

State for a fairly long period to come, as it is clear, from statements made by the Minister and from general observations which every member is able to make in his own electorate, that the acute shortage of housing is likely to continue for the best part of the next five years. I have no objection to the principles of the Bill nor have I any objection to the legislation being continued for the further period outlined in it, and therefore I support the second reading.

On motion by Mr. Hoar, debate adjourned.

*House adjourned at 6.12 p.m.*

## Legislative Council.

Tuesday, 14th September, 1948.

	Page
Question : Hospitals, as to Royal Perth and Infectious Diseases Branch staffs, etc.	958
Leave of absence	959
Motions : Electricity Act, to disallow radio workers' regulations	959
Electricity Act, to disallow cinematograph operators' regulations...	960
Papers : Fremantle Road Board, as to removal of member	966
Bills : Brands Act Amendment, 1r.	962
Prevention of Cruelty to Animals Act Amendment, 2r.	962
Gold Buyers Act Amendment, 2r.	965
Registration of Births, Deaths and Marriages Act Amendment, 2r.	976
Marriage Act Amendment, 2r....	978
Land Alienation Restriction Act Amendment (Continuance), 2r.	979
Feeding Stuffs Act Amendment, 2r.	980
Interpretation Act Amendment, 2r., Com.	981
Fisheries Act Amendment (Continuance), 2r.	982
Factories and Shops Act Amendment, 2r.	984
Licensing Act Amendment, 2r.	985

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

## QUESTION.

### HOSPITALS.

*As to Royal Perth and Infectious Diseases Branch Staffs, etc.*

Hon. A. THOMSON asked the Honorary Minister for Agriculture:

(1) What number of—

- (a) sisters;
- (b) staff nurses;
- (c) third year trainees;
- (d) second year trainees;
- (e) first year trainees,

were employed at the Royal Perth Hospital in—

- (a) July, 1946;
- (b) July, 1948?

(2) What number of beds were available—

(a) in the old building prior to the use of the new wing;

(b) What number of beds are now available in both the old and new portions of the hospital?

(3) What number of beds will be available in the new hospital?

(4) What number of beds will ultimately be available in the new building and the two reconditioned blocks of the old building?

(5) Will this number constitute the full plan of hospital beds on the present site?

(6) What number of nurses, as defined in question (1), will be needed to meet the nursing needs of these patients?

(7) Does this include the number of nurses required to staff the Infectious Diseases Branch?

(8) What number of nurses, as defined in question (1), are normally required to staff the Infectious Diseases Branch?

(9) What is the maximum number of nurses, as defined in question (1), that have been employed in a peak period in the Infectious Diseases Branch prior to the present poliomyelitis epidemic?

(10) What is the maximum number of nurses, as defined in question (1), that have been employed during the present poliomyelitis epidemic?

The HONORARY MINISTER replied:

(1)

	July, 1946.	July, 1948.
(a) Sisters .. ..	23	33
(b) Staff Nurses ..	16	28
(c) Third year trainees	60	95
(d) Second year trainees	84	114
(e) First year trainees	114	155
	<hr/> 297	<hr/> 425

(2) (a) 372 beds.

(b) 511 beds of which 39 beds for intermediate patients are not yet in service owing to shortage of nursing staff.

(3) 466 when the second section is complete.

(4) Approximately 600 beds, dependent on final usage of old ward blocks.

(5) It is considered that 600 beds is the optimum number for a hospital on this site.

(6) and (7) Not safe to estimate because of possible changes in working conditions and as maximum number of beds will not be available for some years.

(8) The number varies greatly according to the incidence of infectious diseases. In the past five years it has varied between 30 and 64.

(9) In early 1943, 64 nurses, made up as shown—

Sisters .. ..	5
Staff Nurses .. ..	5
Third year trainees ..	15
Second year trainees ..	16
First year trainees ..	23
	<hr/> 64

(10) In July, 1948, 60 nurses were employed, made up as shown—

Sisters .. ..	2
Staff Nurses .. ..	8
Third year trainees ..	7
Second year trainees ..	22
First year trainees ..	21
	<hr/> 60
	<hr/>

## LEAVE OF ABSENCE.

On motion by Hon. J. A. Dimmitt, leave of absence for twelve consecutive sittings granted to the Chief Secretary (Hon. H. S. W. Parker—Metropolitan-Suburban) on the ground of ill-health.

On motion by Hon. R. M. Forrest, leave of absence for six consecutive sittings granted to Hon. F. R. Welsh (North) on the ground of ill-health.

## MOTION—ELECTRICITY ACT.

*To Disallow Radio Workers' Regulations.*

Debate resumed from the 7th September, on the following motion by Hon. A. L. Loton:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 138, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 25th March, 1948, and laid on the Table of the House on the 27th July, 1948, be and are hereby disallowed.

**HON. L. A. LOGAN** (Central) [4.38]: In dealing with regulations the object of which is to exercise control, it is necessary to take into consideration just what the regulations mean and what their effect will be upon those concerned. As for those under discussion, I think we can safely leave it to the employers to make sure that their employees possess the necessary qualifications to enable them to do what is required of them, without having to require them to go through a long rignarole and submit themselves for examination, in respect of which in some instances the people who set the examination papers could not themselves answer the questions. That is often the position.

It is a well-known fact that practical men can frequently do a much better job than can those who possess theoretical knowledge only. That is borne out time after time in every walk of life. I consider it unnecessary for the regulations under discussion to apply to radio workers today. We are aware that an operator who has gone through the practical side of his work and who is forced to sit for an examination such as is laid down in these regulations has not a hope of passing it; but, when all is said and done, he has dealt with the practical side and knows what to do. The Electricity Commission is exceeding its job in this con-

nection. It was established as a Commission to look after the electricity supplies for the State, with the object of producing a bigger and cheaper output not only for the metropolitan area but also for the country. How can the Commission hope to supply cheaper electricity by framing regulations such as these governing radio workers?

However, I do not consider it necessary to labour that point; although I would repeat that in regulations such as these we must take into consideration those whom they are to control. I definitely am of the opinion that we shall not be making progress by regulating men's lives as we would do if we permitted these regulations to continue. I have much pleasure in supporting the motion.

On motion by Hon. G. Bennetts, debate adjourned.

### MOTION—ELECTRICITY ACT.

#### *To Disallow Cinematograph Operators' Regulations.*

Debate resumed from the 7th September on the following motion by Hon. Sir Charles Latham:—

That Regulations Nos. 71, 80, 86 and 104 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 25th March, 1948, and laid on the Table of the House on the 27th July, 1948, be and are hereby disallowed.

**HON. A. THOMSON** (South-East) [4.42]: I would not like to cast a silent vote on this important motion, which in my opinion has far-reaching effects, particularly on country districts. The House was blinded with the marvellous opportunities which it was suggested we would have if the State Electricity Commission were brought into being. We were told how much the State was going to benefit from its establishment. Country people particularly had great hopes of benefiting under the Commission, but now we find that regulations have been framed which make it, in effect, almost impossible for cinematograph operators to qualify.

An excellent resume of the position was given by Sir Charles Latham who explained why the House should disallow these regulations. Health regulations have been promulgated for the safety of the public; but these regulations, which presumably were framed for the safety of the public, would

deprive citizens of the opportunity to obtain a reasonable means of livelihood. The Commission has gone out of its way to impose conditions which will have effect throughout the State in a way that no member ever dreamt of. Much more consideration should have been given to the matter by the Electricity Commission. It is not my intention to traverse all the regulations; but, if ever there were restrictive regulations, certainly there were none more restrictive than these governing cinematograph operators.

A board is to be appointed. Boards are supposed to make things better, but this is one I would like to see wiped out. We find that there is what might be termed close co-operation between employer and employees, but these regulations will restrict the opportunities which they now enjoy and which should be open to others. Under paragraph (a) of Regulation 80, an operator who desires to do this work is required to have attended a full course of instruction at a training centre approved by the board. I wonder where that centre will be, Mr. President. Can you imagine such a centre being in a country town? The thing is absurd.

**Hon. G. Bennetts:** Have applications ever been made for the board to sit in the country?

**Hon. A. THOMSON:** I do not know. We do know, however, that the board, ruled and governed by the Electricity Commission, sits in Perth.

**Hon. G. Bennetts:** Perhaps if the necessary application were made, the board would sit at Kalgoorlie or at some other country place.

**Hon. A. THOMSON:** Of course, the board might have a chance of sitting in Kalgoorlie, as there is almost a third of the population of the State on the Goldfields; but I do not think there would be much hope of the board's sitting in Katanning, Wagin, Lake Grace and many other country places where pictures are exhibited.

**Hon. G. Bennetts:** Until such time as the Commission is asked to do so, we cannot say that.

**Hon. A. THOMSON:** I will deal later with that point, to which I hope my friend will give consideration. The running of a film is what I might term a purely mechanical operation. From my own knowledge, and from information I have received, I know

that men—in fact, youths 16 years of age—in past days have worked cinematographs without any danger whatever to the public. Why is it necessary that a cinematograph operator should have a thorough knowledge of electricity? Under the regulations, he has to be a fully qualified electrical engineer, that is, if he is expected to be able to answer all the questions which will be submitted to him in the examination. Under these regulations very heavy penalties are provided for any person, other than a licensed electrician, who touches any part of the electrical equipment in a bio-box or elsewhere.

We do not ask men to serve an apprenticeship when, as is the case here—so I understand from discussions with a practical man—they have, after a period of a fortnight or three weeks, been in full charge of the running of cinematographs in Katanning and other country towns. But what do we find in the regulations? Any person wanting to sit for the examination must produce proof of having had experience and practical training under the direct supervision of a senior licensed operator in a cinematograph projection room during the screening of full programmes at public exhibitions of films for at least two years. So, before a person can sit for this examination, which he could take at the end of three weeks' experience, or six weeks anyway, he has to work for two years under a senior licensed operator.

Do not forget, too, that there might not be a senior licensed operator in the country district concerned. The applicant must have "received instruction from a licensed operator, or other instructor approved by the board, in such details of subjects (A) and (B) hereunder as are appropriate to the scope of the examination for which he desires to sit and in subjects (C), (D), (E), and (F)." Let us see the subjects of which he has to have a thorough knowledge—

A. Electricity—knowledge of electrical action in general with regard to direct and alternating current, motors, generators, transformers, converters, rectifiers, resistances, choke coils, volt and ampere meters, arc lamps, switches, fuses, wires, cables, sound equipment and the necessary connections for the various appliances.

B. Projectors—mechanism, optical system and sound equipment.

C. Film—care of, handling, joining and re-winding.

That is not very hard. I have been running a small cinema for many years, and I have been on direct current. But, in accordance with these regulations, if I went into one of our public halls and showed some films I had taken, I would be breaking the law. The regulation continues—

D. Practical projection of pictures and sound.

E. Safety precautions—especially in relation to prevention and extinction of fire in the projection room and re-winding room.

F. A knowledge of the method of resuscitation in cases of electric shock.

Application to be examined under this regulation shall be made in Form S.E.C. 16 in the Appendix hereto.

Regulation 86 is amended by adding after the word "years" in line two, the words "but the Board may issue a restricted permit to a person under the age of 21 years entitling him to operate until he attains such age, provided such person has qualified by examination."

Every word there is a restriction.

Hon. E. H. Gray: In the interests of the public.

Hon. A. THOMSON: I would like to think that the hon. member honestly believes that himself. It is all very well to speak of the interests of the public, but, as Sir Charles Latham told us when he introduced the motion, the safety of the public is dealt with under the Health Act of 1911. I do not think there is any public hall, or other place, where people have to pay an admission charge, that is granted a permit for the exhibition of films until the projection box complies with the regulations.

I am afraid I am a little sceptical about these regulations as far as the protection of the public is concerned. The regulations are a distinct and definite effort made on behalf of the Electricity Commission, or the officers responsible for framing them, to create a close preserve for their particular friends, or those they desire to see in this business. I dealt freely with this question last session when I strongly objected to the regulations. If I have had a hatred of anything all my life it is of the idea of close preserves—debarring our fellow men of the right to earn a living, or the opportunity of stepping out of the ranks. If Mr. Gray, myself and other members had had to pass as stringent an examination as this when we decided to stand for Parliament, many of us would not have entered its doors at all.

Let us endeavour to be practical. If a man is energetic and sacrifices some of his spare time to study these subjects until he feels he has sufficient knowledge to tackle this work, providing his age is more than 18, why should he not be able to come along and say, "I have studied this question and have a thorough knowledge of the theoretical and practical work, so why should I not be granted a license?" But that is not so under the regulations. Such a person has to spend five years—and up to seven years—before he can hold certain positions! I speak feelingly on this question.

Unfortunately the worker of today does not realise how he is being regimented. He is being driven into corners, and he dare not say anything because if he did he would find his fellow unionists turning on him. I regret to say that, but I believe it to be true. Therefore he has to accept many things which he does not think are right, fair or just. I do not think the Electricity Commission is entitled to be trusted by this House, until it proves itself worthy of that trust, because at the opening of the session I asked a question dealing with electricity, as I am entitled to do under our Standing Orders. I asked that question on the 27th July, and to use a well-known expression, I was staved off. Again on the 29th August I asked the same question and again on the 1st September, when I did receive a reply. The answer was definitely untrue and I make that statement on the floor of the House and can prove it. It appears that the Commission, or its officers, are prepared to mislead the Government and members of Parliament, and it is time that an inquiry was made into what is occurring. I am not blaming the Minister, but I asked the following question on the 1st September:—

1. (a) By whom were the figures prepared?
- (b) What officer was responsible for the reply?
2. Will the Government obtain from the Auditor General a complete statement showing the loss incurred in supplying the electricity below cost for the years 1946, 1947 and 1948, respectively—
- (a) To the Perth City Council.
- (b) To the Fremantle Municipal Council.
- (c) To the Commissioner of Railways.
- (d) The total loss sustained from 1918 to 1946 inclusive.

If the Electricity Commission and the Government, both past and present, have been able to smother up this information—and it

is nothing more or less than a deliberate attempt to do so—

The PRESIDENT: I would remind the hon. member that this is a discussion on the disallowance of regulations.

Hon. A. THOMSON: I am dealing with the regulations, but I am making these remarks to show the reason why the House should turn them down. I do not think it was ever dreamt that we would have regulations such as these because we have an Arbitration Court which provides protection for the worker in every shape or form. When the regulations were first framed nothing could be put into them that was contrary to the Arbitration Court award. In that case, why bring them in at all because we know that the Arbitration Court award are the law of the land? The men who initiated these regulations must accept the responsibility for the charges I have made.

In the interests of protecting our future generation, I would like to see a man, if he has the pluck and is prepared to make the self-sacrifice to study and improve himself, given the opportunity to do so. That man or woman may have been a square peg in a round hole for many years and he or she should be given the opportunity to improve but under these regulations neither one nor the other has any hope in the world of ever doing so. In a letter which I wrote to the Minister I drew attention to this fact. If Marconi or Edison had been alive when these regulations were in force, the conduct of their experiments would have been equivalent to breaking the law. So I appeal to the House to turn down the regulations. A man must have expert knowledge as regards electricity, according to the regulations, yet all he has to do is to put the films in, turn on a switch, and the machine does the rest. The whole thing is so absurd that I hope members will support the disallowance of the regulations.

On motion by Hon. R. J. Boylen, debate adjourned.

#### **BILL—BRANDS ACT AMENDMENT.**

Received from the Assembly and read a first time.

#### **BILL—PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT.**

*Second Reading.*

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East)

[5.8] in moving the second reading said: This is a Bill to amend the Prevention of Cruelty to Animals Act. The original measure was placed on the statute book in 1920 and there have been few if any amendments since. Representations have been made by many people including the R.S.P.C.A., the Commissioner of Police and others who had what they considered desirable amendments to be made to the Act. Before I have finished I think members will agree that the amendments proposed in the Bill are very desirable and will facilitate the work of the R.S.P.C.A. The Bill will also rectify anomalies and weaknesses in the Act and bring it into line with Eastern States legislation. It will widen and facilitate the methods of procuring prosecutions in cases of cruelty to animals.

I will briefly go through the major amendments and if there is any further information I can give, I will do so when replying to the debate. One of the amendments is the inclusion of a definition of the word "cruelty" and states that, without limiting the scope of the primary meaning of the word, it includes all acts and omissions specified in Section 4 of the principal Act. Another amendment clarifies the definition of the word "owner," which word is used on several occasions in the Act. The Bill defines as "owner" any person who has effective control of an animal even though he may not own it. There are similar definitions in the New South Wales and South Australian Acts. The next amendment is one which makes it an offence for any person to convey, carry or pack, or cause to be conveyed, carried or packed any animal in such a manner as to subject such animal to unnecessary pain or suffering. It is considered possible that a person charged under this paragraph could escape conviction on the ground that intervention by a police or R.S.P.C.A. officer had happened before any suffering occurred.

The amendment will make it an offence if a person is responsible for conditions likely to subject an animal to unnecessary pain and suffering. I have seen on many occasions poultry being carried in small boxes on trains. I do not know whether it is so now, but it used to be done, and nobody could say at the time that those birds had been subjected to cruelty. I feel sure that, after travelling for a few miles in the train, the birds must have suffered considerable cruelty.

Hon. G. Bennetts: According to the railway bylaws, the person who receives them has the right to refuse them.

The HONORARY MINISTER FOR AGRICULTURE: Yes. But I do not know whether the practice I have outlined is still followed but it used to be done! There would be other cases of a person having an animal in a plough with a bad collar and although it may not have been cruelty at the time, the animal, in due course, would have been subjected to considerable cruelty. The amending Bill makes it possible for a policeman or an R.S.P.C.A. inspector to intervene and prevent such occurrences.

Another amendment adds to the penalty provisions of Section 4, the words "irreducible in mitigation." This amendment was intended to make it impossible for judges and justices to exercise the powers which they possess under the Criminal Code and the Justices Act to inflict a lesser penalty than the minimum prescribed in any statute. The Chief Secretary considered that this amendment was not sufficiently clear and might cause confusion and argument before a justice. As a result, it has been decided to propose in Committee to add the words, "notwithstanding the provisions of Section 166 of the Justices Act, 1902-1942, and of Sections 19 and 669 of the Criminal Code, 1913." I have arranged to give notice of this amendment.

Hon. A. Thomson: What would be the effect of that?

The HONORARY MINISTER FOR AGRICULTURE: A judge sometimes does not impose the minimum penalty, but one less than the minimum. This provision will make it necessary for him to impose a penalty between the minimum and the maximum. Section 7 (1) of the Act provides that any notice from a police or R.S.P.C.A. officer prohibiting the use of an animal unfit for work must be endorsed by a justice of the peace. It is contended that signature by a J.P. is unnecessary and that, in country districts particularly, it is sometimes necessary to travel a long distance to find a J.P. This provision requiring the endorsement of a J.P. has led to considerable delay. There have been cases where an animal has been subjected to considerable cruelty and neither the police nor the R.S.P.C.A. officer could do anything. We desire to delete the provision from the Act so that an officer of

the police or of the R.S.P.C.A. may act on his own initiative. There was a horse that had something wrong with it and yet nothing could be done until the endorsement of a justice had been obtained. Thus the Bill will assist the society in its work as well as tending to prevent cruelty to animals.

Clause 6 affects Section 11 of the Act which limits to 30 days the time in which a complaint may be made in respect of an offence. If a complaint is not made within 30 days of the offence, no action can be taken. I recall a happening at Meckering in 1945 when a farmer shut 280 sheep in a yard and let them die by slow starvation. The offence was not discovered for three or four months and, under the law, no action could be taken. The farmer had no feed for the sheep and could not sell them and so he shut them up and left them to die. In such a case the maximum penalty would be warranted. The farmer could have cut their throats or shot them. Under the Bill it is proposed to allow six months in which a prosecution may take place.

Under another amendment, we propose that a constable arresting a person for an offence may take possession of any implement, stick, whip or other weapon in possession or under the control of the alleged offender. We consider it advisable that the constable should be authorised to seize anything with which the offence may reasonably be believed to have been committed. Another amendment proposes to give the court power to order the destruction or forfeiture of anything with which an offence has been committed.

Hon. R. M. Forrest: Is there anything in the Bill dealing with bird shops?

The HONORARY MINISTER FOR AGRICULTURE: The measure would apply to bird shops. No doubt the hon. member is referring to animals that may be seen confined in various places.

Hon. Sir Charles Latham: I have seen them shut up in the Zoo.

The HONORARY MINISTER FOR AGRICULTURE: I do not like zoos, but, generally speaking, the animals there are given a fair amount of liberty.

Hon. A. Thomson: Anyhow, they are decently fed.

The HONORARY MINISTER FOR AGRICULTURE: That is so. I think we could do without zoos and content ourselves with animal specimens in the museum. Another provision seeks to delete from the Act the necessity for a constable or officer of the R.S.P.C.A. to obtain the authority of a registered veterinary surgeon—

Hon. R. M. Forrest: To which clause are you referring?

The HONORARY MINISTER FOR AGRICULTURE: I am not permitted to mention the numbers of clauses during the second reading.

Hon. Sir Charles Latham: You are doing very well.

The HONORARY MINISTER FOR AGRICULTURE: Under the Act, if an animal breaks a leg or is otherwise considered to be irrecoverable, a veterinary officer must be obtained before the animal may be shot. Sometimes it is impossible to get a veterinary officer and the animal may be left suffering for a long time. I cannot imagine any constable or anyone else wishing to destroy an animal unless that course was absolutely necessary.

Hon. Sir Charles Latham: Animals are shot today without a veterinary officer's being called in.

The HONORARY MINISTER FOR AGRICULTURE: But people who do that are breaking the law.

Hon. Sir Charles Latham: Which law?

The HONORARY MINISTER FOR AGRICULTURE: The present Act.

Hon. W. J. Mann: At times it is almost impossible to get a veterinary surgeon.

The HONORARY MINISTER FOR AGRICULTURE: Yes, so there should be no objection to that amendment. Another clause provides that if the defendant was aware that his action constituted cruelty, it shall be no defence to plead that the offence was carried out under the owner's instructions. That amendment is desirable. Section 18 provides that if any employee is ordered by his employer to do any act that might lead to an offence and has drawn his employer's attention to the unfitness of the animal prior to obeying instructions, the employee may be discharged and a summons issued against the

owner. We now propose that the employer shall be deemed guilty, and rightly so.

If any animal is deprived of its liberty and left without food and water, or attention if sick, it shall be lawful for any person other than the owner to enter the premises and provide the necessary nourishment and attention, the cost to be recouped by the owner. The amendment seeks to empower the court in such cases to order the payment of the Good Samaritan's costs up to a maximum of £20. Section 21 authorises the court in certain circumstances to deprive a person convicted of cruelty of the ownership of the animal. There are certain people who are not fit to own horses. I have seen many natives in charge of horses and, despite what some people say about natives, they are not fit to own animals. Particularly does this apply in the farming areas. The amendment proposes to extend this deprivation to any other animals in the owner's possession. This follows British practice and will be enforceable only in extreme circumstances.

Hon. H. Tuckey: What about the natives' dogs?

The HONORARY MINISTER FOR AGRICULTURE: I have seen natives with half-starved dogs, and I say those people are not fit to have them.

Hon. Sir Charles Latham: But the police deal with them.

The HONORARY MINISTER FOR AGRICULTURE: Yes, under another Act. Such dogs roam the country because they are not fed and no action is taken against the owners for cruelty. That accounts for some dogs getting amongst sheep. I consider that the police should be able to take action in respect of cruelty in not supplying animals with adequate food.

The Bill also refers to persons employed in the slaughtering of decrepit animals. The amendment proposes to attach the same conditions to the killing of animals for cat and dog meat. Quite a number of unwanted or unworkable horses that are not decrepit are killed for cat and dog meat at private premises licensed for the purpose, and these should adhere to the principles of painless slaughtering laid down in the Act. At present they may be slaughtered in any way. I may mention that the Department of Agriculture is in-

vestigating the matter of altering the method of the killing of animals at the abattoirs.

Those are the principal amendments. The Bill is a very interesting one and its amendments are highly desirable. Recently I took up with the R.S.P.C.A. the matter of cruelty imposed on rabbits. We have found that trappers, after securing a lot of rabbits, have put them into large chaff bags and kept them overnight or at any rate until such time as they were to be sent away. Officials of the society have been trying to catch trappers guilty of this cruelty, and the sooner they are caught, the better it will be. When they desire to hold rabbits alive in order to have them fresh, cages could be provided. However, that has nothing to do with the Bill. In my view we cannot go too far in our endeavours to alleviate the sufferings of animals that cannot protect themselves. I move—

That the Bill be now read a second time.

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

## **BILL—GOLD BUYERS ACT AMENDMENT.**

*Second Reading.*

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East) [5.27] in moving the second reading said: This is a very small Bill and is particularly interesting to Goldfields members. The original legislation was passed in 1921 and this is the first amendment to it that has been introduced. Many things have occurred in the intervening years and some anomalies have been discovered. The Bill seeks to remedy those anomalies. There has been a considerable number of appeals against decisions made under the Act, due mainly to the large amount of money made by offenders, and some of the Appeal Court decisions have rendered it necessary to fall back upon other legislation in order to deal with illicit gold dealers. The Police Act Amendment Act, 1902, and Section 69 of the Police Act, 1892, have at times been utilised.

The principal weakness in the Act relates to the definition of "gold," which was discovered in the appeal case, *Wolinski v. Strahan* (W.A. Law Reports, 1939, Part 1).



The definition of "gold" in the Act relates only to gold alloys, gold, gold bullion, gold amalgam, retorted gold and smelted gold. The most generally used penal section of the Act is Section 36, and the strict interpretation of the definition of "gold" means that this section cannot be used when the offender is found with gold slimes, gold ores, concentrates, slags or other gold-bearing materials, which are the general forms in which gold is stolen from the mines. There is no provision in the Act for dealing with offenders found in unlawful possession of such material, and I have been given to understand that it could never have been intended originally that Section 36 should be so restricted. This Bill seeks to overcome that difficulty.

The next most commonly used provision of the Act is Section 33 relating to the possession of unregistered appliances for the treatment or smelting of gold. Appliances may be used at an illicit plant, but through the restriction imposed by the definition of "gold," the main items of such plant are not covered. In such a plant the main item is the amalgam barrel, and it has been held that a barrel treats, not gold, but only ores or slags. The amending Bill is designed to correct these defects by leaving the definition of "gold" as it stands but bringing the rest of the statute into line. Other provisions amended deal with penalties. At present some of the purely technical offences carry too heavy a penalty under Section 44—the general penalty section—which provides for imprisonment for two years, or a fine of £300, or both; and modifications are provided in the amending Bill. This is purely a Committee measure, and I will be glad, in replying to the debate, to furnish any further information possible. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan, debate adjourned.

## PAPERS—FREMANTLE ROAD BOARD.

### *As to Removal of Member.*

Debate resumed from the 8th September on the following motion by Hon. E. H. Gray:—

That all papers relating to the removal from the Fremantle Road Board of Mr. George Wells be laid on the Table of the House.

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East) [5.32]: I have to oppose this motion; and I believe it is in the interests of the man concerned that we should not agree to it because, when I have finished, I hope I will have proved to the House that the whole affair is a very sorry business. I am rather surprised that Mr. Gray should have seen fit to bring the matter to the House. I can see no useful purpose in tabling the papers, nor anything wrong in the action of the Minister for Local Government in dismissing this man from the Fremantle Road Board. I want to make everything as clear as I can, and I will proceed to do so with the information furnished to me.

It appears that Mr. Wells was dismissed because he had committed an unprovoked assault on an employee of the board last April. He was fined £10 with £5 17s. costs, in default 30 days' imprisonment. So, obviously, the stipendiary magistrate regarded the matter as serious. The man must have done something very wrong to have been fined to that extent. The Local Government Department cannot permit members of road boards to assault road board employees. The man attacked in this instance was an employee of the road board. This was not the only time that Mr. Wells offended, as I shall prove later by giving instances.

An intolerable position would be created if we allowed road board members to take advantage of their position and go around beating up employees who happened to be smaller than they, merely because they did something that the road board members disliked. I think that the Government, through the Minister for Local Government, should protect employees of local governing bodies from aggressive road board members. There is not the slightest doubt that Mr. Wells is a very aggressive sort of person; because, as I have said, this was not his first offence. Previously he assaulted an employee named Quinlan. I do not know whether Mr. Gray told us that. Mr. Quinlan was a nice sort of gentleman and accepted an apology. The matter to which Mr. Gray has made reference began by a petition from the fellow members of Mr. Wells on the road board. There were nine members altogether.

Hon. E. H. Gray: They were not game to pass an open resolution at the board meeting.

The HONORARY MINISTER FOR AGRICULTURE: I do not know what they were or were not game to do. The method was their business. They presented a petition to the Minister—seven out of the nine—asking for the dismissal of Mr. Wells. I think they, too, must have viewed this matter very seriously for seven out of nine of them to take such a strong action. I have never heard of its being done before. That was the beginning of the matter. When inquiries are made, we find that Mr. Wells also had a shot at a former secretary, and that he offered to fight the chairman on a few occasions.

Hon. G. Bennetts: He is a bit of a tiger!

The HONORARY MINISTER FOR AGRICULTURE: The chairman always refused to fight him. He thought he would use constitutional means to get rid of him. Mr. Wells also caused considerable friction amongst the board's outside workers, resulting in loss of efficiency. This is not surprising, in view of the assault which Mr. Gray admitted Mr. Wells had committed and was sorry for it. It is no use being sorry afterwards. A member of the road board should have more responsibility.

Hon. E. H. Gray: I did not say I was sorry. I did not support anything like that.

The HONORARY MINISTER FOR AGRICULTURE: No. The hon. member admitted that Mr. Wells assaulted the poundkeeper and felt sorry afterwards. I suppose he did when he was fined £10 and had to pay a lot of costs!

Hon. G. Bennetts: He must have pinched his dog or something.

The HONORARY MINISTER FOR AGRICULTURE: No action was taken until a full report of the Police Court evidence was obtained. Mr. Gray interviewed the Minister for Local Government after the Order in Council had been issued, and it was too late to do anything about the matter then. Mr. Gray wants the twelve months' disqualification removed, but that is impossible, because the Act does not provide for it.

I will go briefly through the various charges by Mr. Gray. He said he took all the measures possible before bringing the matter to the House. There is no record on the depart-

mental files that he took any action until it was too late. Mr. Gray was too late in going to the Minister. The motion relates to trouble between the poundkeeper and a ratepayer and the intervention of Mr. Wells. On account of the court action and for other reasons, a petition was addressed to the Minister for Local Government, asking for Mr. Wells's removal from the board. Mr. Gray said that Mr. Wells pleaded guilty and was fined. There is no record in the police notes of what he pleaded; so I presume he did plead guilty.

Hon. E. H. Gray: It was a former case in which he pleaded guilty.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Gray admitted that a board member is distinctly out of order in interfering with one of the staff, and yet he wants the papers in this case to be tabled! I fail to see the logic of that. Although the hon. member admits Mr. Wells was wrong, he wants to take a hand in the case. Mr. Gray having admitted that Mr. Wells was wrong, I think it is preposterous that he wants to take action in the matter. I can see no extenuating circumstances in the case. Mr. Wells appeared to be just a mark.

Hon. E. M. Heenan: What is the objection to tabling the papers?

The HONORARY MINISTER FOR AGRICULTURE: I suppose that if the papers were tabled, it would be an admission that the Minister was in the wrong. I do not see that any good can be done by tabling them. I do not think we would be doing the man himself a service. Once the papers were tabled, they would be public property. The information might reach the Press and the man might be done no good at all.

Hon. J. A. Dimmitt: Should we be worried about that?

The HONORARY MINISTER FOR AGRICULTURE: No, I suppose we need not be worried but I want—

Hon. A. Thomson: You have to defend the Minister.

The HONORARY MINISTER FOR AGRICULTURE: Yes, I have to defend him for what he did. Mr. Gray said the Minister made a bad mistake, and that he had never known of such action being taken before in a similar case. Of course not! Has he ever heard of a similar case? I have not.

I have been connected with road boards for 16 years or more, and I have never heard of such a case. So of course the Minister did something that had not been done before; but I cannot see where a mistake was made.

Hon. E. H. Gray: Would it not have been better to make further inquiries into the cause of it?

The HONORARY MINISTER FOR AGRICULTURE: There were no further inquiries to be made. It is no use Mr. Gray saying the Minister made a mistake, and that such a thing had not been done before, because this sort of thing had never occurred before.

Hon. E. H. Gray: A Minister usually tries to get the full atmosphere and the cause of a quarrel.

The HONORARY MINISTER FOR AGRICULTURE: That was thrashed out in the Police Court; it is not the Minister's job. The stipendiary magistrate in his wisdom thought this man deserved a big fine; and if the road board members thought the man should be put off the board, the Minister—

Hon. E. H. Gray: Do you not think the Minister should have given the man a chance to defend himself before putting him off the board?

The HONORARY MINISTER FOR AGRICULTURE: Why? I say it is undesirable to have on a board a man who does this sort of thing. It was not the first time he had done it.

Hon. G. Fraser: The biggest criminal in the land will always be given an opportunity to defend himself.

The HONORARY MINISTER FOR AGRICULTURE: He was given an opportunity to defend himself in the Police Court. The hon. member is reflecting on the magistrate.

Hon. G. Fraser: I am talking about the Minister. The Minister never gave him a chance to defend himself against being removed from the board.

The HONORARY MINISTER FOR AGRICULTURE: He could have appealed if he thought he had not received a fair go in the Police Court.

Hon. G. Fraser: How?

The HONORARY MINISTER FOR AGRICULTURE: I suppose there is another court.

Hon. G. Fraser: You are shoving it on to the court. I am referring to the Minister's action.

The HONORARY MINISTER FOR AGRICULTURE: I disagree with the hon. member. The fact remains that we have the man's record of wanting to fight the chairman of the board; of assaulting a man named Quinlan; of causing general dissension; and of injuring the poundkeeper. We know all those facts, which are not disputed. How much further could the Minister be expected to go? I do not think he should go further than that. On top of it all, seven of the man's fellow road board members asked for him to be removed.

Hon. E. H. Gray: They did not do it at an open road board meeting.

Hon. J. A. Dimmitt: I suppose they were afraid of being physically assaulted.

Hon. G. Fraser: There would be seven against one.

Hon. J. A. Dimmitt: He could have tackled them one by one.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Gray said that if the magistrate had examined the files and read the history of the board he would have dropped dead before taking an action of this sort.

Hon. E. H. Gray: The Minister, not the magistrate.

The HONORARY MINISTER FOR AGRICULTURE: The hon. member is casting a grave reflection on the board. The auditor's report reveals that the board has a good record. The scathing indictment should be dismissed. Present and past members, together with executive officers, should not be subject to this sort of thing from a responsible citizen. Those remarks are not mine; they were given to me by the Local Government Department, but I agree with them. I agree whole-heartedly and do not think a responsible and honorary body of men should be subjected to a scathing indictment by a responsible citizen. I agree that Mr. Gray is a responsible citizen, but I think there was no justification whatever for his statement.

Hon. G. Fraser: What is the Minister afraid of?

The HONORARY MINISTER FOR AGRICULTURE: I do not think he is afraid of anything.

Hon. G. Fraser: Then why not lay the papers on the Table?

The HONORARY MINISTER FOR AGRICULTURE: If the papers were laid on the Table without any remarks from me, it might be thought that the Minister was admitting he had been at fault. I, personally, do not think the papers should be laid on the Table unless there is a logical reason why that course should be followed.

Hon. G. Fraser: Tell us all about it.

The HONORARY MINISTER FOR AGRICULTURE: I am half way through the story now.

Hon. G. Fraser: We happen to know the story.

The HONORARY MINISTER FOR AGRICULTURE: Then I do not understand why the hon. member wishes to see the papers.

Hon. A. L. Loton: Did the Minister for Local Government act under Section 122 of the Act?

The HONORARY MINISTER FOR AGRICULTURE: Yes. That is where Mr. Gray was mistaken. Mr. Gray said that Mr. Wells, who is a prominent figure, had been trying to persuade the board to establish true valuations of land in the district. In July, 1945, the board adopted taxation values as the basis of valuation. Following a deputation to the then Minister, a departmental inquiry was instituted and, as a result, the then Minister agreed with the board's action and left it to the local court to make adjustments. The Minister at that time was Mr. Gray.

Hon. E. H. Gray: That is what Wells has been thrown out for.

The HONORARY MINISTER FOR AGRICULTURE: When those concerned went to the local court, they failed in all cases, and a considerable sum of money was lost as a result. One hundred and six appeals were lodged and a valuator of the Taxation Department attended the appeal court, as did also the board's solicitor. In 21 cases the valuations were reduced on appeal to the board only. No appeal against the decision of the board was lodged with the local court and the cost to the board was negligible. We have records of all this.

Hon. E. H. Gray: It cost the board nothing, of course, because it won its case.

The HONORARY MINISTER FOR AGRICULTURE: Then it must have been in the right.

Hon. E. H. Gray: That is why Wells is being murdered.

Hon. J. A. Dimmitt: He is not being murdered. He is doing the murdering.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Gray said that the vacancy must be filled within two months. That is not correct, and Mr. Gray was quoting Section 62, which is the wrong section of the Act, referring only to extraordinary vacancies. The case in question is covered by Section 122 of the Act, which is subject to the discretion of the Governor as to when a vacancy shall be filled.

Hon. E. M. Heenan: Is he forever debarred from being on the board?

The HONORARY MINISTER FOR AGRICULTURE: No, he can have another try after 12 months. I do not think the people of Fremantle, who I suppose are ordinary people, would put him on the board again.

Hon. E. H. Gray: They would put him on the board again in five minutes, if the opportunity arose.

The HONORARY MINISTER FOR AGRICULTURE: If the people concerned return him to the board after all this, that is their own affair.

Hon. E. H. Gray: That is why we want the file tabled.

The HONORARY MINISTER FOR AGRICULTURE: In the meantime, I must oppose the motion.

HON. A. L. LOTON (South-East) [5.50]: I am surprised at the attitude of the Honorary Minister in this matter, because he seems to have taken up the cudgels on behalf of Mr. Wells, to prevent the papers being made public. I take it Mr. Wells has had the position explained fully to him by Mr. Gray and knows the consequences of having the papers tabled. In that case, he must be prepared to take whatever is coming to him, if he is not guilty. I am surprised at the Honorary Minister trying to avoid placing the papers on the Table. I would draw his

attention to Section 123 of the Act, and ask was that acted on? It states—

On the exercise by the Governor of any of the powers conferred by the last preceding section,—

Section 122 states “any member removed from office under this section shall be disqualified for 12 months for re-election as a member of the board.” Section 123 continues—

—all officers of the board shall relinquish their offices unless the Governor shall otherwise direct.

The Honorary Minister for Agriculture: I suppose he directed that they should.

Hon. A. L. LOTON: I have not seen the “Government Gazette,” but would like the Honorary Minister to give me information on that point. I support the motion.

**HON. E. M. HEENAN** (North-East) [5.52]: This seems to me to be a storm in a teacup, but I support the view of Mr. Loton that there should be no real objection to the tabling of these papers, as the only parties really interested will be the Minister, Mr. Gray and Mr. Wells. The Honorary Minister's opposition to the motion leaves one with the feeling that the Minister has something to hide. Surely if his case is half as strong as has been suggested, that will be the end of the matter. After all, this is one of the Houses of Parliament, and not a body of children. We have a responsible position to maintain and surely, if anyone is entitled to look at these papers, members of this House are. Although the Honorary Minister has made allegations as to threats made and assaults committed by the man concerned, the fact remains that apparently he was only once convicted by a court.

Hon. J. A. DIMMITT: Surely that is once too often!

Hon. E. M. HEENAN: I agree that one conviction is one too many, but any man is liable to have a conviction recorded against him at some time during his life. None of us should regard himself as being immune for all time from conviction. An assault is an offence against the law, and this man was fined £10. The maximum fine for an assault is £50, or six months' imprisonment, or both.

Hon. Sir Charles Latham: That is determined by the nature of the assault.

Hon. E. M. HEENAN: I was about to mention that.

The Honorary Minister for Agriculture: They often get off entirely.

Hon. E. M. HEENAN: Apparently the magistrate did not take a very grave view of this assault. The average penalty for an assault is £5 or £10, and it would seem that this man paid the penalty.

Hon. R. M. FORREST: Would you expect him to kill the man he assaulted?

Hon. E. M. HEENAN: If a man commits an offence and is punished by the appropriate tribunal established for the protection of the public, the matter should end there. It is said that Wells threatened others; but if he did so, he could and should have been punished by law. There are plenty of laws dealing with those who threaten or molest others. The fact that he was not punished for doing so implies that we should not take much heed of hearsay statements.

The Honorary Minister for Agriculture: They signed the petition because they had had enough of his threats.

Hon. E. M. HEENAN: If the Honorary Minister were threatened by such a person, he would not go behind that man's back but would fulfil his duty as a citizen and charge the man in a court of law and bring evidence to prove the offence.

The Honorary Minister for Agriculture: I have never done that. I would use other means.

Hon. E. M. HEENAN: The Honorary Minister would not write letters behind a man's back—anonymous letters, such as people write to the Taxation Department.

The Honorary Minister for Agriculture: That is not comparable with this. This was a petition to the Minister.

Hon. E. M. HEENAN: We should be generous in this matter and adopt the well-known principles of fair play for which our nation has always stood. Wells was convicted of an offence for which lots of decent citizens have been convicted and have paid their penalties, but the Minister writes him off for 12 months as though he were a felon. Action of that kind does not appeal to me. It might, if he were a man of bad character who was constantly breaking the law. If he were such a menace as that he should not be on the board.

Hon. J. A. Dimmitt: That is what the Minister thought.

Hon. E. M. HEENAN: In my opinion, the people to decide that are those vitally concerned; those who live in the district.

The Honorary Minister for Agriculture: They will have opportunity to decide it in due course.

Hon. E. M. HEENAN: Wells may not be alive in 12 months' time.

The Honorary Minister for Agriculture: If he is in such a condition as that, he should not be on the board.

Hon. E. M. HEENAN: Perhaps I have weakened my case by debating the merits and demerits of this man's position, because that is entirely apart from Mr. Gray's request for the tabling of the papers so that members who are interested may read them and draw their own conclusions. I see no objection to the tabling of the papers, as I think it would clear the air.

HON. E. M. DAVIES (West) [5.58]: I have not much to say on this matter, but would point out that, subsequent to the offence that this ex-road board member committed, he was re-elected to the board. The petition to the Minister to have him removed from the board was sent in after his re-election.

The Honorary Minister for Agriculture: Was he not re-elected simply because his opponent died?

Hon. Sir Charles Latham: Was that the man he assaulted?

Hon. E. M. DAVIES: It has been asked that the papers be tabled so that members may ascertain the facts. I understand that the only person who could be obtained to oppose Mr. Wells was an elderly gentleman, but between the date of his nomination and the election he passed away, and Mr. Wells was re-elected. Members of the board then petitioned the Minister to have Wells removed. I know nothing about the case apart from the few things I have heard. The fact that Wells was re-elected to the board after having been convicted for this offence and after having paid the penalty, indicates that the ratepayers should be the ones to decide whether he should remain a member of the board.

HON. L. CRAIG (South-West) [6.0]: It would appear that a member of a road board

has gone right outside the scope of his duties, and assaulted one of the board's employees. That is a crime for which a man in that position should be severely punished.

Hon. E. H. Gray: He has been.

Hon. G. Bennetts: That is so.

Hon. L. CRAIG: Let me finish what I want to say! The man has been rightly punished for that action and he has been debarred from being a member of the road board for 12 months. In my opinion, that punishment is quite correct. Employees and other people should be protected from such rough-necks. I would be very harsh in dealing with a man who uses his strength and weight to frighten people. I think Mr. Davies was rather neglectful in telling us that the man had been re-elected to the board. That is not quite correct.

Hon. E. H. Gray: It is correct.

Hon. L. CRAIG: I know what the hon. member is going to say.

Hon. E. H. Gray: They could not get anyone else.

Hon. L. CRAIG: The man was re-elected owing to the death of his opponent.

Hon. G. Fraser: The man was not responsible for that.

Hon. L. CRAIG: What we were told was only half the story.

Hon. G. Fraser: We want to get the other half.

Hon. L. CRAIG: Quite so.

Hon. G. W. Miles: Why hide anything? Why not let the public know?

Hon. L. CRAIG: If I am allowed to finish what I desire to say, Mr. Miles will see that I am in agreement with him. The fact is that we were told only half the story.

Hon. A. L. Loton: Mr. Gray made the position perfectly plain.

Hon. L. CRAIG: This man feels that he is being persecuted and that he has been unjustly treated. Apparently, through Mr. Gray, he wants the whole matter made public. Members will appreciate that when papers are tabled, their contents become public property. Press representatives can peruse the file and can give publicity to the facts, if they so desire. Thus the information will be made public. It is important to appreciate that fact. Apparently this

man asked that the whole story be made known to the public. On the other hand, the Honorary Minister says that for the man's own good the papers should not be tabled. That was the only reason he advanced in opposing the motion. If the Honorary Minister's contention is correct and the man will be shown up in the light indicated, let the punishment be on his own head! If the man is willing that details of his actions shall be made public, and he and the people who know all about it are agreeable to that course, let the papers be placed on the Table of the House. That probably answers Mr. Miles's interjection.

Hon. G. W. Miles: Thank you!

**HON. W. R. HALL** (North-East) [6.4]: I am not concerned in any way regarding this particular case, but I shall support the motion as a matter of principle. When a member has moved that papers be placed on the Table of the House at the request of the person concerned, I can see no reason why there should be much exception taken to that course. It is with me a matter of principle. Those who desire to peruse the file in connection with this case should be given that opportunity. Mr. Gray seems to be of the opinion that a wrong has been done and evidently the person concerned has made application to one of the representatives of his province for the papers to be tabled. I certainly support the motion. The Honorary Minister himself said there was nothing to hide from the standpoint of the Minister concerned.

**HON. SIR CHARLES LATHAM** (East) [6.5]: I do not know anything about this matter but I agree with the Honorary Minister in his suggestion that if it will be detrimental to the man concerned, in his own interests the papers should not be tabled. What I cannot understand about the matter is, if I have the facts correctly, that the man concerned committed an offence under the Justices Act and was punished accordingly. That being so, one would think that was sufficient. However, the Minister took action under Section 122 of the Road Districts Act which, I feel sure, was never intended to be used so as to punish a man a second time for the one offence. Section 122 provides the Governor with powers to supersede a board that may be guilty of maladministration or of not exercising its proper functions under

the statute. It is important that members should understand what that section states. It reads —

(1) Whenever a board shall not observe the provisions of this Act, or in any other case, when the Governor shall think fit—

That is one of the drag-net provisions to which I always object.

—the Governor may supersede the board either wholly or partially, or remove the members of the board or any of them from office, and authorise the Minister to exercise all or any of the functions of the board for such time as he shall think fit, and may also forbid and prevent the filling of any vacancy that exists or may occur on such board until such time as he shall appoint. Notices of such supersession or removal shall be published in the "Gazette."

The next subsection provides power for the Minister to delegate any power or authority vested in him under the section, and then Subsection (3) reads as follows—

Any member removed from office under this section shall be disqualified for 12 months for re-election as a member of the board.

That refers to offences under the Road Districts Act and not to those under the Justices Act. That is how it appears to me. I am very reluctant to agree to inflicting a second punishment on a man who has already been fined for the offence committed. The man was fined for a breach of the Justices Act and then the Minister used a section of the Road Districts Act to punish him again. I do not think that section was ever intended to be used for such a purpose. Possibly the Honorary Minister will agree that it is not wise to inflict a second punishment on a man in such circumstances and it certainly is inflicting punishment when a man is removed from his position on a road board.

Hon. A. L. Loton: Particularly when the man has the confidence of the ratepayers.

Hon. Sir CHARLES LATHAM: In such circumstances we deprive him of the opportunity to serve the people concerned. I think it is admitted the man did not commit an offence under the Road Districts Act.

The Honorary Minister for Agriculture: That is so.

Hon. Sir CHARLES LATHAM: Of course he did not. I think the Minister concerned should give some reconsideration to the case from that point of view. I do not know what the file contains, and I

certainly do not want to injure the man a third time. If the information contained in the file is not to the individual's advantage, I do not think the papers should be tabled. I submit that point to Mr. Gray for his consideration. I do not think the power of members of Parliament should be availed of in order to have tabled papers containing information that may not be of advantage to the person most concerned, even though such a course might be in the public interest.

Hon. E. H. Gray: But this is being done in his interest.

The Honorary Minister for Agriculture: He has asked for it.

Hon. Sir CHARLES LATHAM: I have to judge between the statements made by Mr. Gray and by the Honorary Minister respectively. The Honorary Minister has the file and Mr. Gray has not. In the circumstances, I am afraid I must support the attitude of the Minister, but I suggest to him that he should draw the attention of the Minister for Local Government to the point I have made with a view to determining whether or not a grave injustice has been done to a man under the Road Districts Act whereas he has already been punished for an offence under the Justices Act.

**HON. G. FRASER (West) [6.10]:** I shall not go into the pros and cons of the matter. The point I wish to make is this: I cannot understand the attitude of the Honorary Minister in objecting to the tabling of the papers. Members will be aware now that a lot of feeling was created in the Fremantle district over the question of valuations. It caused quite an upheaval and bad feeling was created amongst the members of the board. Some favoured one course, some favoured another, and the feud has been carried on for some time. There was the matter of an assault for which Mr. Wells was fined. I have known that gentleman for many years and I can assure the House that he is not the rough-neck that some would have us imagine.

Hon. G. Bennetts: Did he not defend himself?

Hon. G. FRASER: I do not propose to go into that part of it at all.

The Honorary Minister for Agriculture: You would not say there was any comparison between them, would you?

Hon. G. FRASER: All I say is that I have known him for years.

Hon. J. A. Dimmitt: He did only £10 worth of damage and he could have done £50 worth. Is that what you mean?

Hon. G. FRASER: The point I want to make concerns the action by the Minister and I am interested to know whether Mr. Wells has been treated fairly by the Minister who caused him to be removed from the board. The only way I can find that out is by a perusal of the papers, and I think I am entitled to see them.

Hon. G. W. Miles: Of course you are.

Hon. G. FRASER: Under the Constitution, if a member of this House is guilty of certain things he is not allowed to continue his membership of this Chamber. We adopt that attitude in this House. This man was not fined for an offence under the Road Districts Act. A motion was not moved at a meeting by any of the seven members of the road board, but they went behind his back and sent a petition to the Minister asking that Mr. Wells be removed from the board.

The Honorary Minister for Agriculture: You would not expect the board to ask for his approval?

Hon. G. FRASER: If the board thought the man was not a fit and proper person to have a seat on that body, I should expect one of the members to move a motion to have him expelled.

Hon. G. W. Miles: It looks as though the Minister made a mistake and they want to cover it up.

Hon. G. FRASER: Exactly.

The Honorary Minister for Agriculture: Nonsense! Rubbish!

Hon. G. FRASER: That is the action I would expect such a body of men to take. Rather than do that, they went behind the man's back and sent a petition to the Minister to have him removed.

Hon. L. Craig: Perhaps other persons were frightened, too.

Hon. G. FRASER: I would assume that any reasonable Minister would have notified this person to the effect that he had received



the petition asking for his removal from the board and so give the man a chance to defend himself. I do not know if that was done; I do not think it was.

Hon. E. H. Gray: No, it was not.

Hon. G. FRASER: I can only ascertain that information by looking through the file. If the case is so detrimental to the individual concerned who has asked for the tabling of the papers, why hide the details? Why not let us see what the facts were? Let us see what action, if any, was taken.

Hon. W. J. Mann: Perhaps that is the milk in the coconut.

Hon. G. FRASER: We should know what appears in the files.

The Honorary Minister for Agriculture: If you saw the file, I think you would just forget it.

Hon. G. FRASER: Perhaps so.

The Honorary Minister for Agriculture: Then why waste any further time?

Hon. G. FRASER: It is the Honorary Minister's attitude that has occasioned the waste of time. I know what has been done regarding files in another place.

The Honorary Minister for Agriculture: I will be guided by what this House decides.

Hon. G. FRASER: That is the attitude in another place. The Government will not table papers unless the House decides that they shall be presented.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. G. FRASER: The only point that we are concerned with is whether the Minister was right in the action he took, and the only way we can find that out is by having the file laid on the Table. That is the reason we want to peruse it. It is significant that no action has been taken against this man by the people whom he represented on the board. There was no suggestion of any want of confidence in him on their part, seeing that he was still on the board for some time after the offence had been committed and he had been fined in court. When the election was held, he did not meet with any great opposition. It was only towards the last few hours before nominations closed that a person did oppose him, but he died before the election was held and Mr. Wells was re-elected. I repeat that it is rather significant that, the

ratepayers concerned, at no stage of the proceedings, passed any vote of want of confidence in him.

The Honorary Minister for Agriculture: How could they do so, if they wanted to?

Hon. G. FRASER: There could have been a petition circulated among the people concerned.

The Honorary Minister for Agriculture: That is generally done at the first election.

Hon. G. FRASER: A ratepayers' meeting could have been held at which they could have expressed their indignation. If they were so concerned about this man, it would have been easy for them to call a meeting and tell him what they thought of him.

The Honorary Minister for Agriculture: Perhaps they thought they would wait until the next election.

Hon. G. FRASER: No concerted action was taken by these people to oppose him at the election. Knowing the people in the district as I do, and knowing what their feelings were, I am sure that this man would have been re-elected and would be back again on the board. He was sure of an easy victory; I am convinced on that point. Yet we find that the board took certain steps upon which the Minister acted. We want to see the file in order to make sure whether the Minister had the power to take the action he did.

The Honorary Minister for Agriculture: I say he had.

Hon. G. FRASER: The Minister says so and he has the file. We cannot dispute that statement.

The Honorary Minister for Agriculture: Read the Road Districts Act.

Hon. G. FRASER: Yes. There are doubts about that, too.

The Honorary Minister for Agriculture: No. There are not.

Hon. G. FRASER: We cannot get at the truth until such time as we inspect the file. That is all we are asking for. We see nothing wrong in making a request of that description, so I hope the Minister will agree to the motion.

HON. E. H. GRAY (West—in reply) [7.35]: I do not wish to take up the time of the House very long in my reply. Sir

Charles Latham made a strong point when he quoted Section 122 of the Road Districts Act. The point is that seven members of the road board out of nine signed a petition for this man's dismissal. I tried to indicate why the chairman wanted to get rid of Mr. Wells. It was because he had led the movement for a fair valuation of the land in the district. The Honorary Minister made a mistake before tea when he quoted the departmental report as to the 1945 valuation, which was supported by Mr. Wells and others and adopted despite a deputation to the Minister against it, and also despite the hearing of several appeal cases mentioned by the Minister, in which the solicitors for the Fremantle Road Board represented the board. The present chairman of the board led the movement, organised the appeals before the magistrate and engaged counsel. All this cost the board something over £60.

Hon. A. Thomson: Are you suggesting that it was because the chairman was not in favour of increased rates that this action was taken?

Hon. E. H. GRAY: That is the reason. The hon. member interjecting should go to Fremantle to get the atmosphere. The ratepayers in the ward which Mr. Wells represented are owners of comparatively small blocks, mostly of half an acre, but several less. The Coogee and Spearwood ratepayers are market gardeners and, under a proper system of rating, would have to make a fairly solid contribution to the revenue. The residents are anxious that there should be fair valuations and a fair rate so that the district might progress. It was only in comparatively recent times that some of the residents would tolerate even a sanitary service in that district. They said it was too expensive and therefore would not have it.

Hon. W. J. Mann: How did they manage?

Hon. E. H. GRAY: They have it now, and also a health inspector. It took a long time for this man to get the board to engage a health inspector. The present chairman, whose character I am not impugning in any way—he is conservative—wants to keep the valuations and the rates down, and that is the cause of the vendetta. If the Minister reads the file he will know all about it. The Minister's quotation to the House was incorrect, because if the board had adhered

to the 1945 valuations everything would have been all right. However, because seven people signed a letter to the Minister, unknown to Mr. Wells, 70 others signed a petition of protest—70 against seven. I guarantee that, had the matter been properly organised, two-thirds of the ratepayers in that ward would have signed that protest.

The Honorary Minister for Agriculture: And they would sign a counter one.

Hon. E. H. GRAY: No, they would not. They want progress. I am not criticising the magistrate; on the evidence submitted to him he could have done nothing else. But there is another side to the picture. This man is being persecuted because he stood for the progress of the district and the Minister, with one stroke of the axe, prevented him from even explaining anything. He decided to ask the Government to take action under Section 122 and so threw this man off the board without notice. The other member of the board who was supporting him did not know anything about it, either.

The Honorary Minister for Agriculture: He had only one supporter!

Hon. E. H. GRAY: He had 70 supporters.

The Honorary Minister for Agriculture: But on the board?

Hon. E. H. GRAY: One supporter.

The Honorary Minister for Agriculture: Why should the other members of the board be afraid of him as to the rates?

Hon. E. H. GRAY: Because they wanted him off the board in order to stop progress.

The Honorary Minister for Agriculture: They could have out-voted him every time.

Hon. E. H. GRAY: Well, he was a nuisance—

The Honorary Minister for Agriculture: A nuisance?

Hon. E. H. GRAY: —an effective bar to what the board wanted. The board did not want progress. As I mentioned earlier, I make no charge against the personal character of any member of the board. I said there were two sections in that community, one in favour of progress and the other prepared to do everything possible to keep the valuations and rates down. The main road goes right through that territory.

As I explained, there are prosperous, wealthy market gardeners on that road who do not care a "dump" about anything else; they have a good road and are satisfied, as they are paying one-third of the rates they should be paying; that is, if the road board members were carrying out the provisions of the Act as they should. The residents would be paying three times the rates they are now paying.

Hon. E. M. Heenan: Cannot Mr. Wells do something to persuade them to alter their view?

Hon. E. H. GRAY: He ought to be able to. In the circumstances, I think Mr. Wells has been harshly dealt with. He has not had a fair deal and he wants the papers laid on the Table so that he can see for himself why he was dismissed.

The Honorary Minister for Agriculture: He knows. Do you mean to say he does not?

Hon. E. H. GRAY: He does not, and he wants to know what it is all about.

The Honorary Minister for Agriculture: Do you believe that?

Hon. E. H. GRAY: I cannot imagine why the present Government should want him punished twice for the one offence. I have been requested by a large number of the residents to ask that, in common justice, the papers be laid on the Table of the House.

Question put and passed; the motion agreed to.

## **BILL—REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT AMENDMENT.**

### *Second Reading.*

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East) [7.43] in moving the second reading said: This Bill seeks to amend the law relating to the registration of births, deaths and marriages. The principal Act, which was passed by Parliament in 1894, was mainly a consolidation of the 1854 Ordinance for the Better Registration of Births, Deaths and Marriages in the Colony of Western Australia and the Registration Ordinance Amendment Act of 1869. Since 1894 the only amendments of any consequence were

made in 1907, so it will be noted that the Act is very old indeed. It is considered that it should be brought up to date to be in line with modern requirements and custom.

The British statutes, on which the principal Act was based, have been considerably amended since their provisions were drawn on for our legislation. It will be of interest to members to learn that the Minister who sponsored the principal Act in the Legislative Council in 1894 was the father of our present Chief Secretary, who is away ill, but who would otherwise have been introducing this measure. As members may imagine, owing to the lengthy period over which the parent Act has not been amended, this Bill is of rather substantial proportions. It is not my intention now to deal with minor, but only with major, amendments. If, however, in the course of the debate members want further information I shall be only too happy to give it when replying.

The definition of "district registrar" has been more clearly stated. There are three types of registrars—district, deputy district and assistant. The deputy district registrar administers the provisions of the Act in a registry district in the absence of the district registrar, but assistant registrars are merely representative in other parts of the district of the district registrar. They are appointed for the convenience of the public and act as receivers of registration information and fees, which they subsequently transmit to the district registrar. Under the present definition, they have the same powers as district and deputy district registrars, powers which it was never intended they should have and which, in practice, they are not permitted to exercise.

The Bill seeks to impose a time limit of 10 days for doctors to submit certificates of causes of deaths. As it is necessary for the occupier of a house to furnish the district registrar within 14 days with details of any death in the house, and as these details are not complete without the cause of death, it is considered that doctors should provide their certificates in time for the householder to give the necessary information to the registrar within the stipulated time. I have no doubt that the doctors were very lax in giving the necessary information, so the householders could not furnish it within the 14 days.

The procedure of completion and distribution of marriage certificates has been clarified, this being rather ambiguous at present. In the Act, power is given to registrars to permit searches of their registers and to give certified copies of any entries. It is considered that searches should not be allowed or extracts provided which would reveal that any person was legally adopted.

Hon. E. H. Gray: That is a good amendment.

The HONORARY MINISTER FOR AGRICULTURE: Yes. Only the other day a woman told my wife that she was going to adopt a child, and she wanted people to think it was her own.

Hon. Sir Charles Latham: You must provide for some exemption.

The HONORARY MINISTER FOR AGRICULTURE: Yes. I will come to that later. This is a good amendment because when a person is legally adopted, his past should be forgotten.

Hon. A. Thomson: It is in the interests of the child.

The HONORARY MINISTER FOR AGRICULTURE: Yes, and of everyone else concerned. It will be readily agreed that the confidential nature of adoptions should be maintained in order to obviate embarrassment to either the adopting parents or the children. The Bill proposes that no search may be made or extracts given in such cases without the prior approval of the Registrar General. I think that will get over the objection raised by Sir Charles Latham.

Hon. E. M. Heenan: I think in practice that is what is done now.

The HONORARY MINISTER FOR AGRICULTURE: I think that no-one can go along and make a search.

Hon. Sir Charles Latham: No, not under the Adoption of Children Act.

The HONORARY MINISTER FOR AGRICULTURE: A situation that occurred at Shark Bay has resulted in an interesting proposed amendment to the Act. A couple in that out-of-the-way spot desired to marry, but, owing to there being no minister or registrar within a reasonable distance, were put to considerable inconvenience in arranging for the ceremony. It is more than possible that such a situa-

tion has arisen in other distant and inaccessible parts of the State, and will do so again.

The Bill embodies a recommendation by the Registrar General to overcome such difficulties. The Registrar General has asked for this, and no-one would know more than he does about its desirability. He proposes that where a minister or a registrar is not available, the Registrar General may approve of the marriage ceremony being performed by some other person nominated in writing by the head of a religious denomination.

Hon. R. M. Forrest: The police can perform marriage ceremonies.

The HONORARY MINISTER FOR AGRICULTURE: No. The head of a religious denomination could nominate a policeman. I would rather have someone else. This amendment has not been sought by or discussed with the churches, but it has been recommended in order that any denomination may take advantage of it, should such denomination think fit. No-one has to take advantage of it, but if a church thinks it is desirable it may do so.

Hon. Sir Charles Latham: Would the appointments be temporary or permanent?

The HONORARY MINISTER FOR AGRICULTURE: Each case will be dealt with on its merits. It will be observed that it cannot be brought into operation unless the head of a church lodges a request in writing, and that it will apply to a specific marriage only. Opportunity is taken in the Bill to permit of disciplinary action being taken against ministers of religion who habitually offend against the provisions of the measure. I have not been told what they do, but apparently they offend against the Act. Action can at present be taken against ministers who wilfully offend against the Act, and it is considered that habitual offences, even though not of a wilful nature, should also be penalised, for these have serious repercussions.

When a deserted newly-born child is found, the police are required by the Act to inform the district registrar and to advise him of the place of discovery. As registrars do not possess the facilities to ascertain the parentage, date of birth, etc., of the child, the Bill requires the police to provide as much of this information as

they possibly can. Another way in which the Bill proposes to lighten the burden of the registrar relates to cases of sudden or unnatural death where, although a doctor will not certify as to the cause of death, the coroner does not deem an inquest necessary. At present when this occurs the registrar, in order to complete his records, has to peruse police or Crown Law files.

In order to circumvent this long-winded procedure, the Bill requires the coroner to advise the registrar of the cause of death and other relevant particulars. The opportunity is taken to amend the Act in several instances to cover the introduction of the practice of cremation. The phrase, "disposal of the body" takes the place of the word, "burial" in the Bill. Circumstances have arisen where the persons required to give information regarding births, deaths and marriages have not done so, or have not submitted sufficient particulars. The Bill seeks to give the Registrar General the authority to require any person he considers may possess the necessary particulars to attend at the district registrar's office to provide such information.

Hon. W. J. Mann: Is that by subpoena.

The HONORARY MINISTER FOR AGRICULTURE: I do not know what procedure would be adopted.

Hon. W. J. Mann: He can force him to be there.

The HONORARY MINISTER FOR AGRICULTURE: Yes. I do not intend to go into the minor details of the Bill now. The measure contains many provisions and is naturally one for detailed consideration in Committee. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

## **BILL—MARRIAGE ACT AMENDMENT.**

### *Second Reading.*

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East) [7.56] in moving the second reading said: This Bill is somewhat complementary to the one I have just introduced. It deals only with the Marriage Act and is considerably smaller than the other. The Marriage Act was also submitted to the Legislative Council in 1894 by the Hon. S. H. Parker, Q. C.,

then Colonial Secretary. The two measures were apparently introduced together, just as we are introducing the amending Bills. At the time of its introduction it consolidated and amended the then marriage laws which were contained in three Acts of the years 1856, 1877 and 1879 and which were based on British legislation. The Act now requires amendment in order to bring it into line with modern practice.

An amendment which is complementary to one in the previous Bill is that relating to the written nomination by the head of a religious denomination for a certain person to conduct a specific marriage ceremony when circumstances prevent the services of a minister or a registrar. Another complementary amendment is that setting out the procedure to be adopted by ministers and registrars when completing and disposing of marriage certificates. As explained in connection with the previous Bill, the present requirement is for certificates to be registered in triplicate. As the register is kept at the district registrar's office, a minister, to comply with the strict terms of the Act, would have to submit the three copies he makes of the marriage certificate to the district registrar for registration. This would be impracticable as the Act requires that one copy be given to the bride or bridegroom. The new procedure outlined in the measure removes this anomaly and clarifies the position.

The most important provision in the Bill deals with the consent that a person under 21 years has to obtain before he or she can marry. The law at present requires that if a minor is not widowed he must obtain his father's or guardian's consent to the ceremony. If these persons are not in Western Australia, the mother must give her consent and if she is not available the consent of a justice of the peace must be obtained. If a minor cannot gain this consent, the law of Western Australia gives him no right of appeal, a statutory privilege allowed to minors in Great Britain, New Zealand and other Australian States. In Great Britain, appeal may be made to the Lord Chancellor, in New Zealand to a stipendiary magistrate; in New South Wales to a superior court, a judge, the district court or court of petty sessions; in South Australia to the minister on the recommendation of the principal registrar, and in Victoria and Queensland to a judge or a police magistrate.

It is felt that minors in Western Australia should not be at a disadvantage compared with their contemporaries in other parts of the Empire, and the Bill proposes that they shall have the right of appeal to a judge of the supreme court, or a stipendiary or police magistrate. Several cases have come under notice, where out of vindictiveness or owing to family quarrels, parents have refused to consent to marriages, to which there appears no valid reason for objection. A case that can be quoted is that of a respectable girl of 20 years, not living at home for private reasons, whose father has refused his consent. Similar refusals have imposed some degree of hardship on the parties concerned.

The Bill also proposes to provide both parents, if living together, with the right to give or refuse consent to a marriage instead of only the father. There appears no valid reason why a mother should not share the father's responsibility in this regard.

Hon. Sir Charles Latham: Supposing one says "Yes" and the other says "No."

The HONORARY MINISTER FOR AGRICULTURE: There is a right of appeal. If both parents differ, the child may then appeal to the court for a decision. In fact, the situation can be postulated where a mother may be in a better position to judge the pros and cons of the matter. It will also throw a measure of responsibility on both parents in the event of a disastrous marriage. Should both parents differ, the child may then appeal to the court for a decision.

Hon. Sir Charles Latham: It seems unnecessary.

The HONORARY MINISTER FOR AGRICULTURE: I do not think so. It is quite possible that a girl may fall out with her parents who may be an annoyance to her and will not give their consent.

Hon. W. J. Mann: Supposing they are doing it for the girl's protection?

The HONORARY MINISTER FOR AGRICULTURE: They can always appeal to the court.

Hon. W. J. Mann: The parents as well?

The HONORARY MINISTER FOR AGRICULTURE: Yes. I do not think a judge or magistrate would give consent without looking into all the circumstances of the case. It would be a peculiar sort of judge who would give a decision without

going into the full circumstances, if a girl came to him and stated that her parents would not give consent to her marriage. The judge would inquire into the whole matter.

Hon. R. M. Forrest: I still do not think it should be left to justices of the peace.

The HONORARY MINISTER FOR AGRICULTURE: It would not be left to them. There is no provision at present for consent to the marriage of an ex-nuptial minor and this is rectified in the Bill. The amendment is strongly recommended by the Crown Law Department. An amendment which was first suggested by the late Archbishop Le Fanu refers to a declaration which couples desirous of contracting a civil marriage are required to make. This declaration sets out that the parties concerned object to marriage by a minister of religion. They must say that they object in order that they can go to a registry office. Many in signing such a form make a false declaration, as they do not object to a church ceremony, but through some cogent reason prefer a registry marriage. A variety of reasons are offered, such as expense, a simple preference for a civil wedding, or the divorce of one of the parties, in which event the church will not conduct the ceremony.

As I have stated this amendment was first mooted by the late Anglican Archbishop and the Bill seeks to remove the necessity for the declaration. This means that before a person can go to the registry office he must state that he objects to the church ceremony. This is a pity because such a person may not object to the church ceremony but is forced to sign it for other reasons which necessitate a registry marriage. The other amendments are small or consequential, and if necessary, can be given attention in Committee. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan, debate adjourned.

## BILL—LAND ALIENATION RESTRICTION ACT AMENDMENT (CONTINUANCE).

*Second Reading.*

The HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [8.5] in moving the second reading said:

This is a small Bill and seeks to continue for a further year the operations of the Land Alienation Restriction Act which was placed on the statute book in 1944. The Bill prevents any Crown land from being sold to other than returned soldiers except with the consent of the Minister.

Hon. Sir Charles Latham: But only to aliens, not to outside people.

The HONORARY MINISTER FOR AGRICULTURE: No Crown land can be sold to anybody except a returned soldier. Section 3 of the principal Act states—

(1) No Crown lands (other than town or suburban lands) shall be sold to any person other than a member of the Forces or a dependant of a member without the consent in writing of the Minister or of an officer duly authorised by the Minister to give such consent.

Hon. G. Fraser: Should that not read "ex-member"?

The HONORARY MINISTER FOR AGRICULTURE: The purpose of the Bill is to continue the Act for a further year. The original Act was introduced in the Legislative Assembly in 1944 by Mr. Watts and was sponsored through the Upper House by Mr. Thomson. Subsequently Parliament approved of its continuance in 1946 and 1947 for further terms of twelve months.

Hon. L. Craig: They could not sell a repurchased estate.

The HONORARY MINISTER FOR AGRICULTURE: Not without the consent of the Minister. The Government feels that the Act should remain in existence for at least the next 12 months in order to ensure that properties are available at reasonable prices for War Service Land Settlement.

Hon. G. Fraser: Should not the word "member" read "ex-member"?

The HONORARY MINISTER FOR AGRICULTURE: I suppose it should.

Hon. Sir Charles Latham: It should.

The HONORARY MINISTER FOR AGRICULTURE: It makes it mandatory that Crown land shall be sold to members of the Forces unless for various reasons members of the Forces do not want it, and with the consent of the Minister such land can be sold to anybody. I move—

That the Bill be now read a second time.

On motion by Hon. A. L. Loton, debate adjourned.

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

*Second Reading.*

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East) [8.9] in moving the second reading said: This Bill has been asked for by manufacturers of feeding stuffs as well as producers and it includes a new subsection to permit the amendment of the registration of any stockfood. When the Act was amended in 1940, a section dealing with the amendment of registration was not included, but owing to the considerable variation in the supply and quality of the various materials used in the manufacture of prepared mashes and other stockfoods, the manufacturers requested that provision be made in the Act that such amendment could be made on similar lines as is provided for in the Fertilisers Act, 1928.

The insertion of a section or subsection providing for the amendment of registration would not only suit the manufacturers, but would also comply with the wishes of the producers. At present, if any amendment to an ingredient of a stockfood is made, then the original registration has to be cancelled and a new one issued. This at times leads to some confusion. The Bill provides also for the insertion of a new paragraph (e) in Subsection (2) of Section 5C of the principal Act, as a result of a direct request by growers. This request is also supported by manufacturers.

For some time it has been the opinion of officers of the Department of Agriculture, who are largely concerned with the use of stockfoods for producers, that such a provision as is envisaged in the paragraph should be made. It is proposed, with the insertion of a new Subsection (7) in Section 5D, to remove an anomaly. As the Act reads at present, though as provided in Section 5C, any package below a net weight of 28 lb. does not require to have a label attached, Section 5D, as at present framed, requires an invoice to be given, irrespective of the size of the package or container.

As I previously stated, officers of the department as well as the producers and the manufacturers have asked for the Bill to be introduced. The producers who are mostly concerned are poultry farmers and dairy farmers. If any hon. member is not quite clear on the measure, I suggest that he should ask his friends, either manufacturers or producers, and he will receive the answer I have just given. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Gray, debate adjourned.

## **BILL—INTERPRETATION ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 9th September.

**HON. SIR CHARLES LATHAM** (East) [8.12]: I have had an opportunity of looking at the amendment proposed by the Minister, and what he states is quite true. It is unlikely that the time given to members of Parliament to disallow regulations would be restricted to 14 days. As the Minister has pointed out, it is quite possible that the regulations may be laid on the Table of the House on the final day before the House goes into recess. If that were so, it would be necessary to re-gazette them before they could be laid on the Table of the House. However, I do not agree with the length of time as proposed in the Bill, and I think the time allowed should be that which we originally thought was available. I propose to ask members to agree to an amendment to allow for six sitting days.

The Honorary Minister for Agriculture: As long as it is sitting days.

**Hon. Sir CHARLES LATHAM**: That will give members approximately a fortnight. I believe there is a good deal of carelessness on the part of some officers of departments because when the regulations are gazetted—that is usually done on a Thursday or a Friday—all that is required is to arrange for a pull from the Government Printer, and those pulls are laid on the Table of the House. Because of that, there is no need for any time to be taken before regulations are laid on the Table of the House, although I believe there are times when they are forgotten by departmental officers. In such cases it is

not the Minister's responsibility to look after them, as he has enough to do. It is departmental officers' responsibility, and I do not blame any Minister for not making sure that the papers are laid on the Table of the House at the proper time. In Committee, I propose to move to delete the word "ten" with a view to inserting the word "six." This will provide the period we thought the Government had in which to lay papers on the Table of the House.

**THE HONORARY MINISTER FOR AGRICULTURE** (Hon. G. B. Wood—East—in reply) [8.16]: The amendment the hon. member suggests is reasonable and I shall offer no objection to it. Six sitting days could easily mean 16 consecutive days, particularly if the Council sat for only two days in the week.

Question put and passed.

Bill read a second time.

### *In Committee.*

Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 36:

**Hon. Sir CHARLES LATHAM**: I move an amendment—

That in line 2 of paragraph (d) the word "ten" be struck out and the word "six" inserted in lieu.

The Minister has intimated his approval of the amendment.

**Hon. C. F. BAXTER**: The Government asked Parliament to agree to ten sitting days and I cannot understand why the Honorary Minister should approve of a reduction to six. Regulations may be very important and, after having been tabled for a period, they have as much effect as the Act. I see no reason why we should reduce the time.

**Hon. Sir CHARLES LATHAM**: The question affects the tabling of papers, not the disallowance of regulations. To extend the time beyond six sitting days would, in my opinion, be unwise.

**THE HONORARY MINISTER FOR AGRICULTURE**: I think Sir Charles Latham unwittingly misled the House last Thursday, but as he has just explained, this provision deals with the tabling of papers,



not with the disallowance of regulations. If we provide a period of six or ten sitting days, the position will be clear. If, for example, on the 1st October the "Government Gazette" contained certain regulations and 14 days afterwards the House was not sitting, the regulations would lapse. If we prescribe a certain number of sitting days, it follows that the House would be sitting at the time. I believe that six sitting days would be sufficient.

Hon. C. F. BAXTER: My point was that the Government asked for ten sitting days, and now the Minister has agreed to six. Why reduce the number?

Hon. Sir Charles Latham: The Government does not want the reduction, but we do.

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

Title—agreed to.

Bill reported with an amendment.

## **BILL—FISHERIES ACT AMENDMENT (CONTINUANCE).**

### *Second Reading.*

Debate resumed from the 9th September.

HON. G. FRASER (West) [8.24]: I have no objection to the Bill and do not intend to debate it, but content myself with supporting the second reading.

HON. SIR CHARLES LATHAM (East) [8.25]: It is true that all the Bill proposes to do is to extend for another year the control of fishing nets and the cotton required to repair them. In 1946, a measure was passed to amend the Act by providing for the appointment of a committee which, I presume, controls more or less the issuing of permits for nets. The measure did not set out that that should be the duty of the committee.

The Honorary Minister for Agriculture: The permits are controlled by the committee.

Hon. Sir CHARLES LATHAM: The point I am making is that the Act does not say so; in fact, the 1946 measure did not give the power that I think should have been given. What I am concerned to know is, whether this control is the cause of fish being so expensive.

The Honorary Minister for Agriculture: No.

Hon. Sir CHARLES LATHAM: Let us reason it out. If there is a restriction on the sale of fishing nets and gear, I should imagine that that would prevent other people from engaging in the industry. I am speaking now in the interests of the public, because the time has arrived when we should protest against the high price of fish to the consumers. It is not a foodstuff within the reach of the average consumer; it has become a luxury. Therefore, we should be careful not to assist in any way in keeping the price of fish up to the present high level.

Hon. E. M. Heenan: I saw white fillet, which is shark, priced at 2s. 3d. a pound.

Hon. Sir CHARLES LATHAM: There is not the shortage of string that we experienced two years ago, when we had difficulty in getting binder twine or sewing twine.

Hon. C. F. Baxter: There is.

Hon. Sir CHARLES LATHAM: We have been able to get all we require, whereas in 1945-46 we could not. I suppose the Minister is thinking that fishing nets are not made of that twine.

The Honorary Minister for Agriculture: I am.

Hon. Sir CHARLES LATHAM: Russian hemp is the twine used.

The Honorary Minister for Agriculture: Who would use Russian hemp for binder twine?

Hon. Sir CHARLES LATHAM: I have done so.

The Honorary Minister for Agriculture: A long time ago—at least 20 years.

Hon. Sir CHARLES LATHAM: I used it in preference to the New Zealand twine. I know a little about twine.

The Honorary Minister for Agriculture: So do I.

Hon. Sir CHARLES LATHAM: Quite so. Russian hemp is used for fishing nets, though it is made up smaller than that used for sewing bags. If the Minister assures me that there is still a shortage of fishing gear, I shall say nothing against the passing of the Bill, but we should satisfy ourselves that we shall not be preventing people from purchasing nets and making additional supplies of fish available to the public. Consideration should be given to that aspect. Some

Fremantle people seem to think that fishing is a great business provided the fish is sold at a very high price. I do not know what the functions of the committee are or how often it meets, but it is about time that body told the people what it is doing towards seeing that fish is made available at a more reasonable price. If the Minister does not take the matter up with the department, I hope the Chief Inspector of Fisheries will at least read what I have said. It is time something was done about the high price of fish.

Hon. E. H. Gray: What about price control?

Hon. Sir CHARLES LATHAM: I consider that price control has been wrong. What they are doing with price control is not to control the price of the fish that are actually fished. Control is exercised by the wholesaler but not by the retailer.

Hon. L. Craig: Price control is probably guaranteeing the price.

Hon. Sir CHARLES LATHAM: Members know that there are flush seasons for certain types of fish. There is a herring season and a schnapper season and at such times fish used to be very much cheaper than at other periods. That is not so today. Fish is being sold at a price out of all proportion to its value. Fancy paying 1s. 3d. and 1s. 6d. per lb. for herrings at a flush period! Previously the vendors would have been very glad to get 8d. and 9d. per lb. Like Mr. Heenan, I have known shark to be sold at 2s. per lb.

Hon. E. M. Heenan: You can see it being sold today at 2s. 3d. per lb.

Hon. Sir CHARLES LATHAM: The value of shark as a foodstuff is about 6d. per lb. and the vendors should be thankful to receive it, because it must be very profitable at that price. We should say something about fishing in this House and this is one of the few opportunities we have.

The Honorary Minister for Agriculture: You could have done it when the Price Control Bill was being debated.

Hon. G. Fraser: This committee has nothing to do with the price of fish.

Hon. Sir CHARLES LATHAM: Let us examine what the functions of the committee are, as set out in the Act.

The Honorary Minister for Agriculture: The Minister has power to control on the advice of the committee.

Hon. Sir CHARLES LATHAM: Let us have a look at the committee's powers. The Act states, in Section 5A—

(2) The committee shall consist of four members at least and not more than five appointed by the Minister.

(3) Of the said members—

(a) one shall be the Chief Inspector of Fisheries who shall be the chairman of the committee;

(b) one shall be appointed to represent fishermen who are commercially engaged in the fishing of crayfish;

(c) one shall be appointed to represent fishermen who are commercially engaged in fishing in estuaries and on beaches;

(d) one shall be appointed to represent fishermen who are commercially engaged in deep-sea fishing, other than the fishing of crayfish; and

(e) one may be appointed to represent persons who are not commercially engaged in fishing or the fishing industry.

Then the Act says—

5B. The committee shall—

(a) inquire into and report to the Minister upon any matters referred to it by him or by the Chief Inspector of Fisheries in relation to the fisheries of the State; and

(b) advise the Minister on questions relating to the management, control, protection, regulation and development of such fisheries, and may make such recommendations to the Minister as it thinks fit in relation thereto.

It is provided that all members of the committee shall hold office for a period of three years. It is later provided that —

Subject to any direction of the Minister, the Licensing Officer may in his discretion grant, renew, remove or transfer any license, upon conditions which shall be reduced to writing and may be endorsed on the license. Such conditions may be added to, varied, cancelled or suspended at any time and from time to time during the currency of the license, and may include conditions relating to any one or more of the following:—

(a) Restricting the presence and use of any boat licensed pursuant to section thirteen of this Act to such waters as he shall think fit;

(b) limiting and defining the days upon and the period during which any such boat may be used for catching fish for sale;

Hon. L. Craig: What has this to do with nets?

The Honorary Minister for Agriculture: Nothing at all!

Hon. Sir CHARLES LATHAM: Yes it has. The section continues—

(c) limiting and defining the port, harbour, wharf, jetty, beach or portion of coastline or any two or more of them which any such boat may enter or use during the currency of the license;

(d) limiting and defining the species and quantities of fish which any such boat may hold or carry during any period of the year specified by the Licensing Officer; and

(e) such other conditions as the Minister may consider shall be in the interests generally of the fishing industry or of the State.

I say the Minister has all the power he needs to control the price of fish in that.

The Honorary Minister for Agriculture: The price?

Hon. Sir CHARLES LATHAM: Yes.

The Honorary Minister for Agriculture: This Bill does not deal with prices.

Hon. Sir CHARLES LATHAM: I know, but the Minister has power under the Act. I am anxious that we should be careful that we do not restrict the sale of nets if it means we are going to restrict the bringing of fish into the port and selling it to the public. These Bills are not going to be passed without my giving an opinion on them. That opinion may be wrong; but nevertheless it is about time this House took some stand in relation to the price of foodstuffs. If the high price of fish is due to the shortage and to the fact that people have not nets or will be prevented by this Bill from going fishing, it is about time the House took action.

Hon. A. Thomson: You do not mean to say the freezing works are packed with fish!

Hon. Sir CHARLES LATHAM: We know they are. I do not think there is any necessity for this legislation. I think it is being used today more or less to restrict activities, and I take very strong exception to that. The fishing industry and the public are suffering. I do not want airily to dismiss the subject, as I think Mr. Fraser did; and I believe the Minister should satisfy himself, before he forces this Bill through the House, that there is justification for it. Let him walk along Murray-street and Barrack-street and look at the price of fish, and then let him decide whether there is justification for further restricting the industry when most of the freezing works are full of fish.

On motion by Hon. W. J. Mann, debate adjourned.

## BILL—FACTORIES AND SHOPS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 9th September.

HON. E. H. GRAY (West) [8.38]: This is a very small Bill, but it involves a big principle. I think that originally the Factories and Shops Act of 1920 contained a section which prohibited the registration of any Asiatic or Chinese as the occupier of any shop. This Bill deals with two sections of the Act. Section 26 reads as follows—

No person of the Chinese or other Asiatic race shall be—

(a) registered as the owner or occupier of a factory unless he satisfies the Minister that he carried on the business which he proposes to carry on in such factory before the first day of November, one thousand nine hundred and three; or

(b) employed or engaged by the occupier of a factory in or about the factory, unless the occupier satisfies the inspector that such person was so employed or engaged in a factory on or immediately before the date last aforesaid.

If this amending legislation is carried, it will open the door for any Asiatic people who are British subjects to take advantage of the Act and become registered as shopkeepers.

The Honorary Minister for Agriculture: What is wrong with that?

Hon. E. H. GRAY: I am not opposing that. I am pointing out what I think it means.

The Honorary Minister for Agriculture: That is correct.

Hon. E. H. GRAY: Unfortunately, I came into the Chamber when the Minister had concluded introducing the measure; but I understood that the two amendments had been agreed upon and recommended by the Commonwealth Government and the Governments of the Eastern States. Is that so?

The Honorary Minister for Agriculture: No. The Government of India.

Hon. E. H. GRAY: It has nothing to do with the Commonwealth Government?

The Honorary Minister for Agriculture: No. The Bill brings this State into line with the Eastern States and it has been

asked for by the High Commissioner for India.

Hon. E. H. GRAY: Every State in the Commonwealth, except Western Australia, has agreed to this. Is that right?

The Honorary Minister for Agriculture: Yes. It is applicable in other States.

Hon. E. H. GRAY: The other section referred to is Section 135, which states—

No person of Chinese or other Asiatic race shall be employed in any factory for longer hours than women may be employed therein under this Act; nor shall he be employed before eight o'clock in the morning nor after five o'clock in the evening.

I think we shall have to consider the Bill carefully. I want to hear it debated because I know that years ago conditions were pretty bad. That was when the Act was first introduced and strong action had to be taken against Asiatics because of their unfair competition. I want to hear the opinions of all sections of the House and will reserve my right to vote for or against the measure, which I think should be carefully scrutinised before the House agrees to it.

On motion by Hon. L. Craig, debate adjourned.

## BILL—LICENSING ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 9th September.

HON. E. H. GRAY (West) [8.43]: I understood the Minister to say that this Bill deals with the same principle as the preceding measure, and my remarks on the previous Bill apply to this one.

HON. SIR CHARLES LATHAM (East) [8.44]: It is true that the previous Bill is very similar to this one, except that the words "any Asiatic" includes the Jews of Palestine. That was excluded from the Licensing Act when this provision was embodied therein by the late Hon. A. McCallum. I remember that Section 130a was held over until such time as it had been referred to the Imperial Government for assent. The section reads—

Every licensee by whom any person of Asiatic race was employed in or about his licensed premises on the 15th day of August, 1922, shall cause the name of such person to be registered in a register to be kept at the Licensing Court for the district in which the

licensed premises are situated; and no licensee shall, elsewhere than in the North Province of the State, employ any person of Asiatic race in or about his licensed premises whose name is not so registered: Provided that this section shall not apply to persons of the Jewish race.

The difference between that section and the Bill we have discussed is that it included all Asiatics. The proposal in the Bill has reference to any person of Asiatic race who is a natural-born British subject. That will include all Indians, except those who are in the Portuguese territory in India and the Chinese in Hong Kong, who are of British nationality, provided they are domiciled here. I have not quite followed the meaning of the words "principal domicile." It appears that the individual concerned will have to have another domicile as well as the one here.

Hon. L. A. Logan: The word "principal" is being taken out.

Hon. Sir CHARLES LATHAM: I am pleased to know it is going to be deleted.

The Honorary Minister for Agriculture: I believe the Government Printer put that in. He thought that "domicil" was a mistake, and added the "e."

Hon. Sir CHARLES LATHAM: There is no difference in its meaning. I have looked it up in a dictionary. "Domicile" is a house and "domicil" means living in the house. By means of this Bill we are breaking down the White Australia policy.

The Honorary Minister for Agriculture: We are not.

Hon. Sir CHARLES LATHAM: By statute today we keep Chinese from going to the Goldfields.

The Honorary Minister for Agriculture: The Commonwealth law prevails.

Hon. Sir CHARLES LATHAM: It was a State law that prevailed in that case.

The Honorary Minister for Agriculture: This measure deals with people who are already here.

Hon. Sir CHARLES LATHAM: Yes, and they cannot go to the Goldfields. Surely the Honorary Minister knows that a Japanese or a Chinese cannot go to the Goldfields.

Hon. G. Bennetts: A Japanese could.

Hon. Sir CHARLES LATHAM: At all events, a Chinese could not. In this legislation we prohibit a Chinese from engaging in certain classes of business.

The Honorary Minister for Agriculture: It applies to licensed premises.

Hon. Sir CHARLES LATHAM: Are they to be granted licenses?

The Honorary Minister for Agriculture: The Bill says nothing about that, but lays down that they cannot be employed on licensed premises without being registered.

Hon. Sir CHARLES LATHAM: The Bill states that this section shall not apply to—

(1) Any person of the Asiatic race who is a natural-born British subject and whose principal domicile is in the State on the day of the commencement of the Licensing Act Amendment Act, 1948, nor

(2) to any descendant of any person referred to in the next preceding paragraph if the domicile of the descendant is in the State.

If the Bill is passed, am I to understand that an Asiatic cannot get a license?

The Honorary Minister for Agriculture: That would still depend on the Licensing Court. The Bill says that an Asiatic cannot be employed on licensed premises without being registered.

Hon. Sir CHARLES LATHAM: It would not be the first time a Chinese had held a license for an hotel in Australia.

The Honorary Minister for Agriculture: No-one has a right to a license unless it is granted by the Licensing Court. There is a safeguard there.

Hon. Sir CHARLES LATHAM: I do not know what its effect will be. If a person is a sufficiently reputable citizen to be allowed to stay here we should not debar him from engaging in business.

The Honorary Minister for Agriculture: It will probably not affect more than six people.

Hon. Sir CHARLES LATHAM: I doubt whether it will affect any. Today there are very reputable Chinese merchants in the city.

The Honorary Minister for Agriculture: It does not affect the White Australia policy, which is looked after by the Commonwealth law.

Hon. Sir CHARLES LATHAM: That law prevents Asiatics from coming here.

The Honorary Minister for Agriculture: This Bill refers only to people—or their descendants—who are already here.

Hon. Sir CHARLES LATHAM: A natural-born subject may be a Hong Kong Chinaman.

The Honorary Minister for Agriculture: His principal domicile must be in Western Australia.

Hon. Sir CHARLES LATHAM: I do not like the word "principal."

The Honorary Minister for Agriculture: His domicile is in the State.

Hon. Sir CHARLES LATHAM: A domicile is a dwelling, home or house. The Licensing Act could not apply. If it applied only to those working in an hotel it would not matter.

The Honorary Minister for Agriculture: He is not allowed to work in an hotel unless he is registered. This Bill will remove that provision.

Hon. Sir CHARLES LATHAM: We could strike that provision out of the Act; and it would give us the same position.

The Honorary Minister for Agriculture: Yes, but it is a safeguard to have it there.

Hon. Sir CHARLES LATHAM: I do not object to it. This word "domicil" will probably come up for argument. I looked it up in the "Encyclopaedia Britannica," but that reference does not say what the word means. In Webster's "Twentieth Century" Dictionary the word "domicile" is given as meaning a dwelling, home or house, and in law a person's legal residence is determined by the law of the State or country. It means exactly the same thing except that "domicil" refers to the house. The interpretation given here is that in law it is a term which may be defined generally as the place of a man's permanent abode. A precise definition is a matter of acknowledged difficulty. It has been admitted generally that it is difficult to define what a domicile really is. I would have liked to see the provision come right out.

The Honorary Minister for Agriculture: Do you refer to Section 130?

Hon. Sir CHARLES LATHAM: To Section 130 (A), but it really does not matter.

HON. E. M. HEENAN (North-East) [8.52]: I see no objection to the Bill. Apparently it applies only to people who are

employed about an hotel. The persons relieved under the measure are those of Asiatic race who are natural-born British subjects and whose principal domicile is in the State. "Domicile" can be defined as the legal home. We are all domiciled in Western Australia. If I went to Queensland for a six months' holiday or took a job that kept me there for a couple of years, my permanent home would still be in Western Australia.

Hon. Sir Charles Latham: But you would be domiciled in Queensland while you were there.

Hon. E. M. HEENAN: My domicile would remain in Western Australia.

Hon. Sir Charles Latham: Your legal friends have never yet decided that point.

Hon. E. M. HEENAN: A man might wish to take divorce proceedings and accept a job in Queensland for 12 months. If he wanted to take proceedings in Queensland during that period, he would be bound by the law of Western Australia, which would be his domicile. The people concerned under this measure are Asiatics—

Hon. Sir Charles Latham: Natural-born.

Hon. E. M. HEENAN: Natural-born British subjects and their permanent home must be in Western Australia at the time when the measure comes into operation.

The Honorary Minister for Agriculture: We are taking out the word "principal."

Hon. E. M. HEENAN: That does not mean much. I think the Bill is satisfactory.

On motion by Hon. E. M. Davies, debate adjourned.

*House adjourned at 8.55 p.m.*

## Legislative Assembly.

Tuesday, 14th September, 1948.

### CONTENTS.

	Page
Questions : Housing—(a) as to two- and three-unit homes erected in Assembly districts	987
(b) as to accommodation for two-unit families	988
(c) as to homes being erected by Commission, etc.	988
(d) as to R.A.A.F. huts as homes	988
Education, as to new schools, cost, etc.	988
Tractors, as to imports from U.S.A.	989
Traffic, as to wheel chair license fees	989
Wheat marketing scheme, as to distribution of ballot papers	989
Leave of absence	990
Bills : Constitution Acts Amendment (No. 1), 1r.	989
Health Act Amendment, 1r.	989
Brands Act Amendment, 3r.	990
Building Operations and Building Materials Control Act Amendment (Continuance), 2r., Com., report	990
Land Sales Control, Standing Orders suspension, 1r., 2r.	1006
Industries Assistance Act Amendment (Continuance), Message	1009
Prices Control, Council's amendments	1009

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

### QUESTIONS.

#### HOUSING.

(a) *As to Two- and Three-unit Homes Erected in Assembly Districts.*

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

How many houses for (a) two-unit and (b) three-unit families have been constructed in each of the Legislative Assembly districts?

The MINISTER replied:

Information regarding permit issues is not tabled under Legislative Assembly districts, but a return is appended showing the number of permit issues to two- and three-unit families dissected under local authority districts. (Return laid upon the Table of the House.)