounding area. The Tasmanian area school caters for agriculturally-minded children, and has a definite purpose in making them agriculturally-minded. It can be criticised on the ground that it does not cater for those children who have no intention of following an agricultural career, or would be likely to leave the particular area and take their part in the cities.

Our consolidated schools are established to suit our more fluctuating population, and in consequence, the curriculum is more closely allied with that followed in other schools, and is such that a child can remain in the district, or move to another school without much upset. The area of the State of Western Australia and the distance separating the children must also be taken into consideration. In a great number of districts, therefore, it appears that our present consolidated type of school, when fully developed, will meet our needs, particularly of the children who desire to follow through secondary education even to the University standard.

(2) It is not possible at this stage to state when and where such schools of the area type may be considered desirable.

HOUSING.

(a) *As to Ballot for Two- and Three-unit Homes.*

Mr. MURRAY asked the Minister for Housing:

In view of confusion arising from statements published in "The West Australian," of Wednesday, the 15th September, regarding the ballot for houses for two- and three-unit families, will now state—

(1) The date of first ballot for permits to build homes for the above type of applicant?

(2) How many permits issued?

(3) The proposed date of the next ballot?

The MINISTER replied:

It should be stated that ballots have been held only for two-unit applications for private permits.

(1) Two ballots have been held, the first on the 21st June, 1948 and the second on the 6th September, 1948.

(2) Eighteen permits have been issued.

(3) It is proposed to hold the next ballot in December, 1948.

(b) *As to Applications for Rental Homes.*

Mr. BRADY asked the Minister for Housing:

(1) Is he aware that many applicants for rental homes have been kept waiting for from three to six months for a visit of inspection from Housing Commission officials?

(2) Will he state the number of applicants awaiting inspection of their present premises?

(3) Will he state the number of inspections per week carried out by the Commission's inspectors?

The MINISTER replied:

(1) Yes, but these are mostly small unit families awaiting completion of flats, duplex homes and expansible houses.

(2) 546, excluding two- and three-unit cases which will be dealt with under a ballot system when the small unit type of home becomes available.

(3) The inspectional staff can handle 130 new applications per week, in addition to check inspections and other investigations.

(c) *As to Permits for Small Houses.*

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

Is he aware that the State Housing Commission has promised to issue two permits at Joondanna Heights, one for a two-unit family and one for a three-unit family, and that the Commission is prepared to allow seven squares plus two squares for verandah or eight squares without a verandah, and that the Perth Road Board has definitely refused to allow such homes?

The MINISTER replied:

The matter referred to by the hon. member has not been brought under my notice. Some weeks ago I had a conference with

representatives of the Perth Road Board regarding building permits for small houses, and they explained to me that under the bylaws of some districts, they were not permitted to build homes below a certain squarage. I shall make inquiries into the matter.

CLOSER SETTLEMENT.

As to Adequacy of Existing Legislation.

Hon. A. R. G. HAWKE asked the Minister for Lands:

(1) Does he consider existing legislation covering the compulsory resumption of land for farming purposes is adequate to meet present and future needs regarding farming expansion within the State?

(2) If not, what are the main weaknesses in the existing legislation?

(3) Is it intended to bring any legislation in connection with this matter before Parliament during the current session?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

(3) The Government is prepared to submit amending legislation should this prove necessary for closer settlement requirements in the future.

MINE WORKERS' RELIEF ACT.

As to Request for Increased Benefits.

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

Does he propose to give favourable consideration to the request from the Australian Workers' Union (Mining Section) to increase the benefits to beneficiaries under the Mine Workers' Relief Act in proportion to the amount permissible, having regard to the easement of the means test under the Old Age and Invalid Pensions Act?

The MINISTER FOR HOUSING replied:

The operation of the Mine Workers' Relief Act has received the consideration of the Government and on behalf of the Government an actuarial examination of the fund is now being made. On receipt of the actuary's report, further consideration will be given to this legislation.

SOUTH FREMANTLE POWER HOUSE.

As to Compensation for 40-Cycle Equipment.

Mr. WILD asked the Minister for Works:

In view of South Fremantle generating on 50-cycle, will compensation be paid to the existing holders of 40-cycle equipment when the change-over to 50-cycle takes place?

The MINISTER replied:

(1) It will not be necessary for any compensation to be paid.

(2) Most of the existing 40-cycle equipment will be suitable for operation on 50-cycle with little or no alteration.

(3) The whole question, including the responsibility for the cost of necessary alterations to equipment, is now being considered by the State Electricity Commission.

A recommendation will be made to the Government when all the facts are assessed and known.

BRIDGES.

As to Rebuilding at Royal-street, Kenwick.

Mr. WILD asked the Minister for Works:

Will he give an indication as to when it is hoped to commence the rebuilding of the Royal-street Bridge, Kenwick?

The MINISTER replied:

Owing to difficulty in obtaining the requisite labour, sawn timber, bolts, etc., it is not anticipated that rebuilding can be commenced within twelve months.

Hon. A. R. G. Hawke: No labour, no materials!

Hon. E. Nulsen: No cobwebs!

RAILWAYS.

As to Petrol and Fuel Oil Consumption.

Mr. PERKINS asked the Minister for Railways:

What is the quantity used annually by the Railway Department during each of the last three years of—

(a) petrol;

(b) diesel fuel and kerosene;

(c) fuel oil?

The MINISTER replied:

(a) Petrol—1946, 75,000 gallons; 1947, 95,000 gallons; 1948, 138,000 gallons.

(b) Diesel fuel—1946, 88,000 gallons; 1947, 92,000 gallons; 1948, 161,000 gallons.

(b) Kerosene—1946, 53,000 gallons; 1947, 64,000 gallons; 1948, 89,000 gallons.

(c) Fuel oil—1946, 251,000 gallons; 1947, 1,060,000 gallons; 1948, 5,272,000 gallons.

SERVICEMEN'S LAND SETTLEMENT.

As to Supplies of Fencing Materials.

Mr. NALDER asked the Minister for Lands:

(1) What is the monthly quota of—

(a) plain wire; (b) barbed wire; (c) rabbit netting; (d) sheep netting; (e) ringlock netting, for War Service Land Settlement?

(2) Does the scheme always receive its monthly quota?

(3) How many coils of—

(a) plain wire; (b) barbed wire; (c) rabbit netting; (d) sheep netting; (e) ringlock netting, have been purchased for the War Service Land Settlement Scheme since it has been brought into operation?

The MINISTER replied:

(1) (a) 50 tons, (b) 12 tons (c) nil, (d) nil, (e) nil.

(2) No.

(3) April to June, 1948—Plain wire, 85½ tons; barbed wire, 26 tons.

Since that date—Plain wire, 14¼ tons; barbed wire, 2 tons 15 cwt. Previous figures not available.

BILL—FEEDING STUFFS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.43] in moving the second reading said: This Bill is intended to amend the Act by including a new subsection to permit of an alteration of the registration of any stock food. When the Act was amended in 1940, a section dealing with the amendment of registration was not included but owing to the considerable variation in the supply and quality of the various materials used in the manufacture and preparation of mashes and other stock foods, the manufacturers have requested that provision be made to permit of an amendment on lines similar to those provided in the Fertilisers Act, 1928.

The insertion of a section or subsection providing for the amendment of registration would not only suit the manufacturers, but would also comply with the wishes of producers. At present, if any amendment to an ingredient of a stock food is made, then the original registration has to be cancelled and a new one issued. Under the Bill, it will be possible to amend the original registration instead of cancelling it.

The proposed insertion of a new paragraph (e) in Subsection (2) of Section 5C of the Act, as provided by the Bill, is also the result of a request by growers supported by manufacturers. This amendment provides for a chemical analysis to be made and to appear on the package. For some time it has been the opinion of officers of the Department of Agriculture, who are largely concerned with stock foods used by producers, that such a provision should be made. Last year quite a number of stock foods placed on the market did not measure up to the analyses mentioned in the certificates and branded on the bags. At one stage there was an action pending against a certain firm because the standard was so much lower in analysis compared with what appeared on the bag.

The insertion of a new Subsection (7) in Section 5D is being made to remove an anomaly. As the Act reads at present, though any package below a net weight of 28 lb. does not require to have a label attached as provided by Section 5C, Section 5D as at present framed requires an invoice to be given, irrespective of the size of the package or container. A storekeeper would probably buy a supply of stock food in bags containing 120 lb. and the analysis and everything else required by law would appear on the bags. The storekeeper would break down the bulk into 5-lb. or 7-lb. packages to meet the requirements of purchasers. The law would have been observed insofar as the delivery of the stock food to the storekeeper was concerned but, if he broke the bag down into small packages, it would be necessary, under the existing law, to have the analysis shown on every package. That is quite unnecessary, and so we are providing that he

may carry on his business without being required to have the analysis on every package.

Hon. E. Nulsen: The storekeeper could weigh out the stock food in any quantity.

The MINISTER FOR LANDS: Yes, in any quantity up to 28 lb. without showing the analysis on the package.

Mr. Styants: Would that absolve him from prosecution if he adulterated it in any way?

The MINISTER FOR LANDS: If he adulterated the food, he would definitely be laying himself open to prosecution and could be charged under another section of the Act. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

In Committee.

Resumed from the 21st September. Mr. Hill in the Chair; the Minister for Works in charge of the Bill.

Clause 4—Local authorities not to issue building permits to unregistered persons (partly considered):

The MINISTER FOR WORKS: When this Bill was previously before the Committee, the member for Maylands considered that the proposed new section would debar an owner-builder from building on his own account if the house was not for immediate sale. I did not think so at the time, but now I agree that the hon. member's judgment was quite sound. The reason I was inclined to disagree with him was because I thought sub-paragraphs (a), (b) and (c) of paragraph (A) of Sub-section (1) of Section 4 of the principal Act exempted the owner-builder from the prohibition. I shall read the three paragraphs in order to show that the owner-builder has the right to build under the conditions I have stated—

(1) No person who is not registered under this Act shall—

(A) (a) construct either for himself or any other person,

So far, that would seem to include the owner-builder,

any building for the purpose of the immediate sale thereof;

That quite plainly excludes the owner-builder.

(b) enter into any contract or engagement to construct any building, or build any building for another in pursuance of any contract or engagement;

The reference there is obviously to another; it does not affect the owner-builder,

(c) be entitled to recover in any court any fee or charge under any such contract or engagement.

The owner-builder has not entered into any contract with anyone and consequently, since he would not be likely to sue himself, he is outside that prohibition also. The next subparagraph—

(d) hold himself out as trading as a registered builder,

is not likely to apply. The proposed new Section 4A, Subsection (1), provides—

It shall be unlawful for any local authority to issue to any person who is not registered under this Act a permit, under section two hundred and ninety-eight of the Municipal Corporations Act, 1906-1946, or under the Building Regulations for the time being in force under the Road Districts Act, 1919-1947, to commence or proceed with any building on any block of ground in any area within which this Act applies unless—

(a) the total fee or charge payable in respect of the carrying out of such building does not exceed six hundred pounds; or

(b) the person to whom such a permit is issued is a person exempted under Subsection (2) of Section 4 of this Act from the necessity of obtaining registration.

Up to that point the owner-builder is debarred. I am now proposing to add a paragraph as follows:—

(c) The person to whom such a permit is issued is proposing to construct the building to which the permit relates for himself and not for the purpose of the immediate sale thereof.

That will put the owner-builder right. I move an amendment—

That a paragraph be added to proposed new Section 4A. as follows:—"(c) the person to whom such a permit is issued is proposing to construct the building to which the permit relates for himself and not for the purpose of the immediate sale thereof."

Amendment put and passed.

Mr. MARSHALL: Section 4 of the principal Act provides that no person who is not registered under the Act shall construct for himself or any other person any building for the purpose of the immediate sale thereof unless the total fee or charge pay-

able in respect of the carrying out of the same does not exceed £400. The proposed new Section 4A provides that the total fee or charge payable in respect of the carrying out of such building shall not exceed £600. Therefore, the owner-builder could not obtain a permit from the local authority to build unless the amount was £600.

The Minister for Works: No. The new section states the amount shall not exceed £600; that obviously includes £400.

Mr. MARSHALL: How does the Minister propose to get over the £400 fixed by the Act?

The Minister for Works: The member for Murchison was present on the last occasion when we divided the Committee upon whether the £400 should be amended to read £525, or whether it should be increased to £600, in accordance with the Bill.

Hon. J. B. SLEEMAN: It seems to me that a poor man wanting to build a house cannot do so unless the cost exceeds £600. A person in the country might wish to build a home for £500, but he could not do so.

The MINISTER FOR WORKS: The provision is so plain that I did not think anyone could misunderstand it.

Hon. J. B. Sleeman: We are not all as brainy as you are.

The MINISTER FOR WORKS: I am not seeking to make any comparison between the brains of the hon. member and mine.

Hon. J. B. Sleeman: There would not be any comparison.

The MINISTER FOR WORKS: The comparison might be to the hon. member's advantage. Paragraph (a) of Subsection (1) of the proposed new section obviously implies anything from nothing to £600.

Clause, as amended, put and passed.

Clauses 5 and 6, Title—agreed to.

Bill reported with an amendment.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 37:

The ATTORNEY GENERAL: I gave an undertaking that before the Committee stage I would refer this Bill back to the Solicitor General for a further opinion as to whether this provision was necessary. I propose to read the reply he has submitted, which will indicate that he is of the same opinion as previously; namely, that the matter is one of doubt and that in order to clear up the position this amendment is necessary. The Solicitor General states—

1. I have further considered the meaning of "office of profit from or under the Crown" and adhere to my previous opinion that there is doubt as to whether an approved pharmaceutical chemist under the Pharmaceutical Benefits Act, 1947, of the Commonwealth would not be holding such an office of profit from or under the Crown.

2. There does not appear to be any decided case precisely in point, but there are numerous decisions indicating that the purpose of the disqualification of holding or accepting such an office of profit is to maintain the complete independence of members of Parliament from the influence of the Crown. Extracts from some judgments of judges, including those of the High Court of Australia, and the Privy Council of England on analogous provisions are as follows:—

> (a) Speaking generally it seems to me that the object of that section is to prohibit a person from placing himself in a position where his duty may be in conflict with his interest. (29 V.L.R. at page 634.)
>
> (b) It is a rule of universal application that no one having such duties to discharge shall be allowed to enter into engagements in which he has or can have a personal interest conflicting, or which may possibly conflict with the interests of those he is bound to protect. So strictly is this principle adhered to that no question is allowed to be raised as to the fairness or unfairness of a contract so entered into. (21 C.L.R. at page 328 Isaacs J.) For the history and purpose of the disqualification see May's Parliamentary Practice, 14th Edition (1946) pages 199 to 201.

3. Under the Pharmaceutical Benefits Act the granting of approval of a chemist has the effect of creating a statutory relationship between the person approved and the Commonwealth, as well as between him and members of the public. He is bound to supply pharmaceutical benefits to the public, without charge, but by so doing he becomes entitled to payment by the Commonwealth, and the amount payable is determined by the Governor General in Council, by regulation. The chemist is subject to supervision by the Director General, whose approval may be suspended, or revoked, for good cause shown.

4. The mere fact that a person has a contract, or employment with the Crown, does not alter the fact that he may, at the same time, and by virtue of the same set of circumstances hold an office of profit under the Crown. In the English case of re Louth (1894) 1 Q.B. 767, it was held that a person appointed a chemist to a town council holds an office or place of profit in the gift of the council, and also has a contract, or employment therewith, although his only emolument has been profit on four penny worth of oil supplied by him to the council's fire brigade.

5. In my opinion there is a possibility that an approved chemist, under the Commonwealth Act, may be held in law to have such an interest in remuneration from the Commonwealth as may impair his independence in the State Parliament, and in the absence of express authority on the point, I consider that it would be rash for any person to give a positive opinion that such an approved chemist did not hold office of profit from or under the Crown within the meaning of that expression in our Constitution Acts.

Therefore I feel that as the Crown's legal adviser in Western Australia considers there are doubts as to whether or not a chemist who enters into a contract under the Pharmaceutical Benefits Act is not disqualified, the matter should be cleared up, and that this provision is necessary.

Hon. J. B. SLEEMAN: It seems to me that this all hinges on the interpretation of the word "Crown." It appears that there is more than one Crown. Quite a number of legal opinions could be obtained in this country to the effect that there is no necessity for the amendment. I would like to hear the member for Nedlands give his opinion, because I think there is none better in the State.

Hon. A. H. Panton: You are always looking for cheap advice.

Hon. J. B. SLEEMAN: I understand that only recently a case dealing with the definition of the "Crown" was taken against the State Superannuation Board, which had tried to prevent a widow from drawing superannuation because she had taken a position under the Commonwealth Crown. A Kalgoorlie solicitor appeared in the action, and it was held that the woman did not hold an office of profit under the Crown while she was working for the Commonwealth.

Hon. A. H. Panton: The Chief Justice upheld that decision.

Hon. J. B. SLEEMAN: Yes. I do not think there is any reason for the Bill, and unless the member for Nedlands can assure me there is, I am prepared to stick to my opinion.

Mr. GRAHAM: I do not intend to oppose the clause. The member for Fremantle has raised a point of interest, but if there is any doubt at all we should resolve it. In the case mentioned by the member for Fremantle, the Chief Justice of Western Australia had this to say—

> The prima facie meaning of the Crown in the legislation of a dominion or province is the Crown operating in that territory in right of the Government of the particular dominion or province unless a wider interpretation is clear from express words or necessary intendment.

I have read our Constitution, but not being a lawyer am unable to say whether there are express words or necessary intendment to the effect that the Crown shall apply beyond the dominion or the State of Western Australia. If there is any doubt about the position it should be removed.

Clause put and passed.

Clause 3—Amendment of Section 38:

Hon. J. B. SLEEMAN: I do not think there is any reason for the Bill, and certainly none for this clause. Every now and then we bring down amendments to the Constitution to provide that someone or other shall be able to hold an office of profit under the Crown and still be a member of Parliament. Why not make the position open for everyone? It seems that the chemists and doctors are putting themselves on a plane above everyone else. There are plenty of workers outside who would like to hold their positions and be members of Parliament, but nothing is done for them. Take the sewerage worker who is a Government employee! He could ask for a Bill to be brought down so that he could hold his job and be a member of Parliament.

This measure deals with doctors and chemists. The next thing we shall have will be the Attorney General introducing an amendment to say that the Crown Solicitor shall be allowed to hold a seat here as well as being the Crown Solicitor of the State, because he will be a very valuable man in Parliament. I am not prepared to allow the medical people to be considered here while they are defying the laws of our country. If we look at the Encyclopaedia Britannica, we find that the action of the

medical profession is purely and simply a strike. I object to the clause.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—LAND ALIENATION RESTRICTION ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 21st September.

HON. E. NULSEN (Kanowna) [5.17]: This is a small Bill, but sometimes the small measures are very important and have a disastrous effect on the country and the community. However, in this instance I think the continuance of the principal Act is necessary, because those who served oversea in defence of Australia and the Empire are entitled to receive some advantage over those who could have enlisted but did not do so. There is another aspect. Quite a number of men were willing to go oversea, but they were manpowered and, in consequence, had to stay at home. They did very fine work, because it was necessary to continue our production, transport, etc., so that the war effort could be maintained. Then there were young men who were not eligible to go, although desirous of doing so. In addition, many men enlisted with the intention of going oversea to fight for their country, but, because it was considered they were doing better work in Australia, they could not get away. So we have to consider them and their dependants.

This measure is important and I think we should allow it to continue for two years, at least. Now, five years after the termination of the war, I think those who served and did such a splendid job have had plenty of time in which to consolidate their position and take advantage of the parent Act that was introduced into this House in 1946. Under those circumstances I support the Bill, but hope that in due course there will be no further need for such legislation and that those who were willing to go but could not, and those who were too young to go, together with their dependants, will be placed on the same basis as those who did serve oversea. I have pleasure in supporting the second reading

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [5.21]: The member for Kanowna—

Mr. Marshall: Do not stonewall your own Bill.

The MINISTER FOR LANDS: The Government feels that when this measure has been in operation for a further 12 months necessity for it will no longer exist. The various Government departments concerned have adopted the principle of preference to ex-Servicemen, but I would assure the member for Kanowna that when applications are received from those who worked in industry and were unable to serve oversea, the position is examined, and if it is at all possible to release land to them that is done. They are not shut out altogether, but receive due consideration. It is left in the hands of departmental officers to consider the position of men who did not serve.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st September.

HON. A. R. G. HAWKE (Northam) [5.25]: I doubt whether any member of this Chamber will be able to lash himself into a fury over this Bill, because it is a measure dealing with a matter of comparatively minor importance. There seems to be a growing tendency on the part of some Ministers to introduce Bills on the slightest provocation, and sometimes almost without any provocation at all. The Attorney General told the House that there had been an instance earlier in this session where regulations had been published in the "Government Gazette" but could not be tabled in the Legislative Council within the required period, that House having adjourned owing to the fact that there was no business before it for consideration. I do not know whether that was the only instance of such a happening in the long period during which this Parliament has existed.

The Attorney General: It has happened on a number of occasions, even in the days when the present Opposition was the Government.

Hon. A. R. G. HAWKE: I have no recollection of its having happened previously, but there might well have been such occasions. The amendment contained in the Bill will certainly prevent any repetition of such a happening. It provides that after a regulation has been published in the "Government Gazette," it shall be laid upon the Table of each House of Parliament within the first six sitting days immediately following its publication. In practice that would mean that if regulations were published on Friday of this week, it would not matter if Parliament was in session at that time and then adjourned for a month almost immediately afterwards. The regulations would still live and have legal force and effect, and as long as they were laid upon the Tables of both Houses within six days of the reassembling of Parliament, they would remain fully effective. It is not possible to find any grounds for opposition to the Bill, to which I therefore have no objection. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 16th September.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [5.31]: Last week the member for Brown Hill-Ivanhoe dealt very extensively with this measure, both in regard to its continuance and its application to the farming community. Therefore, I feel it my duty to make some reply, which I intend to do as briefly as possible. The Industries Assistance Act was a measure brought into being and assented to on the 2nd March, 1915. It was necessary at that time in order that provision could be made to assist farmers throughout the State who were in unfortunate circumstances. Under the provisions of the Act a security was given in the form of a caveat against the land, and a statutory provision in Section 15 of the Act gave the bank a statutory charge over the settler's proceeds, as well as the stock and plant acquired under the Act.

The advances that were made from time to time were such that had they been repaid in any one year, many farmers would have been still left "high and dry" financially. To get them over their difficulties, further sums had to be advanced under the provisions of the Act. It cannot be denied that the introduction of the legislation maintained on their farms many settlers who otherwise would have been compelled to relinquish them. As a result of the assistance rendered to settlers because of drought conditions, many farmers were indebted to such an extent that had the statutory lien been applied in its entirety, without any recourse by the settlers to further assistance, their position would have been as though they had received no assistance at all. So from year to year it was necessary, in order to keep them afloat, to make further seasonal advances available and thus gradually the indebtedness would be repaid from successive seasons' returns. The Agricultural Bank Act of 1912, and a similar measure of 1934, did not make any provision for seasonal advances to be made to farmers. This was another reason why the continuance of the Industries Assistance Act was necessary.

Not only were drought conditions the cause of many farmers' indigent circumstances, but in other instances the price of wheat was low and farmers' return from their produce were insufficient to satisfy their needs and the State had naturally to protect its interests, and those of the farmer, by making available further moneys which enabled him to carry on. It must be remembered that the Agricultural Bank had advanced considerable sums to the farming community. Failure of a farmer to remain on his land means that the State not only loses the capital involved in development, but in addition it loses wealth through the loss of that much production.

It is mentioned that in 1941 the Agricultural Bank took over the indebtedness of the Industries Assistance Board that was in existence at that time and it was the

desire, if possible, to close operations under the Act. Unfortunately 1940-41 proved another disastrous season and many settlers were found to be in distress. At that time the Commonwealth Government made considerable sums available to assist farmers in their financial difficulties and the Industries Assistance Act was used as a very convenient measure for the circulation of those moneys. I wish to mention that the assistance given was extended not only to Agricultural Bank clients, but also to clients of the associated banks.

Under the Rural and Industries Bank Act the commissioners of that institution have power to make loans to settlers, provided that these are for a purpose connected with, or incidental to, their business or undertakings in rural industries in which the settlers are engaged or are about to be engaged. The making of these loans is governed by a provision that the amounts shall not exceed the sale value of the security, as assessed by the valuers of the bank, and, except for good cause shown to the satisfaction of the commissioners, shall not exceed an amount equivalent to 70 per cent. of such sale value. It is not the established or financial farmers who require assistance so much as those who have little or no equity in their securities.

The commissioners of the bank are bound by the provisions of their Act and, as intimated, would not make advances exceeding 70 per cent. of the value of the security and, therefore, would be precluded from giving seasonal advances to farmers. This would be brought about because of the fact that many who would require such assistance would have an indebtedness that would not provide for the necessary margin allowed under the Act, particularly in regard to those advances for which there is no tangible security. The moneys that are required to be advanced to settlers in unfortunate circumstances cover sustenance, fodder, superphosphate, etc., and these, of course, have no security value.

In the absence of the Industries Assistance Act, the Government may find it necessary to create another measure, or alternatively, amend the present Rural and Industries Bank Act if through adverse circumstances many farmers require temporary financial aid. The Rural and Industries Bank Act provides that the Industries Assistance Act shall be administered by the bank as an agency of the Government of the State, through the Government agency department. Section 77 of the Rural and Industries Bank Act provides that the Treasurer may direct the rate of interest to be charged, the maximum amount of a loan, the purpose of the loan and the period for which it is required, where such conditions are not regulated by or under any Act. If, therefore, the Industries Assistance Act expired, moneys for the purpose of carry-on provisions would have to be directed and such advances, if made, would exceed the percentage margin provided for loans under the Act.

Mr. Smith: It is six per cent. in the Act, and they have lent it for less even though the six per cent. is provided.

The MINISTER FOR LANDS: Section 83 provides that loans made shall be consistent with the terms of the Act, where such can be consistently applied. While the Industries Assistance Act is in force, there is no need for any amendment of the Rural and Industries Bank Act to enable assistance to be rendered for the protection of the State's security. Moneys advanced by the bank under the provisions of the Industries Assistance Act have been very limited and have been necessary. Associated banks are working under a charter and necessarily have to protect their securities. They, too, have made moneys available to settlers in indigent circumstances.

Mr. SPEAKER: Order! There is too much conversation.

The MINISTER FOR LANDS: The funds of the Rural Bank are divided into two sections, as provided by the Act, and the funds of either section are not used to assist the other. All agency funds are kept distinctly apart, and all receipts for interest and principal in respect to the Government agency department are sent to the Treasury. This naturally applies to those customers who receive assistance under the provisions of the Industries Assistance Act. Where the Act remains in force, or where advances for seasonal requirements are made by the bank, the Government agency department will naturally carry the costs, and financially the State would be in the same position. The re-enactment of the Industries Assistance Act is, therefore,

considered a reasonable necessity, enabling it to cover the exigencies that arise from time to time. In the absence of this measure, some other provision would have to be made which, unless similar to the Industries Assistance Act, would possibly be more costly to the farmer, in that securities to be taken would include costs not now involved when assistance is rendered under the Act. I hope that that reply will give some satisfaction to the member for Brown Hill-Ivanhoe.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—HEALTH ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER FOR SUPPLY AND SHIPPING (Hon. A. F. G. Cardell-Oliver—Subiaco) [5.45] in moving the second reading said: This is a small Bill to enable Argentine ants to be dealt with in the same way as mosquitoes are under the Health Act. So far as it is known, it has not been recognised that Argentine ants are carriers of disease; but it is feared that this might be so, and they are certainly a pest. It is believed that these ants originated in the Republic of Argentina. They were reported in Western Australia at Albany in 1941, when regulations were immediately gazetted placing the effected area in quarantine. Unfortunately, the ants have gained a firmer hold than was at first anticipated. It became necessary to prevent the sending of plants, or pots packed in soil, from within a five-mile radius of the Perth Town Hall to other parts of the State, except on permit from the Agricultural Department. The ants are a domestic menace, but what is most feared is that they are a serious pest.

So far as is known, no orchard areas in Western Australia have yet been infected. They attack sweets, such as sugar and honey, cooked meats and bones with equal zest. Their persistence is astounding. I would like to quote an incident that happened in my office the other day. A small number of plants were put in one of the rooms and, without looking at them particularly, a member of the staff packed up the plants and took them home. On arrival at his home, he unpacked the plants on the kitchen table and later, when he returned, the whole table was covered with Argentine ants. In my office in James-street we have continually to go around the rooms and disinfect them with D.D.T. in an endeavour to get rid of them. For a day or two they are not then obvious. The Bill is for the purpose of adding the words "and Argentine ants and other insect pests" after the word "mosquitoes" in paragraph (20) of Section 185 of the Act.

Any member who has had experience of Argentine ants in his home should certainly be glad to have this matter dealt with. The amendment embodied in the Bill seeks to give local authorities power to make by-laws in respect of "Argentine ants and other insect pests." It is considered desirable that this work should be carried out as a health matter, and the best means of securing co-ordination of action would be through the local authorities and their inspectors. Certain aspects of the Argentine ant problem undoubtedly could be a health matter. The method of control used in dealing with the ants is practically confined to spraying with D.D.T., and that is an activity of the Health Department.

Mr. Smith: Will it be supplied free?

The HONORARY MINISTER FOR SUPPLY AND SHIPPING: I do not know whether it will be supplied free or not, but it does not cost very much.

Hon. A. H. Panton: At any rate the Treasurer is shaking his head.

The HONORARY MINISTER FOR SUPPLY AND SHIPPING: In these days when medicine supplies seem to be free, I suppose application should be made to the Commonwealth Government.

Hon. A. H. Panton: Where do you get medicine free?

The HONORARY MINISTER FOR SUPPLY AND SHIPPING: As I mentioned previously, it is only logical and convenient that the control of these pests should be carried out under the provisions of the Health Act. I move—

That the Bill be now read a second time,

HON. A. H. PANTON (Leederville) [5.53]: As the Honorary Minister has said, the Bill is small but it makes provision for amending Section 185, which deals with the power to make by-laws. The section commences—

> A local authority may of its own motion, and shall, when the Commissioner so requires, make bylaws with respect to all or any of the following matters:—

Then are enumerated the various matters respecting which bylaws may be made and the concluding item under that heading refers to the destruction of mosquitoes. That appears in paragraph (20), at the end of which the Bill proposes to add the words "and Argentine ants and other insect pests." The member for North-East Fremantle informs me that the word "and" at the start of the proposed amendment should be excluded.

Hon. J. T. Tonkin: It is a matter of syntax, and the word is certainly not wanted.

Hon A. H. PANTON: The section gives a local authority power to make any bylaw it likes of its own motion, without reference to anyone. I do not know that it is wise to include the provision enabling them to deal with "other insect pests." I am with the Honorary Minister to the full extent respecting Argentine ants, but I do not know that it is altogether advisable to allow local authorities to make bylaws without reference to anyone, as a result of which they might deal with some insect that we would not desire interfered with. They might even deal with snails! I realise that the Argentine ant is in a different category and that it is difficult to get rid of. I would like to know just what the Honorary Minister considers might be covered by the phrase "and other insect pests."

Mr. Graham: The Legislative Council!

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Honorary Minister for Supply and Shipping in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 185:

Hon. J. T. TONKIN: The inclusion of the word "and" at the commencement of those sought to be included in paragraph (20) is bad syntax. I move an amendment—

> That in line 3 the word "and" be struck out.

Mr. SMITH: I have no objection to giving local governing authorities power to deal with Argentine ants. I have had experience of them at Nedlands and know how difficult they are to deal with.

The CHAIRMAN: I think the hon. member is speaking to the clause generally. We should deal with the amendment first.

Amendment put and passed.

Mr. SMITH: We should consider the position before allowing local authorities to make bylaws to deal with other than Argentine ants. We should ascertain whether the householders are to get supplies of the necessary insecticides at reasonable prices. It cannot be said that they are in that position today. Insecticides that contain D.D.T., such as Mortein, to mention only one of the lines, are procurable at prices that make them expensive for the average householder who has to spray all round his house every day in order to cope with the ants. The same thing applies with respect to D.D.T. in its powdered form, which is used with water. These insecticides appear to be under the control of a very few people, and the price demanded for them makes any such purchases a burden upon the pay envelope of people residing in districts infested by the pest. The Government should take some steps to see that the local authorities are empowered, or compelled, to supply people with the required insecticide if the householders are to be expected to deal with the pest.

Hon. J. B. SLEEMAN: I move an amendment—

> That in line 4 the words "and other insect pests" be struck out.

The inclusion of these words makes the provision too vague and the local authorities might take it into their heads to do anything. The paragraph should be made more definite regarding what may be dealt with.

Hon. A. H. PANTON: I am not keen on the amendment. I suggest that it would be better to add after the word "pests" the words " as may be proclaimed from time to time." Possibly other pests will put in an appearance and without those words to in-

clude them, another measure would have to be introduced.

The HONORARY MINISTER FOR SUPPLY AND SHIPPING: I am prepared to accept the suggestion. The Argentine ant has been known in this State since 1941, though it might have been here before, but other pests may also put in an appearance in the near future.

Mr. MARSHALL: Unless something more definite is included in the clause, I shall support the amendment. Local authorities are generally eager to compel ratepayers to do all sorts of things in order to combat pests. I take no exception to that, but the trouble is that those authorities themselves do nothing. People may comply with the bylaws, but often it is difficult to keep their premises free from pests, which come from areas that should receive attention from the local authorities. We have heard a lot about exterminating rabbits. The rabbit breeds on railway property and on vacant Crown land.

Mr. Styants: The rabbit is not an insect.

Mr. MARSHALL: But insects also breed on vacant blocks. I believe that ants travel a long way.

Mr. Hoar: And so do grasshoppers.

Mr. MARSHALL: As to insecticides, there was an invasion by the American cockroach, and application was made to the Perth City Council for an insecticide that would eradicate it. A formula was supplied, but the cockroaches thrived on it. Ultimately the pest was exterminated by the use of D.D.T. If the eradication of these pests is to be made compulsory, steps should be taken by the Government to prevent dealers in insecticides from exploiting the situation. We should have a clear understanding of what is intended. Since the war there seems to have developed in some people a great lust for power to push other people about, far too much of it, and I resent that sort of thing. I should like to hear something in support of the contention of the member for Brown Hill-Ivanhoe. If the authorities to be concerned in making bylaws under this Bill are to prepare a formula, I sincerely hope that it will act as a destroyer and not a fattener. I have had previous experience.

Mr. STYANTS: I am inclined to support the amendment moved by the member for Fremantle. We should at this stage adopt the policy of "Sufficient unto the day is the the evil thereof." The purpose of the Bill is to ensure the eradication of the Argentine ant. I am quite in accord with this alteration of the Health Act, as it would permit local authorities to take concerted action to destroy the pest. However, I do not think we should include in the measure the words "and other insect pests," as these are altogether too wide and possibly dangerous. The Perth City Council has not taken any steps to eradicate the midge pest at Lake Monger in the locality where I reside; nor has the council taken steps to eradicate mosquitoes in that area. To give the council additional power to declare other insects a pest and so enable it to say to the ratepayers, "You must eradicate that pest irrespective of the cost," would be unwise.

Progress reported.

House adjourned at 6.13 p.m.