to work out a plan and policy in respect of the disposal of effluent; and therefore it is very necessary that some clear legislative provisions be made by Parliament in respect of the liability arising from this matter.

Mr. Hawke: This Bill leaves all the liability to the private citizen, and no remedy.

Mr. COURT: The honourable member is saying that the Government of the day is going to be heartless and completely indifferent to private citizens. No Government would be that.

Mr. Hawke: This Bill will take away the legal rights of private citizens.

Mr. COURT: I think the Leader of the Opposition is not prepared to read the agreement or the clause properly.

Mr. Hawke: Will the Minister read the clause?

Mr. COURT: The clause is very important when read in conjunction with the agreement. It says that neither the company nor the State is liable for the discharge by the company of excess effluent—and those words are important—from this mill in accordance with the agreement. It must conform to the agreement; it just cannot act irresponsibly.

Mr. W. Hegney: Who is responsible?

Mr. Tonkin: That means by any means, or any routes which the Government thinks fit.

Mr. COURT: It does not mean anything of the sort.

Mr. Tonkin: It says that in the agreement.

Mr. COURT: The honourable member is prepared to read it in that way.

Mr. Tonkin: It says by any route the Government thinks fit.

Mr. COURT: Is the honourable member suggesting that the Government of the day would be so foolish as to—

Mr. Tonkin: What is it in the Bill for?

Mr. COURT: To clarify a legal position. If the clause is read in conjunction with the agreement, it will be appreciated there is no danger of damage to private property, because the effluent is not to be discharged on land. It is only when it becomes excess effluent, and cannot be dealt with at the millsite, that it becomes the responsibility of the Government to discharge this effluent into the sea. I suggest that if the Committee is so disposed, it report progress, and I will have this clause examined by the Crown Law Department.

Progress reported, and leave granted to sit again.

House adjourned at 12.15 a.m. (Wednesday).

Legislative Council

Wednesday, the 12th October, 1960

CONTENTS

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

BILLS (3)—ASSENT

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

1. Administration Act Amendment Bill.
2. Stamp Act Amendment Bill.
3. Health Act Amendment Bill.

QUESTIONS ON NOTICE

GOLDFIELDS EXPRESS

Installation of Power Points

1. The Hon. G. BENNETTS asked the Minister for Mines:

   In view of the fact that the Westland express is equipped with power points for the use of electric razors, is it the intention of the Government to equip the goldfields express likewise? If so, when will this take place?

The Hon. A. F. GRIFFITH replied:

The installation of power points for electric razors in coaches (AZ) used on the Kalgoorlie express is being considered in conjunction with the general improvements of these coaches, but because equipment and finance are involved a reliable prediction of date of installation cannot be given at this stage.

MILK

Purchase on Butterfat Content

2. The Hon. A. L. LOTON asked the Minister for Local Government:

(1) Is it a fact that in South Australia milk for use in the metropolitan area is purchased on butterfat content?

(2) Is it a fact that the price paid in August, 1960, was —

(a) 1s. 9.5d. per gallon for milk with 3 per cent. butterfat content; and

(b) 2s. 11.8d. per gallon for milk with 5 per cent. butterfat content?

(3) Has the Government of Western Australia given consideration to amending the Milk Act to enable the Milk Board to purchase milk on a similar basis to that appertaining in South Australia?

The Hon. L. A. LOGAN replied:

(1) No.

(2) This information is not available but is being sought.

(3) No.

BOYA RAIL SERVICE

Restoration

3. The Hon. G. E. JEFFERY asked the Minister for Mines:

In view of the recent extension of the metropolitan rail service to Koongamia, and the maintenance of the Mundaring line to Boya for the quarries, will the Government give further consideration to the restoration of the rail service to Boya?

The Hon. A. F. GRIFFITH replied:

Requests for this extension have already been considered and the extension has been found impracticable.

UNIFORM RAILWAY GAUGE

Extension from Kalgoorlie to Fremantle

4. The Hon. G. BENNETTS asked the Minister for Mines:

Now that negotiations are taking place between the Commonwealth and the South Australian Governments for the broadening of the railway gauge to 4 feet 8½ inches—which when completed will mean that standardisation will be complete between Sydney and Kalgoorlie—what action is the Government taking to bring about standardization of the line between Kalgoorlie and Perth?

The Hon. A. F. GRIFFITH replied:

There have been informal discussions in recent months between the Commonwealth and State Governments on the broad question of standardisation.

A formal approach will be made when the proposition can be supported by a sound economic case with full consideration for consequential over-all effects on the W.A.G.R. system.

Such a case has been receiving attention and may be presented in the near future.

5. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

COLLIE COAL

Government Orders

1. The Hon. A. R. JONES asked the Minister for Mines:

How many tons of coal are mined at Collie weekly for consumption in Western Australia by the Railways Department, etc.?

The Hon. A. F. GRIFFITH replied:

The orders of a Government nature were 31,000 tons a fortnight.

SITTINGS OF THE HOUSE

Thursday Nights

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

Seeing that there has been a statement in the Press by the parliamentary roundsman concerning the likelihood of Parliament rising towards the end of next month, can the Minister inform us whether he has in mind a programme for future sittings?

The Hon. A. F. GRIFFITH replied:

The parliamentary roundsman seems to be better informed than the Minister. But in the interests of terminating the session by a date which I am sure members will find convenient—in saying that, I think it will be agreed that it is not considered convenient by any of us that we should be here until Christmas Eve, as has unfortunately happened on occasions in the past—it is desirable that we should

sit on Thursday nights—not tomorrow night, but from the following Thursday night onwards. We would therefore sit on the normal days and for the normal hours, except that on Thursdays we would commence at 2.30 and continue to sit after tea. Of course, if it were found necessary —again in the interests of a reasonably early completion of the session—to alter these times, we could alter them.

HEALTH ACT AMENDMENT BILL (No. 2)

Recommittal

On motion by the Hon. N. E. Baxter, Bill recommitted for the further consideration of clause 5.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 5—Section 228 amended:

The Hon. N. E. BAXTER: I move an amendment—

Page 2, line 32—Insert after the word "amended" the following: "—(a)".

I apologise to the Committee for moving to recommit the Bill, but I did not realise until the Committee stage had concluded that I should have moved an amendment to a section that requires to be amended. This amendment relates to subsection (13) of section 228. This subsection also has application to section 220 which provides that any person who supplies food or a drug which is not up to a standard demanded by the purchaser shall be liable to prosecution. In section 228 of the Act there are certain provisions whereby an inspector shall, in taking a sample of a food or drug for analysis, offer to divide such sample into three parts and return one to the vendor, submit one to an analyst for analysis, and retain one.

In this subsection there is a provision which states that it is no defence in court, nor is it a case for the dismissal of the charge against the defendant if the inspector does not carry out the provisions of the section. That means, more or less, that the inspector who takes the sample has no need to carry out the provisions of this subsection, because if he prosecutes the so-called offender and takes him to court, the so-called offender has no way of proving that because the sample was not divided into three parts this was prejudicial to his case. In addition, the principal factor in a charge such as this is that when the sample is taken by the inspector and submitted for analysis, the person who is being prosecuted has no check sample of the food or drug to submit to his own analyst to check whether that food or drug was of the standard demanded by the purchaser.

This subsection was introduced into the Act in 1918 when the Health Act was almost reconstructed. It is of particular interest to note that the subsection was designed to deal with wholemilk; and, in replying to the debate on the subsection, when an amending Bill was introduced in 1918, the Colonial Secretary (The Hon. H. P. Colebatch) had this to say—

> Mr. Kingsmill made reference to the matter of taking samples from wholesale milk vendors. At present there is great difficulty in doing that, because it is necessary to take a sample in the presence of the person selling the milk. Subclause (2) of clause 36 has been drafted to enable inspectors to secure samples of food, more particularly milk, while in transit from the producer to the purveyor. A large amount of the milk supply of the State comes in by rail,—

I would like the Committee to note those words "comes in by rail." To continue—

> —and at present if an inspector wishes to take a sample of milk at the receiving station, he cannot do so unless the consignee is present. Subclause (2) of clause 36 will get over this difficulty. It is similar to a provision in the South Australian Food and Drug Act.

The Hon. W. Kingsmill then interjected—

> What about the establishment of central depots for the distribution of milk?

I have read that extract from the 1917-18 *Parliamentary Debates* to show the Committee how the methods of handling milk have improved between those times and today. As stated by Mr. Kingsmill, as he was at that time, most of the milk supplies were conveyed to Perth by rail; and an inspector found it very difficult to obtain samples, because, under the Act the consignee need not be present to be given a portion of that sample.

Since then, a set-up has been introduced similar to that which was suggested by Mr. Kingsmill. In other words, treatment plants have been established where it is very easy to obtain samples of milk. I believe that is the principal reason why this provision should not remain in the Act. At the conclusion of the debate on the Bill introduced in 1918, Mr. Kingsmill moved for the appointment of a Select Committee on the Bill, and this subject was dealt with in the deliberations of the Select Committee. I will now quote from Vol. II of the 1917-18 *Votes and Proceedings* a few words of the evidence taken before that Select Committee. Mr. Franklyn Higgs, an inspector of the

Department of Health was giving evidence, and the following is an extract of that evidence:—

> Under the Act can you proceed against the wholesaler?—No, but I believe an amendment has been suggested. There is power for a health officer to go to a railway station and take samples of any food, but if you are going to do that the sample taken must be divided into three and one-third of the sample must be given to the person owning it, and, of course, with milk you cannot give it to the owner if he is not there.

That evidence again verifies my statement in regard to taking samples, and the difficulty that was experienced by an inspector at that time. I maintain that that difficulty no longer exists, and the provision that is still in the Act is therefore redundant. In some cases, action has been taken over samples of milk being under-standard, particularly in relation to solids-not-fat, and I do not know of one case where the producer who has been prosecuted has been given a portion of the sample in order that he may have it analysed to check whether his milk was substandard. He has to accept the word of the inspector that the sample taken was the sample analysed; and the court accepts the word of the inspector. I am not saying that the inspector's word would not be reliable, but an inspector may have a grudge against a producer, and he could use this particular section of the Act to have the producer fined; and, under the legislation, the so-called offender would have no defence.

Even a magistrate would admit that under this Act a so-called offender has no defence in view of section 228 (13); and he would have no option but to impose a fine for a breach of that section. Therefore, I appeal to the Committee to repeal subsection (13) of section 220 of the principal Act.

The Hon. G. BENNETTS: Not all milk supplied to the public is delivered in tankers from the dairy farms to milk depots. That is not the position on the goldfields, where the method of supplying milk in cans is used. Milk is taken in refrigerated vans to the depots on the goldfields. However, I am not so much concerned with milk.

I am concerned with the supply of sausages to the public. They are manufactured by small goods manufacturers and delivered to the shops on the goldfields. On many occasions such small shopkeepers have been prosecuted for selling sausages which were not up to standard.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): I hope the honourable member can connect his remarks with the commodity of milk.

The Hon. G. BENNETTS: I understood Mr. Baxter was talking about foodstuffs generally.

The Hon. N. E. Baxter: This clause deals with the food and drug section of the Act, not only with milk.

The Hon. G. BENNETTS: The Minister should examine the position which obtains on the goldfields. Some of these items of foodstuffs supplied to shopkeepers by manufacturers are sold in good faith to the public. The shopkeepers believe the commodities are up to standard. If they are not, the shopkeepers can be prosecuted; but no action is taken against the manufacturers. Some provision should be included in the Bill so that manufacturers of foodstuffs which are not up to standard can be prosecuted.

The Hon. G. C. MacKINNON: We have to bear in mind that many factors other than the standard of the solids-not-fat content, can be wrong with the quality of milk. Its chemical composition can be under-standard. Members, no doubt, are aware of the difficulties associated with the inspection of milk by officers of the Health Department. I am not sure that this is the appropriate time to agree to the amendment proposed by Mr. Baxter, because the Health Department has arranged for an amnesty of 12 months in regard to prosecution of milk producers where the milk supplied is not up to the required standard of the solids-not-fat content.

In dealing with questions relating to the supply of milk, we should undertake a great deal of research before proposing amendments. We do not want to get back to the stage where milk was blamed for being the carrier of harmful bacteria. The whole industry has been regulated with a view to eliminating problems such as that. This has been done at great expense to milk producers. They have abided by the by-laws in bringing their dairies up to standard; and they have observed the regulations to ensure that dairy herds are TB free and healthy.

In complete innocence, a milk producer could supply milk which, on analysis, was found to possess undesirable qualities from the health point of view. I have no doubt the same situation could occur in the case of milk supplied by dairymen to the public.

The provisions of the Act cover not only the metropolitan area, which is well catered for by the most modern milk treatment plants, but also small centres in which the dairy farmer supplies milk in bulk to the people of the village or town. In some cases the dairy farmer supplies the milk in cans to distributors and the latter distribute the milk to the consumers.

In the last 12 months there has been a great upset in the milk industry as a result of a decision made by a magistrate in regard to the standard of milk. Because

of the lack of power of the Milk Board to police certain provisions of the Act, there could be a lack of confidence on the part of the public with regard to the milk supplied. I have no doubt that many conferences have been held between the parties concerned to ensure that the milk industry is placed on a very sound footing and that the public can accept milk with absolute confidence. At the moment the public does accept milk, which is handled through the proper channels, with absolute and complete confidence; but that position has not always applied in this State. In the past we have all heard of cases of children and adults contracting complaints from contaminated milk.

In view of the statements made recently that amendments to the Milk Act are being considered, the amendment proposed by Mr. Baxter should be held over until those amendments have been presented by the Government to Parliament. I am in sympathy with the views expressed by Mr. Baxter, because last year in conjunction with two other persons I undertook a great deal of work on this particular aspect.

Unless the Minister can assure us that the proposed amendment does fit into the general pattern of planning for the milk industry, it should not be proceeded with. If the Minister can assure us that both the Minister for Health and the Minister for Agriculture consider that Mr. Baxter's proposed amendment fits in with the plan for the control of the milk industry, then it could be agreed to with complete safety. I feel the proposed amendment should be handled with some care in view of the statements in the Press that amendments to the Act are under way and will become the subject of discussion in this Parliament at an early date. I suggest that some caution be exercised and that the Minister's remarks be listened to with great attention.

The Hon. N. E. BAXTER: I would answer Mr. Bennetts' doubts by saying that this particular section will in no way affect the taking of samples for prosecutions in regard to any food or drug which is substandard. I would like to read the section that will be repealed—

> (13) In any prosecution under this Division proof of non-compliance, or failure to prove compliance, on the part of any officer, with any of the provisions of this section which ought to have been complied with by him,—

I hope the Committee will note those words "which ought to have been"—

> —shall not entitle the defendant to have the complaint dismissed or prevent his conviction unless he shall show that the non-compliance has in fact prejudiced him.

The honourable member mentioned shops. This does not stop an inspector from going to a shop to take a sample of sausages and then giving part of it to the butcher, retaining part of it, and sending part of it away for analysing. This only deals with the matter when it comes to the court. If the inspector has not carried out that particular provision, the fact that he has not carried it out provides no defence for the person prosecuted. I say that the person prosecuted should have a portion of that sample which he could have analysed.

To Mr. MacKinnon I would say that I only included milk because at the time the provision was included in the Act, it was included to deal principally with the taking of milk samples because of the difficulty I explained. It will not affect in any way the taking of those sample or the results of the analysis. It will only provide that an inspector shall, when he takes a sample, divide it into three parts and make sure that the person who has supplied the product for sale, or offered it for sale, or deposited it for sale, shall receive a sample of it to be checked. It will not affect the fact that the milk may be substandard, etc. It still leaves the provisions in the Act, but does give the person a let-out if prosecuted wrongly. That is the whole point.

The Hon. A. F. GRIFFITH: Yesterday afternoon I asked that this item be postponed, because the honourable member had been good enough to tell me that he desired to apply for recommittal of the Bill for the purpose of moving his amendment. Because of the contributions to the debate made by Mr. Bennetts and Mr. MacKinnon, I am going to ask the honourable member to request the Committee to report progress.

Bearing in mind that the Health Act is administered by another Minister and that it also affects the activities of the Minister for Agriculture in respect to the Milk Act, I feel that I should have an opportunity to consult with them. The Minister for Agriculture has been absent in the country all day, and I have not had this opportunity. If the honourable member will move for progress to be reported, I will have the matter carefully studied and we can deal with it tomorrow.

Progress reported, and leave granted to sit again.

BILLS (3)—FIRST READING

1. Traffic Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

2. Dairy Cattle Industry Compensation Bill.

   Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.

3. Stamp Act Amendment Bill (No. 2).

Bill received from the Assembly; and, on motion by the Hon. A. F. Griffith (Minister for Mines), read a first time.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.10]: I move—

That the Bill be now read a second time.

The fruit-fly baiting season in this State starts at the beginning of August and concludes at the end of May. Any incorporated fruitgrowers' association, road board, or municipality may request the Minister for Agriculture to have a poll taken with a view to determining whether or not a compulsory fruit-fly baiting scheme shall be introduced in a particular district.

A 60 per cent. vote in favour of a compulsory baiting scheme being commenced is necessary before it is put into operation. It is laid down that any scheme so started must continue for a minimum period of three years. In fact, a scheme may not be wound up, even at the end of three years, until the matter is put to the vote at a new poll.

It is competent, under the existing statute, for a poll to be requested and taken during the course of the baiting season. A baiting scheme may be well under way and even have reached a critical stage of the programme, but it could be stopped as a result of a new and unfavourable poll being taken. This comes about through the campaigning and organising of the disgruntled minority of the earlier poll. Consequently, without any regard at all for the stage reached in the baiting programme, or for the efficacy of the measures taken, any scheme may be brought to an abrupt end at any time during its course.

The purpose of this amending Bill is to ensure that a baiting programme, once having been put into operation, will not be interrupted, because of a poll being taken, until the end of the season. The amendment to the principal Act is being submitted to this Chamber at the request of the Fruit Growers' Association. As members are aware, the association has always evinced a commendable degree of co-operation and accepted its responsibilities to the fullest extent in the matter of fruit-fly control.

The principal Act makes no specific provision for the method of winding-up a scheme which has become inoperative as a consequence of an unfavourable poll. Because of this, opportunity is being taken to add a further subsection to section 12 of the Act, and this amendment sets out clearly the manner of winding up a scheme.

The disposal of all assets is now specifically provided for, and when this is done and all debts are paid, the balance then remaining shall be paid to the Fruit-Fly Eradication Fund. All baiting schemes are heavily subsidised by the Government, and the method of winding up now proposed is a very reasonable one which ensures that any funds remaining will be devoted to the eradication of the fruit fly.

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.13]: I move—

That the Bill be now read a second time.

Clause 2 of the Bill contains a proposal for amending the principal Act, in order to permit an incapacitated miner subsequently engaged in part-time work to be eligible for the pension payable under the Coal Mine Workers (Pensions) Act 1943-1947.

The proviso, which appears in paragraph (b) in subsection (1) of section 7 of the Act, renders the worker ineligible to receive a pension if after having been incapacitated he has, in the opinion of the tribunal, been continuously engaged for a period of three years in any work other than that of a mineworker.

It has come to the notice of the Government that this proviso has acted very harshly in the case of an incapacitated miner who took on the job of part-time caretaker. This job was, nevertheless, continuous and regular over a lengthy period. In accordance with the present interpretation of the Act, his application for a pension was disallowed by the tribunal and by the Arbitration Court. The proviso reads as follows:—

> Provided a mine worker will not be eligible for pension where, since the date of the injury giving rise to the incapacity, he has, in the opinion of the Tribunal, been continuously engaged for a period of three years in any work other than as a mineworker.

It was never the intention to preclude a worker from receiving a pension on the grounds of his being continuously engaged on part-time work. The idea, obviously, was to preclude an incapacitated worker from working in a full-time job—in other words, receiving a full weekly wage together with his pension.

Members will appreciate that the period of three years specified in the principal Act has, in actual fact, no bearing on the matter. There are many men, for instance, who are 75 per cent. incapacitated, but yet quite capable of working for a number of hours on light work, perhaps for the rest of their lives. The Bill accordingly proposes that the existing words be deleted and replaced by the following:—

> engaged in work which occupies the whole of the time normally required for full-time employment.

I know it is not good to base legislation on particular cases, but this case was one of great hardship and it came to my notice by way of an appeal. I found that the court had given a ruling; and, although the court was sympathetic, it was obliged to give its ruling not on the facts but on the basis of the law.

Part II of the principal Act wherein this proviso occurs was proclaimed and came into operation on the 1st July, 1944. subclause (2) of clause 2 makes provision for the amendment to be retrospective to that date. This ensures that the particular worker concerned will be covered for the whole time of his employment on work as a part-time caretaker.

There is provision in the principal Act for the payment of pensions to widows of "pensionable" workers who die after contributing for not less than five years to the fund.

The Hon. H. K. Watson: What is the general basis of the contributions?

The Hon. A. F. GRIFFITH: To the fund itself?

The Hon. H. K. Watson: Yes; the general conditions.

The Hon. A. F. GRIFFITH: This is a fund to which three parties contribute—the Government, the owner, and the coal-mine worker. In Western Australia the worker pays 6s. a week; the owner £1 2s. 6d. a week; and the State, £30,000 per annum.

The Hon. A. L. Loton: The Government pays that amount irrespective of the claims upon the Treasury?

The Hon. A. F. GRIFFITH: The fund is managed by a tribunal and due to good management over the years the fund in Western Australia at present is in a reasonably healthy condition; it is not like the funds in some of the other States. Some of those funds have been reduced to such a parlous condition that the State Governments concerned are trying to get the Commonwealth to agree to an excise on coal, to attend to something which this State, fortunately, has been able to attend to effectively without getting into financial difficulties.

The Hon. H. K. Watson: Even so, the employee's contribution appears to be very small.

The Hon. L. A. Logan: About one-tenth.

The Hon. A. F. GRIFFITH: It is 6s. a week. A worker over the age of 35 years when first employed is not, however, eligible for a retirement pension, and is eligible for invalidity benefits only after 10 years' contributions have been paid. It is considered there is no reason why a widow of such person who dies before attaining the age of 60 years—and that is the age at which a mine worker retires—and who has made regular contributions to the fund for a period of not less than five years in all should not be entitled to receive a pension. The purpose of the Bill is to rectify this position.

The proposals in the measure have been examined by the actuary, and he is of opinion that the granting of them would not unduly affect the fund as at present constituted. It is accordingly proposed that the widow of a "non-pensionable" worker in the 35-year age group will be eligible for a pension of £5 7s. 6d. per week on his death, on condition that his contributions have been made to the fund for a period of not less than five years in all.

Members may be interested to know that the actuary, when making his first investigation of the fund, recommended that no worker should qualify for retirement benefits unless he had contributed to the fund for 25 years. With that recommendation in mind, an amendment to the Act was made in 1948 under the provisions of which a limitation was imposed which would render any worker joining the industry when over 35 years—together with the aforesaid 25 years, this would take his age to 60—a "non-pensionable" worker, except for invalidity benefits in which respect contributions to the fund for 10 years prior to injury were required. This provision was intended to apply to new entrants to the industry.

This takes me to the third important point covered by the Bill. Cases occur from time to time of men who have had long service in the mining industry, but who, for health or other reasons, leave the industry for a short period to re-enter it when over the age of 35 years. These workers are at present precluded from receiving a pension. This does not seem at all fair; and the Bill proposes that the payment of a pension be authorised to such workers in the coalmining industry if their years of employment in that industry aggregate 25.

The conditions under which such pension will be granted are as follows: A worker will need to have paid contributions to the fund for a continuous period of 15 years immediately prior to the date on which he attains the age of 60 years; and he shall not have received a refund of any portion of the contributions so paid by him.

All benefits met from the Coal Mine Workers' Pensions Fund are subject to periodical examination by the actuary. No charge to the Consolidated Revenue Fund is involved in any of the additional benefits now proposed. I hope it will always remain that way. As I said to Mr. Loton, the fund is in a position with which I am personally satisfied; and when the request for these amendments was put to me, and I examined them with the actuary, I found they were of such a nature that they could be granted.

Other requests were made which, unfortunately, I felt could not be agreed to. One was to allow the mineworkers to retire at 58 years of age instead of 60. That would have made a considerable impact on the fund, and I did not think it possible to grant the request. Another one was that the pension be increased by, I think, 30s. a fortnight. In view of the fact that this would have involved the miners in making a greater contribution, and there was no proposition for them to make a greater contribution, we had to refuse the request.

I recommend these amendments to the House because they are of such a nature that they will not have any great effect on the fund; it will be able to handle the increase.

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

PREVENTION OF POLLUTION OF WATERS BY OIL BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.25]: I move—

That the Bill be now read a second time.

Upon the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland, a conference was held in London from the 26th April, 1954, to the 12th May, 1954 for the purpose of agreeing on measures for the prevention of the pollution of the sea by oil discharged from ships.

On the basis of their deliberations, as recorded in the minutes and reports of the respective committees and sub-committees, and of the plenary sessions, the conference prepared and opened for signature and acceptance the International Convention for the Prevention of Pollution of the Sea by Oil, 1954.

In addition, the conference adopted eight resolutions which are being submitted to the Governments and other bodies concerned for consideration and appropriate action. Those resolutions, which are appended as an annex to this final measure, relate to—

1. The complete avoidance as soon as practicable of discharge of persistent oils into the sea.
2. The application of the principles of the convention so far as is reasonable and practicable to the ships to which the convention does not apply.
3. The encouragement of development and installation of efficient oily-water separators for use in ships and the preparation of a performance specification for such separators.
4. The provision of facilities for the reception of oil residues at repair ports, and at oil-loading terminals.
5. The preparation of manuals of guidance for the avoidance of oil pollution.
6. Interim measures pending the coming into force of the convention.
7. The creation of national committees on oil pollution.
8. The collection and dissemination by the appropriate organ of the United Nations of technical information about oil pollution.

Australian representation was as follows: Mr. E. McCarthy, C.B.E.; Mr. D. C. L. Williams; Mr. A. D. MacKenzie; and Captain H. J. Phoenix. The Australian Port Authorities' Association was represented by its chairman; and the Commonwealth by a departmental officer. Mr. McCarthy signed the convention on behalf of the Government of Australia.

The convention has been ratified by the United Kingdom, Mexico, West Germany, Sweden, Denmark, Canada, Norway, the Irish Republic, Belgium, France, the Netherlands, and Finland. Australia has not yet ratified it, but all States, including Western Australia, have signified agreement with the proposed ratification by Australia of the International Convention.

The machinery for ratification in Australia will take some time. Ratification by each separate State Government, as well as the Commonwealth Government, is necessary. A great deal of preparatory work remains to be done in this regard. The presentation of adequate legislation requires the demarcation of all coastal territorial and extraterritorial waters. Not only are the Commonwealth and State Governments involved in the making of satisfactory laws in this regard, but also local authorities such as port authorities.

A committee was set up under the auspices of the Australian Port Authorities' Association in order to co-ordinate the demarcation and coverage of all coastal water areas of Australia. This committee was representative of all State Governments and the Commonwealth Government, and so was in a position to advise in the matter of suitability and unity of legislation.

With a view to giving effect to the convention, there is now a Commonwealth Act, No. 11 of 1960, entitled Pollution of the Sea by Oil Act, 1960. This was assented to on the 13th May, 1960, but its proclamation is awaiting complementary State legislation.

The State Government was afforded the opportunity of perusing the Commonwealth Bill before submission to Parliament. The Bill does not encroach on State rights; and the Government considers it has a practical piece of legislation in the complementary statute now proposed by this Bill. Other States are pursuing a similar course.

The Bill is introduced with a view to seeing that the decisions of the convention will be effective so far as Western Australia is concerned. Commonwealth legislation applies only in respect of waters outside the State's territorial limits.

The incidence of pollution of the sea by oil is very well covered in resolution No. 1 of the International Conference which speaks of this menace as follows:—

> The pollution is caused by persistent oils; that is to say crude oil, fuel oil, heavy diesel oil and lubricating oil. While there is not conclusive evidence that these oils persist indefinitely on the surface of the sea, they remain for very long periods of time and are capable of being carried very considerable distances by currents, wind and surface drifts, and of building up into deposits on the seashore. Very large quantities of persistent oils are regularly discharged into the sea by tankers, as the result of the washing of their tanks, and of the disposal of their oily ballast water. Dry-cargo ships which habitually use their fuel tanks for ballast water, also discharge oily ballast water into the sea, and this also gives rise to pollution. It is practicable for tankers to adopt a procedure whereby their oily residues can be retained on board and discharged into reception facilities at oil-loading ports or repair ports. Pollution resulting from the discharge of ballast water from dry-cargo ships can be reduced or prevented by the installation of efficient oily-water separators, or other means, such as the provision in ports of adequate reception facilities for oil residues.

As to the effect of pollution of the sea by oil on the community, the conference resolution has this to say—

> The coasts and coastal waters of many countries are seriously affected by oil pollution, the results of which include great damage to coasts and beaches, and consequent hindrance to healthful recreation and interference with the tourist industry; the death and destruction of birds and other wild life; the probable adverse effects on fish and the marine organisms on which they feed. There is widespread public concern in many countries about the extent and the growth of this problem.

There was some little concern in this State in the early fifties when the Kwinana refinery was mooted because it was felt that this industry would result in the fouling of our beaches. It has been found in other countries, however, that oil refineries are not the cause of oil pollution; and our own experience here generally bears this out. Kwinana beaches have definitely not been polluted with oil from the refinery.

The Hon. F. R. H. Lavery: That is a true statement.

The Hon. A. F. GRIFFITH: I thank the honourable member. Mr. A. E. C. Drake, chief negotiator for the Anglo-Iranian Oil Company, said in Perth on the 3rd March, 1952—

> Elaborate precautions will be taken to prevent the escape of any oil from the tanks, piping and machinery through which it flows.
>
> All aqueous effluent will be passed through vast separators kept under constant observation where the last traces of any adventitious oil will be removed before final disposal.

The usual cause of oil pollution arises from ships discharging oil far out at sea when they clean out tanks. The oil subsequently drifts about until it is blown on to beaches. Accidents will always occur from time to time, of course, in the handling of oil as between ship and shore; and on rare occasions damaged ships lose oil into the sea. The seriousness of the problem becomes more persistent with the replacement of oil for coal as ships' fuel and also by the increasing oil-tanker trade. The problem to be resolved is the prohibition and control of discharge of oil by foreign ships in waters outside their own territorial waters.

The object of the convention was to overcome this difficulty by providing that countries signatory to it would prohibit the discharge of oil by ships flying their flags in specified zones adjacent to the coasts of the various countries. It follows that the very desirable objectives which the convention was intended to achieve will

only be fully accomplished when all maritime countries ratify it. It is important, therefore, that ratification be made as early as possible.

This Bill proposes that the Governor may make regulations within the jurisdiction of the State in respect of every intrastate ship. It provides that these will be fitted with such equipment and shall comply with such requirements as may be prescribed by regulation made from time to time. Because of the seriousness of the breach of any regulations, there is provision for a penalty of £500 for any breach being detected by inspection authorised by the Minister.

Generally, the policing of the Act as affecting waters within the jurisdiction of the State will be carried out by the harbour authorities, and by the Harbour and Light Department. A penalty of £1,000 is provided for discharge of oil into waters within the jurisdiction from a ship, or from a place on land, or from any apparatus used for transferring oil from or to any ship, whether to or from a place on land or to or from another ship.

A defence to the charge will exist in the case of saving life at sea, the securing of the safety of the ship, or the prevention of damage to the ship or cargo; or that oil, or a mixture containg oil, had escaped as a consequence of damage to the ship or of leakage which could not have been avoided.

As to an offence on land: A defence would lie in the discharge being due to accident, or caused by a person unlawfully handling apparatus. The Bill provides for appropriate action being taken by a harbour authority or, outside the boundaries of a harbour, the Harbour and Light Department for the removal of pollution at cost to the offender, and also for the recovery of damages.

As indicated previously, State legislation can only make provision for matters within the jurisdiction of the State. The policing of the prohibited zone will consequently fall upon the Commonwealth. The Australian prohibited zone extends for a distance of 150 miles from the coast of Australia, except off the north and west coasts of the mainland, between a point opposite Thursday Island and a point on the west coast at 20° south latitude. This prohibted zone refers to tankers.

The prohibited zones in relation to ships other than tankers are defined, as far as Australia is concerned, as all sea areas within 50 miles of land. It will be competent for any contracting Government to propose the reduction of any zone off the coast of any of its territories or the extension of any such zone to a maximum of 100 miles from any such coast.

There is provision also that as soon as the present convention comes into force, it will be registered by the bureau with the Secretary-General of the United Nations. The convention comes into force 12 months after the date on which not less than 10 Governments have become parties to the convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage. These particulars will indicate to members the purport of this complementary legislation to the Commonwealth statute.

On motion by The Hon. H. C. Strickland, debate adjourned.

ESPERANCE LANDS AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.39]: I move—

That the Bill be now read a second time.

This appears to be another fairly lengthy explanation I am obliged to give to the House, and I hope it will not prove to be too boring. It is necessary in these matters to provide the House with as much information as possible; and in this case I am anxious to continue with that procedure.

The Government is seeking through the introduction of this Bill to obtain the approval of Parliament for a renegotiated agreement relating to the working of land in the Esperance Downs district. Members will appreciate, I think, my relating some of the historical background covering the activities of the company, known as Esperance Plains (Australia) Pty. Ltd., of which Mr. Allen Chase was the principal.

It is my intention to place before the House a fairly detailed account of the activities of this company during the time of the agreement, which received the blessing of the State on the 19th November, 1956, in order that members might appreciate the need for a new agreement being negotiated which would ensure more progressive, orderly, and continued development of this area. Mr. Chase made his first official approach in the matter of Esperance land to the Minister for Lands on the 24th August, 1956.

As a result of this approach, an advisory committee, comprising the Director of Agriculture (Mr. G. K. Baron Hay), the Chairman of the Commissioners of the Rural & Industries Bank (Mr. G. H. Chessell) and the Under Secretary for Lands (Mr. F. C. Smith), was appointed to investigate all aspects of the proposal—its scope, financial implications, and the impact of such a large-scale project on the State's resources.

Upon the conclusion of the usual consultation with the Government's legal advisers, the matter eventually came to Cabinet; and, being approved, final agreement

was eventually reached with the result that the agreement, as mentioned previously, was concluded in November, 1956.

The first point of the agreement was for the State to make available to the company an area of land in the Esperance Downs district—east and west of Esperance—comprising approximately 1,981,000 acres, from which no more than 1,500,000 acres was selected by the company for development. For the information of members, this former area is that shown bordered green on the plan at the back of the original agreement.

The price fixed was 4s. per acre with an additional survey charge not to exceed 1s. per acre, and selection of the land was to be made by progressive parcels of approximately 50,000 acres in the first year, a further 100,000 acres in the second year, a further 100,000 acres in the third year, and a further 100,000 acres in the fourth year; and a total area of 1,500,000 acres, more or less, was to be selected and applied for by the original company prior to the 31st December 1961. Surveys were started in January 1957.

To the 30th September, 1958, ten parcels, comprising Neridup Locations 12 to 21 inclusive had been marked and classified, and roads and reserves within them had been marked on the ground whilst the total work effected to that date was—

	Miles
(a) Roads located and rut-dragged	475
(b) Of the above—roads surveyed on both sides	237
(c) Above roads surveyed on one side only	173
(d) Roads located and rut-dragged but not surveyed	65
(e) Roads formed by the Main Roads Department	138
(f) Total area then classified (approx.)	551,800 acres.

At that time all survey work involving the marking of external and internal roads and of reserves had been completed in connection with the following locations:—

	Acres	
Neridup Location 12—Parcel No. 1	61,536	
" " 13—Parcel No. 2	59,528	
" " 14—Part of which comprised Parcel No. 3	66,724	
" " 15—Parcel No. 4	9,100	(approx.)
" " 16	39,300	"
" " 17	48,000	"
" " 18	52,267	"
" " 19	18,700	"
" " 20	47,000	"
" " 21	45,000	"
Approximate total area of the ten locations	447,155	

After providing for these ten locations there still remained 104,645 acres of classified land.

The company made such slow progress, not only in applying for, but in proceeding with the development of the land already selected and for which permits to occupy had been granted, that the survey work was well ahead of the company's requirements. For this reason, surveys were brought to a standstill at the end of September, 1958, in the area east of the railway.

Particulars of the actual land transactions of the company up to the 30th September, 1958, were:—

(a) Parcel No. 1—Neridup Location 12 of 61,536 acres, selected on the 25th March, 1957.

(b) Parcel No. 2—Neridup Location 13 of 59,528 acres, selected on the 30th May, 1957.

(c) Parcel No. 3—Part of Neridup Location 14 of 45,413 acres—portion only selected on the 26th July, 1958.

(d) Parcel No. 5—Neridup Location 16 of 39,300 acres, selected on the 13th March, 1959.

This shows that during the period of little more than two years the company had requested permits to occupy 205,777 acres, but which area, following the handing back to the Crown of the whole of parcels 2 and 3 as previously referred to, had been reduced to 100,836 acres as comprised in Neridup Locations 12 and 16.

Details of the release to the Crown of portions of the above surveyed locations subsequent to selection are—

(a) Release No. 1 of the whole of Neridup Location 13 of 59,528 acres dated the 13th January, 1959.

(b) Release No. 2 of portion of Neridup Location 14 of 45,413 acres dated the 24th February, 1959.

In addition, the company signed deeds of release dated the 5th August, 1958, and the 4th February, 1959, from its option on approximately 50,000 acres, 65 miles west of Esperance in the region of the Oldfield and Munglinup Rivers; and 21,311 acres being the balance of Neridup Location 14.

The company, therefore, had up till then released to the Crown a total of 176,252 acres, comprising—

	Acres
Neridup Location 13	59,528
Neridup Location 14—45,413 + 21,311	66,724
Oldfield and Munglinup River area	50,000
	176,252

Those areas were designed for subdivision into 85 blocks. These were subsequently made available and selected under conditional purchase. An additional area of 100,267 acres, being Neridup Locations 17

and 18, was released to the Crown and designed for subdivision into 46 blocks. These were made available for selection and allotted under conditional purchase during May 1960. The company had in effect only purchased one parcel, *viz.*, Neridup Location 12 of 61,536 acres.

It had become only too obvious to the Government by April, 1959, that the company had definitely failed to carry out its obligations, and development had not proceeded on the lines envisaged when the agreement was made. The matter from then on was handled at the highest level; both the Minister for Agriculture and the Minister for Lands carried out a thorough inspection of the area during the months of April and May in 1959.

From their personal observations it became known that actually no worthwhile contribution had been made by the company to develop the land since 1957, and this confirmed the opinion of the Government's advisers. The Ministers inspected the land occupied by Americans Galt, Newton, Linkletter, and Hexter, and found that by contrast their holdings were being developed on sound lines, and there was evidence of considerable capital investment on their properties.

The properties taken up by Australian settlers were inspected, and the progress made emphasised the great potential of Esperance Downs country when farmed properly and in accordance with acknowledged methods. It was found that a high community spirit existed amongst the Australian settlers; they were working along the lines proven at the Esperance Research Station; and there was satisfactory evidence of the establishment of successful pasture on their holdings. They have indeed established a high standard of development which deserves every encouragement so that they may continue their successful activities.

In view of the extremely poor showing of Esperance Plains (Australia) Pty. Ltd. as compared with the progress made by Australian settlers and Americans other than A. T. Chase, the Minister for Lands recommended the Government take action to force Allen Chase and Esperance Plains (Australia) Pty. Ltd. to carry out the terms of the agreement. On the 3rd June, 1959, the Premier communicated with Mr. Allen Chase in Los Angeles, and advised the immediate need for development of land at Esperance subject to his agreement with the Government. Mr. Chase was advised by the Premier that, from reports submitted by the Minister for Agriculture and the Minister for Lands, it was abundantly clear to the Government that the company's venture at Esperance had failed to obtain the results envisaged in the 1956 agreement; and it would appear that the company had no prospect of successful achievement.

The Premier, in his communication, also stated that the Government was prepared to negotiate fresh proposals to include an area of land which could be developed by the company within a specified period of time from financial and physical resources which it could demonstrate were available to it. Mr. Chase, under date the 6th August, 1959, wrote to the Minister for Lands saying that it was necessary to formulate a new programme and he was endeavouring to interest financial concerns in the project.

Messrs. J. Ernest Ednie (Finance and Development Vice-President), and L. A. Faye (Plantation Manager), of American Factors Associates Ltd., Hawaii, visited Western Australia and conferred with the Minister for Lands, and made a detailed inspection of the land at Esperance subject to the Chase agreement. These gentlemen returned to Hawaii without giving any firm undertakings at that time.

On the 17th September, 1959, the Minister for Lands advised Mr. Allen Chase (Chairman, Esperance Plains (Australia) Pty. Ltd.) that the main causes of his company's failure were its inability to find the necessary capital which, in 1956, it had represented it was able to obtain, and inefficiency and a refusal to accept advice, and not—as Mr. Chase had stated—factors beyond the reasonable control of his company. He was reminded that his company was allotted land at a low price on the faith of its promise to effect a rapid and large-scale development and settlement of the area. He was informed that the Government was anxious to consider proposals which American Factors Associates Ltd., Hawaii, might care to submit; and his co-operation in forwarding early advices in the matter was sought.

Both the Premier and the Under Secretary for Lands made persistent requests for early proposals for consideration by the Government; but, as no submissions worthy of consideration were forthcoming, the Solicitor-General was instructed to issue notice of default, and this was given in December, 1959, as provided for in clause 19 of the original agreement. This gave Esperance Plains (Australia) Pty. Ltd. a period of not less than one year in which to remedy the default.

Clause 20 of the original agreement provided that the company should have the right, with the consent in writing of the State, to assign or otherwise dispose of the agreement or any interest therein, and that such consent should not be arbitrarily or unreasonably withheld. Therefore Allen Chase and his company had two alternatives—

(a) to remedy the default as specified in notice of default; or

(b) to assign their interest.

The notice of default apparently galvanised Mr. Chase into action, as arrangements were made by him for

representatives of the Chase International Investment Corporation—an associate company of the Chase Manhattan Bank of the United States of America—and American Factors Associates Ltd., of Hawaii, in the persons of Messrs. V. E. Rockhill, J. Ernest Ednie and C. E. S. Burns, Jnr., to visit Western Australia. These gentlemen arrived in April 1960, and conferred with the Government. These firms subsequently negotiated with Mr. Allen Chase for the assignment of his interest to them, as provided for in clause 20 of the original agreement.

At the time of the assignment the land position was—

	Acres	Acres	Acres
Area originally set apart for the purpose of the Agreement			1,981,000
Less :	Acres		
Area taken up by Esperance Plains (Aust.) Pty. Ltd.—			
Neridup Loc. 12, Freehold	61,536		
Neridup Loc. 15, Permit to Occupy	9,100		
Neridup Loc. 16, Permit to Occupy	39,300		
	48,400		
		109,936	
Area released by the company and disposed of by the State under conditional purchase—			
Neridup Loc. 13	59,523		
Neridup Loc. 14	66,724		
Oldfield and Munglinup Rivers area	50,000		
Neridup Loc. 17	48,000		
Neridup Loc. 18	52,267		
		276,519	
			386,455
			1,594,545

The new deed which has been drawn up provides, in accordance with the Government's wishes, for the orderly and continuous development of the subject land. It has been decided that an area of approximately 177,850 acres of land will be made available for selection under conditional purchase between now and 1963, and this will leave approximately 1,416,965 acres for development by the assignee.

The parties to the agreement are—American Factors Associates Limited of Hawaii, a corporation organised under the laws of the State of Delaware, United States of America; and Arcturus Investment and Development Limited, a corporation organised under the laws of Canada and a subsidiary company of the Chase International Investment Corporation, which will arrange for a partnership to be registered under the provisions of the Limited Partnership Act, 1909, of the State of Western Australia, to be called the Esperance Land and Development Company, consisting of companies incorporated in Australia, the United States of America, or England.

Provision is made for the assignee to have funds of not less than £1,500,000 available in Western Australia for carrying out its obligations as assignee of the original agreement, as amended by this deed, provided it has been ratified by both Houses of Parliament of the State of Western Australia by the 31st October, 1960.

New development conditions include an obligation on the assignee to select and apply for the following minimum areas:—

(a) By the 31st December, 1960—50,000 acres.

(b) By the 31st December, 1961—a total of 150,000 acres.

(c) By the 31st December, 1962—a total of 250,000 acres.

(d) By the 31st December, 1963—a total of 350,000 acres.

The assignee undertakes that it will expend in the purchase of this land and in its development, excluding administrative expenses incurred in Australia or overseas:—

(a) Prior to the 31st December, 1960, an amount of £12,500.

(b) Prior to the 31st December, 1961, a total of £25,000.

(c) Prior to the 31st December, 1962, a total of £250,000.

(d) Prior to the 31st December, 1963, a total of £500,000.

Although the assignee is entitled to apply for an area not exceeding 350,000 acres prior to the 31st December, 1963, it shall not be entitled to select and apply for further land until it has expended a sum of not less than £500,000.

Provided sufficient land, the subject of this agreement, remains at the time, and that the assignee has expended funds in the manner already mentioned, development can proceed as follows:—

Minimum Expenditure £	Date by which Expenditure is to be made	Minimum area to be developed Acres
500,000	31st December, 1964	450,000
700,000	,, ,, 1965	550,000
900,000	,, ,, 1966	650,000
1,100,000	,, ,, 1967	750,000
1,300,000	,, ,, 1968	850,000
1,500,000	,, ,, 1969	950,000
1,700,000	,, ,, 1970	1,050,000
1,900,000	,, ,, 1971	1,150,000
2,100,000	,, ,, 1972	1,250,000
2,300,000	,, ,, 1973	1,350,000
2,500,000	,, ,, 1974	1,450,000 or such lesser amount as remains.

The Hon. E. M. Heenan: They are total amounts, are they?

The Hon. A. R. Jones: Progressive totals.

The Hon. A. F. GRIFFITH: Progressive and accumulative, I take it. If such request is refused either wholly or in part by the State, then the matter shall be referred to arbitration. If the arbitrator shall hold that the refusal of the State to accede to the request for such extension of time is justified, the Governor may declare

that lands, the subject of this agreement, to be selected by the State, equivalent in area to the area which the assignee failed to select, shall be open for selection.

The deed provides that a certificate by the auditors of the assignee as to the amount expended by it shall be accepted by the State, provided such auditor has been approved by the State; but the State will not withhold its approval if the assignee's auditor is a member of the Institute of Chartered Accountants.

In the original agreement each holding was required to be developed to an area of not less than 50 per cent. of each holding, whereas the new deed allows for an area of not less than 33⅓ per cent. of the area of each holding, with a minimum of 700 acres. This was considered desirable because it would enable farms to be made available for sale earlier, and would give the purchaser greater opportunity of developing his holding from his own resources. Furthermore, it could be expected that the purchaser would have the opportunity of acquiring a holding with less capital than would be necessary if each holding was developed 50 per cent.

Provided development proceeds in accordance with conditions as stated by me, the State shall issue a Crown Grant upon payment by the assignee of the sum of 4s. per acre, and upon the assignee satisfying the State that a sum equivalent to at least £1 4s. per acre, including survey fee, has been expended by it in the development of the selected parcel. The new arrangement permits the assignee to make its own banking arrangements in Australia.

When introducing this measure in another place, opportunity was taken to express the full appreciation of the Government to all those concerned in the drawing up of this new agreement. Proposals provide that the deed shall not be binding upon either the State or the assignee unless it is ratified by both Houses of Parliament by the 31st October, 1960.

Approval will mean only that Allen T. Chase and Esperance Plains (Australia) Pty. Ltd. will no longer be parties to the agreement, and the assignee will accept full legal responsibility for carrying out the terms and conditions of the renegotiated agreement.

I strongly commend the Bill to members and point out, in conclusion, that if it is not agreed to, the provisions of the original agreement will continue.

It is quite likely, of course, that some honourable member on the opposite side of the House may ask for an adjournment of this Bill for more than the usual time. I will have no objection whatsoever to an adjournment, but I would ask the person concerned—and it could be Mr. Wise—to please bear in mind that we have to ratify the agreement within a certain period; but there is still plenty of time. I hope this has not been too boring, but it has been necessary to relate the whole of the history concerning the Bill.

On motion by The Hon. F. J. S. Wise, debate adjourned till Tuesday, the 18th October.

Sitting suspended from 6.7 to 7.30 p.m.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

Assembly's Message

Message from the Assembly notifying that it had disagreed to the amendments made by the Council now considered.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 to which the Assembly disagreed is as follows:—

No. 1.

Clause 1, page 1, line 7—Delete the word "High."

The CHAIRMAN (The Hon. W. R. Hall): The Assembly's reasons for disagreeing to this, and to the other six amendments, are—

> The amendments made by the Legislative Council extend the provisions of the Bill to primary schools, whereas the Bill as introduced and passed by this House related only to high schools.
>
> The Governor, by Message, recommended to the Legislative Assembly the appropriation to establish a Country High School Hostels Authority. Section thirteen of the Bill provides, the Treasurer shall pay the instalments of principal and interest in respect of moneys borrowed by the Authority. The intention of the Bill is for high school hostels.
>
> To extend the provisions of the Bill to include primary schools must of necessity add to the proposed charge or burden on the people. Under the Constitution Act Amendment Act, 1899, section 46 (3), this is beyond the power of the Council, and the amendments are therefore unconstitutional.
>
> In addition, the authority set up by the Bill should, in present circumstances be confined to action in regard to high schools, which is the most pressing problem.

The Hon. A. F. GRIFFITH: I think the reasons put forward by the Legislative Assembly are valid. When the Bill was before this Chamber I felt I should have, in accordance with section 46 (3) of the Constitution Acts Amendment Act, taken

the point that, it was unconstitutional for the Legislative Council to amend a Bill which levied a charge upon the Crown; but because of the manner in which the debate developed, I would not take that point. Now, having had the amendments referred back from the Legislative Assembly, I think it is necessary for us to have regard for the points that the Legislative Assembly has put forward.

The Bill, as introduced by the Minister for Education in another place, is for the purpose of being—

> An Act to provide for the establishment of a Country High School Hostels Authority and for incidental and other purposes.

As the Legislative Assembly correctly points out, clause 13 empowers the Treasurer to pay instalments of principal and interest. The clause raises a charge upon the Crown. Section 46 (3) of the Constitution Acts Amendment Act provides that the Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people. If we insist upon this amendment, I suggest we will be creating a position whereby the Treasurer could be called upon to provide moneys for the establishment of hostels other than for the original purposes of the Bill.

I would like the Committee to take this into consideration: The Bill is a step in the right direction; and members here have agreed with that. I am not making any great claim on behalf of the Government that the step is such a great one that we should do nothing to alter it; but to my mind the amendments are outside the scope of the Bill, and they will put the Government in the position that it may have to provide funds for the establishment of hostels for purposes other than the original purposes of the Bill.

I venture to suggest that if this Chamber insists upon these amendments a committee of managers might be necessary to settle the whole question. I would not like to see us run the risk of having the Bill, with all its good intentions, lost.

I have already given in some detail the reason for the introduction of the Bill; and I have described the powers it will give to the authority. I believe that by our amendments we have asked the Legislative Assembly, and Parliament, to go beyond what the Government intended. In all the circumstances I think it would be unwise for us to insist upon the amendments. I would like to move that we do not insist upon our amendments.

The CHAIRMAN (The Hon. W. R. Hall): Are you moving with respect to amendment No. 1?

The Hon. A. F. GRIFFITH: Yes—well, they are all consequential.

The CHAIRMAN (The Hon. W. R. Hall): We had better take them individually.

The Hon. A. F. GRIFFITH: I move—

> That amendment No. 1 be not insisted on.

The Hon. H. C. STRICKLAND: I would agree with the Minister if the amendments did, in fact, do what the Legislative Assembly claims. If our amendments were unconstitutional because of section 46 (3) of the Constitution Acts Amendment Act, I could agree with the Minister, but our amendments do not infringe that Act. Subsection (3), which the Legislative Assembly cites as the foundation of its objection provides—

> The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

That needs to be read very slowly and carefully—"any proposed charge or burden."

The Hon. A. F. Griffith: Why do you emphasise the word "proposed"?

The Hon. H. C. STRICKLAND: Because there is a proposed charge in the Bill.

The Hon. A. F. Griffith: That is all I want to know.

The Hon. H. C. STRICKLAND: I claim our amendments do not propose to increase the charge; and I shall endeavour to show why. Clause 12 of the Bill provides that the authority shall have power to borrow money to the extent of £100,000 in any one year upon the guarantee of the Treasurer of the State. If the authority borrowed elsewhere, and the Treasury did not underwrite the loan, the Treasury would not be responsible for any interest in excess of the interest on £100,000.

Our amendments will not increase the amount of £100,000; they will not interfere with that amount or with the interest in any shape or form. The amendments that we put into the Bill simply seek to enlarge the field in which the authority can distribute or spend the amount of £100,000; they have not increased any proposed charge or burden on the people. The Council's amendment simply seeks to provide that the authority shall have power to recommend to the Minister that hostels be established and brought under its administration provided the Minister has declared them to be within the scope of the legislation.

I regret, Mr. Chairman, that I have to refer to other amendments, apart from this one, to argue the reasons. Amendment No. 4 seeks to include an interpretation of a primary school. Before any expenditure can be made in regard to any primary school, the Minister, firstly, has to declare the primary school in the same way as he does with a high school or a junior high school.

The question is very simple: The Bill provides for a limited expenditure of £100,000. The Treasurer is responsible to find that amount, and the interest payable on it. The Council's amendments simply mean that the authority, with the Minister's declared approval, will be able to expend that money over a wider field than was intended by the original Bill. I trust, therefore, that the Committee will not agree to the Minister's motion, but will insist on its amendments.

The Hon. A. F. GRIFFITH: I believe Mr. Strickland has won my argument for me because, whilst he was speaking, I asked him, "Why do you emphasise the word 'proposed'?" He is not correct when he says that the expenditure is based on the raising of a limited sum of £100,000, because the Bill states that £100,000 is the limit which the Treasurer can guarantee in any one year. If the honourable member's argument applied to the activities in any one year, it might have some basis, but the expenditure on the authority's activities is not limited to any one year. At least, I hope it is not under the terms of the Bill.

As I said when introducing the Bill, it is proposed to finance four or five hostels; but I hope that will not be the limit, but that the number will increase from year to year. Therefore, that argument must break down.

The Hon. H. C. Strickland: I said "in any one year."

The Hon. A. F. GRIFFITH: I understood the honourable member to say that there was a limitation of £100,000.

The Hon. H. C. Strickland: Yes; in any one year.

The Hon. A. F. GRIFFITH: I do not think the honourable member said that, but if he did, it adds further weight to my argument. The classification of schools is made by the Director of Education in accordance with existing regulations. The relevant regulations appear in division 2, of the classification, and are numbered 162 to 166; and there is no question that under the existing regulations primary schools are excluded from participation in the benefits imposed under the Bill. Regulation 163 reads as follows:—

> (1) The classification of a school shall be reviewed once every two years and the school may be raised to a higher, or reduced to a lower, class upon the figures for the year if the director is satisfied that the alteration is likely to be permanent.
>
> (2) An alteration of classification of a school may be made at any time other than that referred to in subregulation (1) of this regulation if the Director considers that special circumstances render the alteration necessary or advisable.

I think that has been done in the case of Hall's Creek. I think Mr. Strickland told us that during the debate on the second reading of the Bill. Regulation 165 (1) reads as follows:—

> (1) A Class I or Class II primary school which has an average attendance of over 25 pupils in the first, second and third years of secondary courses may be declared a junior high school if the Director thinks fit.

It may be heartening to those who sought to amend this Bill to know that the classification of schools is made under regulation. It accordingly follows that at some later date the present or some future Minister for Education, on the advice of the Director, may decide to alter the basis of school classification. Any alteration which would more easily facilitate a primary school being classified as a junior high school, could enable such school to be automatically brought under the provisions of this Bill by being classed as a junior high school in the "special circumstances" provided in regulation 163 (2).

That is what is in the Bill, because it states that a high school can be classified as a junior high school when the Minister so directs. So I do not think there is any question that the council's amendments will mean an added charge on the Crown; because, instead of a charge of £100,000 in any one year being directed to and limited to a high school, the honourable member's amendments will not limit the expenditure to those schools, but will direct the money to be spent in respect to other classifications of schools.

In making a start with this type of legislation it is not the object of the Government that that should be so, no matter how well intentioned the honourable member's move may appear to be. For the reasons I have advanced, I hope the Committee does not insist on the amendments.

The Hon. H. C. STRICKLAND: I think the Minister is attempting to lead us off the trail by reading the regulations, because they have nothing to do with this Bill.

The Hon. A. F. Griffith: Yes; they have.

The Hon. H. C. STRICKLAND: This Bill seeks to set up an authority to provide hostels and not to classify schools. The Minister read out the definition of a high school from the Bill; and he cannot declare a junior high school to be a high school. That is the prerogative of the Director of Education. That is the point that those regulations cover.

The Hon. A. F. Griffith: He does that under the regulations.

The Hon. H. C. STRICKLAND: The Bill contains the words, "For the purpose of this Act." That is, for the purpose of providing accommodation for school children. It has nothing to do with the

status of high schools or junior high schools. The Council's amendments gave the Minister exactly the same right or discretion in relation to all classes of schools. The definition that we inserted by amendment is exactly the same as the definition which includes a junior high school. The Minister can declare a primary school for the purposes of this Act; that is, he can declare the pupils of that school to be worthy of accommodation in some form or other.

The amendments will not increase the expenditure; they will simply permit the authority, with the approval of the Minister, to spread the limited expenditure, in any one year, over a wider field.

The Hon. A. F. GRIFFITH: Like my colleague, the Minister for Local Government, I was born in the town of Geraldton. When I went to the Geraldton School it was small in size and in number of pupils. However, after a period of years it became a high school because, in accordance with the regulations of the Education Act, it was declared to be a high school. The Bill that was introduced to this Chamber defines a high school. If the Act had never allowed the Minister to declare the Geraldton school to be a high school it would not have come within the scope of this legislation. However, because it has been so declared it will come within the provisions of this Bill; but the honourable member's amendments seek to include primary schools also.

I contend that is outside the intention of the scope of the Bill when it was first introduced to this Chamber. Apart from the fact that the amendments are unconstitutional—which I should have mentioned earlier—I ask the Committee not to insist on its amendments for the reasons I have advanced.

The Hon. A. L. LOTON: I am of the opinion that the Council, by its amendments, is not increasing the financial burden on the Crown. The Treasury is guaranteeing the expenditure of £100,000 for the establishment of school hostels. The amendments made by the Council stipulate that the money shall be spent in a different way, but the amendments will not interfere or increase the original amount to be expended. Clause 7 of the Bill gives the authority power to sell buildings; and it would be possible, during the course of its business undertakings, for the authority to make money for the Government. Therefore, the amendments would not be imposing a further charge on the Crown.

By adopting sound business practices, it could purchase a block of land and sell it, then purchase another and sell that, and ultimately build up sufficient capital to provide more than one hostel in a district. By doing that it would not be increasing the burden on the Crown. I therefore consider that the amendment should be insisted on.

The Hon. F. J. S. WISE: When the Bill was presented to this Chamber, the proposal was to establish an authority to provide hostels for country high schools and junior high schools, to enable children residing in outlying centres to be given hostel accommodation.

In reviewing the provisions of the Bill, members thought it wise and necessary to give discretion to the Minister, and through him to the Treasurer, to approve within the limit of the funds provided the inclusion of other districts—not privileged to have high schools—in the scheme. Outlying country areas, remote mining districts, and pastoral centres where the children find difficulty in attending primary schools should be covered, at the discretion of the Minister, in accordance with the provisions of the Bill.

The amendments proposed by the Council will enable under-privileged children to have an opportunity of enjoying educational facilities which are available to children in the more populous centres.

The argument that the amendments impose a further burden on the Crown is nonsensical. The amendments do not affect the Constitution Act in any way, because the requisite amount of £100,000 is already provided for; and that sum cannot be exceeded except at the discretion of the Minister. I suggest that the amendments be insisted on.

The Hon. G. C. MacKINNON: Whether or not the amendments of the Council are *ultra vires* the Constitution Act is a side issue. Most of the debate has revolved on the question whether the amendments are in order or not. I am inclined to believe that they are in order, but that does not alter my view that we should not insist on them. I say that for this reason: An authority to conduct high school hostels is being established, and experienced people are available to run them. Let us establish the authority for country high school hostels first before the scheme is extended.

Members have expressed their sympathy with the amendments moved by Mr. Strickland, but many of us express doubts as to their reasonableness. We should endeavour to leave the proposed authority as it is, without extending the scheme. At present organisations such as the C.W.A., various church bodies, and women's organisations are available to run these country high school hostels. They will go a long way towards overcoming a serious problem in some country districts by conducting these hostels for high school children.

In my view the last reason given by the Assembly for disagreeing with our amendments is valid, but I am inclined to agree that the other reasons are not.

The Hon. L. A. LOGAN: I am of the opinion that the Assembly's reasons for disagreeing with our amendments are valid. Under the proposal in the Bill the maximum amount is limited to £100,000 in any one year. If in any one year the maximum amount spent was £50,000, and as a result of our amendments the authority was given the right to spend the balance of £50,000 on the provision of hostels for primary and junior high school children, that would be an added burden on the Crown.

If we go outside the scope of the Bill and increase the cost to the community, it becomes an added burden. The Bill refers only to country high schools; and the maximum amount permitted to be spent in one year is £100,000.

The Hon. F. R. H. LAVERY: The Minister cannot expect me to believe that £100,000 is the maximum amount that can be spent by this authority for all time. Surely that is not the amount intended to be spent over a period of years; it is the maximum which can be spent in any one year.

The Hon. E. M. HEENAN: The arguments advanced by the two Ministers in this Chamber would have carried more weight if they had been based on the contention that the Bill was intended to cover country high school hostels. No-one disputes that that was the intention.

Members who have contended that schools, other than high schools, should be covered by the proposed authority were on solid ground in advancing their point of view. Those are the two sides of the issue involved. The contention that the amendments are *ultra vires* the Constitution Act has been amply disproved by Mr. Wise, Mr. Strickland, and Mr. MacKinnon. No-one can contend that if the proposed authority is empowered to spend £100,000 a year on the provision of country high school hostels, that amount can be exceeded if the authority is permitted to cater also for primary school children. It is beyond me to know how primary school children can be covered within £100,000. If primary school children are to be included, then instead of £100,000 being spent on providing five or six country high school hostels, it will be used to establish two or three such hostels in addition to a number of primary school hostels. The point is whether it is reasonable to include within the scheme primary schools in remote and under-privileged areas.

I appreciate the Government's desire to concentrate on the provision of country high school hostels firstly, but that does not prevent me from agreeing with Mr. Strickland that now is the time to make the proposed authority more embracing by including schools other than high schools. I therefore fully agree with Mr. Strickland's proposition.

The Hon. R. F. HUTCHISON: I have not entered into this debate before, but I am supporting Mr. Strickland. I believe that the use of the word "remote" should bring forth some action on the part of Government members. We hear a lot of talk about the advancement of the far-flung areas of the State but, if we do not expand the education facilities for these areas, I do not know how we can expect them to advance. After all, the children in the remote areas are under a special handicap. Apart from the Ministers who went to school in Geraldton, I went there also. I was not only resident there, but I also lived in the Upper Murchison. I lived there long before the railway was constructed, and long before the introduction of the airways.

The parents in the outback have a tremendous task in the education of their children; and education of the children should be encouraged above all things. We hear so much talk of millions of pounds when hotels are being considered, but there are always problems raised on the matters of education and health. If we had men in the Government who—

The CHAIRMAN (The Hon. W. R. Hall): Order! I must ask the honourable member to relate her remarks to the amendment.

The Hon. R. F. HUTCHISON: I am referring to the amendment. If we had the right men in the Government, they would be stretching every effort to give more opportunity to those children to have a good education. I am in full support of the amendments.

The Hon. A. R. JONES: The point at issue as I see it is to defend the rights of the Legislative Council.

The Hon. H. C. Strickland: That is right.

The Hon. A. R. JONES: We chose to make amendments to a Bill after full consideration of the facts.

The Hon. R. F. Hutchison: You mean some members did.

The Hon. A. R. JONES: The Council did. Another place does not agree to our amendments; and we are now asked not to insist on them. The reason given is that if they are agreed to, an added cost will be placed upon the Crown; but that is not so. I feel we should insist on our rights because we have made a decision and we should stand by it.

The Hon. A. F. GRIFFITH: I only want to say that the rights and privileges of this Chamber are not in question. If Mr. Jones inferred that from what I said, then I apologise. It is perfectly within this Chamber's right to take this action now. However, another place is just as entitled to disagree with what we say. We have to decide among ourselves whether we wish to insist upon our amendments.

I submitted the argument, and asked members to accept it, that the Government set out to introduce a Bill pertaining to assistance for country high school hostels.

I stated that, because by these amendments we are going beyond the intended scope of the Bill; and I have asked that we do not insist upon doing that.

Question put and a division called for.

The CHAIRMAN (The Hon. W. R. Hall): Before tellers are appointed, I give my vote with the noes.

Division taken with the following result:—

Ayes—14.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray *(Teller.)*

Noes—15.

Hon. G. Bennetts	Hon. A. L. Loton
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery *(Teller.)*
Hon. A. R. Jones	

Majority against—1.

Question thus negatived; the Council's amendment insisted upon.

The CHAIRMAN (The Hon. W. R. Hall): Amendments Nos. 2 to 7 to which the Assembly disagreed are as follows:—

No. 2.

Clause 3, page 2, line 3—Delete the word "High."

No. 3.

Clause 3, page 2, line 17—Insert after the word "school" the words "or in a primary school."

No. 4.

Clause 3, page 2—Add after the interpretation "Minister" the following interpretation:—

"primary school" means a Government school established or maintained as a primary school under the Education Act, 1928, situated in a remote country area of the State and which the Minister declares to be a primary school for the purposes of this Act.

No. 5.

Clause 4, page 2, line 25—Delete the word "High."

No. 6.

Clause 7, page 6, line 5—Add after the word "schools" the words "or in primary schools."

No. 7.

Title—Delete the word "High."

The Hon. A. F. GRIFFITH: I move—

That the amendments be not insisted on.

Question put and negatived; the Council's amendments insisted on.

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

NORTHERN DEVELOPMENTS (ORD RIVER) PTY. LTD. AGREEMENT BILL

Second Reading

Debate resumed from the 29th September.

THE HON. H. C. STRICKLAND (North) [8.29]: I thank the Minister for having allowed me to adjourn the debate on this Bill after he introduced it in order to grant me sufficient time to give it serious consideration.

The Hon. A. F. Griffith: We are ever co-operative!

The Hon. H. C. STRICKLAND: After having read the Minister's speech, together with the Bill and the agreement, I propose to support the measure. I feel that to provide for development in East Kimberley is a step in the right direction.

There has been a research station, established by both the Commonwealth and State Governments, adjacent to Kununurra. It is situated on the very plains which, we hope, will eventually come under irrigation. That research station has had something like 15 years' experience in experimenting in various crops and pastures, and the results, I understand, are very favourable. Experiments may be successful on small plots, when unlimited capital and academic knowledge are available, but it is not always possible to achieve the same results when one tackles larger areas.

I consider that the Government has done the right thing by entering into an agreement with Northern Developments (Ord River) Pty. Ltd. to undertake the cropping of extensive areas in the vicinity of the Kimberley Research Station, and to tackle the economics of cereal growing in that area. Like everybody else, I hope that crops such as rice will be successfully grown. I understand rice is a marketable crop at any time, and can be produced successfully over large areas of ground.

I had the pleasure of sponsoring an agreement relating to the Camballin settlement on the Fitzroy River at Liveringa Station in 1947. Members will recall that I was in charge of the Government measure introduced at that time to ratify an agreement with the company in relation to 20,000 acres of land which was to be irrigated and put under rice cultivation.

The Hon. A. F. Griffith: What year was that?

The Hon. H. C. STRICKLAND: It was 1957. I think I said 1947. The company has had three years' experience at Camballin, and has been able to cultivate up to 650 acres of rice. However, it has not achieved 100 per cent. results; it is a matter of trial and error. The company established an experimental farm with small plots several years before. It then asked the Government to give it a larger

area of land, and it was found that when it moved from the small plots to the larger acreages difficulties arose.

The Hon. L. A. Logan: They found that at Humpty Doo also.

The Hon. H. C. STRICKLAND: That is general. Also, in my opinion the pests in the Kimberleys will only be controlled by closer settlement. There must be more holdings established and more people in the area before those pests can be dealt with properly. The only other way is the more extensive and expensive system of poisoning. The use of such a system would, of course, involve any Government in severe criticism from those who protect animals, birds, and so on. The brolga, or the native companion as it is commonly known, is one of the worst pests in the West Kimberleys. I have seen so many brolgas there at one time that I would not even hazard a guess as to the number of flocks.

The Hon. F. J. S. Wise: And they knock over a quarter of an acre of crop as they take off.

The Hon. H. C. STRICKLAND: They are water birds, and when they take off, as Mr. Wise just said, they flap down quite a track across a rice field.

The Hon. L. A. Logan: They are as bad as the emu.

The Hon. H. C. STRICKLAND: They are the worst of the pests. The small wallaby kangaroo can be fenced off in the same way as rabbits and sheep can be dealt with. At Humpty Doo they have considerable trouble with the wild geese, or magpie geese as they are called. There are literally hundreds of thousands of them in that area.

I have never been out to Humpty Doo, but on one occasion I visited Darwin and I was asked to have a look at some of the sights. We went out to the racecourse, and I saw thousands of wild geese standing under the tote in the shade. Whether they were waiting for the next race meeting I do not know, but there were many hundreds of them standing in the shade. There was a drought in that area at the time, and because the waterholes were dry, they were driven into these other places. So one can imagine how these birds must flock on to the irrigated pastures during the drought periods.

Getting back to the agreement, it is a totally different type from the one which was ratified by Parliament in 1957 in relation to the Liveringa project. Under that project the company was acting wholly and solely on its own behalf; but in this instance the company is acting principally on behalf of the Government, but it will have an option to secure the land after a certain period and after having carried out certain conditions. I approve of that, and I do not think any member in this Chamber will question the terms of the agreement.

I was in the area only last week, and while I could not get on to the actual site, I got to within about two miles of it. Owing to mechanical failure of the car, we could not get to the site itself. I did, however, fly over it at a very low height on two occasions when we landed at Ivanhoe Station. The site is just across the way—about four miles from the aerodrome. From my observations, and from conversations I had with various persons connected with the project, I know that a great advance has already been made by the Government in the erection of the townsite at Kununurra. The company, too, has done a lot of work; and its employees have already prepared for the first stage of the development of the land—200 acres. That area of land has already been ploughed, and levee banks and contours have been put in. So, although we have not ratified the agreement, the company has gone ahead and carried out its obligations to a very large extent. It is preparing the land for the planting of 200 acres of rice for the 1960-61 season. By doing this it will get the benefit of the rains which are due to commence up there at any time from the end of this month onwards.

I congratulate the company on getting off the mark so quickly; and I congratulate all those in the various Government departments who have assisted and made it possible for the machinery and the locations to be made available to the company so soon.

One might doubt the economics of the whole scheme, but I think the over-all or the long-term investment of moneys by the Commonwealth and State Governments in connection with the scheme will make it an economic proposition. The agreement does not bind the company down to the cultivation of crops only. Members will recall that by the agreement with relation to the Liveringa area, the company is bound down to the growing of crops; it cannot utilise land, which it is spelling, for the raising of beef or the grazing of stock of any sort. It must exist purely on the production of a cereal of some kind.

However, at Kununurra the company, under the agreement, can also enter the field of beef raising if it so desires. In my opinion that is a very good feature of the agreement because, as there are always hazards to be overcome when anybody enters into extensive cereal growing in a virgin area such as the Kimberleys, there may be periods when the company's activities should be diverted elsewhere to save much money and probably heavy losses.

This enterprise is to be established on the pastoral lease known as Ivanhoe Station; and the records of Ivanhoe Station, over a number of years up to 1954, show that the average turn-off of bullocks was 500 a year. The pastoral lease covers 750,000 acres, and the return

for the 1954 year averaged £25 a head. It is the nearest station to the meatworks at Wyndham; and the cattle have to be taken only some 60-odd miles from the homestead to the meatworks. However, although the property runs on both sides of the homestead it is better situated than is any other station in the Kimberleys in relation to the meat treatment works. An average of £25 a head for 500 bullocks shows a gross return of £12,500.

The Hon. L. A. Logan: It is not very much.

The Hon. H. C. STRICKLAND: The Minister says it is not very much. I worked it out to a gross return of 4d. an acre. That is over a very long period; and I am not quoting it in condemnation of the people who are running the property as a cattle station, because open range methods are used, and that type of country is not the best for cattle raising. However, taking the Kimberleys as a whole, it is about the average of all the properties there. I quoted that example to illustrate the tremendous amount of development which can be achieved in that country.

Tests on the Kimberley Research Station with Ivanhoe bullocks show that the same revenue can be obtained from 840 acres of irrigated land. So when 840 acres of irrigated ground produces as much as 750,000 acres of open range virgin country, then when ground is capable of being irrigated in the Kimberleys we can see there will be a tremendous stepping up in the production of beef.

The Hon. A. F. Griffith: The irrigation of 840 acres would be a very costly item.

The Hon. H. C. STRICKLAND: It could be. I am quoting those figures because they were contained in the report of the manager of the research station, and are available on the Government file. The manager simply quoted them to show the economic results of his trials.

The Hon. A. F. Griffith: It will be interesting to be able to relate the capital expenditure necessary to irrigate 840 acres with the figures of other returns you gave us a little while ago.

The Hon. H. C. STRICKLAND: The figures show that for the pastures that were grown on the Kimberley Research Station, about 4 ft. of water a year was needed; which is 48 in. of rain. The normal rains there are around the 40-in. mark.

Those tests were carried out over a period of years, and we can say they may be a little on the excessive side; but if we take into consideration the difference in the prices, and the weights, and so on, I think anybody handling small acreages up there will be able to control pests and produce that type of revenue.

This agreement is totally different from the Liveringa agreement, and the Government is committed directly to a much heavier financial obligation than was experienced at Liveringa; although this is higher than was at first envisaged. It is, however, a much better agreement, and it will prove or disprove whether success is possible with people who have the know-how to manage the show on a large scale. It will also prove the economics of crop growing, and of irrigated pastures in relation to beef production, which is most important.

There are many other areas in the Kimberleys which in time will no doubt be developed as irrigated areas. I know the Government was required to undertake a pilot farm on a large scale to convince the Commonwealth Government of the economics of expending something like £40,000,000 on the major Ord River dam. While the previous Government was in office, correspondence was carried on along similar lines between Canberra and Perth. I have no doubt that so far as some crops are concerned the scheme will be successful; and so far as the irrigated pasture for beef production is concerned, I think it will prove of extraordinary value at a time when our beef production certainly needs stepping up. The results achieved on the Kimberley Research Station show that an average production of 1½ tons of rice per acre, sold at £40 per ton would give a gross return of £60 per acre.

Sugar cane, of course, would grow very well; but it is not likely that sugar cane will be grown as a commercial crop in our time. Experiments with sugar cane show that the gross return per acre would be £140.

The Hon. L. A. Logan: That is better than Queensland.

The Hon. H. C. STRICKLAND: That is perfectly true; but because Queensland is utilising only 60 per cent. of its potential sugar country, and because it has its mills and railways and bulk-handling wharves installed, it is unlikely that sugar cane will be grown on a commercial scale in the Kimberleys for many years, if at all.

I think the company will achieve the results desired of it by the Government. I am sure the people in the area—particularly those at Wyndham—are pleased to see that this scheme is on the move and is to be a going concern. I am sure everybody in Western Australia is pleased to see that the Ord River diversion dam will be a going concern, and will continue to be so.

If success follows these experiments and this development, no doubt the Commonwealth Government will find money for a larger dam. I was indeed very pleased myself to have a close look at the position, because as a member of the previous Government I know we had entered upon negotiations for the Ord River scheme. I do not know which Government introduced it initially, but successive Governments have pounded the Commonwealth

over many years with appeals for sufficient finance to enable us to commence development of the Kimberleys with a view to obtaining more beef from that area, and to help place more people in the industry.

It is certainly a pleasure to support something which will foster that particular effort. I feel that other speakers will be able to tell us of many other areas which could be developed along similar lines. I could talk for hours about such areas, but my colleagues will no doubt want to say something about the districts they represent. So I will close my remarks by supporting the measure.

THE HON. F. J. S. WISE (North) [8.54]: During the last 40 years, particularly, there have been spasmodic rather than continuous efforts to establish agriculture in some form in the North-West of this State—in an area which, although in the tropics, is vastly different from the part of Australia where tropical agriculture is successfully practised. The difference is due mainly to geographic and climatic circumstances; and, more particularly, because almost all of the area involved is in the dry-wet tropics. Such areas, in which there is a distinct dry season and a distinct wet season, obtain throughout the world.

Wherever these areas obtain in a world sense, and where irrigation has been resorted to in an endeavour to promote agriculture, great difficulties have always had to be faced. A scheme put forward by Sir James Connolly of this State about 40 years ago to promote, under English company direction, the development of a vast area of the Kimberleys was propounded at the time he was Agent-General for this State. Nothing came of that idea or that scheme. Through the years many ideas have been advanced as to the best means of introducing, successfully, some agricultural pursuits in that region. There will be members of this Chamber who will recall the Steinberg proposals for a Jewish settlement in there.

The Hon. L. A. Logan: That was about 30 years ago.

The Hon. F. J. S. WISE: That happened at the beginning of the last world war—in the year 1939 as a matter of fact. It was taking shape very well, and the second world war broke out and interfered completely with the proposal. As Minister for Lands at the time I had a lot to do with the preparation of the documents on behalf of the Government. I had a lot to do with Steinberg and his ideas for a Jewish settlement at the very point where the Ord River proposals are now being developed, and taking in the stations belonging to the Durack family, namely, Ivanhoe, Argyle, Newry and Auvergne, the last two being in the Northern Territory.

Those ideas were of course rather grandiose in that not only was the intention to establish a rural settlement as such but also to engage in manufacture in that tropical area. It was intended to develop their beef production to 40,000 or 50,000 head through Wyndham. I think the best year in Wydnham was 39,000 head of beef production. That was the best year in its history. The intention was to tan the hides and manufacture leather goods in that region.

The Hon. L. A. Logan: They would have succeeded too, I think.

The Hon. F. J. S. WISE: One of the great difficulties, however, would have been to keep the Jewish people on the land in such a remote area. I emphasise the fact that they were Jewish people, because they are not agrarian in their outlook, and they are not the type of people normally associated with that sort of work. Once they became Australians, I would say the cities would have had more attraction for them.

The Hon. A. F. Griffith: There is a part of the world where that theory has been disproved.

The Hon. F. J. S. WISE: In their own land. Of course necessity is the mother of many things; and that was one of them.

Without the introduction of any ego at all, I think it is generally known that I was associated with certain trials with crops of many kinds as long ago as 1923 and 1924 in the region under discussion.

When cotton was growing successfully at a station then known as Nulla Nulla on the Forrest River, from which in 1924 six bales of high quality cotton were despatched to Perth—cotton with a ¾-inch staple—upland cotton grown without irrigation; it was subject to all the insects and pests that that country is prone to. There are many native cottons in that region; and all cotton plants are faced with the pests of the region. That is one of the worries in regard to the economic production of cotton there.

The Kimberley Research Station, as has been mentioned by Mr. Strickland, has done a very great work in the development of crops suited to the region, not necessarily developed on an economic basis, but as an attempt to show whether they may be grown under the conditions obtaining, whether economical or not.

The Ord River as a proposition for damming and for using the water on all of the irrigable land within reach of the river is an engineer's dream. The gorge is a most simple place in that regard, and it will impound in one day during summer rainfall, ten times the water that Canning Dam will hold. So that the potential storage is immense; and the ability to construct the dam is, as I say, an engineer's dream. The plan to construct the diversion dam, of course, is ancillary to the

major scheme and is important in its development as it will endeavour, in a lesser way, to show in a practical manner how the many ideas both in cropping and in pasturage may be developed.

I feel quite sure through the years that very high yields per acre can be expected and obtained from cotton; and that there is a likelihood of cotton being grown under irrigation in that area under rigid pest control. Higher yields will be experienced than are obtained from Lubbock in the highlands of Texas where 800 lb. per acre is a very high yield. It goes back to the ability to control the pests economically and cheaply.

Of course, as is generally known, the defoliating of the cotton plant to permit the harvesting machinery to move into the plants is not possible until a certain period after maturity of the fibre. In cotton alone there is an enormous prospect, but it will be necessary to control, economically and efficiently, the pests to which cotton in such areas must be expected to be subjected.

Mention has been made of sugar cane. Of course, the highest yields in sugar under irrigation have been in Queensland —in the irrigation areas of Childers or Home Hill, near Ayr. The highest yields, of course, are in the higher rainfall areas lying between Innisfail and Mosman. There is no doubt that all types of cane could be grown in the Ord River area if it were possible to overcome the strictures which exist within the laws of this Commonwealth to produce cane there, quite apart from anything else and quite apart from the world position in production. There is no doubt that sugar will be able to be grown commercially.

I agree with Mr. Strickland's views that if it is practicable to put 50 lb. to 150 lb. on every beast now marketed through the Wyndham Meat Works per annum, by migrating the cattle to the coast within 50 miles of their destination, as is done in Argentina, and by slaughtering them a year later, there is no doubt in my mind of the ultimate profit from this venture. Not only will the carrying capacity of that particular area be increased and enhanced, but the carrying capacity of the breeding areas will be tremendously increased by the out-turn taking place more easily, and so much more regularly, and at an earlier age.

The Hon. L. A. Logan: At least 12 months in time.

The Hon. F. J. S. WISE: I would hope with all Western Australians—with all Australians—that whatever this venture may cost Australia, it is one of those things that wherever there is latent wealth in this Commonwealth and wherever the resources of Australia may be, they will be taxed to develop it. The States of New South Wales and Victoria should not complain at all, if a venture of this kind does add substantially to the population potential or actual population of our empty spaces of the North. It is not an easy place to live in. I know. I had almost a breakdown in health, as members know, after five summers continuously in Darwin, which has a similar climate but an easier one than Wyndham. Wyndham has the highest mean temperature recorded. It is amongst the top five places of the world with a mean temperature of 90 degrees.

So the difficulties to be faced by those who elect to go, as settlers to that region will be imagined. Therefore, they must be given every consideration once this initial step makes possible the second major step. Every consideration must be given to these people, especially the womenfolk who are prepared to go and live there.

There are three important points I would raise; and I am no stranger to that country. I think we are facing something in connection with which the world has much experience. We are dealing with a region where torrential rains fall at times, usually following dry periods. The watershed of the river traverses a seriously eroded area for a long distance and during the periods of torrential rain this liquid mud flows down the Ord and the problem of siltation is one which will give the engineers very great worry, especially when the permanent and main dams are constructed within the gorges themselves.

I would humbly suggest this to the Government through the Minister: That one of our young engineers who is likely to be in charge of the project as it develops—not the constructional engineers who have the worry of the moment in the construction sense—should visit two or three countries of the world where rivers flow from torrential rainfall areas carrying heavy silt; and where dams impede their progress and permit of siltation which, when the rivers flow more slowly, causes very great problems. We can pinpoint the areas which a couple of our very young engineers could visit. They could go to such places to see the engineering developments in those regions and observe the means of combating difficulties in an engineering sense.

At the other end of the scale, in an agricultural sense, I think it should be arranged that the agriculturists—those versed in tropical crops under irrigation—should have a look at what is being done in the highlands of Texas, particularly, and also in arid countries like the Salt Lakes areas of Arizona where the rainfall is down to 2 in. and yet where crops are successfully grown; so that when the time comes and we have passed the pilot stage period, we will have the men well versed in technique and procedure to assist this scheme to become as great a success as it is humanly possible for it to be.

The problem of siltation is one that should not be treated lightly at any stage. During the summer months, the Cambridge Gulf, quite apart from tidal waters, is affected by floodwaters from the King, the Ord, the Durack, and the Forrest Rivers. According to some of the skippers of overseas ships, that is the only water in the world they know of that has cracks in it—the water is so thick; so muddy. That presents a very serious problem, but it is one that has not been insurmountable in other parts of the world. However, it cannot be lightly disregarded.

I did not think I would have the very great privilege of seeing a scheme to impound the Ord brought to a conclusion in my lifetime; and I certainly did not think I would be privileged to be in the legislature which gave ratification to any agreement associated with it. I can only wish for the Government the success which it anticipates for the State—the great results which, for the Kimberley area in particular, would act as an impetus to closer settlement.

The Hon. G. Bennetts: You are like me with Esperance.

On motion by The Hon. W. F. Willesee, debate adjourned.

LOCAL GOVERNMENT BILL

In Committee

Resumed from the 11th October. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clause 198—Bridges, jetties, etc. (partly considered):

The Hon. L. A. LOGAN: I understand that opposition to the clause will be overcome provided I agree to a proviso; and I agreed last night to add a proviso to the clause. I move an amendment—

> Page 178, line 5—Add after the word "council" the following proviso:—
>
> > Provided that nothing in this section shall empower a council to prohibit the continuance of brickmaking which is being carried on at the commencement of this Act, unless the person carrying on such brickmaking is paid reasonable compensation in such amount as the council and such person agree upon, or failing agreement in such amount as is awarded by a single assessor in case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 199 to 200 put and passed.

Clause 201—Chimneys, chimney sweeps and furnaces:

The Hon. R. C. MATTISKE: I move an amendment—

> Page 179, lines 8 to 16—Delete paragraph (c).

This paragraph deals with the power of a local authority to make by-laws regulating the construction, use, and management of furnaces and chimneys so as to prevent as far as possible the emission of smoke, dust, grit, and cinders; and prescribing and requiring the carrying out of such structural alterations of furnaces and chimneys as are necessary to prevent as far as possible the emission of smoke, dust, grit, and cinders.

We have had considerable difficulty in this regard in various parts of the State during recent years. Mr. Bennetts told us last night of the situation in Kalgoorlie, where certain residences suffer considerably from coal dust. We have had trouble in the metropolitan area from dust coming from the cement works at Rivervale. We have also had considerable trouble from the Kwinana Oil Refinery. And as the State becomes more highly industrialised, we are going to get considerably more trouble. This matter has been a problem in all parts of the world. It has caused considerable illness, and quite a number of deaths. I feel, therefore, that the problem is one which should be tackled on a far broader scale than by local authorities. I feel the problem warrants the setting up, at a fairly early date, of a special statutory authority which would have the financial and technical backing to enable it to be faced in a proper manner.

I feel it is a problem that requires uniform action throughout the whole of the State, wherever a nuisance exists. As Mr. Bennetts stated, Kalgoorlie has encountered certain problems, and if the local authority had power to deal with the matter, action could have been taken. But with the establishment of a separate authority such as I envisage, it would be possible for the local authority there, or any other interested party, to make a complaint to that authority with a view to having remedial action taken.

I feel very strongly about this matter, and I have discussed it at length with different manufacturers and others who have chimneys likely to cause trouble. These people have expressed the opinion, in no uncertain manner, that technical knowledge of a very high standard is required in order to deal with the various forms of problems which may arise. By forms of problems I mean smoke, dust, fumes, and so on.

Certain pollution of the atmosphere may not be visible, and other matter may not be noticed for other reasons. But there is, and there will be, considerable pollution of our atmosphere; and I feel that the

problem should be dealt with on a broad scale, and that this paragraph should not be included.

The Hon. E. M. DAVIES: I rise to oppose the deletion of this subclause. I am rather surprised to hear the reason given by Mr. Mattiske. He warns the House of what is taking place as a result of industry becoming established. I think we are fully aware that in certain countries the air is becoming so impure that it has been necessary to prohibit the burning of garbage in incinerators in private backyards. We therefore realise the great importance of keeping the air that we breathe as pure as possible.

Paragraph (c) of clause 201 only provides for the construction, use and management of furnaces and chimneys so as to prevent, as far as possible, the emission of smoke, dust, grit and cinders; and prescribing and requiring the carrying out of such structural alterations of furnaces and chimneys as are necessary to prevent, as far as possible, the emission of smoke, dust, grit, and cinders. I do not see anything wrong in this. From time to time certain industries are established, and local authorities have, to my knowledge, always been co-operative with the managements of those concerns. However, there have been times when it has been necessary to speak plainly and to tell those concerned that if they did not do something to abate the nuisance, action would have to be taken. It is remarkable that very often those people who said nothing could be done have found ways and means of abating the nuisance, or reducing it to a very great extent. I think it would be a retrograde step to delete this particular subclause.

The Hon. G. BENNETTS: Concerning Mr. Davies's remarks that it would be dangerous to delete this subclause, at times I wonder whether it would not be better to have a separate committee to deal with this problem. Local government authorities are at times embarrassed to have to take certain action in their own districts; and members of road boards often have friends connected with the different concerns and do not like going against them. As a result, the ordinary ratepayer in the district may suffer.

Regarding the nuisance on the goldfields, we recently had an incident at Kalgoorlie concerning the Eclipe Gold Mine. This company has a chimney stack of a height of 60 ft. or 100 ft. At a later date I intend to show this House, by means of a projector, what occurred in connection with this company. Trouble had existed over five years about the fumes which poured out from this particular chimney stack, and different organisations on the goldfields protested. It was a big job for the mining company to tackle but it did, at the end, extend its chimney stack to either 60 ft. or 100 ft. One of the persons directly affected was, I think, Mr. Cunningham. I think he received his full share of the fumes. I think the mining company has done a good job by raising the height of its chimney stack. The fumes are now dispersed in a better manner, but they are still noticeable to a certain extent.

However, coal dust remains. We have had that problem for about 8 or 9 years, and it has been very bad. As I commented the other night, there is danger to the health of the public. The road boards and the council have done their best; but I feel that an independent authority, if formed, would take everything into consideration; and if it found that a particular company causing this nuisance would have to go out of existence by complying with the regulations, the authority could give reasonable consideration to the company's difficulties and perhaps obtain the assistance of the Government. Road boards do not like doing this; but an independent body set up by the Government would be able to do something in this connection.

The Hon. E. M. Davies: It is not a question of an independent committee; it is the question of the deletion of paragraph (c) from this Bill.

The Hon. G. BENNETTS: I would like to hear other members speak on this matter. Since we have got nowhere with the problem to date, and we are not likely to, I don't know what is going to happen.

The Hon. L. A. LOGAN: I point out that the wording which Mr. Mattiske wishes to omit has been in the Municipal Corporations Act since 1906, in section 180 (15). Another reference to this matter may also be found in section 315; and it has been in the Road Districts Act since 1919. If the people of Kalgoorlie have no by-laws to cover the problem of fumes from chimney stacks, then it is purely the fault of the Kalgoorlie Municipal Council, or the Kalgoorlie Road Board, because they have the power to introduce measures to combat it.

The Hon. G. Bennetts: They have done their best.

The Hon. L. A. LOGAN: They have had the opportunity, but have not faced up to their obligation, apparently.

Regarding the setting up of a statutory body as mentioned by Mr. Mattiske, I have given an undertaking that I will examine the position as soon as possible and see whether I can set up a technical committee to deal with these particular aspects, particularly in the metropolitan area; but with wider ramifications. Until I have had an opportunity to inquire into this matter, I ask the House to confine itself to the by-law-making powers in the Act. I will examine the matter and will, as soon as possible, obtain some information on the advisability of establishing such an authority, and the value of

such an authority. In the meantime, I would ask the House to retain the paragraph in the Bill.

The Hon. G. BENNETTS: Now that the Minister has said he will look into this matter, I shall wait until next year. If by then nothing has been done, we can endeavour to do something.

The Hon. H. K. WATSON: I think there is a lot of commonsense in what Mr. Mattiske has said; and there is not a little commonsense in what Mr. Bennetts said when he first spoke. Difficulties are experienced when a local authority has to deal with concerns, the managers of which might be members of the local authority. We have the classic case of the cement works in the metropolitan area. This works was established at Rivervale when Rivervale was in the never-never. People, with their eyes open, went to live in the shadow of the cement works. We cannot expect an industry, that has spent hundreds of thousands of pounds, to go out of business. We say we must stop industries from creating a nuisance as a result of smoke, and so on; but that is easier said than done. The cement works has spent many thousands of pounds in trying to prevent smoke and dust from being emitted from its chimneys, or to purify the smoke and dust. This question is a highly technical one. On a local authority it would be extremely difficult to find anyone who knew anything about the subject.

It is all very well for the Minister to say that if there is trouble at Kalgoorlie, it is because the local authority has not passed by-laws. I was as unimpressed by that argument as I was by the Minister's other argument that the provision had been in the legislation since 1900, or whenever it was, and should therefore continue. Only last night the Minister himself moved to delete from the Bill a provision which had applied since the beginning of the legislation.

The Hon. L. A. Logan: What did I take out last night?

The Hon. H. K. WATSON: This is an industrial problem that needs studying. A local authority is no more competent to publish by-laws on this subject than would be the Cancer Clinic at Nedlands. There is a lot to be said for Mr. Mattiske's argument that we require a highly skilled and competent authority to deal with the matter.

The Hon. L. A. LOGAN: One would almost think that local authorities have no sense of responsibility; that they do not take technical advice or ask for it when promulgating by-laws. But that is just what they do. They do not simply say, "We will issue a by-law to control smoke and dust." They seek advice; and with technical advice plus the application of it, we get a pretty fair balance. I have admitted there is some merit in Mr. Mattiske's suggestion; and I have said that I will endeavour to find out whether I can set up some sort of an authority to deal with this matter.

It is my intention, when dealing with another clause, to give further proof of what I am trying to do in regard to something that has been baffling the community for a long while.

The Hon. J. M. A. CUNNINGHAM: We on the Goldfields have a textbook case of a nuisance as a result of chimney stacks. There are unusual circumstances surrounding one case because the offending company—its capital is mainly English money—produces power which it sells to the Kalgoorlie Road Board which, in turn, distributes the power to the ratepayers. The offensive smoke emitted from the company's two chimneys does not offend the Kalgoorlie Road Board residents, but those of the Boulder Muncipality, because the power house is on the boundary of the two local authorities. Unfortunately the Boulder Municipality could do practically nothing when complaints were made.

To show how a responsible board views these things, I point out that the Kalgoorlie Road Board did everything in its power to get the company to do something to overcome the nuisance which came not only from the smokestacks but also from the coal dumps. The board finally found it had power to do something, and it went to the trouble of getting English experts to look into the matter. But it was found that in the heart of London this problem exists; and it just cannot be solved. The company finally decided to change its boilers, and it built brick chimney stacks, but the trouble has not been eliminated.

I am grateful to the Minister for offering to see that the responsibility in this matter should not rest entirely on the local government authorities. I support the Minister and suggest that we allow the clause to remain as it stands. It is not oppressive.

The Hon. R. C. MATTISKE: Under the clause, by-laws can be made requiring such structural alterations as are necessary to be made to furnaces and chimneys. Many furnaces are extremely costly; and they are highly technical because they are designed to produce a certain result. If certain smoke, dust, or fumes are emitted from a furnace, it is because the engineers could not overcome such emission. But we must face the fact that furnaces are highly complicated pieces of equipment; and highly skilled men are needed to counter any problems that arise with them.

The clause does not cover fumes, etc. Take the fertiliser works at Bassendean. Terrific fumes are sent out from those works, and they have a terrific effect on the properties and, no doubt, on the health of the people in the vicinity. But the local authority would have no power under

this clause to take action, because those fumes do not come within the meaning of smoke, dust, grit, or cinders.

Let us look at the effect of the Kwinana Oil Refinery. The fumes are noticeable at Safety Bay when the wind is in that direction.

The Hon. H. K. Watson: They are noticeable at Nedlands.

The Hon. R. C. MATTISKE: That is so. When some treatment processes are being carried out at Robb Jetty, certain smells emanate from there and cover a wide area. None of these cases would come under this clause.

The Hon. E. M. Davies: They would come under the Health Act.

The Hon. R. C. MATTISKE: The Minister said that a similar provision had been in the Municipal Corporations Act for the past 50 years; but, as I said at the outset, during that period we have not had such problems. With greater industrialisation in the metropolitan area, those problems are increasing daily. I thank the Minister for what he has said, but I think if there were no provision in the Bill there would have to be some other legislation introduced urgently to deal not only with the nuisance of smoke, dust, and cinders, but also with smells and so forth. Therefore, I hope the Committee will not agree to this clause.

The Hon. G. E. JEFFERY: Until this statutory body, about which we have heard so much, comes into existence, we should confine our remarks to what exists today. I think the clause is most desirable. Between the railway stations of Bayswater and Bassendean, there are two foundries, two superphosphate factories, and other industrial concerns. It is all very well for members to say that those factories were established when there were not many people residing there. That is quite true, but, at the same time, the production of those companies has increased with the increase in population, and the volume of fumes and smoke has also increased.

Years ago, too, sulphur was used in those factories for the manufacture of superphosphate and the fumes emanating from the burning of sulphur had a much more pleasant effect than the fumes which are now emitted from the burning of pyrites which is used today for the manufacture of superphosphate. I know that thousands of pounds have been spent on the treatment of fumes before they are discharged into the atmosphere. I also know that there is a great deal of goodwill between the companies concerned and the local authorities, and much effort has been expended to overcome the problem.

However, only today, in company with Mrs. Hutchison and an honourable member from another place I attended a poultry farm where a furnace is used to burn all the rubbish that accumulates in that establishment. This is done with the object of beating the fly menace, but with the erasing of one difficulty another has been created because the fumes that are emitted from this furnace are not very pleasant. Therefore, until this statutory body, to which reference has been made, comes into being we should have this provision in the Bill.

I would also point out that over many years thousands of pounds have been spent to counteract the fumes that emanate from the cement factory at Rivervale; but, with the increase in production over the years owing to the large demand for cement, that nuisance has been intensified, but it would be even greater if it had not been for the efforts of local authorities to keep it down to a minimum. Technical advice has been made available to both parties in the argument over fumes, and both sides have learnt something from their efforts in an endeavour to arrive at an arrangement that would be fair to both parties.

I hope that when the statutory body is created it will have teeth in order to tackle the problem adequately; but until it does come into existence we should have this provision in the legislation.

Amendment put and negatived.

Clause put and passed.

Clauses 202 to 211 put and passed.

Clause 212—Firewood sawmills and depots, etc.:

The Hon. R. C. MATTISKE: I move an amendment—

> Page 184, lines 1 and 2—Delete the words "prohibiting and".

I also have another amendment to this clause; and, if I am permitted, I will speak on both at the one time. The power given to a local authority, under this clause, to prohibit timber mills or timber yards, or to control the establishment of them, is too far-reaching. Throughout the State at present we have timber mills placed in certain positions because they have to be adjacent to the forests from which they draw their supplies. The operating companies which have expended so much capital should be given protection.

I have discussed this question with the representatives of sawmillers and they do not deny that there should be some authority granted to local governing bodies to regulate the conduct of existing establishments; but they should not be given power to prohibit any existing timber mill, or to prevent the establishment of any new mill. From time to time, as the forests get cut over, it is necessary for a mill to shift its location; and, for that reason, it is essential that it should have freedom of movement which is so important in that industry. I hope the Committee will agree to the amendment.

The Hon. L. A. LOGAN: Once again, I cannot agree to the amendment. Surely local authorities such as the Subiaco Council, Nedlands Council, Peppermint Grove Road Board, all of which have control over closely settled areas, should have power to prohibit the establishment of these industries within their midst. This provision has been in local government legislation for a long time and I have never heard any complaints of a local authority abusing its powers by doing something that was beneficial to the people of the district. Therefore, I can see no reason why the provision in the Bill should not remain as it is.

As a compromise, I am quite prepared to accept an amendment to add a proviso after the clause in the same way as was done with the clause dealing with brickworks. In those circumstances, the establishment concerned would at least be eligible for the payment of compensation.

The Hon. R. C. MATTISKE: In view of the assurance given by the Minister, I ask leave to withdraw my amendment in order to move another in accordance with the Minister's wishes.

Amendment, by leave, withdrawn.

The Hon. R. C. MATTISKE: I move an amendment—

> Page 184, line 8—Add after the word "yards" the following proviso:—
>
> > Provided that nothing in this section shall empower a council to prohibit the continuance of sawmilling which is being carried on at the commencement of this Act, unless the person carrying on such sawmilling is paid reasonable compensation in such amount as the council and such person agree upon, or failing agreement in such amount as is awarded by a single assessor in case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

The Hon. G. C. MacKINNON: The provisions in this clause apply to sawmills throughout the State. Within the timber industry a sawmill means one established in centres like Jarrahdale and Jardee. The set-up of Whittaker Bros. in the city would be regarded as a timber yard. I do not know whether under the Bill it is to be regarded as a sawmill.

I consider that sawmills should be erected where the timber is readily available. In the early days when the timber was close by, sawmills were established around the city. When the nearby timber was cut out, it was decided to bring the forest timber to the existing mills around the city, rather than to move the mills to where the timber was readily available. This was done so that the employees who had built homes in the city would not have to shift their homes.

Timber yards are in a different category to sawmills, but they should still be protected.

Sitting suspended from 10.2 to 10.25 p.m.

The Hon. G. C. MacKINNON: I think I have covered most of the points I desired to raise. It is important in a town of any size to have timber yards for storage purposes. This is particularly necessary in the metropolitan area because of its rapid expansion. I suggest that the Minister might agree to limit the proviso to other than junk yards.

The Hon. L. A. LOGAN: To overcome the problem which Mr. Mattiske has raised, it might be better if he moved the following:—

> Provided that nothing in this section shall empower a council to prohibit the continuance of the above enterprises with the exception of junk yards which are being carried on at the commencement of this Act, unless the person or persons carrying on such enterprises is paid reasonable compensation in such amount as the council and such person or persons agree upon, or failing agreement in such amount as is awarded by a single assessor in case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

If the honourable member would withdraw his amendment and move the one I have suggested, I would be prepared to accept it.

The Hon. R. C. MATTISKE: I would be quite happy to do that, although at the same time I feel that this power is already given under the Town Planning Act. Do not the by-laws under that Act cover junk yards?

The Hon. L. A. Logan: No; a different type.

The Hon. R. C. MATTISKE: Very well. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Hon. R. C. MATTISKE: I move an amendment—

> Page 184, line 8—Add after the word "yards" the following proviso:—
>
> > Provided that nothing in this section shall empower a council to prohibit the continuance of the above enterprises with the exception of junk yards which are being carried on at the commencement of this Act, unless the person, or persons, carrying on such enterprises is paid reasonable compensation in such amount as the council and such person, or persons, agree upon, or failing agreement in such amount as is awarded by a single assessor in

case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

The Hon. E. M. DAVIES: This proviso applies to firewood sawmills, firewood depots, timber mills, and timber yards; and the only one left out is junk yards. Is that so?

The Hon. L. A. Logan: Yes.

The Hon. E. M. DAVIES: I am not prepared to support the amendment because in my opinion the local authorities will have no control whatever over some of the firewood depots in operation prior to the coming into operation of this measure. At present they are controlled, and, if they create a nuisance, action can be taken against them. If the proviso is to apply to firewood depots and suchlike I must oppose it.

The Hon. L. A. LOGAN: I point out that this proviso does not take away the by-law making power of the authority; and the authority can still control these people. If the authority finds that a sawmill, a depot, a timber mill or a yard should be prohibited from continuing to operate, this proviso will ensure that the company which is to go out of existence will have the right to claim compensation.

The Hon. E. M. Davies: That means that the firm could commit a nuisance and could say, "You cannot do anything. We want compensation."

The Hon. L. A. LOGAN: The authority can make regulations prohibiting such people, and it can control them by that means.

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

Ayes—13.

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. A. R. Jones
Hon. G. C. MacKinnon	*(Teller.)*

Noes—15.

Hon. N. E. Baxter	Hon. J. D. Teahan
Hon. G. Bennetts	Hon. R. Thompson
Hon. E. M. Davies	Hon. S. T. J. Thompson
Hon. J. J. Garrigan	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
Hon. H. C. Strickland	*(Teller.)*

Majority against—2.

Amendment thus negatived.

The Hon. H. K. WATSON: I shall divide the Committee on this clause, but before doing so I would like to hear from Mr. Thomson and Mr. Baxter why they feel that a local authority should have the power to close down a sawmill without paying compensation. That to me seems to offend the first principles of British justice.

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

Ayes—18.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. R. Thompson
Hon. E. M. Heenan	Hon. S. T. J. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. J. Garrigan
	(Teller.)

Noes—10.

Hon. J. Cunningham	Hon. J. Murray
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. C. R. Abbey
	(Teller.)

Majority for—8.

Clause thus passed.

Clauses 213 to 216 put and passed.

Clause 217—Hawkers:

The Hon. L. A. LOGAN: I move an amendment—

Page 186, line 19—Delete the word "retailers" and substitute the words "the medium of a shop."

The Parliamentary Draftsman, when drafting the measure, thought it would tidy up the wording if the word "retailer" were used instead of the word "shop." However, that has created a problem because that word does not have the meaning which we intended it to have. So we have decided to go back to the original wording.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 218 to 234 put and passed.

Clause 235—Quarrying and excavating:

The Hon. R. C. MATTISKE: I move an amendment—

Page 200, lines 9 to 24—Delete paragraph (c) and substitute the following:—

(c) The license once issued shall be a continuing one.

I hope the Committee will not agree to the inclusion of this paragraph. It provides that a license to excavate will be issued conditionally upon the person receiving a license paying it in such sum to the local authority as it may determine at the time of the issuing of the license in order to provide sufficient funds for the restoration of the ground at the end of the period of digging. I think this provision would be quite impracticable in actual operation.

When a license to excavate is issued, no-one knows how long the quarry or the pit will produce suitable material for its original purpose. An instance occurred just recently when a well-known manufacturing firm in Perth opened up a quarry, and to the best of its knowledge and belief that quarry was to supply certain material for a reasonably long period. But

after the firm started operating the quarry it found a certain salt content in it, which rendered the raw material useless for production purposes. At the initial stage it may have been possible for that license to be issued on payment of a certain amount for restoration, or on payment of a certain figure per ton; but in any case the guess—and it could only have been a guess—would have been hopelessly out because practically nothing was taken from the pit.

On the other hand, there may be occasions where, in the middle of a fairly large area, permission is given to quarry; and it might at the outset be expected that the permission would last for a short time because of the limited amount of material available. When the pit is developed, however, it may provide material for many years. It is difficult to estimate what it will cost to restore that land, or what method might be used to do so. Soil may have to be carted from other areas; while, on the other hand, it may be sufficient to use heavy earthmoving equipment to taper the sides of the pit and render it suitable for some other purpose such as rubbish disposal. A fibrous plaster factory which opened in an area a few years ago was looking around for a pit nearby in which it could dispose of its waste material.

At present royalties are paid for the extraction of certain materials. We have various minerals covered in the Mining Act, among which is clay suitable for brick manufacture. It is so important as to necessitate its coming within the scope of that legislation. A royalty of 6d. per yard is paid on all clay extracted for brick manufacture. If a further royalty is to be charged, it will put up the price of the raw material, and ultimately the price of the bricks to the consumer. It would be preferable to delete the clause so that it will not be obligatory for a person carrying out quarrying to pay into a fund of this nature. Some other steps could be taken to consider the whole question of these pits with a view to making them serve a useful function.

The purpose I had in mind in moving to substitute this paragraph was to ensure that a license once issued would be a continuing one. At present local authorities issue a license to excavate on a year-to-year basis. For all practical purposes that it useless to the operator concerned. If a local authority permits a person to open up a quarry or pit that person should be given an assurance that he can continue his operation until all the material originally intended to be moved from that quarry has been removed.

Assuming I were to be interested in the removal of metal for road construction and that I eventually came to an agreement with the local authority and it permitted me to quarry in a certain area to remove a certain quantity of stone, crush it, and take it away, I would have to instal costly equipment and do certain preparatory work; and if at the end of 12 months the local authority changed its mind, it would put me to terrific loss.

The Committee should not confuse this matter with the question of the danger of holes being left in the ground after an excavator has gone. My amendment merely seeks to ensure security of tenure to an operator, and I hope the Committee will agree to it.

The Hon. R. THOMPSON: The provision in the Bill is a good one. Irrespective of what Mr. Mattiske has said, we have seen many areas over the years that have been excavated and have remained as eyesores and a danger to the community. This is particularly so with land which could be used for housing purposes—some of it quite valuable land. I think the honourable member was trying to confuse the issue somewhat, when he referred to blue metal for roadmaking. Actually he was speaking about clay deposits, and the inference to be drawn was that he referred to clay only.

Point of Order

The Hon. R. C. MATTISKE: On a point of order, Mr. Chairman, I would say that I was speaking generally to this clause, which covers the excavation of those materials mentioned on page 199, namely stone, gravel, sand, etc. I was not dealing with clay only, and I had no single purpose or ulterior motive in mind.

Committee Resumed

The Hon. R. THOMPSON: I apologise to Mr. Mattiske if I misunderstood him. I understood him, when speaking last night, to refer to clay deposits. But we must still try to prevent the many eyesores that we see on some very valuable land. Many thousands of acres have been ruined for the want of some such provision as this in the Act. I oppose the amendment.

The Hon. L. A. LOGAN: The provision in the Bill is not onerous. It merely asks that the operator pay into a fund to ensure that after his operations he leaves the area in a reasonable state. Unfortunately this has not been the case in the past; and there is no use beating about the bush. Had this provision been on the statute book earlier, this fair city of ours would have looked much better than it does today. This deals particularly with clay. I have asked the Mines Department and the Department of Industrial Development for an up-to-date survey of the clay deposits in the metropolitan region, and when I receive that survey, pinpointing the clay areas, it is my intention to call a conference of the Mines Department, Department of Industrial Development, local authorities, brickmakers, and other interested parties to decide the future of clay

deposits. We must look after the clay deposits in the metropolitan area. They are not over-plentiful.

The Hon. H. C. Strickland: You can go to the country.

The Hon. L. A. LOGAN: Every mile further we go means an added cost. I believe the desired result could be achieved with a little co-operation and commonsense.

We can go back a few years to the disagreement between Mr. New and the members of the Swan Road Board. Fortunately that feeling of disagreement has disappeared and they are co-operating quite well. I mention that to show there is a spirit in the community which realises the value of having something definite laid down so that everybody will know where they are going.

In regard to leaving the area in a reasonable state, my interpretation is that if a company or an individual excavates from a clay pit they should leave it in fair and reasonable order. They should taper the sides, put up a fence for safety and plant a ti-tree hedge around it to cover the disfigurement. I am sure local authorities would be satisfied with that.

The Hon. H. C. Strickland: It would cost very little.

The Hon. L. A. LOGAN: That is right. A committee is set up at the moment to follow up all clay holes in existence. I believe more local authorities would have made use of this committee if it were not for the dump-and-fill method which has been adopted in many areas such as Lake Claremont. I believe the Perth City Council has been using the site where the new C.B.C. college is going to be located as it realises the advantages of the dump-and-fill method. Only for this it would probably be using the clay pits.

I cannot see that it is going to put an onus on anybody. It is an insurance to the local authority that the operator will play the game. In regard to the annual license, annual licenses are taken out for many things. A person may buy a motorcar for £2,500. He will have to have an annual license; and he is not going to worry about being able to renew his license at the end of 12 months. He could be convicted for drunken driving and would then not be able to use his £2,500 motorcar. Most licenses are on an annual basis. A by-law was passed through this House quite recently on behalf of the Perth Road Board dealing with this same thing. Nobody objected to it. I ask the Committee to leave the clause as printed.

The Hon. R. C. MATTISKE: I would like to reply to a couple of points made by the Minister. The first concerns the rehabilitation of the land at the end of its usefulness. The Minister said that in his opinion it would be sufficient if the sides were tapered and ti-trees were planted around.

However, a local authority may have different views. If it is left to a local authority to make by-laws, it can make whatever by-laws it likes. I contend it is no good waiting until the end of the time and having all sorts of arguments between the operator and the local authority. When the license is initially issued, that is the time when the condition should be applied.

If I want to open up a quarry, sand pit, clay pit, or anything at all, and I go to a local authority and say I have a certain project in view and I want permission to operate in its district, it would then have power to say, "We will issue a license conditionally upon your doing certain things after you have extracted the material you require." If necessary, it could make me put up a bond to cover the cost of restoration. If I failed to do the work at the end of the period, the local authority could confiscate my bond and do the work at my expense.

I do not think the Minister's argument regarding the annual licensing of a motor car is in any way comparable. In 999 cases out of 1,000 a motorcar license would be renewed; but the chance could be considerably less in the case of a local authority granting a license year by year for the removal of gravel or whatever it might be. When the license was originally issued there may have been a local authority composed of persons who were very keen to see that industry established in the area to provide employment for different people in their town; but after the passage of time the local authority may be composed of totally different people with totally different views.

The Hon. H. C. Strickland: Something like coal now.

The Hon. R. C. MATTISKE: That is right. That local authority could simply refuse to issue a license; and it would be acting within its legal rights. As I said, this differs from a man with a motorcar in that the operator has to install considerable machinery for the winning of the particular material he is seeking. He is also providing employment for a certain number of persons. Therefore, we must not overlook the fact that he must be able to plan ahead and not work on a hand-to-mouth basis from year to year. For that reason I maintain it is essential that the license shall, once issued, be a continuing one.

I had hoped to deal with this in two sections: Firstly, with the question of the money for the restoration of the land; and, secondly, with the question of the license being a continuing one. I hope the Committee will appreciate the points I am trying to make because it is extremely important.

As I said at the outset on the question of money, it is impossible to assess what amount may be necessary to be alloted by

Australian Blue Metals for the rehabilitation of the quarries it is operating in the Gosnells area. Who can tell what money may be necessary to rehabilitate some of the clay holes that are being dug at the present time in the Swan area, the Orange Grove area, or other districts? They may have a considerable value at the end of their time.

If this section is removed, a condition of the license could be that an operator must restore the land at the end of the time to the satisfaction of the local authority; and he must put up a bond to ensure that the work will be done. I think that is fair and reasonable, and I hope the Committee will agree to the amendments I have suggested.

The Hon. N. E. BAXTER: I would like to see this particular section taken out, and I would like the Minister to have another look at it. When speaking during the Committee stage the Minister said it would be acceptable if the quarry or whatever it might be was left in a reasonable state. The paragraph uses the words, "restoration and reinstatement." Those words, to my knowledge of the English language mean "replacement as it was before."

The Hon. E. M. Davies: Not necessarily.

The Hon. N. E. BAXTER: If the honourable member looks at a dictionary he will find that the words mean "replacement" as it was before.

The Hon. W. F. Willesee: Take away from one hole and put it in another.

The Hon. N. E. BAXTER: Yes; and replace it as it was before. That would be impossible in the case at Gosnells quoted by Mr. Mattiske. The Minister should have this provision redrafted so that a license when it is issued will be in accordance with the agreement between the local authority and the person doing the excavating. To expect people to replace something entirely as it was before, as this paragraph states, is impossible.

The Hon. R. F. HUTCHISON: I do not agree that this provision should be taken out of the Bill. We have to take something on trust. This provision is necessary. People are very worried about excavations in the Midland Junction area, which is in my province. These excavations are in a dangerous state; and of all the provisions in the Bill I think this is a very necessary one. We should have a provision in the Bill so that restoration can take place. As far as I understand it, there is no power now to make anybody do anything. We know there are clay holes in Midland; we know that they may be deep; and we know how they can be left. One is right next to the hospital. It is used by a brick-making firm; and as it is worked it will become more dangerous. I know that these legal provisions can be read two ways; but they must be left to the commonsense of people.

The Hon. E. M. DAVIES: I think it would be as well if the Committee decided to retain this paragraph. The word "extractive" does not apply only to clay. There are many other kinds of material extracted. I would point out that local authorities are not the big bad wolves some people apparently think they are. Regulations for quarrying have been introduced and the usual thing is for a deposit to be lodged by the operator so that there can be reinstatement in accordance with levels that are given by the engineer of the local authority.

A hill at Beaconsfield in the local authority with which I am concerned, is being removed at present by one of the cement companies. All the company is asked to do is to quarry to the level given by the engineer. There is also some quarrying going on in the golf links for the purpose of taking away a hill. All the company is required to do is to replace some spoil and maintain the contour of the land it is quarrying.

Over a period of years regulations have been in force. These were brought about because certain people have quarried as much of the material as they could, and then left the place without rehabilitating the land in any way. I feel this provision is a means of seeing that land used for quarrying purposes will be rehabilitated in some way. All that the companies would be required to do would be to comply with an agreement to excavate to a certain level and replace the spoil.

I feel there is no question of the big bad wolf coming out of the forests at all. Generally speaking, I think that local authorities have, over the years, played a most important part in the semi-Government of this State. I hope the Committee will retain this clause.

The Hon. H. K. WATSON: I am a little confused on the matter. I can understand Mr. Mattiske's proposal to delete paragraph (c) from subclause (3); but I cannot understand the supplementary proposal to put in additional words to the effect that the license, once issued, shall be a continuing one. That, to me, seems to be an entirely separate question to be dealt with in some other section. The subclause commences by saying that the council may so make by-laws (a), (b) and (c). If the honourable member wants to make the license a continuing one, paragraph (c) is not the appropriate place in which to do this.

I would suggest that the Committee confine itself at the moment to considering whether paragraph (c) should be deleted. As Mr. Baxter pointed out, a quarry is not necessarily a hole in the ground. I remember one famous occasion, during an arbitration hearing, when the President of

the Arbitration Court asked the union advocate what was an open cut. He received the reply, "It's an 'ole in the side of an 'ill, Your Honour." A quarry can be a hole in the side of a hill; it doesn't have to go down into the ground. The provision presupposes a fixed sum at the commencement; and a man may be committed for a particular sum which, in the light of subsequent events, turns out to be neither necessary nor justified. I think the Minister might postpone consideration of this clause and give it a little more thought.

The Hon. F. R. H. LAVERY: I am in favour of the retention of subclause (c). Concerning the proposal that the license, once issued, shall be a continuing one, at least one road board in my electorate—the Canning Road Board—spent many hours with a group of people who were quarrying sand for the purpose of making bricks. These people were making bricks at a time when bricks were very important in this State. As housing development extended to the area at the back of Bentley, it became necessary for the Canning Road Board to see that the quarrying was stopped. Where does the road board stand under this proposal?

Returning again to the original subclause (c), the countryside around the Fremantle-Spearwood area is completely riddled with quarries. One quarry is only 25 ft. approximately, from the main road. A man was recently killed at that quarry. Since then no person has been near it. At present, there is a piece of the quarry weighing about 30 or 40 tons ready to fall. If it falls on a child, who is going to be responsible? I think it is most necessary that even under our new town planning scheme, whereby we are trying to make this city and this region something to be proud of, control measures should be increased.

The Hon. E. M. HEENAN: This matter has been well debated, and I will not delay the House much longer. However, I would like to point out that it is not mandatory for councils to make these by-laws. I continually hear laudatory remarks about the good work being done by road boards and councils. I know from observation, that in the area I represent they consist of reasonable and sensible men. As Mr. Davies has pointed out, it would be quite inconsistent for those on local governing bodies to be unreasonable in these matters. However, I think it is wise to allow councils to make by-laws in deserving cases.

This provision is similar to clauses in mortgages and agreements which look drastic on first appearance, but are only included to deal with people who are inclined not to do the right thing. I have the utmost confidence in the reasonableness of our local governing bodies and their desire to do the right thing. I think we would be most unwise to delete the subclause.

The Hon. L. A. LOGAN: I move—

That further consideration of the clause be postponed.

The CHAIRMAN (The Hon. W. R. Hall): Is it Mr. Mattiske's desire to withdraw his amendment for the time being?

The Hon. R. C. MATTISKE: Yes.

Amendment, by leave, withdrawn.

Motion put and passed; the clause postponed.

Clauses 236 to 240 put and passed.

Clause 241—Shoe blacks:

The Hon. R. C. MATTISKE: I move an amendment—

Page 202, lines 29 to 31—Delete paragraph (b).

Paragraph (b) deals with the power of a local authority to prescribe the maximum charges which shoe blacks may impose for their services. I feel it is not the function of a local authority to act as a price-fixing control authority, and I therefore move that the paragraph be deleted.

The Hon. L. A. LOGAN: I do not think it matters very much whether or not the paragraph remains in the Bill. I will therefore leave the matter for the Committee to decide.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 242 to 244 put and passed.

Progress reported, and leave granted to sit again.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow

Question put and passed.

House adjourned at 11.32 p.m.

Legislative Assembly

Wednesday, the 12th October, 1960

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