

In the appropriate clauses of the Bill it will be found that instead of the usual 12 months' terms we have decided to extend the period to two years, payments being made in eight quarterly instalments. Under the Bill the lessees will be able to carry on with their existing leases until expiration, if they do not desire to accept the privileges the Bill confers. At the end of that time the land will fall into the hands of the lessor who will be the Minister for Lands, and the former lessees will be given three months to enable them to remove the improvements existing at that time. The rental payable will be £2 per annum in all cases and cannot be increased. Provision is made for the acquisition of the fee simple by the lessee. An application for this must be made within six months of the passing of the Act. The purchase price will be fixed by the Government, and the intention is that the Surveyor-General and the valuation officers will fix the value of the land and the lessee will have the opportunity of paying either in one lump sum or on terms of 10 per cent. deposit, and the balance by equal quarterly instalments over two years.

On completion of purchase the lessee will receive a Crown Grant on payment of the necessary fees, namely 30s., to the department and 5s. plus a contribution of a half-penny in the £ on the purchase price to the assurance fund, payable to the Land Titles Office. If the lessee does not exercise his right to give notice within six months of the passing of the Act of his intention to purchase, or accept the Minister's offer within one month, he must continue until the expiration of his lease. The particular clause dealing with this matter gives him three months in which to remove the improvements existing on the property. The Bill will be found to deal explicitly with all the circumstances that can be expected to arise, and although it means that this part of the reserve which was initially set apart for recreation has become a permanent residential area there appears to be no better way of overcoming the position. I move—

That the Bill be now read a second time.

**MR. HILL** (Albany): I support the second reading of the Bill, and on behalf of the Albany Council and the lessees I thank the Minister for introducing it. He has so clearly outlined the position that there is little occasion for me to say any-

thing more about it. The measure is desired by the municipality and the lessees, and I think that its passing will be of advantage to the area affected. Middleton Beach has made rapid progress since the reserve was granted and it would be a mistake at the best of times to have a camp area in that spot. The passing of the Bill will enable the future owners of the land to erect residences there comparable with those in surrounding areas. I trust the Bill will be passed.

On motion by Hon. C. G. Latham, debate adjourned.

*House adjourned at 5.31 p.m.*

## Legislative Assembly.

*Tuesday, 8th September, 1912.*

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

### QUESTIONS (7).

#### ROAD MAKING, COMPARATIVE COSTS.

Mr. BERRY asked the Minister for Works: 1, What are the comparative costs of making one mile of—(a) bituminous road; (b) gravel road; (c) cement road; (d) soil-cement process road? 2, Does he know how many miles of soil-cement process roads have been constructed in the United States of America? 3, Is this soil-cement processed roadmaking still being persevered with in the United States of America? 4, Have any experts in this type of road-making been consulted with a view to its incorporation in the modern roadbuilding of Australia? 5, Has any sum of money been allocated in Australia for experimental purposes in connection with roadmaking?

The MINISTER replied: The answer to this question is lengthy, and is covered by a return which I will place on the Table of the House.

### TRAFFIC ACCIDENTS.

Mr. MARSHALL asked the Minister for Justice: 1, In the three traffic cases in which the Coroner committed the offenders for trial, on what grounds did the Crown Law Department enter a *nolle prosequi*? 2, Is it the intention of the Government to issue a warrant for the return to this State, to stand his trial, of the one offender who was transferred to the Eastern States by the R.A.A.F.?

The MINISTER replied: 1, A *nolle prosequi* was entered in each case, presumably referring to the deaths of—(a) Francis Patrick McCarthy; (b) Pearl Evelyn Tomlinson; (c) Leslie Joseph Randall Facer: because, as a result of an examination of the whole of the evidence as disclosed by the depositions, it was considered that the evidence was insufficient to justify an indictment. 2, Assuming that the case concerns the death of Francis Patrick McCarthy, the reply is in the negative.

### TAXATION.

#### *Writs Against Department.*

Mr. MARSHALL asked the Minister for Justice: 1, What number of writs have been issued from the Supreme Court against the Deputy Commissioner of Taxation and at present pending hearing? 2, What are the charges set out in these writs? 3, On what date did the first writ issue?

The MINISTER replied: 1, Six. 2, The charges are rather obscure and the wording of the statements of claim is very involved. In each case, although the plaintiffs are different, the claims are substantially the same and are set out as under:—"The Plaintiff claims: 1. That I have under the Land and Income Tax Act Statutes 7, Edward VII., No. 15 of 1907, section 49, page 24, applied to you to answer certain questions dealing with 'Bank Credit' money and 'Interest' money which have not been answered. Charge: Concealing and delaying prosecutions against the Laws of the Commonwealth. 2. That I claim under the Criminal Code Act, Part VI., section 378 (6), page 129, that the demand for tax applied of £6 7s. 6d. Federal, £3 16s. 11d. State, on 2nd March, 1942, was fraudulent false-accounting by a public officer. Charge: Fraudulent

false-accounting by a public officer. 3. That I claim that the tax is being collected to repay 'Bank Credit' money borrowed from the Banks which I allege is not legal currency, Bank Act, Vol. 11, pages 221, 223. Charge: Aiding, abetting, and compounding a felony issue of illegal money. 4. That I claim the tax is being collected to pay interest money on money borrowed from the Banks which I allege involves the robbery of someone's loan. Criminal Code, Part VI., section 370, page 125. Charge: The enforcement to steal someone's loan. 5. That I claim that under the Commonwealth Crimes Act, 1914-1932, Part III., section 44, I must not 'Conceal or delay any prosecutions against the Laws of the Commonwealth and that the demand for tax is trying to compel me to do it. Charge: Trying to force plaintiff to conceal and delay prosecutions against the Laws of the Commonwealth. Commonwealth Crimes Act, Part III., section 44." 3, 1st July, 1942.

### STOCK SALEYARDS AND ABATTOIRS.

Mr. SEWARD asked the Minister for Agriculture: What is the capital cost, to date, of the Midland Junction fat stock saleyards and abattoirs?

The MINISTER replied: The capital cost of the Midland Junction abattoirs and saleyards as at the 30th June, 1942, was £186,321 12s. 4d.

### BASIC WAGE, INCREASES.

Mr. McDONALD asked the Treasurer: 1, What was the cost to the State Government of the arrears of cost of living increases paid recently under the National Security Order made by the Premier to State employees, including employees of the railways and other State instrumentalities? 2, What is the weekly cost to the State Government for the future of the cost of living increases granted by the Premier under the National Security Order mentioned?

The MINISTER FOR LANDS (for the Treasurer) replied: 1, Nil. 2, Including wages paid from loan funds, trust funds and consolidated revenue, the weekly cost is approximately £4,000.

### TROLLEY BUSES.

Mr. NORTH asked the Minister for Railways: 1, How many of the new trolley buses have been completed? 2, How are the 16

buses to be allocated between Claremont and Wembley?

The MINISTER replied: 1, Three. 2, Of the first nine, four will be allocated to Claremont, four to Wembley, and one held in reserve. Allocation of remainder will be decided when the buses are nearing completion.

### WOMEN CONDUCTORS.

Mr. SEWARD asked the Minister for Railways: 1, How many women conductors are employed on the trams and trolley buses? 2, Are they employed on special routes only on the trams, or generally? 3, How many of those employed to date are married women, and are wives of former tramway employees? 4, What rate of wage do they receive?

The MINISTER replied: 1, Twenty. 2, Generally. 3, Sixteen married women, four of whom are wives of former tramway employees. 4, Same as male employees.

### BILL—DRIED FRUITS ACT AMENDMENT.

Read a third time and transmitted to the Council.

### BILL—PUBLIC AUTHORITIES (POST- PONEMENT OF ELECTIONS).

#### *Second Reading.*

**THE MINISTER FOR WORKS** [2.25] in moving the second reading said: The purpose of this Bill is to authorise the Governor, on the recommendation of the Minister charged with the administration of the "governing Act" of the "public authority" concerned, to postpone elections either for the whole or any part of the period of such time of war as shall be specified in the proclamation, and also to postpone the preparation of the rolls. Provision is made in the Bill in regard to the holding of elections to fill extraordinary vacancies. It was considered preferable that a new comprehensive Act should be sought rather than an amendment to the rather large number of Acts affected.

The term "public authority" as defined in the Bill is wide in its scope, but, as pointed out, the powers sought will only be exercised at the discretion of the Minister administering the Act under which the particular public authority operates. Members are aware that, consequent on representations from the Road Board Association and road boards, the road board elections, which should have

been held in April last, were postponed until next year. This postponement was effected by the Premier in pursuance of powers delegated to him under the National Security Regulations. Similar action was in hand in connection with the municipal elections due to be held in November next, but it was ascertained that the Premier had no authority under the National Security Regulations to postpone the preparation of the lists of electors and electoral rolls.

Another difficulty arose in connection with the election of the members of the Fremantle Tramway Board, which the local authorities concerned were anxious to postpone. The Fremantle Tramways and Electric Lighting Act provides that the four members of the board shall retire every two years and that an election be held at the same time as the municipal elections, using the same rolls. This election is due to be held in November of this year. The Solicitor General pointed out that the Fremantle Tramway Board was not a "local governing body" within the meaning of the National Security Regulations, and that this election could only be postponed by State legislative action or by the issue of a new national security regulation.

The preparation of rolls in the major municipalities absorbs considerable manpower, paper and cash. The Municipal Corporations Act provides that on or before the 20th September in each year the town clerk shall cause to be prepared a list of all persons who appear to him to be entitled to be registered as electors on the electoral roll. Separate lists are required for the mayor and for the various wards. In the larger municipalities the preparatory work must be put in hand in May of each year. Dealing with the question of cost, taking the municipality of Perth for a start, I point out that the Lord Mayoral electoral lists for last year contained the names of just over 26,000 persons, and consisted of 457 pages. The approximate cost of preparing and printing the lists and rolls for the Perth City Council is £815. It is necessary to have printed 25 mayoral lists, 150 mayoral rolls and 150 of each of the eight wards, a total of 1,375 lists and rolls. For a period of several months a fairly large temporary staff must be engaged for this work, apart from the extra work imposed upon the permanent staff. The £815 referred to is made up of

£352 for printing and £463 for preparation and checking.

In regard to the Fremantle municipality, the council rolls contain approximately 3,500 names and the tramway roll 4,500 names. The wages for collecting information amount to £130 and for preparing the rolls £130, while other expenses incurred for duplicating and material amount to £50, a total of £310. In consequence of the Government's promise to submit to Parliament a Bill to empower the Governor to postpone elections, no municipal council, so far as the department is aware, has proceeded with the preparation of rolls this year. Representations have been made to me by many authorities for the postponement of the elections, chiefly on the general grounds of the advisability of eliminating unnecessary use of manpower, material and money, and the inadvisability of diverting the attention of citizens from the one and all-important object of achieving a maximum war effort. The Bill will also apply to water boards. It is self-explanatory and has been asked for by the local authorities. I move—

That the Bill be now read a second time.

On motion by Mr North, debate adjourned.

### **BILL—FEEDING STUFFS ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** [2.35] in moving the second reading said: This is a very simple Bill, the principal clause of which seeks to amend a definition in the existing legislation. The original Act of 1928 made provision for all classes of stock feeds and any other material sold as such, which must bear a guarantee and an analysis on the label of any container in which such goods are sold. In many instances the label has not shown the contents, and some material sold as feeding stuff or stock feed has not been as represented.

Under the Act it is necessary that a certificate be given by an analyst to enable proceedings to be taken in a court. During such proceedings the certificate of the analyst would be a very important document.

The Act defines "analyst" as the Government Analyst or an analyst attached to the Department of Agriculture. Although many analysts are associated with and belong to the Government laboratories and come under the Government Mineralogist and Analyst,

the latter of his own knowledge does not know when he endorses a certificate that the representations made on it are as stated. This has caused difficulties when dealing with the matter in local courts for, in order to obtain a conviction, a certificate must be given by the Government Analyst himself that he has carried out the analysis. To cover the very minor legal point involved, the definition of "analyst" in the Act needs to be altered to read as suggested in this Bill. This will permit of the work of the analyst being delegated to any of his assistants and of a certificate being given by such qualified analyst as has made the analysis. I move—

That the Bill be now read a second time.

On motion by Mr. Boyle, debate adjourned.

### **BILL—PERTH DENTAL HOSPITAL LAND.**

*Second Reading.*

**THE MINISTER FOR LANDS** [2.38] in moving the second reading said: This Bill is identical with the measure introduced into this Chamber last year and not proceeded with. The reason for not proceeding with it was that the two authorities concerned in the title of the land could not, even after coming to a sensible agreement, each finally in regard to the disposition of the various interests represented by them. All the difficulties that caused the Bill to be held up last year have been overcome. I have in writing from the Perth Dental Hospital and the Western Australian College of Dental Science a statement that an agreement has been reached on all matters involved in the transfer of the land.

The necessity for the Bill arises from the disposition of land that has been under the authority of two separate entities. In October, 1932, Perth lot 654, with a frontage to Pier-street between Murray-street and Wellington-street and an area of 12.9 perches, was set aside as a reserve and the Crown grant issued to the Perth Dental Hospital as a site for a dental hospital. Later it was found that the block was unsuitable for the purpose and, as no other land was available in exchange, permission was given to sell the land and use the money for the purchase of another site. By this time the Perth Dental Hospital had become merged into the Western Australian College of Dental Science and Perth Dental Hospital

Incorporated. The Public Dental Hospital Land Act of 1934 gave authority to this composite body to sell that block and apply the proceeds of the sale to the purchase of another area and towards the construction of the necessary buildings thereon.

Under the authority of that Act the land in Pier-street was sold for £1,500, a fresh lot was bought in Wellington-street, between Lord-street and Hill-street for £1,050, and the balance of the money was set aside as part of the cost of the new building. The new site is held in the names of the Western Australian College of Dental Science and the Perth Dental Hospital Incorporated. Now the college and the hospital have been divided and are administered as separate institutions, so it is necessary that specific authority be given to alter the title to the land and have it transferred to the Perth Dental Hospital Incorporated. The matter was brought up some time ago, and the necessity for transfer pointed out; and it was shown that in this case as in other cases an improper use has been made of the word "incorporated."

The legal interpretation of the word "incorporated" is, I understand, quite distinct from that which was used in connection with the Perth Dental Hospital, and the word has now been eliminated, the present title of the institution being "Perth Dental Hospital." It is necessary, therefore, to transfer the existing site from the combined authority to the entity known as Perth Dental Hospital. A perusal of the measure will show that there is conferred upon the board every power necessary under Section 17 of the Act. It is a simple Bill, rendered necessary because of the original divided ownership of the land, each of the two separate institutions having at that time a claim upon the title and its value. Since all the subsequent adjustments have been made to the satisfaction of both parties, it seems that the best thing to do, in order to validate the transfer of the land to the Perth Dental Hospital Board, is to amend the Act as here proposed. In other particulars, the measure is self-explanatory, and I move—

That the Bill be now read a second time.

**MR. NEEDHAM** (Perth): The Minister for Lands has said that a similar measure to this was before the House last session. On that occasion I moved the adjournment of the debate because certain difficulties existed

in the way of securing the transfer. Those difficulties continued for a little time, and negotiations were conducted between the parties. During the special sittings of Parliament held early in this year, the Bill was discharged from the notice paper. Information I have is in confirmation of what the Minister has stated, that a proper agreement has been drawn up between the Western Australian College of Dental Science and the Perth Dental Hospital. All that is needed now to implement that agreement is the passage of this Bill. In view of the fact that an arrangement has been reached between the parties, I do not desire to delay the passage of the measure. I support the second reading.

On motion by Mr. Thorn, debate adjourned.

## **BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR WORKS** [2.45] in moving the second reading said: The Bill proposes to (a) insert a provision dealing with the supply of water in groups of dwellings, such as flats; (b) give the board or the Minister power to amend the rate book by inserting any property which may have become rateable after the rate book had been made up; and (c) bring the provisions in relation to the sale of land for unpaid rates into line with those of the Road Districts Act and with the provisions of the Water Boards Act Amendment Bill already introduced this session, and dealing with the same subject. Regarding the supply to groups of houses, I point out that the Goldfields Water Supply Act was passed in 1902, when flats, I believe, were not contemplated. The proposed clause is a copy of Section 61 of the Water Boards Act and is similar to Section 42 of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909.

Numerous flats—supplied from the goldfields water supply—have been erected at Kalgoorlie, and the terms of Section 61 of the Water Boards Act have been applied to meet the requirements of the owners and occupiers. Many applications are received annually by the Water Supply Department for the extension of water mains generally for supplies to new houses. Upon these extensions being laid, properties facing the mains become rateable. Section 59 of the Goldfields Water Supply Act, dealing with

the board's power to amend the rate book, however, contains no specific power to insert these properties in the rate book after the rate book has been made up. The power sought is already included in Section 82 of the Metropolitan Water Supply, Sewerage and Drainage Act, and in Section 84 of the Water Boards Act. The omission of the words now sought to be included was evidently an oversight on the part of the Parliamentary Draftsman of the time.

The only other amendment proposed in the Bill relates to the sale of land for unpaid water rates. The measure seeks to bring the Goldfields Water Supply Act into line with the Road Districts Act, and into conformity with the provisions of the Water Boards Act Amendment Bill already introduced during this session. As I have indicated, the Goldfields Water Supply Act is 40 years old, and its provisions dealing with this particular subject are therefore somewhat out of date. One of the main reasons for the introduction of this amending Bill is to give the Agricultural Bank the same protection as is extended under Section 282 of the Road Districts Act—namely, that a purchaser may take land free of encumbrances other than a mortgage to the Agricultural Bank.

It will be noted that the Bill provides for the repeal of Section 83 of the principal Act, and the insertion of a new section in its place. This is necessary on account of the number of amendments proposed to be made in the present section. A major amendment is the substitution of the "Local Court" and the "Magistrate" for the "Supreme Court" and a "Judge thereof" as the authority to make the order for sale of the land. Under the existing section the petition must be made to the Supreme Court, which is an expensive proceeding and also subject to delays. The necessary provision included in the Bill I believe will be agreed to by the local authorities. In the new section the petition will be made to the nearest Local Court, which will be a less expensive and much more expeditious proceeding, and will be in conformity with the provisions of the Municipal Corporations, Road Districts, and Metropolitan Water Supply, Sewerage and Drainage Acts. The proposed new section is substantially the same as Section 282 of the Road Districts Act. Land sales by the Minister controlling the Goldfields Water Supply are of very infrequent oc-

currence; nevertheless, it is considered advisable that the Goldfields Water Supply Act be brought into conformity on this particular subject with the more recently amended Road Districts Act. Members will appreciate that the Act now being amended was passed 40 years ago.

Mr. Doney: It is pretty good to have lasted all that time.

The MINISTER FOR WORKS: In some instances no difficulty has been experienced because sales are comparatively few in number. This Bill, if passed, will bring the existing Act into conformity with the Road Districts Act and the Water Boards Act. We will have the same provisions in each of the Acts. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

### **BILL—MOTOR SPIRIT AND SUBSTITUTE LIQUID FUELS.**

#### *Message.*

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

#### *Second Reading.*

**THE MINISTER FOR INDUSTRIAL DEVELOPMENT** [2.53] in moving the second reading said: A conference of Commonwealth and State representatives was held in Melbourne in July, 1941, for the purpose of giving consideration to the question of controlling the sale of power alcohol from wheat when produced in Australia, and also other substitute liquid fuels which it is hoped will be produced in Australia during the war period. The representative of the Commonwealth explained to the representatives of the States that substitute liquid fuels produced in Australia would be controlled in respect of their sale and distribution by power established under the provisions of the National Security Act. Consequently, there would be no difficulty regarding the sale of such fuels so long as the war continued and the National Security Act remained in force. Most members are aware that that Act will not operate a short time after the war ceases. The Commonwealth representative was anxious to obtain an assurance from the States that they would, in their respective Parliaments, introduce legislation to control

the sale of substitute fuels after the National Security Act ceased to operate.

After discussion, the representatives of each of the States gave the assurance asked for and so committed their Governments to introduce in the State Parliaments legislation of the character contained in this Bill. The Commonwealth representative pointed out that the production of substitute liquid fuels—particularly power alcohol from wheat—would be on a large scale by the time the war came to an end, and that therefore it would be necessary to ensure that the sale of such fuel was safeguarded not only for a few months but for some years after the war ended, perhaps permanently. Members are no doubt aware that distilleries are now being established in several of the States for the purpose of producing power alcohol from wheat. One is being established in Western Australia and it is hoped that within a short period this State will, in common with two or three of the other States, be producing large quantities of that class of power alcohol.

Mr. Boyle: Not while the Colonial Sugar Refining Co. has control.

The MINISTER FOR INDUSTRIAL DEVELOPMENT: We can take it for granted that power alcohol will be produced irrespective of who happens to be in control of the distillation processes in the various States. The Parliament of New South Wales has already passed the legislation dealing with this matter which it undertook to do at the conference held in July, 1941. The Bill now before the House has been framed to a large extent upon the New South Wales legislation, but it contains other provisions adapted to the different conditions prevailing in our State compared with those in New South Wales.

Under the Bill, a committee—to be known as the Substitute Liquid Fuel Prices Committee—is to be set up. It will consist of a chairman and two members, all of whom will be appointed by the Governor-in-Council. The committee will have power to recommend to the Governor-in-Council the prices that shall be charged for liquid fuels and motor spirit when the National Security Regulations are no longer in force. The Governor-in-Council, if satisfied with the prices in the committee's recommendation, will have power to bring those prices into effect by issuing the necessary proclamation.

The committee will also have power to recommend from time to time that variations be made in the prices fixed by it, and such recommendations will be submitted to the Governor-in-Council for consideration. If the recommended variations are thought to be reasonable in all the circumstances, they will be incorporated in the proclamation which will be issued, thus bringing them into effect.

All persons and firms selling motor spirit in Western Australia will have to be licensed under this proposed legislation. No unlicensed person or firm will be entitled to sell motor spirit of any kind. The licenses are to be issued by the appropriate Minister or some person authorised by him. Whenever an application for a license is refused or an existing license is cancelled there will be the right of appeal to a magistrate in the district in which the application is so refused. All licensed persons and firms will be bound to purchase such quantities of substitute liquid fuel as may be prescribed by the committee from time to time, and also to sell such substitute liquid fuel at prices that will be prescribed from time to time in accordance with the procedure I explained a moment or two ago.

The usual machinery provisions for the policing of legislation of this kind will be found in the Bill. After members have had an opportunity to read the measure they will quickly realise that it is highly technical in character, and will find that the technical duties associated with the proposed legislation are in the main to be the responsibility of the Government Analyst. The main technical duties are set out in the schedule, which I have no doubt will receive the careful study of members. The Bill is far more important than might appear at a first reading. I am sure every member has for many years past held the opinion that there are sufficient suitable natural resources in Australia to enable substitute liquid fuels for use in motor vehicles to be produced in Australia, thus making the Australian continent less dependent than previously upon supplies of motor spirit from other countries of the world. The Commonwealth Government is in the process now of expending very large sums of money in the establishment of distilleries in which power alcohol from wheat will be produced.

Mr. Boyle: I believe about £2,000,000 is being spent.

**THE MINISTER FOR INDUSTRIAL DEVELOPMENT:** Yes. I think that the amount the Commonwealth Government proposes to spend at present in the establishment of these distilleries is at least £2,000,000. If the war continues as long as some people think it may, it is not inconceivable that the Commonwealth Government will develop other sources in Australia for the production of other types of substitute liquid fuel. In any event, it is unlikely that the Commonwealth Government will expend £2,000,000 or more on the distilleries for the production of power alcohol from wheat, and then, as soon as the war is over, permit those heavily capitalised distilleries to fall into disuse and at the same time allow all the motor spirit required for use in Australia to be imported from countries overseas. Therefore it is both desirable and necessary that the State Governments should pass the necessary legislation so that when the war is over, and the National Security Regulations cease to operate, there will be an ample measure of protection for substitute liquid fuel industries set up in Australia during the war.

I think I have made it clear to members that although this legislation may be passed this month or this year it will not come into operation until the war ends, and the National Security Act has passed out of existence. I have already suggested that the Bill is largely technical, thereby lending itself more to full discussion clause by clause in Committee than to general debate of the character that takes place at the second reading stage. Every endeavour will be made during the Committee stage of the Bill to supply members with the fullest information, both technical and general. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

## **BILL—MINING TENEMENTS (WAR TIME EXEMPTIONS).**

### *Second Reading.*

Debate resumed from the 3rd September.

**MR. PATRICK** (Greenough) [3.8]: I have glanced at the Bill and I do not think there can be any serious objection to it. I presume it is the result of the Commonwealth Government's action in regard to goldmining, an action with which I

was not in agreement because I do not consider it was necessary. My opinion has been confirmed during the past week by different statements that have appeared regarding the goldmining industry in other countries. For instance as recently as the 17th August last the following message from Capetown appeared in the "Daily News":—

The Johannesburg Gold Producers' Committee and the Transvaal Chamber of Mines has announced that South African goldmines aim to maintain output as far as possible. This has entailed the retention of men whose services are essential for mining operations. The industry has acted throughout the war in closest consultation with the Government on manpower, war service, and questions affecting goldmining.

Although this action has been taken by the Commonwealth Government in connection with the mining industry in Australia, the reverse action has been taken in every other goldmining country in the world. The Bill really gives exemption to mines which have been compelled to close down because of the steps already taken. With regard to the writing-off or postponement of rents, the Minister may be able to inform the House whether it is intended that all such questions shall first go before a warden, or whether they will be decided directly by the Minister. Under the Mining Act, applications for exemption are all considered by the warden, who makes a recommendation to the Minister.

Mr. Marshall: Not in all cases.

Mr. PATRICK: The Minister does not in all cases adopt the warden's recommendation.

Mr. Marshall: Applications are not, in all cases, made first to the warden.

Mr. PATRICK: According to the Bill it appears that exemption may be granted by the Minister, in the event of a mine being compelled to close down as a result of Commonwealth action.

The Minister for Mines: This is a war measure only.

Mr. PATRICK: That is so in connection with writing-off or postponing the payment of rents. It is unfortunate that a Bill of this kind has to be introduced. The leading mine in the Murchison district has had to close down, not because of lack of manpower but because values have declined. Most people are under the impression that the same amount of manpower will be required for the mining industry after the war



is over as was required before the war. In my opinion, many of the mines that are closed during the war will not be re-opened. Had those mines been allowed to continue, the management would probably have taken the risk and gone on with development work. The theory that at the end of the war there will be many openings for new capital may be all right, but I do not think that capital will go into mining. Probably the result will be that only the bigger mines, such as those in and around Kalgoorlie, which are working on a profitable basis, will be running after the war. I do not think we have any option but to support the second reading.

**MR. MARSHALL** (Marchison): I am not opposed to the Bill; indeed, it might perhaps have been brought down some time ago. Whilst there is good ground for thinking that all these cases might first be presented to the warden or mining magistrate to be dealt with by him, I point out that time is often the essence of the contract and that some more expeditious procedure may be necessary. Many prospectors have been called up. They would not have had time to apply to a warden or magistrate, who would then recommend to the Minister what action should be taken, and they would not have time to get a reply back before taking up their military duties. On the other hand, if another procedure were adopted, the position would be made satisfactory to them before they were called up. From that angle I think the Bill contains the correct procedure. The work involved in these applications would be done more quickly than heretofore. The prospectors would be able to get protection for a fortnight, and before actually enlisting they could attend the Mines Department and have their cases dealt with expeditiously.

One aspect of this Bill requires further consideration at the hands of the Minister. There are mining tenements which have a lengthy tenure. These vary from, say, 42 years, 21 years, 12 months, and even from day to day. Everything depends upon the rental, the labour conditions and other factors associated with the particular tenure. For those who are fortunate enough to hold a mining or mineral lease, the Bill affords sufficient protection. In the case of a prospecting area the tenure is only one of 12 months. I admit that such a tenure is granted only to enable an area to be prospected, and that until the ground is proved

to contain payable values no obligation is cast upon the holder of the area to comply with leasehold tenure conditions.

The Minister for Mines: A prospector will not have to close down because of the manpower regulations.

Mr. MARSHALL: That point is covered by the Bill. It may be that a prospector is rapidly approaching the end of his 12 months' tenure. At that stage he may have indications of payable ore or something that is worth while, and at that moment he may be called up.

The Minister for Mines: Once we get the certificate of a man that he is called up, he is protected.

Mr. MARSHALL: The Minister does not understand my point. I have been in touch with him by correspondence and I know what has to be done. When a prospecting area is approaching the end of the tenure, the Minister has arranged that if the prospector is called up someone he knows may re-peg the area and apply for it again. I have passed that information on to many prospectors. So far as it goes the arrangement is all right. On the other hand, there are further points to be considered. A prospector may be called up tomorrow and may arrange with a friend to re-peg the area at the end of the tenure. The friend may depart from this planet before the time comes or may leave the district, or may be attacked by some sickness, and be unable to re-peg or apply for the area. The ground then reverts to the Crown, and it is open to anyone else to apply for it. To the credit of the Minister I say he has given satisfaction in several directions, but his Bill does not give protection in the cases I have mentioned. There is a marked difference between the protection given to those who hold long tenures and that which is given in the case of prospecting areas. The prospector would be quite safe under this measure so far as payment of rent and compliance with the labour conditions are concerned. But as I was pointing out a moment ago, a prospector may find good indications that his land is valuable, and may, at the same time, be called up and have only one month of his tenure to run.

The Minister for Mines: He could convert to a mining lease.

Mr. MARSHALL: He could if he had the money. I assume it is not a very big expense, but I do not know too many wealthy

prospectors. Our prospectors are prospectors in the real sense of the word, and possess prospecting areas, because immediately their land is proved to contain valuable ore, they must, by law, convert the area to a mining tenure. The Bill does not protect them to the same extent as it does a man who holds a lease under a leasehold tenure. Something should have been done in that regard. If a prospector can arrange for somebody else to re-peg at the expiration of the 12 months—and that is the period of tenure—he does get some protection. If at the end of 12 months a prospector has not discovered payable ore, he can apply to the warden for a further six months' extension. A very good case has to be advanced, as such applications are rarely granted. The point I wish to make is this: A man may prospect a prospecting area for six, eight, or even ten months, without getting payable ore, and is then called up. At the time of his call-up he may have good indications, but this Bill does not give him any protection for an extension of his period.

He may not have sufficient capital or time to convert his area into a lease. Some men are rushed away very quickly. This all means that the land again becomes Crown land, and a man who goes prospecting for gold knows very well if he sees a certain amount of work done in a given spot that the more work done there by previous prospectors, the better are the prospects for the succeeding prospector. He knows that if the preceding man was not on good indications, he would not have done so much work, so he becomes enthusiastic. He says to himself, "Well, Marshall was prospecting here and must have got some good indications, or he would not have done all this work." It acts as an incentive to that prospector. It could easily be, in the case I have mentioned, that while a man is away serving his country he has indicated to others exactly where there may be a fortune for them, because he has not been protected. He has no leasehold or lengthy tenure of the area. The Minister should devise some way to overcome the difficulty.

I agree that the conditions which allow prospecting areas to continue for only 12 months for the minimum figure of 10s. for 24 acres are reasonable, but these men are of great value to the mining industry; and it is unfair that when this Bill was drafted

the fact that such a man could afford nothing better than a prospecting area, because of his ill luck and because he has not discovered payable ore although he may be on the verge of striking it, should not have been considered. I make no complaint about the Bill. It is a valuable one and should have been introduced some time ago. But, knowing the amount of correspondence which he has received and the many requests made to him for some protection in regard to the extension of time of prospecting areas to those who enlist, I hope the Minister will give the matter serious consideration. It is not an insurmountable problem. With the aid of his expert officers, together with the Crown Law authorities, some such protective provisions might be embodied in this Bill.

The conversion of a prospecting area into a mining lease would, I admit, overcome this difficulty, but in many cases this cannot be done, because of lack of capital or other considerations entering into the lives of these individuals. I thank the Minister for bringing down this Bill, although it is rather belated.

The Minister for Mines: It is the first session during which we have had an opportunity to do so.

Mr. MARSHALL: These problems have been arising for some time, because of men volunteering. I am not hostile to the Minister for what has gone by. He has, when requested, done everything possible. I wrote to him on one or two occasions about these matters, and he did his best under the law as it then stood. As a prospecting area is for only 12 months, he could not give any further protection under the law unless it was re-pegged. He did agree to protect it by allowing someone else to re-peg for the man who volunteered in the service of his country. We were thankful for that privilege, but when the Bill was being drafted some consideration should have been given to that aspect and these men put on a similar basis to those who held leasehold tenures. I wholeheartedly support the measure.

MR. F. C. L. SMITH (Brown Hill-Ivanhoe): The point raised by the member for Murchison is an important one, on which the Mines Department might make up its mind and state whether it will extend protection in connection with prospecting areas, beyond the term for which they are held. It is probable, as the hon. member has pointed

out, that if things went along in a normal way, these prospectors would possibly be in a position to convert their prospecting areas into leases through the development which took place as a result of their activities. As the war interferes with these activities, however, it seems to me that some decision should be made as to whether prospectors who enlist, or are called up, are to have protection, at least for the duration of the war. Some important aspects are involved, and the Mines Department should give consideration to them because obviously they hold up land, or would hold up land on which, if some prospecting activity were taking place, a discovery might be made. But the same argument applies to a lease and to those who hold leases.

Many leases are held in this country by men who, as a matter of fact, are doing little more on them than the type of work which would be regarded as prospecting activity. That is the only type of work they are doing on such leases. In such instances it is, of course, particularly difficult at present for those men to do much with the properties, but I am aware of men who in normal times have attempted to do very little beyond what would be regarded as prospecting activities notwithstanding that they had already converted their prospecting areas into leases. In the past I know that a measure of protection has been given under the provisions of the Mining Act to men who have held prospecting areas. I am aware that men have made representations to Ministers in the past pointing out that although they were anxious to continue their prospecting activities on particular areas, they were not in a position to convert them into leases because they could not pay the necessary rentals.

In the past, therefore, it has been customary—I know of one particular instance, and there may have been others—for prospecting areas to be converted into reservations, and I know of one instance of a prospector holding a reservation that was identical with a prospecting area although it had never been surveyed, and ultimately the holder was compelled to convert the reservation into a lease when the mining revival occurred. He had to have it surveyed and he was confronted with difficulties regarding the actual area of the holding. I put that position to the Minister, at any rate for investigation. If he feels that appropriate

provision should not be inserted in the Bill now before the House, he should take steps to ascertain whether the Mines Department has the power—I do not see why it should not have the necessary power because the action required has been taken in the past—to grant a reservation of the prospecting areas such as those to which I have referred, where the holders have enlisted, and I think that protection should be accorded them for at least the duration of the war. I support the Bill.

Question put and passed.

Bill read a second time.

### **BILL—ROAD DISTRICTS ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 3rd September.

**MR. DONEY** (Williams - Narrogin) [3.34]: I am glad the Bill has been introduced.

Mr. Marshall: You do not look like it.

Mr. DONEY: I am pleased that it has been introduced. I thoroughly examined it during the week-end and from my point of view the measure is eminently desirable. I have also ascertained that each of the three provisions that make up the major portion of the Bill has been sought by the Road Board Association for several years past. The association is quite satisfied, so I understand, with the manner in which the provisions of the Bill have been drafted. Consequently, I have no opposition to raise to the Bill and have pleasure in supporting 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—ALBANY RESERVE ALLOTMENTS.**

*Second Reading.*

Debate resumed from the 3rd September.

**HON. C. G. LATHAM** (York) [3.36]: I find myself unable to support the Bill. To members it may appear a very simple measure, but I cannot support it primarily because of the principle laid down in the Land Act and because of the precedent that may be set up by the passing of this type

of legislation. The piece of land of which the Minister seeks by the Bill the reversion to the Crown, and consequently the right to sell the area, was originally part of a foreshore reserve. Members are aware that foreshore reserves are set aside for camping sites and also for the recreation of the people. One of the great difficulties experienced in Western Australia has been that much of our foreshore areas was sold in years gone by, and today I suppose the most valuable areas within the City of Perth are those along the river foreshore. Such reservations provide the opportunity for recreation and outings to be enjoyed by the people in years to come.

Modern town planning prescribes that we shall have as many open spaces as possible. True, in Western Australia at most important centres adequate provision has been made in that respect. I hold that a sound principle has already been laid down in our Land Act, and I contend that the position the Minister desires to legalise by means of the Bill now presented to Parliament is very wrong. In the first place, the land was set aside for the recreation of the people of Albany and also as a camping site. As such it has been well known for a number of years. People from the back country have visited Albany and similar holiday resorts. In order to take advantage of the cheapest holiday at their disposal they have made use of the camp-sites on the foreshore reserves. While the Bill has special application to Albany, there is no reason why similar applications may not be received from Bunbury, Busselton, Geraldton, and possibly from centres nearer home where there are reserves along river frontages.

The Minister for Lands: You are quite wrong!

Hon. C. G. LATHAM: Any member who opposes any proposition submitted by the Minister is always quite wrong. It is rather good for him that he should get a little opposition sometimes.

The Minister for Lands: I shall show you that you are quite wrong.

Hon. C. G. LATHAM: The Minister has had too good a time in this House. His legislation has been accepted holus-bolus almost without question. Simply because he experiences a little opposition he does not like it. The Minister happens to be wrong sometimes, and this House should show him that that is so. He contends that he is never

wrong. A point I wish to emphasise is that this land has been set aside for camping purposes. Certain residents of the town of Albany have had blocks leased to them by the municipality and have built houses on them. Unless I have been wrongly informed, the municipality had no power to lease the land. It would have been far better had the introduction of the Bill been postponed and the papers tabled to show exactly what led up to this proposal; and the papers should have been accompanied by a map so that members might familiarise themselves with the details. The matter may be clear to the mind of the Minister and to some members it may appear paltry, but it means that we are asked to deprive poor people of their right to camp there and hand the land over to local residents so that they may build houses, elaborate or otherwise, and lease them.

I think eight blocks have been subdivided. Whether a survey has been made I do not know, but looking at a plan I should say that probably it has. Local residents have acquired the blocks under lease from the municipal council and have erected buildings, some of them reasonably substantial weatherboard cottages. Those cottages have been leased to visitors. This sort of thing was never intended. Numbers of cottages are available at Middleton Beach, along the foreshore outside the defence reserve and around to Albany. This town, of course, is a resort that is visited by people from Perth and other parts of the State during the summer months. The Bill will give the lessees of those blocks a prior claim, because they have been permitted by the municipality to do something that is illegal. The municipal council leased land it was not entitled to lease. I understand it gave residents a 21 years' lease of these blocks and permission to build houses, not to live in but to make a profit from.

An important principle is involved. We are asked to give a prior claim to these people. Most important of all is that, by passing this Bill, we shall be abrogating principles of the Land Act. The principles laid down in the Land Act are sound and have operated for many years. No man may acquire any land whatever without its being made available for competition. If it is a piece of Crown land, a date is fixed when application may be made for selection and no person is given a prior claim over an-

other. If it is a town allotment, an upset price is fixed so that it will not be sold for less than its value, and the lot is then submitted for sale by auction. Thus every person who desires to obtain land may do so at a fair and reasonable price, provided he offers not less than the price fixed by the Crown.

Consider what the Minister is asking us to do! These people at Albany have an occupational right over the land by way of a lease of 21 years. They are asking that the land revert to the Crown and that the Crown be given the right to sell the land to them. This would give them a prior claim to the land, and to do that would be wrong. For this reason I oppose the Bill.

Mr. J. Hegney: Has a similar proposal ever before been made to Parliament?

Hon. C. G. LATHAM: No; it has been laid down that such land should not be taken from the people in order to give a right to an individual. The main object of providing this camping place was to permit of people enjoying a cheap form of holiday. Protests extending over many years have been made at Geraldton that there is no foreshore left on which people can camp. If we are going to deny people the right to camp on these allotments at Albany, and grant the fee simple to eight persons who probably have local knowledge so that they may erect residences and let them to visitors, those persons will be allowed a liberty under the fair rents restrictions not enjoyed by anyone else. I regret that the Minister has introduced the Bill. It matters not whether the place be Geraldton, Bunbury or any other resort.

Mr. F. C. L. Smith: What about the Bunbury camping area?

Hon. C. G. LATHAM: That is Crown land.

Mr. F. C. L. Smith: Visitors have to pay rent for it.

Hon. C. G. LATHAM: Yes, but no priority is given to any person.

Mr. F. C. L. Smith: But certain people have a right to let camps.

Hon. C. G. LATHAM: No, they belong to the municipality, which charges half-a-crown a week.

Mr. Withers: It is only seasonal business, too.

Hon. C. G. LATHAM: Yes. The council probably gives a man the right for a year

to lease those places. When one visitor leaves, the camp is available to someone else, and any fees charged are paid into the revenue of the municipality. At Albany, however, the proposal is to give the right to individuals who have erected houses.

Mr. Cross: And charge all sorts of rents.

Hon. C. G. LATHAM: The principle is wrong and I regret that the Minister has approved of it. If he wants to do the fair thing by the present lessees of the allotments, let him extend their leases for another five years but not deprive the people of the use of the land. The area of foreshore is limited enough at present; not much of it is left. As soon as one gets away from the little flat where the allotments are located, there are rough, undulating sandhills with which nothing can be done. The area is a very small one, although it has been extended as far as possible.

I think I have the only available litho of this area. On the north side there is a block reserved for the Katanning District Fresh Air League, the area being two acres. Then there are three other blocks. I do not know whether the Crown or the municipality carried out the survey, but I warn members that, if they wish to preserve the foreshore rights for the use of the public, they will have to consider this proposal carefully. Immediately the proposal is accepted as a principle, there will be unending applications for similar land to be made available. The measure does give to a few individuals the right to put up buildings there and to charge what rents they like for them. It follows that people of small means will be deprived of the benefits of the foreshore. Those, I would point out, are the people we want to help. They are the people who derive most advantage from the existence of camping reserves. As I understand the Minister, he intends to divert this land from the municipality and re-vest it in the Crown. Then the Crown will have the right to sell the land to the present occupants. I would not object to the proposed resumption if the Minister intended to take the land back, assessing the value of the properties. In those circumstances, he could give the municipality the right to rent the blocks for the time being. However, the land was reserved for the purpose of benefiting people of limited means who visit the seaside for a summer holiday. Other visitors to the seaside stay at hotels and board-

ing houses. For the reasons I have stated, I oppose the Bill.

On motion by Mr. Doney, debate adjourned.

*House adjourned at 3.52 p.m.*

## Legislative Assembly.

*Wednesday, 9th September, 1942.*

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

### QUESTIONS (5).

#### WHEAT, GUARANTEED PRICE.

Mr. PATRICK asked the Minister for Lands: 1, Has he seen the reply given by the Minister for Commerce, as reported in "The West Australian" of the 5th September, in which Mr. Scully said that "he regarded the recently fixed price of wheat as equitable when applied to Western Australian farmers, who grew the greater part of the annual crop in that State?" 2, Was the Minister for Commerce supplied by this Government with figures which accurately set out the production per farm basis of wheat in Western Australia, and which effectively disproved his contention? 3, In order that the Federal authorities may get a better appreciation of the State's position generally, will the Minister see that the Prime Minister and members of his Government are supplied with copies of his speech on the Address-in-reply debate?

The MINISTER replied: 1, Yes. 2, All figures applicable to Western Australia were

supplied to the Minister for Commerce. 3, The position of this State is constantly being placed before the Commonwealth Government. In addition, copies of Western Australian "Hansard" are supplied to every Western Australian member of the Federal Parliament, including the Prime Minister. Copies are also supplied to the Commonwealth Parliamentary Library.

#### STATE LABOUR BUREAU.

Mr. WATTS asked the Minister for Labour: Is it his intention to lay on the Table of the House all correspondence, papers and files in connection with the appointment by the Federal Government of the State Labour Bureau as the sole employing agency in the State?

The MINISTER replied: The decision that the National Service Office should be the only employing agency (with limited exceptions) was a decision of the Commonwealth Government and was implemented through the National Security Act. The State Labour Bureau thereby ceased to exist, but its staff was absorbed in the new arrangement. There are no files or papers in the possession of the State Government.

#### TIMBER IMPORTS.

##### *Appointment of Shipping Priorities Committee.*

Mr. TONKIN asked the Minister for Industrial Development: 1, Is he aware that quantities of jarrah flooring and Tasmanian oak have been forwarded from Sydney to Fremantle by rail for use of the R.A.A.F. in this State? 2, Will he protest to the Commonwealth Minister concerned and endeavour to put a stop to this unnecessary and expensive practice?

The MINISTER replied: 1, Yes. 2, Yes. In amplification I would like to add, with your permission, Mr. Speaker, that the State Government has been dealing with the general question of shipping priorities so far as these affect shipments of goods from Eastern Australia to this State. Consultations have been held more recently with the Assistant Minister for Commerce (Senator Fraser) to ascertain whether it would be possible to establish a system ensuring to the largest extent that space on ships from Eastern Australia to Western Australia should be used only for the bringing of essential goods. As a result, the State Gov-