

Council have been responsible for the action which has taken place. It becomes abundantly clear that these particular members are in the Parliament of this State for one main purpose, that purpose being to reap an advantage all the time for special powerful vested interests, most of whom are concentrated in the city of Perth.

The PREMIER: I must confess that I heard with surprise that a representative of the Labour Party was not included among the managers from the Legislative Council. Whilst it is not obligatory on the Legislative Council to select representatives from the party point of view nevertheless a tradition has been established, and one that I do not think has ever been departed from, of selecting from each Party in that Chamber. However, I am afraid there is nothing that can be done about it. I hurriedly glanced through Standing Orders which dealt with the appointment of managers, and it appears that the Legislative Council was within its rights in asking that a ballot should be held and electing its own representatives.

The Minister in another place did move that the Hon. E. H. Gray be appointed one of the managers, and that was the wish of the Government. I regret this departure from tradition and, if the Acting Leader of the Opposition will agree, I will take the earliest opportunity of meeting him and discussing the whole position. If it is possible to find a way out and to ensure that his Party will have a representative at future conferences, I will be prepared to support that view. I hope, because of the importance of this conference, that we shall still have the co-operation of the Opposition on this occasion. I regret that the omission of a representative of the Party opposite has occurred, and I can only hope that it will not occur again.

Sitting suspended from 1 to 5.45 a.m.

Conference Managers' Report.

The MINISTER FOR LANDS: I beg to report that the managers met in conference and reached the following agreement:—

Amendment No. 1. Clause 3, Subclause (2):

(a) After the word "of" in line 10 on page 2 there shall be inserted the word "five."

(b) After the word "knowledge" in line 11 on page 2 there shall be added the words

"not more than two, of whom shall be members of the Public Service."

2. Amendment No. 2 shall be withdrawn.
3. Amendment No. 3 shall be accepted.
4. Amendment No. 4 shall be withdrawn.
5. Amendment No. 5 shall be withdrawn.
6. Amendment No. 6 shall be accepted.
7. Amendment No. 7 shall be withdrawn.
8. Amendment No. 8 shall be withdrawn.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Council.

Council's Message.

Message from the Council received and read notifying that it had agreed to the conference managers' report.

House adjourned at 5.50 a.m. (Friday).

Legislative Council.

Tuesday, 21st September, 1948.

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

ASSENT TO BILLS.

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

1. Prices Control.
2. Land Sales Control.

QUESTIONS.**ELECTRICITY SUPPLIES.**

As to Loss on Current to Municipalities and Railways.

Hon. A. THOMSON asked the Honorary Minister for Agriculture:

Will the Government obtain from the Auditor General a complete statement showing the loss incurred in supplying electricity below cost for the years 1946, 1947 and 1948 respectively—

- (a) to the Perth City Council;
- (b) to the Fremantle Municipal Council;
- (c) to the Commissioner of Railways; and
- (d) the total loss sustained from 1918 to 1946, inclusive?

The HONORARY MINISTER replied:

Yes; it will, however, involve considerable research and time. The Government has written to the Auditor General, requesting him to prepare the information asked for by the hon. member.

GOLD BUYERS ACT.

As to Prosecutions, Convictions, etc.

Hon. E. M. HEENAN asked the Honorary Minister for Agriculture:

(1) How many prosecutions have been lodged for offences under the Gold Buyers Act, 1921, since the 1st January, 1945?

(2) How many convictions were obtained?

(3) What was the total value of money received by the Treasurer in consequence of gold sold as a result of the convictions?

(4) What amount (if any) was paid to informants during the above period?

The HONORARY MINISTER replied:

- (1) 15.
- (2) 12.
- (3) £7,776 15s. 9d.
- (4) Not readily available at present.

MOTION—ELECTRICITY ACT.

To Disallow Radio Workers' Regulations.

Debate resumed from the 16th September on the following motion by Hon. A. L. LOTON:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 133, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 25th March, 1948, and laid on the Table of the House on the 27th July, 1948, be and are hereby disallowed.

HON. A. L. LOTON (South-East—in reply) [4.38]: I desire to draw the attention of members to the sheet showing the schedule of regulations. For some unknown reason, the person responsible for drawing up these regulations has made a mistake in the numbering. We find that Regulation 119 is not listed. Further on, we find Regulations 129 and 131, and again lower down the list we find Regulation 130. I do not know who is responsible for the error, if error it be. It looks as though we are considering the disallowance of a regulation which does not exist, and I ask members to note the discrepancy, which the Honorary Minister might be able to rectify later. Despite what the Honorary Minister said in advocating the retention of these regulations, I still ask members to vote for their disallowance. Mr. Gray and Mr. Fraser say they can see nothing wrong with the regulations. I would be very surprised if either of them did see anything wrong.

Hon. G. Fraser: You did not tell us where they are wrong.

Hon. A. L. LOTON: Both those hon. gentlemen believe in regimentation and control. These regulations were drawn up to meet with the approval of a Minister of a Labour Government.

Hon. E. M. Davies: They are in existence in the Eastern States.

Hon. A. L. LOTON: That does not say they should exist here.

Hon. G. Fraser: Most of them were in operation when another Government was in power from 1930 to 1933.

Hon. A. L. LOTON: If enterprise is to be given any encouragement, then these and similar regulations must be abolished.

Hon. G. Fraser: You have been 10 years waking up to that fact.

Hon. A. L. LOTON: I was not here 10 years ago.

Hon. G. Fraser: Very near it.

Hon. A. L. LOTON: I might have learned a lot more in the time if I had been here. I hope the Minister will have a full inquiry made by an independent and disinterested party into all the regulations drawn up by the State Electricity Commission with a view to having removed any that are of a restrictive or retarding nature. These regulations were drawn up and submitted to the present Minister shortly after he assumed office, and, unwittingly and unknowingly, he has placed a burden on many country people.

Hon. G. Fraser: You do not give your own Minister much credit.

Hon. A. L. LOTON: Country people are being penalised at present by having to send their radio sets to Perth or to the larger country centres for minor repairs. When I speak of a minor repair, it might mean only the replacing of a valve.

Hon. A. Thomson: Are you closing this debate?

Hon. A. L. LOTON: Yes. In the country are many practical radio men who are fully qualified to do repairs but they have not passed the necessary examinations and so have not obtained a license. Under the State Electricity Commission's regulations, even if they take delivery of a set they commit an offence. All that should be required of electrical workers, radio workers and cinematograph operators is a knowledge of the safety principles of electricity. The commercial aspect should be no concern of the State Electricity Commission. Let the radio servicemen—the traders—draw up their own regulations if they want to establish a closer check on those who are going to make repairs and do servicing.

Hon. G. Fraser: You mean to allow an open go!

Hon. A. L. LOTON: If initiative and enterprise are to have any encouragement, it will not be by setting up retarding regulations. I have, like other members, received some correspondence from town and country radio servicemen. I am not going to quote from the letters, but if the Minister is in any doubt on the matter—and the other day when Sir Charles Latham mentioned this point, some doubt was expressed as to whether members had been written to—I

am prepared to show the letters I have received to him for his perusal only, so that he will not remain in doubt.

Hon. A. Thomson: The Government fails to realise that these regulations apply to the whole of Western Australia.

Hon. A. L. LOTON: Yes. The regulations apply to the whole State, and the country people, in particular, are being penalised. I recommend to the Minister in charge of the State Electricity Commission that he set up an independent body to go into all the pros and cons of the regulations. I could go into the details of the regulations, and it might be admitted that some are needed up to a point, but that point is only as to the safety principles of electricity. I am not going any further than that. I hope the House will support me.

Question put and a division taken with the following result—

Ayes	..	..	..	12
Noes	..	..	..	7
Majority for				5

AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. H. Hearn	Hon. O. H. Simpson
Hon. Sir Chas. Latham	Hon. A. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. W. J. Mann	Hon. J. A. Dimmitt (Teller.)

NOES.

Hon. R. J. Boylen	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. G. B. Wood
Hon. G. Fraser	Hon. E. M. Heenan (Teller.)
Hon. E. H. Gray	

Question thus passed.

MOTION—ELECTRICITY ACT.

To Disallow Cinematograph Operators' Regulations.

Debate resumed from the 16th September on the following motion by Hon. Sir Charles Latham:—

That Regulations Nos. 71, 80, 86 and 104 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 25th March, 1948, and laid on the Table of the House on the 27th July, 1948, be and are hereby disallowed.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [4.50]: I do not intend to speak at length to this motion. A lot has been said by members about the work expected of the

State Electricity Commission. Many members have said that the Commission has gone beyond its province and that instead of looking after electricity, it has delved into things in which it has no concern. I entirely disagree with that contention. The Commission was constituted in 1946 and has power under the Act to deal with matters that are in any way connected with electricity. Nobody can tell me that bio-boxes have not a very definite link up with electricity. It is not a question of going into the box and merely turning a handle.

Hon. A. Thomson: We did tell you, and we can tell you.

The HONORARY MINISTER FOR AGRICULTURE: Considerable knowledge of electricity is necessary. These regulations have been before the House on previous occasions and have been debated and passed. My information is that a certain member of this House suggested definite improvements which could be effected by amendment and it was resolved, upon a verbal agreement between that hon. member and the secretary of the State Electricity Commission, that the regulations would be amended. In consequence of that conversation, they were amended and gazetted on the 25th March, 1948. I understand that two members of this House went along to the State Electricity Commission office and one member in particular did most of the talking with the secretary.

Hon. A. Thomson: I suppose it was because he was requested to interview the secretary.

The HONORARY MINISTER FOR AGRICULTURE: I do not know, but Mr. Loton was the member.

Hon. A. L. Loton: And there was no other member with me.

The HONORARY MINISTER FOR AGRICULTURE: I stated that only one member took part in the conversation. It does not matter, but the fact remains that I made a mistake by stating that two members were present. I said that because I had been told that there were two present, but my information must have been incorrect. Sir Charles Latham stated that it is necessary for an operator to come to the city to receive his training and take his examination. That is not so. In the first place the regulations have been in operation since 1939, at which time all operators

who could establish two years' experience, whether in the city or country, were automatically issued with licenses upon application.

Hon. Sir Charles Latham: Did you say 1939?

The HONORARY MINISTER FOR AGRICULTURE: Yes.

Hon. Sir Charles Latham: I thought the Commission came into existence in 1946.

Hon. G. Fraser: The P.W.D. handled it before that.

Hon. Sir Charles Latham: Handled the Commission?

The HONORARY MINISTER FOR AGRICULTURE: Since that date, the board has accepted two years' continuous training as proof of the experience required. That is not every night for two years, but as long as a person has had experience for one or two nights per week for that period, he has been able to apply for a license. Furthermore, the board has been instrumental in arranging for a special correspondence course to enable such men to gain skill in that particular section.

Hon. H. Tuckey: Is that two years prior to the Act coming into force?

The HONORARY MINISTER FOR AGRICULTURE: Yes, I suppose that would be so. It is no use talking about not requiring skilled knowledge. It is not like it used to be in the days of the magic lantern when all one had to do was to turn a handle and everything went along smoothly. This work definitely requires a certain amount of skill and experience. Modern equipment is dependent on electrical energy which requires skill on the part of the present-day operator, and this brings his work within the scope of a profession. It entails, besides projection, the maintenance of the plant and sound apparatus, and places the responsibility of the wiring within the bio-box in the care of the operator. I think it was Mr. Boylen who told the House about the new installation at the Metro Theatre and the complicated machinery which has recently been imported. I intended going along today to see the plant, but I did not have time to do so.

Hon. Sir Charles Latham: You would have altered your opinion. I am sorry you did not go.

The HONORARY MINISTER FOR AGRICULTURE: Probably Sir Charles Latham has not been along himself.

Hon. Sir Charles Latham: Haven't I?

Hon. H. Hearn: The story would have been different if you had gone along, Mr. Minister.

The HONORARY MINISTER FOR AGRICULTURE: Sir Charles Latham, when dealing with Regulation 71, stated that the amended regulation is better than the original and that the alteration is a wise one. It is contended, of course, that the regulation as now submitted is in accordance with desires expressed by members for its amendment. Regulation 80 is amended to widen the existing one and enable those who will be fortunate enough to become students at a full-time course at the Technical College, or through rehabilitation, to be eligible to undertake operating at the conclusion of such training. The board has approached leading suppliers of modern projection apparatus with a view to placing in the hands of the Technical College the necessary equipment for the training of operators. The proposed amendments open the avenues for the would-be operators, and can be accepted as in agreement with the wishes expressed by those debating the regulations last year. That Sir Charles Latham should object to the regulations requiring that an operator shall have knowledge of the methods of resuscitation in cases of electric shock, is strange.

Hon. Sir Charles Latham: He does not need to go there to get the knowledge. He can get it at the St. John Ambulance.

The HONORARY MINISTER FOR AGRICULTURE: It is extraordinary that the hon. member should object to it.

Hon. Sir Charles Latham: I do not object to it.

The HONORARY MINISTER FOR AGRICULTURE: I might say that anybody in contact with electrical work should be conversant with the methods of treating patients suffering from electric shock. Even school children are taught the elementary methods of resuscitation in regard to it. Each year brings too many deaths that could have been prevented had a bystander had that knowledge.

Hon. Sir Charles Latham: Not with bio-boxes and bio-projectors.

The HONORARY MINISTER FOR AGRICULTURE: Sir Charles Latham said that the situation could be handled by any normal person possessing commonsense. Surely that does not indicate that a trained person would not be more able to cope with the situation. Surely to goodness more knowledge is better than a little knowledge. The operators should possess that increased knowledge. Next I shall say something about the references made by Sir Charles Latham to the regulations relating to bio-boxes. It will be remembered that Sir Charles suggested that the difficulties could be overcome by the application of the regulations under the Health Act. That is not so at all. I have here information supplied to the State Electricity Commission by the Commissioner of Public Health, who advised as follows:—

The regulations relating to biograph boxes referred to in my communication of the 1st March were submitted to the Crown Law Department for promulgation but it was found that under the Health Act there was no power to make regulations of such a comprehensive nature.

Among other amendments to the Health Act to be submitted to Parliament at the forthcoming session is one that makes provision for the making of all regulations considered necessary in connection with public buildings. If the amendment becomes law, the regulations relating to biograph boxes will again be submitted for approval.

In view of this, it would appear that the Health Department is not in a position to control bio-boxes, as Sir Charles Latham suggested. That is the opinion of the Commissioner of Public Health, and we must accept it. I shall say no more other than that I oppose the motion.

HON. G. FRASER (West) [5.2]: I am surprised that Sir Charles Latham should have moved for the disallowance of these regulations. If any member examines them and compares the proposals therein with the regulations that will operate if the motion is carried, he will appreciate that the later ones represent an improvement on those that were approved by this House last year. Regulation 71 deals with the constitution of the board. The regulation that we approved formerly made provision for a board including a representative of the employers of cinematograph operators and another to represent the operators themselves, together with the chairman. If we disallow the regu-

lation under discussion, that is the type of board that will be constituted.

On the other hand, the amended regulation goes further and says that the member representing the employers of the cinematograph operators must himself be an employer, while the other member who is to represent the operators must himself be an employee cinematograph operator. What better board than that proposed could be set up? Under the old regulation, which will prevail if the amended regulation is disallowed, someone quite outside the trade could be appointed to the board to represent either the employees or the employers. Surely it is better to have a board constituted by people who are in the trade. I honestly believe the amended regulation represents a great improvement.

The next regulation Sir Charles Latham suggests should be disallowed is No. 80. The amended regulation deals with examinations and what is necessary to enable a man to qualify to sit for it. Under the old regulation what the man must have and know is set out, but the amended regulation provides that the man must have attended a full course of instruction at a training centre approved by the board. That surely is an improvement. The regulation goes on to set out that the man must produce proof of having had experience and practical training under the direct supervision of a senior licensed operator in a projection room during the screening of full programmes at public exhibitions of films for at least two years and have received instruction from a licensed operator or other instructor approved by the board in the subjects that are set out in detail.

Surely the provision of training centres where these men could acquire the necessary knowledge to enable them to carry on their work, would be a step in the right direction. Surely a regulation to that effect would be far better than the rather loosely worded regulation that we accepted formerly. There are other obligations imposed, but they do not vary a great deal from what obtains now. Next we come to Regulation 86. In the amended form it sets out that no person shall be licensed unless he has attained the age of 21 years but it goes further and provides that the board may issue a restricted license to a person under that age entitling him to operate until he becomes 21, provided

that the individual has qualified by examination.

Hon. A. Thomson: Why make it 21 years of age?

Hon. G. FRASER: The Commission has endeavoured to meet the wishes expressed by members last year and has restricted it to those who are 21 years of age.

Hon. A. Thomson: But we do not want it restricted to those who are 21 years of age.

Hon. G. FRASER: Last year the regulations did restrict it to those who were 21 years of age, and objection was raised to that. Now the Commission has put forward an amended regulation restricting it to those who are 21 years of age but making provision for those under that age by means of the issuing of a restricted permit, and yet objection is taken to it!

Hon. A. Thomson: What about those who are 18 years of age being allowed to drive motorcars?

Hon. G. FRASER: There are lots of things that such persons can do, but certainly the hon. member would not permit young people 18 years of age to exercise the franchise.

Hon. A. Thomson: How do you know?

Hon. G. FRASER: I say that because of the hon. member's general attitude down the years.

Hon. A. Thomson: You have made a loose statement, and you may be wrong.

Hon. Sir Charles Latham: Why chastise him?

Hon. G. FRASER: I would be glad to be wrong, but I am afraid I am right. I cannot imagine Mr. Thomson agreeing to persons who are under 21 years of age being given the right to vote.

The PRESIDENT: Order! The hon. member might refer to the motion.

Hon. G. FRASER: The amended regulation is certainly an improvement and it seeks to give effect to what was suggested in this House during the course of the debate on the earlier regulations. Those who are not 21 years of age will be able to secure a restricted permit to operate, provided they are qualified.

Hon. Sir Charles Latham: Why a restricted permit?

Hon. G. FRASER: I assume that, in the view of the Commission, a person so young is not possessed of the sense of responsibility that those who are 21 years of age would be likely to possess.

Hon. H. Hearn: And you would give them a vote at 18 years of age!

Hon. G. FRASER: I would do that rather than give them the right to do something that might endanger the lives of other people. Certainly, I think the hon. member's seat would be in danger if people under 21 years of age were entitled to vote. The next one to be dealt with is Regulation No. 104 and here again I suggest that the amended regulation is an improvement on what was proposed last year. It deals with the suspension of permits by the board and the grounds upon which that action can be taken. There is not a great deal of difference, and I am surprised that the time of Parliament should be wasted in considering it.

Hon. Sir Charles Latham: You cannot waste the time of Parliament in discussing such a matter.

Hon. G. FRASER: That attitude can be carried too far. There is so little difference between the old regulation and the amended one that it is merely wasting the time of Parliament to move for its disallowance. For example, under the old regulation one ground for suspension was that the permit had been obtained by fraud or misrepresentation. The amended regulation provides that the individual concerned must have been convicted of an offence against the regulations. I admit that that was also covered in the old regulation. The amended regulation goes on to deal with the physical condition of the individual that might render him incapable of carrying out the duties of a cinematograph operator in a competent manner, but, generally speaking, there is so little difference between the two that I am surprised that Sir Charles Latham should see fit to move for the disallowance of the amended regulation.

Speaking generally to the motion, I wish to counter the statement made during the course of the debate that the Health Act could be used to deal with the situation. In his remarks the Honorary Minister referred to that point and clearly showed that the Health

Act does not cover it at all. It can deal with the construction of bio-boxes but can go no further than that. One would be led to believe from the discussion that because the Health Act deals with the construction of bio-boxes, there could be no danger of fires occurring, or from the effects of such fires. Such a statement would be utterly ridiculous. In bio-boxes there are apertures or, in some instances, glass windows; and glass has never yet prevented a fire from spreading. Should a fire occur in the bio-box, it would be quite simple for it to extend, and therefore it is necessary that the man in charge of the machine should know his job. We have appointed men to take charge of the State's electricity supply, and they say this is necessary.

Hon. Sir Charles Latham: If there is any danger, a fireman should be there all the time.

Hon. G. FRASER: There is one on duty all the time.

The Honorary Minister for Agriculture: Of course there is.

Hon. Sir Charles Latham: Then there is no danger.

Hon. G. FRASER: The hon. member should know that in every picture theatre there is a fireman on duty.

Hon. Sir Charles Latham: But not in the bio-box.

The Honorary Minister for Agriculture: You would not expect that.

Hon. Sir Charles Latham: That is where he should be if there is any danger.

Hon. G. FRASER: No, the fireman is on duty to deal with any fire that might extend to other parts of the theatre. We should have competent men in the bio-boxes who would know what to do in case of a fire.

The Honorary Minister for Agriculture: That is the idea.

Hon. G. FRASER: If a fire broke out in a bio-box and the people in the theatre got to know of it, what would happen? There would be one wild scramble for the exits.

Hon. H. Tuckey: These regulations are not supposed to stop fires.

Hon. G. FRASER: But we should have competent men in the bio-boxes to stop fires before they actually break out.

Hon. Sir Charles Latbam: That is a good one.

Hon. G. FRASER: Immediately there was a mishap in the bio-box, the qualified man would cope with it; if there were an unqualified man in the box and a fire broke out, it would spread. Should a fire occur in any picture theatre in this State, pandemonium would be let loose. There would be a stampede, and there would be casualties. For my part, I will play safe while I am in my present position. I shall not leave any loophole whereby the possibility of danger to the public will be increased. We know that there have been casualties when fires have broken out in theatres, both here and in the Eastern States.

The Honorary Minister for Agriculture: Terrible fires have occurred in America, France and India.

Hon. G. FRASER: What happened there could happen in any picture theatre in this State. The danger that arises to the public is not only from the standpoint of fire in the bio-box but from the stampeding of people struggling to get out through the small exits that are provided. While I have a voice, I will raise it against the disallowance of regulations that are framed to safeguard the safety of the public. Those who are charged with the duty of controlling the electricity supply of the State have framed these regulations and they understand their job. These were not submitted in order to harass the public.

Hon. H. Hearn: Not much!

Hon. A. Thomson: Oh, no!

Hon. G. FRASER: The regulations were drafted by men who know their job, and they are necessary for the safety of the public. They have drafted these regulations, which they say are required in connection with cinematograph operators. They have stipulated the persons who should do this work and they say that those are the only persons who should handle film, which is dangerous. Unless a man knows his job a catastrophe could easily occur. I am satisfied that the regulations have been drafted for one purpose only, and they have been submitted by experts appointed to control these matters in this State. For that reason I propose to vote against the motion.

HON. SIR CHARLES LATHAM (East—in reply) [5.16]: I hope that these regulations will receive the same treatment as the others. I dealt with the matter fully when I introduced the motion, but I propose to reply to a few of the statements that have been made. Mr. Fraser said that the regulations were framed in order to prevent fires in bio-boxes. That is not correct. There is no mention of fires in the regulations.

Hon. G. W. Miles: He said he would prevent them before they started!

Hon. Sir CHARLES LATHAM: I know the hon. member does a lot of strange things. These bio-boxes are fire-proof.

The Honorary Minister for Agriculture: Oh!

Hon. Sir CHARLES LATHAM: The bio-boxes are fire-proof.

The Honorary Minister for Agriculture: What about the contents?

Hon. Sir CHARLES LATHAM: Films are very inflammable.

The Honorary Minister for Agriculture: That is what we are concerned about.

Hon. Sir CHARLES LATHAM: If the Honorary Minister knows anything about projectors, he will know that the only danger is where the film comes into contact with heat when passing from one spool to another. But there are check boxes that cut the film off and put the fire out. The bio-boxes are fire-proof.

The Honorary Minister for Agriculture: How do you account for theatres having been burnt down?

Hon. Sir CHARLES LATHAM: I do not know of any having been burnt down for many years, not from a bio-box fire.

The Honorary Minister for Agriculture: Yes.

Hon. Sir CHARLES LATHAM: The Honorary Minister did not give any instances—and I challenge him to do so. Members opposing the motion went round the world in their speeches, and across to America and other places; but all we were able to ascertain from the Honorary Minister was that £184 worth of damage had been done over a long period of years—as far back as it had been possible to trace

the occurrence of fires. Of course, fires will occur accidentally from time to time. It is not so long ago that a man was carting films in a tin box and put them on top of a car battery. This led to a connection between the two terminals, the box became electrified and the films were set alight. But that kind of thing would probably happen only once in a life-time.

I object in a general way to these examination restrictions. If members of this House were examined on questions of law, how many of them would be here? With the exception of two members, none of us would be entitled to sit in this Chamber. Our job is the framing of laws; but we are not asked to pass an examination. If we were, we would all fail hopelessly except Mr. Parker and Mr. Heenan, who are qualified in the practice of the law. They are amongst those who interpret the law, and the rest of us are here to make that law. By way of comparison, I might refer to the people who drive our buses and trolley buses which carry thousands of people to and from the city. They have to be licensed drivers, but they are not asked to be qualified to attend to the mechanism or the wiring of the engines. As a matter of fact, they are prohibited from handling such matters. If there is a breakdown, they must telephone for a specially qualified man to do the job.

Doubtless the Honorary Minister rang up the Commissioner of Health and said, "Tell me something that I can put up in opposition to the arguments of the hon. member who introduced this motion"; and, of course, the Commissioner submitted something that was, in his opinion, satisfactory. For many years the Health Department has controlled public halls and bio-boxes and all that sort of thing in this State, and I propose to read one of its regulations. This is an extract from the "Government Gazette" of the 25th February, 1916—

(e) The lessee or occupier for the time being of the public building and the person having control or management of the cinematograph apparatus shall be held responsible for the employment of competent, experienced and trustworthy operators, and shall be prepared at any time to supply the Commissioner satisfactory credentials in this respect.

That is the regulation framed by the Health Department.

Hon. G. Fraser: These regulations state what a competent man is.

Hon. Sir CHARLES LATHAM: These regulations make a close preserve for a very few people. I will give the hon. member some instances of what I mean. Not long ago certain papers were tabled, and I wish the hon. member had taken the bother to read them. They indicated that an examination was set for 23 candidates, of whom only one passed. That was the class of examination paper that was set.

Hon. G. Fraser: It shows the calibre of the people who took the examination.

Hon. Sir CHARLES LATHAM: Only one passed! I believe that if the hon. member were asked to pass an examination set to ascertain whether we are properly equipped to sit in this House, he would fail. Yet he has had years of experience and has rendered good service to the people he represents. Do not let us condemn a man because he cannot pass an examination. One of the questions in the examination paper was, "How many sprocket holes are there to 1,000 feet of film?" The man happened to know; but unfortunately for him he gave the number on one side only, whereas there is a corresponding number on the other side. He failed because he had not given the correct reply.

Hon. G. Fraser: If this motion is carried, will the examinations be cut out?

Hon. Sir CHARLES LATHAM: Let us have a man who understands the work he is doing and leave other matters to those who are equipped to handle them. The Honorary Minister said these men had to be qualified to do the wiring in a bio-box. But they are not permitted under the Electrical Act to touch the wiring. That is work done by a qualified electrician. People are not allowed to do electrical work in their own homes but must secure the services of qualified electricians.

Hon. G. Fraser: Show us the difference between these amended regulations and the present ones.

Hon. Sir CHARLES LATHAM: I am not going to show the hon. member anything of the sort! They are all bad. There are three projector agents in this State—Raycophone, Western Electric and R. C. A. There are 68 Raycophone machines, 31 R. C. A. and eight Western Electric. Each firm has an engineer who goes round and looks after the machines. If one engineer is sick, the men are interchangeable and one of the other

engineers does his work. There are only 107 projectors distributed amongst 128 exhibitors. The operator is not permitted to touch the machine. Much the same position obtains with regard to electric motors which are sealed by the manufacturer. The owners are not allowed to break the seal without accepting responsibility for so doing, and the manufacturer sends men out to make adjustments. The danger of fire in bio-boxes is very remote indeed. I know of no occasion on which there has been such a fire here or in the Eastern States.

The Honorary Minister for Agriculture: There was nearly one in this State but they stopped it.

Hon. Sir CHARLES LATHAM: I remember something else that nearly happened, but this is not the place for me to mention it.

Hon. H. Hearn: Was the fire stopped by regulations?

The Honorary Minister for Agriculture: No. A qualified man was there at the time.

Hon. Sir CHARLES LATHAM: It would not have made much difference if he had not been qualified.

The Honorary Minister for Agriculture: You do not know.

Hon. Sir CHARLES LATHAM: Of course I do! I will give the Honorary Minister an instance of what happened at Wiluna during the war. The man who operated the cinematograph machine there enlisted and his place was taken by a man from a garage, who was an electrician. He subsequently came to Perth and tried to pass one of these examinations, but could not do so. Yet he was qualified to go to Geraldton to take charge of the power house there; and I understand that today he is second in command at Collie, where he is working for the Government.

Hon. G. Fraser: If the regulations are defeated, there will still be examinations.

Hon. Sir CHARLES LATHAM: What the examinations do is to debar men from earning a living, although they have all the necessary qualifications. Some of the greatest men the world has known have been unable to pass examinations but have rendered splendid service to humanity.

Hon. E. M. Heenan: What about school-teachers?

Hon. Sir CHARLES LATHAM: I am glad the hon. member raised that point. In some schools there are 16 mm. projectors; but if these regulations are enforced, the teachers will not be permitted to handle those machines.

The Chief Secretary: These regulations will not make any difference.

Hon. Sir CHARLES LATHAM: They will not be allowed to operate a machine unless they are qualified under these regulations.

The Chief Secretary: Under the existing regulations they are not.

Hon. Sir CHARLES LATHAM: Under which regulations?

The Chief Secretary: The hon. member wants these regulations disallowed so that those cancelled by these will be brought into force.

Hon. Sir CHARLES LATHAM: No. They have already been amended and gazetted as amended. If these regulations are defeated, fresh ones will have to be submitted.

The Chief Secretary: The hon. member does not know anything about it.

Hon. A. Thomson: No private member has a right to move for the amendment of regulations.

Hon. Sir CHARLES LATHAM: Of course not! We can move only for their disallowance. I believe these regulations will receive the fate they deserve. A commission engaged in the very important work done by the Electricity Commission should not have its time taken up with attending to fiddling things of this description. These regulations had their origin at Trades Hall, which wants to make a close preserve for a few people.

Hon. G. Fraser: That is bunkum!

Hon. Sir CHARLES LATHAM: It is not. I challenge the hon. member to say he has not received instructions from Trades Hall to support the regulations.

Hon. G. Fraser: That is an absolute lie!

The Honorary Minister for Agriculture: Who instructed me? Trades Hall?

Hon. Sir CHARLES LATHAM: No. The Honorary Minister is carrying out the instructions of the departmental officers.

He cannot be qualified to know all about every subject introduced into this House. If he were, he would be a walking encyclopaedia. He knows a good deal already, but cannot possibly know everything. Why did he ring up the Health Department the other day for information?

The Honorary Minister for Agriculture: Who rang up the Health Department?

Hon. Sir CHARLES LATHAM: I have been in the same position myself, and I know what the Honorary Minister must do. He could not do otherwise. I know he is a good worker, and works very long hours.

The Honorary Minister for Agriculture: I do not want to hear about that.

Hon. Sir CHARLES LATHAM: Then we will forget about it. Of course, the Honorary Minister has to ring up departments for information, and must believe what he is told. The officials tell him the truth, from their angle, and the information is put up in this House—

The Chief Secretary: Who put up your case for you?

Hon. Sir CHARLES LATHAM: Some of the bio-people in the city helped me, and also some of the men who tried and failed to pass these examinations after conducting the operations concerned for 20 years. Unfortunately, those men were not operating for the two years prior to the passing of the regulations. I hope the House will agree to the motion.

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

Ayes	..	..	..	13
Noes	..	..	..	7
				—
Majority for	..	..		6
				—

AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. M. Cunningham	Hon. H. L. Roche
Hon. R. M. Forrest	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. A. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. H. Tuckey
Hon. W. J. Mann	(Teller.)

NOES.

Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen
Hon. E. M. Heenan	(Teller.)

Question thus passed.

BILL—RAILWAY (BROWN HILL LOOP KALGOORLIE-GNUMBALLA LAKE) DISCONTINUANCE.

Received from the Assembly and read a first time.

BILL—FEEDING STUFFS ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [5.37] in moving the second reading said: This is another continuance Bill the purpose of which is to maintain control over building materials. I hope to convince members that the maintenance of that control for at least another 12 months is desirable. In this measure it is proposed to continue that control until the 31st December, 1949, when it is to end as far as this Bill is concerned. I assure members that the Government has no desire to continue controls any longer than is absolutely necessary, and I will endeavour to prove, shortly, that the Housing Commission has already discontinued the control of many items of building material.

Hon. A. Thomson: Will you enumerate them?

The HONORARY MINISTER FOR AGRICULTURE: Yes, a little later on. The passing of this Bill will mean that it will still be necessary to obtain permits to carry out any residential building work worth more than £50, or any industrial or educational building work valued at over £100. This will apply to both new structures and renovations. I think members will agree that the present is not the time to permit unrestricted building, as there is a great deal of necessary construction work that is not nearly so urgent as is the building of houses. If building operations were unrestricted, a great deal of commercial and industrial building, which has had so far of necessity to be deferred, would be commenced, to say nothing of the Government's delayed building programme, which

is estimated to reach a figure of £10,000,000. If members think it is not desirable that the people should be housed first and that industrial and Government building work should be allowed to go on, I do not agree with them.

Hon. A. Thomson: You cannot imagine any member taking that view.

The HONORARY MINISTER FOR AGRICULTURE: I should hope not, but I am putting up the case for the continuance of these controls, and I must do it in my own way. Members can easily envisage what would happen to the house building programme if all restrictions were removed. I am glad to hear Mr. Thomson say that no member of this House would be agreeable to such a course being followed.

Hon. H. L. Roche: Did you think they would?

The HONORARY MINISTER FOR AGRICULTURE: I never suggested that any member would agree to such a proposal. The house building programme would not be in the race with commercial building if such a situation arose. There are many very necessary industrial and commercial building projects that have had to be deferred, and I hope the time is not far distant when work of that nature can be commenced. That applies also to the Government programme, but, of course, the housing of our people is the first necessity. There are now with the State Housing Commission applications for 7,900 homes.

Hon. Sir Charles Latham: What increase does that show over the figures for last year?

The HONORARY MINISTER FOR AGRICULTURE: The number of applications before the Commission is increasing all the time, and I will give that information, together with that sought by other members, when replying to the debate. Of the applications at present before the Commission, 6,600 are for the metropolitan area and 1,300 for the country districts. Members will realise that the housing position is indeed bad today. Until all those in dire need of dwellings have had their needs provided for, it is essential that preference be given to home building. I would again emphasise that the Government has given the matter great thought. It is not enamoured of controls and permits any

more than are members of this House, and I give my assurance that these controls will be lifted as soon as possible.

I can portray a happier situation with regard to building materials. It is specified in the Act that the items to be controlled are timber, wire, wire products, asbestos cement, cement, cement products, bricks, galvanised iron, water and gas pipes, ferrous castings including cast iron, porcelain, enamelware and sanitary earthenware. There is, in addition, power in the Act to bring other materials under control. The Government has proceeded with a steady policy of decontrolling those items. At present, the only articles produced in Western Australia and controlled are timber and asbestos products. Consideration is being given to the lifting of timber controls at an early date.

Hon. E. M. Davies: People cannot get timber now, under the £50 limit, where there is no control.

The HONORARY MINISTER FOR AGRICULTURE: I hope it will soon be possible to lift timber controls altogether. The position with regard to asbestos is not so clear. An appreciable proportion of our asbestos is imported from South Africa and there has recently been a 33 per cent. reduction in the import quota. The position as to asbestos is not at all good. Quite recently improved production allowed of the decontrol of such important items as bricks, cement and paint. I want to make it quite clear that the decontrol of building materials does not mean that people can rush in and buy all they want. Permits are still necessary for the construction of premises or to do any work of a value of more than £50. The importance of that has been emphasised by builders and architects.

As a matter of fact, I have been told that certain contractors have gone out of business temporarily because they will not be bothered signing forms for certain materials. Builders have stated that their time has been seriously eaten into by the necessity to complete such forms and by interviewing officers in their efforts to gain permits for the release of materials. This is now being done away with regarding local products with the exception of timber and asbestos, and I hope that timber will be free soon. It is a wise move still to retain in the Act the power to control building materials.

Should the Government observe any abuses or if the distribution of any material should become unbalanced or unfair, controls could, because of that retained power, be reimposed on those particular items. The Government is wise in keeping the power to control those items if necessary instead of throwing it away, which would mean the introduction of another amending Bill to restore control again.

Members will be interested to hear of the co-operation extended by industry to the State Housing Commission. This is rather important because it shows that the contractors and the distributors are out to assist the Government. In each case where decontrol has been mooted on any particular item, all factors have been discussed with producers and distributors. Enthusiastic and valuable co-operation has been given without stint by those people. The trade is kept au fait with the number and nature of building permits likely to be issued, and distribution is so arranged that priority in obtaining materials is given to those holding permits to build. In other words, if I went along to Millars' and wanted a few hundred feet of timber, they would say, "We can't give it to you because you have no permit." That attitude by the distributors will provide protection for those people who have permits and in that way a certain amount of control will be maintained, which is only right. Other customers, of course, would be those doing work for which no permit is required, and the amount of materials that such small orders absorb is remarkable. However, as I have said before, people who want only £50 worth of material can obtain it.

Hon. A. Thomson: It is pretty hard to get.

The HONORARY MINISTER FOR AGRICULTURE: I know it is. I know of my own experience—I think I discussed this instance with Mr. Thomson—which was that when I wanted a few floor boards for a small house I have at Leederville, I rang up every timber merchant in the city but could not obtain them. I did not want much, because the verandah I wished to cover measured only 8ft. x 12ft. I mention that instance to show that distributors are co-operating. It amounts to this, that if people who want a little material in each instance were successful in obtaining their requirements, it would ultimately make quite a difference to a person desirous of securing a house. Should

distribution get out of hand, the Government reserves the right to reimpose controls.

Unfortunately, it is still necessary to retain controls on goods imported from the Eastern States, such as baths and basins, galvanised iron, piping, etc. There is an Australia-wide shortage of these articles and this is accentuated by the shipping position, which the Government is doing its utmost to improve. Even if the shipping position were everything that could be desired, we still could not get all the materials that are necessary for home building. The figures which I shall presently quote will be of interest to members. They relate to the progress shown locally in the production of materials. I have taken the average monthly output for the year 1938-39 as the base figure. The figures relate to July in each year and show the percentage ratio to the base figure. They are as follows:—

	1946	1947	1948
	%	%	%
Cement	66	91	93
Bricks	62	78	84
Tiles	93	151	182
Fibrous plaster sheets	105	131	160
Asbestos cement sheets	262	296	321

Although the production of cement in July, 1948, was only 93 per cent. of the base figure, in the previous month of June it was 115 per cent. The decline was caused by difficulties arising from the stoppage of coal supplies from Collie that occurred towards the end of June and early July and which also affected other basic building materials. It is gratifying to note the increase in the production of certain materials, but that increase is still insufficient to dispense with building permits. The annual output of homes, based on monthly averages, is at present 3,100 as compared with the pre-war figure of 2,000. It will be apparent that production is not yet sufficient to cope with unrestricted residential and industrial building.

It is to the credit of employers and employees that there has been such a commendable increase in the production of many basic materials. From the figures I have quoted members will have observed that the production of tiles is 80 per cent. higher than in pre-war days, fibrous plaster sheets have increased by 60 per cent. and the production of asbestos cement sheets has been trebled. There is no doubt that the tradesmen and building industry employees are

doing a good job, and if the situation as regards Eastern States products could be improved, we would be in a happier position. This State is greatly dependent on the flow of materials from the Eastern States. It is no use erecting houses without baths, sinks and other fittings, which are imported from the Eastern States.

In order to co-ordinate and speed up the production of building materials in Western Australia, the Government recently appointed the Assistant Director of Industrial Development, Mr. Temby, a qualified and experienced engineer, to take charge of a subdepartment of building materials production. It is anticipated that this appointment will have a beneficial effect on production. I might mention that Mr. Temby's appointment was supported by the various sections of the building industry. The Government also has liaison officers in the Eastern States whose work is to obtain and expedite the transit of materials to this State. This link with the Eastern States is very important and the Honorary Minister for Supply and Shipping has had a great deal to do with the fostering of it. I pay a tribute to these liaison officers, as they have always done a very good job indeed. Mr. Miles is the officer stationed in Melbourne and we have others in Sydney and in Brisbane. I have not submitted a mass of figures, as I have no doubt that members will agree with me as to the need to continue this legislation for a further 12 months. If circumstances next year are such that it is necessary to ask for a continuance of controls, then the matter can be debated again. Should further information or statistics be desired, I will endeavour to provide such when replying to the debate.

Members are no doubt aware of the efforts the State Housing Commission is making to overcome the housing lag; for example, by the building of experimental homes. These include pre-fabricated premises and houses built of cement bricks and slabs. An attractive type of duplex house is being erected, as are also flats and expansible homes. The latter are an American idea and are designed by private architects. The first part of the expansible house to be built will comprise two rooms and all conveniences. It will not look half-finished but will appear to be a complete small house. The owner will be required to complete the

building within a certain time and he and the State Housing Commission will enter into guarantees to that effect.

This type of house, for which a number of permits have been issued, will provide homes and make the available amount of materials go further. In addition, it will cater for the man with a small family and a limited supply of cash. I have seen such houses in Victoria and I do not think that members will have any cause to regret their introduction into this State. It is not just a question of adding a piece here and a piece there in future years. There are houses where the builder has erected the back portion only and has forgotten the front. The expansible type of house I have mentioned will definitely be built to plan and the Housing Commission is to be commended for its introduction. If one were looking at the place from the front, it would not be possible to suspect it was only half a house.

Hon. H. L. Roche: A bit like Parliament House.

The HONORARY MINISTER FOR AGRICULTURE: Yes.

Hon. Sir Charles Latham: I hope the Housing Commission will complete those houses more quickly.

The HONORARY MINISTER FOR AGRICULTURE: Yes. I think it is better for families to be living in an expansible type of house than in a tent. The Premier suggested that I should have a look at some of these homes whilst I was in the Eastern States. They are being adopted in three States and I believe we can hold our own here with them.

Hon. E. M. Davies: Is there any guarantee that they will be completed?

The HONORARY MINISTER FOR AGRICULTURE: I think we can guarantee that. There will be an arrangement between the owner and the Housing Commission, and most people would want a guarantee. It is only natural that as the family grew the owner would do his part, and the Housing Commission would see the desirability of providing extensions. I have seen houses in the country where half-a-dozen additions have been made to the main portion, resulting in an unsightly looking structure. The expansible house is built to a definite plan. I can see no reason why the

Housing Commission and the owner would not make very strong representations to have such a dwelling completed.

It will be of interest to members to note that representatives of other States consider the system of control in Western Australia is the best in the Commonwealth and that there is less blackmarketing here in building and building supplies. An eminent New Zealand builder, Sir James Stevenson, who was recently in this State, congratulated the Government on its freedom from blackmarketing and stated he could not understand how we kept our prices at their present figures. One of the ways in which the Government is endeavouring to expedite home building is by liberalising the issue of permits to persons who are able either to build their own homes or to supply a goodly proportion of the materials. This will be interesting to my friends from the country districts. In 1946-47 permits of this nature were granted to the number of 167 and last year the total had risen to 385.

Hon. H. L. Roche: How many releases were granted for the material?

The HONORARY MINISTER FOR AGRICULTURE: Probably sufficient to meet requirements.

Hon. H. L. Roche: Probably not.

The HONORARY MINISTER FOR AGRICULTURE: I will obtain that information. If the material was not available, of course the holders of permits could not get it, but if the material was available, there is no reason why they should not have obtained releases. There has also been liberalisation of the provision of permits for two- and three-unit families. For the period from April, 1947, to July, 1948, 495 of these permits were granted in the metropolitan area, which area may be regarded as extending from Midland Junction to Fremantle.

Hon. A. Thomson: You were going to tell us the cost of those houses.

The HONORARY MINISTER FOR AGRICULTURE: If the hon. member desires that information, I will obtain it and present it in the course of my reply. I cannot claim to have told the whole story about housing, but I have certainly given members some useful information. I move—

That the Bill be now read a second time.

On motion by Hon. A. Thomson, debate adjourned.

BILL—PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT.

In Committee.

Resumed from the 15th September. Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clause 4—Amendment of Section 4:

The CHAIRMAN: Progress was reported on an amendment moved by the Honorary Minister to add to paragraph (c) the words, "notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1942, and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913."

The HONORARY MINISTER FOR AGRICULTURE: Under the Act a justice has power to reduce a penalty, notwithstanding that a minimum as well as a maximum is provided. The paragraph proposes to insert after the words "minimum penalty" in the penalty provisions of the Act the words "irreducible in mitigation." These words are considered insufficient and the amendment is moved to ensure that the minimum penalty prescribed shall not be reduced. The minimum provided in one case is 10s. and in another case 40s., and it is not desirable that any smaller fine should be imposed.

Hon. SIR CHARLES LATHAM: The Minister has not given any instances of experience having shown that the amendment is justified. I am prepared to leave the matter to the discretion of the magistrate. In some statutes minimum penalties have been prescribed and judges have commented that there was no justification for bringing certain cases into court, but because a minimum penalty was provided, they have had to impose it.

The Honorary Minister for Agriculture: Why insert a minimum if it is not to be imposed?

Hon. SIR CHARLES LATHAM: I do not believe in inserting a minimum penalty. Today it seems to be a matter, not of justice, but of law.

The HONORARY MINISTER FOR AGRICULTURE: At times, even in serious cases, a tale is pitched to the bench and the defendant gets away with it. The minimum prescribed is very small. In the matter of rabbit extermination—

Hon. Sir Charles Latham: No minimum penalty is provided there.

The HONORARY MINISTER FOR AGRICULTURE: I was about to say that it would be cheaper for an offender to be fined than to take the action required of him. The R.S.P.C.A. states that magistrates have inflicted less than the minimum penalty and for that reason the amendment is justified.

Hon. Sir Charles Latham: That is tantamount to saying that you do not trust the magistrates.

The HONORARY MINISTER FOR AGRICULTURE: Why should Parliament provide a minimum penalty if a magistrate can ignore it? The amendment can do no harm and may possibly do much good.

Hon. Sir CHARLES LATHAM: There might be some doubt about Section 166 of the Justices Act, and possibly, without the amendment, the provisions of this measure could be over-ridden. The Minister might be right. I do not oppose the amendment.

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

Clauses 5 to 9—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 10—Amendment of Section 18:

Hon. Sir CHARLES LATHAM: I do not quite understand proposed new Subsection (2). Take the case of an employee instructed by his employer to work a horse with a sore shoulder. It seems to me that in such a case the court might fine the employer. The employee would be excused and the employer would be fined and made to pay the costs of both.

Hon. A. Thomson: That is tough.

Hon. Sir CHARLES LATHAM: It seems to be hard and I would therefore like an explanation from the Minister. The law as it stands is fair and reasonable. The employee might be a young fellow.

The Honorary Minister for Agriculture: He should have learnt, no matter what his age.

Hon. R. M. Forrest: Hear, hear!

Hon. W. J. Mann: A young fellow cannot be expected to know the law.

Hon. Sir CHARLES LATHAM: Both persons should not be convicted for the

same offence. Under the common law, an employer is responsible for the acts of his employee.

The HONORARY MINISTER FOR AGRICULTURE: I carefully explained this provision when introducing the measure. A teamster who takes out a horse with a sore shoulder should be held responsible equally with his employer. The employee should tell the employer that he would not work the horse under such conditions. The purpose of the amendment is to tighten up the law.

Hon. A. Thomson: Tighten up all the time!

The HONORARY MINISTER FOR AGRICULTURE: Is it not desirable to do so, and thus prevent cruelty to animals? I have seen dreadful cases in the country of teams with sore shoulders. Suppose the owner of the team sent the horses to an outcamp and they then got sore shoulders, the teamster might say, "I was told to do this by my employer." The employer would have been unaware of the condition of the horses. Everyone concerned should be made blameworthy.

Hon. H. L. Roche: Would you say one sore shoulder was an offence?

The HONORARY MINISTER FOR AGRICULTURE: I merely quoted that as an example of what might happen.

Hon. H. L. Roche: Who is the judge of cruelty?

The HONORARY MINISTER FOR AGRICULTURE: Generally an officer of the R.S.P.C.A., or a constable, but that point does not enter into the argument. The R.S.P.C.A. has asked for this amendment.

Hon. Sir Charles Latham: You cannot give everybody everything requested.

The HONORARY MINISTER FOR AGRICULTURE: I am aware of that. The society's main object is to prevent cruelty to animals. Its desire is to protect them, but members are objecting to this provision.

Hon. Sir Charles Latham: If the Minister had listened to me, he would know that I asked him for a further explanation of this proposed subsection.

The HONORARY MINISTER FOR AGRICULTURE: As I said, I explained the position fully on the second reading. If

the employee could prove that he drew the attention of the owner to the horse with a sore shoulder, I have no doubt that the magistrate would not fine him.

Hon. G. FRASER: This is throwing something heavy on the employee, because only two people would be present at the time, the employer and the employee. I have no objection to the employee being fined if he is blameworthy; but in 99 cases out of 100 it would be exceedingly difficult for the magistrate to decide which party was telling the truth.

Hon. R. M. Forrest: Fine them both.

Hon. G. FRASER: No. That would be doing an injustice. It might be extremely difficult for an employee to rebut the evidence of his employer. The employer might be throwing the blame on the employee, who might be an innocent party. It is all very well to ask an employee to tell his employer that he would not work a horse with a sore shoulder, but what more can he do except protest and walk off the job? However, the R.S.P.C.A. desires this provision and therefore we should give it a trial. If we find it works harshly, it can be reviewed.

Hon. A. THOMSON: The provision does not appeal to me at all. It makes the position impossible for an employee, especially if we have regard to the concluding words of the proposed subsection. I have no soft spots for those who are cruel to animals, but I was rather amused at one illustration used by the Honorary Minister when he said that some people who trap rabbits, kept them alive for a certain time to enable them to be nearer the market before being destroyed.

The Honorary Minister for Agriculture: What is funny about that?

Hon. A. THOMSON: We compel owners of land to destroy rabbits, or fine them if they do not do so. Yet it seems that it would be an offence to keep the animals alive for a certain time in a crate, with the idea of providing food for the people.

Hon. R. M. Forrest: That would be cruelty.

The Honorary Minister for Agriculture: They would be kept in a bag all night.

Hon. A. THOMSON: It is not cruelty to trap them and break their legs, or poison

them! It seems there is a very fine distinction drawn as far as cruelty is concerned. I shall vote against the clause. The present Act covers the situation.

The HONORARY MINISTER FOR AGRICULTURE: I cannot see anything amusing in my statement that it is a great pity that certain rabbit trappers catch rabbits which, first of all, have their legs broken and are then tied up in a bag and left for, perhaps, a night and a day in order to keep them. That has nothing to do with destroying rabbits. There are more humane ways of keeping rabbits alive in cages. Rabbits should be killed when taken out of the trap. We cannot avoid a little cruelty with regard to poisoning. An owner might tell an employee to give a dog a jolly good hiding. The employee should not get off in those circumstances.

Hon. Sir Charles Latham: Why should not the employer be prosecuted instead of the employee?

The HONORARY MINISTER FOR AGRICULTURE: They could both be prosecuted.

Hon. W. J. MANN: I am sorry the clause has been submitted in its present form. I have known cases where this proposal would have inflicted considerable hardship. A man living with his wife and family in a cottage on a farm might be told to take the team out to work. The employee might point out that one horse had a sore shoulder and the employer might say, "It is not very much. You can work him." That man would be in an invidious position. If he refused to do so, he would probably get the sack, lose his cottage and be thrown on the labour market. Again, not every man is a good judge of what constitutes cruelty. I recollect a case brought to court of a man who was prosecuted by a vindictive policeman for working a horse with a sore shoulder. The defendant was, I suppose, one of the best horse-masters in the State and would not, in any circumstances, work a horse in such a condition. The horse had a callous on the shoulder and the man had had a special collar made so that there was no pressure on it, but it sometimes got a bit red.

When the case came on, he pleaded not guilty, and produced several experienced teamsters whose evidence was such that the case was dismissed. Some time after, the

policeman said, "I tried to put one over him but the beak apparently knew too much, and I missed." I am loath to support this clause, because some policeman might prefer a charge against a person in circumstances similar to those I have related, and cause him to be punished. I cannot think of any improvement on the clause for the moment, but if the Minister agrees to postpone it, we might be able to procure the effect he wants without putting innocent employees in the position of committing a breach.

The HONORARY MINISTER FOR AGRICULTURE: I hope we will not postpone the clause. An employee may be guilty of considerable cruelty, and when the inspector comes along he might say, "The employer told me to do this," and the employer would not be able to defend himself. If the employee is to blame, he cannot pass the buck to the employer. If the employee were made just as culpable as the employer, everyone would be happy about it.

Hon. E. M. HEENAN: I do not think there is very much wrong with the proposal. This Society has done, and is always attempting to do, a really good job, and it is to be greatly admired. From my experience on the Goldfields, I can say that very few prosecutions are lodged.

The Honorary Minister for Agriculture: That applies anywhere, I think.

Hon. Sir Charles Latham: There is hardly a horse there except racehorses and trotters.

Hon. E. M. HEENAN: There are cart-horses.

The Honorary Minister for Agriculture: And minehorses.

Hon. Sir Charles Latham: Not there.

The Honorary Minister for Agriculture: There are at Collie.

Hon. E. M. HEENAN: I have never known of one frivolous or unfair prosecution in all my experience. I take it the clause is included at the request of the Society, and whilst I agree with Sir Charles Latham that these well-meaning people cannot be given everything they want, I think we should allow them some provision so that anyone who ill-treats an animal can be dealt with.

Hon. Sir Charles Latham: I think you already have that in the Act itself.

Hon. E. M. HEENAN: If that is so, the amendment is not necessary but redundant.

The Honorary Minister for Agriculture: It is not redundant. It tightens up the matter a bit more.

Hon. E. M. HEENAN: These Acts are administered in a pretty sensible way. If an employee were a young man under the influence of a strict employer, I think any court would take judicial notice of that fact. With the idea of assisting the Society in its laudable work, I support the clause.

Clause put and passed.

Clauses 11 and 12—agreed to.

Clause 13—Amendment of Section 22:

The HONORARY MINISTER FOR AGRICULTURE: I move an amendment—

That at the end of the clause the following words be added: "notwithstanding the provisions of Section one hundred and sixty-six of the Justices Act, 1902-1942, and of Sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913."

This amendment is similar to that discussed on Clause 4.

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

Clause 14, Title—agreed to.

Bill reported with amendments.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th September.

HON. SIR CHARLES LATHAM (East) [8.3]: I have looked at the Bill and cannot see any reason why it was introduced because almost all its provisions are identical with those in the parent Act. Apparently somebody thought it was a long time since the register was reviewed and so something had better be done about it. The Act contains about 61 sections. The Bill is not very long, but only half the pages are used, apparently with the idea of making it appear as though there is a lot more in it than there really is. I will make a comparison by reading Section 25 from the Act and I think members will agree that it is almost identical with the provision in the Bill. It is as follows:—

(1) The registrar may cancel the registration of any brand—

(a) where the registered owner makes application for the cancellation of the same in the form in the Sixth Schedule and on payment of a fee of two shillings and sixpence.

That is identical with what is in the Bill. It continues—

(b) where it is proved to the satisfaction of the registrar that such brand has ceased to be used by the owner thereof, or that the owner has died or has left Western Australia without possessing any stock for which such brand might be required.

(2) Before cancelling any such brand under paragraph (b) of Subsection (1), the registrar shall send three calendar months' notice of intention to do so by prepaid registered post to the place of business of the proprietor specified in the original application for the brand, or to the last known place of business of such proprietor.

(3) In the absence of any reason being given to the satisfaction of the registrar as to why such registration should not be cancelled on the grounds stated in the notice within the time therein specified, the registrar may cancel the said registration, whereupon the brand shall be available for re-allotment to another applicant.

It seems to me that all the necessary power is contained in that section of the principal Act. I think it is almost identical with what is in this amending Bill. Nobody is going to write to the registrar and say, "I do not want my brand any more, and I remit a sum of 2s. 6d." The necessity for the payment of that amount would prevent people from writing in. It is the fact of paying for something from which they derive no benefit that would have that effect. I have no objection to the Bill, and it is about time we had a review of the brands register because there is no doubt there must be a great many obsolete brands. I wish to caution the Minister that he must be very careful about retaining brands in the same district where they have been used before.

The Honorary Minister for Agriculture: They are on that now.

Hon. Sir CHARLES LATHAM: In the North-West, where fences are so far apart, an owner might sell his station but he is not allowed to transfer his brand to the person who buys his property. Under the Act, somebody who has a neighbouring station may apply for that brand; yet the purchaser of the property, who has a considerable number of stock with that particular brand on them, is not allowed to take it over, and, with the absence of fences, the position could become very confusing. We should provide, by regulation or some other means, that a brand shall not be re-issued in the same district.

I have looked through the Bill and cannot see any reason for its introduction, unless it is to keep the House busy, and if that is the case I have no objection to it; but the Bill is almost identical with the parent Act, which states that a person can write in and have his registration of brand cancelled, and pay 2s. 6d.—and that is all that is provided in the Bill. I have no objection to the Minister making an alteration if it is necessary, although I do not think it is, but I do hope he takes notice of my comments about the re-issue of brands in the same district.

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—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th September.

HON. E. M. DAVIES (West) [8.10]: To all intents and purposes, this Bill looks rather an innocent piece of legislation, and one would say that, in view of representations having been made by the Government of India for the purpose of protecting certain of its nationals, we should feel that what is proposed would be of advantage to the people of India. However, on looking through the Bill we find that the matter will deal with the question of Asia-tics, and is similar in that respect to the Licensing Act Amendment Bill introduced earlier in the session. I am not at all happy in endeavouring to accede to the request of the Minister to support the Bill, and I need to be given a great deal more information before I am prepared to do so. The Bill deals with Sections 26 and 135 of the principal Act. Section 26 is as follows:—

No person of the Chinese or other Asiatic race shall be—

(a) registered as the owner or occupier of a factory unless he satisfies the Minister that he carried on the business which he proposes to carry on in such factory before the first day of November, one thousand nine hundred and three; or

(b) employed or engaged by the occupier of a factory in or about the factory, unless

the occupier satisfies the inspector that such person was so employed or engaged in a factory on or immediately before the date last aforesaid.

The Bill states—

Provided that this section shall not apply to—

(1) any person of the Asiatic race who is a natural born British subject and whose domicile is in the State on the day of the commencement of the Factories and Shops Act Amendment Act, 1948, nor

(2) to any descendant of any person referred to in the next preceding paragraph if the domicile of the descendant is in the State.

Dealing with the question of Asiatics, that means, to my mind, that Japanese who are natural-born subjects and who may be domiciled in the north of Australia, and change their domicile to Western Australia—

The Honorary Minister for Agriculture: It does not apply to the matter.

Hon. E. M. DAVIES: According to the Bill it does. My main objection is to Japanese who may have infiltrated into Western Australia from the north of Australia.

The Honorary Minister for Agriculture: That is a Commonwealth matter.

Hon. Sir Charles Latham: There are quite a number of them up there.

The Honorary Minister for Agriculture: The Commonwealth looks after immigration matters.

Hon. E. M. DAVIES: I know that, but they may already be in Australia.

The Honorary Minister for Agriculture: Then it does not apply.

Hon. E. M. DAVIES: I am objecting to it because the Bill refers to Asiatics, which may mean Japanese, and I am not prepared to give them that privilege.

The Honorary Minister for Agriculture: They are here now.

Hon. E. M. DAVIES: Yes, but they must be accounted for and registered. The Honorary Minister is not making provision for that in the Bill. I feel that I cannot support the measure as it stands at the moment and I look to the Honorary Minister to give us some further information when replying to the debate. The question of the Japanese is one to which this House should give serious consideration because they are

classified as Asiatics, and the Bill deals with Asiatics. Although they may be natural-born Australians, I am prepared to trust a Japanese born in Japan more than I would trust a Japanese born in Australia, for I venture to say that if Australia had been invaded during the war, the Japanese who are Australian-born would have been a greater menace than the Japanese who invaded us. I feel that this is a question to which the House could give serious consideration. I am not at all happy about it. Although I shall not say that I will oppose the second reading, I shall certainly have more to say in Committee.

On motion by Hon. G. Fraser, debate adjourned.

House adjourned at 8.16 p.m.