

the difficulty. Why should the request be so coldly received?

Mr. Doney: It was not coldly received by Mr. McCallum when he was Minister for Works.

Mr. SAMPSON: I hope the present Minister will see the matter in the same light. Because this is something that relates to motorists, it seems to be neglected. I know of no other section of workers who are not under control.

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

Ayes	..	..	..	10
Noes	..	..	..	14
Majority against	..	..	4	—

#### AYES.

Mr. Keenan	Mr. Sampson
Mr. Lambert	Mr. Seward
Mr. Latham	Mr. Watts
Mr. McLarty	Mr. Welsh
Mr. North	Mr. Doney

(Teller.)

#### NOES.

Mr. Fox	Mr. Tonkin
Mr. Hawke	Mr. Troy
Mr. Marshall	Mr. Wansbrough
Mr. Millington	Mr. Willcock
Mr. Needham	Mr. Wise
Mr. Nulsen	Mr. Withers
Mr. Rodoreda	Mr. Wilson

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Stubbs	Mr. Cross
Mr. J. H. Smith	Mr. Moloney
Mr. McDonald	Mr. Munsie
Mr. Boyle	Mr. Coverley
Mr. Warner	Mr. Cunningham
Mr. Mann	Mr. F. C. L. Smith

Amendment thus negatived.

Mr. NORTH: Before the clause is passed, I desire to bring under the notice of the Minister a complaint received from many residents at Cottesloe, in my electorate. It is in regard to the power of the local authority to regulate parking areas and so forth. The point at issue is that the local authority appears to have the power to prevent vehicles stopping anywhere within a wide area, even though it were only for the purpose of buying a few chocolates in a shop. The police are waiting to hunt the motorists on, and in consequence those people will not continue to come to the district. This attitude on the part of the police is having a very bad effect on local trade.

The ACTING MINISTER FOR WORKS: That is purely a matter for the local authority. They could make a regulation and ask

the police to act accordingly. I do not see what else can be done.

Clause, as previously amended, put and passed.

Clause 22—agreed to.

Progress reported.

*House adjourned at 10.26 p.m.*

## Legislative Council,

*Thursday, 12th September, 1935.*

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

## BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Introduced by Hon. A. Thomson and read a first time.

## BILL—CREMATION ACT AMENDMENT.

*Recommittal.*

On motion by Hon. J. Cornell, Bill recommitted for the further consideration of Clauses 1 and 4.

*In Committee.*

Hon. J. Cornell in the Chair; Hon. J. Nicholson in charge of the Bill.

Clause 1, Short title:

Hon. J. NICHOLSON: I move an amendment—

That in line 2 "1934" be struck out and "1935" inserted in lieu.

It is due to the vigilance of the Usher of the Black Rod, Mr. Leake, that the need for this

amendment was detected, and to that officer I desire to pay a tribute for his care and for having advised me of the position. The measure was introduced last session and entitled "Cremation Act Amendment Act, 1934."

The CHAIRMAN: It was a lapsed Bill.

Hon. J. NICHOLSON: Yes. We are now in another year, and it is necessary that the Bill should bear "1935."

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

On motion by Hon. J. Nicholson, Clause 4 consequentially amended.

Bill again reported with amendments.

### BILL—FORESTS ACT AMENDMENT.

Received from the Assembly and read a first time.

### BILL — FREMANTLE (SKINNER STREET) DISUSED CEMETERY AMENDMENT.

#### *Second Reading.*

Debate resumed from the previous day.

HON. G. FRASER (West) [4.48]: I shall not oppose the measure, though I regret the passing of this old cemetery. Like the mover of the second reading, I consider that the state of the cemetery to-day is an absolute disgrace. Its situation is fairly central, adjacent to the Old Women's Home. During recent years the cemetery has fallen into decay—cattle grazing in it and tombstones having fallen down. The condition of the place is not a subject of pride to Fremantle residents. The Historical Society have missed a great opportunity in not taking over the cemetery and keeping it in order, for most of the old pioneers of the Fremantle district are buried there. It was not, however, the first cemetery in Fremantle; the Alma-street cemetery was the first, but it was much smaller. This latter cemetery some years ago was converted into a reserve. The Skinner-street cemetery contains the remains of most of the old identities of the Fremantle district, and the Historical Society would have done something that would be to their credit had they taken over the cemetery and cared for it. However, no one has taken any interest in it. There was a hope that the trustees of the Fremantle cemetery would take it over.

Hon. G. W. Miles: Why did not they show any interest in it?

Hon. G. FRASER: I do not know, unless it was that they were short of funds and had enough to do with looking after the Fremantle cemetery. So there appears to be nothing for it but to let the old place go. Approximately 2,000 people are buried there, and it would not have cost a great deal to keep it in repair. The proposal now is to convert it into a Class A reserve. I understand that the various religious sections of Fremantle have agreed to the Bill. I hope they will keep an eye on the place to see that the proper thing is done. Many of the tombstones have been removed already to the Fremantle cemetery, and it is proposed to remove the remainder. Were it not provided in the Bill that certain things shall be done before the cemetery is handed over, I would not support the measure.

Hon. H. J. Yelland: Is it proposed to remove all the bodies as well?

Hon. G. FRASER: It is not possible to do that. From the sentimental aspect some residents are perturbed about the cemetery disappearing, but having examined the matter thoroughly I am convinced that the proposal in the Bill is right and proper.

Hon. H. J. Yelland: Is it proposed to establish a recreation reserve on top of the bodies buried there?

Hon. C. F. Baxter: There is nothing but dust there now.

Hon. G. FRASER: The cemetery has been closed since 1909. I understand that all necessary steps for protection have been taken.

Hon. J. Nicholson: A body is disintegrated in how many years?

Hon. G. FRASER: I do not know.

Hon. J. Nicholson: I think, in about 25 years.

Hon. G. FRASER: Some of the bodies have been buried there for 60 years. The tombstones bear some very early dates. Everything will be done to protect the interests of relatives who are not now here.

HON. A. THOMSON (South-East) [4.55]: I know the old cemetery well, having lived close to it about 40 years ago. I agree with Mr. Fraser that it is regrettable that the cemeteries in which the remains of our old pioneers are buried have

not been looked after, and that, in fact, this is rather to the disgrace of Western Australia. However, the position is that this cemetery has fallen into disrepair and has become nobody's concern. From Mr. Gray's speech of yesterday it is apparent that every care has been taken to protect all the interests involved. The whole of the tombstones will be removed to the Fremantle cemetery. Therefore there should be no objection to the Bill. The site of the cemetery will be a much more pleasing feature of the landscape if the cemetery aspect is removed. It seems strange that Western Australia should have to utilise its old cemeteries as is being done. At East Perth a school to cost about £75,000 is being erected practically on the site of the old Perth cemetery. The land is now being utilised. From my personal knowledge of the Fremantle district, I consider the Bill should be supported.

**HON. J. CORNELL** (South) [4.57]: I support the Bill, and have no regrets in doing so. I may point out that the Sydney railway station of to-day is built on what was practically the first cemetery in Sydney. I may relate an experience I had in connection with cemeteries. During the war I had occasion to visit a town called Chelmsford, I think the capital of the county of Essex. I visited the place because one of my forbears was born at Chelmsford. I thought I might find evidence of him in the form of his tombstone. I could not discover the tombstone, but I did find all the cows and horses of the town grazing in the cemetery. I came away with the realisation that the Chelmsford people had utilitarian ideas. The purpose of the Bill is laudable. As a cemetery the place has fulfilled its purpose. It is now to be put to another utilitarian purpose. For a long period it has been used as a resting place for the dead; it is now to be as a recreation ground for the living. To that there is absolutely no objection. Personally, I fail to see any utility in preserving old cemeteries situated in the heart of a city. This cemetery must go the way many excellent cemeteries have gone.

**HON. E. H. ANGELO** (North) [5.0]: I suppose we have to pass the second reading of the Bill because the Fremantle City Council has already spent some money to achieve

the object they have in view. At the same time, I support the Bill reluctantly indeed. It is deplorable to think that a cemetery of this description, where so many of the old pioneers of Western Australia found a resting place, should be converted, as I am given to understand, into a reserve for recreation purposes. I have no doubt that amongst the people buried in the ground were some of the early colonists who helped to build Fremantle and Western Australia, and it is sad to think that we who follow have now so little regard for what they did, that we have allowed their resting place to get into a state of disuse.

**HON. J. CORNELL**: We are concerned about the living; let the dead look after themselves.

**HON. E. H. ANGELO**: I am very sorry to think that we have to pass the Bill, but I feel certain that had the Fremantle City Council given more notice of what they intended to do, probably some of the descendants of those pioneers might have assisted to put the cemetery in good order. Apparently, however, the matter has gone too far now, and as I have said, I am reluctantly compelled to vote for the second reading.

**HON. J. NICHOLSON** (Metropolitan) [5.4]: This is a Bill to amend an Act that was passed in 1931, and it was laid down in that Act that the remains of persons who were buried in this cemetery should first be removed; but I gather from what Mr. Fraser has stated that it has been found impracticable to remove all the remains, hence the necessity of getting some authority by statute to transform the purpose for which the land is held at the present time. If the area of ground is fairly large, and it is possible conveniently to fence off as a cemetery in some way or other the portion referred to in the Act now in existence—

**HON. G. FRASER**: It was all used as a cemetery.

**HON. J. NICHOLSON**: I thought it might have been possible to use that portion of the ground where there were no interments.

**The Honorary Minister**: There are not more than three or four acres altogether.

**HON. J. NICHOLSON**: Is that all? If it had been possible to use it in some way so that the sacredness of the area might not have been disturbed, it might have been planted with suitable bushes or trees so that the people would not just use it as a recreation reserve. It is stated in the Bill that the land "shall thereby be created and thence-

forth used as a Class A reserve for the purpose of public recreation."

The Honorary Minister: Like King's Park.

Hon. J. NICHOLSON: But King's Park was not a cemetery; that is a park for recreation purposes. If the cemetery in question could be used for some other purpose than what one regards as public recreation, it might be better. I am merely calling attention to that phase of the matter. In the original Act it is clearly laid down that nothing shall be done until all the bodies have been removed. I realise the difficulties as explained by Mr. Fraser. We know there are many instances such as that referred to by Mr. Cornell at Chelmsford, but even in the City of London we know of cemeteries which have gone into disuse and which probably have been put to uses that were never intended. But as time passes there is a necessity for something to be done in connection with places that have been used for burials, and if there is no other purpose to which the mover of the Bill can suggest this particular area can be put, then I presume we have no other course than to carry the Bill. I would, however, have preferred to see the ground used, not for recreation, but for some purpose other than that expressed in the Bill.

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [5.8]: It is of course unfortunate that with the march of time we should have reached a stage when this area is no longer available for the purpose of burials, and until such time as the public mind is in accord with the sentiments expressed by Mr. Nicholson in connection with cremation, we shall continue to have the existing state of affairs. It is not much use blaming the local authorities in Fremantle for the condition into which this particular cemetery has drifted. One might well say that there was a duty devolving upon the relatives of those buried in this cemetery to see that the particular graves in which they were interested were kept in a reasonable state of repair.

Hon. J. Nicholson: It is a pity that the cemetery should have been allowed to lapse into a state of neglect.

The HONORARY MINISTER: Primarily that is the fault of the relatives of the pioneers buried there, because they ceased to take an interest in the cemetery. But one can see that wherever one goes. It is

quite understood that there are many instances of old cemeteries having been used for various purposes. I can quote a case in my own home town in England where a railway has been built across a cemetery, and where an embankment is supported by the tombstones that were in the original cemetery. That is one way of perpetuating, in the very spot, the names of those buried there; but the rest of the ground is built on. I do not know the area of the Skinner-street cemetery, but I should imagine it would not be more than three or four acres. At the present time it is a real eyesore which the local authorities are anxious to use in an entirely different way. After the passing of the previous Bill the Fremantle people were desirous of carrying out the obligations imposed upon them by that measure, but they found it impossible to do so. I suggest that the local authorities at Fremantle are just as keen as are individual members of this House to do the right thing. Listening to Mr. Gray who moved the second reading of the Bill last night, I thought he made it perfectly clear that every possible care had been taken to see that nothing was done which could in any way be regarded as offensive to relatives or friends of those buried there, if they are still in the country or are still interested in the cemetery. That being so we have no option but to agree to the proposal. Because it is to be turned into a Class A reserve for recreation purposes, it does not mean that it is to become a sports ground. The one or two sports grounds at Fremantle are a credit to the municipality, and one can take it for granted that the Fremantle City Council will deal with this area in a suitable way.

Hon. A. Thomson: It would not be big enough for a football ground.

The HONORARY MINISTER: I might cite the war memorial at Fremantle as a fine work carried out by the local authorities who converted what was previously a very rough limestone hill into one of the beauty spots of the State. The Fremantle City Council has done magnificent work there, and it is a credit to them. It can therefore be assumed that the local authorities of Fremantle who are associated with matters of this kind will see to it that the area in question which will be converted

into a Class A reserve and used for recreation purposes, will be planted with trees and generally improved and made a place of which the ratepayers will be proud. I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

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

### **BILL—TRUSTEES' POWERS AMENDMENT.**

*Second Reading.*

Debate resumed from the previous day.

**HON. J. J. HOLMES** (North) [5.15]: I moved the adjournment of the debate last night because I had not an opportunity to look at the Bill. I have since perused the measure, and consulted others in connection with it. I am now informed that it is not only necessary, but desirable, that the Act should be amended in this direction. I, therefore, have pleasure in giving the Bill my support.

Question put and passed.

Bill read a second time.

*In Committee.*

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

### **BILL—PLANT DISEASES ACT AMENDMENT.**

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title:

The **CHIEF SECRETARY**: I move an amendment—

That in line 7 the figures "1934" be struck out, and "1935" inserted in lieu.

This was one of the lapsed Bills from last session. It is through the vigilance of Mr. Leake that I was informed this amendment was necessary. That gentleman also dis-

covered another grave error in a later portion of the Bill.

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

Clause 2—New Section:

Hon. H. J. YELLAND: I move an amendment—

That in proposed Subsection 1 the words "owner" be struck out.

The occupier of an orchard should be the first person upon whom the responsibility of keeping it clean should fall. If he will not do that, then the onus lies upon the owner. If there should be no occupier, the responsibility automatically falls upon the owner. If the Act is left as it is, the owner will be entirely responsible for everything to do with the orchard. That is unjust.

The **CHIEF SECRETARY**: Mr. Parker, and also Mr. Macfarlane, suggested that publicity should be given to this legislation, and the necessity for the registration of orchards, through the Education Department by notification to the school children. I have approached the Minister for Education on the subject, and he said the matter would be given publicity through that channel. The amendment is not acceptable to the Department of Agriculture. It will affect the efficient administration of the Act. Both the owner and the occupier are responsible. The owner is more easily located, whereas the occupier is often a vanishing quantity. The property may not be tenanted for more than a few weeks at a time. It would be impossible in most cases to fix the responsibility upon the occupier. Registration will become necessary within a month of the passing of the law. By that time the tenant may be in Kalgoorlie or the North-West, and be difficult to get at. If the occupier is not available, the owner will be prosecuted. This procedure is necessary to render efficient the administration of the Act.

Hon. J. M. MACFARLANE: I agree that the amendment would not improve the position, and might do an injustice. A man may have taken over a property on which there are growing two or three fruit trees. Soon after becoming the tenant an inspector may come along and place the whole responsibility upon him. The responsi-

bility should at least be shared by the owner as well. Most of the houses that are occupied are rented, and some of them have a few trees in the grounds. The tenant may inherit trouble quite unconsciously unless something can be done to prevent it.

Hon. J. NICHOLSON: The amendment is both desirable and beneficial in every way, whereas the Bill as printed will prove unworkable. There are many places, particularly in country towns, where the tenants are in the habit of planting one or two fruit trees. The landlord visits the property only at long intervals, and may be wholly unaware of the action of his tenant. The tenant may plant anything he chooses, whether a rose bush or a fruit tree. If the Bill be passed in its present form, a landlord or owner will be held liable for the act of a tenant. If the last mentioned happens to plant a fruit tree, the owner, who may be quite unaware of the fact, will be liable to prosecution and a possible penalty of £20 and £1 per day as well. That is entirely wrong.

Hon. J. J. Holmes: That is the maximum penalty.

Hon. J. NICHOLSON: That is so. It would simply mean that a landlord would require to be on the watch all the time to see if any fruit trees were planted by a tenant. I think the departmental view regarding this matter is wrong. I have placed on the Notice Paper an amendment that, I think, will provide the solution of the difficulty. I am with the department in my desire to prevent these diseases from spreading throughout our orchards, but I do not desire the Bill to be passed in a form that will inflict an injustice. A person in control of an orchard is in much the same position as another who is in control of licensed premises. The person who applies for the license is the party in occupation. In my opinion, the occupier of an orchard should be in exactly the same position.

Hon. J. T. Franklin: A landlord cannot go on to a tenant's premises and cut down trees.

Hon. J. NICHOLSON: No, because the tenant is in possession, and if a landlord were to adopt that course, he would be guilty of trespass.

Hon. A. Thomson: But the Agricultural Department could deal with it.

Hon. J. NICHOLSON: That is a different matter altogether. My proposed amendment will deal with the position both as re-

gards the owner and the occupier. The duty should devolve upon the occupier to register the orchard, and if there should be no occupier, then the duty should attach to the owner. There is another analogy between the orchard and the licensed premises, inasmuch as the Bill makes provision for the transfer of registration, just as the Licensing Act does for the transfer of licenses. I put up this view for the consideration of the department: where there is an alternative such as owner or occupier, against which party would the department be entitled to claim? We should make it clear that one party is to be liable in a primary degree and that the other party is to be liable in a secondary degree. I hope the Committee will carry this amendment so that I may be enabled to move the other amendment of which I have given notice.

Progress reported.

*House adjourned at 5.43 p.m.*

## Legislative Assembly,

*Thursday, 12th September, 1935.*

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

### QUESTION—AID TO WHEAT-GROWERS.

*Commonwealth Government Grants.*

Hon. C. G. LATHAM asked the Minister for Lands: 1 (a), What amounts were received from the Commonwealth Government during the years ended the 30th June, 1933, 1934, and 1935 to assist wheatgrowers in this State? (b), What sum was distributed in respect of each grant? 2 (a), On