Legislative Council,

Wednesday, 14th September, 1938.

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

QUESTION—RAILWAYS.

Members of Parliament, Berths and Meal Tickets.

Hon. J. CORNELL asked the Chief Secretary: 1, Does the Minister for Railways approve of the action of the Commissioner of Railways in insisting that members of Parliament, when travelling on the Westland express from Perth to Kalgoorlie, and vice versa, personally call at the Perth and Kalgoorlie railway stations to reserve sleeping accommodation, and in addition, forcing them to pay 3s. 6d. for a meal ticket? 2, If not, will the Minister revoke these impositions? 3, Is the Minister for Railways aware that a member of Parliament, when travelling by train between Melbourne and Perth, is not forced to take out meal tickets, but is told to pay as he goes for any meals consumed either in a dining car or in a railway refreshment room?

The CHIEF SECRETARY replied: 1, These are matters coming under the jurisdiction of the Commissioner of Railways. 2, Answered by No. 1. 3, No.

MOTION—ABATTOIRS ACT.

To Disallow Regulation.

HON. C. F. BAXTER (East) [4.35]: I move—

That No. 34 of the regulations made under the Abattoirs Act, 1909-1931, as published in the "Government Gazette" on the 14th April, 1938, and laid on the Table of the House on the 9th August, 1938, be and is hereby disallowed.

There is a connection between this motion and the partly-debated motion standing in my name on the notice paper referring to the handling of stock that provides the meat supply for the metropolitan area. A little confusion has arisen because of what has been done in this matter. First of all, the Department of Agriculture through the Abattoirs Act, under which this regulation is framed, issued a proclamation extending the abattoirs area from a radius of 12 miles to one of 25 miles. That proclamation stipulated that where the circumference of the circle of the 25-mile radius cut through portion of the territory of a local governing authority, the rest of that district was to come under the regulations. In one district I know, the area brought within the scope of the regulations is extended for a distance of 40 miles.

Hon. H. Tuckey: It would take in Serpentine.

Hon. C. F. BAXTER: It includes the Chittering area, and affects the whole of the road district. The next step was taken under the Health Act, regulations having been framed and applied on the 7th June extending the area for the inspection and branding of meat to a radius of 25 miles from the G.P.O. That left the land outside the 25-mile area under the Abattoirs Act unaffected by the inspection and branding regulations. I say directly and deliberately that the action taken under the Abattoirs Act and under the Health Act was taken for one purpose only, and that was to evade the intention expressed by this House in 1935, when it opposed the attempt to compel all slaughtering to be effected at the abattoirs. The regulation to which I am now objecting was gazetted on the 14th April and laid on the Table of the House on the 9th of the present month.

The Chief Secretary: Is that quite correct?

Hon. C. F. BAXTER: I am not sure. I may have confused the dates.

The Chief Secretary: The regulations were tabled on the 9th August.

Hon. C. F. BAXTER: That is correct; I thank the Minister for correcting me. Regulation No. 34 reads—

Slaughtering elsewhere than in an abattoir prohibited.

No person shall slaughter any stock within the metropolitan area as declared under the Abattoirs Act, 1909-1931, except in the abat-

toirs. Provided that pigs may, with the approval of the Minister, be slaughtered on private premises.

Hon. L. Craig: Calves are exempted.

Hon. C. F. BAXTER: Yes.

Hon. J. J. Holmes: Are not pigs subject to inspection?

Hon. C. F. BAXTER: Yes, under the old scheme. No meat may be offered for consumption in the metropolitan area without having been subjected to a strict inspection. The work at meat sales rooms is done by inspectors of the Perth City Council and the Fremantle Council, and they, in turn, are under the control of the Health Department, and rightly so. I am not attempting to condone evasion of the proper inspection of meat. I would make such inspection as strict as possible. It cannot be too rigid. However, there are other aspects of the subject that call for consideration. These will be discussed when related motions on the Notice Paper are being considered. Under the regulation all meat slaughtered in an abattoirs area must be slaughtered in the abattoirs. What does the word "abattoirs" mean? For the present purpose, as far as my knowledge goes, it means only the Midland Junction Abattoirs and the Fremantle Abattoirs. Other places for slaughtering are not classed as abattoirs. My statement that the regulation under review forces all killing into the abattoirs is, therefore, perfectly correct. The regulation itself proves that I am not wrong.

The Chief Secretary: This is a different regulation from the one you dealt with previously.

Hon. C. F. BAXTER: Quite so. It is the most definite regulation we have had on the subject.

The Chief Secretary: The other regulation had nothing to do with slaughtering.

Hon. C. F. BAXTER: This is the tightening-up regulation, the clinching regulation. The Chief Secretary and other Ministers have told us that special permits to kill will be given. How can such permits be given when it has been definitely laid down that all slaughtering must be done in the abattoirs? I venture to say very few permits will be granted. I shall not dwell on this motion, but I do suggest that it should not be finalised until my motion to disallow the regulation under the Health Act has been finally dealt with and the regulation either disallowed or upheld by the House. Members will, I hope, grant me so much indulgence.

On motion by the Chief Secretary, debate adjourned.

BILLS (2)—FIRST READING.

1, State Government Insurance Office.

2, Mullewa Road Board Loan Rate.

Received from the Assembly.

MOTION—HEALTH ACT.

To Disallow Amendment to Regulations.

Debate resumed from the previous day on the following motion by Hon. C. F. Baxter (East):—

That the amendment to Schedule B of the regulations made under the Health Act, 1911-1937, as published in the "Government Gazette" on the 5th August, 1938, and laid on the Table of the House on the 10th August, 1938, be and is hereby disallowed.

HON. G. FRASER (West) [4.49]: During the debate on this motion the attitude of hon. members generally has been one of absolute confusion. This cannot be wondered at after one has examined the regulations and listened to the discussion. The longer the discussion continues, the greater the confusion. The reason is that throughout the debate there has been introduction of matters relating to the Abattoirs Act and the Health Act. This has led to the inclusion of various phases that are not covered by the regulations under review. I have no wish to add to the confusion that already exists, and therefore shall refrain from discussing phases that have already received attention. My desire is merely to state what in my opinion this regulation means. At the outset let me say that I believe the mover of the motion is attacking the wrong regulation.

Hon. J. J. Holmes: He is attacking the other one as well.

Hon. G. FRASER: Let us consider the facts. I gather that some time ago a proclamation was issued extending the abattoirs area from the 12-mile limit to the extremity of a road district, and nominating the road districts to be included. Following that, a regulation was made under the Health Act,

which brought all those districts under the Health Act for the purpose of meat inspection. Later there came the regulation now under discussion which excluded quite a number of the road districts previously mentioned, namely the road districts of the metropolitan area, and substituted the 25-mile radius from the G.P.O., Perth. That is the regulation we are now discussing. Thus members who are supporting the motion appear to be doing exactly the reverse of what they desire to do. The previous regulation that named the road boards to be covered extended, in some instances, to distances as remote as 40 miles from the General Post Office. The present regulation, which Mr. Baxter seeks to have disallowed, would have the opposite effect.

Hon. J. J. Holmes: Was the other regulation ever endorsed by Parliament?

Hon. G. FRASER: I do not know; I am not dealing with that phase. This regulation, instead of extending the area beyond the 12-mile radius, appears to be reducing the limit from 40 miles to the 25-mile radius, which is the reverse of what some members think. Therefore, instead of opposing the regulation, they should support it.

Hon. G. B. Wood: I think you, too, are a bit mixed.

Hon. G. FRASER: Then I am not more mixed than were other members who have spoken.

Hon. J. J. Holmes: The point is whether the regulation extending the area to 40 miles was ever passed by Parliament.

Hon. G. FRASER: It was not objected to.

Hon. J. J. Holmes: If it never came before us, it could not be objected to.

Hon. E. H. Angelo: Was it ever enforced?

Hon. G. FRASER: Possibly so, after a certain period had elapsed and no objection was raised to it.

Hon. C. F. Baxter: It has been enforced up to 40 miles.

Hon. G. FRASER: The regulation issued after the proclamation setting forth the names of the road districts to be included was never objected to by this House.

Hon. C. F. Baxter: When was it gazetted?

Hon. G. FRASER: In July, I understand.

Hon. G. B. Wood: There has not been an opportunity to object to it.

Hon. G. FRASER: The regulation now being objected to was tabled on the 9th August, and proposes to reduce the radius to 25 miles.

Hon. C. F. Baxter: How can we object to the previous regulation?

Hon. G. FRASER: I do not intend to discuss that point. I am merely dealing with the regulation at present in force, which extends the Health Act to the whole of the area covered by the road districts enumerated, the outer boundaries of some of which districts must extend to 40 miles. Armadale is 19 miles distant from Perth, and the extremity of that road district must be almost 40 miles away. I understand that the regulation now in force was tabled, and that no objection was raised to it. That regulation extended the abattoirs area and the health area from 12 miles to the far boundary of the road districts mentioned.

Hon. C. F. Baxter: When was the regulation under the Abattoirs Act tabled?

Hon. G. FRASER: The proclamation was issued some time in July.

Hon. J. J. Holmes: And the regulation was laid on the Table?

Hon. G. FRASER: I understand so.

Hon. C. F. Baxter: When?

Hon. G. FRASER: Members are obviously confused regarding the regulation and its operation. My research leads me to believe that the regulation under the Health Act was issued after the proclamation of the abattoirs area, and that that regulation is still operating. That extended the area from 12 miles to the farthest boundary of the road districts mentioned. This regulation will reduce the area to a 25-miles radius from the G.P.O. Therefore, if members succeed in defeating the regulation, instead of conferring a benefit on constituents, who would be exempted, they will bring those people under the regulation.

Hon. G. B. Wood: Reduce the proclaimed area and we will be satisfied.

Hon. G. FRASER: I have no desire to deal with anything but the effect of this regulation. Apparently members are going to penalise quite a number of producers whom they desire to assist. The object of the regulation is to reduce the distance by prescribing an area within a 25-miles radius. The producers who are located beyond that radius, if the motion is passed, will be brought within the prescribed area, whereas the regulation now under discussion will exempt them. I could have understood objection being raised to the previous regula-

tion that extended the radius beyond 12 miles.

Hon. J. J. Holmes: Apparently it slipped through without being noticed.

Hon. G. FRASER: That was not my fault. Anyhow, I am dealing not with that phase but with the motion before the House. Those members who think they will be benefiting their constituents by having this regulation disallowed will find that they will merely rope in some whom the regulation seeks to exempt.

Hon. C. F. Baxter: How rope them in?

Hon. G. FRASER: Under the Health Act.

Hon. C. F. Baxter: Tell us how.

Hon. G. FRASER: Because at present they are covered by the previous regulation that extends to the outer boundaries of the road districts enumerated. Armadale and Rockingham are cases in point; the whole of those districts are covered by the previous regulation.

Hon. C. F. Baxter: You are wrong.

Hon. G. FRASER: My information is that that regulation was tabled and is in force. If members examine the position carefully, they will find that I am right. The regulation that Mr. Baxter seeks to have disallowed will fix the radius at 25 miles, but if members persist in their hostility to the regulation, the extension up to 40 miles will continue. Therefore, to save the skins of those members who are supporting the motion, I shall oppose it.

HON. C. F. BAXTER (East—in reply) [5.0]: Mr. Fraser has not done much to clarify the position.

Hon. A. Thomson: It is as clear as mud.

Hon. C. F. BAXTER: I am just as keen as are the departments concerned to deal with buyers of stock who are taking animals outside the area and slaughtering them. That procedure is not right. Reference has been made to the number of carcases that come in from outside areas. A large percentage of that stock is killed by dealers who purchase it in Midland Junction and Subiaco. Although the stock is inspected there by Government officers before slaughter—if there is any doubt about the animals a brand is put upon them—the procedure is wrong. My motion was moved for two reasons, firstly, to protect the small producer; and, secondly, not to evade any inspection but to give local governing bodies an opportunity to establish slaughter houses in their own districts, and to have the meat inspected by thoroughly qualified health inspectors. In addition to the inspectors being qualified, they would be supervised by the Health Department. If the two sets of regulations are allowed to stand, the Government will not on any consideration extend to local governing bodies the privilege of establishing their own slaughter houses. I will read what Section 11 of the Abattoirs Act of 1909 states. It is the authority under which the local governing bodies work when an extension is made to their districts—

> The Governor may by Order-in-Council (a) extend to or confer upon any local authority, or any two or more local authorities jointly the powers conferred on the Governor by this Act or (b) place any abattoir under the control and management of any local authority or any two or more local authorities jointly, and thereupon the powers conferred on the Governor by this Act may either generally or in respect to such abattoir be lawfully exercised by such local authority or local authorities jointly: provided that all regulations made under this Act shall be subject to the approval of the Governor. Any local authority to whom such Order-in-Council applies may expend its ordinary revenue for the purposes of this Act.

That is what the local governing bodies want. The Act contains very few sections. It relies mainly upon the regulations that are framed to bring under control the various matters appertaining to that legislation. It applies to big dealers who are slaughtering. They, too, can be dealt with under regulations, and I would be glad to assist the Government in that direction. The action taken by the two departments has been such as to force the killing into the abattoirs. One looks for a reason for that action. In a debate in this Chamber nearly three years ago, we were told that if the regulations that were laid on the Table of the House at the time were passed, Midland Junction would benefit to the extent of £20,000 per annum. That was the crux of the situation. A deputation consisting of the Mayor of Fremantle, the business people of that port, and representatives of producers, approached the Minister for Health and the Minister for Agriculture at Fremantle. The business people came into the matter because the small producers brought their meat to the salerooms and did business in the town. The mayor of Fre-

mantle told the Government he had the authority of his council for saying that it would erect the necessary facilities if the Government would withdraw the regulations. The real answer given by the Minister for Health was, "We have £200,000 invested in the Midland Junction abattoirs, and that is what we have to consider when you ask me to allow the present state of affairs to continue."

Hon. G. Fraser: That was not the answer. I was a member of the deputation.

Hon. C. F. BAXTER: It was the most important part of the answer. I have it all in black and white.

Hon. G. Fraser: You said it was the answer.

Hon. C. F. BAXTER: I said it was the most important part of it.

Hon. G. Fraser: After you were taken up on the point.

Hon. C. F. BAXTER: It is amazing to find that local governing bodies, which should control health matters in their own districts, have been discouraged in this avenue. The same may be said of their health officers. An application was made by the Gosnells Road Board for a permit to erect a slaughter house in the district. An appeal was accordingly made to the Health Department, and the following answer was sent to the board by the Commissioner of Public Health, Dr. Everitt Atkinson, under date of the 15th September, 1937:—

> Recently this department received an appeal from Messrs. Townsend and Goddard against the decision of your board in deciding to grant a slaughter-house license to Mr. Graham, in regard to Lot 930 of Canning Location 16. The appeal has been investigated, and the appellant advised that the appeal is dismissed.
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> In regard to this matter, however, I desire to advise you that it is proposed, in the immediate future, to extend the abattoirs area, and the land in question will be included in the extended area. I think you should advise Mr. Graham accordingly, as possibly he may erect buildings which may be closed in the near future, thus involving him in financial loss.

The Commissioner of Public Health does not control or administer the Abattoirs Act. As Commissioner of Public Health, he told the local governing districts concerned that they must keep their hands off slaughtering because the other department was going to extend the abattoirs area. Notwithstanding this, I am told there is no collaboration between the two departments to the one end, namely, the promulgation of the regulations we have been fighting for so long. A great deal of controversy has arisen concerning the condition of the meat, and what has happened under the system in vogue prior to these regulations being enforced. I could not answer all the statements that have been made in this House and outside, so I referred the matter to the road boards, who thoroughly understand their side of the question. Here is a statement I have dealing with the position—.

> In September, 1937, the Gosnells Road Board decided to register a slaughter yard with the idea of having meat killed under proper conditions. The letter from the Health Department relating to the appeal by certain people against this slaughter yard indicated that the department did not want the board to take this action. The old bogey of an extension of the abattoirs area was again trotted out. Ever since the three boards were formed into a health district with one inspector, approximately 10 years ago, they have had five inspectors, all with meat inspection certificates. During this period the conditions relating to slaughtering and meat inspection have been static. Actually they seem to have been always in the condition specified by the Minister. Even previous to the appointment of an inspector by these boards this condition operated, and the department was in charge and responsible.

A great deal has also been said about slaughtering and the cartage of meat. We have only to look at the vehicles that are provided at the abattoirs to judge whether they are a credit to the department concerned. For my own part, I never saw anything worse. And yet the abattoirs officials want to deal with isolated cases. I have some further information on the subject—

> Why bring this up, when the department concerned took no action, and did not even draw the attention of the board to the question? Why this peaceful attitude until the board decides to license a slaughter yard? If the hen-coop and the pig-coop conditions set out by the Minister were then in operation, why was nothing done? Actually the snide slaughter-houses described by the Minister always existed, and the department did not move in the matter or even suggest to the boards that they should take action.

The Chief Secretary: What was the board doing?

Hon. C. F. BAXTER: Both the board and the health inspectors were discouraged.

Would it not be better, instead of extending the present centralised area, to group further small centres round the old area of 12 miles, use every road district for this particular purpose, and thus provide an efficient inspection for public health?

Extraordinary statements have been made concerning the disposal of meat at the sales markets, where the inspector of the City Council operates. The inspector, who is a qualified man, was previously in the employment of the Government. He examines minutely every portion of the carcases, with the exception of the meat that is sent from Midland Junction and has already been inspected by Government inspectors. A large proportion of the meat disposed of at the sales markets comes from Midland Junction.

The Chief Secretary: That is not denied.

Hon. C. F. BAXTER: Although I drew attention previously to the inspection methods, I will repeat what I said for the benefit of members who were not present at the time. The information I will place before the House is based on the authority of two gentlemen whom I asked to go to the Midland Junction abattoirs to ascertain just what was done and whether it was right to adopt a definite stand in relation to these regulations. I realised that I might mislead some members of the House if I were to adopt the strong stand of declaring that the inspection indicated was not justifiable. I have visited the abattoirs, but in this instance I did not go there; I requested the two gentlemen I mentioned to make the inspection to ascertain exactly how the health regulations were observed. This is what the two gentlemen reported—

On the 20th July, 1938, we visited the abattoirs, Midland Junction, in order to observe the methods of inspection of meat being carried on. In the case of bullocks, apart from the usual gland inspection of the carcase itself, the only other gland looked at was one secreted in the fat surrounding the intestines. After this, we watched the inspection of mutton and found that the entire viscera was put down the chute immediately, without any inspection whatever.

The only difference between the two types of inspection was that in one instance the glands in the intestines were inspected, whereas nothing was done from that standpoint with regard to the mutton. When I make that point, it will be recognised that nothing derogatory to inspectors is involved because anyone who has had experience with meat knows that if there is anything deleterious in the mutton, the carcase itself will show indications of the disease. To continue—

In the case of pork, there is a slightly different procedure. Everything is cleaned from the inside and thrown on a general heap with the exception of the liver and lights which are left hanging by the windpipe attached to the head of the carcase. The inspector then tests one gland on the lung for infection. There is no inspection of the remaining components, it being, of course, impossible to tell at that stage from which carcase it was taken.

That deals with the inspection at the Midland Junction abattoirs, and I do not contend that anything wrong is disclosed in those details.

The Chief Secretary: I think there is something wrong.

Hon. C. F. BAXTER: What does the Minister say is wrong about it?

The Chief Secretary: The details are not correct.

Hon. C. F. BAXTER: These statements are made by men who have experience.

The Chief Secretary: Why not tell us who they are?

Hon. C. F. BAXTER: I shall do so.

The Chief Secretary: Are they men who are capable of judging?

Hon. C. F. BAXTER: One is a butcher named Napier who at times puts a lot of meat through the market, and I am told by butchers that Napier's meat was a credit to him at all times. Of course, I am not suggesting for one moment that meat should be slaughtered anywhere a man may choose. However, several butchers have informed me that when Napier sends in meat, they will buy his consignments in preference to those submitted by any other section. The other man was Nelson, who is associated with a meat market. Anyone acquainted with those gentlemen knows that they would not put in black and white statements of which they were not sure. I made quite certain, in asking these two gentlemen to carry out the inspection, that I would receive opinions worthy of acceptance. We have had a lot of extravagant talk about this subject. Isolated instances have been magnified. They have been referred to and enlarged upon as though there were a plague of such happenings.

If members have followed the discussions both in Parliament and in the Press, they will agree with me that the public generally will turn vegetarian before long. If statements that have been made are accepted as truly representative of the position, people will have before them the spectacle of an extraordinary meat supply available for their consumption. What else could be expected in view of the exaggerated statements that have been made? One person holding a high position in this State said, "I inspected this. I did that. I did the other thing." If that gentleman did all that he claims to have done, I do not think he could have attended to anything else during the last four months or so. As a matter of fact, he has not the experience that would enable him to do all that he suggested. On the other hand, men who do know something about the trade inspected the operations at Midland Junction, and I am placing that information before the House. In all the wild talk, there has not been any suggestion to indicate one instance of ill-health that has been attributable to disease in meat disposed of at the markets. Anyone who has followed up this business must know that there can be no justification for such an allegation.

Hon. G. Fraser: Tell us something about——

Hon. C. F. BAXTER: I will give the hon. member all the information necessary before I have finished. I have obtained the opinion of one of the best meat inspectors in the State. He was formerly in the Government Service and has always taken his duties most seriously. I refer to Mr. Law, who inspects meat delivered in the metropolitan area. This is his opinion—

An impression may be gained by the Minister's remarks that there were no condemnations at all at these depots.

He refers there to the meat markets at West Perth and also the markets at Fremantle.

As evidence that a vigilant eye is kept upon all carcase meat submitted for sale, I may say that during the last year no fewer than 441 whole carcases of meat, in addition to a large quantity of organs, were condemned. This meat was condemned for such reasons as putrefaction, emaciation, immaturity, tuberculosis, moribund traumatism, icterus, peritonitis, pyrexia and hydatids.

A large amount of meat is sent in from the Government abattoirs and I have, therefore, an opportunity of comparing the standard in regard to poorness. I can say definitely that the quality of the meat sent in by the dealers and producers is at least equal to the abattoirs meat.

I have inspected a lot of it myself, and I agree with that statement.

Hon. G. B. Wood: Why should it not be equal in condition?

Hon. C. F. BAXTER: Of course it should be. I would go so far as to say that if I had to buy meat in any large quantity, I would go to the City Markets and buy meat that I knew had been killed on a farm. I would know that I was getting the best meat. I would know that, because the animals would have been taken out of the paddock where they had been depastured, and the carcases would not have been knocked about in a truck. In those circumstances, the best meat procurable could be expected. To continue the statement—

I have seen meat from the Government Abattoirs that has been of much poorer quality than I have ever passed at these markets. That, of course, is not to say that such meat was necessarily unwholesome, and it would be unfair to say that this poorly-nourished meat was typical of all meat killed at Government abattoirs, just as a few carcases of poor quality meat do not indicate the standard of the meat sold at the Metropolitan Markets. Generally speaking, the meat sold is of good quality.

And that is where persons not experienced in the meat trade could easily be misled.

The conditions of transport that the Minister spoke of are by no means general.

That is what I have also stated.

About 90 per cent. of the meat brought in is enclosed in clean canvas covers. It is true that meat has sometimes been carried on the same truck as a crate of fowls, but they always advise to keep the meat separate, so much so that the risk of contamination is small. I also know that on rare occasions pork has been carried on the same vehicle as clean empty pig-wash barrels, but this is very rare and is rectified upon detection.

This is very important because the Minister for Agriculture, Mr. Wise, made much of the statement that pork had been transported on a vehicle with empty barrels, and no doubt his assertions must have carried conviction to many people.

It should be mentioned that this very pork, which was carried on the same truck as pig barrels, had already been inspected, branded and transported from slaughter houses where a Government inspector was in attendance.

The Minister for Agriculture should have ascertained these facts before saying what he did.

During six months of last year an officer of this department—

That refers to the department of the City Council—

—was solely employed on sale days inspecting and correcting, where necessary, any faulty conditions of transport of meat. In this connection it is estimated that some thousands of inspections were made and I have never failed to admonish and correct any person carrying meat under any of the conditions even approaching that which the Minister quotes. Of course, there is always some person who could not be clean under any conditions but, generally speaking, the transport is satisfactory.

The Chief Secretary: His opinion is slightly different from yours.

Hon. C. F. BAXTER: No, it is not. Our opinions agree with regard to the transport wagons from the abattoirs.

It has to be remembered that these producers and dealers are from country districts and it would not be practicable for them to supply a separate truck for their meat or to make two trips with the same truck.

It is amazing that a complaint has been made regarding the transport methods of the dealers and producers, and yet no attempt has been made to remedy the definitely worse methods of transport practised by the wholesale butchers bringing meat into the same market.

That is my opinion, too.

The Chief Inspector and other officers of the Public Health Department have at times visited these markets and have not made any complaints or suggestions to me regarding the existing conditions or the quality of the meat sold.

It has been stated that there is no difficulty with the small butchers. It is pleasing to know that they are in that happy position, but will they be better circumstanced in future than they were before these regulations were framed. If so, why? In addition to the particulars I furnished, Mr. Wood supplied information regarding the cost of sending animals to the Midland Junction abattoirs, having reference mostly to the individual who would transport one or two head of stock, which would be the average that those within the 25-mile radius would kill. I have been taken to task for having said, so it was alleged, that 3,000 producers would be affected by these regulations. What I referred to was that a census taken in 1925 showed that about 3,400 producers throughout the State were sending meat to the Midland Junction sale yards and, on a rough estimate, not one-third, or anything like that proportion, would be within the area we are discussing. Then it has been said that the growers can get permits to kill. If that were so, the Controller of Abattoirs would find himself in a peculiar position, seeing that he had definite instructions that all animals must be killed at the abattoirs. Even if permits were available, how many of these producers are in a position to sit down and forward the necessary communications?

The Honorary Minister: Why not?

Hon. C. F. BAXTER: The trouble is not confined to the small producers. How many of them have the qualifications enabling them to write to the department setting out the position with a view to securing permits to kill? Leaving that aside, and assuming that the regulations are in force, a few may despatch animals to the Midland Junction abattoirs as a trial just to see how it will pan out. I assure the Minister such dealings will represent merely trials, and the growers will not repeat them. They will find out all about the transport charges and those associated with the slaughtering. First of all, they will have to write to the Controller of Abattoirs to secure his authority for the despatch of the beasts to the abattoirs for killing. They will probably have to wait for days on end before the permits are issued. The growers want to kill their beasts and cannot afford to wait for any length of time. The whole position will become ridiculous. The only alternative is for them to shut up shop. We might just as well say that these operations must cease within the 25-mile area.

The radius specified in the regulations is 25 miles, but what is there to say that it will stop there? Obviously these regulations were prepared as a step towards what the Government desires, and that is to cover the whole State. In other words, this is an attempt with that one object in view. The Government wants all beasts to be killed at Midland Junction or at Fremantle, the object being to swell the revenue derived by those enterprises. I have dealt with the cost and the impossibility of these people who are in a small way sending their stock to the abattoirs, not to the registered slaughter house —that will be a thing of the past. The other

point is that, if producers outside the 12-mile radius send their stock to the abattoirs to be slaughtered, the meat supplies for the districts will have to be sent back from the abattoirs. First, the cattle have to be conveyed to the abattoirs and so the meat will lose its bloom and its flavour, nor will it be tender when it is sent back from the abattoirs to be distributed amongst the consumers. What will be the increased cost of meat to those consumers? In 12 months, the extra cost will reach a high amount. Another point to be considered is that after the cattle are slaughtered at Midland Junction, the meat has to remain there for 12 hours.

The Chief Secretary: It should be all the better for that.

Hon. C. F. BAXTER: Yes, but there is the waste of time.

Hon. A. Thomson: The producer could not wait there for 12 hours.

Hon. C. F. BAXTER: No, he has to go home and return again for the meat. After the producer has sent the beast to Midland Junction to be slaughtered, he has to wait until it is killed, and members may rest assured that the wholesale butcher will get preference so far as slaughtering is concerned. Members must bear in mind that our outlying centres are thickly populated. I refer to districts such as Bullsbrook, Kalamunda, Mundaring, and Armadale. Live-stock must be taken from those centres to the abattoirs at Midland Junction to be slaughtered, and then the meat must be sent back to those districts for distribution. We have the proclamation which controls slaughtering; but under the Abattoirs Act and under the proclamation, it is still competent for the Government to permit the erection of slaughter houses in those centres. They would be erected with the approval of the department; each local governing authority would appoint an inspector, and so the health of the people would be safeguarded. The small producer would be helped and the consumer would be supplied with better quality meat at a cheaper price. The disallowance of the regulation would no doubt mean decreased revenue for the Midland Junction abattoirs, but the people who provide the State revenue should not be penalised any more than is absolutely necessary. I therefore ask members to support the motion and thus allow the present position to stand. Under the provisions of the Abattoirs Act, the same privileges that are extended to the Midland Junction and Fremantle abattoirs can be extended to local governing authorities.

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

Ayes	14
Noes	7
Majority for	7

AYES.

Hon. L. B. Bolton	Hon. V. Hamersley
Hon. C. F. Baxter	Hon. W. J. Mann
Hon. J. Cornell	Hon. H. V. Piesse
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. C. H. Wittenoom
Hon. J. T. Franklin	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. H. Tuckey
	(Teller.)

NOES.

Hon. E. H. Angelo	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. G. Fraser
Hon. W. H. Kitson	*(Teller.)*

Question thus passed.

MOTION—TOWN PLANNING AND DEVELOPMENT ACT.

To Disallow By-laws.

Debate resumed from the previous day on the following motion by Hon. H. S. W. Parker (Metropolitan-Suburban):—

That the by-laws (Nos. 1 to 7 inclusive) made under the Town Planning and Development Act, 1928, as published in the "Government Gazette" on the 8th April, 1938, and laid on the Table of the House on the 10th August, 1938, be and are hereby disallowed.

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.39]: I support the motion. I intend to make my comments under three headings—(1) the by-laws, if passed, would in some instances operate harshly; (2), the intention of the by-laws is obscure, and (3) the by-laws exceed the intention of the Act. With regard to the first point, Mr. Macfarlane has given two excellent examples of what would happen if two owners in a suburban section made a tennis court in front of their houses. It would then be necessary, under by-law 3, for all future owners of land in that section to erect their houses 100 feet from the street boundary.

The Chief Secretary: Would that be likely?

Hon. J. A. DIMMITT: That is what the by-law provides. A mean line must be observed. The Minister, by interjection, sug-

gested it was unlikely that two persons would construct tennis courts in front of their residences. May I suggest a more probable happening? The first owner might build 30 feet from the alignment and the second construct a tennis court in front of his home. According to by-law 3, which fixes a mean line between the two extremes, future builders on the same section would have to set their houses back 65 feet. That would mean an uneven alignment, instead of the alignment that the Town Planning Commissioner is seeking to establish. Mr. Macfarlane also referred to building blocks with a depth of 100 feet. Many such blocks are in the metropolitan area, and members can see that if the by-laws are allowed, such blocks would have practically no backyard. I am in sympathy with the Town Planning Commissioner when he asked through the Chief Secretary why one man should be permitted to deprive other ratepayers of the view that they have enjoyed. That question suggests to me another one. Why should a number of people in a street be compelled to set their houses back 100 feet or 65 feet from the street merely because one or two other owners of blocks in the same section are devotees of the game of tennis? This would be just as unfair to those people who are compelled to set their houses back beyond the line they wish, as in the instances shown in the photographs obtained by the Town Planning Commissioner and laid on the Table.

Under my second heading, I suggest that the intention of the by-law is obscure. No matter how much I read the by-law and refer to the plan accompanying the by-laws, I am still at a loss to know how a corner block is to be dealt with. Consider the average corner block in any suburban section. It has a frontage of 50 or 60 feet to one street, and a frontage of 150 to 160 feet to another street. A house could not possibly be set back 30 feet from both streets, so that a man who owned a corner block would unavoidably commit a breach of the by-law. There are four corner blocks to each suburban section, and so four owners would be in the same difficulty. If the by-law means what it says, that the building must be 30 feet from the street alignment, then the by-law is entirely unworkable.

Under my third heading, I suggest that the by-laws exceed the intention of the Act. In the first place, the Act does not provide for the exercise of any powers by the Commissioner, apart from the board, and the final paragraph of the suggested by-law states that the by-law shall be administered and enforced by the executive officer of each local authority. The Town Planning Commissioner or his deputy may exercise similar powers and enforcements. Again, the Act provides that the board shall advise the Minister in the administration of the Act. It will therefore be seen that the board is required to act in an advisory and not an administrative capacity. The whole scheme of the Act is that town planning shall be conducted by the local authorities, under the control of the Minister, the Minister being able to obtain expert advice from the Town Planning Board; but the board itself cannot inaugurate, nor can it approve of, a town planning scheme. The only provisions in the Act which vest any direct authority in the board are those contained in Part III. Those provisions require the approval of the board to a subdivision of land; but even in such a case there is provision for an appeal to the Minister against the board's refusal to approve any plan, transfer, etc. When it comes to the making of town planning by-laws, as apart from a town planning scheme, Section 29 gives this power to the local authorities under their appropriate Act.

By studying the Act it can be seen that the Town Planning Board can exercise no power at all except subject to the approval of the Minister. In fact, apart from controlling the subdivision of land, the Act does not contemplate that the board shall do anything except advise the Minister for the purpose of assisting his control of the town planning to be carried out under the local authorities; and I fail to see that the giving to one man, the Town Planning Commissioner, sole authority to administer the Act can minimise the possibilities of breaches of the by-laws. I go so far as to suggest that there is much more security to the property-owner in having the administration in the hands of an elected body of men than in having that same authority in the hands of one individual. The by-laws seek to place that authority in the hands of the Town Planning Commissioner or his deputy. The by-laws, if passed, would aim at the very foundation of democratic government, because the right to administer and enforce them would be given to an individual responsible only to his Minister, instead of that

right being left with the local governing bodies, who are the elect of the people and are answerable to the electors. I ask members, when voting for the disallowance of the by-laws, to realise that as they are set out, the by-laws are unworkable. Their intention is not clear, and if passed they will practically create a dictatorship and remove the control of the Town Planning Act and its by-laws from the local governing authorities. For the reasons I have given, I consider that the by-laws should be disallowed.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.52]: I suggest that Mr. Dimmitt has a wrong conception of town planning legislation, or he would not have made the remarks we have just heard. The by-law would be administered in a common sense way. I was not able to follow the hon. member's rash statement that the by-laws aim at the very foundation of democratic government. Are not members of Parliament, as well as members of local bodies, elected by the people? The Commissioner or the board is responsible to the Minister. The Commissioner would not initiate anything without the sanction of his board. He works under the authority of the board.

Hon. J. J. Holmes: What control has the board over the Commissioner?

The HONORARY MINISTER: It has every control over him. I have had many years' experience of local government and I have had brought under my notice glaring injustices to private citizens because of the inaction of local authorities. The object of the by-law in question, therefore, is to protect citizens from the selfish actions of other sections of the community; and it will also be the means of bringing about a better administration of the law if the local authorities are not capable of carrying it out.

Hon. J. Cornell: Are you sure it is not to protect the local authorities from the Town Planning Commissioner?

The HONORARY MINISTER: The Chief Secretary the other day submitted photographs to show what had happened and what is really happening every day. Those photographs proved that some local authorities were not properly discharging their duties. The by-laws are designed to afford a measure of protection to home-owners from the extrusion of buildings contrary to the by-laws of a local authority. They will operate where a local authority has not used the powers conferred upon it by Parliament to fix building lines. I emphasise that the types of building to be affected are those in residential areas only. The by-laws do not in any way prohibit the erection of shops, business premises or industrial buildings up to the line of the street in business or industrial areas. Reference was made last evening to blocks having a depth of 100 feet. Members know that there are not many blocks of less depth than 150 feet. Most blocks have a frontage of 50 feet and a depth of 150 feet. It may have been that in the bad old Fremantle days, in certain instances subdivisions were smaller. We do not find that is the case to-day.

Hon. J. M. Macfarlane: Do you dispute the statement I read from a secretary of one of the boards?

The HONORARY MINISTER: I know there are many small blocks built on, and that they are to be found in the older parts of Fremantle, Subiaco and East Perth.

Hon. J. J. Holmes: What do you mean by "the bad old Fremantle days?"

The HONORARY MINISTER: In those days when smart people were able to get around the local authorities and subdivide areas into very small blocks. This would not be tolerated to-day. I repeat that the proposed regulations will not affect the erection of shops or business premises. Neither has there been any attempt or desire, as has been suggested, to set up the Town Planning Commissioner as a super-authority. The Commissioner can only exercise or implement the powers granted to him by Parliament, and they run parallel with powers conferred by the same by-laws on the executive officers of a local authority. In the ordinary course of administration, the Commissioner takes no action in respect to breaches of by-laws unless complaints are lodged in writing by persons whose interests are adversely affected by such breaches. Members will realise, therefore, that his position is almost identical with that of the Commissioner of Public Health. He may move only when a resident takes action. Surely the House will not countenance the erection of premises in a street in such a manner as to obstruct the view from residences already there. As the Chief Secretary pointed out, flats have been erected around Perth that

have totally obscured the view of the adjoining occupiers, and seriously affected the value of those premises. That is not a fair thing, and it is what the by-law seeks to remedy.

Members will therefore note that the power of the Town Planning Commissioner under this by-law would be the same as that exercised by the Public Health Commissioner, who is authorised under the Health Act to exercise control when a local authority fails to enforce the by-laws. Surely no exception could be taken to that. We all are aware that local authorities repeatedly fall asleep on their jobs and that the Commissioner has to intervene. Though happily unusual, such action has sometimes to be taken. The by-laws under discussion reaffirm the right of local authorities to make their own by-laws. That is an answer to Mr. Dimmitt and Mr. Macfarlane. The by-laws reaffirm the right of local authorities to make independent by-laws fixing building lines for their own districts, in accordance with the provisions of the Municipal Corporations, Road Districts and Town Planning Acts. A local authority can exercise its own discretion as to the distance any building shall be set back. That is an effective reply to Mr. Dimmitt and Mr. Macfarlane, who spoke about the construction of tennis courts in front of houses. One cannot imagine a local authority or the Town Planning Commissioner insisting upon every house in a street in which there is a tennis court being set back in the way Mr. Dimmitt suggested.

Hon. J. A. Dimmitt: Section 3 of the Act insists upon it.

The HONORARY MINISTER: It does nothing of the kind. It gives the local authorities power to ensure uniformity. The suggestion made by the hon. member is ridiculous.

Hon. J. J. Holmes interjected.

The HONORARY MINISTER: The Commissioner steps in only when a local authority fails to do its job. The general by-laws would come into force only when a local authority had not implemented its own Act, or where it had failed reasonably to enforce its own by-laws.

Hon. J. J. Holmes: Who decides when a local authority has failed to do that?

The HONORARY MINISTER: The matter is brought under the notice of the Commissioner, as the result of a complaint by resident ratepayers, and the Commissioner is then compelled, under the by-laws, to act —and rightly so—not in his own interests, but in the interests of the residents of the district. That cuts away the ground from beneath Mr. Macfarlane and Mr. Dimmitt. The Commissioner can come into the picture only when a local authority fails to implement its own Act, or to enforce its own by-laws.

Hon. H. S. W. Parker: Contrary to the Act.

The HONORARY MINISTER: As the Chief Secretary indicated, the by-laws were made not for the purpose of enabling the Town Planning Commissioner to acquire overriding powers, but because a strong case had been made out for control, following numerous complaints from property owners in certain areas. I am not condemning every local authority, but only those in certain districts.

Hon. A. Thomson: But complaints have been numerous.

The HONORARY MINISTER: Yes. Members must realise, however, that these by-laws only follow the intention of Parliament as expressed in the Act. Surely, unless this legislation is to be rendered nugatory by non-administration, the Town Planning Commissioner's duty is to carry out the intention of Parliament. I need scarcely remind the House that provisions for control and regulation identical with those set forth in the by-laws now sought to be disallowed have already been sanctioned by this Chamber. Those provisions are contained in other by-laws made by local authorities or by the Governor in Council at their request. By-laws have been before the House and passed.

Hon. H. S. W. Parker: You mean we have not rejected them.

The HONORARY MINISTER: Yes. So why object to these by-laws?

Hon. H. S. W. Parker: Because others have been ultra vires, that is no reason why these should also be ultra vires.

The HONORARY MINISTER: The present by-laws would never have been drafted or promulgated but for the fact that local authorities had failed to enforce their own by-laws, thus prejudicing the interests of members of the public. The by-laws were framed to protect ratepayers in residential areas. With regard to the statement by Mr. Macfarlane con-

cerning grass lawns, surely we cannot deal with the state of a lawn in front of a house. Untidy vacant land is a matter for local inspectors.

Hon. J. M. Macfarlane: What about places over which a local inspector has no jurisdiction?

The HONORARY MINISTER: It is difficult to legislate for matters of that kind. One has to put up with untidy neighbours. The only thing is to set a good example and put one's own house in order. It is quite correct that many municipalities and road boards think that the by-laws should not apply to them because they have their own by-laws providing for different alignments. That objection is met by Clause (1) of the by-laws, and the by-laws now before the House come into operation only where a local authority has been reluctant to promulgate a by-law under its own Act. The most bitter opposition to the by-laws certainly comes from those local authorities that take exception to the Commissioner having power parallel with the secretary or town clerk to enforce by-laws where road boards or councils are prepared to have their own by-laws abrogated. Mr. Macfarlane seems to think that such local authorities are justified in opposing the general by-laws under the Town Planning Act. In other words, he thinks that local authorities should have the right to permit certain individuals to do wrong and to continue and extend the state of affairs evidenced by the photographs now before the House.

Mr. Macfarlane read a reply from one of the local authorities he consulted on the matter. I want to re-read that letter because I consider that that particular local authority set a glorious example to other local authorities in Western Australia. I have not the hon. member's permission to give the name of the council that wrote the letter, which is as follows:—

> My council has at no time expressed a desire for the by-laws fixing building lines and promulgated on the 8th April, 1938, to be rescinded. The by-laws are rational and reasonable. The interests of local authorities (Clause 1) are protected as the local authority has the right to prescribe a building line on its own conditions in respect to vacant sections.

This local authority is in Mr. Dimmitt's province.

> The provision over-riding this (Clause 3) relates only to sections built upon and is a very good and rational clause. If a wider appreciation of town planning were to obtain and the full powers and the beneficial scope of the Town Planning Act, 1928, were more frequently availed of, it would be to the distinct advantage of local government generally.

Hon. H. S. W. Parker: Hear, hear!

The HONORARY MINISTER: Yet the hon. member has moved for the disallowance of these regulations. The letter continues—

> My authority adopted the first comprehensive town planning scheme in Western Australia (1931) and has never regretted the step; but I have on frequent occasions felt grateful to the Commission who heralded the Act which has preserved the amenities of this district.

Nobody could put up a better case than that.

Hon. J. J. Holmes: Did that come from the East Fremantle Council?

The HONORARY MINISTER: No, it did not, but the letter constitutes a remarkable tribute to the local authority concerned and to its executive officers.

Hon. J. M. Macfarlane: It is only one of a number of local authorities.

The HONORARY MINISTER: Is it not remarkable to have such a strong expression of opinion from a municipality in favour of the by-laws, and such marked opposition from other local authorities?

Hon. H. S. W. Parker: What about the Local Government Association?

The HONORARY MINISTER: I have had experience of that.

Hon. H. S. W. Parker: I had a direct request from that body to move this motion.

The HONORARY MINISTER: Mr. Macfarlane did not tell us the names of the local authorities that bitterly oppose the by-law. Perhaps those local authorities are ones that have been permitting breaches of their own by-laws, as shown by the photographs now before hon. members. The Town Planning Commissioner is a man of very strong convictions. That is the sort of man we want, not a weak-kneed man who, against his own convictions, will bow down to a local authority. Of necessity, it would be impossible for the Commissioner and all local authorities to be in agreement. A man who has the courage of his own convictions naturally meets with opposition. Should the Commissioner make mistakes—and every good man does—the Act provides ample protection. It enables the Minister to step in. In the circumstances, we should be grateful

that we have in the State a man of such a high character, who knows his job and who, I think, endeavours to do it fairly. Even those hon. members who disagree with some of his actions will admit that Mr. Davidson does understand his work, and his knowledge and the service he has performed have been of great benefit in the development of Perth and its suburbs. We should all be fair enough to admit that.

Sitting suspended from 6.15 to 7.30 p.m.

The HONORARY MINISTER: Hon. members objecting to the by-law have apparently not traced either the history or the genesis of the objections to it. If they went to that trouble they might find that the greater part of the opposition came from interested people. The history of past mistakes in the nature of unsightly garages and buildings on small blocks which have disfigured the metropolitan area for so many years, shows that they were erected by interested persons, contractors and builders who received undue advantages from members of local governing bodies and thus were enabled to do things objectionable to the majority of ratepayers. It is interesting to note that at no time has there been any considered protest, nor have there been any representations from local authorities to either the Town Planning Board or the Minister. If there had been strong objection to the by-laws, one would have expected that most of the local authorities would get into touch with either the Minister, or the Town Planning Board, or the Town Planning Commissioner. No such objections have been received. If "silence gives consent," then the whole of the present criticism and objections have arisen from the opinions of people who think local authorities are interested in doing things that are detrimental to the people of their areas. Anyone possessing a knowledge of local governing bodies knows that such things could not happen. The by-law was not promulgated until numerous complaints had been received from the Town Planning Board, in writing, from ratepayers who were aggrieved at the lack of protection given to their homes by local authorities that omitted to enforce their own by-laws through failure to implement reasonable Acts of Parliament entrusted to them. That being the case, it is the duty of the Town Planning Commissioner to protect the people. It is, of course, impossible to frame a by-law which will meet the approval of everyone. In any event, no one would reason that there should be rigid application of by-laws in exceptional cases. Commonsense has to be exercised, and commonsense is and will be exercised.

Much has been said with regard to the legality of the by-laws themselves. Various members said yesterday, and Mr. Dimmitt said to-day, that they were ultra vires. By interjection, Mr. Parker expressed himself to the same effect. Accordingly I took the trouble to get an opinion from the Crown Law Department on these by-laws. The opinion does not proceed from the officer who framed the by-laws in the first place. It reads as follows:—

Re Town Planning By-laws.

Mr. Nicholson has not specified the reasons for his opinion that the regulations are ultra vires, so that I must deal with all possible aspects of the case.

Section 30 of the Town Planning and Development Act, 1928, provides that the Governor may make uniform general by-laws or sets of general by-laws adapted for areas of any special character for carrying into effect all or any of the purposes mentioned in the Second Schedule to the Act. Clause 8 of the Second Schedule provides that by-laws may be made for the making, fixing and ascertaining of building lines to secure that the distance between the buildings on opposite sides of any street shall not be less than that fixed by the by-laws.

As I understand them, the by-laws are drafted to make a building line and to ensure that the distance between the buildings to be erected on opposite sides of the street shall be uniform.

As the by-laws are expressed to establish building lines in residential areas, they are general by-laws adapted for areas of a special character within the meaning of Section 30 of the Act. That section also provides that if by-laws are made to carry into effect all or any of the purposes mentioned in the Second Schedule, such by-laws shall supersede the by-laws made for the same or a similar purpose by the local authority of the district so prescribed.

Accordingly, even if Mr. Nicholson's second contention is correct and the by-laws under discussion do conflict with other by-laws or regulations already in existence, then they would over-ride such pre-existing by-laws by virtue of Section 30 of the Town Planning Act. However, the first by-law expressly provides that if a local authority has already made by-laws under its own Act which have the same effect as the proposed town planning by-laws, then the local authority's by-laws shall be paramount.

That disposes of the argument used by Mr. Dimmitt.

Accordingly, the town planning by-laws are not really going as far as they might go under the Act in this respect.

That is to say, they could go much further if the Town Planning Commissioner so desired.

They do not purport to take away any vested right which has accrued under the provisions of a prior by-law.

In these circumstances it appears to me that the by-laws conform to the provisions of Section 30 of the Act in every respect, and accordingly I cannot see how they are ultra vires.

(Signed) E. A. Dunphy, Crown Solicitor.

I do hope hon. members will seriously consider the position before they disallow these by-laws, which are easy to understand, and which will not deal with exceptional cases. There is discretionary power to the Commissioner and to the local authorities, and that power sweeps away any likelihood of foolish things being done under the by-laws. In the interests of the residents of every suburb——

Hon. H. S. W. Parker: You should say, of every portion of Western Australia.

The HONORARY MINISTER: The by-laws deal specially with the metropolitan area.

Hon. H. S. W. Parker: No; they do not.

Hon. J. M. Macfarlane: They deal with the whole State.

The HONORARY MINISTER: They can be applied in every town, and quite rightly. But I speak from my knowledge of what happens in the metropolitan area. There, I know, serious mistakes have been made and grave injustice has been done to residents whose properties have been depreciated in value by the selfish attitude of builders and owners who defy what should be recognised as the communal character of every suburb. I am one who has taken a keen interest and a great pride in the suburbs of Perth. To me it has been a source of pleasure as well as pride to show visitors around our suburbs. The homes are a credit to the city. It is reasonable to back up the local authorities in their work. Those local authorities that do not live up to their responsibilities should be controlled through by-laws of this character.

HON. H. S. W. PARKER (Metropolitan-Suburban—in reply) [7.42]: I have been greatly surprised this evening to hear the remarks of the Honorary Minister. The information he has obtained is contrary to fact and contrary to law. My object in moving the disallowance of the regulations is solely to avoid litigation. Every person versed in law that has expressed an opinion —except the writer of the last opinion, and I am not sure that he does not agree, too—states that these by-laws are ultra vires. The Town Planning Act, unfortunately, is a statute that does not fulfil what it sets out to do. The only portion of the Town Planning Act which really is effective is that dealing with the question of town planning schemes, Part III. It is significant to note that under Section 26 penalties are provided for anyone who commits a breach of that part. We all fully recognise that an Act of Parliament over-rides a by-law or regulation. The first by-law, as I read it—and I think I am right in saying that the Honorary Minister reads it in the same way—says that where these by-laws conflict with an existing by-law made by a local authority, these by-laws shall have no effect. The Act is distinct and clear. It says—

The Governor may make by-laws . . . Such by-laws shall have the force of law in the district or any locality which the Governor may from time to time prescribe, and shall supersede the by-laws made for the same or a similar purpose by a local authority.

So these by-laws must supersede any by-law made by local authorities—which, read in the ordinary sense, seems logical. The Crown Solicitor definitely stated, not once but on three or four occasions, his opinion that the Governor must set out the district or locality to which the by-laws apply. In the by-laws themselves it is set out—

These by-laws shall have the force of law in the district of every local authority in Western Australia.

That is the whole of Western Australia—except the desert, where there is no local authority. So the by-laws have the force of law in Wyndham and in every mining camp of Western Australia.

The Chief Secretary: What is wrong with that?

Hon. H. S. W. PARKER: What is wrong with it is exactly what the Honorary Minister says. The Honorary Minister stated,

"What we will do is to use our discretion." Shall we assent to by-laws allowing people to use their discretion, or shall we assent to by-laws which shall have the force and effect of law and be binding? I sincerely trust that any by-law we uphold will have the force and effect of law, and will be such that it can be and should be enforced. We do not want by-laws applying generally only to be enforced in a certain district. The Act says that the by-laws must be applied to specified districts. Paragraph 9 of the First Schedule begins—

> The making, fixing and altering and ascertaining of building lines irrespective of the width or alignment of any street, road, or right-of-way, to secure as far as practicable, having regard to the physical features of the site and the depth of the existing subdivisions, that the distance between the buildings to be erected, or buildings likely to be reconstructed—

Such a provision can be made only for a particular street, taking into consideration all the circumstances. Take places like Darlington and Albany, where there are great boulders of rock. We could not possibly have a by-law that would apply in one of the metropolitan suburbs applied also to places having those peculiar features, but these by-laws purport to apply everywhere from Wyndham to Eucla. That is absurd; they cannot apply in that way. The intention of the by-laws is to give the Town Planning Commissioner an over-riding authority over a local body.

The Honorary Minister: When the local body does not do its job.

Hon. H. S. W. PARKER: That is so.

Hon. A. Thomson: Who is going to say that the local body is not doing its job?

Hon. H. S. W. PARKER: According to the proposed by-laws, the Town Planning Commissioner will say whether any council is doing its job. There is nothing in the Act to give the Commissioner any such authority. On the contrary, he has no authority. The functions of the Town Planning Board are to advise the Minister in the administration of the Act, and to hold such inquiries and do all such matters and things, as are in the Act and the regulations provided for in that behalf, or as may otherwise be properly required of it, or as may be necessary for effective administration, under the Minister, of this Act. The Town Planning Commissioner has entirely misconceived his powers and authority in every possible way. The board has certain powers for the purposes of subdivision, and there are certain penalties. The provisions of the Act were not drawn as carefully as they should have been, and undoubtedly the Act should be scrapped and a satisfactory measure substituted.

We have been told this evening that the whole reason for the regulations is that the local authorities have not done their duty. For years there has been an agitation to have the Municipal Corporations Act brought up to date, and it is entirely the fault of the Government that the municipalities have been unable to fix a building line. The Government has been told about it time and time again.

The Honorary Minister: That is not so. All the municipalities have their own by-laws.

Hon. H. S. W. PARKER: Yes, and they are all ultra vires, and the Town Planning Commissioner knows it. Since these by-laws were introduced in March, and gazetted on the 8th April, I cannot say whether a complaint was made to the Commissioner, but I do know that the Commissioner went to Albert street, Claremont, where a garage was in course of construction. I understand that building is the subject of one of the photographs produced by the Chief Secretary. The garage was built on the frontage and I do not suggest that it was not unsightly; it might have been. The Claremont council gave permission for the erection of the garage, and the Town Planning Commissioner autocratically stopped the workmen and told them they must not continue. The result was that the Claremont council got busy and obtained advice that it could not prevent the building of the garage in that position because the by-laws fixing the building line were ultra vires, and there was no power under the Municipal Corporations Act to fix the line. I do not know whether the Town Planning Commissioner acted on legal advice, but it is extraordinary that the Crown Law officers—there are only two who would give advice on civil matters—were not consulted by the Commissioner.

The Honorary Minister: The two opinions were given by the Crown Solicitor.

Hon. H. S. W. PARKER: The present occupant of that position was not in office at the time the question arose, but surely the Commissioner would have obtained legal advice as to whether his action in deliberately stopping the men from working was jus-

tified. If he did not obtain advice, the explanation might be that he thought he was right, or considered that he knew more than the solicitors. He went to the responsible Minister, who, I am advised—I do not know whether this is correct—told the Commissioner, "You must use common sense in this matter." The building was then proceeded with. If the regulations are sound, there is no reason why the Town Planning Commissioner should not have taken action. Why did he not test the matter in court? For the very good reason that every solicitor would advise him that the by-laws are ultra vires. The fact that he has not tested them in the court is sufficient to show that they are without effect.

Hon. J. J. Holmes: He went to law on one occasion, and the case cost him a lot of money.

Hon. H. S. W. PARKER: He might have taken this case as Town Planning Commissioner, that is, if he could get legal advice to support his side. Consider paragraph 11 of the Second Schedule, which deals with matters for which town planning by-laws may be made by a local authority—

> Providing for the authority or authorities responsible for carrying the town planning by-laws into effect and enforcing their observance.

I do not know whether anyone will question my statement that the words "authority or authorities responsible" mean the "responsible authority." I assume that those words mean, to quote the Act, the local authority responsible for the enforcement of the observance of a scheme or for the execution of any works which, under a scheme or this Act, are to be executed by a local authority. A local authority, under the Act, means the council or municipality or the board of a road district. No authority is given to the Town Planning Commissioner, that is, if my interpretation that "authority or authorities responsible" means the "responsible authority" is correct. Thus the Town Planning Commissioner has no right under the Act to step in. He has no right to claim to be above a municipality or above a road board. Nor has the Minister, though both he and the Commissioner may advise. Many other matters have been mentioned this evening. Reference was made to a house on a corner block. One of the by-laws provides that all houses in all streets in residential areas must be set back a certain distance. Let me point out another peculiar feature of these by-laws. The "Gazette" notice states—

> His Excellency the Lieut.-Governor in Executive Council has been pleased to approve of by-laws establishing building lines in residential areas, etc. David L. Davidson, Town Planning Commissioner.

I suggest that is a surplusage. The notice continues—

> The Town Planning and Development Act, 1928, Section 30 (1), Second Schedule.
> By-laws fixing building lines.
> (3) Notwithstanding anything hereinbefore contained, and whether a building line has been prescribed or not, no building on any lot between the two nearest street corners to the land, etc.

If that is good law a new building could not be erected anywhere, not even in St. George's terrace, unless it was set back as described.

The Honorary Minister: There is nothing to prevent a building being erected on a corner block not wide enough for a house.

Hon. H. S. W. PARKER: If a block had a frontage of only 30 feet to the street, how could it be set back? If members went half-a-mile from Parliament House to Subiaco—

The Honorary Minister: In the business area?

Hon. H. S. W. PARKER: No, in the residential area. Instructions could be given for a building to be set back provided compensation was paid. Assume that a building in the Terrace was pulled down, according to the by-law the owner could be told that he must not build again unless he set the structure 30 feet back from the street.

The Honorary Minister: That is not a residential area.

Hon. H. S. W. PARKER: But the by-law does not stipulate a residential area. These by-laws have nothing to do with residential areas, though they purport to do so. They are entirely wrong. Many lots of land have frontages no wider than 60 feet. How could anyone build on such a block 30 feet from the side street? Yet, according to the by-law, that must be done.

The Honorary Minister: That is to prevent two houses being built on the one block.

Hon. H. S. W. PARKER: The fact remains that the by-law says the place must be built 30 feet back.

The Honorary Minister: Twenty feet.

Hon. H. S. W. PARKER: Well, 20 feet from the side street. The statement has been made that the Commissioner will not act

without the authority of the Minister. According to the by-laws, he can do as he likes. Why not give the local authorities the power for which they have so long been asking? Again I ask the Government to bring down comprehensive municipalities and road districts Bills, or if possible, a measure combining the two. Again I ask the Government to bring down a satisfactory town planning and development Bill. If it will do so, I shall give all the assistance I can to have the measures passed. I cannot see in the existing Act anything to do with the aesthetic tastes of the people. Again, there has been a lot of talk about one man ruining the value of another man's block.

The Honorary Minister: Which is true.

Hon. H. S. W. PARKER: Of course But if I bought a block of land and another building obstructed my view, why should I get annoyed? The remedy for me is to buy two or three blocks in order to retain the view. Because I buy one block of land, I am not entitled to cry because somebody builds next door and restricts my view.

The Honorary Minister: He ought to build on the same alignment.

Hon. H. S. W. PARKER: And I suppose that after I have fixed the alignment, he is to build in a hollow or on top of a rock, simply because I have kept my place back from the frontage! That is absurd. To say that buildings are unsightly and that the Town Planning Commissioner should put things right is also absurd. The Commissioner may have good taste, but his taste might not be that of any other person in the district. Why should we be bound to follow one individual? Why should the whole country have to comply with the wishes of one special board? I have made reference to a particular garage. If the people concerned wish to complain, they should be able to lodge their complaint with the local authority. I believe in responsible government, and in local authorities retaining the government of their districts in their own hands. I do not believe in taking power away from them.

The Honorary Minister: They will not use it.

Hon. H. S. W. PARKER: Let the ratepayers elect those who will use it.

Hon. A. Thomson: Let the people elect the right representatives.

The Honorary Minister: The people do not get a chance, because of the plural voting system.

Hon. H. S. W. PARKER: The Honorary Minister's argument is in favour of increasing the voting power of those who have large blocks, so that they may be able to elect the right men. It is the best argument I have heard in favour of giving votes to ratepayers only and allowing them to vote in proportion to the property they hold, so that they may protect their own interests.

Hon. G. Fraser: That is a good argument for speculators and rack-renters.

Hon. H. S. W. PARKER: The statement has been made that it is the duty of the Town Planning Commissioner to protect the interests of the people. Nothing of the kind! His duty is to see that ground is properly laid out, and that all schemes are so framed that if the widening of a street becomes necessary it can be done without the houses having to be pulled down.

The Honorary Minister: You are supporting the principle now.

Hon. H. S. W. PARKER: I would support the Government if it would bring in a more suitable law, but I am not in favour of allowing the Town Planning Commissioner to override local authorities. When a scheme is put forward, that official's duty is to pass the plan, subject only to the condition that in the particular street the houses on the right or left side shall be built back a certain distance from the road, either because of the contour of the land, or because at some time in the future the street may become a main thoroughfare. It is suggested by some that the Town Planning Commissioner should be permitted to supersede the by-laws of local authorities, and others say he should not be allowed to do that. As a fact, the town planning by-laws do supersede those of local authorities. My object in moving to disallow these by-laws is to safeguard the interests of the people at large, and to enable them to avoid entering into somewhat expensive litigation. I trust the motion will be agreed to.

Question put and passed.

Resolved: That motions be continued.

PAPERS—CROWN SOLICITOR, APPOINTMENT.

HON. C. F. BAXTER (East) [8.5]: I move—

That all papers, including applications, in connection with the appointment of Mr. E. A. Dunphy as Crown Solicitor, be laid on the Table of the House.

When speaking on the Address-in-reply, I dealt with this question to a certain extent. Had it not been for the fact that so much has been made of this appointment by Trades Hall representatives and the recipient of this favour at the hands of the Government, there would be no reason for me to move in this direction. It must be acknowledged that many appointments have been made from amongst the political friends of the present Government.

Hon. G. Fraser: Not more so than in the case of the previous Government.

Hon. C. F. BAXTER: Why does the hon. member talk such rubbish?

The PRESIDENT: Order!

Hon. C. F. BAXTER: Year after year appointments of this kind have been made, not only from amongst the political friends of the Government but from amongst those who have held big positions in the political life of the State.

The Honorary Minister: Did you never make appointments of that kind?

Hon. C. F. BAXTER: Recently the "West Australian" stated that representatives of the Trades Hall were assisting a committee of Cabinet to arrive at a decision concerning a measure for the control of starting-price betting in this State. As members know, betting is illegal.

Hon. G. Fraser: Where did you see that?

Hon. C. F. BAXTER: In the "West Australian."

Hon. G. Fraser: It is a libel.

Hon. C. F. BAXTER: The "West Australian" must have been sure of its ground. If it be true, the Trades Hall was encroaching on the realms of legislation that will be brought before Parliament.

The Chief Secretary: What is the date of the "West Australian" in question?

Hon. C. F. BAXTER: I will give the cutting to the Leader of the House. Positions in the Crown Law Department are important, and are much sought-after by members of the legal profession. A fairly substantial number of applicants must have desired to secure this important office. The Government, however, chose a young man who may have ability, but could not possibly have the mature experience necessary for senior posts of this kind. He could not have the experience that would fit him to carry out the important work of drafting. In the past we have had trouble in Parliament through bad drafting. At one time, when I was Leader of the House, I remember having to withdraw two measures in one session on account of faulty drafting. Older members will recollect the occasions. The Public Service Commissioner first of all recommended the present Crown Prosecutor, Mr. Good, for the position of Crown Solicitor. The recommendation was not accepted, apparently for the reason that Mr. Good had insufficient departmental experience, not having served long enough in the department. Mr. Dunphy, who had never been in the department at all, and who is only the equal of Mr. Good in ability and attainments, was chosen for the position. He has no better qualifications than Mr. Good has, but he was selected.

Hon. J. J. Holmes: And no service at all.

Hon. C. F. BAXTER: No. Mr. Good already had service in the department, and had proved a worthy officer. The Public Service Commissioner then recommended Mr. Boylson, who has been drafting for members. That recommendation also was turned down, on the plea that that gentleman was in a separate department.

Hon. J. Cornell: That was a wonderful excuse, in view of the number of men who have been transferred from other departments.

Hon. C. F. BAXTER: The Crown Law Department, above all others, should be free from any political influence. The very best available men should be selected for high positions there, and should be free of any outside influence.

There is another danger ahead in connection with these appointments. I do not know when a halt will be called. I now propose to deal with a delicate subject, because it concerns people I find it difficult to criticise. I must, however, deal with the matter from the standpoint of the public. During my service as a Minister of the Crown, a vexed question cropped up and occupied our thoughts for some considerable time. This was the case of a certain legal gentleman who had been recommended by the Chief Justice for elevation to the position of King's

Counsel. Fortunately I kept a record of the established custom under which King's Counsel were created. An Order in Council was passed on the 19th September, 1900, as follows:—

> The following regulations for the appointment of Queen's Counsel in Western Australia were approved:—
>
> (1) No barrister shall be appointed Her Majesty's Counsel except on the recommendation of the Chief Justice to the Governor-in-Council.
>
> (2) On every such appointment a fee of three guineas shall be paid for the patent at the office of the Colonial Treasurer.
>
> (3) No Queen's Counsel shall in any case appear against the Crown unless he shall have previously obtained the permission of the Governor-in-Council.

Those provisions set out clearly, and rightly so, that before any person could be elevated to the position of King's Counsel—at the time the Order-in-Council was passed Queen Victoria was still alive and, of course, Queen's Counsel were appointed in those days—his appointment had to be recommended by the Chief Justice. Who else could recommend a barrister for such a position? The Chief Justice was in a position to do so. I find it very hard to reconcile compliance with that Order-in-Council with the elevation of a certain person to the position of King's Counsel a short time back. I cannot for one moment believe that the appointment was made on a recommendation from the Chief Justice to the Governor-in-Council. What I want to know is this: If the Government of the day has departed from the observance of this Order-in-Council, on what authority has it done so? I realise it is quite in keeping with what goes on to-day; but if the Government is in a position to depart from this particular Order-in-Council, we may hear before long that Mr. Dunphy has been elevated to the position of King's Counsel. I say advisedly that a body of laymen—that is the only term by which the members of the present Government can be described, although I know at times one or two legal men have been included in Cabinets——

The Chief Secretary: Who afterwards became judges of the Supreme Court.

Hon. C. F. BAXTER: I am at the moment referring to the Government responsible for the appointment to which I am alluding. A body of laymen such as the present Government has gone above the Chief Justice in order to elevate someone to the position of King's Counsel. If that has been done, then Ministers have interfered with the right of the State to make an appointment, whilst they do not possess the necessary ability to do so. It should lie with the Chief Justice to make recommendations for appointment of King's Counsel, as he is the one in a position to know the ability, experience and type of man to be elevated to that position. No one else is qualified to make such a recommendation.

Hon. L. Craig: And he is also free from political bias.

Hon. C. F. BAXTER: Of course. No one else is on the same plane as the Chief Justice from that aspect. I ask the Chief Secretary, when he replies, to say whether it is true—and it is being spoken about elsewhere, for I have heard the statement made on various ocasions—that recently a gentleman was elevated to the position of King's Counsel quite apart from any recommendation from the Chief Justice. If it is true, then the Government has made the appointment outside the terms of the Order-in-Council I have quoted. If that Order-in-Council has been amended, in what way has it been amended? So many statements have been made regarding Mr. Dunphy and his appointment that I feel it only right and just that at this stage the papers relating to his appointment shall be laid on the Table of the House, so that members can ascertain exactly what happened—what applications were received for the position and the class of applicants. I trust the House will agree that the papers should be tabled.

On motion by the Chief Secretary, debate adjourned.

MOTION—LANDS, CASE OF A. J. ADDIS.

To Inquire by Select Committee.

HON. A. THOMSON (South - East) [8.20]: I move—

> That a select committee be appointed to investigate and report upon the circumstances in which A. J. Addis, a farmer of Pingrup, was dispossessed of his holding and to make such recommendations as the committee may think fit in regard to this man and what action should be taken in his case.

I promised to deal with this matter last session, but unfortunately I met with an accident that prevented me from doing so.

Members may regard my action in submitting one man's case to the House as somewhat unusual.

Hon. G. Fraser: This will be a precedent.

Hon. A. THOMSON: It has been done on many occasions, even since I have been in Parliament. Both the civil servants and the railway officers are provided with a court of appeal; and if what appears to be a grave injustice has been perpetrated, the civil servant or the railway employee, each of whom belongs to a powerful union, can request his organisation to take up his case and secure redress. This case relates to a farmer.

Hon. G. Fraser: Can he not appeal to the Primary Producers' Association or the Wheatgrowers' Union?

Hon. A. THOMSON: The man concerned has appealed to the members representing the electorate in which he lives to take up his case and ascertain whether his position can be reviewed. From the evidence I shall submit to the House, members will agree that Mr. Addis has suffered a certain amount of injustice. I do not say for one moment that he has been blameless; he admits that fact himself. A few days ago I received from him the following letter:—

Mr. Watts, M.L.A., wrote to me on the 23rd August, and informed me that a reasonably strong case was prepared with the object of getting a motion through the Council to get a select committee to inquire into the whole matter. I am most grateful for this move being made, and I trust that something will be done, with as little delay as possible. A good deal is spoken about population and immigration, or the lack of population. I have a wife and six children, the oldest 12 years. My children, like myself, have been robbed of their inheritance, for no just cause.

Briefly, the Bank proceeded against myself out of personal bad feeling.

Hon. L. Craig: Which bank?

Hon. A. THOMSON: The Agricultural Bank. To proceed——

False reports were secured but were disproved. Default in interest was engineered. Because my wheat was delivered, distribution was authorised by the Bank to other creditors. Under Section 37A the Bank could have paid themselves the interest, but they did not wish to do so; and my crop losses were heavy because Bank officials interfered, and were instrumental for the non-delivery of corn sacks. Losses to the value of approximately £1,000 were proved or certified by reputable persons.

Cresco Fertilizers supplied cornsacks to me towards the latter end of February, and the beginning of March, when they realised the position. Many acres were knocked down (a total loss), but with the salvaged wheat the Bank did authorise the proceeds to be paid to other creditors.

I had a good defence, and all three judges allowed my defence many times in Chambers, but the Bank did not desire my defence to get into the open court, because of it being so strong, and would have proved malicious negligence on the Bank's part. So before the case got into court, my whole defence was ruled out as irrelevant. The case was then heard on the point of default, but the cause of default was not allowed.

Mr. M. F. Troy was not satisfied even then as when a deputation waited on him, he chose to hurl further abuse at me. My case is a strong one, and my evidence is available and intact. We have now entered upon the sixth year of persecution and suffering.

I served in the trenches in France from September, 1914, until November, 1918, and in Germany until April, 1919. My discharge from the army states that I left the army with an exemplary character. Yet as a soldier who has done his bit, I have suffered the injustice because of personal spleen only. And our children, soldier's children six in number, have also to suffer, because they were robbed of what should have been their inheritance.

I trust that measures which might lead to some adjustment shall not be delayed, and that the Parliamentary representatives of the Katanning district will not allow this injustice to go unchallenged in their district. Trusting to have some assuring news from you at your earliest convenience.—Yours faithfully (sgd.) A. J. Addis.

This is a rather peculiar case. The man took up a block of land and I have evidence to show that he had £724 on the 23rd August, 1928. I hope I shall not weary members, but I feel I must read the statement he has submitted to me. It includes the following details:—

I paid £310 for the property which was totally unimproved; no clearing whatever had ever been done. I got the farm transferred to me in April, 1929, and by the end of 1931, I had 1,550 acres cleared. My second year I cropped 640 acres of wheat and 50 acres of oats. Remember every acre looked well, and Bank officers estimated the yield to average 15 bushels (5 bags). I was a tractor farmer, and in September I wished to make arrangements for fuel and payment on tractor. My commitments to the Bank at that date for interest were under £100, but the Bank would not guarantee fuel nor payment on tractor, even though I had a very promising-looking crop. My credit was good everywhere but with the Bank, and it was, as will be seen by the events that followed, the beginning of the engineering of the default, and I can truthfully say that the whole business was an engineered "frame up." I refused to work my tractor if payment would

not be guaranteed out of crop. I applied for horses. My application was turned down. I ordered six bales of cornsacks from W.A. Farmers, Ltd., at 8s. 6d. in October, 1931. Towards the end of October, 1931, my crop looked very good, chiefly Gluyas Early and Nabawa wheats. Well, two inspectors came out to my farm, and insisted that I should insure my crop with the Government Insurance Department. I refused to do so. A few days later the inspectors returned to my farm and renewed their demands for my crop insurance. I refused again, at the same time telling them where I would see them before insuring through the Agricultural Bank. I also informed them that I had already arranged with the W.A. Farmers, Ltd., to do my insurance. A few days later, J. E. Brown, inspector, came out to my farm in a car owned and driven by George Welch, agent for W.A. Farmers, Ltd. I thereupon insured my crop with the Westralian Farmers' agent, G. Welch.

J. E. Brown, the Agricultural Bank Inspector, went round the crop with George Welch and myself and was satisfied that my crop was insured to the satisfaction of the Bank and all concerned. About a week later the same inspector returned to my farm and again demanded that I insure my crop through the Agricultural Bank, and he actually informed me that the Westralian Farmers would not accept my insurance. I had that morning received by the post the Westralian Farmers' acceptance note, but I did not inform the inspector. I wanted to know why he should think the Westralian Farmers would not. The inspector informed me that he got his instructions from Perth. I again told the inspector to get. Next morning I was at the siding and called on George Welch, the Westralian Farmers' agent. He informed me that he would like to show me some private correspondence; into his office we went, and there the inspector's reasons for stating that the Westralian Farmers would not accept my insurance were very soon explained. Mr. Welch had received a letter from the Bank. The letter read as follows:—

> Re A. J. Addis: In view of the abovenamed settler's hopeless position, the Bank will not guarantee insurance premiums.

He then proceeds to say that although his bags were ordered by the Westralian Farmers, he was unfortunately unable to harvest his 640 acres of wheat. He said—

As the harvest drew close, the Bank actually approved of my harvesting being let by contract to one of the most dishonest men in the State, a man whose affairs were repeatedly investigated by the police and detectives. The price was 7s. an acre (640 acres of wheat and 50 acres of oats). It could reasonably be assumed that the idea was to get me in some way connected with a convicted criminal.

I hope the Press will not report what I am now about to say, but one reason I am reading this information is that it is desired to hold an inquiry into the man's case. We have unfortunately had an example in the case of a man named Frank Evans, who believed that he was being persecuted by officers of the Agricultural Bank. The feeling is that the same position is arising in the case of Addis. If an inquiry were held, it would materially assist him in overcoming the feeling of grave injustice which he thinks has been done him. When Addis came to me, he had a tractor, but the bank refused to allow him to procure oil to work it and to meet the payments on it. The amazing thing, however, is that the bank agreed to supply Addis with horses. He states—

Early in December the Bank agreed to supply me with horses, and by the time the horses arrived my oat crop, which had been about 5ft. 8in. high, was lying flat on the ground. Much of my Gluyas Early suffered a similar fate.

The Chief Secretary: When was that?

Hon. A. THOMSON: Early in December. The first proceedings were taken in October.

Hon. H. Tuckey: December, 1931.

Hon. A. THOMSON: The letters I am reading will be made available to the department. In December, 1931, and January and February, 1932, rain fell and the man's crop was still standing. The bank flatly refused to allow him to get cornsacks elsewhere and would not guarantee payment to other firms. As a matter of fact, he did obtain some bales of cornsacks from Cresco Fertilisers. That company supplied the bags to help him out of his difficulty. Addis said—

Cresco are not jute merchants and I feel they should have been commended for the noble part which they played. As soon as the cornsacks arrived, a large number of farmers sent their teams and machines to help to salvage some of the wheat. They were experienced farmers and could see at a glance that my crop had been a good one and that my losses were heavy. However, about 1,000 bags of wheat were salvaged. The wheat, which was bleached and wet, was subject to a heavy dock. At any rate, wheat to the value of £269 was delivered in the usual manner, but the queer thing about it was that the Bank did not want any of the wheat. The proceeds were freely paid out to my creditors and very generously paid to myself. It was not until the head office of the Bank was satisfied that all my wheat was delivered and the proceeds distributed that a demand for interest was made. The demand was for £110, somewhat exaggerated. Still, I delivered £269 worth of wheat, and all my creditors

wished me well and waived what claims they had and the Bank's servants witnessed the destruction of my crop through wind, rain and delay in cornsack delivery. So much for the default which was freely engineered. From the time the demand was made by the Agricultural Bank for interest, and all manner of threats were made . . . . .

That, briefly, is the position of this particular case. Unfortunately, at the time considerable unrest and turmoil were prevailing among a section of our farmers, particularly the wheatgrowers. They felt they were up against almost insuperable difficulties and endeavoured—foolishly, in my opinion—to emulate other unions of a similar kind, but this union did not have the force behind it that the other unions have. I think Addis was carried away by the enthusiasm of what I might term the militants who, with the best of intentions, tried to help themselves and their fellow unionists. As a matter of fact, he was obsessed by his troubles and worries. His farm was some considerable distance from the railway; he was a returned soldier and had sunk a considerable sum of money in the property. The Agricultural Bank Royal Commission wanted to know why he was dispossessed of his farm, since he did not owe as much on it as some farmers adjacent owed on their properties; yet those farmers were not dispossessed. Therefore, Addis has some justification for feeling that he was victimised.

Member: Did a Royal Commission deal with the matter?

Hon. A. THOMSON: The Agricultural Bank Royal Commission examined Addis. I will read the following evidence given by him; it is set out on page 779 of the evidence taken by the Agricultural Bank Royal Commission:—

> I wish to have my case reviewed . . . .
>
> The Chairman: We cannot go into your affairs. I am used to dealing with evidence and to investigate the matter would involve two or three days' hearing and it would be useless?—Could not you recommend an inquiry?
>
> No, it is outside our scope. It has been decided by a judge of the Supreme Court?—The trial was a farce and the charge a frame-up, which was proved beyond doubt by the fact that I was given leave to defend. The judge recognised that I had a case. Mr. Wolff was allowed by Mr. Justice Dwyer to cross-examine me, but my lawyer was not allowed to cross-examine Crown witnesses.
>
> This is not a court of appeal from Mr. Justice Dwyer's decision?—I was hoping it was a court of appeal.
>
> Will you give evidence regarding the matter into which we can inquire?—My reputation is everything to me. I have sunk everything I possess in the property. My creditors had nothing against me. They were prepared to assist me on the charge.

Eventually the Chairman said they could do nothing for him and could not re-open the case. The Wheatgrowers' Union was able to secure a position for Addis as caretaker of a farm. He has been living on that farm for some five or six years, but has not been paid anything. The bank that holds the mortgage over the property now feels it is time for Addis to move on. He feels he has been treated unfairly and thinks that, if the case is re-opened, the bank—now that it is under different management—will reconsider the matter and extend the same consideration to him that it has extended to many other of its clients. As Mr. Donovan was a member of the Royal Commission, Addis thinks he has a reasonable chance of securing at least the same consideration as has been extended to other clients of the bank.

Hon. J. Cornell: He is going the wrong way about it.

The Chief Secretary: How much does he say he owed?

Hon. A. THOMSON: When he was dispossessed, he owed £1,367 for principal and £110 for interest. That is all he owed at that time.

Hon. V. Hamersley: How many acres of land did he hold?

Hon. A. THOMSON: He held 1,600 acres. The man was not a loafer. He cleared the land and worked it. The bank called for tenders for the purchase of the property. As far as I know, one tender only was made. Mrs. Addis tendered £1,000 cash for the property. The strange thing is that, while the bank acknowledged receipt of the tender, it declined to accept it. The member for Katanning informed me that he is convinced Mr. Addis could have obtained the necessary money from relatives in Ireland. He particularly wanted to get the property back again, as he had put so much of his own money into it. The returning to him of this property has become an obsession with him. As I stated previously, members should recollect that he volunteered for active service when 17 years of age and was a member of the section of the Imperial Army that first crossed over to France.

Hon. H. V. Piesse: Is the property still in the hands of the Agricultural Bank?

Hon. A. THOMSON: Yes.

Hon. H. V. Piesse: Then it has not been sold.

Hon. A. THOMSON: No.

Hon. J. Cornell: All that the select committee could do would be to ascertain whether or not Addis was rightly or wrongly dispossessed of his property.

Hon. A. THOMSON: That is so. The committee could make a recommendation that his position be reconsidered. He gave additional evidence to the Royal Commission—

> Your wife made a tender of £1,000 for the property?—Yes.
> Does that still hold good?—No, because the Bank turned it down.
> Have you the capital to finance the tender?—We did when we made the tender.

Hon. J. Cornell: Did his wife tender for the property?

Hon. A. THOMSON: Yes.

Hon. L. Craig: Surely it was necessary to lodge a deposit with the tender.

Hon. A. THOMSON: Yes.

Hon. L. Craig: Apparently the deposit was not lodged.

Hon. J. Cornell: That is why the tender was not accepted.

Hon. A. THOMSON: The member for Katanning, as I said, informed me that relatives in Ireland would have advanced £1,000 to Mrs. Addis to repurchase the property. It is therefore difficult to understand the bank's action in refusing the tender.

Hon. L. Craig: Except that the deposit was not lodged with the tender.

Hon. A. THOMSON: That question was asked of one of the witnesses, Mr. Wardle, manager of the Agricultural Bank at Katanning, gave evidence, and in answer to Mr. Donovan said that a settler named Ellis originally had Addis' block and that the witness did not think Ellis had obtained an advance from the Bank. Mr. Wardle added that he did not know how Addis came to get an advance. The property was 16 miles from Pingrup, and was one of three in that locality. It was then still vacant, and painted on it in green letters were the words, "Under boycott for wrongful eviction." That was the action of the Wheatgrowers' Union. Then Mr. Diamond, another member of the Commission, asked—

> Would it not have been better to accept the £1,000 offer by Mr. Addis?

And the answer given by Mr. Wardle was—

> We would then have been in the same position as before. If he could not pay, I do not see how his wife could have done so.

I should like to quote one or two more questions asked of Mr. Wardle and answers given by him—

> Would it not have been better to have the place occupied?—If we had let them in we would have had to get them off if they did not pay.

Answering a question later on, Mr. Wardle said—

> I do not think Addis' account was worse than that of other farmers in the district. I do not think he was picked out for eviction. I do not know whether he had taken a prominent part in a political meeting.

The land has been lying idle ever since. If the man had been permitted to remain on the block he would have kept up the improvements and created an asset not only for himself but for the Bank.

Hon. J. J. Holmes: How long ago was all this?

Hon. A. THOMSON: Six or seven years ago. Here is a man who came to the State with £1,000. He went on virgin land and cleared 1,500 acres, and he certainly had sown a considerable quantity of wheat and oats; but rightly or wrongly, he brought a little of the trouble upon himself. Many of us, I fear, might have done the same thing if we had been similarly circumstanced. The unfortunate man was suffering from mental strain, and Mr. Craig, having gone through the stress of war, will probably appreciate the condition of the man at the time. One can imagine how Addis felt on having to walk off the property penniless after having expended the whole of his capital in an attempt to develop it.

Hon. J. Cornell: The Bank inspector said he was a good chap.

Hon. A. THOMSON: The Bank inspector was dismissed soon afterwards.

Hon. G. Fraser: In what year was Addis dispossessed?

Hon. A. THOMSON: In 1931. To-day Addis is a brokenhearted man, and he has a wife and a family of six children. He is living on the property of a man who assigned

his estate. Addis is the victim of mental strain through the unjust treatment that he received, and he is reduced now to a state of nervous breakdown. An inquiry may result in some consideration being given to him, in which event his sanity may be completely restored. If he is permitted to go on as he is doing at present, he will be compelled to leave the place on which he is residing. He is there on suffrance at present. There is a fear in our minds that Addis's case may develop into a second Frank Evans affair, in which event it will prove most expensive to the State. A little kindly help may obviate this, and so I ask the House to agree to an inquiry, so that the files could be looked into and statements obtained from persons in authority and the whole matter thoroughly probed. Addis believes that there are statements on the files that he can disprove. If that be so, he should be given every opportunity to do so. I offer no apology for submitting the motion. Mr. Fraser said that the appointment of a select committee to investigate the matter may establish a precedent. If doing justice to an individual who served his country as Addis did will establish a precedent, then let us by all means establish that precedent.

Hon. G. Fraser: And then we shall have every dispossessed man asking for the appointment of a select committee.

Hon. A. THOMSON: There need not be any danger of that. In Addis's case there are exceptional circumstances that demand an investigation. If the inquiry be held it may result in solving the problem and possibly saving another disaster such as that to which I have referred. However, I have no desire to enter into that phase. Addis is penniless, and I ask the House to give favourable consideration to the appointment of a select committee to investigate the circumstances of the case.

HON. H. V. PIESSE (South-East) [8.55]: I second the motion; and I commend Mr. Thomson for having brought the matter forward. My uncle, the late Mr. Arnold Piesse, who was at one time member for Katanning, took a great interest in Mr. Addis's case: and when I was first elected I approached the Government and the Agricultural Bank on behalf of Addis. I shall not say that when the man was dispossessed he did everything that he should have done according to law, but I will say that after six or seven years of severe strain he was dispossessed of his property at Nyabing, while owing very little interest in comparison with many hundreds of farmers in that district. The matter was taken up seriously and made a test case by the Wheatgrowers' Union. That was done in all good faith. The union endeavoured to help a returned soldier who, though he might have been eccentric at times, had carried out his duties at the Front and suffered considerably from shell shock and the effect of war injuries. I was always only too pleased to assist this man to secure an inquiry. After he was dispossessed, another farmer in the district named Morris assigned his estate. The Wheatgrowers' Union approached Morris and asked him to permit Addis and his family to take up residence on Morris's farm. At that period, 1932-33, there were many farmers who were considered lucky to be permitted to live on farming properties on the understanding that they looked after the buildings and prevented those properties from drifting into a state of disrepair. There was no possible chance of carrying on that farm. It was assigned and was for sale. Addis entered into an arrangement with the owner to carry out minor improvements such as keeping down suckers, and he had the proceeds from the sale of a few pigs and some fowls. In that way he managed to carry on for several years, eking out a bare existence. Addis would not take anything in the form of sustenance; he refused it. He was obsessed by the dispossession of his property at Nyabing. If a select committee were appointed it would be a humane act. His wife and children have had a very hard time; their lives have been a mere existence. Addis, I admit, is a difficult man to deal with. The Wheatgrowers' Union entered into an arrangement with Morris, and, as I stated, Addis was permitted to live on Morris's farm. At the present time Addis will not leave that property because, as he states, he wants his case investigated by a proper tribunal which will give him an opportunity to prove that he has suffered an injustice. I give the financial institution to which Morris's property has been mortgaged every credit for not having done anything to put Addis off the farm. We know, of course, that possession could be entered into. Therefore I can speak with a great knowledge of the position.

Hon. J. Cornell: You are an interested party.

Hon. H. V. PIESSE: I am not an interested party. No assets are left in the estate; it has been assigned and could not make sufficient money at present to repay advances. I can assure members that that man has endeavoured to negotiate with the Bank for the purchase of the property, and I have received evidence from the member for Katanning stating that certain people in Ireland would find money to enable him to purchase it. The position is that those of us who represent the district know all the circumstances of the case—and there are many circumstances that one does not want to appear in "Hansard"—and, knowing the circumstances, we ask the House to appoint a select committee to look into the case. The appointment of a committee would be a humane action on behalf of a woman with six children, and a man who considers that he has been unfairly dispossessed of his property.

On motion by the Chief Secretary, debate adjourned.

RESOLUTION—YAMPI SOUND IRON ORE DEPOSITS.

Commonwealth Embargo.

Message from the Assembly now considered requesting concurrence in the following resolution:—

That this Parliament of Western Australia emphatically protests against the embargo placed by the Commonwealth Government on the export of iron ore from Australia, in view of its disastrous effects upon the development of the State. We consider that the information available does not warrant such drastic action, and we urge the Commonwealth Government to remove the embargo.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [9.3]: I move—

That this House concurs in the Assembly's resolution.

This motion has been brought forward to enable members to demonstrate that the people of this State consider that the action of the Commonwealth Government in placing an embargo on the export of iron ore was an unwarranted interference with the development of the State. There can be no doubt that the embargo was imposed directly as the result of the proposed development of Yampi Sound. The only reason advanced by the Commonwealth Government for the sacrifices imposed on this State by its decision is that the reserves of iron ore in Australia are so small as to cause alarm, and that our supplies must be strictly conserved for future requirements.

The Federal Government has stated that it acted on advice that the only two satisfactory deposits of iron ore in Australia are Iron Knob, estimated to contain between 150 million and 200 million tons, and Yampi, estimated to contain between 63 million and 90 million tons. On this basis, our total accessible reserves are only 250 million tons, which, at the present rate of consumption of 2,000,000 tons per annum, would be sufficient to last 125 years. It has been predicted, however, that consumption of iron ore in Australia will increase from 2,000,000 to 6,000,000 tons per annum, and that the period for which supplies will be available will thus be correspondingly reduced. Members may recall that the Commonwealth Government was requested to license the export of a total of 15 million tons of ore from Yampi, the equivalent of about two and a half years' supplies measured in terms of the estimated consumption. Its refusal to accede to the company's request means that Australia's supplies will last an additional 2½ years. To achieve this remarkable end, Western Australia is to be called upon to make the most costly sacrifices.

All immediate hopes for an extensive development of the North-West have been completely dashed. We can no longer look to Yampi for the impetus that its development would have given to the growth of population and business activity generally in that part of the State. The Premier has caused an estimate to be made of the actual direct losses that will be incurred as a result of the Commonwealth's decision: and I shall have occasion to refer to certain indirect losses later. The following figures, which are based on an export of 1,000,000 tons per annum for 15 years, show that—

The amount of royalty lost is £250,000.

The amount of wages that would have been paid to Western Australians, reckoning 200 men at an average of £6 10s. per week, would have approximated £1,000,000.

Mining shares, etc., would have amounted to £50,000.

Harbour and light dues payable would have totalled £60,000.

Other expenditure involved by the arrival and departure of 120 ships a year would have amounted to £90,000.

Dividend duties would have been payable on profits by the company.

The benefits that have accrued to the State by the expansion of the goldmining industry in recent years afford some indication of how the development of Yampi would have been reflected in increased activity and prosperity in other industries of Western Australia. Then, of course, hopes were entertained for the development of our cattle industry as a result of the new shipping facilities that would have been provided. The Government was so sanguine of the prospect of exporting cattle to Japan and the Philippines that, in anticipation of the opening of the iron deposits, it undertook surveys of existing stock routes into Derby with a view to linking them with the port to be established at Yampi. This view was encouraged by Mr. Fujimura, a representative of the Nippon Mining Company, who pointed out that Japan would find it more profitable to import beef on the hoof from the Kimberleys than chilled beef from South America.

From the national view point, the action of the Commonwealth was singularly ill-advised. Members of this House—particularly those representing the North Province—have from time to time stressed the vulnerability of this section of our coast to foreign attack. They have emphasised that the populating of these vast stretches of coast is essential in the interests of defence. Moreover, they have pointed out that the establishment of settlements in the North would provide a base for patrol work to check the illegitimate visits of foreign pearlers. At a time when the world is fevered with dangerous national jealousies, the Commonwealth has seen fit to place a further restriction on international trade, and this shortly after it had realised the folly of its essay in trade diversion, and despite the fact that previous assurances from Canberra had indicated that the company need have no fear of an embargo. We may well ask what purpose was served by the despatch of an Australian Goodwill Mission to Japan for the promotion of trade between the two countries, if the Government is prepared subsequently to wreck the whole basis of international goodwill by an abuse of its powers Certain it is that other countries are most unlikely to place much credence in the good faith of any future appeals from Australia for reciprocal trade. Overseas investors, too, will have good cause to hesitate before investing in a country where the Government, after encouraging a company to proceed with heavy expenditure, steps in and prohibits it from operating.

Let me remind members what the Prime Minister said in the House of Representatives on the 10th September, 1936—

> The control of the development of the deposits was a matter for the Western Australian Government. The only power the Commonwealth Government had was to refuse a permit for the export of the ore, but the Commonwealth Government felt no more justified in prohibiting the export of iron ore to Japan than in prohibiting the export of wool.

That was very definite and encouraging to those people desirous of opening up the iron ore deposits on our coast.

Hon. J. J. Holmes: What happened in the meantime?

The CHIEF SECRETARY: I will tell the hon. member of a few more things that happened. A Press message from Canberra, dated the 3rd March, 1937, sets forth the following:—

> It is considered in official quarters in Canberra that supplies of iron and iron ore for all Imperial purposes from the existing sources are more than adequate. No fears are held that the shortage in Britain will continue, as the supplies in Australia and elsewhere in the Empire are more than adequate for any possible demand, and the adjustment of any shortage in Britain can easily be effected through the ordinary channels of trade.

So if we are to believe the Press messages I have read, there was no difficulty at that time in regard either to Britain or Australia. On the 22nd May, 1937, Sir George Pearce made the following statement:—

> The Commonwealth Government considers that any effort to restrict Japan's access to the iron deposits at Yampi would be dangerous. It would strengthen Germany in her claim for the restoration of colonies, by enabling her to demonstrate that the Empire was restricting access to the natural resources of the Dominions. Moreover, since one of Japan's chief sources of iron at present is British Malaya, and since the British Colonial Office has made no effort to restrict purchases for Japan in that Colony, it is evident that

the British Government is in agreement with the policy of the Commonwealth that restrictions should not be imposed on foreign customers.

Another very definite statement.

Hon. J. Cornell: Mr. Curtin has been silent on the whole matter.

The CHIEF SECRETARY: I shall not refer to Mr. Curtin. I am referring to the policy of the Commonwealth Government, and am quoting official statements which have been made by that Government from time to time. On the 27th of the same month the Deputy Prime Minister, Sir Earle Page, spoke as follows:—

The Commonwealth did not enter into the picture at all except to grant permission for four Japanese experts to supervise the quality of the ore that was bought, exactly the same as Japanese wool buyers came to Australia for a similar purpose. Australia exported lead, zinc, spelter and other metals, and it would be just as feasible for someone to ask the Government to prevent their export to other countries.

Yet another very definite statement. Then, on the 5th August, 1937, we have Senator McDonald saying—

I refuse to believe that the Commonwealth Government would wilfully hamper this phase of the development of the North-West, unless there is some relationship between the reported decision and the conditions that have followed Japan's penetration into China.

I should mention that throughout this period the Commonwealth Government was aware that the company was embarking upon the expenditure of considerable capital. As late as the 31st August, 1937, the Commonwealth Government's attitude was set forth in the following statement made by the Prime Minister in the House of Representatives:—

I wish to dispel any misapprehension that might exist in regard to the attitude of the Commonwealth Government in connection with the export of iron from Yampi Sound. A preliminary survey of the potential supplies of iron ore has revealed the existence of very considerable deposits, sufficient for all our requirements for a great many years ahead. The Commonwealth Government is aware of no reason why it should intervene.

Still another most definite statement. Since that date the Prime Minister has received no information that was not already in his possession then. So we have the spectacle that for a lengthy period, while the preliminary steps were being taken for the development of the Yampi deposits, there was no indication at all of any likelihood of objection being raised by the Commonwealth Government to the export of the ore when obtained. In the interim, of course, there has been a complete reversal of policy, and we are now told that the position is so serious that we cannot afford to export two and a half years' supplies of iron ore. Yet exports of pig iron from the Eastern States are still permitted, and only recently the Federal Government threatened to compel certain workmen in the Eastern States to load scrap iron for Japan. The absence of any explanation beyond the Prime Minister's bald statement that our iron reserves are inadequate can only mean that there is no logical justification for the Commonwealth's change of front, as the Prime Minister's statement will not bear examination.

The former State Mining Engineer, Mr. A. Montgomery, estimated the quantity of iron ore available at Yampi, above high-water mark alone, at 97 million tons. This reserve will have to be multiplied many times to take in the probable tonnage of ore underground. Thus Mr. Montgomery's estimate of tonnage above water exceeds even Dr. Woolnough's maximum estimate for the whole of Yampi's reserves. Again, Dr. Woolnough appears to have discounted other official estimates, for in 1922 the Imperial Mining Resources Bureau published an estimate, prepared from official information, which showed that Australia had known reserves of 345 million tons, and probable reserves of 500 million tons. The respective figures for Western Australia alone were 156 million tons and 450 million tons. It must be understood that all these estimates which have been made from time to time are estimates made by professional men of high standing. I cannot for even a moment attempt to question the estimate of any particular expert who may be called upon to state his opinion.

Hon. L. Craig: Those estimates are the result of merely superficial examination.

The CHIEF SECRETARY: I suppose there has been very little work done there.

Hon. L. Craig: None at all.

The CHIEF SECRETARY: But I do not think one would class the estimates as superficial in view of the methods usually adopted in arriving at the quantity of ore, whether iron or any other ore.

Hon. L. Craig: It is very difficult to estimate the quantity under the ground or under the sea.

The CHIEF SECRETARY: But the experts can state the approximate quantity available. I can assure the House that from the very outset, when the possibility of an embargo being imposed became apparent, the Government has done everything within its power to conserve the interests of the State. The Solicitor General was asked to examine the position with a view to ascertaining if there was any legal defect in the Commonwealth's action, while the Premier made every possible representation to the Prime Minister that might be calculated to influence the Commonwealth Government to reconsider its decision. I have here numerous telegrams which were sent by the Premier to the Prime Minister. They indicate very clearly the serious view taken by this Government when the action of the Commonwealth became known. I think that perhaps I might quote them. They not only go to prove that we recognised that a highly serious position had arisen as regards the development of the North, but also show that as a Government we had no option but to protest as strongly as we could in the interests of the future development of Western Australia. The following telegram was sent on the 8th March, 1938, by the Premier to the Prime Minister:—

Re iron ore, surprised if limited survey made would indicate position iron ore production as most alarming. In this State without any great amount investigation millions of tons iron ore are known to exist awaiting exploitation; trust no precipitate action will be taken which may have effect of indefinitely delaying iron ore production in this State which is of such vital importance to our economic position. Would like to be assured as per your statement of 31st August last in House Representatives that pending completion investigation no action will be taken to jeopardise present developmental work proceeding at Yampi. Will be prepared to give every assistance to have complete investigation made regarding iron ore position in this State at earliest date.

That, I think, is a very fair intimation to the Commonwealth Government of our desire that the actual position should be known as regards iron ore reserves in Western Australia, and that until such time as there was more definite proof of the suggested shortage of iron ore reserves, there should be no interference with the development taking place at Yampi Sound, and also that we were prepared to assist as far as we possibly could in having any necessary investigation made. On the 29th April this telegram was sent to the Prime Minister—

Yampi company expediting in every way general operations for development erecting machinery and export of iron ore. Unless this continues unimpeded, much employment will be jeopardised. My Government considers it outstandingly important there should be no retarding of development at Yampi as of vital importance economic future Western Australia and Nor'-West particularly.

Again, on the 19th May this wire was sent by the Premier to the Prime Minister—

Announced here to-day that your Government is banning the export of iron ore as from 1st July next. This will be the means of ending the development of the Yampi Sound deposits. My Government emphatically opposes and resents any such action being taken and considers that the enforcement of an embargo will only add to this State's many injuries under Federation. Mention has been made of compensation to the company affected but what about the blow to the State in this hostile attitude towards the development of an area depending almost entirely upon its mineral resources and for which the Government and the people of the North have made many sacrifices? Is this territory and its mineral resources to remain undeveloped and to stagnate because of your Government's precipitate action on mere superficial information? The Government of Western Australia strongly protests and urges that the project be allowed to proceed without further hindrance or molestation thus ensuring development and activity in that portion of Australia most needing it.

On the 1st June this message went to the Prime Minister—

Reports received indicate State-wide opposition to proposed embargo iron ore export is increasing. Trust some action contemplated to conserve Western Australian position regarding export until definite report available. Representative bodies such as Chambers Commerce, Manufacturers, Mines support this request.

On the 9th June the State Government sent this supporting telegram to the Prime Minister—

Understand Yampi Sound mining company applying for license export 15,000,000 tons iron ore spread over about 25 years. This proposal would develop a national latent asset, would create a new industry in this State, would open up cattle trade with other countries, and would populate the North-West without seriously interfering with amount of iron ore resources. State Government strongly supports application and urges Commonwealth Government approve.

That series of telegrams indicates the seriousness with which the position was viewed by the Government, and proves that a very strong effort was made by the Premier of Western Australia to persuade the Commonwealth Government, if at all possible, at least to alter its decision, even if only to the extent of allowing Western Australia to export a maximum quantity of iron ore, to the extent of some 15 million tons, over a period of 25 years. I do not think it can be argued for one moment that that quantity of iron ore from the very well-known available iron ore deposits in this State would materially affect our position as a Commonwealth.

Hon. H. S. W. Parker: Have you a report by our geologist?

The CHIEF SECRETARY: I have stated the opinion of the late Mining Engineer on the ore reserves at Yampi. All the representations made by the Government were of no avail and the company will have to abandon the development work upon which it was engaged. Possibly after a good many years have elapsed an opportunity may again arise that will permit of the development of Yampi iron ore deposits, but any compensation that the Commonwealth may make can never recompense the State for the loss of this one favourable chance to develop the North-West. Much has been said on the subject in Parliament and in the Press, but the Government desired to give the House an opportunity to support the attitude that has been adopted. We wish to show that the people, through their representatives, are resentful of the action of the Commonwealth in preventing this development of the North-West. I believe that further action is pending in the Commonwealth sphere, but we do not know what the result will be.

In commending the motion to the House, I can only express the hope that this appeal to the Commonwealth Government will be successful and that the Customs regulation enforcing the embargo will never become law. Though the Commonwealth might have felt satisfied that action of the kind should be taken, to us it seems strange that after the Commonwealth had given so much encouragement to the development at Yampi, it should suddenly turn round and impose an embargo on the export of iron ore from Western Australia and take no steps to prevent the export of pig iron or other metal that might be used by foreign countries for similar purposes. I have outlined the situation from the Government's point of view, and I believe that the motion will meet with a favourable reception in this House.

On motion by Hon. J. J. Holmes, debate adjourned.

BILL—POLICE ACT AMENDMENT.

Second Reading.

HON. J. CORNELL (South) [9.35] in moving the second reading said: I thank the Minister for giving me an opportunity at this early stage to bring the Bill before the House. In my remarks I do not intend to particularise the evils that I hope the measure will be the means of reducing. While one would be a super optimist to believe that if the Bill became law it would totally prevent betting on racing or trotting, the object is to remove most of the present-day betting facilities now available per medium of betting shops and s.p. bookmakers; in other words, to make it harder for misguided punters to lose their good money elsewhere than on a race or trotting course. As a one-time punter on horseraces, but never on s.p. or trotting, I long ago discovered the futility of trying to pick winners. Therefore I shall refrain from moralising on the futility of endeavouring to get rich in this way. I shall content myself by saying that betting, especially s.p. betting, is something best left alone, and that if any person must bet on a race, he should bet strictly according to his means.

The increase of s.p. betting and of s.p. betting shops during the last few years is to be deplored. I have been given to understand that in Kalgoorlie and Boulder there are over 60 established s.p. betting shops and that the proportion of similar shops in the metropolitan area is about the same. Go where we will, every large town or small country town has its proportion of s.p. betting shops. In my opinion, the greatest evil associated with s.p. betting shops is the type of individual controlling them. Generally those people are no respecters of persons and seldom or never do they draw a line regarding either the sex or age of those that bet with them. One would be generous to that class of harpy if one said that a good few of them would not

scruple to accept the letters off a tombstone in payment of bets. With the object of cleaning up this type of person, and bringing avaricious and unscrupulous owners to a full realisation of their obvious duty, the Bill proposes drastically to amend the Police Act, 1892, and its amendments. In order to lead up to the proposals contained in the Bill, I shall have to quote several sections—well known to Mr. Parker—now in operation, and I therefore crave the indulgence of the House. Section 4 reads—

> No house, office, room or other place shall be opened, kept, or used for the purpose of the owner, occupier or keeper thereof, or any person using the same, or any person procured or employed by or acting for or on behalf of such owner, occupier or keeper, or person using the same or of any person having the care or management, or in any manner conducting the business thereof, betting with persons resorting thereto, or for the purpose of any money or valuable thing being received by or on behalf of such owner, occupier, keeper or person as aforesaid, as or for the consideration for any assurance, undertaking, promise or agreement expressed or implied, to pay or to give thereafter any money or valuable thing on any event or contingency of or relating to any horse race, or other race, fight, game, sport or exercise or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid; and every house, office, room or other place opened, kept or used for the purposes aforesaid or any of them is hereby declared to be common nuisance and contrary to law.

Section 5 reads—

> Every house, room, office or place opened, kept or used for the purposes in the last-mentioned section, or any of them, shall be taken and deemed to be a common gaming house.

Section 6 reads—

> Any person who being the owner or occupier of any house, office, room, or other place, or a person using the same, shall open, keep or use the same for the purposes hereinbefore mentioned, or any of them, and any person who, being the owner or occupier of any house, room, office or other place shall knowingly and wilfully permit the same to be opened, kept, or used by any other person for the purposes aforesaid or any of them, and any person having the care or management of, or in any manner assisting in conducting the business of any house, office, room or place opened, kept or used for the purposes aforesaid, or any of them, shall be liable on conviction to a penalty of not more than £100, or to be imprisoned with or without hard labour for any term not exceeding six calendar months.

There is no doubt of the intent and purposes of those sections. Under them the owner, occupier, or keeper or any other person can be charged and dealt with for s.p. betting, either jointly or severally. What is the position? Prosecutions under the section for keeping s.p. betting shops have invariably been confined to what is generally accepted as the dummy occupier or keeper. One dummy is changed for another dummy. Every time a dummy keeper is fined, another dummy is put in his place in order to keep the fines as low as possible, and so the game goes on. Why this single form of prosecution has been adhered to by the police is difficult to understand, because the person generally convicted has no interest in the conduct of the s.p. shop for which he is acting as keeper for a day, other than the monetary consideration given him for the day's work by the occupier of the premises—the actual s.p. bookmaker—who is seldom brought to account.

The owner of the s.p. betting premises—the most interested of the trinity concerned—blossoms as the rose in the s.p. business. Year in and year out, every Monday morning, either direct or by agent, he collects his rake-off in the shape of an exorbitant rental, and is apparently immune from prosecution. I have not heard of any owner of such premises being prosecuted. In the metropolitan area and on the goldfields exorbitant rents are extorted by owners of s.p. betting shops—as any reputable house agent can inform us—from occupiers or lessees of those shops. I know and other members know of many owners of shops who have forced legitimate tenants out in order to gain a higher rental. In some cases the rentals charged to s.p. bookmakers have been 200 per cent. higher than the previous occupiers paid. Another bad feature is the proximity of s.p. betting shops to licensed premises. It is well known that the best locality for an s.p. shop is next to a hotel.

The first object of the Bill is to make it compulsory for the police simultaneously to prosecute the owner, the occupier and the keeper of an s.p. betting shop, or alternatively to declare for no prosecution and thus give s.p. betting an open go.

Hon. J. J. Holmes: Have they not got that power under the Act?

Hon. J. CORNELL: The Act does give that power, but it becomes a matter of direction to the police by those in authority, or a matter of discretion on the part of the police themselves. Year after year, as members know, the police have sought the dummy keeper. They have not proceeded against the starting-price bookmaker, or the man who owns the premises. The object of the Bill is to force them to take action against all offenders. It contains saving clauses so far as the owner is concerned.

Hon. J. J. Holmes: How can you force the police to do this if the Minister intervenes?

Hon. J. CORNELL: Then we shall have to call upon Divine Providence for help, and goodness knows we shall need it.

Hon. J. J. Holmes: I am only seeking information.

Hon. J. CORNELL: The Bill also provides that when an owner or occupier is charged with knowingly or wilfully permitting any room, house or place to be used as a common gaming house, and has received from the police officer one month's notice in writing that, in the opinion of that police officer, the house, room or place mentioned in the charge is being kept as a common gaming house, such owner or occupier shall, if it is true that at the date mentioned in the charge such premises were still being so kept or used, be deemed, until he proves to the contrary, to have knowingly and wilfully permitted such keeping or usage. The onus of proof will, therefore, be thrown upon the owner or occupier. This may be a drastic clause, but protection is also afforded to the owner himself. If the owner has reasonable grounds to suspect that his premises are being used as a common gaming house, he may serve upon the occupier thereof a notice to quit the premises within three days after the service of the notice. Such notice shall, at the expiration of three days, determine any tenancy under which the occupier may hold such premises.

Hon. H. V. Piesse: Would that determine the lease?

Hon. J. CORNELL: Power to evict is also given an owner without any other authority. If an owner finds after letting his premises, that they are being used in a manner different from that which he intended, he can serve a notice on the occupier to vacate within three days. A notice to quit may at any time be cancelled by a magistrate, whose decision shall be final and conclusive, subject to such terms as the magistrate deems fit, on proof that the occupier has not at any time permitted or suffered the premises to be used as a common gaming house. If these provisions are agreed to, an amendment of Section 211 of the Criminal Code will be necessary.

As prosecutions similar to those mentioned in the Police Act can be and are made under Section 211 of the Criminal Code, it will be necessary, should Clause 2 as it stands be passed, similarly to amend the section I have mentioned, and to add to it Clause 8. If the Criminal Code were to remain as it is without these provisions, the police could still prosecute under it, but Section 211 of the Code would have to be added to Clause 8 of the Bill to legalise betting on racecourses. Amongst other things, Section 10 of the Police Act Amendment Act, 189[illegible] (No. 1), prohibits any person from exhibiting or publishing, or causing to be exhibited or published, any placard, handbill, card writing, sign, or advertisement whereby it shall be made to appear that any house office, room or place is opened, kept, or used for the purpose of making bets or wagers or for the purpose of exhibiting lists for betting, and provides a penalty therefor of £30, or two calendar months' imprisonment with or without hard labour. The Bill proposes to add a further prohibition, namely—

> Publishing in a newspaper the odds on any race to be run at any meeting for horse racing or at a trotting meeting.

The Bill also proposed to increase the penalties that can now be imposed under the sections I have quoted to £100 or imprisonment for one year, thus bringing the penalties into line with those for the proposed new prohibitions. At present it is not an offence for any person to open a place giving information regarding the progress of any race—or the competitors or non-competitors therein—on racing or trotting courses, or for any person to convey any such information from any racing or trotting course to any such place. The Bill provides—

> That no place shall be opened, kept or used for the purpose of conveying therefrom during any time when a race or trotting meeting is being held on any race or trotting course to persons on such courses; also that no pe

son shall convey or attempt to convey from any race or trotting course to any person or body corporate or incorporate not on such courses, any information concerning—

(a) Any race to take place on any race or trotting course.
(b) Any particulars regarding horses which will not take part in any race on any such course.
(c) Persons who will ride or drive any horse taking part in any race on any such course.
(d) Barrier or starting positions of horses taking part in any such race on any course.
(e) Betting on any race or trotting course and any horse taking part in any race thereon.
(f) Any adjustment (and whether by way of penalty, allowance or overweight) made on any course of the weight or handicap to be carried or suffered by any horse taking part in any race thereon.

Hon. J. J. Holmes: It will all go over the air.

Hon. J. CORNELL: The Bill deals with that, too. The duration of any race or trotting meeting shall be continuous as from half-an-hour previous to the official starting time to the actual starting time fixed for the last race. In other words, a race or trotting meeting will be out of bounds one half-hour before it commences until the actual starting time of the last race. Any person or body corporate or unincorporate contravening the provisions of Clause 4 will be liable to a fine of £100, or one year's imprisonment with or without hard labour, or both; or, under Clause 6, to a fine of £50 or six months' imprisonment.

Hon. G. Fraser: Have you made any provision to enlarge the gaols?

Hon. J. CORNELL: The hon. member could be squeezed in. The chairman of directors or manager, or other governing officers of a body corporate, is liable to such penalties unless he proves that he did not commit, or had no means of knowing that he had committed, an offence. The definition of "place" is very important. "Place" shall include any house, office, room, tent, resort or other place in or out of an enclosed building, vessel or premises, whether on land or water, whether private property or otherwise, and any place whatsoever declared by the Governor to be a place for the purposes of the Act.

I now come to the definition of "convey." The meaning of the word is unlimited, and for the purposes of Clauses 4, 5 and 6 will include communication by any means whatsoever, and the derivatives of the words shall have similar meanings. This provision would prohibit the broadcasting of horse or trotting races. In a word, broadcasting will be prohibited, as it is in Queensland. The next point refers to the issue of a warrant to search a place that is under suspicion. Upon complaint on oath before any justice by any person who reasonably suspects that a place is opened, kept, or used, contrary to Clause 4, such justice may grant a warrant to a police officer to enter and search such premises or place, and, if admission is refused, to break into the same and seize all books, papers and writings, and other documents whatsoever found in, on or upon any person found in, on or entering, or leaving such place, and to search and bring before a court all persons so found. The penalty will be £10.

Hon. J. J. Holmes: That is not enough. We fine a man £10 for selling drink after 9 o'clock.

Hon. J. CORNELL: In addition to being fined, any person offending against Clause 6 may be, by notice in writing, excluded from any race or trotting course by the bodies controlling it for such periods as they may deem fit, and any person found on any race or trotting course contrary to such notice, may be fined a further £30. If, for instance, the W.A.T.C. or the W.A. Trotting Association has reason to believe that some individual is defeating the purpose of the Act by conveying information from the course, it can give notice to that person prohibiting him from going on to the course. If, while the notice is in existence, he goes on to the course he can be convicted and fined £30. The onus of proof that a person had no means of knowing that offences had been committed against Sections 10 and 11 of the Police Act Amendment Act, 1893 (No. 1), by a body corporate or unincorporate, and against Clauses 4, 5 and 6 of the Bill, will lie with the governing officer of such body corporate or unincorporate.

Hon. G. Fraser: Do you cover the calling of the card at the club on the night before a big meeting?

Hon. J. CORNELL: No. The Bill proposes to make lawful betting by bookmakers on race or trotting courses registered by the W.A.T.C. or the W.A.T.A., and any person

betting with them thereon. Should this Bill become law, and should anyone desire to make a bet, he will be able to do so on a racecourse, for it will legalise betting on registered racecourses belonging to the two bodies I have mentioned.

Hon. G. Fraser: Mr. Parker says that is not necessary.

Hon. J. CORNELL: This will put it beyond doubt. Members will find the Bill a drastic one. It is said that a sensible alternative to suppressing S.P. shops and betting is to legalise betting in accordance with the example afforded by Tasmania and South Australia. This may appear to be an easy method of placating about 20 per cent. of the population, but to me it is a vicious one. The Parliaments of Queensland, New South Wales and Victoria agreed to the principle to which I subscribe; so if I err, I err in good company. During my hurried visit to the Eastern States, the Queensland Government, which is a Labour Administration, and legislates with a single Chamber, enacted a measure much along the lines of the Bill now before members. The New South Wales Government recently introduced a somewhat similar measure and while in Melbourne I had the privilege of discussing the position of starting-price betting there with the Commissioner of Police, who is an ex-Scotland Yard inspector. In him I recognised, to speak colloquially, the "real goods." From what the Commissioner told me, in Victoria proceedings are taken against the owner, occupier and keeper. The Victorian legislation, which has stood the test for 50 years, is similar to ours. I admit betting continues in that State, but I certainly did not notice anything like 50 betting shops in Prahran. That city has about six times the population of Boulder, but Boulder has about a dozen starting-price betting shops.

Hon. G. Fraser: Shops are not needed there, because people go round to the houses.

Hon. J. CORNELL: I am aware of that.

Hon. G. Fraser: Butchers, bakers and others take commissions at the doors of houses.

Hon. J. CORNELL: I discussed this problem with Sir Gilbert Dyett, with the secretary of the Victorian Trotting Association, and with men of the world with whom I came in contact. I can speak on this matter also as a man of the world who had frequently to request his landlady to wait for her board money until the next pay. I was able to do that until I married, and then I found that that plea did not work. I do not suppose betting can ever be suppressed, but we can certainly make it harder to bet. My experience tells me that the individuals who derive benefit from betting are the owners of properties that are let at huge rentals to people who conduct the business, and also those who accept bets or conduct gaming in those premises. As one conversant with most forms of betting and gaming, I ask, if it is logical to legalise starting-price shops and starting-price betting generally, why stop there? That is a question I would ask critics who say we cannot eradicate the evil and so should legalise it. Why not go further? To quote two examples of gambling, why not legalise the playing of hazard and two-up?

Hon. L. Craig: Why not legalise fan-tan?

Hon. J. CORNELL: All good sports agree that the games of hazard and two-up, when properly conducted, are fairer and preferable means by which to lose money than starting-price betting. I commend the Bill to the House, and if members cannot accept it in its entirety, I hope they will agree to most of its provisions, and thus assist to eliminate the evil or, at any rate, make it much harder to indulge in. If the Bill is accepted with or without amendments, I propose to introduce a further Bill adapting a Queensland provision so that the prices of admission charged by the W.A.T.C. and W.A.T.A. shall be subject to the approval of the Governor in Council. I do not think either the W.A.T.C. or the W.A.T.A. would object. If I succeed in getting this legislation passed, the effect will be to confine betting to racecourses, and if the idea is to suppress starting-price betting with all its viciousness, then at least we can restrict betting and make it a condition that the people who wish to bet must go to the courses to have the pleasure of losing their money. My Bill embodies the essential features of the Queensland legislation, but goes further and is aimed at owners, occupiers and keepers. It does not apply, as does the Queensland legislation, to athletic sports and similar activities. Apart from an occasional bet on the Stawell Gift, I do not suppose there is any betting on athletic sports in this State. I seek the co-operation of members of this Chamber in trying to accomplish what I have indicated. I understand the starting-price bookmakers are firmly entrenched in this State and have a solid organisation pre-

pared to back up their monopoly with money. I have a sample of their propaganda, of which I suppose every member has received a copy. Fortunately my Bill was in print before I went to the Eastern States. I hope members will support me in my endeavour to clean up a pernicious evil that should have been attacked long ago. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 10.7 p.m.

Legislative Assembly.

Wednesday, 14th September, 1938.

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

QUESTION—POPULATION, DISTRIBUTION.

Mr. HILL asked the Premier: What is the population—1, of the whole State; 2, of the metropolitan area; 3, within one hundred miles radius of Fremantle; 4, on the goldfields?

The PREMIER replied: Full information regarding the population of the State is contained in pages 16 to 20 inclusive of the Pocket Year Book which is supplied to all members. In case the member for Albany has not received his copy, or has inadvertently mislaid it, I attach one for his use.

QUESTION—RAILWAY, DENMARK-NORNALUP.

Transport Board's Report as to Closure.

Mr. HILL asked the Minister for Works: 1, Has the Transport Board finished its report on the closure of the Denmark-Nornalup railway? 2, If so, will he make the report public?

The MINISTER FOR WORKS replied: 1, Yes. 2, The report is now being considered by the Government.

QUESTION—PRISON REFORM.

Mr. NORTH asked the Minister representing the Chief Secretary: 1, Has the Chief Secretary detailed advice of the recent prison reforms effected in Britain? 2, Is any similar action contemplated locally?

The MINISTER FOR JUSTICE replied: 1, No. 2, Answered by No. 1.

QUESTION—WATER SUPPLIES.

Reduction of Goldfields Pumping Cost.

Hon. N. KEENAN asked the Minister for Water Supplies: 1, Is it a fact that in the Goldfields Water Supply scheme water is pumped to a height which is subsequently lost by gravitation, necessitating repumping of the same water? 2, Has he been approached by Mr. Nat Harper regarding the desirability of reducing the cost of pumping by decreasing the number of pumping stations and eliminating the loss of pressure due to gravity?

The MINISTER FOR WATER SUPPLIES replied: 1, No. 2, Not to my recollection.

BILL—PUBLIC WORKS ACT AMENDMENT.

Introduced by the Minister for Justice and read a first time.