Legislative Council

Wednesday, 13th October, 1954.

CONTENTS.

The PRESIDENT took the Chair at 7.30 p.m., and read prayers.

QUESTIONS.

WATER SUPPLIES.

As to Hazelmere District Reticulation Scheme.

Hon. A. F. GRIFFITH asked the Chief Secretary:

(1) What stage of development has the water reticulation scheme for the Hazelmere district reached?

(2) Will the Government endeavour to ensure that the scheme is completed by Christmas, 1954?

The CHIEF SECRETARY replied:

The commencement of this work is awaiting finalisation by the Hazelmere residents of formalities in relation to revenue guarantees. This matter is being followed up in co-operation with the secretary of the progress association.

S.P. BETTING.

As to Convictions and Fines, City and Country.

Hon. L. A. LOGAN asked the Chief Secretary:

(1) Has he compared the report of the Commissioner of Police, tabled on the 29th September last, with that tabled in September, 1953, which show the following in connection with starting price betting—

	Metropolitan Area.	Country.
	Year ended June, 1953.	
Convictions	1,345	503
Amounts collected from fines	£26,900	£10,753
	Year ended June, 1954.	
Convictions	824	1,182
Amounts collected from fines	£16,480	£21,827

(2) As the commissioner has stated that there were just as many s.p. operators as previously, can the Minister give a reasonable explanation why the country people have been penalised to a greater extent than those of the metropolitan area, when those living in the metropolitan area have greater opportunities for attending race meetings?

(3) In view of the commissioner's remarks that the use of regulation 327 of the Traffic Act for the prosecution of this offence is unsatisfactory and as it is only making a farce of the law and holding it up to ridicule, will the Government give instructions that this type of prosecution must cease?

(4) What was the number of convictions with the relative fines for the following during the last financial year—

(a) Albany;
(b) Boulder;
(c) Bunbury;
(d) Collie;
(e) Geraldton;
(f) Northam;
(g) Carnarvon?

The CHIEF SECRETARY replied:

(1) Yes.

(2) The law with respect to starting price betting is administered impartially throughout the entire State, and no discrimination is shown in any manner whatsoever by the police in its administration.

(3) The problems associated with starting price betting operations are at present being considered by the Government.

(4) (a) Albany—58 convictions—£758 fines.
(b) Boulder—45 convictions—£1,057 fines.
(c) Bunbury — 125 convictions — £1,397 fines.
(d) Collie — 35 convictions — £54 fines.
(e) Geraldton — 274 convictions — £3,894 fines.
(f) Northam—93 convictions—£519 fines.
(g) Carnarvon—9 convictions—£134 fines.

This goes to show that the citizens in some parts of the State are more law-abiding.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Introduced by the Chief Secretary and read a first time.

BILL—LOCAL COURTS ACT AMENDMENT.

Read a third time and *passed*.

BILL—RADIOACTIVE SUBSTANCES.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [7.40] in moving the second reading said: This Bill has been brought down as a result of a request from the Commonwealth Government that legislation, based on a model Act supplied by the Commonwealth, be introduced in each State. The object of the Bill is to protect the public against the possibility of harmful effects from the use of radioactive substances. It must be appreciated that the radiation from x-ray apparatus and from radioactive substances, if improperly handled, may cause extensive destruction of human tissue and blood-forming organs, and could lead to severe, permanent disfigurement, a crippled condition, or even to death.

Apart from their use in the medical and dental professions, considerable use of x-rays is being made for fitting purposes in shoe stores, as well as in beauty parlours, and in industry generally. Unfortunately, they are not always being used with a full appreciation of their dangers and when this occurs they constitute a very serious hazard to their operators and to other persons in the vicinity. This has reached a climax, and a state of urgency, by the appearance on the market of cheap radioactive substances. In the past the source of these substances has been radium, the prohibitive price of which ensured that it could be held by only a few institutions of national importance. It was therefore under adequate control.

Recent developments in atomic energy have, however, made possible, as a by-product, the manufacture of a wide range of radioactive substances which are cheap and plentiful. They may be freely purchased from the United Kingdom and, at present, the control of their distribution and use in Australia is inadequately covered by legislation. The need for added and satisfactory control was discussed on several occasions by the National Health and Medical Research Council of Australia. At the session of the council held during May last, the council was advised that a draft radioactive substances Bill for introduction in the Commonwealth Parliament had been approved by the Federal Council of the British Medical Association and by the College of Radiologists (Australia and New Zealand).

The council recommended that as the Commonwealth could control only the importation of the substances, the States should be requested to introduce uniform legislation for intrastate use and distribution of the substances. As I have said the Bill is based on the model Act which was approved by the National Health and Medical Research Council. It proposes to control the use of irradiating apparatus, such as the x-ray type, and radioactive substances such as radium and radioactive isotopes wherein the radiations are of a type considered to be dangerous. This control will be operated by a system of licensing.

The Bill proposes the appointment, to advise and assist the Minister, of a radiological advisory council. This council would comprise the Commissioner of Public Health, a radiologist, an engineer of the Metropolitan Water Supply, Sewerage and Drainage Department, a physicist, physiologist or a bio-chemist and an x-ray engineer. Apart from the Commissioner of Public Health, the other members would be nominated by the Minister and would hold office for a term of three years. The council would have the power, subject to the Minister's approval, to appoint such advisory or technical committees thought to be necessary and to delegate powers and duties to the various committees.

When the Bill comes into operation, on a date which will be proclaimed, it will be an offence for an unlicensed person to be in possession of, or, to use, any irradiating apparatus. A licence will not be required by a medical practitioner or a dentist, or by a person acting in accordance with a medical man's or a dentist's directions, who possesses or uses an irradiating apparatus for the sole purpose of taking x-ray photographs. In regard to the use of irradiating apparatus for medical, surgical or dental treatment, only medical practitioners and dentists will be licensed. However, the apparatus can be used for such treatment by persons who are under the directions of a licensed medico or dentist.

Subject to such exemptions as may be prescribed, no person will be permitted to possess, sell or use any radioactive substance unless he is licensed to do so. Only medical practitioners or dentists licensed under the Act, or persons working under their supervision or instructions, will be permitted to treat persons with radioactive substances. A licensed medical practitioner will be authorised to sign medical certificates requiring the sale of any radioactive substance for the treatment of a patient. One consequence of the Bill would be the cessation of the use by beauty specialists of x-rays for the purpose of removing hair. However, if conditions warrant, licences can be issued for the x-ray photography of feet by shoe stores.

Any licence issued will contain conditions referring to the safe use of apparatus and substances. For the purpose of policing the legislation it will be necessary to appoint inspectors. The Bill seeks to give these persons the power to enter and inspect any factory, shop or warehouse, to take samples of any substance which they believe to be radioactive for examination and testing, and to examine and calibrate any irradiating apparatus. If an inspector cannot gain entry to any premises for the purposes of the Act, a warrant may be issued by a justice of the peace authorising him to enter any specified building.

Hon. J. G. Hislop: The Bill fails to specify the qualifications of the inspectors.

The CHIEF SECRETARY: I do not know about that.

Hon. J. G. Hislop: Can you give us any idea of what the qualifications of the inspectors will be?

The CHIEF SECRETARY: Not at this stage. If, during the debate, the hon. member raises the point, I will let him have the information when I reply. If an occupier refuses to allow entry and inspection or hinders an inspector in the execution of his duties, he would be liable to a fine not exceeding fifty pounds. Where no specific penalty is provided, a person who contravenes any of the provisions of the Act is guilty of an offence and can be fined £200.

The Bill provides for the making of regulations and sets out very fully the various purposes for which regulations may be required. I move—

That the Bill be now read a second time.

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

BILL—BUSH FIRES.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [7.48] in moving the second reading said: The Bill is intended to consolidate the Bush Fires Act of 1937, and to amend it in some respects. The original legislation was passed as far back as 1885, and it has been amended and consolidated from time to time. It is now considered by both the Rural Fires Prevention Committee and the Government that to facilitate administration and give an improved basis for the operation of fire prevention methods, some changes and modification to existing legislation are essential. The Bill repeals the 1937 Act, as amended, and, while containing major changes, retains many of the main provisions that were in that Act.

Following extensive uncontrolled fires in the South West areas, the Bush Fires Act, 1937, was introduced and passed. Previously that legislation was based on the early development of the State and mainly concerned the growing of crops. As a result, once the crops were harvested, considerable burning was permitted at the height of summer. Of course, there was little hazard to farming properties then, but huge fires regularly swept the forest areas with tragic results. The development of pastures meant that later crops were growing and the fire hazard to farms increased greatly.

During the same period, prior to 1937, local authorities were permitted to fix the prohibited burning times for their respective districts. This resulted in a multiplicity of dates and, in districts which were comparatively undeveloped, burning took place during the most hazardous part of the summer; the fires menacing adjacent districts which were more developed. The damage caused in State forests and in timbered country became tremendous, and many farmers suffered losses. The widely varying and unco-ordinated dates when burning was prohibited made it impossible to police or enforce the provisions of the Bush Fires Act with any degree of effectiveness.

The success of fire prevention measures is closely linked with climatic conditions, the stage of development of various parts of the State, the type of country and prevailing agricultural practice. All of these matters are variable with the results that any measures in fire prevention and control must be modified to meet changing conditions, and require to be as flexible as possible so that changes can readily be made to meet the needs of different parts of the State and the particular seasonal conditions existing.

The Rural Fires Prevention Advisory Committee was set up under the Act of 1937. The first major task of the committee was to determine prohibited burning times for the State from a State-wide point of view, rather than from purely local considerations. For this purpose the committee divided the State into zones, based on consideration of the rainfall, the stage of development and the type of country placed in each zone.

It is only to be expected that such decisions will be unpopular in some cases. However, where possible, the committee has met local desires, but where these would conflict with the safety of other districts, it has had to keep the protection of adjoining areas and the interests of the State as its major consideration. The Act of 1937 provided a legal basis for the organisation of volunteer bush fire brigades.

During the 17 years of its operation, a great deal has been accomplished both in the development of a general fire consciousness in the community and in the prevention and control measures available. A tremendous amount of valuable voluntary service has been rendered by officers and members of the bush fire brigades and by bush fire control officers. Fire-fighting equipment has gradually been built up by the efforts of local authorities, the brigades themselves and individual farmers.

There are at present approximately 500 bush fire brigades and nearly 1,000 bush fire control officers registered under the Act. Over the years, the responsibilities of bush fire control officers have steadily increased in an endeavour to gain the flexibility necessary to deal with weather conditions from day to day. Although they are the men on the spot, some of

the decisions which they have to make are difficult for honorary officers who are members of a local community.

The Bill changes the name of the Rural Fires Prevention Advisory Committee to the bush fires board. The existing title is rather cumbersome, and the new one is suggested as certain statutory powers are included in the Bill and, subject to the general direction of the Minister, administration of the measure is placed in its hands. Sitting fees have never been paid to members of the Rural Fires Prevention Advisory Committee. They have been entitled only to travelling and other expenses actually incurred by them in the exercise of their office. It is considered that these people should be paid a sitting fee, particularly as this is done in connection with other boards. The Bill makes provision for this but it will apply only to those members of the board who are not public servants.

The Bill provides for a committee of 10. At present the tenth person does not represent any particular organisation and, on the recommendation of the committee, it is proposed to alter this position by increasing the number of representatives nominated by the Road Board Association to five. The Bill provides for the composition of the board to be as follows:—

(a) The Under Secretary for Lands, who will be chairman of the board.

(b) Five persons nominated by the executive council of the Road Board Association of Western Australia.

(c) A person nominated by the Minister for Forests.

(d) A person nominated by the Minister for Agriculture.

(e) A person nominated by the Western Australian Goverment Railways Commission.

(f) A person nominated by the body known as the Fire Accident and Marine Underwriters Association.

Under the present Act the following four wards of the Road Board Association are represented:—

Great Northern;
Great Eastern;
Great Southern and
South West.

In addition to the above wards the association comprises the Goldfields, Metropolitan and Avon-Midlands. Of these three wards the first two are of no consequence so far as this Bill is concerned, but the latter comprises one of the largest areas subject to fire risk. For the success of this measure the co-operation of local authorities is absolutely necessary and in making provision for an additional nominee from the association it is intended that the important Avon-Midlands ward be represented.

The tenth member of the present committee is Mr. J. Watson, secretary of the Kings Park Board. Some years ago he gave the committee valuable assistance as organiser of "Fire Prevention Week" He also visited road boards and gave practical advice in fire suppression and control. Because of this, the committee recommended that its members be increased from nine to 10 in order to keep him acquainted with what was being done. This was the first and only departure from a representative committee. It is some years now since Mr. Watson organised "Fire Prevention Week," this work being done by the secretary of the committee.

As provision is made in the Bill for the appointment of full or part-time bush fire wardens, the services of this member in so far as country visits are concerned are no longer required and the reasons for his original appointment have disappeared. The present proposals have been unanimously recommended to the Minister by the committee, of which Mr. Watson is still a member, in order once again to have a board which will comprise interests directly concerned with the objects of the measure.

Provision is made in the measure for the Minister to appoint deputies in respect of each member of the board. The Bill sets out the powers of the board as follows:—

(a) It will report to the Minister the best means to be taken to prevent or extinguish bush fires.

(b) It will perform such duties as may be entrusted by the Minister.

(c) Subject to the Minister, it will be responsible for the administration of the Act.

(d) It will recommend to the Governor prohibitive burning times.

(e) Take any fire prevention measures it considers necessary.

(f) It will carry out research in connection with fire prevention and control.

(g) May conduct publicity campaigns for the purpose of improving fire prevention measures.

With the approval of the Minister, the board may in writing delegate these powers to the chairman, such members as it may nominate or to both chairman and members so nominated. This is necessary from an administrative point of view to enable day-to-day matters to be dealt with. The board will be able to lay down policy and those with the delegated powers can act on its behalf in accordance with that policy. There are quite a number of matters which require immediate and day-to-day decisions, and it is the existing practice on these questions to contact any member of

the committee who may be available before a recommendation is submitted to the Minister.

In addition to the powers mentioned, the board may recommend the appointment of persons it considers necessary to carry out the provisions of the Act. It may also conduct bush fire brigade demonstrations and competitions. Prizes and certificates will be given to winners, and the expenses of all competing brigades will be paid. It is intended that at first there shall be at least one field officer engaged full-time at least for part of the year, his function being to assist, encourage and support the local authorities and advise the latter and the brigade and fire control officers of their powers under the Act. He will be known as a bush fire warden and it is envisaged that in years to come the State will be divided into three or four sections, with an officer responsible for each. It is not intended that these officers should exercise control over the voluntary brigades, but the voluntary officers, who are genuinely endeavouring to carry out their duties, have to make many decisions which are unpopular in the community and they should be given some official backing and support.

The Bill sets out specific duties of a bush fire warden and, subject to direction from the board, he may—

(a) assist a local authority in his district in the formation organisation, training and equipment of bush fire brigades;

(b) inspect fire precaution measures throughout his district;

(c) investigate the cause and origin of bush fires occurring in his district and report on them to the board and the local authority;

(d) exercise the powers of a bush fire control officer;

(e) report particulars of offences against the Act to the board and to the local authority;

(f) employ or use the voluntary services of any person;

(g) take charge of any appliances which may be made available by the board;

(h) perform such duties as may be prescribed by regulation.

He is also given power to make use of the services of a bush fire control officer, who is subject to his direction and control.

It is proposed that the members of the board and its officers should have power which will enable them not only to assist in the enforcement of the Act, but will also give them some standing and authority. At present, members of the committee frequently see serious breaches of the Act, but they have no authority whatever even to inquire into such matters. Accordingly, the Bill provides that members of the board and its officers may enter land or buildings to inquire regarding fires which have occurred or which are burning and to examine fire prevention measures.

The clauses relating to "fire protected areas" are the same as in the present Act with the exception of the penalty which has been increased. At present the penalty is £50 whereas this Bill provides for a minimum of £10 and a maximum of £200 or imprisonment for three months. The Minister may declare a fire protected area on the recommendation of the board by notice published in the "Government Gazette." The notice will define the portion of the State which will come within the fire protected area. It is unlawful to light any fire in such an area without permission of the Minister or an officer acting with the authority of the Minister.

As in the present Act, provision is made for the declaration of prohibited burning times, and these times are published each year in the "Government Gazette." The Minister is enabled by the existing Act to suspend or postpone the commencement of the prohibited burning times on the application of certain authorities as follows:

(1) to land used for railway purposes;

(2) to land under the control of the Conservator of Forests;

(3) to land the subject of an application made by a local authority for the purpose of reducing or abating a fire hazard which cannot be dealt with in any way other than by burning.

This Bill makes a further addition as follows:—

to land specified by the Minister on which the Minister considers burning should be carried out.

This addition will enable the Minister to approve of burning for special purposes.

It often happens that in the development of war service properties there are sufficient men and plant available to make the burning perfectly safe under the control of local bush fire control officers, and in such cases, so long as the board is satisfied that burning can be safely carried out, the Minister will be able to suspend the operation of the prohibited burning period. At present the Minister has power to postpone the commencing date of a prohibited burning time but has no power to vary the concluding date. However, it frequently happens that heavy general rains render the continuance of a prohibited burning time unnecessary. The Bill therefore provides that on the recommendation of the board the Minister may terminate a prohibited burning period, up to 14 days earlier than the date which has been declared.

A clause has been included in the Bill to give a local authority power to vary the commencing date of a prohibited burning period. This date is not nearly

so important as the concluding date to fire prevention, as fire hazards are not so high early in the season. It is therefore proposed to allow a local authority to vary its opening date to the extent of making it operate 14 days earlier or 14 days later. This provision is intended to give some local flexibility to ensure that protective burning can be completed.

A local authority can only vary the concluding date by making it terminate up to 14 days later. In other words it may extend the prohibited burning time but not shorten it. The concluding date is frequently very close to periods of high fire hazard and it would not be safe to permit local authorities to conclude a prohibited burning period earlier than declared. As I have just pointed out, this power is vested in the Minister on the recommendation of the board as it is necessary to take into account the safety of adjacent road districts outside the boundary of any one local authority.

When a local authority does take advantage of its powers to alter prohibited burning dates, it must notify the board and must publish the information within its road district. This may be done through the local newspaper, radio, or by notices prominently displayed. The board may also specify in writing the manner in which this should be done.

A section of the Bill deals with "restricted burning times." This term is covered in the definitions and covers the period from the 1st October in any year to the following 31st May. Burning during these months can only be carried out in accordance with the provisions contained in the Bill. However, where prohibited burning times fall within this period of October to May, no burning is permitted. With one exception, the conditions with which a person must comply when desiring to burn off are the same as those in the existing Act. A provision has been added that notwithstanding that a person has been issued with a permit to burn, he must not burn off on a day when the fire hazard forecast issued by the Weather Bureau is "dangerous." The burning can only take place on the first day following when the fire hazard forecast is below "dangerous."

For many years there have been proposals to link burning off with the fire hazard forecasts, but it was not practicable to do this because the forecasts were only issued in respect to jarrah and karri forest areas. Eventually arrangements were made for the fire hazard to be issued for the whole of the agricultural areas, and they have operated for the past two years. The committee in the past has endeavoured to enforce this requirement and it has been complied with by most farmers even though the Act permitted them to burn. It is a very sensible precaution to take and for that reason has been written into the Bill to make it a general requirement.

When a bush fire control officer issues a permit to burn he may incorporate any direction considered relative to the burning. This is not stipulated in the Act at present, although the power is really inherent. Bush fire control officers who issue permits have the authority to prohibit any burning and may, and in practice do, frequently insert conditions in permits on the basis that otherwise they will prohibit the burning. It is desirable that this should definitely be stated and the provision has therefore been included in the Bill.

A provision has been included setting out that where a person lights a fire, even though he does so in compliance with the Act, if the fire escapes from the land or becomes out of control, the person may be called on to pay to the local authority or the Forests Department any expenses up to £100 incurred in controlling the fire.

Hon. C. H. Simpson: Does that apply to, say, a fire lit on a road?

The MINISTER FOR THE NORTH-WEST: I think it would apply to where burning off had been commenced and insufficient precautions taken.

Hon. L. C. Diver: What happens when a fire is lit prior to a hot day and the day following is hot and windy and it gets away?

Hon. N. E. Baxter: This needs a lot more elucidation.

The MINISTER FOR THE NORTH-WEST: There are a number of points that can be raised and this can be done with advantage at the Committee stage. Originally the Bush Fires Act contained this provision without any statutory limit. It has been decided that this provision should be reinserted in the Act as members of bush fire brigades act voluntarily and give up much of their spare time including the use of motor vehicles and provision of petrol. Moreover, these brigades are financed out of the revenue of a local authority and the latter should be able to recover some of its costs when fighting a fire which has escaped. It is extremely doubtful if they would want to recover more than their out of pocket expenses, which would probably amount to no more than £10 or £20.

The Forests Department is in a different position. It may be involved more heavily as it has to pay wages to its employees. When a person desires to burn in compliance with the Act he must deliver notice of his intention to burn to the owners and adjoining occupiers or holders.

Hon. N. E. Baxter: Does that apply to the Railway Department, too?

The MINISTER FOR THE NORTH-WEST: No.

Hon. N. E. Baxter: It should do.

The MINISTER FOR THE NORTH-WEST: The present Act lays down that these notices must be delivered personally,

but this condition is sometimes difficult to comply with because of the absence of owners. The Bill therefore provides that notice may be given as follows:—

(a) personally.

(b) by delivering it to the premises and leaving it with a person apparently over the age of 16 years.

(c) posting by prepaid letter not less than 8 days prior to the date of burning to the last known address of the person concerned.

These alternative definitions of the methods of delivery have been adopted in order to facilitate compliance with the Act.

A new clause is included which gives the Governor power to make regulations in respect to any defined area of the State, prescribing the maximum area which may be burned at any one time. The extensive use of bulldozers for clearing operations is creating a great fire hazard and burning of bulldozed country in winrows can be extremely dangerous. The Governor may also vary the prohibition of burning on a Sunday. The reason for this is that in some near suburban areas the week-end is the safest time for burning as that is when men are available. Burning has been prohibited on Sunday to avoid the necessity of having to call brigades on that day but in some areas it is the local wish and the safest procedure to burn on that day.

Power is included to enable a local authority to restrict burning in its district in accordance with a programme it may desire to draw up. The intention is to prevent too many people burning on the one day and this is being done in many districts by co-operation between the local authority, bush fire control officers and the farmers. The new provision will simply give a definite basis for these arrangements to be made.

A completely new provision gives the Minister power to declare an emergency period. This is only intended to meet a possible emergency. Unusually high fire hazards and very dangerous conditions do occur at fairly regular intervals and it is desirable that the Minister should be able to take necessary safety precautions when dangerous fires are likely or when serious fires are out of control.

The Minister may declare a bush fire emergency period by notice in the "Government Gazette", in a newspaper circulating throughout the State or by a wireless broadcast. During such an emergency period, no one may light a fire within the area without written permission of the Minister, or an officer acting with the authority of the Minister. Power is also included for the Minister to appoint a person to take charge of fire fighting operations when a serious or extensive fire has occurred.

The sections of the Act dealing with the burning of firebreaks on railway land and adjoining land have been widened to include forest land and to enable a person, whose land is only separated from railway or forest land by a road to burn a firebreak up to three chains from the railway or forest boundary. At present a person who has land directly contiguous to railway land can burn a firebreak up to three chains from the railway boundary. However, where the land is separated by a one-chain road—and much of it is—persons are not allowed to burn the remaining two chains. This is obviously desirable and the new provisions will enable it to be done.

The Act provides that an occupier of railway land or land contiguous to railway land may burn in conjunction for the purpose of protecting pasture and crops. This burning takes place between the boundary common to railway land and adjoining land and a prepared firebreak. These provisions have been carried into the Bill, but include forest land and, in addition, a local authority may arrange with the occupier of railway or forest land, the occupier of land adjoining it and a registered bush fire brigade to co-operate in burning the firebreaks.

A provision is also included to enable a bush fire control officer or a bush fire brigade officer to enter the adjoining land to burn the firebreak. While this is not contained in the Act, it is existing practice, and is inserted to make the position of volunteer officers quite clear, and assure them of the legal immunity which is conferred by the Act.

The Act permits of firebreaks being burned during the prohibited times for the purpose of protecting from damage by fire a dwelling house or other building, or stack of hay, wheat or other produce. The burning is carried out between two plough or spade-breaks not more than 10 chains from the property to be protected. The only change is that the distance has been reduced from 10 to five chains, as this is considered by the committee to be ample for the purpose.

The Bill provides that burning on a road reserve may be carried out during the restricted burning time which is from the 1st October to the 31st May following. This has always been permitted during portion of the prohibited times, but the Act does not refer to the restricted burning times, when it is apparent that burning is safer. The provisions which relate to the burning of sub-clover for the purpose of collecting clover burr are the same as in the parent Act. However, some of the detail has been omitted, and will be dealt with by regulations.

The portion of the Act dealing with fires for camping, charcoal burning, disposing of the carcass of a dead animal and disposal of rubbish have been included in

the Bill. There are some minor modifications, and a new provision regarding the burning of rubbish. This requires that rubbish and garden refuse may be burned in a properly constructed incinerator. Otherwise, this rubbish must be burned upon ground which is clear of all inflammable matter within 15 feet of the fire. The fire must be lit between 6 p.m. and 11 p.m. and extinguished not later than midnight of the same day.

Provision is retained for the burning of plants or the remains of plants in order to prevent disease. This mainly applies to tomato and potato tops. An existing provision of the Act dealing with the burning of tomato plants in the Geraldton and surrounding districts has been omitted as unnecessary, as the matter is fully covered in the Bill.

The provisions dealing with tractors are the same as in the existing Act, but a new provision has been added to enable an internal combustion engine, steam engine or machinery to be prescribed. Cases have been reported where farm vehicles, such as old trucks which are not licensed and are used only on the farm, have been responsible for causing fires. Because of this, the board desires power in the Act to enable it to deal with bad cases by regulation.

All offences under the Bill may be dealt with summarily by justices, with the exception of a person who wilfully lights a fire. In this case the penalty is a fine of £500 or imprisonment for five years and the Bill provides that such person is guilty of a misdemeanour, which means that he must be tried by judge and jury. It must be borne in mind that a comparable offence under the Criminal Code could carry a penalty of up to 14 years imprisonment.

The provisions in the Act which enable a local authority to require firebreaks to be cleared are the same, except that it will now be necessary for firebreaks to be maintained in a satisfactory condition. The Act provides for the burning of Crown lands and reserves by adjoining landholders to provide firebreaks. The width these firebreaks may be burned is 12 feet, but in this Bill it is increased to 10 chains. This burning must be done outside the prohibited burning period, and is subject to the provisions laid down for the restrictive burning period. One of these conditions is that the adjoining landholder must obtain a permit to burn from a bush fire control officer, and the actual distance of up to a maximum of 10 chains must be fixed by the bush fire control officer when issuing the permit. These officers are responsible men and would not grant a permit for an unreasonable request. In addition, a bush fire control officer has been given authority to enter Crown land or reserves for the purpose of burning in order to reduce a fire hazard.

At the present time a local authority is required to insure its bush fire control officers and members of brigades. This principle is retained, and it will also be necessary to insure the persons concerned while journeying to a bush fire. As the Bill now provides for a bush fire control officer and a bush fire brigade to enter a building which is burning, where there is no fire brigade established under the Fire Brigades Act, the insurance provisions have been extended accordingly. Therefore, should it become necessary for any of these personnel to enter a burning building in order to carry out their duties under the Act, they will be covered by insurance against injury.

The appointment of bush fire control officers and their duties are left unchanged, but a local authority may prescribe the seniority of its officers. The only change in relation to the powers of a bush fire control officer is that he will be enabled to enter a building which may be on fire. It is pointed out that this power cannot be exercised in an area under the control of a brigade under the Fire Brigades Act, except at the request of the officer in charge of the latter. This also applies to the officers of a bush fire brigade.

A bush fire control officer or forest officer may prohibit or postpone the lighting of a fire. This provision is similar to the existing Act except that the power has been extended to enable the bush fire control officer or forest officer to direct the steps to be taken to extinguish or control a fire which is already burning. The wording has also been changed slightly to enable the local authority to exercise the same power at all times. Previously this could be done only when no bush fire control officer had been appointed, but it frequently happens that although bush fire control officers have been appointed, they are not always available in the district.

A number of local authorities have requested that deliberate flouting of the instructions of a bush fire control officer should carry a heavy penalty as a deterrent. Many bush fire control officers have complained that it is often difficult or impossible to enforce their instructions. It is vitally necessary that the authority of these officers, who act in a voluntary capacity, should be strongly supported in every way possible and a penalty of three months imprisonment or a fine of £100 has therefore been included.

The portion of the Act dealing with the appropriation of penalties has been slightly altered. The original provision was that one-half of all penalties were to be paid to the local authority. This was later amended to provide that, where the local authority took the prosecution, it should be paid the whole of the penalty. This left the provision that for other prosecutions the local authority received half the penalty. The Bill provides that where the local authority takes the prosecution, it will

receive the whole of the penalty, but where the prosecution is taken by the board or some other authority, penalties are payable to the board.

There have been a number of cases where local authorities, because of the trouble involved, have consistently refused to take action for serious offences against the Act. Therefore, where the Forests Department or the board or some other authority has to take action, it is not considered right that the local authority should still receive half the penalty imposed.

Throughout the Bill the penalties, particularly the maximum penalties, have been considerably increased. A number of cases have been brought under notice where persons have lit fires illegally knowing they would be prosecuted, and have cheerfully paid the resultant fine because the value to them of the burning done has been so much greater than any penalty provided under the Act. The maximum penalties have been increased in some cases up to 10 times, more as a deterrent than that they are likely to be imposed. The minimum penalties have been increased by a much smaller proportion.

The Bill also includes the alternative of a term of imprisonment in several instances. Previously, the only term of imprisonment applied to the wilful lighting of a fire. The terms of imprisonment have been included as a deterrent, because it is felt that even the increased monetary penalties would be insufficient to deter some people from burning on account of the considerable economic advantage they gain from the burning.

Other matters in the Bill are similar in principle to the existing Act, but in a number of cases, sections have been redrafted or re-arranged, either to render them more easily workable or more readily understood by the many people who are concerned with the Act. Doubtless quite a number of the provisions of the Bill will not meet with the complete approval of all members and therefore I ask that anyone who desires amendments shall place them on the notice paper so that they may receive full consideration before they come up for discussion. I move—

The Bill be now read a second time.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.28] in moving the second reading said: Some time ago the Commonwealth Government expressed concern regarding the quality of, and the conditions under which, certain of the drugs in use under the pharmaceutical benefits scheme were produced. As a result a special conference of Commonwealth and State health officials was held at Canberra on the 17th November, 1952.

The conference agreed that the Commonwealth should, to the limit of its constitutional powers, legislate for the control of standards of therapeutic substances imported and the subject of interstate trade, while the States should bring down legislation necessary, complementary to that of the Commonwealth in order to extend the principles of the Commonwealth law to intrastate manufacture and marketing. On the 25th March, 1953, the Premier advised the Prime Minister that Western Australia would co-operate with the Commonwealth and the other States in the adoption of uniform standards for therapeutic substances.

Towards the end of 1953, the Commonwealth Government implemented the recommendation of the conference by passing a measure known as the Therapeutic Substances Act, which repealed the then existing Therapeutic Substances Act, 1937. The Bill now before the House seeks to fill in the gaps which the Commonwealth has not the constitutional power to close.

The principal deficiencies in the Commonwealth legislation are the inability of the Commonwealth to license or control the manufacture of therapeutic substances in a particular State and to control the standards of therapeutic substances which have a purely local State sale.

The Bill will not come into operation until proclaimed, in order to give time to enable the necessary regulations, forms, etc., to be prepared.

In Western Australia the term "drug" has been used to indicate a range of substances which are covered by the term "therapeutic substance" as used by the Commonwealth. However, as "therapeutic substance" is considered to have a wider meaning than that of "drug" as used in the principal Act, the Bill proposes to insert in the Act a definition of "therapeutic substance" as well as a definition of "therapeutic use." These definitions are the same as those used in the Commonwealth Act and were recommended by the special health conference. They will enable the application to therapeutic substances of all the machinery of the principal Act which at present applies to drugs, such as sampling, testing standards, etc.

In connection with the control of the sale of food and drugs, the principal Act provides for the appointment by the Governor of an advisory committee. The Act specifies that this committee shall be the Commissioner of Public Health, the Government Analyst, a bacteriologist, and two

other persons conversant with trade requirements. As the provisions in the principal Act, which now apply to drugs, have been extended to therapeutic substances, it is considered that, if thought to be necessary, a physiologist should be included on the advisory committee. The Bill seeks to do this by providing that either a bacteriologist or a physiologist shall be included on the committee.

The Act at present states that the members of the advisory committee, except those employed in the Public Service, may be paid such attendance fees as may be prescribed, but such fees shall not exceed £1 1s. per member per sitting, and no member shall receive fees aggregating more than £50 in any one year. The Commissioner of Public Health considers these limits are too restrictive. The Bill therefore seeks to delete any reference to maximums. This will enable the actual amounts to be fixed by regulation.

Then again, the Bill provides for the insertion of a new Division 3B dealing with the manufacture of therapeutic substances. This specifies that therapeutic substances shall not be manufactured on other than premises licensed for the purpose by the Commissioner of Public Health. Any infringement of this provision may be met with a fine of £200, with a further fine of £10 for each day or part of a day for which the offence continues. Exemptions from this provision are made in the Bill for a therapeutic substance specially prepared by a medical practitioner for the use of an individual patient, or prepared on a medical prescription by a pharmaceutical chemist in the ordinary course of his business.

A licence issued by the commissioner will specify the premises to which it relates, and will continue in force for 12 months, after which it can be renewed from time to time for similar periods. The commissioner will be empowered to affix whatever conditions or limitations he considers advisable to any licence to ensure the proper production of the therapeutic substance concerned. Should the commissioner consider a licensee has failed to observe the terms of his licence, or if the premises, apparatus, etc., are of a substandard nature, he may cancel or suspend the licence. In such a case the licensee may lodge an appeal with a judge of the Supreme Court. Appeals may also be made against the refusal of the commissioner to grant or renew a licence.

The Bill also authorises the making by the Governor, on the advice of the advisory committee, of regulations required for the protection of health in regard to therapeutic substances. I move—

That the Bill be now read a second time.

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

[100]

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; Hon. F. R. H. Lavery in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 10 amended:

Hon. J. G. HISLOP: It will be noted, Mr. Chairman, that I have on the notice paper a number of amendments which I think will simplify the measure. I do not feel we should continue in the measure the requirement that a person desiring registration as a physiotherapist should have to reside in this State for such a short period as the Bill proposes, before asking for registration. I do not think the length of period a person has been practising in this State has any bearing, the real point being whether the person concerned is competent as a physiotherapist. I suggest, therefore, that we should delete all reference to the length of time for which the individual has been practising here prior to applying for registration.

Under Section 10 (b) of the Act people with no background of training, but who have become physiotherapists in name by continuing the practice, receive their registration, and as we have been told, there are already 17 persons in the State registered under that provision. That means there are at least 17 people here who cannot practise physiotherapy outside the State. They were allowed to be registered because they were already practising when the legislation came into force, but they would not receive registration elsewhere in the Commonwealth. We should eventually close the door on that type of registration.

I believe that we made a mistake originally in not registering under Section 10 (a) by diploma and licensing under Section 10 (b). Today the Commissioner of Public Health asked that certain words be added to my amendment on the notice paper, and I have no doubt that the Chief Secretary has them before him. He has asked that the words, "and was resident at the time of the passing or proclamation of this Act" be added. Without those words, someone resident in another State who cannot practise there, could come here and be legally entitled to approach the board and ask to be given the right to satisfy it as to his or her competency in physiotherapy.

In that way this State could become a repository of people who could be registered under Section 10 (b). I have discussed this matter with the chairman of the board and I am not satisfied that the board has sufficient power in this respect. I understand that the chairman visits the place of practice of the individual, examines the apparatus and general set-up and questions him on certain aspects. If the chairman is satisfied, the

board can then grant registration under Section 10 (b). If he is not satisfied, the Director of Training of Physiotherapy pays a similar visit and, if he is satisfied, registration under Section 10 (b) is granted. As we have already registered 17 of these people by the method I have outlined—

Hon. L. Craig: Seventeen who were practising?

Hon. J. G. HISLOP: Yes. One therefore feels that there is justification for making it possible for the other two to approach the board. The amendment which states that the paragraph shall remain in force until the 31st December, 1954, and no longer, will mean that after that date there can be no registration except under Section 10 (a), so that the individual will have to produce evidence of sound training. Does the Chief Secretary desire to add the words that the Commissioner of Public Health desires?

The Chief Secretary: No.

Hon. J. G. HISLOP: I wish to move the first of the amendments to this clause which appear on the notice paper in my name.

The CHAIRMAN: I suggest that paragraphs (a) and (b) should be taken together as one amendment.

Hon. J. G. HISLOP: Very well. I move an amendment—

> That paragraphs (a) and (b), page 2, be struck out, with a view to inserting other words.

Hon. F. R. H. LAVERY: Having discussed this proposal with Dr. Hislop, and in view of the fact that it clarifies the verbiage, I agree to the amendment because I am desirous of bringing the matter to fruition.

The CHAIRMAN: I take it that the amendment moved by Dr. Hislop, comprising paragraphs (a), (b) and (c) as appearing on the notice paper, is moved with a view to replacing paragraphs (a) and (b) in the clause.

Hon. J. G. HISLOP: Yes, that is so, Mr. Chairman.

The CHIEF SECRETARY: I think the amendment is a very satisfactory one. I would not have commented on it except that members will probably recollect that, at the conclusion of the second reading stage, I suggested that when the Bill went into Committee, we could discuss the various phases. However, there were two statements made during the second reading debate regarding which I think members should receive some information. The first one was that the Physiotherapy Board did not register any physiotherapists for a period of two years after it was formed.

The reason for this is that, when the Act was passed in 1950, provision was not made for the board to be constituted as a corporate body, or for the individual members of the board to have an indemnity for actions they might have committed as board members. For example, an individual might apply to be registered by the board and have his application refused. Unless individual members of the board were indemnified against their actions as board members, they would have been personally liable to a charge of damages. Therefore, it was not until that anomaly was rectified that any registrations were made by the board.

Hon. L. Craig: Why did not the board become a corporate body? Why did it take so long before it become one?

The CHIEF SECRETARY: I could not attempt to explain that. However, incorporation does take some months before it is complete. The members of the board felt that unless they had that protection, they were not prepared to register anybody, because each and every one of them would have been liable. Another point raised was that the board did not take action against an unregistered person who was practising as a physiotherapist. The answer to that is that the board does not police the Act. It takes action when it receives information from an outside source that a person is committing a breach of the Act. It is unreasonable to expect a board of this nature to undertake the responsibility of policing an Act of Parliament.

Hon. L. Craig: The members of the board asked for this for their own protection.

The CHIEF SECRETARY: If the board receives a complaint that the Act has been breached, it takes appropriate action.

Hon. L. Craig: Pretty poor!

Hon. H. Hearn: Weak!

The CHIEF SECRETARY: It may be, but if the hon. member had been a member of the board, he would have been weak, too, because he would have adopted the same attitude as they did. Unless another department had been created, which method has been criticised very often and would not have met with the approval of the hon. member—

Hon. H. Hearn: How do you know? You are guessing.

The CHIEF SECRETARY: However, as that had not been done—

Hon. H. Hearn: They disclaimed all responsibility.

The CHIEF SECRETARY: Yes. I thank the hon. member very much.

Hon. F. R. H. LAVERY: In view of the fact that we are now taking the amendment as a whole, I would like to make a further point; that is, no good purpose would be served by making any recriminations now; but I want to be assured that if this amendment is carried and the words proposed to be inserted are

inserted, these men will be registered before the 31st December, 1954. That date is not very far distant, and the time that expires before anything happens—

Hon. H. Hearn: You mean judging by past performances?

Hon. F. R. H. LAVERY: Yes. We have only a few weeks before the 31st December in which to register these men. If we have the assurance—

Hon. H. Hearn: I think you are taking a big risk.

Hon. F. R. H. LAVERY: —that these men will be registered, it will be all right, but if not, I would ask that the date be extended one month.

Hon. A. R. JONES: After hearing what has been said, could we arrange that the Act, which will contain this provision, shall be in force until the 31st December, 1954, and no longer, and that only those applications received before that date will receive consideration?

Amendment put and passed.

The CHAIRMAN: The question now is whether paragraphs (a), (b) and (c), as set out in the notice paper, should be substituted for the paragraphs struck out.

Hon. J. G. HISLOP: I do not know whether we can do that, Mr. Chairman, without the consent of the Commissioner of Public Health. He wants words added that will ensure that a physiotherapist, before he can apply for registration, was resident in this State before the commencement of the Act. If we pass the amendment as a whole and substitute paragraphs (a), (b) and (c), a great many deletions and insertions will have to be made before the commissioner's objective is achieved. At this stage, I think we might insert paragraphs (a) and (c) and then, when the Bill is recommitted, paragraph (b) could be dealt with after it had been adjusted according to the commissioner's wishes. Members will see that paragraph (b), as appearing on the notice paper, reads—

> (b) deleting all words in paragraph (b) after the word "physiotherapy" in lines 3 and 4.

The CHAIRMAN: Will the hon. member move that the amendment involving the substitution of paragraphs (a) and (c) be proceeded with?

Hon. J. G. HISLOP: Yes.

The CHAIRMAN: For the purpose of having the Bill adjusted, I take it that paragraph (c) in the amendment on the notice paper will become paragraph (b).

Hon. J. G. HISLOP: That is so.

The CHAIRMAN: That would be the correct procedure.

Hon. J. G. HISLOP: I move an amendment—

> That in lieu of the paragraph struck out, the following paragraphs be substituted:—
>
> (a) deleting the words "was bona fide engaged and" in line 2 of paragraph (b).
>
> (b) adding after the word "Act" at the end of paragraph (b) the following words:—"This paragraph shall remain in force until the thirty-first day of December, one thousand nine hundred and fifty-four and no longer."

Amendment put and passed.

Hon. J. G. HISLOP: Would I be in order if I moved for the Bill to be recommitted for the purpose of inserting paragraph (b) as shown in the amendment which appears on the notice paper?

The CHAIRMAN: Yes, but not at this stage.

Hon. J. G. HISLOP: No, I understand that.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.58] in moving the second reading said: As members are aware, the purpose of the principal Act is to give permanent employees of the Government the right to appeal to a board if they are not successful in their applications for promotion. When the Act first came into operation the employees whom it covered were those in all Government departments administered by a Minister of the Crown, the Rural & Industries Bank, every State trading concern, the Fremantle Harbour Trust, every harbour board, every Government hospital and every Crown instrumentality which functioned on moneys appropriated by Parliament.

Subsequently, permanent employees of the W.A. Fire Brigades Board were included, and officers of the Rural & Industries Bank were excluded as a suitable method was being arranged for dealing with those officials. The Bill has two objects, firstly, to bring employees of the W.A. Transport Board and the State Electricity Commission within the scope of the principal Act, and to give the Governor power, in future, to declare by proclamation, that the permanent officers of any Government department, concern, hospital, instrumentality, board, etc., shall be given the protection of the Act.

Early this year the Civil Service Association drew attention to the fact that it was doubtful whether the provisions of the Act could be applied to the employees of the W.A. Transport Board. This was referred to the Crown Solicitor, who advised that under the terms of the appointment of its officers the W.A. Transport Board is a Crown instrumentality. Members of the board are appointed by the Governor, who is empowered, also, to appoint a secretary to the board and any other officers necessary for the carrying out of the provisions of the State Transport Co-ordination Act. However, to come within the ambit of the principal Act the employees of a Crown instrumentality have to be remunerated with moneys appropriated by Parliament.

The Under Treasurer has reported that no moneys have been appropriated by Parliament in recent years for the general purposes of the State Transport Board, and therefore the board does not come within the definition of "Department" in the principal Act. The chairman of the board has advised the Government that the board's policy regarding the treatment and conditions of its employees is in every way similar to that accorded members of the Public Service. It is therefore considered that the permanent employees of the board should have the protection of the principal Act where their applications for promotion are concerned.

Doubts have also arisen as to whether the State Electricity Commission comes within the ambit of the Act, and to clarify matters the Bill proposes to include both the Transport Board and the commission in the definition of "Department" in Section 3 of the principal Act. There is a possibility that other permanent employees of the Crown, who are also members of the Civil Service Association, may not be eligible to submit appeals under the Act. Some who might be affected in this way are employees of the Main Roads Department; the Royal Perth, Princess Margaret and Fremantle hospitals; the Milk Board; and the Library Board.

There may be other bodies or instrumentalities similarly concerned, and rather than have to amend the principal Act whenever such a case eventuates, the Public Service Commissioner has recommended that the Governor be empowered to extend, by Order in Council, the operations of the Act to boards and instrumentalities which do not appear to be within the jurisdiction of the Act. With the economic expansion that is occurring it is quite possible that further Crown instrumentalities may have to be appointed, and if the amendment is agreed to, their employees can be brought under the operations of the Act with little delay. I move—

> That the Bill be now read a second time.

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

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th September.

HON. E. M. HEENAN (North-East) [9.31]: This is a very short Bill but an important one. It proposes to amend Sections 18, 26, 29 and 144 of the principal Act. The main amendment relates to Section 18. The Bill proposes to liberalise that section by providing that where real estate does not exceed the value of £500, or where it comprises part of an estate the gross value of which does not exceed £2,000, the administrator can sell it without getting the consent of all the persons beneficially interested, or without getting an order of the court. This is a fairly big departure from the practice which has operated for many years. I think that this provision is warranted, and I support it.

As the Chief Secretary pointed out, when a person dies and the estate is being wound up, it frequently happens that the administrator is required to obtain the consent of beneficiaries who are scattered all over Australia or outside Australia, before he can sell any real estate forming part of the estate. If the administrator finds too many difficulties in getting that consent, he can apply to a judge of the Supreme Court, who, on being satisfied that the offer received for the real estate is fair and reasonable, can authorise the administrator to sell it. Even this procedure involves a good deal of trouble and expense. In these days, it does not require very much land to reach the value of £500, and a small estate sometimes cannot stand the expense of obtaining the consent of beneficiaries or an order of the court.

It is proposed to amend Section 18 by authorising an administrator to sell real estate without the written consent of beneficiaries, or without an order of the court. It is realised that an administrator will have to act in the best interests of the estate. This provision will give him a freer hand than he has had in the past. There is an amendment on the notice paper which seeks to extend the liberalisation of Section 18, but if members go as far as the Bill proposes, it will satisfy present-day needs. I for one do not feel inclined to go further than what is contained in the Bill.

The other clauses are more or less complementary, and I do not propose to go into them in detail. One clause tightens up the conditions of the administrator's bond in order to give greater protection to beneficiaries. A further clause empowers the court to revoke administrations and to increase the amount of a bond in certain circumstances. I agree with that. The Bill also seeks to empower judges to make and prescribe rules and forms which will

be necessary if the Bill is adopted. I understand that the measure has been approved by the judges and by the Crown Law Department. In conformity with the policy which the Government has shown in other Bills which have come before us during the session, it seeks to liberalise restrictive provisions in existing Acts.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [9.12]: The debate on this Bill has been rather short, and only one or two members have taken part in it. I have no comments to make on Mr. Heenan's speech seeing that he fully supported the Bill. In speaking to the Bill, Mr. Watson made three points. Firstly he admitted that the maxima proposed, where an administrator can sell, lease or mortgage property without the consent of the beneficiaries, were too low. Members will recollect that these maxima, which have been recommended by the Chief Justice and not by a departmental officer, are £500 in regard to the value of the land concerned in the proposed transaction, or, where the estate has a gross value of less than £2,000.

These figures have been discussed with the Chief Justice and the Master of the Supreme Court, who considered they should not be altered. The object of the provision is to protect beneficiaries, and the feeling is that it should be given a trial for the time being. If, on review, an increase of these maxima is considered necessary, a further amendment can be brought in next session.

Mr. Watson also asked about the procedure to be undertaken by beneficiaries wishing to prevent an administrator from selling land. I am informed that to achieve this the beneficiaries would have to submit their objections in writing to the administrator. Another point on which the hon. member desired information was whether the Commissioner of Titles would accept a transfer without demanding proof that the beneficiaries had agreed to the transaction. I would advise Mr. Watson that in such a case all that the Titles Office would desire would be a simple declaration from the administrator that he had not received a request from the beneficiaries to hold the land.

Question put and passed.

Bill read a second time.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

In Committee.

Resumed from the 30th September. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 6—Granting of tenures:

The CHAIRMAN: Progress was reported on Clause 6 to which Hon. N. E. Baxter had moved an amendment to strike out the words "subject to Section 5" in line eight of page four.

The MINISTER FOR THE NORTH-WEST: We reported progress for the purpose of seeking information in connection with the 444 settlers whose approvals had been granted under the 1947 regulations. My information is that the total number of leases approved under the 1947 regulations is 687. Some 280 leases have been issued, leaving approximately 400 settlers whose leases are now possibly in the course of being issued. I am told there is no intention on the part of the State to depart in any way from the 1947 conditions in relation to these leases. I am also told that there is no reason to suspect that the Commonwealth would desire to depart from the 1947 conditions.

Of the remainder since 1952, there were 80 in force on the 7th July of this year. That is the number of allottees in occupation of farms and to whom leases cannot be issued until the amending Bill has been approved by Parliament. It is anticipated that there will be another 300 to 400 applicants remaining to be settled. I am told that I can assure the Committee that there will be no departure from the 1947 conditions in respect of the 444 leases on which Mr. Henning asked me to make a definite statement. Getting back to the amendment, I can only reiterate that legal advice is that should these words be deleted the legislation would affect the conditions and so would not be acceptable to the Commonwealth.

Hon. N. E. Baxter: In which way?

The MINISTER FOR THE NORTH-WEST: The advice is that it would affect future leases, and if these words are struck out it is quite possible that existing and future leases could be affected and that there could be an effect on the valuations for freehold, and this would cut across the present conditions under which the Commonwealth is financing the scheme. This is the opinion of our own Crown Law Department. I did say that an opinion was obtained from the Commonwealth.

On the 29th September, the Director of Agriculture rang Mr. Hamilton, the Parliamentary Under Secretary for the Department of the Interior, and Mr. Hamilton, who had a number of talks with the legal authorities in Canberra, said they were of the same opinion as were our authorities here. He arranged for the head of the Land Settlement Department to ring the director. He did so, and he confirmed Mr. Hamilton's advice that the deletion of these words would affect the conditions set down by the Commonwealth. He also said that the authorities in Canberra thought that the whole proviso,

even as it appeared in the Bill, could possibly render the legislation unacceptable to the Commonwealth. The Minister for Lands, Mr. Hoar, received an urgent telegram from Mr. Kent Hughes, yesterday. It is as follows:—

> Reference War Service Lands Settlement Bill. Understand your Crown Law opinion is that original amendment could conflict with Commonwealth conditions. I agree with that opinion. Bill prior to any amendment seemed to fulfil Commonwealth requirements. Concerned any legal difficulties State legislation creates may curtail war service land settlement.

The Minister for the Interior, the Parliamentary Under Secretary, and the head of the department in Canberra have all advised that if these words are deleted the legislation will not be acceptable to them. We also have the advice of our own Crown Law Department where the question was looked into by not one officer, but three, including the Crown Solicitor. We cannot get anything more authentic than that advice. Therefore I must ask the Committee not to support the amendment which might plunge the war service land settlement scheme in Western Australia into a position where it would probably come to an end.

Hon. L. Craig: It would certainly stop the settlers from being freeholders.

The MINISTER FOR THE NORTH-WEST: It will stop any leases whatever.

Hon. L. Craig: Those who have leases will not be able to freehold them if the amendment is carried.

The MINISTER FOR THE NORTH-WEST: That is so. No more leases will be issued. The scheme is in danger, according to the advice we have got, of being stopped completely. I hope the amendment is not carried.

Hon. L. A. LOGAN: Solicitors have been known to disagree. Also it is possible for one side to get a favourable opinion. We are prepared to accept the provisions in Clause 5, and as a result the Minister has the right to accept appropriations from the Commonwealth.

Hon. L. Craig: Subject to conditions laid down by the Commonwealth.

Hon. L. A. LOGAN: Yes. All we are trying to do is to delete from Clause 6 the words "subject to Section 5." We already have the Minister's assurance that the Commonwealth has no intention of altering the conditions in regard to the 400 people with whom we are concerned. What then is the objection?

The Minister for the North-West: I have explained it once.

Hon. L. A. LOGAN: I cannot see how this brings about the position that the State cannot receive the money.

The Minister for the North-West: What are you objecting for if you see no difference?

Hon. L. A. LOGAN: We are not speaking of the future applicant, but are dealing with the 400 settlers who have been waiting to get their final agreements. I cannot read into this that we are going to stop the State from receiving money. One solicitor said that the deletion of these words would not stop the State from receiving money. Under Clause 5 we receive the money, and under Clause 6 we make sure that the conditions at present applying to the 400 men will be maintained. The Minister has given an assurance that that is the intention.

The MINISTER FOR THE NORTH-WEST: The portion of Clause 5 at which the legal authorities are evidently looking is paragraph (c). If we take out the words proposed to be deleted, this provision will not apply to the conditions which the Commonwealth lays down.

Hon. L. A. Logan: It will to all those except the 400.

The MINISTER FOR THE NORTH-WEST: If the hon. member does not believe me when I give him an assurance, I cannot help it. Members can forget the 400. If the Minister for Agriculture tells me that I can assure the Committee that these people are finished with and have their leases issued under 1947 conditions, surely the Committee is not going to dispute that!

Hon. L. C. Diver: Would a judge in court take any notice of it?

The MINISTER FOR THE NORTH-WEST: We are not a judge in court. Are any of the 444 settlers likely to have any complaints if they are given a guarantee? What Government would want to alter it?

Hon. L. C. Diver: Governments come and go.

The MINISTER FOR THE NORTH-WEST: What Government would dare to alter the guarantee? Not one of them. It is the future settlers with whom we are concerned and the Commonwealth says in its 1952 conditions that it will not provide any money except under those conditions. I hope the Committee will reject the amendment.

Hon. N. E. BAXTER: I trust that the Committee will agree to the amendment. Like Mr. Logan, I cannot see where the terms of this proviso in any way affect future settlers. This proviso merely deals with those settlers who have gone on to properties and who have been made certain promises under the 1947 conditions.

The Minister for the North-West: We have assured you on that point.

Hon. N. E. BAXTER: We now have new conditions laid down by the Commonwealth in agreement with the State. Who dictated them, I do not know.

The Minister for the North-West: The Commonwealth Government.

Hon. N. E. BAXTER: When the original conditions were laid down, settlers were working under an arrangement that each property was to be a separate entity and valued as such. Since then new conditions have been provided and the properties are treated as projects. That is the reason why the men must be protected. I have no objection to that so long as it is fair. If the new conditions dovetail with the original 1947 conditions, I have something to learn. This is an entirely new section and it can apply to settlers who have not yet been granted their leasehold tenures. That is the reason why the proviso was put into the Bill last year and it is the reason why we object to the inclusion of the words "subject to Section 5." Section 5 brings us back to the fact that they have to comply with the 1952 conditions. Therefore, I hope the Committee will agree to the amendment.

Hon. J. G. HISLOP: As a pure outsider in this argument, I am completely lost. While I agree that the Minister is making a definite statement that this will be the end of land settlement if the amendment is agreed to, I must say that since I have been a member of this Chamber I have never before received such a mail in connection with any matter. Every letter I receive asks that the words "subject to Section 5" be deleted. Either people outside do not understand or there is some reason for their wanting the deletion of the words. This is only one letter of many that I have received—

> On behalf of the war service land settlers represented by this Association, may I enlist your support in the matter of the War Service Land Settlement Bill at present before the House.
>
> With regard to the amendment to Clause 6, we are anxious that the words "subject to Clause 5" shall be deleted from same.
>
> It would seem to us that under the provisions of Clause 6 as originally included in the Bill, the Minister is laying the foundations of a scheme which can be administered entirely at the whim of the Government departments concerned, without any reference to Parliament. It seems very necessary to us that we should be provided with some safeguards against this position and that the department should be bound to honour some of the promises made under previous legislation. The amendment to Clause 6, without the words "subject to Clause 5" would assure this.
>
> Yours faithfully,
> A. G. Justins,
> Hon Secretary.

I have received eight or nine letters along similar lines.

Hon. N. E. Baxter: And these people have had legal advice.

Hon. J. G. HISLOP: Therefore, these settlers do not understand the position or there is some impasse between the Commonwealth and the State in which neither side seems to give way. I have heard the Minister repeatedly state that this cuts across Commonwealth plans. But I think some further explanation should be given because as yet there has been no answer either by the other side or by the Minister.

The Minister for the North-West: Do not you accept Crown Law opinion?

Hon. J. G. HISLOP: I do not know; I am an outsider and I am completely lost. These people all write with the one voice and Country Party members all speak with one voice. Yet the Minister says that the Commonwealth will not give way.

Hon. L. Craig: This deals with people who are already settled and have leases. It would not seriously affect those who have not obtained leases.

Hon. C. H. HENNING: If I remember rightly, last year we inserted this proviso but did not include the words "subject to Section 5." I believe the reason was to ensure that the 687 who had already been settled would get their leases under the 1947 regulations. A few minutes ago the Minister stated that 243 had already been issued and 444 were awaiting leases and would get them under the 1947 regulations. To a certain extent that obviates what was a necessity last year—to protect these people against any retrospective action that may be taken under the 1952 Act. At present I do not know how many other people have been placed on the land.

The Minister for the North-West: A further 80.

Hon. C. H. HENNING: The 1952 regulations, therefore, would affect a further 80 people. They are coming in when individual farms are not available and larger places have to be bought and subdivided. The question now arises as to whether it is fair and reasonable that the cost of subdivision should be spread equally over what is termed "the project." In view of the great increase in land prices over the last few years—particularly since the scheme started—I am not certain that we can have any valid objection to a system of averaging.

Hon. L. A. Logan: Only within the project.

Hon. C. H. HENNING: Undoubtedly. I take it that all averaging is within the project only. Mr. Baxter mentioned that there may be added to the rent payable under the lease an amount to be agreed on between the Commonwealth and the State in respect of any State service in connection with the scheme. What does "State service" mean? Does it mean improvements plus administration costs; or improvements only or administration costs only? Can we be given any definition of "State service"? I realise that this is the vital clause in the Bill. If the amendment is carried and the Government refuses to accept it, we can easily reach a position where the Bill will be defeated or dropped. We have upon us a great responsibility. Are we prepared to vote in such a way that there is a possibility—a distinct possibility—

Hon. L. Craig: It is more than a possibility.

Hon. C. H. HENNING: I am saying "a possibility." The hon. member will have his chance to speak in a few minutes. There is a distinct possibility that the scheme will not go through. It is an exceptionally serious position for us to be in because these men, and probably others to be settled, have been given certain promises by the Federal Government. That Government is providing the money and naturally it has a large say in the conditions under which these people will be settled on the land. But the State has to pass certain legislation to ensure that the scheme can be carried on. For over two years the State has had a verbal agreement with the Commonwealth Government regarding this.

The point is are we going to ratify this agreement or are we going to cast it aside? If we cast it aside there is every possibility of wrecking the war service land settlement scheme. At present I am not prepared to vote for this amendment.

Hon. L. A. LOGAN: I think members ought to be enlightened as to why we are so consistent in our endeavour to have these words taken out of the Bill. One has only to read the statement of the conditions to find the reason. The proposal is to bring in farms outside the project for the purpose of averaging. That was not intended by the Commonwealth Government in the first place and the State has no right to do it now. The terms are clearly laid down by the Commonwealth and somebody appears to be breaking the contract. The Minister should tell us who it is.

The Minister for the North-West: Nobody is.

Hon. L. A. LOGAN: Somebody must be. According to these conditions only the averaging of the project can take place and it is wrong to bring in a farm that is 20 miles outside for the purpose of averaging.

The Minister for the North-West: Where is that happening?

Hon. L. A. LOGAN: Mr. Roche has stated that that is taking place.

Hon. L. Craig: It is probably an isolated case.

Hon. L. A. LOGAN: That is the information we have, and if it is correct we have every right to object to it. We have the responsibility to see that the settlers get the conditions they were promised in the first place. If this is passed we and the settlers will have lost our opportunity.

The MINISTER FOR THE NORTH-WEST: The averaging system goes on over a project and is not out of step with the conditions. In South Australia the Government wanted to average over the whole State; but they average over a district not a project. South Australia and Tasmania both work under those conditions. We have been working under them with no legal authority and we have been warned by letter and telegram from the Commonwealth Minister that the scheme is likely to cease because, he cannot provide us with the money unless we have ratification here to spend the money according to those conditions.

When plant and a gang of men are shifted to a district and farms are reasonably close together it is not unreasonable that those farms should be developed as a project even if they are 20 miles apart. It would be cheaper for the settler than if they were developed individually. The values placed on the farms have been very cheap and no settlers have rejected them. Dr. Hislop mentioned that there had been a protest from a group of interested settlers at Williams. But only last week the Minister was in the South Stirlings and he tells me that the people down there want to know what all the fuss is about and why we cannot get on with the job. The same was said by the people in Rocky Gully and they are not at the same stage of development as are the settlers at Williams.

Hon. L. C. Diver: What about the R.S.L.?

The MINISTER FOR THE NORTH-WEST: The R.S.L. has written advising members to defeat the Bill in its present form. Why was that not placed on the agenda of the conference at Tambellup? Nothing was mentioned until the Bill reached this Chamber. If I were a settler and I had thought I was being badly done by I would certainly have seen that the matter was brought up at the Great Southern zone council meeting. Instead of doing what they are endeavouring to do here,

the members concerned should take that action in the Federal House. They are trying to alter conditions laid down by the Commonwealth Government. The Minister wants Section 5 inserted so that the Commonwealth will accept it. The Crown Law Department has said that the previous proviso was just a jumble of words.

Hon. N. E. Baxter: Not if you read it properly.

The MINISTER FOR THE NORTH-WEST: The hon. member has apparently missed his vocation. It was put together by a private practitioner. And he was sitting there when the telephone conversation was being carried on between Mr. Colloquhon and the Director of Agriculture. I cannot say any more than that.

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

Ayes	10
Noes	13
Majority against	3

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. J. Murray
Hon. H. Hearn	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. McI. Thomson
Hon. Sir Chas. Latham	Hon. A. F. Griffith *(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. J. G. Hislop
Hon. G. Bennetts	Hon. R. F. Hutchison
Hon. L. Craig	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. E. M. Davies
Hon. C. H. Henning	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. H. K. Watson	Hon. R. J. Boylen
Hon. H. L. Roche	Hon. J. J. Garrigan

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clauses 7 to 10, Schedule, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn until 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 10.3 p.m.

Legislative Assembly

Wednesday, 13th October, 1954.

CONTENTS.

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

QUESTIONS.

HEALTH.

As to Detergents and Incidence of Dermatitis.

Mr. ANDREW asked the Minister for Health:

(1) Has the Health Department noted, in recent times, the high incidence of dermatitis, especially among women?

(2) As some doctors have stated that one of the causes for the great increase of dermatitis among women is the detergents in powdered soaps, will he—

(a) have officers of the Health Department make an inquiry into this allegation;

(b) make a recommendation and public statement on same?

The MINISTER FOR RAILWAYS (for the Minister for Health) replied:

(1) Dermatitis from the use of detergents has been reported in the medical press in several countries. No high incidence in Western Australia has been brought to the attention of the Health Department.