by the Harbour Trust and allowed to berth their own vessels. Many sea-going captains have to hand their job over to a pilot in the Gage Roads. They have no right to interfere with the vessel until the pilot berths it. The ship is definitely in charge of the pilot, who is employed by the Fremantle Harbour Trust, and is placed upon it by that authority. No captain may enter the harbour from overseas until a pilot goes aboard. It is unfair that, whilst the ship is in charge of the pilot, any damage that may be done to any barge or ship in the harbour or to the wharf should be a liability upon the captain or the company. I do not see how we can have it both ways. Many of the captains have had coastal experience, but still are not allowed to berth their ships. They are forced to take on a pilot, and it is necessary to pay the pilotage fees to the Harbour Trust. Captains who are exempted from taking a pilot must have local knowledge and possess years of experience in bringing ships into the harbour before the Trust will authorise them to take their own ships in. The Bill is not a fair proposition, and I shall not support the second reading.

On motion by Mr. Abbott, debate adjourned.

House adjourned at 10.12 p.m.

Legislative Council,

Wednesday, 30th October, 1940.

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Bills:	Sale of Land (Vendors' Obligations), 1R.	1561
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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL—SALE OF LAND (VENDORS' OBLIGATIONS).

Introduced by Hon. G. Fraser and read a first time.

MOTION—JETTIES ACT.

To Disallow Regulation.

Debate resumed from the previous day on the following motion by Hon. G. W. Miles (North):—

That Regulation No. 10 made under the Jetties Act, 1926, as published in the "Government Gazette" on the 6th September, 1940, and laid on the Table of the House on the 10th September, 1940, be and is hereby disallowed.

HON. A. THOMSON (South-East) [4.36]: I support the motion for the disallowance of increased charges imposed in connection with the jetties of the North. May I draw the attention of Mr. Miles and his colleagues from the North Province to the fact that they have always received consideration from members of the Country Party who, while not representing the North Province, understand the difficulties the pastoral industry has to face. We have always extended to that industry more than our sympathetic support. I was delighted to make a note of some remarks made by Mr. Miles during the course of his speech, when he said something to the following effect:—

This method represents another example of passing on costs . . . This is a system in which Governments as well as practically all other sections of the community are able to indulge.

Mr. Miles added to that expression of opinion—

The exception is the unfortunate primary producer, whose products are sold at world prices or, in the case of wool under present conditions, at a fixed price.

We have been discussing the position of the primary producers during a considerable proportion of this session and I am sure we will give the constituents of the representatives of the North Province more loyal support in safeguarding the interests of the pastoral industry than their representatives are apparently prepared to extend to the section of the primary producers whom we represent. I had an opportunity to pay a brief visit to the North. Although I do not by any means pose as an authority regarding the difficulties experienced by the residents of that portion of the State, my short sojourn demonstrated to me the problems that pastoralists have to contend with in the development of their holdings. My visit also enabled me fully to appreciate the disabilities with which the shipping companies have to contend, particularly with regard to the tides. One has

only to take a trip north to realise that phase. The disabilities particularly affect women and children who, when landing, have, at times, to be dumped overboard in a coal basket. I had that experience myself and, although I do not know whether those concerned treated it as a joke, found it certainly rather rough. It must be realised that the people in the North are facing many difficult problems. I have previously spoken very strongly in support of the suggestion made by Mr. E. H. H. Hall who said that in view of the fact that insufficient money was available to develop the north, that portion of the State should be handed over to the Commonwealth Government. I was caustically criticised by Mr. Holmes for supporting a proposal made by Mr. Miles that an opportunity should be given to Jewish settlers to develop that part of the State. One requirement lacking is finance, but if permission had been given to Jewish settlers to occupy the North, foreign capital would have been provided for the country's development. Mr. Holmes criticised the farming community for continually asking for concessions whereas the pastoralists, he said, had always been prepared to pay for what they received. I cannot understand why he should have spoken on that subject, which is quite irrelevant to the motion. I do not know whether the people whom Mr. Holmes represents have seen the new regulations promulgated by the Federal Government to assist those suffering from wartime disabilities. If not, I suggest that he should secure reprints and send them to people in the North. Although the regulations do not go as far as does the measure recently introduced in this Chamber, they give the court powers similar to those contained in that Bill. I have the greatest sympathy for the people of the North-West because I realise the difficulties the pastoral industry is facing. That is why I propose to support the motion. It was pointed out that the accepted principle is that increased costs must be passed on, but it was also pointed out that under present conditions there is a fixed price for wool and consequently those dependent on the North for a living are not in a position to pass on the additional jetty charges which are the subject of the motion. Therefore, while I feel that the Government has every right to declare that, as shipping costs have increased, additional charges must be imposed on those benefiting by the operations of the State Shipping Service, it is high time the Government and other sections of the community began to bear a share of the burden imposed on primary industry and to realise that the primary producers—whom I, equally with the hon. member who introduced the motion—represent, are not able to pass on increased costs.

HON. C. F. BAXTER (East) [4.45]: One can readily understand that costs have increased in the North-West, as in other parts of the State. At the same time, the Government should give consideration to what, when discussing taxation measures, it terms "ability to pay." During the last five years not only the pastoral industry but the pearling industry also has passed through an extremely trying period. All associated with those industries, including the State and Federal Governments, have been very concerned as to what can be done to assist the pastoralists and the pearlers to save their industries from ruin. The State Government went to the trouble of appointing a Royal Commission on the pastoral industry. It remains to be seen what purpose that appointment will serve. We await with interest the recommendations of the Royal Commissioner, who is one of the most able of our public servants. It is to be hoped that he will make recommendations of practical value. For a long period of years the pearling industry has been able to survive only by means of Government assistance, and the present outlook is extremely black. With the exception of a few adjacent stations, Broome and the district around it appears to be faced with obliteration.

To impose increased charges on those two industries—pastoral and pearling—is not fair, particularly in view of the fact that the Government will have a wonderful year financially, over £1,000,000 increased taxation being expected from the collection of two years of income tax in one year, as a result of the altered system of taxation. In those circumstances, as the Government will be receiving so much more money, additional charges, from which only a comparatively small sum can be derived, should not be imposed at the present time on dying industries. Criticism has been levelled from time to time against a previous Government for not giving consideration to the North-West.

Why that was said I do not know. The Government to which I refer occupied the Treasury bench from 1930 to 1933 which were the three worst years the State has ever experienced. I hope that we shall not face the like again. That period was a time of financial crisis, not for this State alone, but for the whole world. In spite of the serious financial position at that time, the Government afforded considerable relief to the North-West portion of the State because it felt that the people there were entitled to help. That there is a loss on shipping along the North-West coast and at some of the ports we all know. Here and there, however, a port shows a profit. After all, heavy losses have also been made in the southern portion of the State; I refer to the railways which affect another section of the community. The people of the North-West are just as much entitled to their services at reasonable charges as are people in the southern areas. On shipping alone the first reduction made by the Government of 1930-1933 was in connection with low-grade wool, which was carried at a specially reduced freight rate, if it came down under the designation of "locks and dags," and was consigned to scouring works for scouring. This special concession rate was altered to include "stained pieces" and to apply whether the wool was consigned to the scouring works, or whether it first passed through the stores of the wool agents to the scouring works. The effect of this was to provide that all low-grade wool, which would pay to scour, was given a special concession freight rate. An enormous quantity of wool came down from the North as a result of this concession, instead of lying on the station where it was useless as it had not paid the pastoralists to send it to Fremantle. In this way the stations in the North-West received a considerable amount of revenue for a commodity which had hitherto been regarded as useless. The next matter that came under notice was the demand from the pastoralists that something should be done to reduce the cost to them of marketing their wool. At that time the Minister approved of a new schedule applying to wool freights, which reduced the freights 16 per cent. to 20 per cent. on all wool consigned southwards. At the same time wool for overseas—that was a burning question amongst members representing the North—from our coastal ports was given the same rate, and the same rebate that was given if wool was shipped out from Fremantle. The previous practice was to allow a special rebate on wool shipped ex Fremantle, but that did not apply if the wool was shipped from northern ports direct to London. That rebate was worth 1s. 9d. per bale to the grower. The charge which existed at that time was not right. These deductions were made during the period when we were passing through our worst financial period. Following on the wool freight reduction to which I have referred, it was decided to revise completely the freight schedule of the general cargo going northwards, the resultant schedule being about 16 per cent. less all round than previously. That reduction in general cargo and wool freights amounted in the aggregate to a very considerable sum of money per annum. It meant a lot to the firms as well as to all the North-West people. The reduction in freight on all goods carried on the steamers was between 16 per cent. and 20 per cent. The cattle growers also received assistance. The freight on cattle brought to Fremantle on all ships was £4 10s. per head. The Government of 1932 reduced that charge to £3 15s. per head, thus saving to the growers 15s. per head on all cattle sent down. In the last few years that reduction has been a God-send to growers in the North as well as to numerous other people. Over the years the reduction has amounted to a considerable sum.

Hon. V. Hamersley: What is the freight now?

Hon. C. F. BAXTER: It is still £3 15s. per head. Sheep growers also approached the Minister in connection with their poorer class of sheep. They desired to dispose of those sheep, for if they could not do so to growers and for such like purposes, the animals had to be slaughtered or destroyed on the stations at considerable loss to the owners. An arrangement was made whereby when those sheep were culled they could be carried at a freight much below that charged for other sheep that were fit for the fat stock market. The Government opened up a trade with Malaya. At the end of the year in question 48,000 sheep were exported to Malaya from the North-West, largely as a result of the experiment to which I have referred. The arrangement cost the Government of the day a considerable sum of

money. The assistance was given to the North-West at a time when the State was in desperate straits for money. The Government, however, recognised that the industries in the North were so important that the reductions were justified so that that part of the State might be kept going. I have referred only to State shipping reductions. Assistance was also given in many other ways. In view of all these things, I do not think that the Government of to-day, which is faced with a better financial outlook, should impose small additional charges on the people of the North. Mr. Holmes referred to the cost of the Gascoyne vermin fence. The balance of the debt remaining was £48,000. I remind the hon. member that the Government approved of the writing off of the sum of £30,000 in connection with that undertaking which left a debit of £18,000.

Hon. J. J. Holmes: That amount was wrongly charged. The late Mr. Davy said it was politically and commercially dishonest.

Hon. C. F. BAXTER: The £30,000 to which I have referred was made up of £17,000 which was expended on the maintenance of the fence, and £13,000 which represented compound interest at five per cent. on the £17,000. Mr. Holmes was quite right. I remember the details now, for I was Minister for Agriculture at the time the trouble arose, besides being a member of the Government that wrote off the amount. The Government carried out the maintenance of the fence illegally and charged it up to the pastoralists.

Hon. J. J. Holmes: To whom it did not belong.

Hon. C. F. BAXTER: And it was left to the Government in a critical period to wipe off that amount. This House should take a sympathetic view of the unfortunate people of the North, just as it should of those in the wheat areas. People in the North have so much to face before they can re-establish themselves, that it will take them many years to do so. Instead of any increases being imposed upon them, the charges should be decreased. The Government of which I was a member in 1933 exploited all those avenues with a view to decreasing charges, such as land rents, land taxes, etc. Meanwhile I urge the Government to hold its hand and refrain from increasing costs to the people in the North. The last five years have been the worst period in the history of the State, and many years must elapse before the pastoral industry can be re-established. The pearling industry is also in the doldrums. It is against my principles to oppose increases in costs by the Government for services rendered, such as would ensue if these extra charges were struck out, but owing to the unfortunate position of the people in the North, who will have to carry the extra charges in this instance, I regret I must vote for the motion.

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

BILL—REGISTRATION OF FIRMS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—ROAD CLOSURE.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.3] in moving the second reading said: The Bill provides for the closing of roads and rights-of-way in different parts of the State—East Perth, South Fremantle, Geraldton, Northam and Boulder. I have been supplied with plans which indicate the localities of the proposed closures, and for the information of members I shall place these plans upon the Table of the House. In the first place, Clause 2 deals with the closure of an existing right-of-way running between Moran and Livingstone streets, South Fremantle. This right-of-way is situated to the rear of Lots 6 to 11 inclusive, and Lot 34 as shown on the plan. The Roman Catholic Church is acquiring, or has acquired, these lots in addition to portion of Lot 12 adjoining. It desires to include the right-of-way, and in exchange therefor, provides a new one which is indicated on the plan. Before this can be done, however, it will be necessary to close the existing right-of-way and vest the land in the Crown so that an exchange may be effected under the provisions of the Land Act. The Fremantle Council and the Town Planning Board support the proposal, and owners of adjacent land have agreed to it.

Clause 3 provides for the closure of Alfred-street, Geraldton. In this connection the Roman Catholic Church has acquired, or is in the course of acquiring, for the purpose of erecting a girls' orphanage, the whole of the land comprised in Lots 48 to 70 inclusive on both sides of this road, and it is desired to consolidate the whole of the area into one block by the proposed closure. No objection, departmental or otherwise, has been made to the proposal, which has the support of the Geraldton Municipal Council.

The Northam Municipality has requested that portion of Leeder-street be closed, the part affected being situated to the rear of Lots 6 to 15 inclusive, which are owned by W. Thomas and Co. The firm desires to acquire the area in this portion of the road for a weighbridge, which has already been erected by the permission of the Northam Municipal Council. Three other landholders are concerned in this closure, two of whom have no objection. The third objects as he considers he is entitled to a through road to the Avon River, but as there is no road along the river bank access thereto would serve no practical purpose. W. Thomas and Co. have, however, offered to purchase this man's lot (Lot 3) at the value fixed for rating purposes. The whole matter has been carefully considered by the district surveyor, the Surveyor-General, and the Town Planning Board, and all agree that the owner who objects will not suffer any loss by the closure. They therefore recommend it, and if it is agreed to by this House, it is proposed to vest the land in the Crown and dispose of it by direct sale to Messrs. W. Thomas and Co.

The next proposal is the closing of a pathway adjacent to the gasworks at East Perth. At the eastern end of Kensington-street, East Perth, a roadway extending therefrom to the Swan River was closed by the Road Closure Act, 1915, subject to the provision that a 10-foot pathway should remain. This pathway has not been used for several years, and as it serves no practical purpose the Perth City Council has requested the Lands Department to close it so that extra storage space for coal may be provided for the gasworks. This, I am given to understand, is an urgent necessity. The Town Planning Board and the Surveyor-General support the closure. Finally, Clause 6 of the Bill provides for the closure of a road, portions of roads, and rights-of-way on the outskirts of the townsite of Boulder. In this regard, the Mines Department has granted tailings leases under the Mining Act over areas comprising vacant town lots, and the road, portions of roads, and rights-of-way which are the subject of this Bill. As this land is in a mining area, and as the roads, etc., are not required, and also as the Boulder Municipality and the Kalgoorlie Road Board have requested the proposed closure, it is considered that the proposal should be agreed to. The Bill is submitted for the approval of the House. All its proposals have departmental approval, and the local authorities concerned are in accord therewith. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CITY OF PERTH (RATING APPEALS).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.10] in moving the second reading said: This is an important measure by which it is proposed to substitute a board to deal with all appeals against rating in the City of Perth instead of the Perth City Council, which sits as a Valuation Appeal Court, as provided by the Municipal Corporations Act. Members are aware that for some years past a great amount of dissatisfaction has existed amongst ratepayers, members of the Perth City Council, and officials of that body in regard to the methods adopted in dealing with appeals against valuations.

Hon. H. Tuckey: Will it affect any other municipality?

The CHIEF SECRETARY: No. The dissatisfaction came to the surface to some extent last year when, at the request of the Council, the Government agreed to introduce a Bill in an endeavour to meet the position, although it was then late in the session. The Perth City Council, however,

further considered the question at the request of the Perth Chamber of Commerce and asked that the Bill be not introduced until further investigations had been made, and that the matter be brought forward by the Government for the attention of Parliament the following session. By this Bill, therefore, it is proposed to bring about what might be termed a long overdue reform in the system of rating appeals.

The proposal is that a board of three members, to be called "The City of Perth Rating Appeal Board" shall be appointed by the Governor to hear all appeals, the members to comprise a legal practitioner in actual practice of not less than 10 years' standing, who shall be chairman, a member of the Commonwealth Institute of Valuers in actual practice, and a ratepayer of the City of Perth but not a member of the council.

The existing system of hearing appeals is provided for in the Municipal Corporations Act. If a ratepayer thinks himself aggrieved on the grounds of unfairness and incorrectness in the valuation of a property or the amount assessed thereon, he may appeal to the council. The Municipal Corporations Act provides that the council shall, for the purposes of hearing appeals, be constituted a court. On every appeal a vote shall be taken. The court shall have, and may exercise, all the powers vested in a revision court under Sections 55 to 64 of the Act. These powers consist, amongst others, of authority to hear, receive and examine evidence, and by summons under the hand of the Lord Mayor or chairman, to require all persons as the court may think fit to appear personally before it. The court may also summon witnesses and examine them on oath or affirmation. Every appeal must be in writing, stating the grounds of appeal, and must be served on the Town Clerk within thirty days after service on the appellant of the notice of valuation. Any person, within ten days after the decision on an appeal to the council, may give notice in writing to the Town Clerk of his intention to appeal from such decision to the Local Court. The decision of the Local Court shall be final and conclusive, but the court shall, if so required by either party to such appeal, state the facts by way of special case for the determination of the Supreme Court thereon. This is the system which is the subject of so much dissatisfaction.

Members of the Perth City Council apparently admit that they have no pretension to being a competent body to sit as a Rating Appeal Court. Even with the best intentions in the world, it is difficult for them to give a fair and just decision. This is particularly evident when appeals against valuations of large city premises, hotels, etc., are the subject of appeal. Members will readily realise how unsatisfactory is the spectacle of a council of twenty-four members operating as an appeal court, giving decisions on motions which are moved and seconded in the presence of an aggrieved ratepayer. Decisions can be made only by motions, and possibly amendments, duly moved and seconded, and then put to the vote in the presence of the assembled appellants. The Perth City Council members have been advocating for years the abolition of this system, and desire some other court to replace them as an adjudicating body. The Council some years ago put forward the idea that appeals should be made direct to the Local Court, the appeal to the Council to be abolished. It was considered, however, that the effect would be to cause the ratepayer too much expense. Whereas no expense is incurred in an appeal to the Council, an appeal to the Local Court would involve costs for legal assistance in the preparation of the appellant's case. The Government has therefore been requested to introduce this Bill—which applies only to the City of Perth—mainly on account of the large composition of the Council and the involved nature of many of the valuation appeals dealt with.

Briefly, the Bill proposes to abolish the Council as a rating appeal court and to appoint in lieu, for a term of three years, a board of three members, comprising a chairman who shall be a legal practitioner in actual practice and of not less than 10 years' standing, a member of the Commonwealth Institute of Valuers and a representative of the ratepayers. The Bill also provides that—

(a) Members' fees are to be prescribed by the Governor and shall be paid from municipal funds.

(b) The board is to have power to take evidence on oath.

(c) The board is also to have power to compel the attendance of persons summoned to appear before it.

(d) Majority decisions are to prevail.

(e) Any person dissatisfied with a decision of the board may, within 10 days of such decision, appeal to the Local Court.
(f) Such Court (Local Court) may, and shall if so required by either party, state the facts by way of a special case for the determination of the Supreme Court.

Such an appeal board would create more confidence in the ratepayers who, by the passing of this Bill, will obtain the services of a competent tribunal.

Ratepayers need be involved in no expense in making an appeal; they will have just as free access to the Board as they have to the Perth City Council Appeal Court under the present Act.

It is interesting to note the procedure which is followed with regard to valuations and appeals in the capital cities of Australia. In Perth, valuing is performed by an officer of the City Council, and appeals are dealt with by the full council sitting as a court. The number of assessments per year is 27,000.

In Adelaide, valuations are made by an officer of the council and appeals are dealt with by an assessment revision committee, consisting of all members of the council or any five or more of such members, with the right of a further appeal to the Local Court. Assessments number 13,181 per annum. In Melbourne, valuations are made by an officer of the council with the assistance of 6 ward valuers; appeals are dealt with by a Court of Petty Sessions. Assessments number 23,231 per annum. In Sydney, valuations are made by an officer of the Council; appeals are made to the a Valuation Court if the value of the land does not exceed £5,000, and to a Land and Valuation Court if the value exceeds that amount. The Valuation Court consists of the nearest Court of Petty Sessions, and the Land and Valuation Court consists of one of the following:—A judge of the Supreme Court; a deputy judge of the Supreme Court; a district court judge; a practising barrister of not less than five years' standing; a practising solicitor of not less than seven years' standing. Assessments number 30,870 per annum. In Brisbane, valuations are made by an officer of the council, and appeals are dealt with by a Valuation Court of two or more Justices of the Peace or any Police Magistrate. Assessments number 94,000 per annum. Members will note that the number of assessments issued in Perth is greater than the number issued in Adelaide or Melbourne, and almost as great as the number issued in Sydney, but less than the number issued in Brisbane. That is accounted for by the large area of our City Council. Sydney has a number of local authorities on its outskirts. In view of the dissatisfaction that has existed for years past with the present procedure, we shall be doing the right thing if we accede to the City Council's request. I move—

That the Bill be now read a second time.

On motion by Hon. L. B. Bolton, debate adjourned.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [5.22]: The importance attached to this Bill can be well judged by the fact that at the last conference of the South-West district road boards over one-third of the motions on the agenda paper dealt with bush fires. These motions came from almost every board in the district. As hon. members know, this measure has been brought down largely as an experiment. On the whole, I believe it will prove satisfactory, although there are some points that require clarification. Experience has shown that some of the amendments already made to the Act do not go far enough, while later developments—such as the use of producer gas—have rendered it necessary for the scope of this amending Bill to be considerably widened. I mentioned that over one-third of the motions on the agenda paper before the conference to which I referred related to bush fires; to be exact, there were 13 such motions out of a total of 36. That fact, however, does not indicate that widespread dissatisfaction existed. Most of the motions were of a constructive character and I am glad that the department concerned has accepted most of them in that spirit. The Bill is an effort to implement suggestions put forward by men who live in districts where, in the summer season, their great fear is bush fires. The Honorary Minister yesterday briefly traversed the main clauses of the Bill, and I have no intention of speaking at length upon it. I desire, however, to refer to one

or two matters that should receive our careful consideration, because whatever may be the departmental view, the view of people directly interested may be the opposite. I congratulate the Government upon the enlargement of the proposed committee, one-third of the members of which shall be co-opted from the Road Boards Association. This course will obviate many misunderstandings and probably result in the acceptance of the considered judgment of the various boards. The board proposed to be set up is an honorary one; the only expense that will be incurred by it will be out-of-pocket expenses for travelling. There should be no quibbling over that.

The Bill contracts by one month what we in the South-West term the open season, that is, the winter period. I understand that the Bill as originally drawn did not contain that provision, but it was so amended in another place. Some of the representatives of the boards in the South-West district suggest that while that provision may be perfectly satisfactory to boards in the dry areas, it will not prove satisfactory in the timber country, where the burning period is not extensive. The open period will be from the 1st June—or the last day of May, the Bill is to come into force on the 1st June—to the 30th September. Previously, the commencing date was the 1st May and in most parts of the district that was quite early enough. Settlers complain that trees fall down and break their fences, and now that the closed season is further contracted they will have to go to a great deal of trouble in order to clear their fences. I hardly think that was intended and I suggest to the Government that, notwithstanding the amendment was passed by another place and that it may prove satisfactory in some portions of the State, it will not be acceptable to other portions.

The provision that an officer shall inspect clover areas before these are burnt is a wise one and will do away with some heartburning. Another satisfactory provision is that which gives a power of veto to a local governing body if in its opinion it thinks that to burn would be dangerous to the whole district. A similar power is given to the officer-in-charge of fire control. Clause 11 provides that a person wishing to dispose of garden or orchard refuse or other light litter cannot do so—notwithstanding that he is prepared to place a person on guard—unless he provides a brick or iron container. As I read the amendment, it will apply to the whole of the State, including the City of Perth. It seems to be going too far to suggest that a person wishing to burn up garden refuse on his own property should have to incur the expense of an iron or brick container in order to carry out that common task, which we all have to do when cleaning up our gardens. That is my reading of the provision.

Hon. J. Nicholson: I think you are quite right.

Hon. W. J. MANN: This House has no wish to penalise people unnecessarily. I realise that in certain parts of the country and under certain conditions the provision is necessary. It might be necessary when an orchard is being cleaned up to get rid of the prunings or the litter of leaves, but I am sure it is not necessary in the case of a garden in Perth. I hope the Honorary Minister, in his reply, will clear up that point, and if the position is as I believe, we can make an amendment in Committee. The same clause deals with the burning of the carcase of an animal. To burn the carcase of an animal within 20 feet of any tree, living or dead, will be an offence. Such a provision is likely to cause much trouble. Not infrequently an animal, when about to shuffle off this mortal coil, will choose a spot under a tree, and if a man finds a dead cow or dead horse under a valueless tree, he will have to clear a space with a radius of 20 feet before he may burn it. The alternative will be to drag the carcase away.

Hon. H. S. W. Parker: If the animal died in the bush, it would be worse.

Hon. W. J. MANN: That provision presents a difficulty which could be removed. The main bone of contention between the road boards and the department is that their advice as to when the close season should apply to their respective districts has not been heeded. The department has endeavoured to overcome this objection by providing zones. This I believe will meet the situation to some extent but not entirely. I have not examined the Act closely, but I was informed yesterday that the zone of the Sussex road district, which extends very close to the Margaret River, is the zone that includes Armadale. When burning would be possible at Armadale, there

would be no earthly chance of getting a fire in the bush at Busselton. The season down south is weeks later. When the herbage and bush at Armadale are dry enough to be burnt, they are green at Busselton and in other parts of the country. Therefore road boards have some reason to complain. They have endeavoured times out of number to assist, but the department has refused to accept their recommendations. I wish to be fair; the department has not altogether refused, but its ideas seem to differ from those of the road boards. The arranging of zoning is very difficult indeed. One road board suggested that its area should be divided into two parts, one to cover the country growing jarrah and the other the country growing karri. To arrange that would be very difficult. While that suggestion was offered quite earnestly, I consider that the department was not unreasonable in refusing to accept the proposal.

One of the most important omissions from the Bill—I was hopeful that the provision would have been made—is a clause prescribing payment for compensation to voluntary workers engaged in fighting bush fires. I do not say there is no chance of a man who might be injured or lose part of his clothing while fighting a bush fire receiving compensation. The people in the country areas are public-spirited enough to see to that. When danger arises, they as a rule drop everything else and go out to assist their mates. But I have known of men receiving severe burns—one of them across the back of the neck—from flying pieces of burning bark. Members who have seen forest fires know that one has to keep both eyes open in order to avoid being struck by falling branches or becoming the recipient of flying sparks. I believe the department realises the need for some provision along these lines. From a conversation I had with one of the senior officers, I gathered that an endeavour had been made to interest or co-opt the insurance companies with a view to reaching some satisfactory basis. If the way is not open at present, I hope the Government will not lost sight of the fact, but will make provision as early as possible for compensation to persons injured while engaged in the very necessary work of fighting bush fires.

The Chief Secretary: Could you frame an amendment?

Hon. W. J. MANN: Possibly the road boards could take out cover, but I have not given the matter enough consideration to bring down a hard and fast proposal. The Bill provides for expenditure incurred in order to prevent the spread of a fire, and I think something might be done along the same lines to provide for compensation for voluntary workers. The road boards would be the best people to arrange it. Possibly some amendment might be framed later on.

The only other matter to which I wish to refer is that relating to the possible menace arising from the wider use of producer-gas plants. Extensive bush fires might easily be started through lack of care on the part of some driver of a vehicle using producer-gas in raking out live coals when cleaning the container. The Bill provides that no person shall deposit any burning coal or ash unless on a well-cleared space and it must be covered with earth, but I am wondering whether that stipulation goes far enough. If any quantity of burning charcoal was dropped on the side of a road, even though it might be in a cleared space, the wind might carry it for a considerable distance and thus cause great trouble. The department is certainly on the right track in proposing this amendment. It will be a difficult matter to deal with, but all people should be public-spirited enough to take action when they see a driver infringing the requirements of the measure. Some drivers are not careful persons. Many of them travel at break-neck speeds in the country, take great risks and cause annoyance to other people, and I am a little afraid that we shall have some trouble with drivers of vehicles propelled by producer-gas. I congratulate the department on its work and particularly the officer who has been loaned by the Forests Department to the Lands Department—Mr. Giblett. He has made a special study of this work and his heart is in it. In the main his efforts have been very acceptable, and I hope his services in this capacity will be continued.

HON. H. TUCKEY (South-West) [5.43]: With the exception of one or two clauses, I consider that the Bill includes some very desirable amendments to the Act. In late years bush fires have become more prevalent and dangerous owing to the extensive use of superphosphate for topdressing. Some years ago fertiliser was used only for crop-

ping and the bush was hard to burn; there was no topdressing for grazing purposes. To-day the position is quite different. Whereas formerly bush in the South-West would burn only once in two or three years, nowadays it is possible to get a fire every year in districts where topdressing is carried on. Therefore we must have a workable Act that will protect the people and the crops against the danger of fire. I agree with the proposed definition of the word "Adjoining" when used with respect to two or more pieces of land to extend to pieces of land separated only by a road or roads or by a railway or watercourse. Often it is found that a road or watercourse is a menace rather than an advantage. Therefore it is necessary to give notice to an owner of land on the other side of a road or watercourse, and the amendment is a step in the right direction. The same remark applies to the proposal to appoint a committee which shall be known as the Rural Fires Prevention Advisory Committee, because it will be composed of men understanding the job and able to advise the department in regard to both administration and legislation. Of the membership of the committee, three are to be recommended by the Road Boards Association, which no doubt will see that the members come from various parts of the State and thus are able to protect differing local interests.

The Bill proposes to extend the period of burning to the 1st October, as from the 31st May, whereas at present it is as from the 30th April. The alteration will be of no advantage whatever to the South-West, but rather will make the position worse. A wiser plan would have been to draft a special part of the Bill to deal with the South-West only. We desire to see the South-West developed, and Parliament and the Government should do all in their power to facilitate the clearing-up of timber there. The work is highly costly under the best of conditions. To ask farmers to burn timber in June or July is to ask the impossible of them. I would even at this stage suggest that consideration of the measure be held over until next session, with a view to drafting amendments which would meet the case. That course would be greatly appreciated by farmers south of Bunbury. What suits the wheat areas does not suit the South-West at all. The respective positions are entirely different. The officers who have recommended the amendment are possibly better acquainted with the wheat belt than with the South-West. Something on the lines I have suggested should be done. Mr. Mann has drawn attention to the same problem. It could be solved without any danger either to the Forests Department or to private persons. Another proposed amendment suggests the reduction of the time of notice to burn from four days to two days. That amendment is desirable. Often farmers are unable to burn until the very day on which they light fires, simply because they have to wait for a favourable wind. It is difficult to judge what the weather will be in four days' time. Two days' notice is ample. The Bill prescribes radii which must be cleared around fires for camping or for boiling a billy, and other distances are specified for various other types of fires. There is reference, for instance, to the distance required to be cleared if the carcase of a beast is to be burnt. I have no objection to the proposed radii except as regards that for boiling a pannikin. To clear a radius of 10 feet for that purpose is altogether excessive. As a matter of fact, it is not done. A stockman will not clear 10 feet to light such a small fire. This provision would have been more in keeping with the others if the radius had been half the length specified. Under the Bill the Minister may require fire breaks to be burnt in certain cases. That is highly necessary. However, there are times when people will not face up to the needs of the position as they should, and the power to the Minister will be useful in ensuring that the necessary work is carried out. As regards Section 28 of the Act, I would like the Minister when replying to state whether this includes a road, and whether, where a road is situated between two properties, it will be necessary to plough to 10 feet in that instance.

The Bill is highly desirable, and I congratulate those responsible for introducing it. The Act of 1937 is still rather in its infancy. Quite a while is needed for local authorities and farmers throughout the State to become acquainted with a statute of that kind. Some 34 road boards having created bush fire brigades, it will be seen that the people concerned have given a great deal of attention to the Act and have already done excellent work. The amendments proposed in the Bill come rather quickly. If the Bill had been allowed to stand over for another

12 months, further improvements might have suggested themselves. However, I am of the opinion that most of the amendments now before us will improve the position; and accordingly they have my support.

On motion by Hon. A. Thomson, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. G. FRASER (West) [5.54]: I support the Bill, which asks for very little. In fact, larger amounts than those of £10 and £15 might well have been stipulated. Beds and bedding to the value of £10 would amount to very little; the item is cut fine. I daresay some members will be aware that for £10 to-day one can get very little in the way of beds and bedding. The item with which I am chiefly concerned is the allowance of £15 for trade implements. Not many tools can be purchased for £15. However, there is at least this satisfaction, that the reservation of £15 will in many cases enable artisans to carry on their trade. The sum hardly represents one-fourth of the value of a carpenter's kit, which is not less than £60. Nevertheless the Bill, if passed, will afford protection for some portion of a kit of tools. It is a humane measure, and will afford some protection to families, as suggested by Sir Hal Colebatch last night. At present it is possible for a husband to grant a bill of sale over furniture without the knowledge of the family. There has been a suggestion that what the Bill proposes will create a worse situation, because a person failing to raise an amount on household goods will sell them outright. My personal opinion is that a man would be prepared to borrow under a bill of sale, about which there is a certain degree of secrecy, but would not be prepared to sell. Thus families would be protected. Business is getting down pretty low when bills of sale are taken over some of the articles mentioned in the measure. The Bill is long overdue, and its sponsor is not asking for too much. I hope that it will receive more favourable consideration than a previous measure of the kind, and that Mr. Heenan this time will succeed.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.57]: I support the present Bill, though I opposed the last Bill. My experiences during the last few months in connection with a movement with which I am associated, has brought home clearly to me that some legislation of this kind is necessary to afford relief in certain cases. A person who lends money in the way the Bill contemplates, will be prevented from obtaining security over certain values of furniture and tools which Parliament desires to protect. If, then, money is lent against such furniture or tools, the lender knows that he has no protection. What I have seen during the last few months has convinced me that this measure should have my support.

HON. J. CORNELL (South) [5.58]: The Bill appears to cut both ways. It has nothing in common with a measure passed here two sessions ago, having reference to execution for debt. In that connection certain limitations were imposed. As I understand this Bill, its passing will mean that a tradesman who to-day can borrow on a bill of sale will frequently be precluded from doing so. He will not, however, be precluded from selling the goods on which he will not be able to borrow. That feature, in my opinion, would worsen the position instead of bettering it. As regards value, a man is more likely to obtain something under a bill of sale. On the other hand, we know what happens when he goes to a pawn shop. I went to one a long time ago, and remember what occurred. My life's experience teaches me that many of the men who indulge in these practices engage in the two "Bs"—booze and betting. Alternatively some may indulge in booze or betting. For that class I have little consideration. Many of them become so circumstanced that they are forced to realise on their household effects by either giving a bill of sale over their property or selling it direct. In many cases their plight is so desperate that they cannot secure accommodation otherwise.

Hon. G. Fraser: And they do not get too much accommodation either.

Hon. J. CORNELL: Dire necessity may even force them to the pawnshops. However, I have no sympathy whatever with those who indulge in booze and betting.

Hon. C. B. Williams: What about the man who suffers from stomach trouble through drinking too much tea and has to go to the doctor?

Hon. W. J. Mann: There is not too much of that.

Hon. J. CORNELL: Mr. Williams may be able to speak with authority on that question.

Hon. C. B. Williams: You have heard of such cases?

Hon. J. CORNELL: I do not care to express an opinion. People who have to go to pawnshops will find that those with whom they will do business have no bowels of compassion. While it is immaterial to me whether the Bill is passed or rejected, members should seriously ask themselves whether its passage would not make the position worse instead of improving it.

HON. H. S. W. PARKER (Metropolitan-Suburban) [6.2]: I do not like the Bill because I think it will not accomplish what it is designed to do. I am afraid its effect will be that the person who is desperately in need of money will be forced not to mortgage his household furniture but to sell it. In the event of his selling it, he has only to do so by way of a formality in that the hire-purchase agreement enables him to buy the furniture back later on. That is a very common procedure adopted by those who wish to borrow on their furniture. The money lenders buy it for a certain sum and then sell it back later on under the terms of the hire-purchase agreement. If a man does that and the Bill should be passed, the bill of sale will not have to be registered under the Bills of Sale Act. All that will be involved is that another form will have to be adopted instead of proceeding as at present. I am afraid that the only way in which we can help these unfortunate individuals is to prohibit money lending. But is that possible? I fear that these little nibbles aimed at protecting people against themselves are of no value, and may cause difficulties in connection with legitimate business. Particularly will that apply where a man requires to raise money and the only form of security he can give is his household furniture. Then again the Bill refers to goods "of the value of £10." What is "value?" Is it the buying value or the selling value? Is it the value determined at a forced sale? How will the value be arrived at? Who will be the valuer? Where is the value to be fixed? Any member can go to the second-hand furniture shops in the main streets of the city and find various prices quoted for exactly similar articles. I am convinced that great difficulty will be experienced in arriving at the required value. Certainly it will eliminate the lending of money on furniture because no one will take the risk of the severe penalty which attaches to that course of action. That will assuredly debar the raising of money in the circumstances. The Bill will, in effect, force the man who urgently desires to secure funds to give his property away or sell it, as suggested by Mr. Cornell, who said that the individual would have to go to the pawnbroker instead of to the money lender. I do not know that there is really much difference between the two sections of the community. If I thought the measure would save individuals from themselves, I would vote for the second reading, but I do not think it will have that effect.

HON. E. M. HEENAN (North-East—in reply) [6.6]: I am pleased at the reception accorded the Bill, though I regret the remarks of Mr. Cornell and Mr. Parker. I hope I shall be able to convince members that those two gentlemen based their reasoning on wrong premises. The Bill is so simple that it is practically self-explanatory. At present the person who wishes to borrow money can give security over every article in his house. Members know from their own experience that poor people particularly are at times forced to borrow money, and the person from whom they borrow takes security over the furniture and effects in the possession of the borrowers. The average person does not possess very much in the way of household requirements. Very often a husband or a wife borrows with the knowledge of the other. In some instances husbands have borrowed without the knowledge of their wives or the wives without the knowledge of the husbands. A bill of sale is given over the household furniture and effects, and later on, when the loan is not repaid on the due date the furniture and effects can be seized and sold. That has caused great hardship. The Bill is designed to correct that position. Furniture, beds and bedding

and household portraits should be regarded as sacrosanct. The Bill will have the effect of precluding people from pledging such possessions. Surely that is fair enough. If effect is given to the provisions of the Bill, no harm will be done to the person who lends money. He will know that the articles mentioned in the Bill cannot be made subject to a bill of sale and cannot form any part of security given in return for the money raised. That will be borne in mind when the business is being arranged. Mr. Cornell objected to the Bill on the ground that it would not prevent people going to a pawnshop. That is quite true. On the other hand, no person would take his bed, bedding or furniture to a pawnshop. He might take his tools of trade. Hon. members appreciate the fact that no measure can be made 100 per cent. watertight. Mr. Cornell's argument was weak to a degree. Later on a Bill to amend the Pawnbrokers Act may be introduced, but that has nothing to do with this measure. Mr. Cornell also contended that the Bill would force people to sell their goods. I suggest that that would be the lesser of the two evils.

Hon. G. Fraser: They would lose them in any event.

Hon. E. M. HEENAN: Yes, and we can not accord people absolute protection. If they sell their property, we cannot help that. Mr. Parker's contentions were along the same lines, but he made the matter a little more complicated by mentioning hire-purchase agreements. There is nothing very difficult about that. Mr. Parker suggested that a person, in order to avoid the consequences of this legislation, would sell his goods to someone who would arrange a hire-purchase agreement covering the deal. If default were made the goods could still be sold. That was Mr. Parker's contention, but I am not so sure that that would not represent an illegal transaction. Members will realise that the intention behind the deal would not be bona fide. Although I hesitate to give a definite legal opinion without considering the matter thoroughly, I am inclined to think that such a transaction would be malafide. In any event it would only tend to create the same situation that Mr. Cornell fears. Mr. Parker also raised a point regarding the question of values. I should think that £15 worth of furniture simply meant that the furniture would be of a value of £15. The furniture would be assessed in accordance with the ordinary prevailing values. That, I think, covers the various points raised in opposition to the Bill.

Question put and passed.

Bill read a second time.

House adjourned at 6.13 p.m.

Legislative Assembly.

Wednesday, 30th October, 1940.

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

BILLS (2)—FIRST READING.

1, Legitimation Act Amendment.
Introduced by the Minister for Justice.

2, Medical Act Amendment.
Introduced by Mr. Seward.

BILL—REGISTRATION OF FIRMS ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (2)—REPORTS.

1, Civil Defence (Emergency Powers).

2, Fisheries Act Amendment.
Adopted.