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

Ayes	14
Noes	12
Majority for	2

Ayes.

Hon. G. Bennetts	Hon. J. G. Hislop
Hon. L. Craig	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. H. L. Roche
Hon. H. Hearn	Hon. C. H. Simpson
Hon. E. M. Heenan	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. N. E. Baxter (*Teller.*)

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. A. F. Griffith (*Teller.*)

Pair.

Aye.	No.
Hon. L. A. Logan	Hon. J. J. Garrigan

Amendment thus passed.

The CHAIRMAN: As a new paragraph has been added, it will be necessary for the word "and" in line 20 to be transferred to the end of line 24. I request that the Clerk be given permission to do that.

Permission granted.

Hon. H. K. WATSON: I hope the Committee will vote against the clause. It is a straightout shandygaff clause, being neither fish, flesh nor good red herring. We should vote against it and allow the Chief Secretary to consider the Bill and bring down something like a workable measure. If women are to serve on juries they should be compellable and have the same qualifications as men.

The CHIEF SECRETARY: I am not very enthusiastic about the Bill myself, now, but I cannot agree to Mr. Watson's suggestion.

Hon. J. G. Hislop: What about voting against the third reading?

The CHIEF SECRETARY: No, because I have to save the remnants if I can. It would not be sensible to take this out.

Hon. Sir Charles Latham: It would kill the Bill.

The CHIEF SECRETARY: If the clause were deleted, the Bill would be so stupid that members would not like it to go on the statute book. Mr. Watson suggests that I put the bits and pieces together and make something comparable to what applies to men. What chance would I have with that? I have had no chance with this.

Clause, as amended, put and passed.

Clauses 5 to 9—agreed to.

Clause 10—Section 20b repealed and re-enacted:

The CHIEF SECRETARY: I move an amendment—

That the word "empanelled" in line 23, page 4, be struck out and the words "sworn as a juror on the trial" inserted in lieu.

This will improve the Bill.

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

Title—agreed to.

Bill reported with amendments.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Assembly' Message.

Message from the Assembly received and read, notifying that it had agreed to the amendment made by the Council.

House adjourned at 10.42 p.m.

Legislative Assembly

Tuesday, 7th September, 1954.

CONTENTS.

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

QUESTIONS.

HOUSING.

As to Evictees Provided for, etc.

Mr. WILD asked the Minister for Housing:

In connection with people housed by the State Housing Commission, following eviction by court order from the 22nd July to the 28th August, 1954—

(1) What were their names and addresses prior to eviction?
(2) The number, sex and age of children in each family?
(3) The approximate weekly income being received by each family?
(4) The date they first applied to the State Housing Commission for a Commonwealth-State rental or war service home?

The MINISTER replied:

The preparation of the answers to these questions occupied more than 32 hours of an officer's time.

Hon. Sir Ross McLarty: That is not unusual. It happened in your time.

The MINISTER: The member for Dale complained bitterly when the Deputy Premier, as he now is, asked certain questions.

As stated when replying to a similar question on Tuesday, the 27th July, it is felt that this information is of a personal nature so far as the individuals are concerned and should be regarded as confidential by the commission. In replying, therefore, I have omitted from the attached schedules the names of the persons concerned.

The particulars required are as follows:—

	District.	Children.				Weekly Income (from application form or interview).	First Date of Application.
		No.	Sex.		Ages.		
			M.	F.			
1.	Mosman Park	7	1	6	27, 23, 21, 16, 12, 9, 3 yrs.	£33 15s.	20-5-54
2.	West Perth	5	2	3	25, 18, 14, 14, 2 yrs.	£19	9-11-53
3.	Fremantle	3	2	1	13, 8, 6 yrs.	£15 17s. 1d.	25-11-53
4.	Fremantle	4	3	1	14, 12, 5, 2 yrs.	£15 17s.	4-5-54
5.	Mount Lawley	5	3	2	32, 30, 24, 16, 13 yrs.	£15 (approx.)	27-1-49
6.	Perth	4	2	2	19, 16, 9, 7 yrs.	£15 10s. 10d.	11-5-54
7.	Mt. Hawthorn	1	1	....	20 yrs.	£20 5s.	27-5-54
8.	Mt. Hawthorn	2	2	....	24, 20 yrs. and Invalid Mother-in-Law	£13 16s.	23-12-53
9.	Carlisle	4	2	2	24, 14, 17, 7 yrs.	£38 10s.	5-1-49
10.	North Perth	3	3	....	19, 17, 11 yrs.	£11 14s.	24-4-50
11.	East Fremantle	3	3	....	4, 2 yrs., 6 mths.	£17	4-8-50
12.	Midland Junction	2	1	1	19, 11 yrs.	£13 10s.	8-11-50
13.	South Perth	2	1	1	7, 1 yrs.	£15	7-12-48
14.	South Fremantle	5	3	2	19, 12, 7, 7, 5 yrs.	£18	20-5-54
15.	Fremantle	6	3	3	13, 10, 8, 3, 2 yrs. and 7 mths.	£15	11-9-46
16.	Mt. Lawley	2	1	1	5, 2 yrs.	£15	28-11-50
17.	Subiaco	4	2	2	17, 11, 8, 2 yrs.	£16	23-8-49
18.	Maida Vale	7	3	4	23, 23, 17, 15, 10, 9, 8 yrs.	£21 12s.	1-12-47
19.	Perth	5	2	3	17, 11, 5, 3, 1 yrs.	£22 2s.	2-6-50
20.	West Perth	4	3	1	6, 5, 2, 1 yrs.	£19 4s.	8-9-53
21.	Perth	8	3	5	18, 14, 16, 14, 10, 7, 4, 1 yrs.	£18 10s.	6-8-53
22.	Kalamunda	2	2	....	3, 2 yrs.	£13 3s.	6-7-50
23.	North Fremantle	1	....	1	2 yrs.	£12 10s.	6-4-54
24.	East Fremantle	2	1	1	17, 12 yrs.	£14 13s.	21-10-53
25.	Hilton Park	2	1	1	25, 5 yrs.	£14	13-12-50
26.	Fremantle	4	3	1	4, 3, 3 yrs. and 3 mths.	£16 10s.	22-6-51
27.	Fremantle	5	3	2	17, 15, 13, 4, 2 yrs.	£15	30-4-54
28.	South Perth	2	1	1	18, 17 yrs.	£17 14s.	21-5-54
29.	Fremantle	4	1	3	13, 11, 6, 1 yrs.	£15	20-5-54
30.	West Perth	....	....	....	....	£13 10s. 6d.	16-8-48
31.	West Perth	1	1	....	3 yrs.	£16	26-8-49
32.	Fremantle	5	4	1	19, 18, 10, 13, 9 yrs.	£19 19s.	17-5-51
33.	Hollywood	2	1	1	14, 10 yrs.	Private Soldier	30-8-51
34.	North Fremantle	1	....	1	6 yrs.	£15	12-4-51
35.	South Perth	5	4	1	13, 10, 6, 5, 3 yrs.	£14 8s. 6d.	24-8-53
36.	Maylands	2	1	1	11, 9 yrs.	£14 15s.	22-2-54
37.	Mosman Park	3	2	1	21, 19, 17 yrs.	£47 6s.	18-2-54
38.	Shenton Park	4	1	3	21, 19, 5, 3 yrs.	£13	14-1-54
39.	Midland Junction	6	4	2	25, 21, 19, 17, 16, 10 yrs.	£61	2-2-54
40.	Bayswater	3	2	1	4, 2, 1 yrs.	Basic	11-5-50
41.	Fremantle	2	1	1	3, 1 yrs.	£13 10s.	3-11-53
42.	Perth	1	....	1	Daughter and grandson 6 yrs.	£10 10s.	25-3-53
43.	East Perth	2	....	2	10, 2 yrs.	£25 4s. 3d.	11-8-53
44.	Belmont	4	1	3	18, 15, 11, 10 yrs.	£18 10s.	30-7-53
45.	East Victoria Park	2	1	1	3, 1 yrs.	£12 5s.	22-9-53
46.	Cottesloe	3	....	3	1, 5, 14 yrs.	£15 (approx.)	2-8-54
47.	Rivervale	1	....	1	2 yrs.	£16 (approx.)	24-4-52
48.	West Perth	....	....	....	Child exp. early Sept.	....	21-7-54
49.	Inglewood	3	3	....	3, 5, 7 yrs.	£15	24-2-54
50.	Perth	3	3	....	7, 5½, 4 yrs.	£6 12s. 6d.	16-11-53
51.	Perth	....	....	....	....	£12 6s. 6d.	2-12-53
52.	Leederville	3	1	2	21, 17, 15 yrs.	£15	18-2-54
53.	Victoria Park	3	2	1	14, 8, 6 yrs.	£15 15s. 9d.(approx.)	15-10-53
54.	Leederville	4	2	2	18, 13, 8, 4½ yrs.	£12 8s.	30-11-51
55.	Highgate	1	....	1	12 yrs.	£8 5s.	19-10-49
56.	Perth	2	1	1	17, 9 yrs.	£13 18s.	16-8-54

	District.	Children. No.	Sex. M.	Sex. F.	Ages.	Weekly Income (from application form or interview).	First Date of Application.
57.	East Perth	2	1	1	4, 1 yrs.	£14	15-4-50
58.	West Perth	3	1	2	11, 8, 3 yrs.	£13 5s.	11-6-53
59.	Victoria Park	3	3	....	12, 15, 19 yrs.	£20	23-3-53
60.	Victoria Park	2	2	....	12, 10 yrs.	£13 6s. 6d.	12-2-54
61.	Rivervale	3	1	2	7, 3 yrs., 17 mths.	£13	17-10-52
62.	Victoria Park	2	1	1	7, 5 yrs.	£18 10s. per f'tnight	30-5-54
63.	Midland Junction....	1	....	1	2½ yrs.	£15	25-5-54
64.	Perth	2	1	1	2, 1 yrs.	£17 10s.	16-2-54 (Subsequently declined accom.)
65.	Claremont	3	2	1	27, 26, 20 yrs.	£39 17s. 6d. (includ. children's wages)	24-7-53 (Subsequently declined accom.)
66.	West Perth	3	2	1	6, 4 yrs., 4 wks.	£13 (approx.)	21-1-47
67.	North Perth	....	....	....	....	£3 10s. pension, wife's allowance, £1 15s.	21-4-50
68.	Mount Hawthorn....	2	2	....	18, 12 yrs.	£12 from son, £6 per wk. Alimony	23-7-52
69.	Subiaco	1	....	1	6 mths.	£15 1s. 6d.	27-5-54
70.	Fremantle	3	2	1	20, 16, 9 yrs.	£13 13s. 6d.	31-5-54
71.	Perth	4	3	1	19, 12, 6, 17 yrs.	£15 (approx.)	11-4-47
72.	East Perth	7	3	4	1, 14, 10, 17, 16, 12, 9 yrs.	£14	13-5-54
73.	Fremantle	1	1	....	21 yrs.	£12 10s.	22-1-54
74.	East Perth	3	1	2	4, 2 yrs., 3 mths.	£15, Child Endowment, £5	3-3-54
75.	Beaconsfield	2	1	1	4, 2 yrs.	£13 8s.	24-3-54
76.	North Perth	3	....	3	18, 15, 14 yrs.	£23 0s. 6d.	28-4-54
77.	Perth	1	1	....	22 yrs.	£9 14s. per f'tnight, £3 per month Endowment	4-5-54
78.	Perth	2	1	1	17 mths., 6 wks.	£13	27-9-53
79.	Perth	1	1	....	23 yrs.	£7 pension (combined)	7-5-54
80.	Inglewood	4	2	2	14, 12, 9, 2 yrs.	£14	9-4-54
81.	South Fremantle	2	2	....	1, 3 yrs.	Not stated, Waterside Worker	19-10-53
82.	East Fremantle	1	....	1	17 mths.	£12 7s. 6d.	2-2-53
83.	Leederville	3	3	....	4, 2 yrs., 6 wks.	£10 at 1951	5-12-50
84.	Palmyra	4	2	2	8, 4½, 3, 1 yrs.	£14	8-9-50
85.	Highgate Hill	4	2	2	19, 15, 12, 10 yrs.	£12 10s. (£22 13s. 9d.) inc. daughter's wages	9-2-53
86.	Victoria Park	1	1	....	5 yrs.	Basic wage	6-2-54 (Subsequently declined accom.)
87.	West Perth	1	....	1	12 yrs.	£16 10s. 1d.	26-7-54 (Subsequently declined accom.)
88.	Leighton	3	1	2	19, 16, 11 yrs.	£20 14s. 6d.	24-5-54
89.	Nedlands	5	3	2	13, 11, 7, 5, 3 yrs.	£15	5-10-50
90.	Gosnells	2	1	1	17, 16 yrs.	£8 maintenance	21-2-52
91.	Subiaco	3	2	1	28, 10, 7 yrs.	£13 16s. 6d.	11-6-53
92.	West Perth	1	1	....	4½ yrs. (grandson)	£11 T.P.I. pension	2-6-54
93.	Fremantle	2	2	....	5 mths., 3 yrs.	£10 18s.	11-2-52
94.	Perth	3	2	1	29, 26, 24 yrs.	£32	31-7-53
95.	South Fremantle	3	2	1	9, 5, 2 yrs.	£15	3-6-54
96.	Claremont	3	2	1	4½, 2½, 1 yrs.	£20	27-1-54
97.	Belmont	5	2	3	7, 12, 3, 10, 16 yrs.	£26 19s.	26-7-54
98.	North Perth	1	....	1	1 yr.	£13 (approx.)	3-6-52
99.	Maylands	4	2	2	12, 11, 8, 3 yrs.	£13 11s.	3-11-53
100.	Subiaco	2	1	1	1, 3 yrs.	£12 (approx.)	23-7-54
101.	Carlisle	2	....	2	3, 6 yrs.	Not known	3-6-52
102.	East Perth	5	2	3	10, 12, 8, 7, 5 yrs.	Basic Wage	19-5-54
103.	Midland Junction....	5	1	4	7, 15, 14, 12, 10½ yrs.	£18 2s., plus £9 per month Endowment	1-6-54
104.	Darlington	1	....	1	10 mths., one exp.	£15	17-8-54
105.	Mt. Lawley	2	1	1	29, 12 yrs.	£16 6s.	10-11-52 (Did not go to Court b ut treated as Court Order in view of summons)

JUSTICES OF THE PEACE.

As to Recommendations and Appointments.

Hon. C. F. J. NORTH asked the Premier:

(1) Is a member correct in assuming that after six months have elapsed, since a recommendation for a justiceship of the peace has been made, the candidate has been turned down?

(2) Will he lay the current list of appointments on the Table of the House?

The PREMIER replied:

(1) No.

(2) The list was published in the "Government Gazette" of the 8th June, 1951. There have since been very many alterations and it is hoped to undertake and publish a complete revision next year.

In the meantime, the up-to-date corrected copy may be inspected by any hon. member at the Premier's Department.

HARBOURS.

As to Fremantle Extension Southwards.

Mr. HILL asked the Minister for Works:

What is the approximate amount of the expenditure that would be necessary should the Fremantle harbour extension be southward before the construction of berths could be commenced?

The MINISTER replied:

Should Fremantle harbour be extended southwards into Cockburn Sound expenditure before berths could be commenced could be about £4,500,000 for navigable channels, dredging, reclamation, roads, railways, etc., and, additionally, a large amount—£4,500,000 at least—if breakwaters proved necessary.

WATER SUPPLIES.

(a) As to Report by Messrs. Hutchinson and Curlewis.

Hon. D. BRAND asked the Minister for Water Supplies:

(1) What consideration has the Government given to the report on water charges and associated problems by Messrs. Hutchinson and Curlewis?

(2) What steps has he taken towards the implementation of the recommended charges.

The MINISTER replied:

(1) Full consideration has been given.

(2) Further inquiry into certain aspects of the matters raised by Messrs. Hutchinson and Curlewis was considered necessary, and this is proceeding.

(b) As to Plumbing Testing Branch.

Mr. WILD asked the Minister for Water Supplies:

(1) What is the name of the section in the Water Supply Department set up to test sinks, taps, water appliances, etc.?

(2) How many are employed in the section?

(3) What is the cost of running this section of the department?

The MINISTER replied:

(1) Plumbing Testing Branch.

(2) Twenty-three.

(3) £15,024 for the financial year 1953-54.

TRAMWAY DEPARTMENT.

As to Gratuities to Employees.

Mr. MAY asked the Premier:

(1) Is he aware that certain gratuities were given to tramway and bus employees on the occasion of the visit of Her Majesty the Queen in some of the States in Australia?

(2) Has any consideration been given to the granting of similar gratuities to tramway and Government busmen of this State in view of the excellent service rendered during the visit of Her Majesty to Western Australia?

(3) If so, when will such gratuity be paid?

The PREMIER replied:

(1) Yes, in certain circumstances but then not in all States.

(2) The matter was considered but, in view of the amended Royal Tour programme, it was decided that the other concessions which were granted covered the position.

(3) Answered by No. (2).

PENSIONERS.

As to Treatment at Dental Hospital.

Mr. WILD asked the Minister for Health:

(1) Are pensioners eligible for free treatment at the Dental Hospital?

(2) If "Yes" is the answer to No. (1), what is the waiting period for the supply of new dentures?

The MINISTER replied:

(1) No, but a much reduced rate is charged.

(2) About 14 months.

PIG IRON.

As to Exports and Imports.

Hon. A. V. R. ABBOTT asked the Minister for Industrial Development:

(1) What quantity of pig iron, and at what prices, was sold by Wundowie during the month of August to the U.S.A., Switzerland, Germany and to Western Australian purchasers?

(2) How much pig iron was imported into Western Australia from the Eastern States during the six months ended the 30th June, 1954?

(3) What is the price of pig iron sold by Broken Hill Pty. Ltd. in the several capital cities of Australia?

The MINISTER replied:

(1)

U.S.A.	Nil.
Switzerland	Nil.
Germany	Nil.
Western Australia	464 tons.
In addition—	
Indonesia	100 tons.
New Zealand	130 tons.
Melbourne	2 tons.
Total	696 tons.

Prices are competitive trading information.

(2) Nil. (Wundowie has supplied the full local requirements since 1948, excepting for 1,000 tons in 1950).

(3) Varies according to grades, but would average £20 per ton into foundaries.

POULTRY INDUSTRY.

As to Subsidy and Costs of Production.

Mr. WILD (without notice) asked the Minister for Agriculture:

As I understand the Minister is going to Canberra this week on business, will he ascertain, while he is there, what has come of the representations he made on behalf of the poultry industry of this State when he was over at a conference about a month ago.

The MINISTER replied:

I shall see what progress has been made in that connection if I can get hold of the appropriate Minister during the short time I will be there.

NARROWS BRIDGE.

As to Possible Routes of Approach.

Mr. COURT (without notice) asked the Minister for Works:

(1) Is he yet able to indicate the possible routes of approach to the proposed bridge over the Narrows and especially the location of roads from the north?

(2) Does he know that there is a degree of speculation taking place regarding the location of possible approaches from the north along the western end of the city, and their possible effect on parts of Malcolm, Mount and Spring-sts., and Mounts Bay-rd.?

The MINISTER replied:

(1) The Government at present is concerned with the development of Stage 1 in the plan which uses the existing road system and some new roads on reclaimed areas to provide for free flow of traffic.

Stage 2 could involve carrying traffic on the western side of the city in a northerly direction over Mounts Bay-rd. past the Emu Brewery on the western side and onwards towards George-st. This second stage will need to be worked out in collaboration with the Town Planning Commissioner and the Perth City Council.

(2) Yes.

BILLS (2)—FIRST READING.

1, Native Welfare.
Introduced by the Minister for Native Welfare.

2, Health Act Amendment (No. 2).
Introduced by the Minister for Health.

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Rents and Tenancies Emergency Provisions Act Amendment.

2, Coroners Act Amendment.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—POTATO GROWING INDUSTRY TRUST FUND ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd September.

MR. MANNING (Harvey) [4.42]: There are three points of interest contained in this short Bill introduced by the Minister for Agriculture. Of those points, two concern the growers of potatoes and one has to do with the method of electing a member when a position becomes vacant on the Potato Growing Industry Trust Fund Board. The amendments are favoured by the Potato Growers' Association, which is the representative body of the growers in this State. But there is one point I wish to bring to the notice of the Minister, and this concerns those who have been entitled to vote at previous elections.

From my reading of the Act, I would say that all licensed potato growers should have voted at previous elections for positions on the Potato Growing Industry Trust Fund Board. But I notice that there is an amendment in the Bill which will mean that a licensed grower, before he is entitled to a vote for a position on the board will also have to be qualified to vote at Legislative Assembly elections. There are approximately 1,350 licensed potato growers in Western Australia and I understand that at the last election of a member to the board, approximately 861 ballot papers were sent out and some 424 were returned for counting.

My point is that I understood all licensed potato growers—1,350 of them—were entitled to vote; but ballot papers were sent out only to those who were also entitled to vote at Legislative Assembly elections—some 861. The new definition of "commercial producer" contained in the Bill states, as I indicated earlier, that the grower must also be qualified to vote at Assembly elections. I would like the Minister to comment on this angle when he replies. Does he not think that there will be some 500 who subscribe to the Potato Growing Industry Trust Fund who will not be entitled to vote?

As the Minister indicated, this is a very short Bill containing only small amendments. There are three principles involved, and as far as I can see they are all favoured by the Potato Growers' Association. On that score, I support the measure.

MR. HILL (Albany) [4.45]: I support the second reading of the Bill. The Potato Growing Industry Trust Fund was formed on similar lines to the Fruit Growing

Industry Trust Fund; but in the fruit growing industry a grower is in the game for life, while in the potato growing industry a man may be licensed to grow potatoes one year and not the next, or he might be licensed again in five years' time. The potato growers contribute to the trust fund for the benefit of the industry as a whole and it is the dinkum potato growers who want this measure passed. I think it is in the interests of the industry, and for those reasons I support the second reading.

MR. HEARMAN (Blackwood) [4.46]: I, too, support the Bill because it meets with the wishes of the Potato Growers' Association and has the endorsement of the Potato Marketing Board. I think it is well for members to appreciate that the industry is a slightly peculiar one when compared with some other industries because a tremendous number of growers do not own the land they use for growing potatoes. One man may grow potatoes on a piece of ground one year and not the next, and such growers may be under an obligation to the people who own the land.

The point raised by the member for Harvey is an interesting one and I have no doubt that the Minister will be able to answer it satisfactorily when he replies. As most members realise, there are many foreigners engaged in this industry and numbers of them have little knowledge of English. Such people are influenced in their thinking by other foreigners who have been here for a considerable time and it may be that if all these people were given votes immediately, there would be a tendency to concentrate all the voting power in a few hands. I will be interested to hear what the Minister has to say about this point, but I think the House should accept the Bill as it stands because it has the endorsement of the Potato Growers' Association and the board.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren—in reply) [4.48]: In reply to the point raised by the member for Harvey, this is just a change-over to the definition of "commercial producer" to be found in the Marketing of Potatoes Act. The new definition states that the commercial producer shall be not only one who grows more than a half-acre of potatoes but shall also be eligible to vote at Legislative Assembly elections.

I have not looked up the earlier debates that took place when the Marketing of Potatoes Act was introduced in 1946, but I can recall that when the matter was discussed, the point raised this afternoon was put forward by the association and no objections were raised in this Chamber or another place. I can only conclude that it is a principle which the association, as a body of responsible men, feels should be the same in both Acts that govern the industry. As a consequence, the association has suggested, and we have accepted it in principle, that the definition which is contained in one Act should be identical with that in the other and, at the special request of the association, we have struck out the one now to be found in the Potato Growing Industry Trust Fund Act, and inserted that under which the whole industry without exception operates, and has been operating since 1946. I do not think there can be any objection to that course. As the member for Harvey pointed out, however, there may be some licensed potato growers who will be denied a vote in their own association elections because of a provision such as this. But if that is so, and if there is any real objection, I think the matter ought to be taken up with the Potato Growers' Association, and particularly with the executive, to see if something cannot be done with the approval of the organisation.

Hon. L. Thorn: Is that the provision where they must be eligible to vote for the Legislative Assembly?

The MINISTER FOR AGRICULTURE: Yes.

Hon. L. Thorn: It is a very wise provision.

The MINISTER FOR AGRICULTURE: I am informed by the association that it is, and I think it would be unwise to alter it in any way.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 4 amended:

Hon. L. THORN: I was out of the Chamber at the time the member for Harvey raised the point, but I think he referred to those who had to be on the Legislative Assembly roll. The provision contained in this clause is a very wise one, because it deals with unnaturalised people. I know that in my own industry there is the fear that they might obtain the voting power in connection with the industry.

Hon. A. V. R. Abbott: This is a trust fund to which they contribute.

Hon. L. THORN: That is all very well. This is definitely a wise provision, and I would like to see it in all marketing Acts.

Mr. MANNING: This clause deals with those who are unnaturalised but it also includes other naturalised licensed growers by virtue of the fact that the times allowed

for the planting season have been extended; it covers a number of growers who were previously eliminated. I support the clause.

Clause put and passed.

Clauses 3 and 4, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville) [4.55] in moving the second reading said: The proposals in this Bill are such as I believe will find ready acceptance. If that is so, consideration of the measure should not occupy the time of the Chamber for very long. The State Electricity Commission, on a capitalisation of some £20,000,000, has made such wonderful progress that it is now able to pay its way, and the wiping off of the very substantial deficit that was in existence is now well in sight, and is expected to be achieved next year.

The proposals in the Bill deal with the personnel of the commission. The first provision is to increase the number of commissioners by one. At present, there are seven commissioners. One represents country consumers and the second city consumers; a third is an employee of the commission who represents its employees; the Under Treasurer, or his deputy, is an ex officio member, and there are three people who are members of the Institute of Engineers. It is proposed to add another member to the commission for reasons which I am now about to give.

When the commission was first formed, there was appointed to it, as representative of city consumers, a Mr. Gough, who was very well equipped for the task and who gave excellent service. Some agitation took place for the appointment to the commission of a direct representative of the commercial consumers as distinct from ordinary consumers. The Chamber of Manufactures repeatedly put this request before the previous Government.

Hon. D. Brand: Their consumption would be very high.

The MINISTER FOR WORKS: Very high indeed, and that fact was used as a basis for the claim. The chamber submitted that because its members consumed such a very large amount of current, they were entitled to direct representation. Shortly after the change of Government took place, when the period of appointment of the commissioners had expired, the then Government took advantage of that opportunity and, in place of Mr. Gough, who was the representative of city consumers, put on a Mr. Ledger, as representative of the commercial consumers, and advised the Chamber of Manufactures accordingly. When the Hawke Government took office and the periods of appointment again expired, it felt justified in putting Mr. Gough back on the commission.

That meant the displacement of Mr. Ledger who had served the commission very well—as had Mr. Gough before him—and had rendered really excellent service because of his special knowledge and association with the manufacturers. It was unfortunate that that alteration had to take place; but the Government felt fully justified in making it, because Mr. Gough had been originally appointed to the commission; and had, in the opinion of those on the commission, given excellent service, and been displaced only because of the desire of the Government of the day to give the manufacturers a direct representative.

It is not a good thing to have a frequent change of only one member of a commission in order to meet the special desires of another section. So it is proposed by this Bill—though not for that reason alone—to give the commercial consumers a direct representative, which they have asked for, and to make a place on the commission for him, so that there will be no need on a change of Government to displace an existing member who is serving well, in order to give somebody else direct representation.

When representatives of the Chamber of Manufactures came to see me, I considered they put up quite a good case for representation. They pointed out that, during times of difficulty, when rationing was necessary, industrial consumers had co-operated very closely with the commission and had done their level best to ease the burdens of the commission and to facilitate its work.

Hon. D. Brand: They were most co-operative.

The MINISTER FOR WORKS: Yes. I think their claim was fully borne out upon investigation of what actually occurred. It was further pointed out that, with regard to the use of neon signs, which involved the consumption of electricity which could be avoided, they were most co-operative and always did as the commission desired. It was felt that it would be doing a service to industry to enable those concerned to have a direct voice on the commission in order that aspects of various questions which were considered from time to time could be properly brought before the commission by some person closely associated with the industrial and commercial consumers and thus able to place first-hand knowledge before the commission.

The Government thought that a very good case was made out for direct representation, and this Bill provides for that representation. That having been decided, a method had to be determined by which the appointment and selection would be made, and the Bill sets down the procedure

to be followed. The Chamber of Commerce advised me that it would be perfectly satisfied to leave the nomination to the Chamber of Manufactures covering both industrial and commercial consumers; and the Bill provides that a panel of three names shall be submitted to the Minister, and that the submission shall be signed by the Chamber of Manufactures and the Chamber of Commerce, as representing their joint submission for appointment.

Hon. Sir Ross McLarty: Why do you want a panel of three names? Would you not be prepared to accept their nomination?

The MINISTER FOR WORKS: I think it is always a good thing to leave a Minister a little flexibility. There could be reasons known to the Minister, but unknown to the people nominating, that would cause him to be adverse to making the appointment suggested. I would say that in 999 cases out 1,000 the Minister would appoint the first person mentioned in the panel submitted, but there ought to be provision that would enable him to do otherwise if he had good reason for so doing.

It is not lack of confidence in the Chamber of Manufactures or the Chamber of Commerce that has prompted this proposal. When the request was put to me, and I indicated that the Government would probably view it favourably, I asked whether the Chamber of Manufactures would be content with this method of appointment, and the reply was that it was quite agreeable. This proposal, therefore, meets the wishes of the Chamber of Manufactures, which is quite agreeable to submitting a panel of names.

It has the further advantage of providing an opportunity for including in the panel somebody suggested by the Chamber of Commerce, and somebody suggested by the Chamber of Manufactures. If one name only were submitted, it would be from one body or the other. The proposal in the Bill provides the opportunity for the submission of names from both organisations; but it would be generally understood, I think, that the Minister would, in most instances, appoint the first person named, because the chamber will be asked to indicate order of priority.

That is the first provision in the Bill—that there shall be a direct representative of commercial and industrial consumers; and the Bill sets out the method by which the selection and appointment shall be carried out. If the Chamber of Manufactures fails, within a period of one month, to submit a panel of names, after having been invited to do so, there is a provision that the Minister himself may then make the appointment. That is a safeguard, in case somebody wishes to hold out and prevent an appointment being made. A month is ample time to make a selection; and if the panel is not forthcoming within a month, the Minister may—the Bill does not say that he shall; he may give the chamber a further opportunity—proceed to make an appointment himself.

The other provision in the Bill deals with the appointment of the employees' representative, over which considerable difficulty has arisen. It is provided in the Act that the person who represents the employees of the commission shall be an employee of the commission; but there is no machinery by which the selection shall be made. There are employed by the commission members of various unions, and it has been difficult to get agreement between the unions regarding the one from which the representative should come.

Members can quite readily see how that difficulty would arise. Naturally, each union would be anxious to have the appointment from within its ranks; and, because a number of unions are covered, trouble has arisen through inability to obtain agreement. The Bill endeavours to overcome that difficulty by providing that the State executive of the Australian Labour Party, which is the ruling body of all unions in this State—

Hon. A. V. R. Abbott: I thought it was a political body.

The MINISTER FOR WORKS: Political and industrial, the industrial unions being affiliated with the party and having direct representation on it. Once we concede—and it has been conceded, years ago—that the man appointed shall be a unionist, and that he shall be an employee of the commission, surely we should leave it to the unions concerned to make the determination! If it is left to any individual union, there is difficulty straight away with the other unions.

The only way is to take the matter to some body which represents all unions and on which all unions have a voice, and let that body submit a panel. This is not a new departure. It is a practice that has been followed for years with regard to the consumers' representative on, for example, the Metropolitan Markets Trust; and I can think of no fairer way of determining this matter than to say that the State executive of the A.L.P., on behalf of the employees concerned, shall be invited to submit a panel of three names.

Hon. Sir Ross McLarty: Except that you are giving representation to a member of a political party, are you not?

The MINISTER FOR WORKS: That is incidental. This measure does not do anything to confer representation: it only determines the method by which the representative shall be selected.

Hon. A. V. R. Abbott: Would you object to having the L.C.L. elect the manufacturers' representative?

The MINISTER FOR WORKS: No; but the manufacturers would.

Hon. Sir Ross McLarty: They would, and rightly so.

The MINISTER FOR WORKS: The unions will not object to this provision; that is the difference.

Hon. D. Brand: What union does Mr. Richter belong to? Do you know?

The MINISTER FOR WORKS: I do. It is the A.S.E.

Hon. A. V. R. Abbott: But is not the Arbitration Court the body that decides between unions?

The MINISTER FOR WORKS: Why refer to that in distinction to the other method with regard to the representative of the Chamber of Manufactures. They want to elect the commercial consumers' representative. If an objection is going to be raised, it might be found that there are persons in industry who are not members of the Chamber of Manufactures or of the Chamber of Commerce who would object to the Chamber of Manufactures selecting the panel.

Hon. Sir Ross McLarty: Suppose that other political organisations say to the Government, "You have a representative of the Labour Party on this commission"—

The MINISTER FOR WORKS: He will not be a representative of the Labour Party at all.

Hon. Sir Ross McLarty: The A.L.P. will be selecting the representative.

The MINISTER FOR WORKS: Let the Leader of the Opposition get this into his head: All this Bill does is to set up machinery for the selection. It does not in any way interfere with the provisions of the Act which set out the representation. The Act provides this—

> One shall be a person who is an employee of the commission nominated by the Minister as the representative of the employees of the commission.

That throws the responsibility on to the Minister to pick out somebody who is an employee of the commission and appoint him. But look at the Minister's difficulty! If he selects a man from the A.S.E., he is in trouble with other unions, because they say, "We have more men working with the commission than has the A.S.E. We are a bigger body. Put off the man who belongs to the A.S.E. and choose a representative from our union, because ours is the bigger body." If the Minister sees no reason for making the change, there is dissatisfaction amongst the employees, who say, "The wishes of the majority are being disregarded."

Hon. D. Brand: How will the A.L.P. overcome that difficulty?

The MINISTER FOR WORKS: Quite easily. On the A.L.P. State executive there are representatives appointed by the rank and file members of district councils, and each person who goes there is a duly accredited and elected representative of the district councils, which comprise the delegates from the various trade unions. In that way, we must get a full democratic expression of opinion. When the request for appointment goes before the State executive officers, it will be referred to the State executive and an election will be held. The State executive, which comprises the representatives of the various trade unions, will then, by preferential ballot, determine the panel of names to be submitted. This is not a new departure; it operates in regard to the Metropolitan Market Trust.

Hon. A. V. R. Abbott: That is not to say it is right.

The MINISTER FOR WORKS: Yes, it is.

Hon. A. V. R. Abbott: No.

The MINISTER FOR WORKS: Then why did the previous Government leave it in that way?

Hon. A. V. R. Abbott: I do not know.

The MINISTER FOR WORKS: I know; it was left in that way because it is right.

Hon. A. V. R. Abbott: Will not some of the unions not connected with the electricity department have a vote in this?

The MINISTER FOR WORKS: Yes, but the unions have no objection to it.

Hon. A. V. R. Abbott: Has this proposal been put to the rank and file?

The MINISTER FOR WORKS: Yes; the proposal is acceptable to the organisations concerned.

Hon. D. Brand: What if some of the unions decided to disaffiliate?

The MINISTER FOR WORKS: We shall take that hurdle when we come to it. It is extremely unlikely that such a thing will happen, but if the machinery proved to be unsatisfactory, an amendment could be made. The present position is satisfactory to nobody. All of the unions appreciate the difficulty. I had a number of deputations asking me to set up special machinery by which the selection could be made because the unions could not reach any agreement amongst themselves. Consequently, the selection had to be taken away from them individually and placed with a recognised body. Nobody can suggest a better body than the State executive of the A.L.P. to make the selection of an employees' representative. I defy anyone to name a more representative body.

Hon. A. V. R. Abbott: Why not direct representatives of the unions?

The MINISTER FOR WORKS: If the hon. member had given that matter any thought, he would have seen that a set of

circumstances would be created such as exists with regard to the Egg Board, where the largest branch controls the representation.

Hon. A. V. R. Abbott: Oh, no!

The MINISTER FOR WORKS: Oh, yes! If one union has 100 members employed and other unions have only 20 or 30 members, one could be certain that the representative would always come from the strongest union, simply because the members will vote for their own man. The initial appointment was not made on the selection of the unions, and so it happens that the present representative does not belong to the union having the greatest numerical strength. That gave rise to the dissatisfaction. Other unions said, "We have far more members employed by the S.E.C. than has the union to which the present representative belongs."

Hon. D. Brand: I do not recall this point having been raised during the three years I was Minister for Works. They seemed to be quite happy then.

The MINISTER FOR WORKS: The occasion for making an appointment did not arise during that period.

Hon. Sir Ross McLarty: Not during our six years of office?

The MINISTER FOR WORKS: The member for Greenough was not Minister for Works for six years. That is the explanation. Had this vacancy occurred during the term of the previous Government, it would have met with the same difficulty.

Hon. Sir Ross McLarty: For how long were the representatives appointed?

The MINISTER FOR WORKS: Three years.

Hon. Sir Ross McLarty: We were in office for six years.

The MINISTER FOR WORKS: But the member for Greenough was not Minister for Works for the whole of that time; the member for Narrogin was Minister for part of the time.

Hon. Sir Ross McLarty: Had there been any trouble of that sort, I would have remembered it because it would have gone to Cabinet.

The MINISTER FOR WORKS: I am surprised at the apparent opposition to this proposal. Members opposite seem to doubt the necessity for it.

Hon. Sir Ross McLarty: We do not like the political set-up.

The MINISTER FOR WORKS: That is only because the Leader of the Opposition, being steeped in politics, has made that approach to the question. The hon. member overlooks the fact that, although the State executive of the A.L.P. is a political body, it is also an industrial body. It is the organisation fully representative of all the affiliated trade unions. and all the unions concerned are affiliated with it. They are perfectly satisfied that the selection should be made in this way. They realise that the selection cannot be left to the individual unions or to the group of unions concerned because the result would be inevitable; the appointment would come from the numerically strongest body. Appreciating that difficulty, they are prepared to leave the selection to someone else, and who else could be comparable with the State executive of the A.L.P.? There is nothing new in this proposal.

Hon. A. V. R. Abbott: It only shows that the political party should be severed from the industrial party.

The MINISTER FOR WORKS: It would be a bad day for the State if that happened. In the Eastern States, that system does not work at all well, whereas the system here makes for peace in industry.

Hon. A. V. R. Abbott: I do not agree.

The MINISTER FOR WORKS: The evidence is all against the hon. member.

Hon. A. V. R. Abbott: They do not say so in the Eastern States.

The Premier: Who do not say so?

Hon. A. V. R. Abbott: The Labour Party.

The MINISTER FOR WORKS: The hon. member has no evidence to support that.

Hon. A. V. R. Abbott: I have read of it.

The MINISTER FOR WORKS: It is merely the hon. member's opinion.

Hon. A. V. R. Abbott: Well, why do not they merge in the Eastern States?

The MINISTER FOR WORKS: There are all sorts of difficulties, but it does not follow that many people there do not believe that they should adopt our set-up.

Hon. A. V. R. Abbott: If it is good, why not?

The MINISTER FOR WORKS: People do not always adopt what is good.

Hon. Sir Ross McLarty: If we had attempted to make appointments from a political party, I can imagine what your side would have said.

The MINISTER FOR WORKS: What is the real objection of the Leader of the Opposition? Can his objection be sustained? The Act provides that a representative of the employees shall be appointed to the commission.

Hon. A. V. R. Abbott: Are there some employees of the S.E.C. who are not members of a union?

The MINISTER FOR WORKS: No.

Hon. A. V. R. Abbott: I would have thought there were.

The MINISTER FOR WORKS: No.

Hon. A. V. R. Abbott: There must surely be some employees who are not members of a union.

The MINISTER FOR WORKS: Does the hon. member really think so?

Hon. A. V. R. Abbott: I suppose there are some—accountants, for instance.

The MINISTER FOR WORKS: They would be members of the Clerks Union.

Hon. A. V. R. Abbott: Not necessarily.

The MINISTER FOR WORKS: They would not last long in their jobs if they did not belong to a union.

Hon. A. V. R. Abbott: It does not follow that every employee is a member of a union.

The MINISTER FOR WORKS: The hon. member may rest assured that there is not likely to be any alteration to the provision that the employees of the S.E.C. shall have a representative, and we have to find a method that will satisfy the employees.

Hon. A. V. R. Abbott: That will be simple.

The MINISTER FOR WORKS: It is simple enough, but the hon. member will not accept our proposal.

Hon. A. V. R. Abbott: This is not the way to do it.

The MINISTER FOR WORKS: It is the way.

Mr. SPEAKER: Order! This constant stream of interjections by the member for Mt. Lawley must cease.

The Minister for Labour: You put a similar provision in the Workers' Compensation Act.

Mr. Speaker: Order!

The MINISTER FOR WORKS: This proposal satisfies the employees who are to be represented. Who else is there to object?

Hon. A. V. R. Abbott: There could be other objections.

Mr. SPEAKER: Order! Will the Minister address the Chair, instead of the member for Mt. Lawley?

The MINISTER FOR WORKS: I have no intention of addressing the member for Mt. Lawley solely. I am directing my remarks through, you, Mr. Speaker, to the House. The point I am endeavouring to prove is that this is a provision for the selection of the employees' representative. The persons most concerned are the employees and nobody else. The employees themselves have already expressed great dissatisfaction with the existing method because they could not reach any agreement amongst themselves, for the obvious reason that the largest union considered that the representative ought to come from its ranks. They say, "We have the largest number of men employed. We are not satisfied with the present member; we think he should come from our organisation, but we have no chance under the existing machinery of getting any alteration."

Hon. A. V. R. Abbott: Should not that union be entitled to the representation?

The MINISTER FOR WORKS: The union to which the present representative belongs says it is quite satisfied with things as they are, but if there was to be a meeting of all the unions concerned, it would not be satisfied because it would be out-voted.

Hon. Sir Ross McLarty: Could not the S.E.C. employees elect their own representative?

The MINISTER FOR WORKS: The Leader of the Opposition has completely missed the point. If we set up such an organisation, we would have a meeting of some hundreds of men, the majority of whom belonged to one organisation, and when they voted, we can be sure as night follows day that the representative selected would be a man from the union with the largest number of members.

Hon. A. V. R. Abbott: Is not that democratic?

The MINISTER FOR WORKS: No.

Hon. A. V. R. Abbott: I thought you did not believe in the minority ruling.

The MINISTER FOR WORKS: I do not, and that is why the provision has been included in the Bill. Otherwise, the selection would be made from the union with the largest number of members.

Hon. Sir Ross McLarty: I think you had better correct your statement that you do not believe in minorities having a say.

The MINISTER FOR WORKS: What I intended was that I do not believe in minorities making the decision.

Hon. A. V. R. Abbott: Do you believe in majorities making the decision?

The MINISTER FOR WORKS: Of course I do.

Hon. A. V. R. Abbott: Then what is your objection to the majority of one union deciding the question?

The MINISTER FOR WORKS: Would the hon. member allow one man to make a decision because he was a majority?

The Premier: I think the Leader of the Opposition should keep more order amongst his friends.

The MINISTER FOR WORKS: There is no more justification for trying to amend this provision than the one in which we provide for a selection to be

made by the Chamber of Manufactures. Members opposite did not raise a single objection to that proposal.

Hon. Sir Ross McLarty: Why should we?

The MINISTER FOR WORKS: Because the Chamber of Manufactures does not embrace all industrial consumers.

The Premier: Not by a long way.

The MINISTER FOR WORKS: Quite a number of industrial consumers will have no voice in the selection of the representative because it will be made by the Chamber of Manufactures. Set side by side, the provision for the selection of the employees' representative is far more satisfactory than the one which provides for the selection of the representative of the industrial consumers, because a situation could not arise where there were many persons, if any, who did not have a voice in the selection of the employees' representative, but there could be quite a lot of persons who would have no voice in the selection of the direct representative of the industrial and commercial consumers. Members opposite raised no objection to the first provision, but are now raising objection to this, without the slightest justification and simply because they think it has some political taint.

Hon. A. V. R. Abbott: Has it not?

The MINISTER FOR WORKS: No. The State executive of the A.L.P. has been selected because it is the only body in existence which is truly representative of these unions and which is acceptable to them. I do not propose to argue the matter any further at this stage as there will be an opportunity for that when the Bill is in Committee. I am indeed surprised that members opposite so readily accepted the first provision and then raised objection to the second. I feel that upon reflection and after careful consideration, fair-minded men must agree that these amendments are necessary and desirable and consequently vote for the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. D. Brand, debate adjourned.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the 2nd September.

MR. BRADY (Guildford-Midland) [5.32]: I desire to discuss this measure from an angle probably different from that of other members. Most of those who have so far spoken during the debate have had considerable experience of the difficulties associated with the combating of bush fires but, apart from once having lit a bush fire, I have not had much experience of them. Had I known as much then as I know now I certainly would not have lit that fire.

My object is to endeavour to protect innocent people who might be involved in legal difficulties for having lit a fire to boil a billy, perhaps on a Sunday afternoon in the hills, in the event of their being prosecuted for it. I understood the Leader of the Opposition to say the other evening that a brochure is being published in connection with this measure and, if that is so, I hope it will be distributed far and wide. I would like the Minister to take every opportunity of advertising, by means of picture slides, both in the metropolitan area and the country districts, and by whatever means is best in the schools, the dire penalties awaiting anyone who in future takes the risk of lighting a fire in the country or who, when smoking, throws a match or a cigarette butt down during certain periods of the year.

More publicity should, I believe, be given to this Bill both in this House and in the Press, and the Minister should advertise by every possible means the penalties it provides. Many of the fires lit in the bush from time to time are started by people who are quite innocent and who do not realise just what they are doing. I would not like to see anyone in that category faced with a penalty such as a £500 fine or five years' imprisonment for something done in all innocence. I feel that where the measure provides such severe penalties for the person who lights or even attempts to light a fire the word "deliberately" should be inserted.

If a person deliberately lights a fire which gets out of hand, he probably deserves all that is coming to him; but someone might quite innocently light a fire to make a billy of tea or burn off a bit of scrub and in such an instance I think the penalties provided are too severe and should be watered down somewhat. The three voluntary fire brigades in my electorate are frequently called out to fight bush fires, particularly in the months of February and March. During those months one hears the bell ringing or the siren going at Midland Junction perhaps three or four times a day. One often hears the alarm given perhaps 15 times in a week during the drier portion of the year when bush fires are prevalent. I understand that there is no legal obligation on the members of these volunteer fire brigades to turn out, but they make themselves available at any hour of the day or night, once the alarm is given, in order to avert the loss of life or the destruction of valuable property.

I would remind the House that the members of these fire brigades have to do their normal day's work, apart from turning out to fight fires and any provision in this measure to protect them or to reduce the

possibility of fire will receive my full support. I realise that severe penalties must be provided to prevent the wanton lighting of fires, but I do hope that the Minister will ask the committee which is to administer the legislation to give as much publicity as possible to the heavy penalties provided, particularly in view of the fact that the definition of "bush fire" in the Bill embraces a number of innocent-seeming matters that the average person would not expect to render him liable to a penalty.

If a person attempted to burn off a bit of scrub, stubble or undergrowth, he could, under this measure, be charged with having started a bush fire, though nothing might have been further from his mind at the time. There are, in my electorate, hundreds of people, with blocks of land varying from half an acre to perhaps an acre, who might become liable to penalties if the Bill is passed in its present form, and particularly if they are not given ample warning of its provisions.

The measure further provides that people using certain kinds of matches are liable to a penalty of £50. Although wax matches are quite innocent looking, that penalty is provided for the person using them, if he is charged. No minimum penalty is provided, but just a straight-out fine of £50, according to my reading of this provision. Another clause sets out that if a person is carrying wadding with which to charge his own ammunition, while out shooting, he is liable to a penalty of £50 if he is prosecuted. I feel that the penalties are a bit drastic, as set out in Clauses 27, 28 and 29 and so I repeat that I hope the public will be given every possible warning of the provisions of the Bill.

I hope the main portion of the Bill will be agreed to, but think some of the penalties should be broken down considerably. For the sake of the thousands of people in the metropolitan area who take trips to the country and who might not realise the danger of throwing a match or a cigarette butt out of a window of a motor-vehicle, I stress yet again the need for ample warning to be given of the penalties provided for such an action. I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. H. Styants—Kalgoorlie) [5.40]: The only matter upon which I wish to touch is the constant reference made by members opposite to fires caused by railway locomotives. They claim that there is an inconsistency in the provision of the measure which states that should a person, after having observed all the requisite precautions, allow a fire to escape, or if a fire escapes despite his efforts, he is responsible for any damage caused.

That is precisely what the policy of the Railway Department has been for years. If a fire escapes, for instance, when a gang is burning off within the boundaries of railway property and any damage is done, the department always pays for the loss involved. If a locomotive starts a fire which spreads from within the bounds of the railway fences, the department almost invariably, if not always, pays for the damage caused. The principle contained in the Bill has been observed for many years by the Railway Department.

If there is any doubt in the minds of members opposite as to what the position of the Railway Department is in regard to paying for damage done by fires alleged to have been started by railway engines, I think the situation is clearly set out in a letter from the present Leader of the Opposition to the Farmers' Union. This letter, dated the 7th June, 1950, was forwarded in reply to a request from the Farmers' Union that the Act be amended to compel the Railway Department to accept responsibility for any damage done by a fire caused by a spark from a locomotive. The letter reads—

> Further to the Acting Premier's letter of the 15th June, 1950, in reply to yours of the 7th June, concerning the resolution passed at the recent General Conference of your Union in regard to fires caused by railway engines or the burning of fire-breaks, I wish to advise you that so far as the escape of fire during burning-off operations on railway land is concerned, the Department generally accepts liability.

That is the provision in the Bill and the Railway Department has accepted the principle contained in it for many years. The letter continues—

> The position in regard to fires caused by sparks from locomotives is that the Railways Commission is obliged under the Railways Act to provide trained services, and in doing so it is encumbent upon the Commission to use the best practicable and available material and equipment consistent with efficiency and economy in the operation of the railway system. If, therefore, in the proper discharge of these duties sparks from locomotives cause fires, the Commission is not held liable; to do otherwise would be to penalise the Department for doing something which in the pursuit of its legal occupation it could not prevent.
>
> If statutory provisions were made for the Government to accept liability, the Government would undoubtedly be held responsible for all fires started in the vicinity of the railway reserve, irrespective of the cause, the onus of proof of which would rest with the Government. It is not proposed, therefore, to amend the legislation to make provision to that effect.

> Since the present Government took office—

That was the Government led by the present Leader of the Opposition. Continuing—

> —efforts have been made to evolve a scheme of insurance for farmers but to date nothing workable appears to have been evolved.

And it was not evolved. To proceed—

> In certain of the dry areas diesel locomotives are to be used. In other areas Newcastle coal, when available, has been used in the summer months. You can be assured that every possible effort is being made by the Railway Department to minimise the fire danger.

In passing, I would like to say that last year fire precautions, such as ploughing, burning of fire breaks and other safeguards cost the Railway Department £36,000. So that is an indication that the department does take extensive precautions to prevent the lighting of fires or their spreading from railway grounds. I feel particularly sympathetic towards anyone who gets burnt out by a fire, irrespective of how it has been started.

Last year I visited one of the branch lines in the Katanning district where a considerable amount of damage had been caused by a fire alleged to have been started by a railway engine. The scene was one of desolation and was particularly pathetic. It was really heart-breaking to witness the devastation that had been wrought. Crops had been burnt, fences razed to the ground and considerable damage had been caused over a distance of seven to 10 miles.

However, as far as the Railway Department is concerned, the position is precisely the same today as it was in 1950 when the Leader of the Opposition, who was then Premier, declined to amend the legislation to make the Railway Department responsible for all fires, irrespective of whether they originated on railway property or not. The principle contained in the Bill has been observed by the Railway Department for many years, namely, that if a fire gets away, despite the fact that every precaution has been taken, the person who lights that fire shall be responsible for the damage.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren—in reply) [5.50]: First of all, I thank members for the interest they have shown in the Bill. I suppose it has been a long time since such a variety of suggestions has been put forward by members, representing both country and metropolitan districts, on a measure of this nature. This is a good thing in so far as the intention of the Bill and the desire of the Government is concerned, namely, to prevent as far as possible the damaging fires that occur in many parts of the State. Unfortunately, this is not an easy thing to do.

The Act that is now on the statute book was not evolved overnight. It was slowly developed over the years as a result of experience gained by country people who had fought these fires to save the destruction of their stock, their pastures and their buildings. Arising from this process of evolution, an advisory committee was constituted, which is the centre of all country activity in this respect. That advisory committee has performed excellent service on behalf of country people generally over the years and mainly as a result of its experience and the knowledge gained by it, the Bill, which is a consolidating measure, together with amendments, is now before the House.

One of the first objectives of the measure is to take away from the committee its title of advisory committee and to give it some strength that it never had before. Previously its duties were, in the main, to advise the Minister of the day. The Bill now proposes to grant it powers of its own right, although its decisions will still be subject to the approval of the Minister. Nevertheless, the Bill, when it becomes an Act, will give to this newly-constituted board increased powers to control fires, powers that were never possessed in previous years by the advisory committee. That provision, in itself, is a good thing.

The Government does not intend to apologise for the severity of the penalties that are proposed in the Bill. I suppose two members out of every three who have spoken to the measure have complained that those penalties are extremely severe. The last speaker spoke in a similar strain. I do not believe that any member who so far has taken part in the debate fully appreciates what the Bill proposes in the way of penalties. I will instance the principal penalty in the Bill as an example. The relative clause reads as follows:—

> (1) A person who—
>
> (a) lights or causes to be lit or attempts to light a fire; or
>
> (b) places a match or other inflammable or combustible substance matter or thing in a position so that it may directly or indirectly be ignited by the rays of the sun or by friction or other means, or be exploded or set on fire, or whereby a fire may be lit or caused,
>
> under such circumstances as to be likely to injure or damage a person or property, whether the fire be caused or not, is guilty of an offence.
>
> Penalty—A fine of five hundred pounds or imprisonment for five years.

Hon. A. V. R. Abbott: It does not say there "with the intention of causing a fire." It says, in effect, that it may be done accidentally.

The MINISTER FOR LANDS: This provision has been carefully considered and a severe penalty has been proposed to discourage those who, for their own particular gain, attempt to do something by way of lighting a fire, and thereby take the risk of damaging or completely destroying pastures, stock, farmhouses and buildings.

Hon. A. V. R. Abbott: It may be only neglect.

The MINISTER FOR LANDS: In my opinion, this penalty is not severe enough. Does the hon. member know what would happen if a factory alongside his house were deliberately set on fire by a person who lit it for the purpose of gaining the insurance?

Hon. A. V. R. Abbott: That is arson.

The MINISTER FOR LANDS: This is arson.

Hon. A. V. R. Abbott: No, that could be unintentional.

The MINISTER FOR LANDS: This is arson.

Hon. A. V. R. Abbott: It is not arson.

The MINISTER FOR LANDS: This is the proposed penalty for a person who deliberately does something to cause a fire.

Hon. A. V. R. Abbott: Not intentionally.

The MINISTER FOR LANDS: It is for a person who deliberately attempts to light a fire.

Hon. A. V. R. Abbott: And then the word "or" comes in. Go on!

The MINISTER FOR LANDS: Very well. It reads—

> A person who—
>
> (b) places a match or other inflammable or combustible substance matter or thing in a position so that it may directly or indirectly be ignited by the rays of the sun..... is guilty of an offence.

Hon. A. V. R. Abbott: No.

The MINISTER FOR LANDS: I say he is.

Hon. A. V. R. Abbott: You must read the rest of the clause.

The MINISTER FOR LANDS: Are we going to carry on like this again?

Hon. A. V. R. Abbott: You always avoid the initiative.

The MINISTER FOR LANDS: I am taking the initiative in this instance. This is comparable to a person in the metropolitan area who deliberately sets fire to business premises. This provision proposes to punish those people who deliberately light fires in country districts in an attempt to do some damage.

Hon. A. V. R. Abbott: And people who are careless can get five years, too.

The MINISTER FOR LANDS: There are other provisions in the Bill to deal with people who are careless.

Hon. A. V. R. Abbott: This deals with careless people, too, but they will get five years for it.

The MINISTER FOR LANDS: This refers to something that is done by a person in the country or in the bush who lights a fire, resulting in damage to stock and pastures, for his own gain. If the hon. member feels that a penalty of £500 or five years' imprisonment is too harsh for doing something of that nature, why would he—as I am sure he would—agree to a penalty of 15 years' imprisonment, imposed under the Criminal Code, if the same thing occurred in the metropolitan area? There is no difference between a man who lights a fire in country districts and one who lights a fire in Mt. Lawley. Apart from that, I feel that the member for Mt. Lawley, the member for Guildford-Midland and other speakers are wrong in thinking that this penalty is the minimum.

Of course, it is nothing of the kind. It is the maximum penalty.

Hon. A. V. R. Abbott: That is so; I know that.

The MINISTER FOR LANDS: Then why is it too severe? Does the hon. member know that in the Bill there is a provision which states that where the minimum is not declared, one-tenth of the maximum shall be imposed. Does the hon. member know that? Has he read the Bill? Does not he know that the minimum penalty for this "arson," as we can quite readily term it, is £50 and not £500? It is one-tenth of the maximum penalty. Does the hon. member think that a £50 fine is too severe to impose on a person who is caught attempting to light a fire? In the circumstances that prevail when a bush fire occurs, and considering the damage that it can cause, does the hon. member think that a £50 fine is too severe, or even a £60 fine, whatever the magistrate determines?

Hon. A. V. R. Abbott: Do not you think that he might be tried before a jury?

The MINISTER FOR LANDS: I will deal with that aspect in a moment. Does the hon. member also think that a penalty of £500 is too much if it is proved that, as a result of a person lighting a fire, there is a widespread conflagration throughout a country district, causing untold damage?

Hon. A. V. R. Abbott: I did not argue that it was.

The MINISTER FOR LANDS: I have the hon. member's own words before me.

Hon. A. V. R. Abbott: You read the provision again and see what it says.

The MINISTER FOR LANDS: I have read it once, but I will read it again. The legal interpretation says that it is arson.

Hon. A. V. R. Abbott: No, it is not. You say it is, and I say it is not.

Mr. SPEAKER: Order! The hon. member should not interject while the Minister is speaking.

The MINISTER FOR LANDS: I will read the provision again for the benefit of the hon. member. It is as follows:—

(1) A person who—

(a) lights or causes to be lit or attempts to light a fire; or

(b) places a match or other inflammable or combustible substance matter or thing in a position so that it may directly or indirectly be ignited by the rays of the sun or by friction or other means, or be exploded or set on fire, or whereby a fire may be lit or caused—

Hon. A. V. R. Abbott: A person who leaves a bottle of petrol in the bush would be guilty under this provision.

The MINISTER FOR LANDS: And so would a person who put a wax match under a piece of glass so that the rays of the sun would ignite it.

Hon. A. V. R. Abbott: Yes, he would.

The MINISTER FOR LANDS: This provision has been inserted in the Bill to provide for a penalty against those persons who deliberately light fires.

Hon. A. V. R. Abbott: This does not deal with persons who deliberately light fires.

The MINISTER FOR LANDS: The member for Fremantle objects to this clause. I would say that if his house were burned as a result of arson, he would ask for the most severe penalty, which is 15 years' imprisonment.

Hon. J. B. Sleeman: I think this is a most savage clause.

The MINISTER FOR LANDS: I have already said that I do not make any apology for the Government in introducing severe penalties. For once in our lives, we must back up the central authority to the hilt. It has already done a tremendously good job, and local authorities are doing likewise. But penalties have been the weakness in this legislation for years. I intended to bring this point up in Committee but I may as well do it now. Over the last five years, from 1949 to 1954, the number of prosecutions and the fines imposed were as follows:—

Year.	Prosecutions.	Fines.
		£
1949-50	16	47
1950-51	7	28
1951-52	22	102
1952-53	55	187
1953-54	10	42
Total	110	406

Does anyone think that the penalties in the present Act have proved a deterrent?

Hon. J. B. Sleeman: You are going from one extreme to the other.

The MINISTER FOR LANDS: No. If we were to go to the extreme, we would impose the penalty under the Criminal Code, which is 15 years.

Hon. J. B. Sleeman: You say it is 15 years, but here it is five years.

The MINISTER FOR LANDS: No. The penalty prescribed is found in Clause 59 (2), which reads—

Notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1948, or of any other Act, the minimum penalty for an offence against this Act is, if no other minimum penalty is prescribed, one-tenth of the maximum penalty for that offence.

One-tenth of £500 would be £50, and one-tenth of five years imprisonment is six months for deliberately lighting a fire in the bush.

Hon. A. V. R. Abbott: This does not say "deliberately" lighting a fire.

The MINISTER FOR LANDS: Would the hon. member like me to insert the word "deliberately"?

Hon. A. V. R. Abbott: No.

The MINISTER FOR LANDS: It makes no difference. The effect and the meaning are the same.

Hon. A. V. R. Abbott: If you insert "with a view to lighting a fire" I will agree.

The MINISTER FOR LANDS: I use the word "deliberate" because a person who lights, or causes a fire to be lit, does so deliberately.

Hon. A. V. R. Abbott: I agree with you.

The MINISTER FOR LANDS: The only word left out is "deliberately." I shall not argue any further about that. What I wish to tell members is that the penalty that appears to be the worst in the Bill is not necessarily the most severe which could be imposed. It is not necessarily the penalty which ought to be imposed on offenders. The severest penalty is that for arson. I think I have made my point clear. It applies in exactly the

same way to penalties referred to by the member for Guildford-Midland. Wherever the penalty is £100 or five years' imprisonment, without reference to a minimum, the minimum is stated to be one-tenth of the maximum. We leave it to the discretion of the magistrate.

Hon. A. V. R. Abbott: This is something new for the Labour Party.

The MINISTER FOR LANDS: According to the severity of the fire and the extent of the guilt of the offender, the magistrate has discretion whether to impose the minimum, or some other penalty up to the maximum. I can think of no fairer or safer way of carrying this out. In the past, the provisions of the Act have been dealt with by justices of the peace but, because of the severity of the proposed penalties, the committee has advised that it would be in the best interests of the people generally if such cases were dealt with by magistrates. I entirely agree with that.

During his speech, the Leader of the Opposition indicated a number of matters that were worrying some organisations in his electorate. He said that, depending on the replies received, he would decide whether or not to introduce amendments. I shall now deal with the points raised. He asked that the time for burning on road reserves be made earlier than 6 p.m. This point was considered by the committee and it has no objection to allow burning from 4 p.m., knowing full well that the responsibility will fall on local authorities to determine the time. If the Leader of the Opposition moves an amendment along those lines, I shall agree to it.

His second suggestion came from the Rockingham Road Board, which seeks the deletion of Clause 25 (1) (a). This amendment cannot be accepted. While I agree that it is commendable for the Rockingham and other road boards to provide for special camping areas, which is as safe a way as any, I must point out that the Bill will apply to the whole State and there will be many breaches of the Act if such an amendment is allowed. Not every road board is prepared to undertake the work and expense entailed in providing special camping sites. The hon. member can see how difficult it would be to police the Act and prevent breaches. The Rockingham Road Board also requests the deletion of Clause 25 (1) (b). There is no need to amend the Bill in this regard because a discretion is provided inasmuch as the distance of 20 ft. is the minimum and a local governing authority can prescribe any distance over that. There is power in the Bill to meet the desires of a road board in that regard without any alteration to the clause.

Another request from the board seeks the deletion of Clause 25 (1) (c) (i) dealing with the lighting of a fire for the purpose of disposing of carcasses. There is no need for this amendment and actually no case was put up by the Leader of the Opposition when he read out the letter from the Rockingham Road Board. It would be extremely dangerous to amend the clause as proposed knowing full well that the disposal of dead animals can be effected only by burning. I suppose it is possible to bury them, but that would be expensive and troublesome. The usual method is by fire. The danger comes from the amount of wood that is needed for this purpose.

Hon. Sir Ross McLarty: Yes, and the length of time for burning.

The MINISTER FOR LANDS: That is so. The hon. member must agree that it is best to leave the Bill as it is. The Farmers' Union on the Peel Estate desires the deletion of Clause 25 (1) (d) dealing with the burning of garden refuse. If this is deleted, it will mean that everyone will have to use an incinerator because no one is permitted to burn rubbish or household refuse on the ground unless sufficient space is cleared around it.

I do not think that people will trouble to install incinerators and I do not regard that as the best method for the disposal of household rubbish. This applies particularly on farms where a great deal of household refuse must be disposed of. In my view, and in the view of the committee, the best way is to clear a sufficient space and dispose of the refuse in the normal way, by burning. To depend upon people installing incinerators is to hope for too much. Excepting for the first suggestion of the Leader of the Opposition, which I agree to, the rest cannot be accepted because I believe they are unnecessary. I leave it to him to take what action he desires at the appropriate time.

The main purpose of the Bill is, firstly, to give greater power to the board. This is something it has earned over the years, and to give additional representation on the board to a certain part of the country which has not received it up till now. I refer to the Avon-Midland area. It introduces an entirely new factor in fire prevention inasmuch as, for the first time, the board will have power to appoint special wardens for specific duties in certain areas. This is entirely different from previous practice. It will prove to be of great advantage to the board and to local authorities scattered throughout the State which, up till now, have depended so much on their own authority and their own decisions.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR LANDS: Before tea I was trying to tidy up the closing of the debate, and I feel that at this stage the Bill is largely a Committee one, and that most of what is yet to come by way of debate can be dealt with when the Bill is in Committee. However, before

the Bill reaches that stage, I ought to deal with one objection that was raised by one or more members, and that is with regard to the man who lights a fire, which, although he does all that the Act requires of him, escapes, and he becomes liable for costs up to £200 to either a local authority or the Forests Department as reimbursement of the expense it is put to in assisting to extinguish the fire.

Some members felt this was a bit unfair in the case of a man who had not committed any wrong. On the face of it, this does appear that way, but in 1948, I think, the Act was amended to provide that if a person complied with its provisions he was not liable under common law for the damage sustained by another person. As a result of a couple of years' experience of that provision, the local authorities, fire boards and farmers generally thought it was a hopeless situation in which to operate. As a consequence, the Act was amended, and we find reference to it in the Bill.

There should be no doubt in the mind of anybody in this connection because whether we are talking about guilt or not, if a farmer allowed a fire to escape, either accidentally or otherwise, I believe common law would apply whether or not there was provision in the Act to cover the situation. But, in any case, the Government in 1950, I think, reintroduced this common law principle because it was felt that if a person suffered severe loss or damage, as the result of a fire which was not of his making, he should not have to bear that loss.

Round about the same time, unlimited costs were allowed. A man who permitted a fire to escape was, under common law, liable for damages and unlimited costs. We have not included that provision in the Bill. Members who complain about the maximum of £200 for costs, do not realise that a little while ago there was an unlimited amount. We have provided what we think is reasonable. I do not believe that the amount would, in any case, reach £200.

The cost for the amount of work actually done by the Forests Department or the local authority might amount to £10, £20 or even £50, and so provision is included in the Bill to cover what we believe is a fair thing. Local authorities and the Forests Department have to employ men on wages, and when they undertake to put out a fire which has escaped, they should, in all fairness, be entitled to recover some of the outlay; that is quite apart from the equipment they provide.

Another point I wish to make is in connection with the railways. The Minister for Railways took part in the debate tonight, and rightly so, because there is an absolutely wrong impression in country districts about the extent of damage caused by railway engines. If members went around country districts, as I do, they would hear the average farmer blame the railways, but they blame the railways far too much. The annual reports of the Forests Department show just how guilty the Railway Department—the W.A.G.R.—really is in respect of fires started in country areas. I have watched the position over the years, because I have always been interested in the Forests Department reports. The significant part of the department's report for the year ended the 30th June, 1953, states that there was a total of 289 fires started in country areas, and of that number the W.A.G.R. locomotives were responsible for nine.

Hon. A. V. R. Abbott: Those were the ones that were proved.

Mr. Perkins: Where did these figures come from?

The MINISTER FOR LANDS: These were compiled by the Forests Department.

Mr. Perkins: It has not officers out in the agricultural areas.

The MINISTER FOR LANDS: The figures are collected by various authorities and passed on to the Forests Department for inclusion in its annual report.

Hon. D. Brand: The department would not be reporting on the agricultural areas.

The MINISTER FOR LANDS: Yes, it would.

Hon. D. Brand: For what purposes?

The MINISTER FOR LANDS: All its activities are carried out in the country areas. Where does the hon. member think the Forests Department operates, other than in Cathedral Avenue?

Mr. Perkins: There are no records kept in the wheatgrowing areas of the fires that are started.

The MINISTER FOR LANDS: This report states—

> The total number of fires attended by departmental gangs during the year under review was 289 as compared with 324 for the previous year, and a total of 4,042 acres of the intensively protected forest was burnt over, mostly very lightly.

The fires that escaped from controlled burns numbered 32; bush workers were responsible for 17; hunters and fishers, 10; householders, 6; on and from private property, which were proven, 61; firewood cutters, 5; travellers, 22; lightning, 3; and deliberately lit, 40. So the list goes on with other smaller numbers until it reaches the grand total of 289.

The Railway Department is not responsible for nearly as many fires as are charged against it; and I have always known that to be a fact. In this particular year some 40 fires were lit deliberately, yet members

are quibbling about the penalties we seek to impose by the Bill. We cannot be too harsh with a person who deliberately lights a fire. In addition there were 61 fires "on or from private property." That ties up the matter so far as I am concerned.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 6—agreed to.

Clause 7—Interpretation:

Mr. OWEN: It is usual in legislation such as this to specify the board which is the actual board dealing with the subject matter of the measure, but in this instance where the Bill has so much to do with local authorities, that are usually referred to as road boards, it has been suggested that there would be to the layman at least, a lot of confusion. Where the Bill mentions the board, he would naturally think of the road board. It has been suggested that we should qualify the term by calling it the "fire board."

The Minister for Lands: This is the bush fires board.

Mr. OWEN: Yes, and to us in this Chamber, and others who are used to delving into Acts, there is no doubt about the position. Further on in the Bill it states what the board can do and cannot do. Members of the public might be confused between a road board and the bush fires board.

The MINISTER FOR LANDS: That indicates the lack of publicity that has been given to the Act in past years. A person who is interested in this measure will have no difficulty in understanding it; "board" means the bush fires board. A road board as such is not mentioned in the Bill; it is referred to as a local authority, and I do not think we can cater for anyone who cannot read an Act such as this will be. Someone suggested earlier this afternoon that we should publicise this measure as much as possible by having thousands of leaflets printed and distributed. As I have already said, the bush fires board will do that as soon as it is constituted.

Mr. HEARMAN: What is the point in having a definition for "bush" and a definition for "stubble"? One would include the other, I think. As members may be asked this question, I would like to know the reason for the two definitions.

The MINISTER FOR LANDS: "Bush" means bush in its native state and certain portions of the measure particularly refer to "bush." But "stubble" would refer to portions of a man's property that have been cultivated and which he might desire to clear by fire. Provision must be made for that. If we did not have the two definitions, firemen would be taking risks which would not be covered by the Act and we would probably find amendments being introduced to cover that aspect. Apparently the experience of the advisory committee has led it to believe that there must be two definitions in the Act.

Clause put and passed.

Clause 8—Bush fires board established:

The MINISTER FOR LANDS: I move an amendment —

> That the word "nine" in line 20, page 4, be struck out and the word "ten" inserted in lieu.

As I explained earlier, there is another division of local authorities and in fairness to those people, they should have a representative on the board. This amendment makes provision for it.

Mr. PERKINS: The member for Moore was interested in this aspect, but unfortunately he is unavoidably absent. This is a moot point and I am not sure whether the number of members on the board should be increased. I agree that it is desirable to have a representative from the other division, but it may be possible to eliminate one of the other representatives. Take the representative of the Railways Commission. The commission will not accept responsibility for more than a portion of the fires which originate from railway property. In any case, the measure does not seek to bind the commission and it seems anomalous that it should have a representative on the board. If the railways are to have a representative, it should accept the decisions of the board as binding. I agree that it is desirable for the railways representative to confer with the board and act with it, but I cannot see any necessity for the representative to be a member of the board. He could be co-opted. In all other cases, the members of the board represent interests which are bound by its decisions as has been the case with decisions of the advisory committee.

The MINISTER FOR LANDS: I cannot agree with the hon. member's views. In the first place, the measure states that the local authorities shall have half of the number of representatives; they will have five out of ten. Then all the other interested bodies are mentioned. There are 4,000 miles of railway line in Western Australia—only 40 of which are in the metropolitan area—and most of the railway property adjoins farming and agricultural areas. So members can see how important it is for the Railways Commission to have a representative on the central body. I think the commission is fully entitled to a voice in such an important matter as this.

Mr. HILL: There is one omission from the board; I refer to a representative of the Farmers' Union. I think that is an oversight that should be rectified because the majority of fire fighters and members

of the bush fire brigades are members of the Farmers' Union. I hope the Minister will see his way clear to allow a representative of that union to become a member of the board.

The MINISTER FOR LANDS: I do not agree that the Farmers' Union should have a special representative on the board. At least 50 per cent. of the personnel of country road boards are farmers and the local authorities already have five representatives on the board, or will have if this amendment is agreed to. The farmers have complete control over the situation and I cannot agree with the hon. member that the Farmers' Union should have a representative.

Amendment put and passed.

The MINISTER FOR LANDS: I move an amendment—

That the word "four" in line 28, page 4, be struck out and the word "five" inserted in lieu.

This is a consequential amendment.

Amendment put and passed.

Mr. HEARMAN: I would like to hear the Minister for Railways on this clause. I am not entirely opposed to the idea of the commission being represented so long as it takes a greater interest in this matter. The Minister will recall that last year I approached him regarding certain breaks in the Wilga area and it appeared that the Railways Commission had already accepted a tender for the creation of a break which was completely inadequate. I had a look at the break and one would have needed a blacktracker to see where it was. I want some assurance from the Minister that the commission will really enter into the spirit of this matter, and if it is to have a representative, it should be prepared to abide by the general decisions of the board and not claim any exemption.

There are some places near my property where the railways are not able to burn satisfactorily early in the season. The department has to co-operate with the local authority and in some cases provision has to be made to burn outside the railway boundary. I have in mind one particular swampy area which has been the cause of frequent fires because it cannot be burnt at the normal time. I hope that the railways will be prepared to extend this additional co-operation. On occasions I have burnt this particular area myself. I think a far better spirit would exist between the railways, the Farmers' Union and the local authorities if greater attention were devoted to detail in these matters. I would like to hear the Minister on this point.

Clause, as amended, agreed to.

Clause 9—agreed to.

Clause 10—Powers of board:

Mr. BRADY: I move an amendment—

That after line 21, page 7, a new paragraph be insterted as follows:—

(g) conduct publicity campaigns for the purpose of improving fire prevention measures and warning the public of penalties laid down in the Act.

The clause is divided into two parts—into what the board shall do and what it may do. I should like to insert another provision as to what the board shall do. My amendment could have a twofold purpose. Firstly, it could warn all and sundry as to what is deemed to be a reasonable fire prevention measure and, secondly, it could warn everybody as to the penalties involved if these fire prevention measures are not carried out.

A number of people have quite innocently lighted fires in the country in years gone by; in years when the motor traffic was not so dense as it is today and when so many people did not visit the country as they do today. Thousands of people in the metropolitan area do not know what the Act contains, and they will not know what this measure will contain when it is passed. I would like the public to know the penalties they are up against.

The MINISTER FOR LANDS: I appreciate the objective of the hon. member. The board has been doing a tremendous amount of work in relation to publicity. The chairman of the advisory committee has made several broadcasts from time to time as have the forestry officers, indicating the fire hazards. As the Leader of the Opposition pointed out, the tens of thousands of pamphlets that have been issued have acquainted the people of the penalties involved. I do not mind one of the provisions now in the Bill being moved up to make it obligatory.

The board appreciates full well what it should do; it is part of its obligation to inform the public about fire prevention; it has done so for years. In passing I would like to say that there are a number of amendments on the notice paper to which we have not given any consideration yet. If members desire to move amendments to the Bill, they should place them on the notice paper in the ordinary way.

Hon. Sir Ross McLarty: I wish they had done so in the past. You are quite right.

The MINISTER FOR LANDS: I have always tried to do so. It is the only fair way because then we can all know what the amendments contain. If for some reason a member has not been able to prepare an amendment, it can still be moved in another place. If the hon. member desires to make this obligatory, he can do so without altering the wording of the clause.

Mr. BRADY: I want to help the Minister. I can appreciate his anxiety to get the Bill through in its present form just as I know that the country members are right on the ball in relation to this measure. But while we want a measure that is up to date with maximum penalties there are 40,000 to 50,000 people in the near metropolitan area who know nothing about bush fires.

Never have I heard any discussion about the dangers of bush fires and how they should be dealt with in the near metropolitan area. I am trying to make the people in the near metropolitan area fire conscious, while endeavouring to do the same for those in the country districts. If the children in the schools and those who attend the cinemas and move around Government offices are advised of the dangers of bush fires, I think we would help rather than hinder the Minister.

Mr. PERKINS: I appreciate what the member for Guildford-Midland had to say, but I think the clause as it stands covers the position. If members look at it they will see there is a basic difference between the matters referred to in the first part which it is obligatory for the board to do and those in the second section which they may do. Surely the member for Gulidford-Midland would not suggest that when constituted the board will ignore the second part of the clause. With the publicity that is given to this provision from time to time, the board may decide that it may need to vary the stress it places on the second portion of the clause. The discretion should be left to the board in this matter.

Hon. A. V. R. Abbott: Why?

Mr. PERKINS: Surely it should be left that discretion if it is a responsible constituted body. I have heard the member for Mt. Lawley stressing this very point, namely, that boards should not be bound hand and foot.

Hon. A. V. R. Abbott: I have referred to magistrates, never to boards.

Mr. PERKINS: I am confident I have heard the hon. member advocating the same thing in relation to boards. But that is beside the point. I think the discretion should be left to the board to carry out its responsibilities. The officers concerned should have some discretion. The clause has been drafted after careful consideration and it is not a question of a number of people being involved. I think the member for Guildford-Midland will agree. It is merely a question of leaving greater or less discretion with the board.

Hon. L. THORN: I agree with the member for Roe and I am surprised that the Minister should consider departing from the draft of his Bill. The present committee carries out a vigorous campaign in the prevention of bush fires.

Mr. Brady: Where does it carry that out?

Hon. L. THORN: There is a bush fires week and picture shows are held.

Mr. Brady: They ought to be put on at Bassendean and Midland Junction.

Hon. L. THORN: In the hills it will be seen that there are notices concerning the prevention of bush fires and places have been built to permit people to boil their billies while they are picnicking. The board cannot do more than it is doing now.

The Premier: What harm will it do?

Hon. L. THORN: We should not alter the Bill; there is nothing wrong with it in its present form. If I did not know the member for Guildford-Midland well, I would say he was on a publicity campaign. But knowing him as I do, I feel certain he is sincere in what he brings forward. The Minister and the Premier know that the clause is just as effective now as it would be if the provision were shifted up to say "shall." Why have the Bill redrafted? I suggest that the Minister should stick to the clause.

Mr. BRADY: I would not be so persistent if it were not for the dire penalties provided in the Bill. I do not know of any measure introduced in this place in which the penalties have been so vicious on the one hand; and in which, on the other, there have been so many two-edged swords. I happen to be in an electorate which is between a bush fire brigade area and a municipal fire brigade area. While people in bush fire brigade areas, like the member for Roe, know the details of the bush fires legislation, I venture the opinion that not one in a hundred in the metropolitan area knows those provisions. I doubt whether members of this Committee know them, and whether they realise the seriousness of the penalties which are proposed.

I want people in the metropolitan area, who are likely to be the greatest sufferers, to be acquainted with the consequences of lighting a fire in the hills on week-ends; or leaving a drop of kerosene on the side of the road which may cause a fire; or burning off and thereby causing a fire through their operations getting out of hand. This last occurred to me on two occasions, although I took the precaution of having two other people with me to try to stop the fires getting out of control. I want the maximum publicity given to this matter so that other people who innocently light fires will know what can happen. The clause provides that the board may do certain things. I want it to be mandatory.

Mr. NALDER: I support the amendment, even if only for the purpose of ensuring that the travelling public—especially those from the metropolitan

area—are informed of their obligations when in the country. I do not altogether agree that there has been very little publicity in connection with this matter. On many occasions, especially in summertime, there have been many broadcasts regarding the responsibility of the travelling public to see that fires are not started. We cannot emphasise too much the need for every care being taken by those who go from the metropolitan area to the country districts during the summer. Time and time again it has been recorded that travellers have stopped along the road and lit a fire to boil a billy, and then have gone on without taking precautions to see that the fire has been extinguished. That is how many fires have started. A lot of damage done in this way is irrevocable. A moment of carelessness has destroyed the labours of a life-time.

The MINISTER FOR LANDS: I repeat that I do not mind the provision in this paragraph being made obligatory, but I do not see why we should stretch the matter further. I do not know how the member for Guildford-Midland proposes that his purpose shall be effected—whether each individual householder should receive a pamphlet at the expense of the board; or there should be an advertisement in the papers; or there should be a publicity campaign over the air. Those methods are being exploited now by the board.

Hon. Sir Ross McLarty: What you said just now would cover the matter—that the board should conduct publicity campaigns for the purpose of improving fire prevention measures.

The MINISTER FOR LANDS: I am prepared to accept that. But to treat the board like a lot of little children is a bit over the fence. If the hon. member desires to make this an obligation by moving that paragraph (b) of Subclause (2), be transferred to Subclause (1) as paragraph (g), I shall be agreeable. But if he insists on inserting other words in addition, I shall have to oppose the amendment.

Mr. BRADY: I do not want to be difficult. I have tried to emphasise that I am anxious to be helpful, but apparently the Minister thinks I want to be difficult. If the Minister would convey to the board what it could do in regard to publicity, I would be prepared to withdraw the latter portion of the amendment.

The CHAIRMAN: The hon. member will have to withdraw the whole of the proposed new paragraph and then move to transfer paragraph (b).

Mr. BRADY: With the permission of the Committee, I will withdraw the amendment and will move to have paragraph (b) of Subclause (2) transferred to Subclause (1) to stand as paragraph (g).

Amendment, by leave, withdrawn.

Mr. BRADY: I move an amendment—

That paragraph (b) of Subclause (2) be transferred to Subclause (1) to stand as paragraph (g).

Amendment put and passed.

The MINISTER FOR LANDS: In view of the fact that the words of paragraph (b) have been transferred to Subclause (1), I move an amendment—

That paragraph (b) of Subclause (2) be struck out.

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

Clauses 11 and 12—agreed to.

Clause 13—Duties of fire warden:

Mr. HILL: I move an amendment—

That after the word "board" in line 27, page 8, the words "and the local authority" be inserted.

It is essential that there be the closest possible co-operation between the bush fires board and the local authorities. When he has investigated a fire, the warden, if the amendment is agreed to, will report to the board and to the local authority.

The MINISTER FOR LANDS: I do not think there can be any objection to this amendment. It will be quite helpful for the warden to report to the local authority at the same time as he reports to his superiors on the board. If, however, the hon. member moves any more amendments along the lines of those he showed me earlier, I shall ask the Committee to disagree with them, because I do not think it is a fair thing for them to be moved without having been placed on the notice paper. The hon. member should either put them on the notice paper or have them moved in another place.

Hon. A. V. R. Abbott: To what local authority does the hon. member refer?

Mr. HILL: It would be the local authority concerned. A warden in the Albany district would report to the local authority there.

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

Clauses 14 to 16—agreed to.

Clause 17—Prohibited burning times may be declared:

Mr. MANNING: On the second reading, I suggested a variation of the prohibited burning times—14 days earlier or 14 days later.

The Minister for Lands: You mean for the local authority?

Mr. MANNING: Yes. That is not sufficient, particularly the closing day. We should provide for at least 21 days later.

It would be difficult to carry out controlled burning in the time allowed. I move an amendment—

That the word "fourteen" in line 16, page 12, be struck out with a view to inserting the word "twenty-one".

The MINISTER FOR LANDS: I oppose the amendment. The hon. member seemingly does not appreciate that the object of the provision is to facilitate local authorities' making alterations in the burning period. This is something that has not been conceded before. There is no danger in permitting a local authority to declare the prohibited burning time a fortnight in advance or to extend it by 14 days, which should be sufficient in any district. If a local authority desired that the period be four or five weeks before or after, it would only have to put its proposition to the board. As the local authorities are on the spot and know what is required, the board accepts their advice. I do not think any local authority will complain at having been granted this additional power.

Amendment put and negatived.

Clause put and passed.

Clause 18—Restricted burning times:

Mr. OWEN: I move an amendment—

That the words "of at least ten feet or such greater width" in lines 21 and 22, page 14, be struck out.

The paragraph would then read—

(d) the land immediately adjoining on all sides the whole of the land on which the burning is to take place has, throughout the whole length of every side, either been ploughed or has been cleared of all bush and other inflammable material to a width as is specified in the permit issued under paragraph (c) of this subsection.

During the second reading I mentioned the conditions in the hills areas. In some instances, if a 10ft. break were required, practically the whole of the block would be cleared. Where the fire control officer knew the conditions, it would be simpler to grant a permit for burning without stipulating the width of the break. At the same time, the position in other districts would be safeguarded because a permit would have to be obtained from the local authority. If we delete the words, the control officer will be authorised to grant a permit for whatever width he considered desirable.

The MINISTER FOR LANDS: I know of no part of the hon. member's electorate where a break of 10ft. could not be provided. The words proposed to be deleted are important in that they are designed to afford security against fire.

Mr. OWEN: The permit would specify the width of break required. In some districts, a break of 50ft. might be necessary, while in other places a smaller width would be quite safe. If discretion were vested in the local fire control officer, no hardship would result. Quite a lot of old people reside in the hills, and they themselves could not carry out the work of providing such a break.

Mr. NALDER: The amendment is reasonable. In any area, an individual may not light a fire without obtaining a permit from the fire control officer, and if he on inspection considered the hazard with a 10ft. break to be too great, he could instruct the applicant to provide a wider break.

The MINISTER FOR LANDS: The amendment would open up dangerous possibilities. There must be some method of providing security, and this could result only from instructions laid down in the permit, but we are being asked to provide for a permit for burning inflammable bush without insisting upon protection in some instances. Fire is such an awful thing that the protection must be as strong as possible and a 10ft. break is not too much in the circumstances.

Mr. OWEN: It is usual for forestry officers to burn during the restricted burning time, without a fire break, and I cannot see there is any greater danger in the case of other burning, subject to a permit. The fire control officer would not issue a permit if he thought there was any danger.

Mr. YATES: The only danger in altering this provision is that different officers would have different ideas about the minimum safe distance. One might think it should be 20ft. but if there is something laid down in the Act, that would be enforced as the minimum, and the fire control officer could make it greater if he thought that was necessary.

Amendment put and negatived.

Mr. PERKINS: I move an amendment—

That paragraph (g), commencing on page 14, be struck out.

This paragraph provides an absolute prohibition of burning when the fire hazard is declared by the Forests Department and is broadcast as dangerous. Many people, particularly in wheatgrowing areas, do not think that provision practicable. The forecasts by the meteorologist are not infallible, as is borne out by a paragraph appearing on the front page of tonight's "Daily News," where it is pointed out that, in spite of a forecast of wintry weather and even a spot of thunder, a summery day gave an exuberant sun-worshipper unexpected hours on the beach.

Mr. Jamieson: Who are you barracking for?

Mr. PERKINS: Not for the meteorologist, at present. People in the country listen to forecasts and sometimes pay heed to them, although occasionally the forecasts are wrong. The agricultural areas extend from north of Geraldton to

the east of Esperance, and so mistakes may be made. On the 26th August the member for Blackwood asked the Minister—

> Can he inform the House who is responsible for, and the methods used, to determine the fire hazard forecasts in—
>
> (a) jarrah forest area;
>
> (b) karri forest area;
>
> (c) agricultural area?

The Minister replied—

> Fire weather forecasts are issued by the Divisional Meteorological Bureau, Perth, through the Australian Broadcasting Commission and local papers. For the forest regions, checks on the forecasts are made by the Forests Department's weather officer at Dwellingup prior to dissemination over that department's radio network to its various field offices.
>
> Fire weather forecasts are based on a knowledge of the actual degree of fire danger at any time. The method in use which was developed in 1934 by Forests Department officers, is the fundamental change in inflammability as indicated by the change in moisture content of half-inch cylinders of Pinus radiata under varying weather conditions. This determination of current fire danger is made at Dwellingup in the jarrah forest and Pemberton in the karri forest, and transmitted with other standard weather information to the Weather Bureau, Perth, at 3 p.m. each afternoon from November to April each summer.
>
> Forecasts for the agricultural region were commenced by the bureau two years ago at the request of the Commissioner of Railways. The Forests Department established a field weather station at its Dryandra mallet plantation (Narrogin district) in order to give the Weather Bureau a standard checking station in the drier areas. Dryandra forwards daily measurements of fire danger to the bureau at the same time as Dwellingup and Pemberton.
>
> The Weather Bureau then uses this measured degree of fire danger as a basis, and has to decide how the expected weather conditions for the following 24 hours will affect the fire hazard—whether it will be higher or lower. When the forecast for the following day is completed, it is forwarded to Dwellingup by telephone at 4 p.m. and sent out over the departmental radio system. It is conveyed to the general public after the general weather forecasts, following the news sessions in the evening, and in the morning, and a special telephone message at 7 a.m. is sent to the Railway Department giving the fire hazard for all regions of the South-West.
>
> Close liaison has been maintained between the Forest Meteorologist and the officers of the bureau during the past 20 years, and has led to a high degree of accuracy in forecasts for the forest regions.

The Minister for Lands: I remember that question.

Mr. PERKINS: The Minister will realise, from that, the method used in determining the fire hazard. It is ridiculous to use a forecast based on Dwellingup, Pemberton and Narrogin to determine the fire hazard for the whole of our vast agricultural areas, and if the Bill is agreed to in its present form this provision will not be closely observed as it will be difficult to prove in court, after a fire has been lit, that the individuals concerned knew what the fire hazard was.

Not only would there be legal difficulties, but the provision would not have the support of the people in some of the outer agricultural areas. If we are to leave some discretion to the fire control officer of the local authority, surely this is an instance of where that should be done! It has been put to me that there might be a piece of scrub or grass land in the middle of a forest area, with no fire risk. In order to clean up that land it would be necessary to choose a day when the fire hazard was high, although the fire could not possibly escape. If the Act is to work satisfactorily —it has worked reasonably well in the past—a lot of discretion must be left to the people on the spot.

Under this legislation the key people are the fire control officers appointed by the local authority. Where the local organisation is good and the control officers take their duties seriously the Act works well, fires are reduced to a minimum and there is co-operation from the local people. Unfortunately, too many Acts cannot be fully enforced because they are not practicable and it would be unwise to include in this measure a provision that could not be enforced. When the people know how the forecasts are arrived at, they will be even more sceptical about the practicability of this provision.

Progress reported.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clause 2. After the word "amended" in line 16 insert the following:—

> (a) by substituting for the word "arear" in line two the word "arrear."

The MINISTER FOR JUSTICE: There has been an error in the spelling of the word "arrear." I move—

That the amendment be agreed to.

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

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

BILL—SUPREME COURT ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [9.2] in moving the second reading said: This is an uncontroversial Bill. The proposals in it are in the nature of machinery provisions designed to assist the administration of justice. They have received the approval of the Chief Justice.

The first amendment has as its objective the inclusion in the definition section of the Act of an interpretation of "Master" and "Registrar" of the Supreme Court. Provision is also made for the appointment of a deputy master and a deputy registrar. Through an oversight, the principal Act lacks these provisions. In consequence, neither the registrar nor the master can delegate even the simplest of duties. No deputy registrar of the court has ever been appointed and the deputy master, who is assistant to the master, derives his authority from the Administration Act and the Lunacy Act only, which seriously restricts the ambit of his duties.

Supreme Court business has increased in volume and it is continuing to increase fairly rapidly. Therefore, it is very inconvenient if the master and registrar are prevented, by a shortcoming in the Act, from delegating suitable duties to their assistants. Another amendment is proposed to overcome difficulties which are created by the fact that the present system of arranging sittings of the Supreme Court in a circuit district is too cumbersome and does not allow prompt alteration of dates when required.

It is desirable to make the system less rigid and give the judges better control over the number, times and places of the sittings of circuit courts. For instance, for the sake of convenience, it is considered expedient that a sitting of the Supreme Court be held at Kalgoorlie more or less contemporaneously with the visit of the High Court to Western Australia. As will be realised, courts and other rooms are taken up by the High Court judges and their staffs and if one of the Supreme Court judges can hold hearings of cases in Kalgoorlie, at that time, it makes his room available for use by the visiting judges.

This is not the main reason for the amendment, of course. With the growth of the State and the gradual shifting of the balance of population in country districts, the need for establishment of other circuit courts may soon arise and the judges should be in a position to decide periodically the number of sittings warranted each year by the business in a circuit district. The amendment proposes to allow the Chief Justice, or, in his absence, the senior judge, to fix the time for the sittings of circuit courts each year by a rule of court made specially for that year, in much the same way as the High Court announces annually its fixtures in the different States for the ensuing 12 months. Other days can be specially appointed by the Chief Justice as necessity demands.

A further proposal is to give the court wider control over execution process against goods and land. The principal Act does not specifically direct how land seized under a writ of fieri facias must be sold; but the inference is that it must be sold by auction. A writ of fi fa, as it is commonly called, is a writ of execution directing the sheriff to whom it is addressed to levy from the goods and chattels of the debtor a sum equal to the amount of a judgment debt and costs. The sheriff makes a seizure and institutes a sale by execution. If, for any reason, the land is unsold at an auction by the sheriff, it is very doubtful whether there is any authority in the court to order a sale by public tender.

The doubts are resolved by the amendment I have just explained. A further amendment proposes to give a more effective remedy than the writ of sequestration to enforce a judgment or order directing payment of money into court. A writ of sequestration is a form of process directed by the Supreme Court to two commissioners named in the writ, empowering them to enter upon the land and sequester the rents and the goods of a person in contempt for disobedience of a decree or order of the court, and to keep the same until the defendant clears his contempt. So it will be seen that a sequestration order is much more cumbersome than is a writ of fi fa.

That is why this amendment is brought down. It is to facilitate the enforcing of an obligation by the court on any particular defendant. Failure to pay money into court is contempt, and the only way it can be enforced is by way of sequestration, because the principal Act prevents attachment—that is, arrest of a person—for non-payment of money, except in very special cases, or by judgment summons process under the Debtors Act, which does not apply to orders or payment into court.

The use of the writ of sequestration is an archaic procedure, which is cumbersome and quite unsuited to present-day conditions. It is also an expensive procedure. For instance, there is a case where a motorcar was seized, two commissioners

were appointed, and they had to put the car in a garage for which rent had to be paid. Before the car could be sold, an order of the court had to be obtained. It is proposed to substitute a writ of fi fa for a writ of sequestration. Under a writ of fi fa the land or goods can be seized and sold in the first instance and the proceeds paid into court by the sheriff to await the court's order. The ultimate effect is the same, but it is far more expeditious and less costly.

There is already a provision in the Divorce Code which enables a writ of fi fa, under which a disobedient party's land and goods can be sold, to be used instead of the writ of sequestration, the sheriff paying the proceeds into court to satisfy the court order. It is desired that the procedure under the principal Act be brought into line with the more up-to-date procedure prescribed in the Divorce Code, which has been found to be quite effective. The Chief Justice has said that the legislation should be assimilated.

The amendment with which I now deal is the result of a request from the Prime Minister, namely, that State legislation be amended to define more clearly the Australian consular officers overseas who are empowered to perform notarial acts. An all-embracing definition was prepared by the Commonwealth and submitted to the State for consideration. All the other States have either passed or intend to introduce similar legislation. The existing definition failed to include many Australian officers overseas who perform consular functions.

It has now been widened to suit the Commonwealth requirements. I consider that the Bill will facilitate the administration and will prove to be far more effective than the law which has operated in the past. It has received the sanction of the judges who have given this provision every consideration. It will bring the present legislation more into line with world standards.

Hon. A. V. R. Abbott: Did you say that this Bill has been submitted to the judges?

The MINISTER FOR JUSTICE: Yes. They have had a good look at it and approved of it. I do not think anything more can be said and I move—

> That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—HEALTH ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 11th August.

MR. HUTCHINSON (Cottesloe) [9.14]: This Bill may justly be described as a patchwork measure which tinkers with the Health Act. I say that because, of necessity, it is a patchwork Bill which seeks to patch up many sections of the Act. I am in agreement with the majority of its provisions; I will oppose one or two of them and will seek to amend two or three more. Nevertheless, it has proved to be an interesting Bill because of the wide variety of subjects with which it deals.

For example, one provision deals with the delegation of powers of the local authority to a health inspector, which powers incidentally are to a great extent, if not completely, covered by another section of the principal Act. Yet another provision deals with the removal of rubbish. A further subject has to do with the regulation of food caravans and hamburger stalls. Yet another provides that to expose goods for sale which are of substandard quality is an offence.

Another proposal deals with the obstruction of exits from public buildings, while another has to do with the block plan of public buildings. An entirely new subject is introduced which provides that food or drugs may be declared dangerous and confiscated without compensation. I suppose that this particular provision was inserted in the Bill to cater for a state of affairs which existed under the parent Act last year, whereby compensation was paid by the Government in respect of certain desiccated coconut, which was found to be injurious to public health.

A further subject that is dealt with in the Bill is infant health clinics. This gives power to the commissioner to enter into an agreement with a local authority regarding the erection, maintenance and staffing of a clinic. Another proposal deals with a medical practitioner or midwife having to notify the commissioner of early terminations of pregnancies at any time after the 20th week of pregnancy.

Further if the medical practitioner gives a death certificate in relation to a child who has died within 28 days of birth he must notify the commissioner within 48 hours of the issue of the death certificate. The last provision has to do with limitation which states that any complaint in respect of an offence against the Act shall be made within 12 months after the offence is committed. That is a provision which I shall deal with more fully at a later stage.

So there is a very wide variety of subjects dealt with in the Bill. After spending some time on it, I feel that one of the conclusions which can be drawn from a study of it is that the Act itself should be reprinted. I know that was done not very long ago, but it nevertheless tends to be a hotch potch Act. A reprint would prove beneficial in the interests of the public and of the legal fraternity.

In fact, all sections of the public would gain from a consolidation of this Act, which could be done in a sensible manner.

The Minister for Health: You mean the Health Act should be consolidated?

Mr. HUTCHINSON: I do. Before such a task is begun, I would suggest quite strongly that there should be consultation with other States in order to secure some degree of uniformity with regard to their respective Health Acts. There have been occasions when certain anomalies, and striking ones at that, have been found to exist because of the shades of different meaning that can be read into different State Acts. If that is done it will be possible to make uniform some of the important principles that are contained within the Health Act.

I have been reliably informed that at the present time when on occasions goods are rejected here on the grounds that are provided in the Health Act, the same goods have been sent to another State where they have been disposed of to the public. This is rather an astonishing procedure, but it does happen. One case happened fairly recently when some tinned fish was condemned at Fremantle and not allowed on shore; it was subsequently sent to another State and there sold to the public.

So I strongly suggest to the Minister that if it is at all possible an approach should be made to the Premier to have such matters brought before a meeting of State Premiers at some future conference where the subject can be thrashed out. I think that it would be beneficial to strive for the co-ordination of the Health Acts. In many respects the Bill attempts to tidy up the Health Act in a manner somewhat similar to that in which the recent amendment of the Criminal Code attempted to tidy up that measure. In certain respects I feel that one or two provisions tend to encumber the present Health Act.

At this stage I can say that I support the second reading, but there are one or two provisions that should be opposed. I hope that in Committee the Minister will see his way clear to make the necessary amendments. I feel, too, at this stage that I can say that the Minister, during my preliminary discussions with him, has been very helpful. He has proved amenable to discussions and has even assisted me in my approach, on occasions, to the Parliamentary Draftsman.

Probably one of the main provision is that which sets out that foods or drugs may be declared dangerous and confiscated without compensation. I must emphasise that I make no compaint regarding that particular feature. I refer to the matter of no compensation being payable when goods, which are justly declared dangerous to the public, are confiscated. At the same time, when action is being taken under this provision, I feel that there should be some safeguard for the wholesaler or manufacturer in respect of bona fide mistakes, which can be made by health inspectors.

An actual example occurred recently when a Health Department inspector considered that a line of canned goods was unfit for human consumption, and he told the retailer so. The retailer informed the manufacturer, and when the chief chemist in the employ of the manufacturer in question examined the food he found that it was not unfit for human consumption, but only of unattractive appearance. He further discovered that the food, which was suspected by the health inspector of being bacterially infected, was not infected at all. The food was quite fit for human consumption.

In the meantime the health inspectors had got busy and informed all shops in the metropolitan area that the food was unfit for consumption. It was satisfactorily proved to the department that such was not the case, but the onus of proof in this case was on the manufacturer. After all this business had gone through, there was a deleterious effect on that line which had been wrongly declared injurious to public health. Such a state of affairs militates against the good name of a manufacturer. If the amendment I have in mind is agreed to, it will mean that that time will be given to the wholesaler or manufacturer to endeavour to establish that a mistake has been made, if such is the case.

I should point out at this stage, too, that it is in the interests of manufacturers to see that the articles they place on the market are indeed fit in every way for human consumption. It would be in very rare instances that manufacturers would endeavour to market goods, food or drugs which proved injurious to public health. I know that in certain cases food and drugs can deteriorate in quality and the purpose of the particular provision in the Bill is to safeguard the public by preventing such articles from being put on the market.

The Minister for Health: The public must be protected.

Mr. HUTCHINSON: I agree. It is in the best interests of the manufacturers to market goods that will be in every way fit for human consumption and attractive to the public. If there is any direction in which they infringe the law, they are only too happy to assist the department to obviate such a state of affairs. Indeed, various advisory food councils have been set up with representation from the different authorities concerned so as to obviate this dangerous state of affairs occurring. In short, it is in the interests of the manufacturer to retain a good trading name. The provision in the Bill which

places a period of limitation for prosecuting offences is one that I feel is controversial. The Minister, in his second reading speech, explained that the time limit was being extended from six months to 12 months. I exercised my mind for a considerable period with a view to finding out just where the six months was laid down in the Health Act. I could not find it in the measure at all.

The Minister for Health: It comes under the Justices Act.

Mr. HUTCHINSON: Yes, I ascertained, as late as today, that apparently when such provision is not made in an Act, one has to look to the Justices Act.

The Minister for Health: It is Section 51 of the Justices Act.

Mr. HUTCHINSON: This is a new provision to insert in the Health Act in order to extend the limitation from six months to 12 months. I am afraid this matter is highly controversial. I appreciate to the full the Minister's contention that the retailers may be put to a disadvantage inasmuch as the period of six months is too short for them to ascertain the quality of the goods. I think the Minister did say words to the effect that in such cases the fault lay with the manufacturer and not the shopkeeper, as the latter had no means of ascertaining the quality of the contents of a sealed container. He said something to the effect that it is possible that where tinned or bottled foods are sold, the fact that the contents are unwholesome might not be discovered until after the expiration of six months from the date on which the shopkeeper purchased his supplies from the manufacturer.

The Minister for Health: On the other hand, the shopkeeper may not have discovered the deterioration or impurity of the food on his shelves.

Mr. HUTCHINSON: The Minister might agree with me in many respects when I say that it is not always right to put the blame on the manufacturer. Storage conditions, after the goods leave the wholesaler or manufacturer, have a distinct bearing on what occurs. Take, firstly, farinaceous foods, such as rice, self-raising flour, pudding mixtures, etc.

The Minister for Health: They would hardly come within the category.

Mr. HUTCHINSON: They could become so infested that the health inspector would declare them unfit for human consumption.

The Minister for Health: That would probably be due to negligence.

Mr. HUTCHINSON: Yes, I am happy to see that the Minister agrees that there is, in the majority of these cases, no shred of blame attachable to the manufacturer. Secondly, weevils can get into nuts and articles of that sort. Here, too, the bins or containers in the retailer's shop can be already infested with weevils. Thirdly, with regard to tinned or bottled foods, it is quite possible that the storage conditions can quickly bring about a severe deterioration in quality.

Again, the Minister, I feel, cannot help but agree with me when I say that it is possible for tinned or bottled foods to be stored against tin walls, in overheated conditions, or in sections of a shop that are liable to damp, or penetration by weather, and that such conditions will obviously bring about a deterioration in the quality of the goods. The 12-month period now stipulated in the Bill could have the tendency to bring about a laxity in stock control, or a lack of care by retailers who may sell part of their goods and re-stock, and cover up their old stock. They would feel that the extra six months would give sufficient time in which to get rid of the goods. There are dangers in overstocking.

The Minister for Health: Not much danger nowadays.

Mr. HUTCHINSON: I feel there can be dangers in overstocking, not so much economic dangers, which of course should be apparent, but in regard to making certain goods deleterious. I hope the Minister will be able to see reason behind what I say, and although the subject can be dealt with in Committee, I thought I would give the Minister a little extra time to think about it, because it is important.

Personally, I do not regard the retailers as being placed in a disadvantageous position because if these goods deteriorate and it is the fault of the manufacturer, then the manufacturer will be only too pleased to bring about an exchange of the goods. The manufacturers make desperate endeavours to retain their good name by taking steps to ensure that the public is not endangered in any way by the sale of their particular goods. A firm which does not adhere to that principle is one that does not deserve any consideration whatsoever. With certain modifications, I support the second reading.

THE MINISTER FOR HEALTH (Hon. E. Nulsen—Eyre—in reply) [9.39]: I am grateful to the member for Cottesloe for his reception of the Bill. There is no doubt it has a wide scope, and I feel it will improve the Act. I have made a particular study of the measure and have gone into it thoroughly with the Commissioner of Public Health. Every amendment in the Bill is worthy of reasonable attention.

The member for Cottesloe disagrees, although to a small extent only, with the time in which to find out whether food has deteriorated so as to be unfit for human consumption. The period is to be extended from six months to 12 months. I have had a lot of experience in shopkeeping because on the Goldfields I had a

big business and at times carried £12,000 to £14,000 worth of stock which, in those days, represented a lot of money. One thing the retailer always tries to do is not to have dead stock, because it does not pay him to have it.

That applies particularly today with regard to dried fruits, self-raising flour, split peas, rice and so on. There is not much danger to the wholesaler there because he would not be entitled to any compensation. It would be proved conclusively, if there were deterioration, that it was caused by the negligence of the small shopkeeper. I have dealt with the wholesale and manufacturing firms for many years, and I have always found them to be reasonable and helpful, and proud of their products.

They are always pleased to find out if some of their foods are not up to standard, because they cannot afford to have their names coupled with lines that are not fit for human consumption, or that have deteriorated. If the member for Cottesloe gives due consideration to this matter, he will realise that six months is not sufficient time in which to find out whether the stocks held by a storekeeper are all right.

Much of this food does not deteriorate, but is not fit for human consumption when it first comes into the shop. Sometimes it takes a long time to find that out, and six months is not long enough. I do not think the wholesaler would take any exception to giving the small storekeeper an opportunity to find out if his stocks had deteriorated, because, generally speaking, stocks do not deteriorate. The foreign manufacturers are probably the ones to blame, and not the local people such as D. and J. Fowler, Wood Sons, and various other firms with whom I have dealt.

Mr. Hutchinson: You had better name them.

Hon. L. Thorn: Give them all a free ad.

The MINISTER FOR HEALTH: I could name them all. They have all been very proud of their goods, and they have been reasonably fair. If at any time I have written to them to say I had a line that was not up to standard, they would, in most instances, reply, "If you send it back, we will pay the freight both ways and replace it."

Mr. Hutchinson: That is so. Most retailers have had similar experiences.

The MINISTER FOR HEALTH: That is so, but there are a few firms—especially foreign manufacturers—who give no redress. If the period is not increased to 12 months, they will be out of bounds altogether. It is not the small man, but the principle, that is important. The small man should have the opportunity to ascertain whether the goods are all right. I do not know that there is anything more that the hon. member mentioned.

Mr. Hutchinson: What about the consolidation of the Act?

The MINISTER FOR HEALTH: I agree with the hon. member there, but we do have reprints of the Act every now and again. I do not think it would be worth while just now to reprint the Health Act because it has been scrutinised year after year and has been consolidated or reprinted three or four times within the last 10, 12 or 14 years. It is a big Act and rather expensive to reprint.

Mr. Hutchinson: Do you think there is any virtue in the suggestion I made about approaching the other States with regard to uniformity?

The MINISTER FOR HEALTH: Yes, I think it would be a good idea. The hon. member has in mind doing the same thing as we did with the Companies Act; make it as uniform as possible. I think a number of sections in our Acts are almost identical with those in the other States. If the Acts were made uniform, they would be easier to work. I hope I have covered the few points raised by the member for Cottesloe, and I feel sure that the Bill will have a smooth passage through Committee.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Brady in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Section 235A added:

Mr. HUTCHINSON: Is it your opinion, Mr. Chairman, that the definite article "the" should be inserted after the word "of" in line 6 on page 5? I do not know anything about legal phraseology, but if I were still a schoolteacher, I would insert the word "the." It is a question of to "the" or "not to the."

The CHAIRMAN: My opinion is that it reads all right as it stands, but I am not an authority on the subject. I think the intention is clear and the people who drafted it would know.

Mr. HUTCHINSON: They spelt the word "arrears" wrongly. However, I move an amendment—

> That after the word "of" in line 6, page 5, the word "the" be inserted.

The MINISTER FOR HEALTH: I cannot agree to this amendment. Trained draughtsmen have drawn the Bill, and I think we should leave it as it stands.

Mr. HUTCHINSON: Very well. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. HUTCHINSON: I move an amendment—

That after the word "health" in line 37, page 5, the following words be inserted:—

"but before any action is taken under the provisions of paragraphs (b) and (c) of this subsection the commissioner shall give seven days' notice in writing to the wholesaler or manufacturer of the food or drugs of his intention to exercise his powers under the provisions."

I have moved this amendment for obvious reasons. The purpose of the clause is that food or drugs may be declared dangerous and be confiscated without compensation. In proposed Subsection (2) there are three paragraphs, (a), (b) and (c). Paragraph (a) ensures a freezing action consequent upon food or drugs being declared to be injurious to health. With that I have no quarrel. The following paragraphs, (b) and (c), stipulate that the food or drugs must be delivered up to a person at a place and within a time to be specified, and also to do all such things in relation to the food or drugs as the commissioner deems fit.

As I intimated during my second reading speech, bona fide mistakes can be made, and I think it would be fair and just if notice were given after the freezing action was to take place of the intention to act in regard to delivering up the goods and the disposal of such goods as the commissioner deemed fit. Public health is completely safeguarded under paragraph (a), and the seven days' notice asked for in my amendment will enable the wholesaler or manufacturer to make a legitimate attempt to try to disprove the health inspector's statement that the food or drugs are injurious.

The Minister for Health: I agree to your amendment.

Mr. HUTCHINSON: Thank you.

The MINISTER FOR HEALTH: I think this is a very fair amendment. It will not affect the principle of the Act and will give manufacturers an opportunity of proving their case.

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

Clauses 11 and 12—agreed to.

Clause 13—Section 362A added:

Mr. HUTCHINSON: This clause is one to which I think members should give due consideration. But I do not want members to think that I am endeavouring to protect the manufacturer or wholesaler at the expense of the retailer. As I tried to point out in my second reading speech, the retailer will be covered by action that the manufacturer will undoubtedly take to safeguard his good name. At present, a period of six months operates, and I think, without any word to the contrary, that it has operated fairly successfully. I would be interested to hear the Minister's comments on the point. If the period is extended to 12 months, it could bring about a laxity in stock control which would defeat the purpose for which we have a Health Act; that is, to safeguard the public. It could bring about a state of affairs where goods were laid aside and forgotten. That is a most important point and I sincerely hope the Minister will give it due consideration.

The MINISTER FOR HEALTH: I must oppose the point of view advanced by the member for Cottesloe. It is only reasonable that the retailer should have more than six months.

Hon. A. V. R. Abbott: This amendment does not apply only to those conditions.

The MINISTER FOR HEALTH: It does.

Hon. A. V. R. Abbott: No.

The MINISTER FOR HEALTH: If the retailer does not discover the deterioration before the lapse of six months, he is responsible for the goods in his shop. The idea is to give him a further six months to find out whether the goods are fit for consumption or not. The manufacturer should not have everything his own way, though I have found them to be generally fair. The retailer might have bought the articles in good faith and it might be that the manufacturer should be held responsible. No business man stores goods when he can turn over his stock.

Mr. Hutchinson: You were a good shopkeeper.

Hon. Sir Ross McLarty: A better shopkeeper than a Minister!

The MINISTER FOR HEALTH: No shopkeeper would want to carry dead stock. There have been cases where the retailer has had no redress. We had a case not long ago where desiccated coconut was found to have deteriorated and Western Australia was the only State that paid compensation. I think the provision is reasonable.

Mr. Hutchinson: You should be careful that it does not jeopardise the public.

The MINISTER FOR HEALTH: It will not jeopardise the public. Commodities like tinned milk and jam do not deteriorate to the extent of becoming unwholesome, but the retailer must have some protection against goods that do deteriorate.

Hon. A. V. R. ABBOTT: I agree with the member for Cottesloe. I cannot understand the Minister's argument.

The Minister for Health: See if I can understand yours.

Hon. A. V. R. ABBOTT: Section 362 of the Health Act which deals with all offences states—

> All offences against the provisions of this Act or the regulations or by-laws may be prosecuted and all penalties, forfeitures, moneys and costs thereunder may be recovered in a summary way before any two or more justices of the peace.

That brings in the Justices Act because they may be prosecuted under it. Proceedings under that Act are limited to six months except where a particular Act says otherwise. But under this provision it is proposed to prosecute some unfortunate milkman 12 months after the offence; after he has forgotten all about it. The Minister talks about justice to retailers and wholesalers! This deals purely with prosecutions by the Crown and has nothing to do with the relationship between retailers and wholesalers.

The Minister for Health: But the Crown has no redress against manufacturers or retailers.

Hon. A. V. R. ABBOTT: If the wholesaler commits an offence, surely six months is enough time in which to prosecute him! Why make it general? Why does the Minister want twelve months for every offence?

The Minister for Health: Why do you want six months?

Hon. A. V. R. ABBOTT: That period has been found to be reasonable over the years; it exists in the Justices Act and is the general rule in every State in the Commonwealth and in England. If the Minister wants to provide for any particular section let him do so; he should not make it general. I think the Minister had better have another look at this.

The Minister for Health: We will accept it tonight and have it altered in another place if necessary.

Hon. A. V. R. ABBOTT: I do not think it needs to be altered at all. Surely it is sufficient to prosecute a man six months after the offence has been committed! If the offence is sufficiently important he can be indicted and charged in the Supreme Court. For a simple offence summary jurisdiction is provided.

Mr. HUTCHINSON: If this clause becomes law it gives a carte blanche guarantee on goods for twelve months irrespective of the storage conditions in which they are placed.

The Minister for Health: Why not?

Mr. HUTCHINSON: With a guarantee like that, it is impossible for a manufacturer to say, "We can do that irrespective of the conditions under which they are kept." Even tinned foods deteriorate in three or four months if subjected to alternating damp and overheating conditions. Six months is quite adequate.

The MINISTER FOR HEALTH: I have considered the matter and feel that twelve months is reasonable. I see no reason why the retailer should not have that protection.

Hon. A. V. R. Abbott: It has nothing to do with the retailer.

The MINISTER FOR HEALTH: I do not agree with the construction placed on this clause by the member for Mt. Lawley.

Hon. Sir Ross McLarty: It deals with all offences under the Health Act.

The MINISTER FOR HEALTH: No, it deals with a number of them. This is not meant to be a dragnet clause.

Hon. Sir Ross McLarty: But it is.

The MINISTER FOR HEALTH: I do not agree. If there is any doubt we can have the matter altered in another place after I have discussed it with the draftsman. It was explained to me that this provision was to protect the retailer who might not have redress against a manufacturer under the old Act.

Hon. A. V. R. Abbott: He would.

The MINISTER FOR HEALTH: I think members should agree to the clause and if necessary it can be altered in another place.

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

Ayes	17
Noes	16
Majority for	1

Ayes.	
Mr. Andrew	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hawke	Mr. Nulsen
Mr. W. Hegney	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sleeman
Mr. Lapham	Mr. Styants
Mr. Lawrence	Mr. May
Mr. McCulloch	*(Teller.)*

Noes.	
Mr. Abbott	Sir Ross McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. North
Mr. Court	Mr. Owen
Mr. Doney	Mr. Perkins
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Manning	Mr. Hutchinson
	(Teller.)

Pairs.	
Ayes.	Noes.
Mr. J. Hegney	Mr. Mann
Mr. Guthrie	Mr. Bovell
Mr. Sewell	Dame F. Cardell-Oliver
Mr. Tonkin	Mr. Watts
Mr. Heal	Mr. Oldfield
Mr. Hoar	Mr. Cornell
Mr. Kelly	Mr. Nimmo

Clause thus passed.

Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.19 p.m.