The MINISTER FOR EDUCATION: In all probability she would be wrong.

Hon. Sir Ross McLarty: You can get people who hold up a jury; one out of 12 or two out of 12.

The MINISTER FOR EDUCATION: There have been instances where juries have failed to agree because very few of their number have held out and finally there has been an acquittal.

Hon. Sir Ross McLarty: I think you are much more likely to get real justice under the proposed amendment.

The MINISTER FOR EDUCATION: There have been instances where juries have failed to agree and have been discharged and subsequently the accused has been acquitted by a fresh jury.

Hon. A. V. R. Abbott: So what!

The MINISTER FOR EDUCATION: That proves the possibility that if in the first instance we had a provision for a majority decision, the person who was subsequently found not guilty would have been found guilty in the first instance.

Hon. A. V. R. Abbott: And possibly rightly.

The MINISTER FOR EDUCATION: And possibly wrongly.

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

The MINISTER FOR EDUCATION: Oh, yes, because if we had a completely new jury and we got a unanimous decision, how could the hon. member argue that they must be wrong and the original jury right. That is the weakness here. The Minister for Justice said that this operates in England. A recent case in England left very grave doubt as to whether the decision of the jury was the correct one.

Hon. A. V. R. Abbott: The inquiry did not show that.

The MINISTER FOR EDUCATION: No, the inquiry did not, but it left a very grave doubt.

Hon. J. B. Sleeman: You do not doubt that innocent men have been hanged.

The MINISTER FOR EDUCATION: Surely the member for Mt. Lawley will agree that a possibility of error does exist.

Hon. A. V. R. Abbott: There is always that possibility.

The MINISTER FOR EDUCATION: If the possibility exists with a unanimous decision, this proposal must increase the possibility of error, and for that reason it is repugnant to me.

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

Ayes	15
Noes	13
Majority for	2

Ayes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Dame F. Cardell-Oliver	Mr. North
Mr. Court	Mr. Nulsen
Mr. Doney	Mr. Oldfield
Mr. Hearman	Mr. Hutchinson
Mr. Hill	*(Teller.)*

Noes.

Mr. Brady	Mr. O'Brien
Mr. Heal	Mr. Rhatigan
Mr. J. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. McCulloch	*(Teller.)*

Clause thus passed.

Clause 10 put and negatived.

Clauses 11 to 15, Title—agreed to.

Bill reported with amendments.

House adjourned at 11.6 p.m.

Legislative Council

Thursday, 15th October, 1953.

CONTENTS.

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

QUESTION.

HOSPITALS.

As to Plans for Meekatharra, Geraldton and Albany.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) Can he inform the House whether the report appearing in the "Daily News" of the 13th October, that plans and specifications are being prepared and that tenders will be called in a few weeks for a new country hospital at Meekatharra, estimated at £100,000, is correct?

(2) Are the plans and specifications for the regional hospitals for Albany and Geraldton prepared, and does the Government propose calling tenders for these regional hospitals at the same time as tenders are called for the Meekatharra hospital?

The CHIEF SECRETARY replied:

(1) Yes.

(2) No. The proposed hospital at Meekatharra should cost only one eighth as much as Albany or Geraldton, and patients are treated in Meekatharra under conditions infinitely worse than those existing at the hospitals mentioned.

BILL—ELECTORAL ACT AMENDMENT.

Introduced by Hon. H. S. W. Parker and read a first time.

BILL—COMPANIES ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

MOTION—URGENCY.

As to Premier's Statement on Loan to Amalgamated Collieries, Ltd.

The PRESIDENT: I have received the following letter from Hon. C. H. Simpson, dated the 15th October, 1953:—

> I desire to inform you that at the commencement of the sitting of the Legislative Council today, it is my intention to move, under Standing Order No. 59, the adjournment of the House to discuss a matter of urgency, namely:—
>
> It is desirable that a misleading statement made by the Hon. Premier reported in this morning's "West Australian" alleging that the previous Government had been guilty of weakly granting the Amalgamated Colliery Company's request to make State loan moneys available to the company for mechanisation purposes should be corrected, thus obviating a wrong impression being created in the minds of the general public.

Under Standing Order No. 59 it is necessary that the hon. member shall be supported by four members rising in their places.

Four members having risen in their places,

HON. C. H. SIMPSON (Midland) [4.37]: I move—

> That the House at its rising adjourn till Friday, the 16th October, at 2.30 p.m.

The desire to bring this matter under the notice of the House had its origin in an item of news appearing in yesterday's issue of "The West Australian," attributed to the secretary of the A.L.P., Mr. Chamberlain, to the effect that Mr. Hawke had referred to a deplorable state of affairs existing at Collie as the result of the administration of the previous Government.

It is true that the Government as a whole was referred to but as the Minister for Mines at that time, I feel that this is a reflection on me and on my colleague, Mr. Parker, whom I succeeded, and who was Minister for Mines during the first term of the McLarty-Watts Government's administration. I feel it is desirable to correct what might be a misleading impression created by the statement of the Premier, as appearing in this morning's issue of "The West Australian". Yesterday the Leader of the Opposition in another place asked ten questions which had reference to this statement and they elicited the following information:—

> Mr. Hawke acknowledged that the previous Government had:
>
> Spent hundreds of thousands of pounds in providing mechanisation and better working conditions in the mines on the recommendation of the coalmining engineer, who was appointed by the previous Government at the request of the Collie Miners' Union.
>
> Spent big sums of money on surface work, which included bathroon accommodation, change rooms and other facilities.
>
> Initiated the diamond-drilling programme at Collie.
>
> Mr. Hawke also agreed that:
>
> The production of coal steadily increased during the period 1947 to 1953.
>
> For the year ended June 30, 1953, an amount of £5,190 was paid by coal owners to the Collie Miners' Welfare Board in addition to £10,000 from the Commonwealth, thus providing £15,190 for amenities at Collie.
>
> Mr. Hawke agreed that Collie was given preference in home-building.
>
> He added: "When funds were made available by the Commonwealth Government, it was a direction that

special attention be given to the provision of homes for the development of basic industries."

When the Leader of the Opposition asked a further question as to what would justify such an assertion, Mr. Hawke confined himself to stating that the action of the previous Government in providing loan moneys for Amalgamated Collieries Ltd. to the detriment of public works was something for which the previous Government could be censured. He also made reference to the agreement with Amalgamated Collieries Ltd. that the company should supply 60 per cent. of the Government's requirements under a contract for three years. He averred that that was also a point in regard to which the previous Government could be held to be at fault. Government instrumentalities take 85 per cent. of the total production of all mines at Collie, and the fact was that an agreement was entered into, particularly with Amalgamated Collieries Ltd., which was good business.

It allowed the company to make its plans on the assurance that it would have an estimated amount of coal which it could produce in that period; it could arrange for the necessary plans and finances to cover that period. In any case, contracts, are not made between the Government, as such, and the companies at Collie but are made with the instrumentalities which use the coal. For instance, the Railway Department makes its own agreements with Amalgamated Collieries Ltd., the Griffin Coal Mining Coy. or Western Collieries Ltd., and the same applies to the State Electricity Commission. In each case there is a good deal of haggling and consideration over the terms of these contracts, with the express object of securing for the State coal at the most economical price, obviously with the intention of the instrumentalities being able to provide their services at the lowest possible rates. This custom of contracts as between the companies and the railways or the State Electricity Commission has been in existence for a considerable time. It had been the practice to refer points at issue to an arbitrator, and the services of Mr. Justice Davidson, of New South Wales, were requisitioned in order to determine those points, with the idea of arriving at an equitable price.

I think the State Electricity Commission Act was passed in 1945, and prior to that time the electricity undertaking was part and parcel of the Railway Department set-up. So it was the railways that at that time initiated these agreements and entered into these contracts. The statement that the previous Government was at fault is entirely misleading. The particular point at issue, and for which Mr. Hawke criticised us, was the action of the previous Administration in making moneys available to Amalgamated Collieries Ltd., and presumably to the two other companies, because they have received exactly the same treatment. Mr. Hawke inferred that the money could have been raised by other means. There was also an inference that if that money had not been so allocated, it would have been available for necessary works, such as that connected with public utilities, hospitals, water supplies, schools and the like.

At the time, when the vast bulk of this money was made available, loan moneys were in plentiful supply. It is a fact that during those years we could not fully avail ourselves of the money which was offered to us by the Loan Council. So it is quite incorrect to say that at that time these public instrumentalities were neglected because the money was made available elsewhere. But let us return to the justification of making these advances, and we will take the particular case of Amalgamated Collieries Ltd. That company had paid only one dividend to its ordinary shareholders over a period of about 11 years. The profits were limited to 1s. a ton and the dividends were so small and so infrequent that the company had no chance of attracting outside capital, such as the Premier has suggested. In view of our need for coal to carry on essential industries in the State, the only alternative available to the previous Government was to provide the necessary money so that the output of coal from Collie could be expanded; it was, in fact, expanded considerably during those six years.

The State Coalmining Engineer had recommended a policy of mechanisation in order to produce deep-mine coal. This was in line with the express wishes of the miners and was an endeavour to produce deep-mine coal more efficiently and at a cheaper price. It was for that purpose that the advances were made to Amalgamated Collieries Ltd. The machinery was provided under a hire purchase agreement, and on the capital sum advanced the company has to pay interest at Government rates and is responsible for repayment of the whole sum. So far, during the currency of the agreement, the commitments have been honoured, so it has been good business so far as the State is concerned. Progress was made in mechanisation of the mines, and the companies got machinery which they otherwise would not have been able to purchase, and production on the field has satisfactorily and progressively proceeded.

The other companies have also been financed, but in a slightly different way. I have given an explanation in regard to the Premier's statement that the contract should not have been entered into. It was not a matter which primarily concerned the Government but concerned the State instrumentalities which were parties to the agreement. I have also referred to

the very small margin of profit allowed to the producing companies. In New South Wales, they had somewhat the same experience, inasmuch as, owing to their limited profits, which did not present an attractive field for investors, the companies concerned were unable to get the necessary capital to mechanise their mines. As a result, the Commonwealth Government placed at the disposal of the Joint Coal Board a large sum of money, and that board made the necessary advances to the companies in exactly the same way, and on the same terms, as the advances were made in this State.

But more recently the Joint Coal Board, recognising the limited availability of loan moneys to carry on such a programme, suggested to the companies concerned that they should include in the current price of coal a sum which would enable them to set aside capital sums for development. With that object in view, it has allowed these companies to make a 10 per cent. profit on the understanding that those profits would provide the capital for future expansion and development. I think the time has come—I suggest this myself—when action along similar lines could be taken to deal with our own coal problem. That is what could be done, instead of waiting until it became necessary to install the requisite machinery and then face the possibility that the Government would not consider the request put forward or, if the Government were favourable to it, that it might not have the money available.

Instead of the companies being uncertain and doubtful in this respect, it would be a much better idea if an extra charge were made upon the current price of coal, which could be earmarked and placed in a trust fund in order that the companies would know exactly what moneys were available to them, and on that basis they would be able to plan for future expansion and production in the knowledge that the money would be forthcoming. The assertion that the fault lies in the action taken by the previous Government is entirely incorrect. A contract was entered into between the State instrumentality and the companies and the money advanced for capital was not made available to the detriment of other State instrumentalities.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.52]: There is no need for me to say that an adjournment is unnecessary for the purpose outlined by Mr. Simpson. The hon. member, in moving for the adjournment did not give the full particulars of the case, so to refresh the memories of members I would point out that the £528,810 was advanced from loan money. I am astounded to hear the hon. member say that a Government in this country has had loan money that it could not spend. Have we not always been crying out that we have not sufficient money to meet the State's requirements in many avenues?

Hon. Sir Charles Latham: Coal is an important item.

Hon. L. Craig: One State instrumentality could not spend all that money.

The CHIEF SECRETARY: If the money could not be spent by one body, we could use it elsewhere. I have never known an occasion when the State could not spend all the loan money made available to it. I consider it is going a little too far for a Government to lend a private company £528,810. The motion has been submitted as a result of the Premier having given information in another place, with one or two comments, in answer to a question. He believed—and I believe, too—that money should not have been advanced from loan funds, but that the company should have made private arrangements even if they had to be made with Government backing. If it had done that, then that amount advanced from the loan moneys would have been available to the State.

Hon. N. E. Baxter: Has that always been the general practice in industry in this State?

The CHIEF SECRETARY: No, it has not; but it has applied in a number of instances.

Hon. N. E. Baxter: And under Labour Governments.

The CHIEF SECRETARY: I do not know what happened in the past. I am now dealing with the question at hand; and when the hon. member gets on to something specific, I will deal with that, too. There is no doubt that that was the proper method for any company to follow in obtaining an advance of this kind. We must take into consideration that an agreement was made in December, 1952, a few months before an election, which provided that 60 per cent. of the coal output was to be taken by the Government. Therefore, if members care to work it out for themselves they will see that the Government lends the company £528,810 and it buys 60 per cent. of its requirements from the company, which means, in effect, that the Government is paying back its own money. All coal production costs are loaded on to the price of coal.

Hon. A. F. Griffith: Is this not playing party politics?

The CHIEF SECRETARY: It is not playing party politics; I am merely taking into account the circumstances of the case. The Premier was quite justified in making the remarks he did. Why is a question such as this brought to this Chamber? Questions seeking information on the matter were put by the Leader of the Opposition to the Premier in another place. The Premier gives his answer and then a move for an adjourn-

ment of the House is made in the Upper House. Why are not such matters debated in the place they are raised? The Premier and the Leader of the Opposition are the men concerned, not the Minister for Mines or the ex-Minister for Mines. It is an issue between the Government and the Opposition. Therefore, it should be confined to the Chamber where those two bodies sit.

There is no Opposition in this Chamber. In all the years I have been here I have never seen party politics played to the same extent as they have been in the past few weeks. My mind goes back to the days when men like Hon. J. J. Holmes and Hon. J. Nicholson were members of this House. They were two of the greatest conservatives this State has ever known, but they never introduced party politics into this Chamber. Since I have been a member neither I nor my colleagues have played party politics in this House. However, since the commencement of this session party politics have been introduced by several members time and time again. I am surprised at Mr. Simpson allowing himself to be made a catspaw by his Premier.

Hon. Sir Charles Latham: By his Premier?

The CHIEF SECRETARY: I mean, by his leader. Because of the attitude adopted, I would say to the hon. member and to other members, too, that they ought to examine their consciences and, in the future, when legislation is introduced in this House, they should deal with it in the proper manner and not in the way they have done in the past. Let us get away from party politics. This House was never constituted with that viewpoint in mind. This is a House of review so let it be a House of review! I would like the hon. member to take a leaf out of the book that Labour members have used for the past six years.

Did we ever use this House as a party machine? Of course we did not! In fact, it is common knowledge that most of the legislation introduced to this Chamber was supported by members of the Labour Party. I would like to see a similar attitude adopted by members this session. So I say to Mr. Simpson that he should leave party politics outside, and my remarks apply to other members, too. Let us deal with the questions that are raised in this Chamber not from the angle of party politics, but with the same viewpoint taken by men who drew up the constitution of this House.

I repeat that I have been here for a quarter of a century and for all those years that has been the method adopted until this session. I appeal to members to get back to the old method and ask them not to allow themselves to be dragged in by those from another Chamber to fight their political battles here. The hon. member is wrong in bringing this motion before the House. It is a very poor excuse to say that he was ex-Minister for Mines. This matter was one solely between the Leader of the Opposition and the Premier of the State. Let them fight their battles out in another place. Has not the hon. member sufficient confidence in his leader? Does he not think he is able to fight his own battles?

We are not concerned with this row at all. I say to the hon. member, therefore, "Leave these things alone." I do not want to give advice, but I suggest he give some consideration to what I am saying. Let us carry on in our own way. I do not think that is asking too much. Again I would say to the hon. member, "Be done with it." I know that he will reply, and I do not want to be offensive by saying that he put up a very weak case in trying to justify his action in moving the motion he has.

The facts are that the Government of that day loaned to a private company £528,810 out of loan moneys. That was the charge made in another House, and Is it not true that that was done? All the excuses and attempts to justify that action will not get over that fact. It will not get over the fact that the agreement was made. Although that amount of £500,000 odd was loaned for the purchase of machinery for the purposes of mechanisation, I believe it is a fact that a new mine was not mechanised but the machinery was put into the old works.

Hon. C. H. Simpson: It is the same thing.

The CHIEF SECRETARY: Fancy trying to mechanise an old mine! There is no justification for it at all.

Hon. C. H. Simpson: It is difficult, but cheaper.

The CHIEF SECRETARY: It should have been put into a new mine and into new workings. The hon. member may be able to tell me whether it is true or not, but I am informed that some of this machinery lay for a long time on the surface and some of it is still there. Fancy that being the position after loan money had been advanced to purchase the machinery! If it is correct, it is a shocking state of affairs. It does not say very much for the investigations made by the Government when it advanced the money. I believe the principle of advancing loan money to that company was wrong. I do not think that the excuses the hon. member has made, or those that he will make in reply, will justify the action that was taken by the Government of that day. The present Government is being criticised a good deal but it can take it, and I suggest to the hon. member that he do likewise and stand up to criticism for some wrong that was done by the Government of which he was a member.

HON. L. CRAIG (South-West) [5.4]: I am sorry that I should have had to come into this debate, but I think the action of the Chief Secretary in castigating an ex-Minister for bringing a matter of this sort into this House is completely unjustified. The Premier has accused the previous Government and an ex-Minister of that Government of, in effect, wasting public funds by loaning them to a private company for the development of the coal industry. To start with, I would like to say that whatever was done by the previous Government the money will certainly be repaid.

Hon. R. J. Boylen: When?

Hon. L. CRAIG: If the hon. member does not know, he had better go back to school. An agreement has been made and it is expected that the money will be repaid. This money was advanced by the Government on the advice of the ex-Minister for Mines. When he is attacked, has he no right to defend himself? He is accused, and the previous Government is accused, of wasting public funds. Since that is the case, surely, as an ex-Minister, he has a right to defend himself. I think it ill becomes the Chief Secretary to come here and simulate anger when the Government of which he is a member has wasted, not loaned, many millions of pounds of public money on the Chandler project. We did not accuse the Government of party politics. The Government of the day determined that the experiment was a good one, but the money was completely lost. The present Government might suggest that this is not a good investment, but I suggest to the House that the money will be repaid, and it will be repaid with interest. The purpose of the loan was to provide a commodity which was not being produced.

Hon. H. Hearn: Which was in short supply.

Hon. L. CRAIG: Exactly; and today we have caught up with that supply and a surplus is being built up. I do not mind the Chief Secretary disagreeing with what has been done; that is his function. But to simulate anger and to accuse a previous Government of wasting public funds does, I think, ill become the Minister, particularly when we consider what has been done in previous years by previous Governments when money was not only loaned but lavishly wasted. Personally, I think Mr. Simpson, who is the ex-Minister for Mines, was perfectly justified in defending himself wherever he chose to do so, whether in this House or on a public platform.

The Chief Secretary: He did not loan the money; it was done on the decision of Cabinet.

Hon. L. CRAIG: These things are done on the advice of the Minister. Apart from that, he has also to defend his department. There may be a difference of opinion as to whether the money was ill-spent or well-spent but, for the third time, I repeat that every penny of that amount will be repaid, and repaid with interest. I wish I could say the same of the great many millions of pounds that have been spent on industry by other Governments. I am sorry the Chief Secretary took the action he did in castigating the ex-Minister. I think he was quite unjustified in doing so.

The Chief Secretary: Do you not think the Leader of the Cabinet that did it was the one to reply, not one member of the Cabinet?

Hon. L. CRAIG: The ex-Minister has been attacked and accused of recommending a loan from public funds and the charge has been made that that money was wrongly spent. I repeat that he has the right to defend himself wherever he may be. He has chosen this particular spot to do it, and he is perfectly justified in having done so. I think the Chief Secretary shows a very poor spirit when he talks about party politics.

The Chief Secretary: The ex-Minister for Mines has never been accused. It is the Government of which he was a member that has been accused.

Hon. L. CRAIG: He was a member of that Government and he advised that Government.

The Chief Secretary: You do not know whether he did so or not. He may have been against the decision of Cabinet.

Hon. L. CRAIG: Is money that is spent on behalf of a department ever spent without the recommendation of the Minister controlling that department?

The Chief Secretary: It is quite possible.

Hon. L. CRAIG: Has the Chief Secretary ever known of a case? Has any member here ever known of a case?

The Chief Secretary: It might happen.

Hon. L. CRAIG: Never mind what might happen! Anything might happen.

The Chief Secretary: You are only assuming.

Hon. L. CRAIG: Can the Chief Secretary give me an instance?

The Chief Secretary: I have been in Cabinet only a few months.

Hon. L. CRAIG: But the hon. member has been in the game for a long time. That is all I have to say. I merely wanted to defend the ex-Minister and say that he is justified in the action he has taken in this House.

HON. A. L. LOTON (South) [5.10]: Although the Chief Secretary did not look in my direction when he made the assertion that party politics were being played in this Chamber by the Opposition this session, I take it that I was included in his reflection. But the action I took in moving an amendment to the Address-in-reply was not party politics.

Hon. R. J. Boylen: What was it?

Hon. A. L. LOTON: I was one of the last members to speak on the Address-in-reply. Previously, Mr. Hall had used these words when he spoke to the debate earlier in the session—

> Now that there is to be an increase in railway freights it will not be safe for Goldfields members to visit their districts.

Later on the hon. member said—

> It is a retrograde step for any Government to pull up a railway that is serving the people or one that is likely to be an asset to the State in future years.

The hon. member made that assertion very early in the session; and if the Chief Secretary will cast his mind back to the previous session, he will remember that Mr. Heenan moved a motion condemning the proposal of the Government to close the Meekatharra-Wiluna line. That motion was carried in this House, and I supported the hon. member on that occasion. But I suppose that would be classed as party politics.

I would point out that I would have done the same as I did recently if the previous Government had introduced legislation to increase railway freights; and if the present Government proposes to increase them again, I will take the same action in representing the people I serve. I am sorry if the Minister implied that I played party politics. We are here to do the best we can for the people we represent.

HON. C. H. SIMPSON (Midland—in reply) [5.12]: I have been interested in what members have said. I noted that in his usual style, the Leader of the House, in the main, begged the question instead of dealing with the details themselves. He mentioned one specific thing, and that was the agreement the company entered into in December, 1952, a month or two before the previous Government went out of office. I can tell him that that agreement had been under discussion for some time. It was discussed with Mr. Dumas, the Co-ordinator of Works, before he went to England, and it was a matter of routine that the finalisation of the agreement took place in December rather than a number of months before. In any case, it was a successor to many agreements that had been entered into over the years; and the fact that it was finalised on that date between the State Electricity Commission and the railways on the one hand, and the company on the other, was purely a matter of accident. There is no other significance whatever.

The propriety of bringing this motion before the House was questioned by the Chief Secretary. But the statement that appeared in the paper this morning will probably reach quite a number of people, and may convey what I believe to be an entirely wrong impression. The answers that appeared here were answers to questions. As the Leader of the House knows, there is no parliamentary debate on questions that are submitted in the House. It is questionable whether, on the grounds of propriety, matters on which debate is not allowed in the House should be ventilated through the Press. The circumstances of this case are very unusual, and the submission of the motion was not a matter of party politics but an honest attempt to correct what I believe to be a wrong impression, reflecting on the previous Administration and on myself and my friend, Mr. Parker, who was Minister before me.

The Chief Secretary: Could not your leader in another place have taken the same action?

Hon. C. H. SIMPSON: I do not think so. He would have had to wait till next week.

The Chief Secretary: Why? The Assembly is meeting today.

Hon. C. H. SIMPSON: It has met. It was a question of dealing with a subject that could be dealt with only by means of questions, the answers to which could not have appeared before next week. So there would have been a lapse of time between the publication of the statement and the actual reply, and we thought that a prompt reply was important.

The Chief Secretary: Could not your leader in another place have moved the adjournment of the House, the same as you have done here?

Hon. C. H. SIMPSON: I was the Minister concerned.

The Chief Secretary: But he was the leader of your Government.

Hon. C. H. SIMPSON: That may be; but I agree with Mr. Craig that I have the right to bring up in any place I think proper a matter which I believe constitutes a reflection on myself. Dealing with the third point with which the Chief Secretary dealt—the question of loan moneys—it is a fact, as I think he knows quite well, that any loan allocation for one year is not carried forward. The Government must either use that allocation in the year for which it is granted, or miss out altogether. At that time we had more money than we could use, because we were short of materials and manpower. That is not a position that often occurs, but it was the state of affairs at that time. We had money but we simply could not get materials or manpower to utilise it. So it was only commonsense to take advantage of the availability of the funds. Had we not made use of the money at the time, the next year's allocation would have been completely ignored. I think I have explained the position and

the previous Government's attitude towards the matter raised, and I now ask leave to withdraw the motion.

Motion, by leave, withdrawn.

BILL—BEE INDUSTRY COMPENSATION.

Second Reading.

Debate resumed from the previous day.

HON. L. A. LOGAN (Midland) [5.17]: In supporting the Bill, I may say that I understand that certain beekeepers in this State are members of the beekeepers' section of the Farmers' Union and they requested that the Bill be introduced. I also understand that there are other beekeepers who are not members of that section, and I have been informed that some of them are not particularly happy about the Bill. I would remind them, however, that the measure was first introduced in another place on the 3rd September, and they have thus had ample opportunity to submit any requests they may have wished to make concerning the Bill to members of another place and of this House. As they have not done so, I take it they must be reasonably satisfied with the measure.

There are 580 registered beekeepers in Western Australia, and the industry has grown from one employing rather slapdash methods to what might be called a skilled and scientific industry. The days when beekeepers were static and their hives were kept in the same part of the State year after year have gone, and today they have become mobile. That is necessary, for they have to travel to different parts of the State with their hives in order to be present when the flora on which the bees depend are in flower. However, it is not as easy as all that, because it is necessary that the flora from which the bees collect nectar are of sufficiently good quality to make first-class honey, and many of our flowers do not come up to that requirement.

That is why I say it has become a scientific industry. Nowadays beekeepers are taking their hives as far afield as the Geraldton area, where the Geraldton wax plant has been found to be very suitable for the production of honey However, there are many other flowers in that area which I believe will be of use, and thus there is a prospect of the beekeepers going even further afield in the endeavour to build up this industry for the State. Honey has become one of the requirements of the home and every effort should be made to increase the quantity that is produced.

It could possibly be argued that the beekeeper as an individual could insure his hives with an insurance company against the risk of disease. Unfortunately, many of them would not do so, and therefore it is requested that a compulsory form of insurance—if I may so term it—be imposed upon beekeeper to permit of the building up of a compensation fund to guard against loss that may result from disease.

The maximum amount of money that may be held in the compensation fund is £1,000. I think the Minister said it was £800, but the total was increased in another place. I trust that after the first couple of years' experience, it will be possible to reduce the levy to quite a nominal figure, and that the disease, which has caused loss in the past, will be kept in check by the officers of the Department of Agriculture. I support the second reading.

HON. A. F. GRIFFITH (Suburban) [5.22]: Though I am not an expert on the subject of beekeeping, I find myself in agreement with the principles of the Bill, but there are certain features that I should like the Minister to explain before the Bill will receive my vote. Mr. Logan has asserted that, because none of the beekeepers has complained to him about the provisions of the Bill, apparently they approve of it. May I say that some beekeepers have approached me, and this is my reason for speaking on the measure. Those men are certainly not happy about some of the contents of the Bill, and on those features I should like an assurance from the Minister that certain things will not develop as a result of this legislation.

The Act of 1930, which was amended in 1950, gives an interpretation of "beekeeper" as a person who keeps one or more hives. Since last evening, when, by interjection, I questioned the Minister as to the number of beekeepers in this State, he has discovered that there are about 580 who are registered. Admitting that that is correct, how many unregistered beekeepers are there? The object of the Bill, with which members generally will agree, is to endeavour to prevent the spread of disease. It is proposed to establish a compensation fund so that a beekeeper who is gaining a living from the industry will not find himself in the position of having a number of his hives destroyed through becoming diseased, without his receiving compensation. The measure provides the amount of compensation to be paid in the event of one or more hives being destroyed.

Hon. C. W. D. Barker: Is it compulsory for beekeepers to register now?

Hon. A. F. GRIFFITH: Yes, and that is one of the questions I wish to put to the Minister. What form of compulsion can be exercised? Will the department be placed in the position of having to engage an army of employees to ascertain who is registered and who is not? This reminds me of the functioning of the provisions in the Plant Diseases Act dealing with the fruit-fly menace. An individual with fruit trees in his backyard is

obliged to register as an orchardist and is liable to prosecution if he does not register, the intention being that it would be useless to have a majority in the community taking precautions against the fruit-fly pest if owners of backyard orchards were not required to come into line. This is a point on which the Minister should inform us of the department's intentions. The maximum registration fee proposed in the Bill is 6d. per hive.

Hon. Sir Charles Latham: Not the registration fee; the levy for the fund.

Hon. A. F. GRIFFITH: That is so; the proceeds of the levy will form the compensation fund. I have been reliably informed that there are approximately 30,000 hives in the State owned by registered beekeepers.

Hon. C. H. Henning: How many of them are commercial producers?

Hon. A. F. GRIFFITH: About 100. According to my calculation, 30,000 hives at 6d. per hive would mean in the first year a total of £750 for the compensation fund. If the maximum amount that may be permitted to stand at any time to the credit of the fund is £1,000, it is clear that before long the amount in the fund would exceed that figure. The Minister, when moving the second reading, did not, I believe, indicate what payments would be likely to be required from the compensation fund in any one year.

I am reliably informed that the experience of the industry is that about 50 hives a year are destroyed as a result of disease. The Bill provides that the amount of compensation shall not be more than two-thirds of the value of the property. I am told that the average value of a good hive—they do go as low as 10s.—is in the vicinity of £6. This means that £4 compensation in respect of each hive will be paid as a maximum, and if 50 hives a year are destroyed then £200 will be paid out in the first year, leaving £500 in the compensation fund. The charge of 6d. does not permit of much reduction. We could bring it down to nothing, but then the Bill would lose its whole effect because, after all, the aim of the Bill is to regiment the unwilling beekeeper who will not declare that he has disease in his hives.

There is no doubt that the people responsible for drawing the Bill saw that such a state of affairs could exist, and that the fund could be much greater than the £1,000 referred to as the maximum to which it can grow, because the Bill states—

> Moneys standing to the credit of the Compensation Fund and not immediately required by the Committee for the purposes of this Act may be invested from time to time by the board in any kind of investment authorised for the time being for the investment of trust funds and which investment shall be of such a nature as to be readily realisable.

The beekeepers who have communicated with me fear that a compulsory pool might be established, and that this will be the thin end of the wedge for the board to acquire premises. In saying this I have in mind the Egg Board and how it is operating.

I would like the Minister to give an assurance that there is no idea in the mind of the Government now, or is likely to be in the future, of establishing a compulsory pool. If he gives us that assurance, I shall be happy to support the Bill. I think it is incumbent upon him to give some explanation of what it is anticipated will happen to the compensation fund when it exceeds, as I think it undoubtedly will unless the fee is reduced to nil or almost nil, the £1,000 provided, because the committee is to have power to invest the moneys which are not immediately necessary for the purposes of the fund. I ask the Minister, when he replies, to cover the points I have made, and if the fears that the beekeepers have represented to me are without foundation, then it will give me much pleasure to advise them accordingly.

Hon. F. R. H. Lavery: Are the beekeepers you have referred to registered beekeepers?

Hon. A. F. GRIFFITH: Yes. I do not think it is necessary at this stage to impart their names to the House.

HON. N. E. BAXTER (Central) [5.35]: The Bill is a good move for beekeepers. The legislation dealing with hives that should be destroyed because of disease is pretty well covered in the 1930-1950 Bees Act. I have a couple of queries I wish to put to the Minister. Clause 14(a) states—

> The claim shall be made in writing signed by the claimant, shall be addressed to the Committee and be served on it within twenty-one days after the destruction of the property which is the subject of the claim, occurs.

I find nothing wrong with that, but paragraph (f) provides—

> Where the Committee admits liability for the amount of compensation claimed, payment of the amount shall be made by the Committee to the claimant as soon as practicable.

This strikes me as rather peculiar. It will be mandatory for the beekeeper to serve his claim on the committee within 21 days, but then the committee, after it admits liability, is to pay the amount due as soon as practicable. This may be any time within 12 months. I may be splitting hairs, but I think the matter is left very open.

A man with a large number of hives might be involved in quite a big loss. As a result of bad luck, some disease might

go through them and, as Mr. Griffith has said, good hives are worth up to £6. Some of the large beekeepers have many hundreds of hives, so that, although the statistics show that only about 50 hives a year are destroyed as a result of disease, they could be involved in big losses. If a claim were held up for a long period, these people could find themselves in a bad spot. The Minister should give some explanation of this.

Hon. C. W. D. Barker: What are the diseases?

Hon. N. E. BAXTER: Foul brood, and others. They are set out in the 1950 Act. The next paragraph states—

> Where the Committee admits liability for portion of the amount of compensation claimed, or rejects the claim, if the Committee and the claimant are unable to agree as to the amount of compensation to be paid, the claimant may appeal in manner prescribed to the Minister against the decision of the board and the decision of the Minister shall be final and conclusive.

I do not think it is entirely fair that, where a man is paying into a fund, the decision of the Minister shall be final and conclusive. If the amount involved is large, the beekeeper should have the right to go further than just to the Minister—not that I am doubting that in most cases this would be all right, but there is just the off-chance that something might go wrong. I appeal to the Minister to answer these questions. I support the second reading.

HON. SIR CHARLES LATHAM (Central) [5.40]: I have had a lot of experience of beekeepers, having been the president of their association for 12 years, and I am familiar with their problems. The honey industry is important today as we are exporting a lot of that commodity overseas and are endeavouring to maintain the standard. The only way in which that can be done is by having some control over the production of honey. In the past it has been the practice in many instances for a beekeeper to have two or three hives scattered about and not bother to register. Such men are generally unacquainted with the diseases that affect bees and the result is that when, on going to rob the hive, they find only a small amount of honey, they do not report the matter as they are afraid they might have to have their hives destroyed.

Hon. C. W. D. Barker: How would it affect the production of honey?

Hon. Sir CHARLES LATHAM: Surely the hon. member realises that a disease among the bees would affect the production of honey! It requires little intelligence to know that sturdy stock will produce more than sick stock. This measure would provide for the registering of the itinerant beekeepers who would, in turn, know that they could receive compensation for any hive that had to be destroyed. I was interested to hear Mr Griffith say that some people could see a bogey in this measure and believed that it would lead to a compulsory pool.

There is a voluntary pool in this State and, of course, many beekeepers prefer to deal independently. There is no compulsory pool in the industry here and this measure could not possibly create one. The position today is that the beekeepers who are using the pool probably think they are doing better than those who are not, but that is for each individual to decide. There is one man in this State who makes from £1,500 to £2,000 per year out of his hives, dealing through the pool, and there is a firm not far from Perth which is a big producer of honey, but does not have anything to do with the voluntary pool. Each of these producers is satisfied to run his business in his own way.

Under the provisions of this measure we will be better able to exercise some control over the beekeepers and they will not lose through having infected hives destroyed. Not many years ago, in a country area, I found 16 hives in the bush, and on examining them saw that they were a mass of foul brood. They had been left there by the owner, who had not even bothered to destroy them. Members know that when bees swarm they go off into the bush and consequently infected hives that are allowed to remain could cause a great deal of damage. If the itinerant beekeeper knows he can be compensated for the destruction of an infected hive, he will be more likely to have it destroyed and thus reduce the risk of the infection spreading.

Some hives today are worth up to £10 each, depending on the queen bee. Many of the queens have been imported from various other parts of the world, and it often costs quite a bit to have them brought here by plane as they must be forwarded in specially designed packages. I might add that some queens, for which high prices had been paid, died in transit. The bogies that have been raised with regard to this measure are, I believe, due to fear or lack of intelligence because the Bill would do nothing but make the beekeeper contribute up to 6d. per hive and assure him of compensation for any hive that had to be destroyed. The fund, under the Bill, is limited to £1,000, but I am convinced that within two or three years the contribution will have to be higher than 6d. per hive.

On motion by the Minister for the North-West, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (Central) [5.45]: Although this is only a continuance Bill I think members should know something of the earlier history of this legislation. In 1915, in the early stages of the development of our agricultural areas, the farmers became so impoverished that, in many instances, they could not pay their way. Meetings were held throughout the State at which these men said that as they were so far from the railways they had no prospect of ever getting a reasonable return and they resolved that until they were served by railways they would not pay any land rent or Agricultural Bank interest. At that time the maximum advance on 1,000 acres of first-class land was £450.

Hon. H. Hearn: Those men went on strike.

Hon. Sir CHARLES LATHAM: The Government of the day, in which the late Hon. W. D. Johnson was Minister for Lands, found that its revenue was not coming in as quickly as was desired and thought out a wonderful scheme, which was to use loan money to pay the Agricultural Bank interest and the land rent and make it a charge against the farmer who, I might add, was at that stage forced to pay 7 per cent. interest. The Minister and his officers, in fact, became receivers of the farmer's property.

At that time no farmer could obtain one penny credit or incur any liability without the consent of the Industries Assistance Board. After a while, of course, that was watered down a bit, but I have said sufficient to give members an idea of the early history of the legislation in this regard. It served its purpose because the farmers were given a certain sum of money per month to enable them to carry on, but I could tell some amusing stories of events in those days.

I know of a farmer who had to go eight miles on horseback to collect his mail. Prior to that he had written to the I.A.B. and asked for a dray saddle because he had purchased a dray. In due course they sent him a saddle. Some time afterwards, he thought he would like a riding saddle so that he could use the horse to go to collect the mail. The reply he received was to the effect that he had already been supplied with one saddle and he would have to use that. Members can imagine what it was like; it was a dray saddle with a chain over the back. Those statements are true and are some of the experiences different farmers had.

Hon. A. L. Loton: It must have made him bow-legged.

Hon. Sir CHARLES LATHAM: I want this Act left on the statute book because I am looking a little ahead. If any of our railways are pulled up and prices recede, farmers will not be able effectively to market their wheat or other commodities. In such cases finance will have to be found to hold these people on the land. For that reason I support the Bill and I hope that the principal Act will remain on the statute book. Until such time as the people in charge of the affairs of this State and those in the city fully realise the problems that confront the man on the land, I am afraid that a measure such as this will be needed in the future. I support the second reading of the Bill.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.52]: I think that Sir Charles Latham has given us a good explanation of the early history of the Act and has said sufficient to ensure that members support its retention. The Bill was of considerable use to people engaged in primary production in the early days of this State when farmers were battling hard in their efforts to develop their properties. That phase has almost passed, particularly so far as wheat and sheep properties are concerned, but one never knows when a similar situation might arise and we will have to make use of this particular measure again. That is the reason why the Government has asked for the Act to be continued for a further five years.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIAL DEVELOPMENT (KWINANA AREA) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. CRAIG (South-West) [5.55]: I have had a careful look at the Bill and there is nothing in it with which I can disagree. It seems to be a straightforward measure containing necessary clauses for the implementation of the policy the Government has in regard to land that has been alienated at Kwinana. I understand that the present Act limits the alienation of that land to specific industries. Of course, that was a weakness in the first place because anyone who gave any real thought to the question would know that in any area where specific industries are established, especially of the size and magnitude of those at Kwinana, other industries and other forms of commerce are attracted.

This measure provides that not only specific industries but also any industry which the Minister, in his wisdom, thinks should be allotted land down there can so receive it. There is nothing wrong with that; the Bill merely provides for general industries instead of specific ones.

As the area is developed, other forms of occupation will take place and, as the Minister pointed out, shopkeepers will be attracted, churches will need land, schools will have to be built and various forms of commerce and industry will require land in that area.

The Government, in its wisdom, has considered that where land is alienated for a specific purpose, the Minister controlling the particular industry concerned shall have control of the land affected. At present all the land comes under the direction of the Minister for Industrial Development. In the future it might be necessary to establish an area for town planning or for the building of shops; in that case authority would be given to the Minister for Lands to transfer the land and have control over it.

The Bill also proposes to give the Minister power—and these are very wide powers—that where land has been alienated for any specific purpose and the conditions of the alienation or grant have been carried out, the Minister may recommend to the Governor-in-Council that he release that land from all control. In other words, it might be made available to the owner or occupier so that he can use the land and the buildings on it for the purpose of raising money. Of course, the person who lent the money would want to take the land and any buildings thereon as security.

There is one other provision which gives the Minister power to deal with land as he thinks fit. He can sell it by public auction, make a gift of it or dispose of it in any way, subject to the approval of the Governor-in-Council. I cannot see that there are any catches in the Bill. It is a straightforward desire to make acquisition of land in the Kwinana area easier and make it available to people who require it for industry, commerce, educational purposes or any other form of occupation. Of course, it will all be subject to the Minister for the time being. Under those circumstances I support the second reading of the measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [6.0]: I thank Mr. Craig for endorsing the Bill.

Hon. Sir Charles Latham: He did nearly as well as you did.

The CHIEF SECRETARY: He did very well and probably better than I did. The hon. member covered the three main points in the Bill and I can assure members that it is necessary. The area mentioned in it is a new one. It is somewhat unique to raise a new town from virgin bush and the powers proposed in the Bill are necessary to reach our objectives. This area is something that Western Australia will be proud of. I might say that early next week I intend to invite members of both Houses to view what has been done in that area and, after they have made their inspection, I am sure they will have a closer understanding of what the Government proposes to do there.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PIG INDUSTRY COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. HENNING (South-West) [6.4]: The Bill is short and is to amend the Act that was passed some 10 or 12 years ago following an outbreak of swine fever that occurred as a result of the quarantine regulations being relaxed because of certain incidents that arose during the war.

The original measure dealt with swine fever only, but since then the Act has been amended to embrace two more, namely, swine erysipelas and para-typhoid. In the main, I believe the experience in connection with compensation paid for para-typhoid was what made the Bill necessary. The amount of compensation that is to be paid to an owner for a diseased animal is not affected in any way. At present prices for pork are much greater than they were in the past. It is now found that choppers sell for £35 a head and sometimes even above that figure.

The whole purpose of the Bill is purely and simply embodied in an extra paragraph which provides that instead of an owner making application within 21 days for compensation for a pig that has been destroyed, he can apply within a period of 90 days. This extension of time has been found necessary because, as the Minister pointed out last night, some difficulty arose because of the lesser period that was provided in the Act. The Minister also stated that the Bill had been introduced on the recommendation of his advisers in the Department of Agriculture.

Although 90 days may seem a long period as compared with the original 21 days, the officers of the Department of Agriculture are apparently convinced that the extension of the period in which applications can be made is necessary. It must be borne in mind, however, that every owner cannot be allowed the full period of 90 days in order that he may apply for compensation, because the old provision relating to the 21 days period still remains in the Act and, where an application is delayed for 90 days, it must receive the approval of the Minister before

compensation is granted. I see no reason why the Bill should not be passed and I support it.

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

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. C. H. Strickland—North) [6.7] in moving the second reading said: This amending Bill contains eight provisions, the most important of which is the second which deals with pastoral properties. The first amendment proposed is to Section 47 and seeks to provide for the payment of a commissioner. In 1950 a provision was placed in the principal Act to enable the Minister to authorise the commissioner, who would be nominated by the Agriculture Protection Board, to act as a board in certain circumstances. When the powers and functions of a board are suspended or the board is abolished, or the district is for any reason without a board, provision was made for a commissioner to be appointed to take over the duties. There was no provision for a commissioner to be paid a salary and the amendment is designed to correct that position. I might state that it has not yet been necessary in any case to appoint a commissioner, but as it was advisable to amend the Vermin Act in other respects, advantage has been taken of the opportunity to insert this provision at the same time.

Hon. L. Craig: Is the commissioner under this Act to be the same as the one under the Road Districts Act?

The MINISTER FOR THE NORTH-WEST: Yes, that is right.

Hon. L. Craig: He would do both.

The MINISTER FOR THE NORTH-WEST: The commissioner could take over where the vermin board has been dissolved or where one does not exist. There may be cases where it is impossible to form a vermin board, particularly in the outback areas. This provision is deemed necessary and has not yet had to be brought into practice. The second amendment is one of the most important in the Bill. It deals with Section 59 and proposes to change the method of calculating vermin taxes payable on pastoral holdings.

At present pastoral holdings can be taxed to the extent of a maximum of 1s. and a minimum of ½d. for every 100 acres of land, while non-pastoral holdings—that is, agricultural lands—pay a maximum of 2d. and a minimum of ¼d. for each £ of the capital value. There is a good deal of unfairness in the tax as it is rated upon the pastoral holdings in the marginal areas and further out in the remote parts of the State. These stations in the outer parts act as buffers against the invasion of vermin into the more settled areas. This particular amendment has the full support of the executive of the Pastoralists' Association and it is more or less because of the representations of that body that it has been brought down. It is proposed to alter the method of rating and to rate properties on the unimproved value.

Hon. L. Craig: Do you mean on the unimproved value of the lease?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. L. Craig: Would that be arrived at by the assessment of an inspector?

The MINISTER FOR THE NORTH-WEST: In a similar manner to the State vermin tax collected by the Taxation Department. There are two vermin taxes. There is the vermin tax applied and collected through the Taxation Department and this one, which is a vermin rate, and which is imposed and collected through the vermin board. They are two separate rates altogether.

Hon. H. K. Watson: In the interests of simplicity, would it not be advisable to have the vermin rates and taxes merged into one?

The MINISTER FOR THE NORTH-WEST: The reason for their being separate is, I think, that different taxes apply in different vermin board areas, instead of there being one flat rate throughout the State. I could check that for the hon. member and give him a full explanation later when I reply. Vermin boards will be able to rate at maximum and minimum amounts so that they may obtain approximately the same as they are getting under the present system. A new subsection is also proposed for insertion in Section 59. There have been instances in districts where the maximum rate permitted by the Act is insufficient to allow the vermin board to collect enough funds to meet the expenses of vermin destruction.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR THE NORTH-WEST: Before tea, I was dealing with the new subsection proposed to be added to Section 59. There are instances of boards being unable to levy sufficient rates under the Act to meet their expenses, and this subsection will enable them to do so. The Act at present provides that in the case of any agricultural holding the rate shall be not more than 2d. and not less than ¼d. for each £1 of the unimproved capital value of the holding, any amount in excess of any multiple of but less than £1 to be regarded as £1.

It is proposed to amend that provision so that when a vermin board in an agricultural district finds itself in financial difficulties it will be able, with the Minister's permission, to levy a higher rate.

It will not be able to do so of its own accord, but such action will be subject to the approval of the Minister. There was a case at Greenbushes not so long ago, where the board found it was not able to levy sufficient rates to pay for a vermin inspector. It is proposed to make provision in the Act for that to be done.

Hon. L. Craig: That is, over and above the maximum?

The MINISTER FOR THE NORTH-WEST: Yes, over and above the maximum of 2d. provided in the Act for agricultural land. This is not a departure from legislative principle as a similar provision appears in the Road Districts Act, despite the fact that a maximum is provided.

The next amendment is to Section 97 and provides for an inspector or an authorised person, on producing his authority, to enter a holding for the purposes of the Act. There is also provision for an inspector or other person to draw up and sign a report of such entry and search. This must be forwarded to the Agriculture Protection Board if the person is a Government inspector. In the case of a vermin inspector appointed by a board, the report must be sent to the boards concerned. The principal Act contains no provision for persons making these inspections to present their report, although they were empowered under the Act to enter a property and were required to draw up a report. This amendment will put the section in order and will enable the report of an authorised person to be presented to his board and used in evidence in the event of a prosecution.

At present, under Section 98, it is necessary for the Agriculture Protection Board or a vermin board to specify, by notice in the "Government Gazette," the date when owners or occupiers shall destroy vermin on their properties, and the means to be adopted for carrying out this work. Notice must also be published in a newspaper not less than one month prior to the specified date. The owner or occupier must also be served with a written notice specifying what steps he has to take to destroy his vermin.

Usually this notice is served by an inspector or authorised person, but a legal doubt exists as to whether those people can do the job. The present wording of the Act provides for a notice to be served by either the chairman of the Agriculture Protection Board or the chairman of a vermin board. To overcome legal doubt, the words "by an inspector or authorised person" have been added to the appropriate section of the Act.

The Bill also proposes to make an alteration to Section 99, which provides for penalties. Many complaints have been received from vermin boards to the effect that, as there is no minimum amount specified in the Act, negligible fines have been imposed, even for second or subsequent offences, thus rendering the Act almost unworkable. The maximum penalty written into the Act is £50. It is proposed that minimum penalties for failure to comply with notices to destroy vermin should be written into this section to strengthen the authority of vermin boards when prosecuting delinquent property owners.

For a first offence the Bill provides for a maximum penalty of not more than £50 but not less than £5. Whilst the maximum penalty is not increased for subsequent offences, the minimum is increased to £10, and provision is made for a fine of £1 per day if the offence is a continuing one. It might be claimed that a board has power to put the work in hand and then make the property owner pay. That power actually does exist in Section 100, but it is not always possible to obtain someone to do the work. Especially is this so in outlying areas. The Victorian Act provides similar penalties, except that the maximum for the second and subsequent offences in that State is increased to £100.

An amendment is to be made to Section 103 to clear up any doubts or misunderstandings regarding the Agriculture Protection Board's power to employ trappers for the destruction of wild dogs, foxes, wedge-tailed eagles and other vermin. Provision already exists in the Act for the board to do this, but to make the section clearer the words "appoint and employ" are used instead of the word "employ". It appears that there has been some doubt as to the authority to employ for these purposes, and it was thought advisable to insert the words to which I have referred.

The Crown Law Department has expressed an opinion that the Agriculture Protection Board or, in other words, the Crown has no power under the Act to prosecute. As I understand prosecutions are pending, it is desired to amend the Act so that the board can be represented at proceedings. To bring this about, provision has been made so that the Chief Vermin Control Officer, an inspector, or an authorised person or appointed person may represent the board at proceedings. That is the final amendment in the Bill, and it appears to be very necessary.

The Bill has been drawn up by the officers of the Agricultural Deparment. It has the support of the road boards, which have quite recently notified the Chief Vermin Inspector that the penalty clauses are most desirable, and that all the provisions of the Bill are really necessary to permit of the further destruction of vermin. I move—

> That the Bill be now read a second time.

On motion by Hon. N. E. Baxter, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.40] in moving the second reading said: This Bill contains a number of amendments which have been suggested by the Chief Justice and the Crown Prosecutor for the better working of the code. In addition, provision has been made for minor amendments to correct printing errors, make some sections clearer and bring the Act up to date in certain respects.

I propose to explain the more important amendments. If members require advice on any of the minor matters, I shall be happy to give this when replying to the debate or in Committee. The term "Attorney General" is used throughout the code and, to make it clear that the Minister for Justice has the same power as the Attorney General, an interpretation to that effect is inserted. This does not apply, however, where the Attorney General is entitled to appear in court.

The purpose of another amendment is to provide that the sentence of imprisonment imposed upon conviction on indictment shall take effect from the date of the commencement of the offender's custody under sentence. This is the practice with regard to a sentence of imprisonment upon a summary conviction, and it is desired to have uniformity. The code now makes it mandatory for the court to inflict the punishment of whipping in certain cases. The court has, in practice, exercised its discretion in such cases, and it is now proposed to insert this discretionary power in the code.

In the sections in the code which deal with breaking into buildings and committing a crime, the description of "buildings" is very limited and apparently has not been altered since incorporated in the original code in 1902. The Bill seeks to extend the interpretation of "buildings" in the code similarly to that contained in the Larceny Act of the United Kingdom.

Another amendment seeks to clarify the law in relation to the stealing of money in certain cases. A recent English decision raises doubt as to whether the reference to "taking" money would include a reference to fraudulent conversion. In practice, the subsection involved is availed of mainly in cases of a general deficiency of a servant or agent, where the stealing consists not of "unlawful taking" but of "unlawful conversion." A reference to "conversion" is included by the Bill.

It is proposed to delete from the Jury Act a section dealing with jurors that is in conflict with a similar section in the code. This section concerns the separation of jurors on indictable offences. As the section in the code is later in time than, and preferable to, the section in the Jury Act, it has been decided to repeal the relevant section in the Jury Act. Normally a Bill to amend the Jury Act would need to be brought in separately, but it is possible to cover this particular point in the Bill now under consideration as the matter is inter-related and because the long title of this measure allows it to be done.

In the code there is a provision that, on the summary conviction of any aboriginal native for any indictable offence, the justices shall transmit to the Attorney General a report of such conviction, together with an abstract of the information and of the evidence for and against the convicted person. It is thought that the Minister for Native Welfare is the more appropriate person in this instance, and an amendment to this effect is contained in the Bill. I move—

> That the Bill be now read a second time.

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

BILL—NOXIOUS WEEDS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [7.45] in moving the second reading said: This Bill provides for two small insertions in Section 22 of the Act. That section relates to Section 21 and sets out the duties of an occupier of private land to destroy primary noxious weeds. The alteration deals with the following provision:—

> When the Protection Board is satisfied that the occupier of private land is not making all reasonable endeavours to comply with the requirements of the last preceding section, the Protection Board may, subject to the provisions of this Act direct in manner prescribed that primary noxious weeds on the land be destroyed in manner prescribed.

Under Section 21 of the parent Act, the responsibility is placed on the occupier of private land to destroy primary noxious weeds, which are declared to be such by proclamation, when they are present on his land. If the occupier, in the opinion of the Agriculture Protection Board, makes no effort to deal with declared primary weeds, the board has the power to direct that this work be done.

At present, it is necessary for the board to prescribe by regulation the manner in which the work shall be carried out. The most effective and practicable method often varies according to the conditions under which the weed is growing. Cape tulip will serve as an example. For isolated plants, it is quite satisfactory to grub them out; infestations on arable land are best controlled by ploughing at the appropriate time, while spraying with chemicals is the most effective method along gullies and fence lines, and where the land is too boggy to be ploughed at the correct time.

A regulation prescribing the alternative methods that may be used does not permit a direction to be given specifying the actual method to be employed on different properties or in different places on the one property. Again, details such as time of treatment and rate of application of chemicals vary under different conditions and cannot be defined for all cases in a regulation. It is obviously desirable that when a direction is given, it should be definite concerning the method to be adopted. The section as amended in accordance with this Bill will be much more effective.

In cases where the Agriculture Protection Board is satisfied that the occupier of private land is not complying with the Act in the destruction of primary noxious weeds, it will have the power to issue a direction in writing instead of by regulation. In the notice in writing, the method for dealing with the weed will be stated. This method should be much more satisfactory than that used at present, and will enable all notices to be quite specific in their relation to individual cases and localities. The measure has the backing of all sections of rural industry as well as of the department. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. Jones, debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.50] in moving the second reading said: The Bill has two purposes; firstly, to relieve Executive Council from what is considered to be unnecessary routine work; and, secondly, to place some parts of the principal Act on a more modern basis. At present Executive Council is required to approve of the appointments of all clerks and assistant clerks of local courts, whether the appointment be permanent, relieving or temporary. It is agreed that the permanent appointment of a clerk or an assistant clerk of courts under the Public Service Act should be made by the Executive Council.

However, the work of some courts is not sufficient to justify the appointment of permanent officers. In such cases the local police officers usually act as the clerks. It is not considered necessary for the Executive Council to approve of such appointments, nor of temporary or relieving appointments to positions classified under the Public Service Act. In these cases it is felt that the Minister's approval would be sufficient. This is on the same basis as appointments under the Electoral Act of substitute electoral registrars and returning officers. These officers are appointed by the Minister for Justice.

The second amendment deals with the jurisdiction of local courts with respect to the recovery of possession of land and the recovery of rents. The principal Act provides that action in regard to such matters can be taken in a local court only where the annual rent of the property in question does not exceed £100. When the rental is higher, action must be taken in the Supreme Court with consequently higher expense. The limit of £100 was made in 1904. As members know only too well, the values of properties have changed considerably in the last 49 years, and the maximum of £100 is adequate no longer. The Bill provides, therefore, that where annual rentals do not exceed £500, local court action can be taken in the following cases:—

(1) For the eviction of a person who, when the tenancy expires, neglects or refuses to relinquish possession.

(2) For the recovery of premises where a tenant refuses to pay the rent.

(3) For the recovery of land held by a person without right, title or licence.

In addition, the Bill extends the jurisdiction of local courts where, in addition to the repossession of land or premises, plaintiffs make a claim for rent or mesne profits or for damage. At present claims can be made in local courts for recovery of amounts up to only £100.

As part three of the Principal Act limits to £250 the amount of rents or damages that can be claimed under the Act, the Crown's legal advisers feel that the amendment should not exceed this amount. They point out the unlikelihood of a lessor allowing a tenant to be more than £250 in arrears with rent, and that it is not likely that damage exceeding £250 would be done. I am told that a claim for more than £250 for damages cannot be recollected by officers of the Crown Law Department. With modern values, very few plaintiffs could take advantage of the provisions of the principal Act, and the Bill seeks to provide for those persons whom the Act was originally intended to protect.

I have had a few personal experiences with people in connection with the amount of £500. The sum of £100 a year is very small in comparison with rents today. Quite a number of people, in order to evict tenants from their premises, had to take action in the Supreme Court, which is much more costly than going to the local court. I think members will agree that the question of eviction ought to be dealt with in the local court. The expenses, from memory, were about £30 in the Supreme Court whereas the action could have been taken in the local court for £5, or £10 at the most. We think it is an injustice to compel a person to take action in the Supreme Court when he can take the same action, if the amount involved is smaller, in the local court.

It can be said that the owner can claim costs from the tenant. I think it costs from five guineas to eight guineas to take out a summons in the Supreme Court, and the person on whom the summons is served has ten days in which to reply, and in that period he can skip off to Timbuctoo. If he does not file an answer, the decision goes against him, of course, but it would be impossible in many instances for the owner to find him. Therefore the owner would be left with the burden of the costs of taking out the summons. The amount of £100 has been included in the Act for a good many years—since the days when £2 a week was a very high rental—so I think the figure of £500 mentioned in the Bill should be satisfactory to all concerned. I move—

That the Bill be now read a second time.

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

BILL—BANK HOLIDAYS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.56] in moving the second reading said: This measure was introduced on the opening day of Parliament as the privilege Bill. Usually we do not bother going on with the privilege Bill at an early stage, but on this occasion we selected one that should be gone on with. The purpose of the measure is simple. It seeks to rectify an anomaly that has been discovered in the parent Act.

The Act provides that certain days which are specified in the schedule shall be observed as bank holidays throughout the State. If it is found inexpedient to observe one of these days as a bank holiday, the Governor may, by proclamation, appoint another day as the holiday. The Act further provides that the Governor may proclaim bank holidays additional to those shown in the schedule. Such days may either be observed as bank holidays throughout the State or confined to a particular part, district or town.

In country districts these special holidays usually apply to the local show day or the annual race meeting. Special holidays for the whole State would be the occasion of important events for which public holidays have been arranged. The anomaly in the Act is caused through the fact that, while the Governor is given the authority to alter the date of any statutory bank holiday—that is, those specified in the schedule—he has not the power to alter or to cancel the date of a special holiday. On at least two occasions, subsequent to the Governor's proclaiming a special holiday, circumstances have arisen to make the holiday unnecessary. However, as the Governor had not the power to annul the holiday, the banks affected were forced to close.

The proposal in the Bill, therefore, is to give the Governor power to vary or cancel a holiday proclamation. The Bill provides that at least a week's notice shall be given of such intention as it is necessary that banks should have adequate notice of any alteration of date to ensure that the staffs of all branches are aware the holiday has been altered or revoked. If, from inadequacy of notice, a branch could not open, the bank could be liable for any damage suffered as a result by a customer. Members will see that all the Bill seeks to do is to give the Governor the same power in regard to special holidays that he has with respect to proclaimed bank holidays. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [7.59] in moving the second reading said: The Bill seeks to extend the interpretations in the principal Act of the words "employer," "mine," and "worker," the reason being to permit employees of crushing batteries to become eligible for mine workers' relief. There are about 120 men employed on State batteries, as well as a number on private batteries. Their situation is somewhat anomalous.

Since 1946, battery employees have come within the interpretation of "mine worker" in the Mines Regulation Act. As a result, before being able to commence work on batteries, they must obtain certificates of health from the Commonwealth Health Laboratory at Kalgoorlie to show they are fit for mining work. Although required to obtain these certificates they are not eligible for mine workers' relief owing to the restrictive nature of the definition of "'worker" in the principal Act. There is a very definite hazard of silicosis to workers handling ore on batteries. If such a worker contracted silicosis he could not apply for assistance under the Act.

As a rule battery workers are recruited from the mines and there is a possibility that such a worker may, on transfer, have a certain degree of silicosis. He, too, would be ineligible for relief if his condition were detected while he was working on the battery. This is well known in mining circles and as a result mine workers are hesitant to accept battery employment. For this reason batteries are finding it very difficult to obtain staff.

The Mine Workers' Relief Fund is in a healthy position. It has an accumulated balance of £308,542, and last year 6,091 men were members of the fund. The

number of men employed on mines, batteries and so on in this State is now about 6,300 and members will realise that it is unfair that the few employed on batteries and crushing plants should be excluded from participation in the benefits of the fund, especially in view of the fact that to obtain work on mills or batteries they must pass the same test as a miner who is to work either on the surface or underground in a mine. The anomaly is evident and I therefore trust that members will support the measure. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.3] in moving the second reading said: The principal objects in this Bill are, firstly, to curtail expense to associations wishing to incorporate under the Act; secondly, to effect an improvement in procedure on incorporation; and thirdly, to make the Registrar of Companies the registering authority in lieu of the Master of the Supreme Court.

The Law Society drew the Government's attention to the fact that small associations were finding the cost of advertising their intention to incorporate a strain on their funds. The Act requires that trustees of an association desiring incorporation give public notice of their intention to apply for such incorporation by publication in the "Government Gazette" and a local newspaper. The inclusion of a great deal of detail is required in this notice, and it is partly this which brings about the heavy expenditure.

For example, the cost of advertising in one newspaper recently involved the association concerned in a sum amounting to £28, with a further £2 for advertising in the "Gazette." There is no doubt that £30 is a large amount for small associations to find and, in many cases, the preliminary expense has deterred deserving bodies from seeking incorporation. In order to reduce this expense, it is proposed to abbreviate the form of notice. The shortened notice, however, will contain all necessary information. It will inform any interested person that a memorial giving further particulars of the association, and a copy of the association's rules, can be inspected at the Companies Office.

The notice is to be published twice, at an interval of seven days, in a Perth newspaper, and advertisement in the "Government Gazette" will be dispensed with. As a consequence of these alterations, the registration office procedure will have to be changed. At present, the rules are not filed until some time after incorporation, and this is patently unsatisfactory. In future, the authorised person will commence by filing at the Companies Office a memorial in the prescribed form and a verified copy of the rules of the association.

Advertisement of the intention to incorporate will follow the lodgment of these papers. At the expiration of one month from the date of publication of the last notice, the Bill provides that the authorised person will be entitled to apply to the registrar for a certificate of incorporation. At present, the Act provides that the Master of the Supreme Court shall be the registering authority but, for the sake of convenience, the Act has been administered through the Companies Office for many years past.

To put matters in order, it is now proposed by the Bill to substitute the Registrar of Companies for the Master of the Supreme Court as the registrar under the Act. The Bill also seeks to give the registrar power to refuse incorporation to an association whose name, in the opinion of the registrar, is offensive, likely to mislead, or is identical or similar to the name of another association. A similar power is to be given to the registrar when a registered association changes its name. Inability to deal with such cases in the past has proved embarrassing, and the proposal in the Bill is similar to provisions in the Companies Act and in the Business Names Act.

Under the Bill, it is also proposed to repeal the schedules in the Act, and in lieu to prescribe the necessary forms and fees by regulation. This amendment follows the modern trend in legislation. Also contained in the Bill are a few minor amendments, the purpose of which is to simplify and modernise the language of the Act. The measure, if passed, will come into operation on a date to be fixed by proclamation. This is being done in order to permit the new procedure to become known and the necessary forms and regulations to be gazetted before the date of operation.

This was originally an Act of Victoria, 1895, as I mentioned in 1948 when Mr. Parker, then leader in this House, brought down an amending measure. At that stage I drew attention to the long time that the Act had remained without amendment. Since 1948 the bugbear of costs has reared its head. Prior to that time the advertisement and fees connected with the application cost about £6 or £6 10s., whereas now the advertisement costs £28 and the notice in the "Gazette" £2, bringing the total to £30. Small organisations find that charge a considerable burden.

Members will agree that the large notices that appear in the Press for this purpose are entirely unnecessary and the amendment included in the Bill will rectify that position. The Act laid down that the ad-

vertisement was to be for 14 days in a newspaper circulating in the district, and if the person concerned inadvertently placed the advertisement in "The West Australian" or the "Daily News" it had to be inserted for the full 14 days. The bush lawyers got over that by selecting, say, the "Sunday Times" or one of the week-end papers and that meant only two insertions were required. This Bill will set out more clearly the advertising provisions and will help to cut down considerably the advertising costs. I think the amendment will be appreciated by the organisations concerned, and I move—

That the Bill be now read a second time.

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

BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.11] in moving the second reading said: The object of the principal Act is to ensure that the correct royal style and titles of the reigning monarch are used on forms, rules, regulations, etc. With the accession of Queen Elizabeth II to the throne, the royal style and titles were altered. So far as Australia is concerned, they are "Elizabeth the Second, by the Grace of God, of the United Kingdom, Australia and her other realms and Territories Queen, Head of the Commonwealth, Defender of the Faith."

It is proposed that the amendment will come into operation on a date to be fixed. This will give time for the necessary alterations to all the forms concerned. So that it may not be necessary to introduce similar legislation upon the accession of a new monarch, the Bill provides that any alterations to forms, etc., bearing the royal style and titles can be made by proclamation. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.13] in moving the second reading said: The intention of this Bill is to bring the training and the registration of dental nurses under the control of the Nurses Registration Board. At present the board controls the training and the registration of general nurses, midwives, mental nurses, tuberculosis nurses, mothercraft nurses and nursing aides.

The request that dental nurses be brought within the jurisdiction of the board emanated last year from Professor Radden, then Dean of the Faculty of Dental Science, and Mr. Campbell, the medical superintendent of the Dental Hospital. Their request was referred to the Australian Dental Association which is in favour of it. I understand that all sections of the dental profession agree with the proposal.

With modern developments in dentistry it is essential that a dentist has the assistance of a highly trained nurse. This was realised some years ago in Western Australia, and as a result the Dental Hospital commenced the training of dental nurses on a high level. Recently fourteen of these nurses completed their course and passed their examination. The annual intake of trainees at the hospital averages about eight. These trained nurses are improving the standard of work at the hospital, and there is an increasing demand for their services in private practice. There is, however, no compulsion for dentists to employ these trained girls.

The Bill sets out the qualifications required before a dental nurse can be registered. These are the taking of at least a three-year course at the Perth Dental Hospital or some other suitable institution, and the passing of the appropriate examination. Those nurses who have undergone a three-year course at the Perth Dental Hospital, and who hold a diploma from that hospital are also entitled to registration. A general trained nurse can also be registered provided she has undergone at least a year's training in dental nursing at an approved institution. A general trained nurse, who has been employed at the Perth Dental Hospital for not less than a year as a full-time dental nursing instructor, would also be accepted for registration.

It is interesting to note that Western Australia has a world-wide reputation in the training of dental nurses. Professor Radden, who, as I have said, was the Dean of the Faculty of Dental Science here, and who is now Dean of the Faculty of Dental Science in Manchester, recently sent urgently for copies of the local curriculum, which he said was far and away above anything being done in England.

I wish to emphasise the point made during the course of my remarks, that there will be no compulsion on a dentist to employ these trained girls; it will be left to the dentist himself as to whether he employs a trained dental nurse or not. I am particularly pleased that that provision has been inserted because I know of a number of young ladies who have been working with dentists for some years, and it is possible that they may not want to become trained dental nurses. I was a little worried about it, and that is my reason for having made the inquiries.

Hon. L. Craig: In any case, there would not be enough to go around.

The CHIEF SECRETARY: No.

Hon. A. F. Griffith: Will these trained nurses be covered by any award?

The CHIEF SECRETARY: That will be their own business. All we are seeking to do is provide that they can get a certificate and be registered as trained dental nurses. What happens to their conditions is a matter for themselves.

Hon. A. F. Griffith: I was wondering what the differences would be in the rates of pay.

The CHIEF SECRETARY: I do not know that there would be any difference. If the hon. member practised as a dentist and had the choice of employing a dental nurse with a certificate or one who had no such qualifications, I think the hon. member would be inclined to pay the girl with the certificate a little more than he would be prepared to pay a novice. However, that will be for the individual to decide. Some dentists may be in the position that they do not need trained nurses, and that is why the Bill gives them the choice; but it will be of assistance to dentists who do desire to have trained nurses. Therefore, I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

House adjourned at 8.20 p.m.

Legislative Assembly

Thursday, 15th October, 1953.

CONTENTS.

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

QUESTIONS.

GAOLS.

As to Cost and Return.

Hon. J. B. SLEEMAN asked the Minister representing the Chief Secretary:

(1) What is the cost of keeping and retaining—

(a) the Fremantle gaol;

(b) Barton's Mill;

(c) Pardellup?

(2) What is the return from—

(a) the Fremantle gaol;

(b) Barton's Mill;

(c) Pardellup?

(3) Is there enough work in the Fremantle prison to keep the inmates reasonably engaged?

The PREMIER replied:

(1) (a) £86,182 9s. 4d.
(b) £24,295 2s. 6d.
(c) £21,781 7s. 2d.

(2) (a) £33,194.
(b) £16,184.
(c) £16,280.

(3) Yes.

SUPERANNUATION ACT.

As to Increasing Allowances.

Mr. NIMMO asked the Premier:

(1) Does the Government propose to increase pensions under the 1871 Act in order to compensate for the decrease in purchasing power since the last two adjustments in 1947 and 1951?