to bottom, one finds a spirit of service which reacts always to the very great benefit of those people who depend in some way or other upon the activities carried on continuously by those departments.

Progress reported.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray): I move—

That the House at its rising adjourn till 2 p.m. today (Thursday).

Question put and passed.

House adjourned at 12.10 a.m. (Thursday).

Legislative Council

Thursday, 4th December, 1952.

CONTENTS.

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

PRIVATE INQUIRY AGENTS SELECT COMMITTEE.

Report Presented.

Hon. E. M. Heenan brought up the report of the Select Committee, together with a typewritten copy of the evidence and correspondence referred to in the report.

Ordered: That the report and recommendations be printed.

On motion by Hon. E. M. Heenan, resolved: That the consideration of the report be made an Order of the Day for the next sitting.

BILL—CORONATION HOLIDAY.

Second Reading.

Debate resumed from the previous day.

HON. H. HEARN (Metropolitan) [4.35]: As the Minister for Transport said when introducing the measure, it has been the subject of negotiation with the employing interests, and once more we were most happy to co-operate with the Government. We sometimes feel that the increasing demand for leisure time is reaching a point where it is affecting production, but on this auspicious occasion we were only too delighted to fall into line. The provision in the Bill that workers will get the extra long week-end, by receiving the Tuesday as well as the Monday holiday, is all to the good, and will further cement the good relationship already existing between employers and employees. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed*.

BILL—REFERENDA ON PROPOSALS FOR MARKETING OF WHEAT, OATS AND BARLEY.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. Sir Charles Latham—Central) [4.38] in moving the second reading said: I am sure members will realise that this is a simple measure, easy to understand and one that should not cause them much difficulty. I hope it will receive the unanimous support of the House. The measure provides for the taking of a plebiscite of wheatgrowers, and that will be necessary, if there is any international wheat agreement in future, to enable the Commonwealth Government to ascertain from the wheatgrowers of the various States their views on the question, before any finality is reached. It is proposed to submit to the wheatgrowers a plan setting out exactly what is anticipated, in order

to secure their approval of it. That can be done only by a referendum of the wheatgrowers.

For some time it has been the desire of a number of people to secure an expression of opinion from the growers on this question of whether they desire to have introduced legislation along the lines followed in the past. So, in order to arrive at some finality in this matter and to give the growers an opportunity to express their opinions, it is provided in the Bill that if there is any desire for a referendum it can be held. When legislation was before the House for the continuance of the Marketing of Barley Act, it was suggested that we should make an endeavour to ascertain the wishes of the growers, but at that time we had no means of holding a referendum. It requires legislation to hold a plebiscite, and that is the sole purpose of the Bill. It is to give the Government authority to hold a referendum, the cost of which will be met from Consolidated Revenue; but it will not be a great amount. The last referendum that was held in this State was expeditiously dealt with, and it cost approximately £500.

Hon. H. S. W. Parker: What will the referendum decide?

The MINISTER FOR AGRICULTURE: Whatever question is submitted to the growers.

Hon. H. S. W. Parker: By a simple majority?

The MINISTER FOR AGRICULTURE: I do not know whether it will be decided by a simple majority or not, but the hon. member should keep in mind that members of this House are elected by a bare majority and they have an important function to perform. The hon. member could have been elected by a majority of only one vote.

Hon. H. S. W. Parker: Yes, but there is an unlimited franchise for this House.

The MINISTER FOR AGRICULTURE: The same franchise is extended to the growers as is extended to me, no matter whether a man is the owner of a property worth £500,000 or a property worth only £50. If we can be elected on such liberal terms, surely this plebiscite can be decided on a bare majority. Nevertheless, I do not know whether it will be decided by a bare majority; but if the growers desire it that way, a regulation will be drafted to give effect to it, or, alternatively, to have the referendum decided by a three-fifths or two-thirds majority. As a matter of fact, when a Bill dealing with oats in another place a short while ago was rejected, it was suggested that if it had been passed, a referendum would have been held next year among the oatgrowers. I cannot understand any opposition to the Bill because surely the growers should be permitted to express their opinions on the subject.

Hon. H. L. Roche: Everyone has told us that that is what we should have had.

The MINISTER FOR AGRICULTURE: It is astonishing how people change their minds. When one does not want to give them something, they desire to have it; but when wants to give them something, they do not want it!

Hon. H. S. W. Parker: Have some of the farmers been concerned in this proposal?

The MINISTER FOR AGRICULTURE: I am concerned with only those people that the Bill will affect. I feel sure that when members have heard all I intend to say on the Bill, it will receive the same approval as they give to others. The farmers themselves will be asked whether they desire the referendum to be decided by a bare majority, and if they agree to that proposal, consideration will be given to it. I can see nothing wrong with the legislation and I hope members will agree with me. It is democratic in principle.

After all is said and done, most members in this House are the friends of the primary producers. I think everyone of us is desirous of encouraging, if possible, men to go on the land and produce food. The Bill has received the approval of the farmers themselves, the people who handle their business and the consumers. If we can have that attitude, I am sure good results will be obtained. I have much pleasure in submitting the Bill in the hope that it will receive favourable consideration. I move—

> That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [4.46]: The Minister has said that the Bill is simple and easy to understand, but there is one point I would like clarified, because it is not clear to me. It concerns the definition of "grower" in Clause 2. The Bill provides for a marketing proposal with respect to wheat, barley and oats and also provides for a referendum of the growers to be held. As I read the Bill, it appears that if a referendum were held, for instance, on the question of a compulsory pool for oats, it would be quite competent for a wheatgrower or a barleygrower to vote at that referendum, even although he was not a grower of oats. I imagine that the intent of the Bill is that if a barley pool is contemplated a referendum held on that question will be confined to barleygrowers; if a wheat pool is contemplated, the referendum will be confined to wheatgrowers; and if an oat pool is contemplated, the referendum will be confined to oatgrowers.

The Minister for Agriculture: You are perfectly right.

Hon. H. K. WATSON: If that is so, the definition of "grower" in Clause 2 is not clear because it provides that any grower may vote on a referendum. The Minister should make the definition perfectly clear. Another point that I submit for the Minister's consideration, and for the consideration of other members too, in connection with these marketing proposals is this: I am one who subscribes to the view that the growers' opinions should be obtained and that they should carry full weight when ascertained. By the same token, some consideration should be had for the sellers, buyers and users of the grain.

I submit that the Bill could well contain some provision to give those people an opportunity to express their views, apart from the opinions obtained from the growers. I would like to hear the Minister's views on that suggestion and as to how it could be accomplished. If the Bill contained a provision for the appointment of a Select Committee to consider the proposal before the legislation was dealt with by Parliament and after a referendum had been held, it would not be without advantage, because Parliament would then have the benefit of the views of all interested parties and not the opinion of only one section.

Hon. G. Fraser: I think I suggested something along similar lines last night.

Hon. J. A. Dimmitt: On another Bill.

Hon. H. K. WATSON: I do not understand the interjection.

The Minister for Agriculture: I would be careful if I were you. This might commit you.

Hon. H. K. WATSON: At any rate, I submit these points for the consideration of the House. In connection with all marketing schemes, more than one section of the community has to be considered. I do not want only the seller or the buyer to be considered. We should have regard to the interests of all the parties concerned.

HON. G. FRASER (West) [4.51]: I would like Mr. Watson to elaborate what he has in mind in suggesting that the interests of all parties should be considered, and I hope he will do so when the Bill is in Committee. I would like to know in what way it would be possible to consider the interests he has mentioned. The Bill refers to the growers of wheat, oats and barley.

Hon. H. K. Watson: I suggested a Select Committee, possibly of the Assembly, or perhaps it could be a Joint Select Committee.

Hon. G. FRASER: I thought the hon. member was referring to the referenda.

The Minister for Agriculture: That is the only question before the House.

Hon. G. FRASER: That is so. I cannot see how the interests of others could be conserved other than by their having a vote. In this instance, there would be so few that the growers would swamp them in the poll. Perhaps if Mr. Watson elaborates his point in Committee, we might be better able to gauge the value of the Bill.

The Minister for Agriculture: Anyhow, let that be reserved for the Committee stage.

Hon. C. W. D. BARKER: I move—

> That the debate be adjourned until a later stage of the sitting.

Motion put and negatived.

HON. L. A. LOGAN (Midland) [4.53]: The Bill deals with the right of growers of wheat, oats and barley to vote at referenda on the question of marketing their products. How anybody else could be brought into the matter I fail to see. The commodities in question belong to the growers and, by way of referenda, they are to be asked what they intend to do. If a manufacturer were to commence making machinery, would he ask the buyers how or when or where he would sell his product? Why should the producers be saddled with something that is not to be applied to the manufacturers? Mr. Watson's suggestion will not work at all. A Select Committee appointed by the Legislative Assembly might be all right to deal with the Bill but not necessarily with what will happen in connection with the referenda. If 90 per cent. of the growers decided upon a certain course of action, what could a Select Committee do? I cannot see any advantage at all in the suggestion.

I object to anyone else being brought into matters solely affecting the growers, who should have the right to decide what they will do with their products. We do not want to interfere with the operations of the manufacturer nor do we want anyone else to interfere with the disposal of our commodities. I admit that we have offered suggestions to manufacturers regarding improvements to machinery and so on, and if they think the suggestions made are worth while they take notice of them. That applies also to any suggestions from Chambers of Commerce or any other body regarding any better method of handling a product. Consideration will be given to any such proposals. We should not bring anyone into a matter that is the responsibility only of the grower.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. H. S. W. PARKER: I would like the Minister to inform the Committee what the definition of "grower" really means. It sets out that—

> "grower" means a person by whom or on whose behalf wheat, oats or barley is actually grown or produced for sale.

Let us assume that I am a purchaser of a crop immediately it is sown, or a standing crop. The owner will be growing it for me.

The Minister for Agriculture: He would not sell under those conditions.

Hon. H. S. W. PARKER: I am pointing out the position that might arise under this definition. At one time it was the practice to purchase a standing crop.

The Minister for Agriculture: Never.

Hon. H. S. W. PARKER: I have known it to be done.

The Minister for Agriculture: I have not. I have known it to occur when the crop is cut.

Hon. H. S. W. PARKER: No I am referring to a standing crop. At any rate, let us assume that someone enters into an agreement under those conditions. For instance, a maltster might arrange with a grower to grow a crop of barley on a certain number of acres on a certain paddock in a certain district. If that should happen, there would be two individuals who would have a vote at the referendum.

The Minister for Agriculture: No.

Hon. H. S. W. PARKER: Let the Minister have a look at the definition. It refers not only to the person by whom the crop is grown but also to the individual on whose behalf it is grown. I am just pointing out a difficulty that might arise.

The Minister for Agriculture: But the definition separates the two.

Hon. H. S. W. PARKER: It does not say so, and therefore both men will have a vote.

The Minister for Agriculture: I do not think that is the effect. They are two separate matters.

Hon. H. S. W. PARKER: Let me take the matter a bit further. The definition also includes the following:—

> and where wheat, oats or barley is grown or produced pursuant to a share-farming agreement or partnership agreement, whether the agreement is in either case expressed or implied, includes any of the parties to the agreement.

That means all of the parties concerned. Should there be two share-farmers and two owners, there will be four votes.

The Minister for Agriculture: So long as they share the commodity, yes.

Hon. H. S. W. PARKER: I do not think that is intended.

The Minister for Agriculture: It is.

Hon. H. S. W. PARKER: Would it not be better to include only the owner or grower of the crop, and there would be only one?

The Minister for Agriculture: That would be unfair.

Hon. H. S. W. PARKER: Should there be four men who own a farm which may be let to a share-farmer and his partner, that would mean six votes for one holding.

The Minister for Agriculture: That would not matter. The definition applies to those who own the crop.

Hon. H. S. W. PARKER: There might be four persons interested in the farm and two share-farmers as well and they would have six votes because of a small crop of 100 bushels of barley!

The MINISTER FOR AGRICULTURE: Can any member imagine a share-farmer growing only 100 bushels of wheat, oats or barley? Referenda will not be held every year. I think the definition sets out clearly what it means. It applies to those who actually grow the product for sale and where wheat, oats or barley is grown pursuant to a share-agreement. Surely a share-farmer is entitled to have some say as to how his crop shall be disposed of! If he is a share-farmer he will have to vote, as will the man who owns the land and takes portion of the crop. It is a question of the disposal of the commodity.

Hon. H. S. W. Parker: It does not say that.

The MINISTER FOR AGRICULTURE: We have had a referendum before and there was no question about it. We had a referendum to see who should be the representatives of the wheatgrowers on the Wheat Board and it worked very satisfactorily. The provision in that case was worded the same as this one. The hon. member is very careful about the interpretation of this clause, but there is nothing to get alarmed about.

Hon. H. S. W. Parker: I am a lawyer and I believe—

The MINISTER FOR AGRICULTURE: I know what lawyers believe in. They believe in confounding the minds of the opposition.

Hon. H. S. W. Parker: No, you are wrong.

The MINISTER FOR AGRICULTURE: Yes! I have been fortunate enough to be able to keep away from the law, because I am certain that lawyers would confound me. I am sure the hon. member fully appreciates that this is very simple language.

I know that lawyers find that the simpler the language the easier it is to confound the people. It is a question of interpretation. I have heard two eminent lawyers arguing a point and one has had to fail and the other succeed.

Hon. L. C. DIVER: If what Sir Charles has said is correct and a lawyer draws up words to confound people, I am sure that this clause was framed by a lawyer!

The Minister for Agriculture: It was, too.

Hon. L. C. DIVER: While I want legislation along these lines, I would like to see something not so ambiguous. After having heard the definition of a grower who is entitled to have a vote, I take it that in the case of a farmer trading under the name of Smith & Sons, where there were four or five boys working in conjunction with him, all of them would have a vote. If the Minister consults the Bulk Handling Act to see how growers and share-farmers are treated there, he will find that there is a considerable difference. I would ask the Minister to defer further consideration of the Bill until the clause is redrafted and made plain.

Hon. G. Fraser: What about giving us the farmer's definition of a grower?

Hon. L. C. DIVER: I would say that the farmer's definition would be that a grower is an individual who carries out the physical operations of planting the seed and reaping the crop.

Hon. G. Fraser: His labourers do that.

Hon. L. C. DIVER: He is the farmer.

Hon. H. S. W. Parker: The owner.

Hon. L. C. DIVER: Yes. For that very reason I can see how confusing this is. I want to assist the Minister. I desire legislation of this kind, but not in this form.

Hon. H. K. WATSON: I would request the Minister to give consideration to the suggestion made by Mr. Diver for the reason he has mentioned and the one I mentioned earlier, to make it clear that where a referendum is conducted in respect of any cereal, it should be confined to the growers of that cereal. I do not think the Bill provides for that at the moment. A postponement of further consideration of the clause would give me a little more time to go into the point I referred to on the second reading regarding the hearing of other interested parties. It is only 10 minutes since the second reading was moved, and I would request the Minister to allow us an hour or so to give further consideration to this matter.

Hon. A. L. LOTON: The definition of grower in the Wheat Industry Stablisation Act of 1946 does not provide much help for members in arriving at a definition because at that stage the growers had to grow under license.

Hon. H. S. W. Parker: They had to be leaseholders or freeholders of land.

Hon. A. L. LOTON: No. There is no mention of freehold or conditional lease in the Act. I would like to look up the definition of grower in other Acts.

The MINISTER FOR AGRICULTURE: In 1947 this Chamber and another place passed a measure in which the same language appears as is provided in this measure. The final page of that Act sets out the whole system of the ballot and there was no question raised when that ballot was taken. I am surprised at Mr. Diver, because he must have had a vote on that occasion, and he did not object.

Hon. L. C. Diver: This is entirely different. The wheatgrowers were licensed.

The MINISTER FOR AGRICULTURE: This is not a license.

Hon. L. C. Diver: That is the point.

The MINISTER FOR AGRICULTURE: They were not licensed in the case to which I referred.

Hon. L. C. Diver: They were licensed growers.

The MINISTER FOR AGRICULTURE: Not in 1947. That was the position on the previous occasion, the one to which Mr. Loton referred. This is another Act, and there were no licensed growers.

Hon. H. S. W. Parker: What is the Act to which you are referring?

The MINISTER FOR AGRICULTURE: The Wheat Marketing Act of 1947. The hon. member was referring to the one passed previously. This is the one under which the referendum was taken. Mr. Diver is a little mixed.

Hon. L. C. Diver: No, I am not. Wheat is entirely different from oats and barley.

The MINISTER FOR AGRICULTURE: Of course it is! One would not suggest that I did not know the difference between wheat, oats and barley. There will not be the mix-up that Mr. Parker suggested. He, or somebody, said that a man who was growing oats would have a vote in respect of barley.

Hon. H. S. W. Parker: I did not say that, but I think it.

The MINISTER FOR AGRICULTURE: If members want to oppose the Bill, I have no objection. The responsibility is not mine. The measure was passed in another place and I introduced it here. This is a House of review and members are entitled to review legislation as much as they like. If they think this legislation is wrong and should not be assented to, the responsibility is theirs. But the Bill has not the bogeys that members think

it has. I can understand Mr. Watson agreeing to any objection. I do not mind that. It is his right.

Hon. H. S. W. PARKER: I regret that the Minister is so insulting as to think that because one endeavours to point out what he believes to be some error in drafting, he wants to vote against a measure. I have not the slightest intention of doing that.

The Minister for Agriculture: I did not suggest you would.

Hon. H. S. W. PARKER: If the Minister would kindly keep quiet, I would point out that what I am endeavouring to do is to protect myself against a situation arising of someone claiming a vote who obviously should not have one. In the case of Smith & Sons, for instance, there should not be five people having votes.

The Minister for Agriculture: They did not last time.

Hon. H. S. W. PARKER: There is nothing to say they will not this time, and that is what I am trying to point out. If the Minister likes to let the Bill go through as it is, the responsibility rests on him. But my duty is to point out what I believe to be a serious error in drafting. He can please himself what he does; I do not care. But he has no need to jump on people like Mr. Diver and myself because we endeavour to draw attention to something we think is wrong.

Clause put and passed.

Clause 3—Referenda:

Hon. G. FRASER: I expected some of the growers' representatives to raise some point on this clause and I would like some explanation from Country Party members as to whether they are satisfied with it. There is no provision in the Bill for anyone other than the Minister to order that a ballot shall be taken. Generally, when we have proposals of this description, all the parties concerned have some say in when a ballot shall be held. I think there should be some saving clause that will enable growers to have the right to request or demand that a ballot shall be taken.

We are legislating for the future and we may have a Minister who will put forward a marketing proposal to which growers object and as the Bill stands there is nothing to give the growers the right to demand that a ballot be taken. I will admit, however, that later on in the Bill it states that the cost of the holding of a ballot shall come from Consolidated Revenue and naturally there would be some restraint there. There should be some saving clause, however.

The Minister for Agriculture: You cannot have both.

Hon. G. FRASER: It is possible.

The Minister for Agriculture: But not easily done.

Hon. G. FRASER: If the Minister is to have the right to say when a ballot shall be taken, surely the growers should be given an opportunity to request or demand that a ballot shall be taken.

The MINISTER FOR AGRICULTURE: Surely some authority should be given to the Minister! The interpretation of the word "may" is clearly set out in the Interpretation Act. If we substitute the word "shall" the Minister would have no option but to conduct a ballot even if some frivolous request were put to him. The Crown will have to find the money and that is a safeguard in itself.

Hon. G. Fraser: I am not suggesting that we alter the word "may" to "shall."

The MINISTER FOR AGRICULTURE: After all, the Minister is subject always to the wishes of the majority in Parliament. If he makes a mistake he must suffer the consequences. If a solid request were put to him by the farmers' organisation, I am sure the Minister would agree to a ballot.

Hon. A. R. JONES: I think there is sufficient safeguard for the primary producers to know that their organisation would make an approach to the Minister and if sufficient reasons were advanced I am sure that a referendum would be held.

Hon. G. Fraser: You are satisfied with it?

Hon. A. R. JONES: Yes.

Hon. L. A. LOGAN: If we stop at a certain word in the early part of the clause, it will be realised that this is quite all right. It states—

> In order to ascertain the views of growers in respect of a proposal . . .

The proposal must come from somewhere and presumably that would be from the growers' organisation.

Hon. G. Fraser: It could come from the Minister.

Hon. L. A. LOGAN: It is a proposal to the Minister. If a proposal is put forward and there is sufficient justification for the holding of a referendum, I am certain that the Minister would have one conducted. I am perfectly happy about the clause.

Hon. F. R. H. LAVERY: I am not quite clear as to where this proposal will come from.

Hon. G. Fraser: Anybody.

Hon. F. R. H. LAVERY: It could come from any body of growers or from Cabinet which might be hostile to the growers at that particular time.

The MINISTER FOR AGRICULTURE: I am rather surprised at the hon. member's remark. He would take instructions from his union, and in this State there exists an organisation which controls growers of wheat, oats and barley. That is the

Farmers' Union and it is divided into three sections to cover those commodities. I cannot imagine any Minister initiating a referendum because he might be hostile towards growers, especially when the cost must be borne by the Crown. This must be initiated by the growers or their organisation.

Hon. L. C. DIVER: Once more we have an instance of ambiguity in the word "growers." Is this to come from the growers of all types of grain or merely one section of them? It is not defined anywhere in the Bill, and I think it should be clearly set out.

The MINISTER FOR AGRICULTURE: Producers of barley in the southern portion of the State would certainly not be asked to express an opinion on wheat marketing. There is no international agreement affecting anything else except wheat.

Hon. L. C. Diver: Not at present.

The MINISTER FOR AGRICULTURE: I do not think there is any ambiguity. The "grower" is the grower of oats, the grower of wheat or the grower of barley. When regulations are drafted, they will have to be submitted to this Chamber and members can then disallow them if they so desire.

Hon. A. L. LOTON: Would the Minister be agreeable, in order to avoid confusion, to the insertion of the words "the respective" before the word "grower"?

Hon. H. K. Watson: That would make it clearer.

The Minister for Agriculture: I do not think it would make any difference.

Hon. A. L. LOTON: Then it would mean the respective growers of wheat, barley or oats. This is all right for me but not everyone has my intelligence! It is difficult to interpret an Act unless it is clearly set out. Consequently, I move an amendment—

> That in line 3 of Subclause (7) after the word "of" the words "the respective" be inserted.

The MINISTER FOR AGRICULTURE: I do not pretend to be a lawyer but I would interpret the words "the respective" to mean the individual growers. I hope that the hon. member will not persist with his amendment because I am anxious that the Bill be passed as quickly as possible.

Hon. A. L. Loton: So am I.

The MINISTER FOR AGRICULTURE: I had hoped that this measure would be on the statute book when the Oats Marketing Bill was introduced. Any amendment we make means that the measure will have to be returned to another place and then it may or may not be passed. I do not say that in a threatening manner but no unfavourable comments were made about the ballot taken previously. There will be no confusion in this instance, and I cannot see any necessity for the amendment. Some proposal has to be submitted. The submission will not say "oats, wheat or barley"; it will say "all growers of oats, all growers of wheat and all growers of barley." I do not think there is any ambiguity and we can rely on the regulations. If this Bill is passed, we will have the regulations framed, if it is at all possible, before the House goes into recess.

Hon. H. K. WATSON: A regulation cannot be utilised to clear up an inaccuracy or an imperfection in an Act; it cannot be used to interpret the Act. If it has to be interpreted, this Committee has to do it as the Bill is going through. The Minister has rightly pointed out that if the amendment were made this Bill would have to go back to another place in the dying hours of the session, but I would suggest that is preferable to seeing the Minister bring down an amending Bill before the session expires.

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

Ayes	17
Noes	10
Majority for	7

Ayes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. N. E. Baxter	Hon. J. G. Hislop
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. L. Craig	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. McI. Thomson
Hon. L. C. Diver	Hon. H. K. Watson
Hon. G. Fraser	Hon. F. R. Welsh
Hon. W. R. Hall	Hon. J. Murray
Hon. H. Hearn	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. Sir Frank Gibson	Hon. L. A. Logan
Hon. C. H. Henning	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. Cunningham
	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 4—agreed to.

Clause 5—Cost:

Hon. C. W. D. BARKER: I would like to ask the Minister why the cost of holding the ballot should be borne by the Crown. In the case of ballots forced upon industrial organisations, the unions have to bear the cost under legislation brought down to amend the Arbitration Act. Why should not the same condition apply in this case?

The MINISTER FOR AGRICULTURE: This Bill has nothing to do with what happened in regard to other legislation and I have no authority to speak on the reason for it. I have been asked to ensure that there is no excuse for not taking a ballot and am advised that the Crown would bear the expense.

Hon. C. W. D. Barker: There should have been equal justification for it in the case I mentioned previously.

The CHAIRMAN: The hon. member can vote against the clause if he wishes.

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

Ayes	20
Noes	8
Majority for	12

Ayes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. J. Cunningham	Hon. L. A. Logan
Hon. E. M. Davies	Hon. A. L. Loton
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. J. G. Hislop
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. J. Murray
Hon. L. Craig	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. C. W. D. Barker
	(Teller.)

Clause thus passed.

Clauses 6 and 7—agreed to.

New clause:

Hon. H. K. WATSON: I move—

That a new clause be inserted as follows:—

7. (1) Where in consequence of the result of a ballot it is proposed to introduce a Bill, before the Bill is introduced a draft of the Bill shall be submitted to a Select Committee of members of the Legislative Assembly for examination and report.

(2) The Select Committee shall examine the draft and report upon it to the Legislative Assembly.

(3) For the purpose of carrying out the duties imposed by this section, a Select Committee of the Legislative Assembly shall be appointed and shall have and may exercise the powers conferred upon Select Committees by Chapter XXV of the Standing Rules and Orders of the Legislative Assembly and shall also take evidence from buyers, sellers, users and other persons who may be affected by the Bill.

For the reasons I have mentioned, I think there should be some definite provision in the Bill to afford a means of hearing other interested parties who may be affected by these marketing schemes. At the moment I cannot think of a better method than a Select Committee, whereby those parties—a barley pool may be involved—could be given an opportunity to be heard. The Minister has confined his principal discussions on the Bill to wheat, but I can visualise a time in the not distant future where there may be a proposal for a compulsory pool for barley, or for oats.

In the case of a barley pool, I feel the Committee should have an opportunity of hearing what the maltsters and the merchants and other interested parties have to say. Mr. Fraser mentioned that we might permit them to be heard by giving them a vote at the referendum. But that would be quite useless. They would be completely outvoted. In fairness to all concerned, I think they should be given a reasonable opportunity of being heard.

The MINISTER for AGRICULTURE: I cannot anticipate what might happen in future. The new clause contemplates giving an instruction to an incoming Parliament, which is a most extraordinary suggestion. Surely we have no right to interfere in that way! Our Standing Orders definitely provide that the second reading of a Bill shall be passed before it is referred to a Select Committee. I remind members, further, that there will be a general election for the Assembly before any action is likely to be taken under this measure.

By the proposed new clause, we are asked to say that the Bill shall be submitted to a Select Committee of members of the Assembly. I am afraid that to attempt to give an instruction in that way would make us look rather ridiculous. It says that a Select Committee shall be appointed and shall examine the draft Bill and report upon it. We cannot give an instruction in that way and so I cannot approve of the proposal.

Hon. H. S. W. PARKER: It seems to me that the proposed new clause is not relevant to the Bill, or within the scope of the Bill.

The CHAIRMAN: I think it is outside the scope of the Bill. I suggest to the Minister that he reports progress to give time for further consideration and resume the Committee proceedings at a later stage.

The Minister for Agriculture: I shall not be here.

The CHAIRMAN: At first glance, I think the proposed new clause is outside the scope of the Bill.

The Minister for Agriculture: I would prefer to take an expression of the Committee's opinion.

The CHAIRMAN: I should not like to put to the Committee a proposal that I believe, without further consideration, is outside the scope of the Bill. However, I have not been asked for a ruling.

Hon. H. K. WATSON: Obviously, the Minister is determined to push the Bill through without regard to the opinion of members, and I record my protest against his insistence on getting the Bill passed within 25 minutes of the second reading having been moved. I shall adopt your suggestion, Mr. Chairman, and ask leave to withdraw the proposed new clause.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with an amendment.

BILL—PLANT DISEASES ACT AMENDMENT.

Returned from the Assembly without amendment.

BILLS (2)—FIRST READING.

1, Western Australian Marine Act Amendment.

2, Reserves.

Received from the Assembly.

BILL—ROAD CLOSURE.

First Reading.

Received from the Assembly.

The MINISTER FOR AGRICULTURE: I move—

That the Bill be now read a first time.

Hon. A. L. LOTON: Could not some of these second readings be proceeded with today? Otherwise we shall find ourselves in similar difficulties next Tuesday to those we are experiencing now. If the Minister moved the second readings today, we would have something to investigate during the week-end, and would not have so much rush next Tuesday. I understand that the Minister for Transport, when moving for the suspension of Standing Orders, gave an undertaking that we would not experience this year the rush that we had last year.

The MINISTER FOR AGRICULTURE: (in reply) I wish I were in a position to proceed with the second readings. These are the usual Bills that come down at the end of the session, and they are simple measures. I do not wish to inconvenience members, but I should be embarrassed if I were asked to move the second readings now because I have not yet seen the measures. However, I do not expect that they will arouse any argument.

Question put and passed.

Bill read a first time.

BILL—BROKEN HILL PROPRIETARY STEEL INDUSTRY AGREEMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.56]: I propose to speak only briefly in replying to the debate. The measure has been discussed at length in this House, and I have no doubt whatever that members have made up their minds as to their attitude and how they will vote. However, there are one or two points that have been raised, and I shall attempt to deal with them and answer questions that have been asked.

Before dealing with those points, I should like to refer to a remark made by Mr. Fraser, who directed attention to Standing Order 392, and said that I, as it were, had committed a technical breach. The Standing Order provides that no member shall allude to any debate of the current session of the Assembly or to any measure impending therein. As regards the latter portion, obviously no breach was committed, and I assure members that there was no intentional breach of either the letter or the spirit of the first portion.

Hon. G. Fraser: Then where does the opposition you spoke of come from?

The MINISTER FOR TRANSPORT: The hon. member was very grateful to have a copy of my notes supplied to him as early as possible, and I was only too pleased to let him have them. Of course, he could have obtained the "Hansard" script on the following day, or later on used the report in the weekly issue of "Hansard." I am not complaining, but I suggest that it is possible to interpret some of the Standing Orders in a very narrow spirit.

I do not suppose there is a member of this House who has not from time to time listened to the debates in another place, and properly so, to inform himself of the pros and cons of measures under consideration. From so listening and from the published reports in the Press, one is able to gather a clear idea of legislative proposals before the Bill is presented in this House, and perhaps also of the arguments advanced for and against. I remind the hon. member, with all goodwill, that the notes I used did not refer to any particular speech, or to any particular speaker. They were ordinary notes that could have been taken by anyone who had attended the debates in another place personally. I shall content myself with those few remarks.

Speaking broadly, I believe members will agree that any country is anxious to develop its resources, and that this State has for many years boasted of the resources it possesses, especially mineral resources, and has welcomed any opportunity for having those resources developed. Regarding the Koolan Island leases and the other leases that form the subject of this Bill and of the agreement with B.H.P., various Governments over many years have endeavoured to get those iron-ore deposits opened up. The present Government, in common with others, has done its best to get these resources developed so that we might have at least the beginnings of a steel indus-

try established in Western Australia for the benefit of the State itself. I imagine from members' speeches that they agree entirely in principle with that idea. Nearly all members have paid a tribute of praise to B.H.P.

About the only criticism that has been levelled has been regarding the terms of the agreement which the Government has entered into with the company. I wish at this stage to comment on the wonderful record of B.H.P. It is an organisation of which the whole of Australia is proud. Prior to the last war it had entered the export field, and proved that Australian brains and energy, allied with economic equipment and Australian workmen, could enter the field of world competition and more than hold its own. Any instrumentality which can do this is one for which the whole of Australia should be grateful.

Hon. R. J. Boylen: But you would not give it the whole of Australia as a result?

The MINISTER FOR TRANSPORT: I would give it every encouragement. Despite the claim that the agreement is not a good thing for Western Australia, I think it is a very good one for the State.

Hon. R. J. Boylen: That has to be proved.

The MINISTER FOR TRANSPORT: I have no doubt that it will be proved.

Hon. R. J. Boylen: Within how long?

The MINISTER FOR TRANSPORT: The iron-ore which is being made available to the company is of no value to anyone while it remains untouched in the ground. The mere fact of its being worked gives employment to a body of men, and from that employment and resultant build-up in population, the State obviously must benefit. In past years we have endeavoured to attract capital here in connection with the goldmining and other mineral industries, and we have imposed no royalty whatever on the minerals extracted from the ground.

Hon. R. J. Boylen: That is hardly comparable.

The MINISTER FOR TRANSPORT: I think, broadly speaking, it is.

Hon. R. J. Boylen: In one instance they have to find the mineral, and in the other it is handed to them.

The PRESIDENT: Order! The hon. member has had an opportunity to speak on the Bill. I suggest he allow the Minister to reply.

The MINISTER FOR TRANSPORT: The Bill is very brief. In essence, Clauses 1 and 2 ratify the agreement and Clauses 3, 4, and 5 make certain reservations in the interests of the State. Clause 5 provides that 50,000 tons of ore per annum may be reserved from the deposits at Koolyanobbing. The whole area of Koolyanobbing, coupled with Collie-Burn, has been reserved, under a blanket reserve, with the object of ascertaining whether an integrated iron and steel industry can be established in the State.

Members will have realised that anyone who likes to come along with a guarantee of £100,000 can present a proposition to the Government which may be dealt with within the period mentioned. At the expiration of the period, the ore is retained to be dealt with in any way Parliament may desire. Under the agreement, the company will spend up to £4,000,000 in establishing a rolling mill, and while it has been claimed that we are to spend a lot in return—it will cost us £200,000 for a swinging basin to afford access from the sound to the wharves—this is covered by certain dues which will amortise the actual amount, and after the actual amount is amortised it will provide a continual source of revenue to the Government.

In addition, the Government will, on an estimated output of 1,000,000 tons a year, gain £25,000 annually as income which it certainly would not have if there were no agreement. Railway facilities, and water and electricity supplies are merely commercial propositions. We provide them and will gain revenue in return. Roads are always provided to centres that are established. Their provision is regarded as part of the duty of the State. There is certainly no favouritism being shown to B.H.P. in the provision of these general utilities.

The question of the royalty of 6d. per ton has been raised. It has been said that a previous Government made an offer to sell Yampi Sound ore at 3d. per ton. The actual price of the Iron Knob ore to B.H.P. is 3d. per ton. I will give the text of a letter received from the Director of Works, when he was in England, with regard to prices. This may afford members some idea of what royalties are paid elsewhere. The letter, which was written from London under date the 5th June, 1952, to the Minister for Industrial Development, states:—

> I have today obtained the following information from Mr. Vessey, a senior officer of the British Government's Department of Supply, regarding the royalties paid by the steel industry in England for iron-ore obtained from private property.
>
> He explained that at the present time, although the steel industry had been nationalised, the National Board have not yet taken over the companies' activities so that the practices followed by the individual companies prior to nationalisation of steel continue, and the royalties which were then being paid are those now quoted. The highest royalties paid are in the Lincolnshire district and amount to between 11d. and 1s. per ton of iron-

ore removed. This iron-ore is only a matter of a few miles from the Frodingham Steel works. It is loaded direct into the railway wagons which are hauled and discharged on to the blast furnace dump. The overburden stripped from the ore is levelled off during the stripping operation, and in most cases the soil is replaced on the surface. The machinery used enables this to be done at very little additional cost. The total costs, therefore, in stripping, levelling and railing to the steel works are not to be compared with those which the Broken Hill Pty. Company will have to incur in establishing the works and housing on Cockatoo and Koolan Islands and in providing the shipping facilities, shipping and transport to deliver the ore at Port Kembla or Newcastle.

In the other iron fields of England the royalties vary from 2½d. per ton of iron-ore removed to 9d. per ton of ore, and as the greater quantities of ore come from these areas, Mr. Vessey assured me that the average royalty paid in England would not exceed 6d. per ton of ore.

It has to be remembered that the iron content of the English ore is not as great as that of the Cockatoo and Koolan ore, but the proximity of the English deposits to the works more than compensates for this.

Several million tons of open coal are mined each year in England.

So much for the royalty. It will be realised that B.H.P. not only has to transport the ore at considerable expense to the point where it is fed into the furnace, but it has laid out a considerable sum of money at the mining point to provide facilities to handle the ore for shipping purposes. Taking all things into account, I think we can agree that the sum of 6d. per ton, which has been agreed upon between the company and the Government, is a very reasonable figure. In any case, it was assessed after full inquiries had been made into what was a fair and reasonable amount.

In the course of his remarks, Mr. Jones raised the question of charcoal or coke. I touched on this matter when introducing the Bill, but I shall read one or two extracts to show that the point was not overlooked—

> One very important consideration must be the economics of any such scheme, namely, if it will produce steel at all, will it produce it at anything like a competitive price. An iron blast furnace requires a fuel of high carbon content as carbon is the source of heat as well as being the reducing agent to convert the iron-ore into metallic ore. The carbonaceous fuel must be porous and mechanically strong to resist shattering during handling and to enable it to support the weight of the heavy column of charge in the furnace shaft without crumbling and packing into a solid mass. Should the fuel crumble to any degree, it will interfere with the even passage of the large volume of gases which pass up through the furnace charge, and if the crumbling is of a serious nature the furnace will fail to operate.
>
> Coke and charcoal are the only two fuels which have met the above requirements, and coke is a stronger fuel than charcoal, and in almost every case by far the cheaper.

At a later stage I said this—

> The maximum capacity of a charcoal furnace is 200 tons a day or less, i.e., 65,000 tons a year.
>
> The cost of pig-iron would in consequence be considerably dearer than pig-iron produced from coking coal.
>
> The capacity of the furnace could not be expanded beyond 65,000 tons without double capital expense. The small plant at Wundowie has already lost £488,000.

I mention these figures to show, incidentally, that our technical men who have been associated with investigating the proposition, have made use of all the expert advice available to them.

The Director of Works, as members know, is a competent and knowledgeable man. He knows exactly to whom he can go in order to ascertain the technical as well as the economic aspects of any proposition he submits to the Government. We have quite good technical men in this State. We have those at the university, in the science section, who are quite competent to advise and who will, if necessary, refer us to other aspects on the practical side of a proposition if they themselves are in any doubt. Months were spent in surveying the possibilities of the proposition which Mr. Dumas had in mind. He knew that certain approaches or negotiations between ourselves and at least one other company had failed—to our great disappointment—and that other tentative approaches had resulted in nothing tangible, and it was on his suggestion that he approached the principals of B.H.P. to see whether anything could be done.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR TRANSPORT: Before the tea suspension, I made reference to the researches made by our technical officers and advisers into the possibility of utilising some of our own primary products such as coal—and more particularly charcoal—in the establishment of an industry such as this. We have for some years had a competent technical officer pursuing research into the technology of our coal. Mr. Donnelly had many years' experience in England and has done a lot of work in trying to determine the charac-

teristics of Collie coal, especially with a view to producing from it, if possible, a coke which would be useful in a process such as this. He has done some briquetting, but has not so far had any success in producing a suitable coke. He has produced an inferior coke but none of a quality such as could be used in an industry of this nature.

We are still hopeful, however, that researches along those lines will in time produce the desired results. B.H.P. has now sent two men to Germany to inquire into the processes used there and discover whether by that means something can be done towards achieving the end that I have mentioned. If and when the problem is solved, the way will be open to unite Collie Burn coal—Collie Burn having been reserved for that purpose—with our local iron-ore in the establishment of an integrated steel industry in this State. It must be remembered that to finance the establishment of that industry would require a minimum of £15,000,000—on the basis of an industry that would produce, that is, roughly, 100,000 tons of steel products per year.

Some of the propositions that have been submitted tentatively contained the suggestion that the State might provide anything up to half of the required capital, but in a young State such as this, with a big draw on its available resources, that would be out of the question. We should regard ourselves as fortunate that B.H.P. is able to come here and provide all its own capital for the development of this project. B.H.P. has a further claim on our gratitude in that it gave us real assistance when the Wundowie charcoal-iron project was first launched. The plans that had been drawn up here were submitted to the company, which produced fresh plans drawn by competent engineers who had given a life-time to the study of the question, and it was those plans upon which the Wundowie project was eventually based.

In addition to that, the company made available the services of one of its most competent technical officers, who came over here for eight weeks and supervised the commencement of the construction of that plant. We owe B.H.P. gratitude not only for the ready assistance that it has made available to us, but also because the company did not charge the State one penny for those services. Some of the comments made in regard to this measure and that dealing with the Anglo-Iranian Oil Company's project have amounted to a charge that we, as a Government, have been too anxious to stimulate secondary industries of this kind when we have a full-sized job on our hands in stimulating the rural industries of the State.

If we take a big enough view of the question I think we will admit that in a State like this, where there is so much room for development, with such a small population as compared with the huge area of the State, we must do our utmost to increase our population by whatever means are to hand. In the United States of America there is a balanced development of primary and secondary industries and as a result of the position that has been reached after many years, that country now finds that it can be self-contained in regard to any policy that may, for the time being, be necessary to stabilise any of its industries.

America has a huge consuming population which affords a home market for primary produce and consequently the Americans are able—as we are not in this country and particularly in this State—to ask their consumers to accept a price which in time of need can be stepped up to cover the cost of production in rural industries. We may attempt to do that to a certain extent but it is not nearly so easy or successful in a country like this with a relatively small consuming population and a relatively large producing population, as it is in the U.S.A.

The opening up of Cockburn Sound has been made possible by the establishment in that area of the Anglo-Iranian Oil Company's refinery, and later by the advent of B.H.P. and will enable us to provide a port which could become an auxiliary naval base in time of necessity and which may, in fact, be developed into a real naval base as years go by. If that is done, it will be of great value should we ever be faced with the threat of war. The establishment here of the industries of these companies will ensure supplies of their products to the people of this State without any fear that the source of supply might dry up in time of war. It must be remembered that when we build up the population in any part of the State, eventually a proportion of it will go into the rural areas, there to assist in the general task of development. Members will recall that Mr. Strickland asked what price would be paid for the land to be made available to B.H.P. I have received some notes on the question today. Mr. Strickland desired to know at what price the land marked red on the map at the back of the Bill would be sold to B.H.P. In the terms of the agreement the price will be the same as the price which the State Government has to pay to the Commonwealth Government for this land. That price has not, I think, yet been determined. I might here say that this information was supplied to me by the Director of Works, Mr. Dumas. I am certainly under the impression that the Commonwealth Government does not intend to give this land to the State Government free of cost.

The land comprised within the bitumen road, referred to by Mr. Strickland, constitutes an area of approximately four acres, and this land would be the property of the State Government. When the time

comes to close this section of road, the land will be sold to the company at a valuation made by the Lands Department. Mr. Strickland infers that the new road which will be built approximately 1½ miles east from, and parallel with, the coast will impose a cost on the State Government, portion of which will be due to the establishment of the rolling mills by B.H.P. This would not be quite correct as the road would be constructed because of the establishment of the refinery and independent of the establishment of the rolling mill.

Then again, Mr. Strickland referred to the Australian Blue Asbestos Company, which has established an asbestos mine in the Wittenoom Gorge. This company has been assisted by various road, sea and other subsidies and, in addition, the State Government has expended a very appreciable sum, approximating £300,000, in providing the housing, school, hospital, water supply, roads, etc. for the townsite, at a considerable risk, as almost the whole of this money would be lost should the company at any time close down. Without decrying the good work done by the C.S.R. Company at Wittenoom Gorge, it may be pointed out that this company mines the blue asbestos from the deposits in Western Australia and ships it to the Eastern States. This State does not receive any benefits from the operations of the company by way of any secondary industry.

In the case of B.H.P., this State will, from this agreement, receive benefit by the establishment of a £4,000,000 rolling mill and the certain knowledge that subsidiary industries will be built around it, thus providing skilled employment for future Western Australians. The Government has not had to spend one penny in assisting B.H.P. in its housing, water supply, or harbour facilities at Cockatoo Island, where the company has invested approximately £1,500,000 in preliminary expenditure.

It can truly be said that the State Government is not incurring any capital expenditure in connection with the establishment of the B.H.P. rolling mill at Kwinana other than for dredging, the whole of which capital cost is more than covered by the freights to be paid for materials delivered over the wharf constructed and paid for by B.H.P. and for the sinking of a bore, the water from which will be paid for by B.H.P. and the Anglo-Iranian Oil Company jointly, and which will give the State a good return for the money invested. I am satisfied that this has been a particularly good deal for the State and I am sure the time will come when Western Australia as a whole will be grateful to those who made these representations and to the company for having conferred great benefits on this State.

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

Ayes	17
Noes	10
Majority for	7

Ayes.

Hon. N. E. Baxter	Hon. A. L. Loton
Hon. J. A. Dimmitt	Hon. J. Murray
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. J. Cunningham
Hon. L. A. Logan	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
	(Teller.)

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed.*

BILL—TRAFFIC ACT AMENDMENT (No. 3).

Second Reading.

Debate resumed from the 27th November.

HON. H. S. W. PARKER (Suburban) [7.51]: The Bill, although it appears to be simple is extremely important because it seeks to alter law that has been in force for many years and its subject matter has caused considerable thought among judges and courts over a long period. The Bill deals with what is known in the law of evidence as confessions and the judges have been extremely jealous of the welfare of a prisoner or accused person, as we call him here.

Although prisoners who have been charged or persons about to be arrested do not have to be warned before making a statement, they usually are because judges take a poor view of the situation if such persons are not warned before being asked to make a statement. However, that applies only to prisoners or persons about to be arrested. This question was given full consideration by the Privy Council which, as members know, is the highest court to which Australians can appeal. Following a case in which a man named Ibrahim was convicted, there was an appeal to the Privy Council and Lord Sumner said this—

> It has long been established as a positive rule of English criminal law, that no statement by accused is admissible in evidence against him unless it is shown by the prosecution to have been a voluntary statement,—

I interpolate here to mention that it was suggested that this is the statute law in England. It is not statute law, but judge-made law. However, to all intents and purposes, it is statute law. Continuing with Lord Sumner's remarks—

> —in the sense that it has not been obtained from him either by fear of prejudice or hope of advantage exercised or held out by a person in authority.

I quote further from the 7th edition of a book on evidence by Cockle. The author states—

> The point of that passage is that the statement must be a voluntary statement; any statement which has been extorted by fear of prejudice or induced by hope of advantage held out by a person in authority is not admissible. As Lord Sumner points out, logically these considerations go to the value of the statement rather than to its admissibility. The question as to whether a person has been duly cautioned before the statement was made is one of the circumstances that must be taken into consideration, but this is a circumstance upon which a judge should exercise his discretion. It cannot be said as a matter of law that the absence of a caution makes the statement inadmissible—

I want members to understand that. Although a man is arrested and imprisoned and he has not been warned, nevertheless his statement is admissible in evidence if the judge considers that it was not made through fear or because the person obtaining the statement was seeking some advantage to himself. Continuing—

> it may tend to show that the person was not upon his guard—

In this instance the prisoner wrote down certain words voluntarily, which had a serious effect on his case. Continuing the quote—

> —as to the importance of what he was saying or as to its bearing upon some charge of which he has not been informed. There was nothing in the nature of a "trap" or of "the manufacture of evidence".
>
> It is desirable in the interests of the community that investigations into crime should not be cramped. The court is of opinion that they would be most unduly cramped if it were to be held that a writing voluntarily made under the circumstances here proved was inadmissible in evidence.

In another case which was heard before the King's Bench in 1909 the decision was as follows:—

> . . . . the mere fact that a statement is made in answer to a question put by a police constable is not in itself sufficient to make the statement inadmissible in law. It may be, and often is, a ground for the judge in his discretion excluding the evidence; . . . .

Eventually, in 1912, the judges were asked to compile a set of rules and the first one was—

> When a police officer is endeavouring to discover the author of a crime there is no objection to his putting questions in respect thereof to any person or persons, whether suspected or not, from whom he thinks that useful information can be obtained.

I think we will all agree with that. However, that only refers to a man who has been arrested or is about to be arrested. Even if the police arrest him, they can still ask him questions.

I will quote a recent instance. From reports we have read in the Press recently some gold was stolen at Kalgoorlie and it was only after the police had questioned several people that finally one of them made a confession. There was no suggestion that he had been warned before making it. On the contrary, the police were endeavouring to discover who had committed the crime. The form of warning should be as follows:—

> Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you so wish, but whatever you say will be put down in writing and may be given in evidence.

Obviously, if a man is driving a motorcar and meets with an accident and he is anxious to say that it was not his fault, but the fault of the other driver, the policeman will not say to him, "Now, keep your mouth shut and before you say anything I warn you that whatever you do say will be taken down in writing and used as evidence." What would that man's reaction be? He would immediately keep quiet.

In such circumstances how on earth could a policeman get any information? A man would have to be a very strong minded person to say, "This is what happened" because if he did so, such statement could be used as evidence. Generally speaking, there are perhaps two or more drivers involved in any accident and one is not allowed to say anything. However, let us presume that a pedestrian has run out from behind a vehicle and becomes involved in an accident and is unfortunately injured. In the normal way the driver of the motorcar that struck him would immediately ask what had happened.

The policeman cannot say to an individual he thinks was driving the car, "Did you drive the car?" The policeman, when he rushes up, has to gamble on the individual who was the actual driver and he must warn that person before he

accepts any statement from him. If he does so and the man says he did not drive the car but intimates that he thinks someone else there did, the policeman must then go and warn all the other persons there before he can find out who was the driver. The natural reaction of a man who is warned by a policeman is to say, "I am not going to give you any information." In those circumstances the policeman is absolutely hampered in his duty.

A man may be distraught as a result of an accident in which he has been involved. Instead of giving a clear statement of what happens he may ponder over the matter. I regret to say that in pondering over such matters, people very often, while they are distraught, make statements that they honestly think are correct. I have had some experience in these matters. A man will tell a wonderful story that he honestly believes to be correct. If he is involved in a court case, a witness may say something different when giving evidence and the solicitor may turn to his client and ask him about it. The individual may reply, "Yes, that is true. I forgot to tell you about that." The result is that the solicitor will not know where he stands.

The other evening Mr. Jones related an incident in which he was concerned. He has given me permission to mention the matter. As he said, he made a statement but a long time afterward, when the case was dealt with, he had forgotten exactly what he said. The statement he made was quite correct but what Mr. Jones wanted to make clear in his remarks in this House regarding the incident was that he should have been given a copy of his statement. Generally speaking, I think copies of statements made in those circumstances can be obtained and I do not think the police would object to providing a copy if the individual concerned asked for one.

I ask members to realise how serious it will be if the police are not allowed to make their inquiries in the ordinary way. Why should we protect the man who breaches the law rather than protect the general public? In recent times we have had a tremendous number of traffic accidents, some of which have proved fatal. Is there any harm in asking the persons involved to give their opinions regarding what happened? The law is that there is no need for a person to make a statement unless he wishes to do so but if a policeman asks the individual if he would like to make one, why not? I was involved in an accident the other day; a constable came along and asked my name, my address and the production of my driver's license. That information has to be given when a policeman asks for it.

Hon. F. R. H. Lavery: That is all the man has to do.

Hon. H. S. W. PARKER: But if the Bill is agreed to, he cannot do that.

Hon. R. J. Boylen: Why not?

Hon. E. M. Davies: He is warned.

Hon. H. S. W. PARKER: The policeman will suspect that an individual is the driver, but he does not know for certain. If the Bill is agreed to he will have to warn the individual he wants to question that he need not make a statement but that if he does it may be used in evidence. What would be the immediate effect? The man would not make a statement. As I said before, the policeman would have to interview all the people who happened to be there in his endeavour to find out who was the driver. The Act says that such an individual must give the information the police seek but if the Bill be agreed to and a warning has to be issued, the information will not be available.

Hon. F. R. H. Lavery: The Bill will not stop a man from giving his opinion or the information sought.

Hon. H. S. W. PARKER: Of course it does not stop him from giving the required information.

Hon. R. J. Boylen: This only means that he must be warned.

Hon. H. S. W. PARKER: And the man who is warned usually shuts up. People who have committed some offence have consulted me and have said, "The police have asked me for a statement. Shall I make one?" I have generally replied, "If you are innocent, certainly. Give them the whole story." Generally speaking, the man who is not prepared to give a statement is the guilty party. That is why he will not desire to make the statement. Yet we are asked to protect him—not the innocent man.

Then again, take the position of the innocent man. He is not to blame for the accident that had occurred because the victim walked out from behind some other vehicle and was knocked down. The driver, who is an innocent party, will be inclined to say exactly what happened. But when a policeman speaks to him and gives him the warning that anything he says may be used in evidence against him and takes out his notebook, the man begins to be apprehensive and probably will say that he would like to see his solicitor first. That would be the natural reaction. The law in these matters has been established over the years. It has been decided definitely, and no magistrate or judge will accept a statement made by a person who was not normal at the time. If such a statement were given and was wrong, the innocent person has only to go into the witness box and explain the position. True, he must undergo cross-examination, but no man need fear any cross-examination if he is telling the truth. As a matter of fact, the solicitor cannot get anything by cross-examination out of a man who is stating what is quite true.

Therefore the Bill will merely protect the lawbreaker and will not protect the innocent individual in any shape or form. As a matter of fact, the police do not take a statement from a man who is obviously distraught. On the other hand, the man who is innocent and tells the truth makes a perfectly clear statement, but that is not the position with the person who is guilty of an offence. At times a person may not be quite calm and may be somewhat distraught when he makes a statement. He may be warned but he may desire to tell the truth about the whole matter. If his statement was challenged he has only to say, "I made that statement immediately afterwards when the whole position was clear in my mind."

A man may be charged with an offence and make all sorts of statements. Later on in court the man can tell the magistrate that he made the statement but that he did not realise what he was saying, because the information it contained was not in accordance with fact. He may point out that the true position was something else. He might say, "Yes, my statement is not really true. I did say something of that sort, but I think the statement is a little distorted."

In such instances the magistrate will look at the man and wonder if he is a liar. It must be remembered that magistrates deal with liars and truthful people every day. They become experts in being able to pick the truthful man from the untruthful individual. No innocent man need fear making a statement, only the guilty man. We are trying to clean up the roads and obviate traffic accidents. Why should the Bill be brought in to deal only with traffic accidents and let other lawbreakers alone? If a man should be guilty of murder—

Hon. C. W. D. Barker: That has nothing to do with the Bill.

Hon. F. R. H. Lavery: Absolutely not!

Hon. H. S. W. PARKER: The hon. members interjecting do not know what I was going to say. If a man is suspected of having committed a murder, a policeman does not have to warn him. Very seldom is a man who is accused of murder arrested immediately. The police make inquiries and give the individual an opportunity to say where he was on such-and-such a date at such-and-such a time. They proceed with their inquiries, piece the facts together and may then arrest the man. When they do so, they ask him if he wishes to make a statement and warn him that what he says may be used in evidence against him. Even that is not necessary so long as no threats are used or promises made to the individual.

In this instance the man who happens to be involved in a traffic accident has to be warned. The position is highly ridiculous, because the law at present says such a man must answer questions put to him. When an accident occurs the individuals concerned are asked to report the facts at the nearest police station. Should a person do this, the police constable he speaks to will have to say, "All right, but before you say anything I must warn you that anything you say may be taken down in writing and used in evidence against you."

Hon. E. M. Davies: But the Bill applies to a statement made immediately after an accident. You are misleading the House.

Hon. H. S. W. PARKER: The report has to be made of the accident.

Hon. E. M. Davies: And the man goes to the police station.

Hon. H. S. W. PARKER: This is what the Bill says—

> On the hearing of a charge for an offence against any provision of this Act arising from the occurrence of an accident involving any vehicle or animal, no statement made subsequent to the occurrence of the accident by any person to a police officer or traffic inspector concerning the accident or any of the circumstances thereof, shall be admissible in evidence in any court, unless and until the court is satisfied—
>
> (a) that the statement was made freely and voluntarily; and
>
> (b) that the person making the statement was first informed by the police officer or traffic inspector, as the case may be, that he was not obliged to make a statement but that if he did, the statement may be used in evidence.

That is what the policeman has to say. That provision applies to trams, motorcars, trolleybuses and other types of vehicles. If a provision like this is to apply to traffic accidents, it should also be made to apply to more serious offences. The evil doer in this instance is being given a tremendous advantage. Should the Bill be agreed to, he will not have to give his name and address nor need he produce his driver's license unless the warning specified is given to him—and after he is warned, the offender will say nothing.

Hon. L. A. Logan: Does not the person who commits the offence give his name and address and so on under your interpretation?

Hon. H. S. W. PARKER: Under the provision in the Bill he need not say anything at all until he has been warned. If I say, "I was the driver of car number so and so, but I have no license and my address is so and so" that cannot be used in evidence, because I have not been given a warning. They do not want me to say

anything they cannot use, so they say, "Shut up till we tell you this: Do not forget that whatever you say will be taken down and used in evidence."

Hon. L. A. Logan: You would still have to give your name and address.

Hon. H. S. W. PARKER: No. Where the latter portion of a statute contradicts a former part of it, or a later statute contradicts an earlier one, it is the subsequent portion or statute that counts. In this case, although the Traffic Act says that that has to be done, this later one would say that it does not have to be done until the person has been warned.

Hon. L. A. Logan: He would still have to give his name.

Hon. H. S. W. PARKER: Of course! If the hon. member would look into the Traffic Court every now and then, he would find a number of people there because they gave a wrong name and address after an accident. There is an offence of obtaining the use or hire of a car by fraud. If I obtained a car by fraud, that would be a breach of the Traffic Act. But if by chance I met with an accident, the police could not ask me anything about that fraud or about the accident. They would never have known about the fraud if it had not been for the accident, and when the accident takes place they have to warn me before I say anything.

I did not intend to speak so long on this Bill, but I think it is a most serious one, and I am quite sure the sponsors did not realise the serious nature of the amendments proposed. No innocent man need fear making a statement, but a guilty man could have grave fears. But even at present the police could not make him give a statement. They could only ask him essential questions such as his name and address, the name of the other driver and so on. I hope the House will not agree to the second reading.

HON. C. W. D. BARKER (North) [8.18]: I looked to Mr. Parker to give me a lead on this Bill, and some enlightenment, but it seems to me that he has missed the point of the measure. I take it that this Bill was introduced to further the ends of justice and not to defeat them.

Hon. H. S. W. Parker: That is the trouble: it defeats the ends of justice.

Hon. C. W. D. BARKER: The hon. member said that if a person is warned before he makes a statement, and the police officer has to tell him that what he says will be used in evidence, he will not give a statement. He need not give a statement at any time; but he must give his name and address.

Hon. G. Bennetts: And he has to produce his driver's license.

Hon. C. W. D. BARKER: The purpose of the Bill is to warn people before they make statements after a serious motor accident. I ask members whether immediately after a serious accident, a man would be in a normal state. On the contrary, he would be suffering from severe shock. I saw it happen recently. I helped a gentleman to the pavement and a policeman was on to him like a shot out of a gun and asked him his name and address and all sorts of things, and the man did not know whether he was Arthur or Martha.

The purpose of the Bill is to allow people to recover stability before being required to make a statement. It provides that the police officer shall say to a man, "Before you say anything, I must warn you that anything you say will be used in evidence." Naturally such a person in those circumstances would try to collect his thoughts. He would realise that it would be a serious matter to make a statement, and he would try to recollect exactly what happened. Mr. Parker referred to murderers and criminals and gold stealers. This Bill has nothing to do with them. It was brought down to deal with people in a special set of circumstances. I think it is a good measure. I shall vote for it and I hope other members will do so.

We never know when we will be in similar circumstances and suffering from severe shock after an accident. If a man is not given the chance to collect his thoughts, he is liable to say anything. It has been done several times in the past, and the purpose of the Bill is to try to obviate that sort of thing.

HON. F. R. H. LAVERY (West) [8.21]: This is what I have often heard Ministers call other measures—a simple little Bill. Mr. Parker is a learned solicitor and I respect his learning, but this Bill is not nearly as dangerous a measure as he would have the House believe. I have been a driver for many years, particularly in the metropolitan area and I have been a qualified instructor for St. John Ambulance Association. From the year 1923 until now, I have had to deal with many accidents on the road both in the way of assisting people who have been injured and helping the police to obtain evidence where only vehicles have been smashed. Furthermore, last October I was the victim of an accident and experienced the circumstances with which this Bill is intended to deal.

I do not wish to put my private life story in "Hansard" but in order to prove my point, I want to refer to the accident that befell me. The vehicle that hit me proceeded for quite a distance, smashed into a big tree and came back to the roadway 27 ft. or 30 ft., and four men were seriously injured. I was able to pull my vehicle up and drive to where the men were. I say without fear of contradiction, that without my experience as a first aid man, one of those men would have

died. By the time the police came on to the scene the ambulance had arrived and the four men were taken to the hospital. I was a complete nervous wreck and I do not mind saying so. People from nearby houses came to my assistance.

In this instance, I am relating the actual case of a person who is a bit emotional. It is one of my misfortunes that I am inclined to be emotional. After the ambulance had gone—there were 20 or 30 people present by that time—a constable came along and said, "What the heck happened?" I started to explain to him, but he said, "You are shocked enough. You sit down for a while and I will find out what occurred." I appreciate what he did. My experience throughout the years has been that the average traffic constable, and other people who appear in an emergency, do not wish to upset accident victims and demand all kinds of things, but are most courteous and helpful; though if one is adamant, one can expect them to stand on their hind legs, too.

In my case I used an expression that cost me a large sum of money, without my going to court; I settled the case out of court. Originally, if I had been financial enough, I had a chance of going to court and winning the case, but it would have cost me a good deal if I had lost. All this was because in my confusion, not being equal to the strain, I said, "I bent down and picked up a screw-driver." Had I not made that statement, I would have been £250 better off today.

Hon. H. S. W. Parker: That is a civil action. This Bill does not deal with civil actions.

Hon. F. R. H. LAVERY: I am relating an actual occurrence, where a statement was asked of a person who was not capable of making one. I was that person, and I do not drink intoxicating liquors

Hon. H. S. W. Parker: That might have saved you!

Hon. F. R. H. LAVERY: The big oil companies which employ large numbers of drivers have definite rules and regulations governing their employees. They require that if a driver is involved in an accident he must give to the constable only his name and address and his license number—I believe one is allowed up to three days to produce one's license. He must not admit liability either to a policeman or to any other person. If big oil companies like the Shell coy. and C.O.R., and other big employers of drivers see fit to include that regulation amongst the rules governing their business, they must have had some reason for doing so. I claim it is because in the past drivers involved in accidents have put them, or the insurance companies covering them, in a spot. So the companies decided that they must protect themselves by ordering their drivers not to give statements.

I have no wish to enter into a legal argument with Mr. Parker because I know nothing about the law. But there are some anomalies in the Traffic Act that are not known to the public. It is the general idea of motorists that they must give a statement to the police in the event of their being involved in an accident, but I know that is not so. All one has to do is to give one's name and address and produce one's license and if one has not the license with him, he has three days in which to produce it. But a statement does not have to be given. In the case of third party insurance, a detailed statement has to be given to the Motor Vehicle Trust.

The representatives of that body are not on the road immediately one has an accident, but one has to go to them and make a statement. The second obligation, so far as a motorist is concerned, is that, immediately he has an accident, and no policeman is present, he must report it to the nearest police station. If the accident occurs in the country and the local traffic inspector is not present, the motorist must report the accident to the nearest police station. I have known of cases where a person has gone to a police station and, even though it might be 10 minutes or half-an-hour after the accident, that person has been in a state of emotional stress. Frequently the policeman in the office has said, "Just give me your name and address and sit down for a while until you calm yourself. Then I will take some details from you." That is a generous act on the part of the constable, because he can understand the position.

But there are many cases where that does not happen. I have known of constables who, when being told that such-and-such a person was the driver of a car, come up to that person and, without warning him that the statement may be used, ask for a statement. I have also known of a number of cases where persons have been involved in accidents, have given statements, and when they have gone to the court they have denied some of the things they were supposed to have said. That happens because the statements are given when the persons are not able to think clearly. But there have been many other cases where motorists have had accidents, and have tried to get out of them because they were in the wrong. They bluff their way out of it. But, generally speaking, I am talking of the average motorist who is involved in an accident.

This measure will be of considerable value when the accident is likely to involve a civil action. It will protect the person who may be inclined to give a statement without realising that it will be used in evidence against him; it will give him time to collect his thoughts and make a proper statement. If a man is involved in an accident and makes a state-

ment on the spot, immediately after the accident, he is inclined to say things that are not correct. I do not think Mr. Parker would suggest that every person who gives a statement intends to give a false one. If I left this building tonight and was involved in an accident, suffered a head injury and was covered in blood from my own or another person's body, I would not be able to give a reasonable statement to a constable who appeared on the scene.

Hon. H. S. W. Parker: It does not apply unless you are the driver in charge of one of the cars involved.

Hon. F. R. H. LAVERY: What harm is there in warning such a person before he gives a statement? After all, a man does not have to give a statement on the spur of the moment in circumstances like that. Once I witnessed an accident in Victoria Park, and 5½ months later, while I was in the Perth Hospital, a constable came to ask me to make a statement. I said to him, "You are a bit hot. That happened 5½ months ago. How do you expect me to give you a proper account of what happened?"

Hon. H. S. W. Parker: Then it would be better to give a statement straight away.

Hon. F. R. H. LAVERY: He said, "We did not know that you were a witness until now." I replied, "I cannot believe that, because I reported the accident. The two people involved were taken to hospital." So policemen make mistakes, the same as everyone else. I commend the Bill to members because I consider it a step in the right direction, and I absolutely deny the statement made by Mr. Parker that this will prevent a constable from asking a person for his name and address. Those questions must be answered at any time. If one is using insulting language, or committing some nuisance, a constable has the right to ask for one's name and address.

Hon. H. S. W. Parker: Of course he has.

Hon. G. Bennetts: He can ask you at any time.

Hon. F. R. H. LAVERY: For those reasons, and because I have had considerable motoring experience, I commend the Bill to the House and hope it will pass the second reading.

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

BILL—FREMANTLE ELECTRICITY UNDERTAKING AGREEMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [8.37]: Each of the four members who spoke on this measure said that he supported it, and then went to considerable pains caustically to criticise the State Electricity Commission. While it is not my intention to criticise their remarks, in fairness to the other side I think I should clear up what I consider are misconceptions. I think Mr. Davies said that he believed that standard meters showed an 8 per cent. increase in current used when applied to a 50-cycle current as compared with 40-cycle.

Hon. E. M. Davies: I said that I had received complaints from people engaged in the electrical trade, and had had a statement from Mr. Edmondson that that was not so. But I wanted an official statement from the Minister as to whether it was correct or not.

The MINISTER FOR TRANSPORT: I accept the hon. member's explanation. I have a note which states that Mr. Davies had been informed of standard electric meters which showed an increase of up to 8 per cent. when operating on 50-cycle compared with 40-cycle frequency. Another statement made which I thought needed clarification was that now the S.E.C. has taken over plants in certain districts, the service has become ineffective, and people are unable to read by their electric lights. That obviously indicated that the service was not up to standard. I felt that those points should be investigated, and I obtained a few notes in explanation.

Members will recall that the State Electricity Commission was set up in 1945 by the then Labour Government. The Commission's responsibilities are described in the introduction to the State Electricity Commission Act which states—

> An Act to constitute and regulate and confer powers and impose obligations upon a State Electricity Commission to undertake on behalf of His Majesty the establishment, maintenance and management and acquisition of works for the manufacture, generation, transmission, distribution, supply and sale of electricity and other heating, lighting and motive power throughout or in any portions of the State; to take the place of the Commissioner of Railways in relation to the possession, control and management of the electric works already established under the Government Electric Works Act, 1914; to repeal certain Acts; to provide for the transfer of certain assets, liabilities and obligations from the said Commissioner to the said Commission; and for other purposes consequent thereon or incidental thereto.

I think most people accepted the view that, on balance, the objects of the Commission were worthy; it was to assist country areas, particularly, to be developed, to possess facilities for industrial enterprises where current was essential, and to

try to iron out the differences in charges made to consumers in various parts of the State. When it came into power, one of the first adjustments made by this Government was to take over the service which had previously been performed by the Perth City Council as a buyer of current from the old electricity undertaking and the retailing of it to customers. That agreement, like the one with the Fremantle City Council, did not contain any rise or fall clause, which meant that those two instrumentalities, over the years, were receiving current at below the cost of production.

While, from their point of view, understandably, they did not desire any change —it was good business for them—inevitably it meant, on balance, that other users of electricity, if the concerns were to be kept solvent, had to make up losses because of the supply at under cost to these two undertakings. So I think we can accept in a broad sense the fact that it was desirable to enter into fresh agreements so that those who used current would be called upon to pay for the actual cost of it. If they did not do so, then obviously somebody else had to.

Hon. E. M. Davies: There would be no objection to an equitable agreement.

The MINISTER FOR TRANSPORT: The word "equitable" is one that can be applied broadly. I know that when the terms and conditions were being discussed, the Fremantle City Council suggested that it should be charged the industrial rate and it would undertake the distribution of that current, and maintain the existing rate to its customers. That is not quite so simple as it sounds. Actually, on industrial current all electricity undertakings expect to supply either at or below cost. On this reasoning, industrial development is encouraged and the private consumers who are brought into being because of those enterprises being created, and who pay the normal rate for current, make up the loss which might be incurred on the selling of industrial current.

That is a sprat to catch a mackerel or, we might say, what we would lose on the swings we would gain on the roundabouts. That is recognised in all States as being a sound business principle. So, to have supplied the city of Fremantle at the industrial rate which would have been below production cost, would have meant collecting higher charges from the individual consumers. That is the reason why, although they were agreeable to come to terms as far as possible, they felt they could not actually accept that rate. At the time the rate for the Fremantle city undertakings was .85d. per unit, the production cost was 1.6d.

As there was the prospect of the industry at Kwinana developing, it meant that there would be a built-up consumption in that area. As the years passed and possibly production costs rose and there was a static return, the prospect of losses over the years would have been tremendous. I do not want to dwell on that because the matter has been thrashed out and the agreement has been accepted. In fairness to the undertaking, I do not think that that was their point of view nor was it that of the Fremantle City Council.

There is another point on which I wish to touch. I have here three graphs which show the tests that have been taken on a standard meter on both 40 cycle and 50 cycle current. There has been an accepted principle that a 2 per cent. variation up or down is regarded as satisfactory when making tests. But these three graphs which I will distribute to the members concerned show there was far less than that variation on the actual tests applied. The actual variation was less than half of the 2 per cent. allowed.

That was only one test and was regarded by them as near enough. But an identical case of a second test might easily have the 2 per cent. variation the other way. That is the result of the tests applied; the graphs are here and can be seen by members or distributed to those who advanced that claim. Another point made was that current was dearer. I have with me figures showing the costs at the capital cities of various consumptions per annum and these are almost all in favour of Perth. There is such a slight difference between Perth and the next capital city that it can be said, generally speaking, that Perth has the cheapest rating of any capital city in Australia. Where the consumption is 620 units per annum the average cost in the capital cities of Australia is as follows:—

At Brisbane	3.935d.
At Sydney	3.484d.
At Melbourne	3.497d.
At Adelaide	4.303d.
At Perth	3.323d.

Hon. Sir Frank Gibson: Does that include lighting and power?

The MINISTER FOR TRANSPORT: It says the average cost of electricity. Where the consumer averages 824 units per annum he pays the following average price per unit—

At Brisbane	3.456d.
At Sydney	3.262d.
At Melbourne	3.087d.
At Adelaide	3.718d.
At Perth	3.17d.

Perth is second lowest to Melbourne and lower than any of the other cities.

Hon. F. R. H. Lavery: Perth lighting is 6.30d.

The MINISTER FOR TRANSPORT: This apparently contains the industrial production as well. I think most accounts are made out on the basis that they charge a standard amount for lighting and then the power that is used for one's stove or jug or refrigerator is estimated out with

this average cost to the householder on that consumption per annum. On the other hand, it may be said that other people use more than the average. Where they are using 1,200 units per annum the average cost per unit in the capital cities is—

At Brisbane	3d.
At Sydney	3.043d.
At Melbourne	3.04d.
At Adelaide	3.163d.
At Perth	3.03d.

In that case Perth is the second lowest; in the preceding group it is second lowest and in the first group it is the lowest. I mention those facts to show that the position in Perth compares very favourably with that in the other capital cities of Australia. With regard to the poor lighting in certain centres I am told the system has only been running for a little while and that prior to their taking over there were complaints that the lighting was insufficient. I am assured, and I would like this assurance to be passed on, that they are tackling the problem and are hopeful of bringing about a standard of lighting comparable to that in any other centre. The object of the Bill is to ratify the undertaking. It is of course mainly the concern of the Fremantle City Council and members of the Fremantle district. They have expressed their agreement with the Bill although they have criticised it, so I take it that the House will allow the Bill to pass.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed*.

BILL—STAMP ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [8.52] in moving the second reading said: The sole purpose of this Bill is to provide some of the additional revenue so badly needed by the State. While a grant of £8,041,000 has been approved by the Commonwealth Government, the Grants Commission has let the Premier know in plain terms that it expects the State to assist in solving its financial problems, and that unless it does so it cannot expect to continue to receive such large grants. If certain action to obtain revenue is taken in the standard States, and we do not follow suit, our grant is reduced by the amount that it is estimated we would have obtained from such sources.

A winning bets tax is imposed in Victoria and in South Australia, and the revenue so derived is considerable. The Bill therefore seeks to allow the Government to tax all winning bets on all racecourses in the State. The tax will be imposed on all bets of 5s. or more, at the rate of 3d. for every 10s. or fractional part of 10s. The Bill provides that bookmakers shall record their betting transactions in duplicate, and at the end of each race shall lodge the duplicate with the club which will retain it in its records until such time as the Commissioner of Stamps approves of its destruction. The bookmaker will be required to deduct the tax from each winning bet and within a time to be specified by regulation—it is expected this will be seven days—pay the total amount of his deductions to the club or to the person conducting the race meeting.

Provision is made in the Bill that, after deducting 20 per cent. of the total, the club shall, within a period also to be appointed by regulation, forward the deductions to the Commissioner of Stamps. Three-quarters of the 20 per cent. retained by the clubs must be allocated to increasing stake money, the other one-quarter being utilised at the club's discretion. I feel this is a move that should help to improve the standard of racing in this State, as there is no doubt that bigger stakes conduce to better racing and an improved standard in the sport. I understand that the balance of the 20 per cent. retained by the leading racing club in this State will be devoted to improving the facilities and amenities for its patrons.

Under the principal Act the Commissioner of Stamps has authority to inspect bookmakers' betting books, betting tickets, documents, etc., and the Bill proposes to extend this authority to requiring the club to produce for inspection the documents or to answer inquiries regarding the tax deductions authorised by the measure. I trust that the Bill will commend itself to members. It will be the means of adding an estimated £200,000 to the revenue of the State, and it should also, by improving the standard and conduct of racing in Western Australia, encourage greater patronage of racing as an entertainment. As I have indicated, a similar tax exists in both Victoria and South Australia, while in New South Wales a 1½ per cent. turnover tax is imposed on all bookmakers operating on the course. I move—

That the Bill be now read a second time.

HON. N. E. BAXTER (Central) [8.59]: While I sympathise with the Government in its anxiety to raise additional finance, I feel this Bill is rather overstepping the mark. I feel this for quite a few reasons. The Minister admitted in his second reading speech that the sole purpose of the Bill was to raise finance to provide revenue for the State. I cannot understand why a Government should take revenue from an illegal source. If the Government wishes to obtain revenue, surely the first move should be to legalise the source from which it proposes to obtain that revenue.

Another aspect is that the race clubs will receive 20 per cent. of the collections to be devoted to increasing the stakes and any other purpose to which it may be decided to apply the money. That might sound all right, but does any other person who has to collect taxation for the department receive a fee for doing so? Does the businessman who has to collect tax on the wages he pays each week receive anything for the work entailed? Not one penny!

The Minister for Transport: That is not the purpose

Hon. N. E. BAXTER: Nothing is paid to persons who have to do quite a lot of book work in connection with collecting taxation for the department, but the race clubs are to receive payment. Let me quote the section of the Criminal Code relating to betting and gaming as follows:—

> (1) Any house or room, or any place whatsoever which is used for any of the purposes following, that is to say:—
>
> (i) For the purpose of bets being made therein between persons resorting to the place; or
>
> (ii) For the purpose of bets being made therein between persons resorting to the place and—
>
> (a) The owner, occupier, or keeper of the place, or any person using the place; or
>
> (b) any person procured or employed by or acting for or on behalf of any such owner, occupier, or keeper, or person using the place; or
>
> (c) any person having the care or management, or in any manner conducting the business of the place; or
>
> (iii) For the purpose of any money or other property being paid or received therein by or on behalf of any such owner, occupier, or keeper, or person using the place as or for the consideration—
>
> (d) For an assurance, undertaking, promise or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse-race, or other race, fight, game, sport or exercise; or
>
> (e) for securing the paying or giving by some other person of any money or other property or any such event or contingency;
>
> is called a common betting house.
>
> Any person who opens, keeps, or uses a common betting house is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years.
>
> Or he may be summarily convicted before two justices, in which case he is liable to imprisonment with hard labour for six months, or to a fine of One hundred pounds.
>
> (2) Any person who, being the owner or occupier of any house, room, or place, knowingly and wilfully permits it to be opened, kept, or used as a common betting house by another person, or who has the use or management, or assists in conducting the business of a common betting house, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for six months, or to a fine of One hundred pounds.

Now I direct the attention of members to this provision—

> The Western Australian Turf Club, and any other club or company, incorporated or otherwise, registered by the Western Australian Turf Club, and authorised by the Colonial Treasurer, and any person, with the permission of any such club or company, may have, use, and play with on the racecourse of such club or company, during the days of any race meeting, the instrument known as the totalisator.

Thus betting on the totalisator has been legalised under the Act, but betting with bookmakers on the racecourse has not.

Hon. H. S. W. Parker: At one time several bookmakers were prosecuted for betting on the racecourse.

Hon. N. E. BAXTER: That is so, but nothing further has been done. No Government has made any move in the direction of legalising betting with bookmakers on the racecourse. Yet we now have presented to us a Bill to provide for taking a tax from an illegal source. We know that off-the-course bookmakers are prosecuted and fined, not on a charge of betting, but on a charge of obstructing the traffic, though in very few instances would they be obstructing the traffic. This is just a method of extorting funds from those people in order to produce more revenue for the Government. I cannot understand why some Government has not had the gumption to face up to the situation by legalising betting and putting it on a proper basis. In "The West Australian" of the 30th October last, the following was published—

Police Chief Urges
New Law on S.P.

"The attempted suppression of starting-price betting under the existing law is farcical," the Commissioner of Police (Mr. T. H. Andersen) declared in his annual report, presented to Parliament yesterday.

Betting in streets and open public places was continuing unabated, he said.

Convictions recorded for the offence during the 12 months ended June 30 last totalled 1,930 for the State, compared with 1,677 during the previous year.

In order to penalise offenders the police had to take action under the traffic regulations for obstruction.

Betting was continuing unabated in the metropolitan area because the number of police officers and motor vehicles available to deal with this offence were quite inadequate.

Big Increase.

In country towns much sympathy was shown by many members of the public towards this "so-called amenity," which made it difficult for the police to suppress it.

In fact, there had been a considerable increase in operations.

The only effect of attempting to suppress it was to produce revenue. Fines in Perth and suburbs for the year amounted to £20,224—for obstructing the traffic.

Credit betting by telephone was carried on between bookmakers and trustworthy clients on a big scale.

In addition, many known operators employed agents in various establishments and on vehicles.

Mr. Andersen recommended that the laws relating to betting and gaming be reviewed and codified with the object of either suppressing such practices or controlling them within reasonable limits, according to what might be desired in the interest of the community generally.

Since the Royal Commission on betting gave its findings a few years ago, nothing has been done by the Government. Apparently no Government is prepared to face the issue. It is about time the matter of betting was taken in hand and properly controlled.

Hon. H. C. Strickland: Why not introduce a Bill yourself to legalise betting?

Hon. N. E. BAXTER: I cannot see that it is the responsibility of any individual member to introduce a Bill for the legalisation of betting. This is a State-wide matter, and it is the Government's duty to deal with it. Money is being spent by the Police Department in the effort to suppress betting, and I should say that the revenue derived from the obstruction charges against so-called s.p. bookmakers would be practically eaten up by the cost of trying to suppress betting. I maintain that if off-the-course betting were legalised in this State, the Government, instead of getting £20,000 of revenue a year, would receive over £100,000, and that would be obtained in a legal way and not illegally as is proposed under this Bill.

Another point is that after similar legislation had been passed in Victoria, a lot of the big money that previously was put on with bookmakers on the racecourse went to off-the-course operators, and thus a source of revenue was lost to the Government there. The same thing will happen here; a large amount of the money that normally would go to the bookmakers on the racecourse will go to the off-the-course bookmakers. Consequently I believe that the Government in the long run will be the losers.

People who are interested in horse-racing and who go to the racecourse are always prepared to take a risk. They do not mind paying taxation so long as the rest of the public is prepared to do likewise. The s.p. bookmaker, however, does not pay tax to the department. The ordinary businessman has to pay taxation on his earnings, but the s.p. bookmaker escapes scot-free from taxation.

I know from moving about the State, both in the city and in the country, that many people would welcome the legalising of off-the-course betting. I have heard it said that a majority of the churches would be opposed to it, but I believe they would prefer to see betting conducted in a straight and decent manner and under conditions by which it could be controlled. Some people argue that the workers spend money on off-the-course betting that ought to be devoted to the welfare of the family, money that they can ill afford. I admit that that is so.

The same argument, however, might be applied to hotels, but they are under control, and off-the-course betting could be controlled just as well. A man who indulged in undue betting in the circumstances I have mentioned could be put on a prohibited list, just as he could be for over-indulgence in liquor. It might be claimed that such a provision would not operate effectively. It might not operate in the country because, if a man could not get a drink in one town, he might go to the next town, but such a provision would have the effect of controlling the man's use of his money that ought to go to the maintenance of his wife and family. If betting were thus legalised, the police or the Child Welfare Department could step in and see that the man was put on the prohibited list.

Quite a lot of arguments could be advanced against legalising off-the-course betting, but if the Government is going to tax winning bets, let it legalise betting before it takes the money. Then we shall be able to stand up and claim that we

do things in a proper way and not in a half-hearted way. I intend to vote against the second reading.

HON. F. R. H. LAVERY (West) [9.12]: I find myself on this occasion in the position of joining forces for once with Mr. Baxter, though the reverse is usually the case. As regards the tax on winning bets, this is just one more method being employed by the Government of the day to raise revenue. What I cannot understand is why in this modern world we do not face up to the fact, as Mr. Baxter said, that betting exists and cannot be stamped out. Whether the Government be Liberal, Labour or Country Party, and whether we like it or not, all the laws that can be passed will not stamp out this old-time habit of betting.

Hon. A. L. Loton: What is that?

Hon. F. R. H. LAVERY: I am referring to the betting indulged in by the person who cannot afford to go to a racecourse. Such a person is entitled to have a bet, just as much as is one who can afford to go to a racecourse and pay his entrance fee. I have no objection to the average person who is conducting s.p. bookmaking, but I have a decided objection to the system under which he and his patrons work and enjoy their leisure! I am referring to the need for getting around the corner, under a tree, at the back of a hotel or around a car having a wireless set, and the need for employing a man at £5 a day to give warning when the police are approaching. What sort of a world are we living in when people are made criminals in that way?

It is estimated that we shall get £200,000 a year if the Bill is agreed to, and, according to what I have read in the Press, the trotting and racing clubs will receive between them approximately £35,000—£20,000 to the racing clubs and £15,000 to the trotting clubs. We would get much more money if s.p. bookmaking were legalised. I see in the paper on Monday mornings where people are fined £50 for s.p. betting. Are not the doings of these people legalised because it is considered the revenue derived this way is greater than would be obtained if they were licensed?

Members: No.

Hon. F. R. H. LAVERY: A few years ago I was in Adelaide and I saw the licensed system carried on there. Some of the rooms where the betting was done had seats every bit as nice as those we have here. I saw policemen betting the same as anyone else, and the State was getting some revenue from every ticket that was issued.

The Minister for Transport: They have been very sorry they introduced it, all the same.

Hon. F. R. H. LAVERY: Whether that is so or not, the fact remains that the betting was controlled and was run under decent conditions. I am not a puritan, but I do object to my fellow citizen, who desires to have a bet on a race, not being able to do it in a clean and ordinary shopkeeping method. We have to go into a shop to buy our tobacco or fruit and vegetables, and so on, and on everything we buy there is a tax which goes either to the Commonwealth or to the State Government. What sticks in my neck is this: Why must all these people who have to hide around corners—

Hon. N. E. Baxter: Slink around.

The Minister for Transport: Do you regard betting as good or necessary?

Hon. F. R. H. LAVERY: I would not say it is good at all, but because of the system under which we live, it is a necessary evil for the entertainment of some people. It is no worse than over-indulgence in liquor or tobacco. Plenty of hospital patients are told by their doctors that they are in hospital only as a result of such over-indulgence. We see that respectable persons have, to all intents and purposes, to make half criminals of themselves because they have to sneak around a corner to have a bet. I shall express myself on this subject at any time I can. In the area where I live there are three or four s.p. bookmakers.

Hon. H. Hearn: Why did South Australia revoke the licenses of the s.p. shops?

Hon. F. R. H. LAVERY: I do not know, but while I was there they were cleanly and openly conducted.

Hon. H. Hearn: Did you have a good look at them in Adelaide, because I disagree with your findings?

Hon. F. R. H. LAVERY: I went into three places in Adelaide, and they were all as well conducted as are the proceedings in this Chamber tonight.

Hon. H. Hearn: Did you see little children in them?

Hon. F. R. H. LAVERY: No, but I did see policemen legitimately making bets, and on the bottom of each ticket issued there was a stamp signifying that 2d. or 3d. or some other sum had gone into the State revenue. If something can be done to legalise s.p. betting in this State some good will be achieved. The amount of money handled in week-ends by the s.p. operators would, in my opinion, more than equal the £200,000 it is estimated the State will receive from the winning bets tax.

Coming back to the Bill, I want to say that once again this is sectionalisation. A fine of £100 is to be suffered by any bookmaker who does not comply with the regulations; and the trotting and racing clubs are to receive an estimated amount of £35,000 for the work they have to do in connection with the measure. The Minister for Transport tonight said we would get £25,000 per annum from B.H.P. from the royalty of 6d. a ton on iron-ore, but

I am satisfied that the racing clubs will get this money much easier. I emphasise that while this sectional taxation is being applied, we are letting thousands of other people, who have winning bets, get away without paying anything. This is not fair or equitable.

I have no fault to find with the s.p. bookmaker if he has the stomach to follow this calling, but I do find fault with the system which necessitates people, who wish to make little bets of 2s. 6d. or 5s. sneaking around the corner like thieves. To a point, the s.p. bookmakers impose on the public, as well. Certain prices are quoted on the course, but the s.p. bookmakers are not bound to pay those prices, and, as far as Eastern States racing is concerned, they give what points they like. If a horse starts at 50 to 1, they pay only 20 to 1.

Hon. A. L. Loton: They have an agreed maximum.

Hon. F. R. H. LAVERY: Yes. We are told the Bill is to raise revenue, and we should have more revenue instead of having to go to the Eastern States every time we want a pound note, but we should not leave it to a section to provide the money. People who go to the races pay 17s. 6d. or £1 to go on to the course, and they are the ones who will pay this £200,000 to £235,000. The Commissioner of Police needs to have a number of men to deal with the s.p. bookmakers. If s.p. bookmakers were licensed, most of those constables would be available for other duties. One man was arrested three times last week.

Hon. L. C. Diver: Did it put him out of business?

Hon. F. R. H. LAVERY: That is not the point. While the Bill is necessary, I hope other members will have the stomach to get up and say what they think of bookmaking in the State.

HON. L. C. DIVER (Central) [9.25]: It is suggested that the Government will derive a certain amount of revenue from the Bill, so we have, temporarily, to support the Government in its endeavour. Some reference has been made to s.p. bookmakers. There is no question that they are operating extensively in the State.

The Minister for Agriculture: And everywhere else as well.

Hon. L. C. DIVER: Yes, with one exception—New Zealand.

The Minister for Agriculture: It has only totalisators.

Hon. L. C. DIVER: Yes, and I would recommend that system to the Government, because it would increase the revenue considerably. I am not going to make a rash guess and say by how much, because I do not think any living person can give even a rough estimate of the amount of money that goes into s.p. betting each week. If we had a totalisator system with agencies throughout the country, we would not only encourage people to come along to make their wagers in a lawful manner, but the Government would reap the benefit of a tax legally levied.

I urge the Government to give this serious consideration. If it feels a little hesitant about commencing, it could start the system in one or other of our larger country towns as an experiment. It would find that by staggering the race times in the various agencies, they would not have confusion at the master tote in Perth to where the bets would be transmitted.

Hon. A. L. Loton: The Government could provide a wireless station to cover the racing.

Hon. L. C. DIVER: There is no necessity for that. If we passed a law tomorrow to stop betting on racing, both on and off the course, what would we do? The punters would be going about each with a pack of cards. The inherent instinct of our people is to gamble.

The Minister for Agriculture: They learn while they are going to school.

Hon. L. C. DIVER: That is quite right. We have all seen the school games where the youngsters have a tor and will bet on who will get the closest to the wall.

The Minister for Agriculture: I have seen them bet with marbles.

Hon. L. C. DIVER: It has been amply demonstrated that the average Australian will have his bet. Mention has been made of the exception some church people take to betting, but it is amazing to see how many of them have no hesitation about running a raffle when collecting funds for some charitable purpose. I am not setting up as a censor of public morals, but I think people should have the opportunity to do their betting lawfully and openly. I support the Bill but trust that in due course Parliament will give serious consideration to the tote system as there is already the New Zealand Act to work on and we could well make the experiment here.

HON. J. McI. THOMSON (South) [9.31]: As the Minister said, when introducing the Bill, its purpose is to raise revenue. I am sorry the Government has not had the courage to tax a field that has hitherto remained untapped and which I am sure would yield a tremendous amount of revenue by way of taxation. I refer to s.p. bookmaking. I gave notice of a question this afternoon and will wait the reply with interest as I am sure it will contain enlightening information. I see no reason why s.p. betting should not be taxed in a manner similar to that proposed in this Bill for on-the-course betting which today is no more legal than it has been in the past.

We have been told what has been done in other States, particularly South Australia, with regard to betting and have heard of the conditions that applied in some cases, but it would be the responsibility of the Police Department or the Licensing Court, if s.p. betting were legalised, to see to it that such conditions did not prevail here. No Government can suppress the gambling instinct of man, and that is particularly true in country areas where people cannot attend race meetings.

There was a police raid on betting in Albany recently and while the betting shops were closed down for six or eight weeks the betting was done by telephone, with the result that the P.M.G.'s department had to supply extra staff at the exchange to cope with the telephone bets. It was necessary also for the postmaster to arrange for an assistant to clear the public telephone boxes at 10 p.m. and provide further staff to count the pennies. That is the farcical sort of position that obtains when the Government does this kind of thing. Yet we have not the courage to tax s.p. betting as a source of revenue!

Hon. A. L. Loton: You think we should legalise it?

Hon. J. McI. THOMSON: The Government may not yet be prepared to legalise s.p. betting and it has not legalised on-the-course betting, so I see no reason why it should not tax the s.p. betting field. We know that the Government must have more money in view of what has been indicated by the Grants Commission and the Premiers' Conference. We simply must find some more revenue from our own resources and this is one field that could be tapped in the interests of the State. I support the second reading but regret that the measure does not go much further than it does.

HON. C. W. D. BARKER (North) [9.35]: If this Bill is agreed to and the bookmakers have to collect this tax, I wonder whether they will be allowed to sue for losses accruing due to unpaid bets.

HON. G. BENNETTS (South-East) [9.36]: It seems strange for us to seek revenue from people engaged in an illegal business. Why not legalise betting both on and off the course? The Government appointed a Royal Commission which took exhaustive evidence on the question of all forms of betting, but so far nothing has been done to legalise betting or deal with it in any other way. In some small country centres there are no race meetings and people living in such areas are just as much entitled to have a bet as are those in the city who can attend racecourses. If country people desire to bet, it is necessary for the s.p. operator to have a dummy available to be picked up by the police and fined for running an illegal business.

The position in South Australia was mentioned by Mr. Hearn. I happened to see what went on there both before s.p. betting was legalised and afterwards. I visited the betting shops with one of the South Australian jockeys, named Francis, and one of the horse-trainers there and it was remarkable to see how the business was conducted. In the days before s.p. betting was legalised, the operators used to write the bets on a lolly and if the police came along the operator would simply put the lolly into his mouth, thus destroying the evidence.

I saw another place where they kept a fire going and if any police officer appeared the betting slips were thrown into the fire and burnt. I saw the betting shops operating in South Australia after s.p. betting was legalised and visited one at Glenelg, on a Saturday afternoon, in company with one of the men I have mentioned. I know that the betting was conducted on decent lines that day, and there was nothing like what Mr. Hearn mentioned about children being present in the betting shops.

Hon. H. Hearn: You can take my word as to what I saw there.

Hon. G. BENNETTS: If s.p. betting were legalised, it would be up to the police to see that that sort of thing did not happen here. Recently the game of two-up became the subject of police action in Kalgoorlie and now the game is raided from time to time and provides revenue by way of fines. I know of one large centre where, although two-up is not legalised, a committee was set up and when the game took place on Saturday afternoons it was attended by a subcommittee that was appointed. The game was run under police protection and a percentage was taken and banked, a balance sheet being furnished for every game. The money raised in that way was used in that town for charitable purposes and whenever a deserving case was discovered there was always money available to deal with it. A remarkable amount of revenue was obtained each year in that way. The Government could well allow the game of two-up to continue in Kalgoorlie and raise revenue from it in the way I have suggested.

Hon. H. S. W. Parker: And take the money away from charity?

Hon. G. BENNETTS: Australians are born gamblers and if betting is not legalised it has to go underground. In Kalgoorlie we had the spectacle of the betting being driven from the shops and into the streets and from there down into the back lanes where the lavatories are. The position was such that I brought the ques-

tion up at a meeting of the municipal council, and so the operators were allowed to come back into the streets again.

Many years ago on the Goldfields the bookmakers fielded at footrunning and other sports with the result that we had world champion runners such as Postle, Day and others competing there as well as some of the world's best cycle riders. Nine thousand people used to go to Coolgardie for the sports and the amount of money that passed hands was tremendous, but since bookmaking at such sports has been cut out the attendance at meetings has fallen off by a big percentage. We should legalise the operations of these people if we intend to obtain revenue from them and do the thing in the right way.

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

BILL—CONSTITUTION ACTS AMENDMENT (No. 3).

Second Reading—Defeated.

HON. H. S. W. PARKER (Suburban) [9.46] in moving the second reading said: This is a short Bill and I think all members are familiar with the subject matter of its contents. I do not think that anyone can raise any serious objection to it. It seeks to increase the number of people who are eligible for enrolment on the Legislative Council roll.

Hon. H. C. Strickland: Does it propose to extend the franchise?

Hon. H. S. W. PARKER: Yes, and it also gives a definition of a self-contained flat. The first amendment intends to permit people who are enrolled on municipal rolls in those municipalities where the rating is based on the unimproved capital value, to have a vote at Legislative Council elections.

Hon. W. R. Hall: On the annual rental value?

Hon. H. S. W. PARKER: Some municipalities base their rates on the unimproved capital value and the intention is that where the rates are fixed on that basis, they should be brought into line with the rates fixed on annual values. Then there is a consequential amendment, one might say, to provide for the enrolment of those people who are rated on the unimproved capital value in a road board area. Around the metropolitan area there are a number of road boards that base their rates on the unimproved capital value. It is considered that such ratepayers should have every right to have their names on the Legislative Council roll if they are on the municipal roll, provided they own property of an unimproved capital value of not less than £50.

Hon. G. Fraser: That is what it is now.

Hon. H. S. W. PARKER: No, if members care to look at Section 15 of the Constitution Acts Amendment Act, which deals with the qualification of electors for the Council, it will be noted that one qualification it provides is as follows:—

> (2) Is a householder within the province occupying any dwelling-house . . .

and it is proposed by the Bill to insert the words "or self-contained flat" at this point and to give a definition of what is a self-contained flat. Section 15 also contains the following:—

> Or if the name of such person is on—
> (5) The Electoral List of any municipality in respect of property within the province of the annual ratable value of not less than seventeen pounds . . .

and here the Bill proposes to insert the words, "or of the unimproved value of not less than fifty pounds".

Hon. E. M. Heenan: What is the significance of that?

Hon. H. S. W. PARKER: It proposes to place those people who are rated on the unimproved capital value on the same basis as those who are rated on the annual value, so that it will cover those in a road board district as well as those in a municipality. Some municipalities rate one way and some another.

Hon. E. M. Heenan: What municipality, for instance?

Hon. H. S. W. PARKER: For the moment I cannot think of a municipality that rates on the unimproved capital value, but there may be some. I saw in the Press the other day that one municipality proposed to rate on the unimproved capital value.

Hon. E. M. Heenan: You say that there may be some.

Hon. H. S. W. PARKER: I cannot call any to mind, but I think it is only right that we should make the rating uniform.

Hon. C. W. D. Barker: I think the hon. member should have voted for the other Bill and then brought this one down.

Hon. H. S. W. PARKER: I do not think the hon. member has been here long enough to realise how people should vote.

Hon. C. W. D. Barker: I have some brains, you know.

Hon. H. S. W. PARKER: Well, the hon. member should use them.

Hon. C. W. D. Barker: I do.

Hon. H. S. W. PARKER: Section 15 also provides—

> (6) The electoral list of any road board district in respect of property within the province of the annual ratable value of not less than seventeen pounds.

The Bill proposes, in this paragraph, to insert after the word "pounds" the words "or the unimproved value of not less than

fifty pounds", because most road boards base their rates on the unimproved capital value. Therefore, the amendment only seeks to rectify an anomaly. The next principal amendment gives a definition of a self contained flat." The Bill proposes to add the following after the word "claim" at the end of the last paragraph of Section 15:—

> (ii) "self-contained flat" means part of any structure of a permanent character which is a fixture of the soil and ordinarily capable of being used for human habitation and having separate sleeping, cooking and bathing facilities, provided that such part is separately occupied for such purpose and has no direct means of access to, and is structurally severed from, any other part of the structure which is occupied for a similar purpose by any other person.

Some years ago the then Crown Solicitor was asked for an opinion as to whether certain habitations were dwelling-houses and he said that they would come under the definition of "dwelling-house" if they had an entirely separate entrance and no common entrance. Since then, modern flats have been erected all over the State, especially in the metropolitan area. Many big structures contain only flats and although the occupiers have a common entrance, by way of a stairway or lift, each of them has a separate entrance to his own flat. Nevertheless, none of them can come within the definition of "dwelling-house." Lawson Flats is an excellent example of that and those flats are let at high rentals. Each flat has a separate entrance, but none come within the definition of "dwelling-house."

Hon. L. A. Logan: Most of those occupiers should be eligible to have their names placed on the Legislative Council roll.

Hon. H. S. W. PARKER: I do not know how they could be.

Hon. L. A. Logan: They might own businesses.

Hon. H. S. W. PARKER: No, I understand that a number of them are retired people. An ex-member of this House who used to sit in the seat that I now occupy resides there and he is not entitled to a vote.

Hon. W. R. Hall: What about a ratepayer's qualification?

Hon. H. S. W. PARKER: He may not be a ratepayer.

Hon. E. M. Heenan: Would each occupier have a lease?

Hon. H. S. W. PARKER: I do not know, but possibly not. I think there would be several flat dwellers who possibly would not have a lease. Therefore, I ask members to agree to the Bill, which seeks only to rectify some anomalies in the Act in a way that we all desire. It may be that it will not serve to put any more people on the Legislative Council roll except those residing in road board districts. Those residents will be eligible to be enrolled if they are not already enrolled. I move—

> That the Bill be now read a second time.

HON. E. M. HEENAN (North-East) [9.55]: I hope members will not give the Bill much consideration because I am of the firm opinion that it is not warranted. I do not know what the proposed amendments to Section 15 as contained in paragraphs (a), (b) and (c), will amount to, and apparently Mr. Parker, who has introduced the Bill, is very vague about their application himself. He cannot cite any specific instance of where they will apply.

Hon. H. S. W. Parker: Yes, I told the hon. member—to all road boards and some municipalities.

Hon. E. M. HEENAN: They will be redundant in any road board area, because if a person is paying a rental of £17 a year he can already claim a vote.

Hon. H. S. W. Parker: On that basis Sections 5 and 6 of the Act are also redundant.

Hon. E. M. HEENAN: I have given very careful study to this question over the years, and I have become firmly convinced that the grave difficulty facing the public of this State is the complicated nature of the qualifications for enrolment on the Legislative Council roll. If members will refer to the Constitution Acts Amendment Act, I am sure that they will appreciate the fact that whilst the qualifications may appear simple to us, whose business it is to undersand them, they are not readily understood by the general public.

The average member of the public, I say without any hesitation, has the greatest difficulty in filling in a claim card properly and as a result, a great number of people who are entitled to the franchise are not on the roll. Some members will argue that that is due to their indifference. Although indifference may be a contributing factor, I say advisedly that the main reason why all those who are entitled to be enrolled are not on the roll is that they do not understand the ramifications of the qualifications. If we were to pass the Bill, it would only make the existing situation more difficult.

It is hard to understand the definition of "self-contained flat" in the Bill. Lawson Flats may be excellent in their own way, and as I told Mr. Parker previously, I quite agree that the occupants should be entitled to enrolment. However, the majority of them are wealthy people. Probably some of them are retired or are men who are associated with some successful business undertaking. They are people of means, otherwise they would not

be able to live there. I would be greatly surprised if 5 per cent. of the people in Lawson Flats would not qualify in one way or another.

Hon. C. W. D. Barker: A number of them are enrolled and their addresses are given as Lawson Flats.

Hon. E. M. HEENAN: That is so, but we must also bear in mind that, while that may be the address of the persons referred to by Mr. Barker, their qualifications may be derived from their interests somewhere else. Quite a number of flats are to be found on the Goldfields that would not be covered by the definition in the Bill. Some are delicensed hotels, and, while they have been let as flats, they do not have separate sleeping, cooking or bathing facilities. Probably there would be a couple of common bathrooms outside.

Hon. H. S. W. Parker: Then they would not be flats and the residents would not be entitled to vote.

Hon. E. M. HEENAN: At present they are qualified, but they would not be under this more restricted definition.

Hon. G. Bennetts: Many people up there bath in tubs in their rooms, and they would be all right.

Hon. E. M. HEENAN: I will summarise my objections to the measure by saying that it will not better the position in any worth-while way at all. It will complicate the qualifications much more than they are at present. It will defeat its own purpose and will achieve little or nothing. If we desire to broaden the franchise for the Legislative Council, we have had the opportunity to do so in a simple way, but the majority of members did not feel disposed to accept the propositions that were submitted. The Bill will add more confusion to the qualification phase. I see no merit in it and I trust members will not pass it.

Question put.

The PRESIDENT: As this represents an amendment to the Constitution, it will be necessary to divide the House, because a statutory majority is required to pass the Bill. The bells will be rung.

Division taken with the following result:—

Ayes	....	....	....	....	13
Noes	....	....	....	....	13

Ayes.

Hon. J. A. Dimmitt	Hon. J. Murray
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. J. Cunningham
Hon. Sir Chas. Latham	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. W. R. Hall	Hon. A. L. Loton
Hon. E. M. Heenan	*(Teller.)*

The PRESIDENT: As there is not a constitutional majority in favour of the measure, the question passes in the negative.

Question thus negatived.

Bill defeated.

BILL — INDUSTRIAL DEVELOPMENT (KWINANA AREA) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. Sir Charles Latham — Central) [10.9] in moving the second reading said: Members will recollect that the principal Act, which was passed during the session of Parliament early this year, provided for the acquisition of a large area of land adjacent to Cockburn Sound, mainly for the purpose of preventing unreasonable speculation which might result through the proposals to industrialise part of the area. The Act provides that any setting apart, taking or resumption of this land shall take place under the provisions of the Public Works Act, the only land exempted from this being that owned by the Commonwealth or land required to enable the State to carry out its obligations under the agreement with Anglo-Iranion Oil Coy.

Sections 6 to 10, inclusive, of the parent Act deal with the taking of land for purely industrial purposes, as well as setting up an advisory committee to deal with the allocation of such land. Members should note that Section 10 provides that land so allocated shall not be sold or mortgaged without ministerial consent. I ask members to note that point particularly.

It is obvious that such restrictions should not apply to land intended for the establishment of a townsite. On this particular townsite will be built the houses that the Government has agreed to erect for the oil company, as well as houses and other premises that will be built privately.

The Bill therefore provides that those sections of the parent Act which deal with the taking of land shall not apply to land required for town planning purposes. As specified in the Town Planning Act, such purposes include the provision of streets, rights-of-way, parks, playgrounds, public conveniences, churches, schools, etc., and the subdivision of land for such purposes. It is proposed to exempt such land from the requirements of the principal Act, leaving under that measure only land required for industrial purposes.

Thus, land taken for town planning purposes will be subject to the provisions of the Land Act. This will enable the various areas on which it is intended to carry out the housing arrangements agreed upon with the oil company, to be reserved. The balance of the land in the proposed town-

site will be put up for public auction under the Land Act, and sold free of the restrictions laid down in the principal Act. The land required for the townsite will be revested in Her Majesty so that it will become subject to the Land Act.

For the information of the House, I desire to point out that in that area there is a very small proportion of Crown land that will be used for residential purposes, but a large proportion is held privately. The object is to enable a person who desires to acquire any of that land to mortgage it. At present, there is a statutory bar against that being done unless the individual concerned obtains the consent of the Minister. The intention is to give those people the same right as applies to owners of land elsewhere. I move—

That the Bill be now read a second time.

HON. G. FRASER (West) [10.13]: I want to know if I understand the position clearly. The Minister intimated that the Bill deals with properties, mortgages and so on. I raised a point regarding that phase when the legislation was before the House last session. I want to be clear that the provision applies to all properties in the area.

The Minister for Agriculture: It does not apply to the industrial section.

Hon. G. FRASER: I was just going to mention that. During his remarks, the Minister referred to the town planning areas, but to me that appeared rather misleading because I have in mind orchards, market gardens and other areas not in the town planning part but in the section that comes under the blanket that was applied. Will the Minister say whether the Bill will apply throughout the whole area or only to the town-planned area? If the latter, it is not sufficient. I want consideration given to the blanket area as well, because I can see no value in its applying only to the other portion of the district. I would like that phase to be cleaned up before we get to the Committee stage.

There is a very large area which, as I said at the time, will never be required for industrial purposes in any shape or form but that blanket was put over it, which could make it very awkward for the average individual living in that centre who wanted to buy or sell property purely for the purpose of making a living, such as market gardeners and persons of that description. An embargo has been placed on free transactions on property in that area. If it is good enough for a town-planned area to be exempted, it is good enough for other parts.

THE MINISTER FOR AGRICULTURE (Hon. Sir Charles Latham—Central—in reply) [10.17]: The legal opinion I had on the matter raised by Mr. Fraser is as follows:—

Clause 4 as instructed by you only exempts from the restrictions in the principal Act the land taken for any purpose of town planning and also the land required for the building of the houses for the company's employees which the State is obligated to do under the oil agreement and places the land under the provisions of the Land Act, 1933-1950. This will enable the various areas of land on which it is intended to build the thousand homes to be reserved and the balance of the land in the proposed town site to be put up for public auction and sold free of all restrictions under the principal Act. I have negated Section 15 of the Public Works Act to enable the land to be revested in Her Majesty as of her former estate and it can then become subject to the provisions of the Land Act.

Sections 4 and 5 of the Act read as follows:—

4. In this Act, unless inconsistent with the context—

"industry" includes any trade, profession or business.

5. (1) At any time and from time to time within a period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three, the Governor on the recommendation of the Minister, may set apart take or resume any part or parts of the land in relation to which this Act applies, as in the opinion of the Minister is or may be, either immediately or in the future, required for an industry or a public work, or for any purpose of town planning mentioned in the First Schedule to the Town Planning and Development Act, 1928-1947.

(2) (a) The provisions of the Public Works Act, 1902-1950, as modified by paragraph (b) of this subsection, shall apply in respect of any such setting apart, taking or resumption of land in all respects as if the land were required for the purpose of a public work within the meaning of that Act.

(b) For the purpose of determining the amount of compensation, if any, to be awarded for land taken or resumed under this section, the value of the land with any improvements thereon, or the estate or interest of the claimant therein, shall, for the purposes of paragraph (a) of section sixty-three of the Public Works Act, 1902-1950, be regarded as the value as on the first day of January, one thousand nine hundred and fifty-two, notwithstanding that the notice in the "Gazette" of the taking of the land is gazetted at any time during the period expiring on the thirty-first day of December, one thousand nine hundred and fifty-three.

I am not sure of this point—I will postpone the Committee stage in order to clear it up, if the hon. member wishes—but I think the intention is to bring a certain area under the Town Planning Act, which will be all the residential portion.

Hon. G. Fraser: Only in that bottom corner, in the Kwinana corner. This is a blanket which goes right up to Spearwood.

The MINISTER FOR AGRICULTURE: I think it is intended, when industrial centres are established, to release all the other land. It is only being held for a specified period to prevent values being increased, as was pointed out when the Bill was originally introduced.

Hon. G. Fraser: This Bill will not release it.

The MINISTER FOR AGRICULTURE: No. This Bill cannot release it. It will not be released until the end of 1953.

Hon. J. G. Hislop: Why hang on to it all that time, once the industrial area and town planned site have been chosen?

The MINISTER FOR AGRICULTURE: That is the longest period it can be held, but it may be released at any time. I think the intention is that when the authorities have the area they require for town planning, the rest will be released immediately afterwards. It is not intended to hold all that land.

Hon. L. C. Diver: There will be roads and railways running through there.

The MINISTER FOR AGRICULTURE: All the roads and lines are to be laid out and resumptions will have to be made. That will be done before the rest of the land is released. Surveyors are working down there now. There is a piece of land set aside for town planning and tenders are being called, if they have not already closed, for the first 300 houses that are to be built. So that members may be satisfied, I will ask that the Committee stage be postponed in order to get the information required.

Hon. J. G. Hislop: Would you report on the agricultural section as well? There is not only a portion set aside for a townsite but also one set aside for agricultural supplies for that townsite.

The MINISTER FOR AGRICULTURE: I do not think so. That land will revert to private property-owners. I will be surprised if it does not. It is not intended that the Crown shall resume land and then sell it to somebody else.

Hon. J. G. Hislop: I understand that one area will be looked upon as an agricultural section.

The MINISTER FOR AGRICULTURE: That may be so. It is under private ownership, and the Bill will not interfere with that. However, I shall make inquiries regarding that point. The Minister for Works deals with this matter. I want to satisfy members, so I will look into the subject. From what I can understand of what is required, we are taking only that piece of land which is needed for building purposes in the future and will release the rest.

Hon. G. Fraser: Some of it is miles from the industrial area.

The MINISTER FOR AGRICULTURE: I know.

Question put and passed.

Bill read a second time.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. K. WATSON (Metropolitan) [10.23]: I am not opposing this Bill, but I think the Minister might have presented to the House a few more arguments as to why it should be passed. It seems to be a trifling amendment to bring down. Inasmuch as the measure is amending the parent Act, I am rather surprised that the Minister administering the Act did not, when introducing the measure, address himself to a review of the Act and take advantage of the opportunity to provide some increase in the permitted rents being charged.

Personally, I would have thought this an appropriate occasion on which owners of premises still receiving standard rent could have been given some further measure of relief to the extent of a 10 or 12½ per cent. increase. However, that is not covered in the Bill, and I doubt whether it is competent for this House to amend the measure to that extent.

The Bill proposes to remove an oversight in the principal Act, so that the wife of a protected person shall also receive protection no less than the protected person. But the Bill goes further than that. Notwithstanding the decision of this House last year to confine the definition to the specified protected persons, it is now intended to permit the Minister, or the civil servant administering the Act, to declare by regulation any other person to be a protected person who is solely dependent on a protected person.

The word "described" is used at present but I presume that "prescribed" is meant. At the moment it is so much nonsense, but if the word "prescribed" is used it makes a little more sense. I submit that if the scope of the definition of protected persons is to be enlarged it should be done by Parliament and not by regulation. It should be written into the Act and not left in broad general terms for the Minister or

a civil servant to enlarge the scope. Subject to those reservations, I do not intend to oppose the Bill.

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

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [10.28] in moving the second reading said: The introduction of this Bill is the result of many complaints that have been received with regard to inconvenience caused to people through the escape of dust from factories, sawmills, etc. While one or two large factories have been mainly to blame, many smaller factories are creating dust piles, and there is no remedy in any Act to insist upon their taking reasonable care and considering the interests of occupiers of nearby shops, factories and residences. For instance, a number of the spot mills that are in operation are creating nuisances that should be dealt with.

The Factories and Shops Department has received numerous requests to investigate such nuisances, and in some cases improvement has resulted through mutual understanding. However, it is not possible for constant supervision to be exercised so far as smoke and dust are concerned, and the purpose of the Bill is to provide authority to make regulations for the relief or improvement of unhealthy and irritating conditions.

The Bill seeks to give the Minister power to provide protection against noise, gas, dust, fumes or impurities caused by a factory to all persons, whether employed in the factory or not. The principal Act at present gives the Governor power to make regulations for the protection in factories of health, life and limb, and the Bill proposes to extend this authority to create regulations so that all persons, whether employed in factories or not, can be protected against the noise, gas, dust, fumes or impurities caused by factories.

The term "factory" has a very wide interpretation under the Act and refers to any premises in which four or more persons are employed in any handicraft or in preparing and manufacturing goods, any premises where any type of mechanical power is used in preparing, manufacturing or packing goods, a bakehouse, premises preparing or manufacturing goods, exclusive of kitchens, powerhouses, laundries, etc. The Act provides that before any regulations are promulgated by the Governor they shall be given adequate newspaper publicity so that any objections to the proposed regulations may be submitted ,within a specified time, to the Minister.

When that is done, the Minister may then, if he thinks fit, amend the draft regulations or he may appoint a competent person to inquire into the desirability of an amendment. The authority to appoint one person only to make an inquiry has proved a little restrictive and the Bill seeks to extend this to one or more persons. The nuisances I have referred to have caused considerable inconvenience and I feel sure that members will give their support to the Bill, particularly now that we are on the verge of extensive industrial expansion, which most likely would increase the smoke and dust nuisance unless the problem is tackled without delay. I move—

That the Bill be now read a second time.

HON. J. G. HISLOP (Metropolitan) [10.32]: This is a very interesting Bill and one which I think deserves a lot of consideration. In fact, it probably deserves more consideration than we can give it at this period of the session. My first criticism is that I consider the measure to be ultra vires the Act under which it has been introduced. I do not believe that the Bill is in its proper place, because it tends to give control outside the factory as well as inside. I have made some inquiries about this aspect and my legal advice is that this matter could not be adequately attended to within the scope of the Factories and Shops Act. A member of another place, who introduced a private measure to deal with this problem, received the same advice.

I believe that the proper department to handle this problem is either the Health Department or a separate committee with considerable powers and technical training. There are other difficulties in regard to this measure. All this will do will be to enable a factory to be declared a nuisance under the Act; it becomes a nuisance when any noise, gas, dust, fumes or impurity, interferes or is reasonably likely to interfere with the personal comfort of any person whether employed in the factory or not.

If it is regarded as likely to become a nuisance in any one of those ways to a person living outside the factory, it can be declared a nuisance. That in itself presents considerable difficulties and this problem has received a good deal of publicity because of the cement works and the dust in the surrounding atmosphere. I understand that countless meetings have taken place in the hope that something may be done to control this nuisance, and I made a few inquiries as to what could happen if this were declared a nuisance.

Hon. L. A. Logan: What could the authorities do?

Hon. J. G. HISLOP: All that they will be able to do is to close the factory down. That power is in the hands of the Com-

missioner of Public Health, but under this Bill it will be declared a nuisance under the Factories and Shops Act. If the factory is deregistered or closed down, the work stops. What will happen if something is declared a nuisance and our only factory that is producing essential products is closed down? We could not do it. Therefore, I do not think that this measure will give us the protection we are looking for. I believe that some protection is absolutely necessary, but this is not the way to go about it.

The point that impresses me about this Bill is that after a nuisance has been committed and declared a nuisance, something is done to the factory. But as we know that a large industrial area is about to be formed, surely the correct approach to the problem is one of prevention rather than cure, or attempted cure of nuisances. I feel that we should start the other way round and we should have a highly-trained body of technical experts who can advise anyone building a factory as to the correct method of building it, installing furnaces, and so on, in order to prevent the creation of nuisances. Once nuisances have been established, it is a costly business to eradicate them. Many of the cities in the United States of America have had to spend millions of dollars in order to cleanse the air of those cities. The history of the cleansing of those cities makes interesting reading, and I have in front of me a pile of literature on this subject.

The matter is one of great technical difficulty and one which will not be adequately dealt with simply by putting some power into the hands of an inspector of factories. This calls for the brains of all our technical officers who are prepared to gather as a body and advise people building factories. They must regard the whole matter as a problem which must be dealt with before it becomes a nuisance. I would like to point out to the House the number of attempts that have been made everywhere, in all big industrial areas, to handle this problem.

For instance, I have a book called "Recent Advances in Public Health" by J. L. Burn and on page 353 he sets out the work of a regional smoke abatement committee. One can understand that in places like Sheffield, where they have used coal in large quantities for many years, bituminous smoke and dust comes down in large sheets all over the area and, of course, something had to be done. But it could not be done by any localised committee because smoke extends over a considerable area. The book states—

> The Work of a Regional Smoke Abatement Committee.
>
> The only statutory Regional Smoke Abatement Committee at present functioning in England—

This is dated 1947.

> —is the Sheffield, Rotherham and District Smoke Abatement Committee. A number of advisory committees have been formed, e.g., in the West Riding and London, and although they have no statutory functions, their advisory work, especially in connection with propaganda and the training of stokers, has been particularly successful. The Sheffield, Rotherham and District Smoke Abatement Committee was constituted under the authority of the Public Health Act, 1936, and governed by conditions therein laid down. The area comprises the City of Sheffield, Rotherham County Borough, two urban districts and three surrounding districts. The total acreage covered is some 80,000 acres, where the population is over half a million. All types of atmospheric pollution, with the important exception of atmospheric pollution from the domestic chimney, come under the care of this committee. Smoke from burning tips, dust fumes and refuse burning, as well as industrial smoke from metallurgical processes, special to such a district, are dealt with.

The staff consists of a chief smoke inspector and four assistants and they are equipped with instruments to gauge the percentage of smoke and dust in the atmosphere and to see that all the work is carried out in a scientific manner.

The interesting aspect about English committees of this type is that, in the main, they are without statutory power and are merely advisory committees. But generally in America they enforce the regulations more definitely than in Great Britain, and the authorities in America have considerable powers. In dealing with the American practice it states—

> There are several interesting features of American practice which are worthy of emulation elsewhere. Firstly, in America it has for long been required under Smoke Ordinances that specifications of all fuel-burning plants be submitted to the Smoke Abatement Authority before a permit to erect is granted.

We should learn by the mistakes made in other countries and institute a committee of the same type here. When the new industrial area between Fremantle and Kwinana is ready to be developed, a committee of technical experts should be appointed. That committee should have power to co-opt and to it should be referred all plans for burning apparatus that may be built within the factories and even the design of the factories could be submitted in an endeavour to prevent these nuisances occurring.

Hon. A. L. Loton: Should not fuel conform to certain specifications?

Hon. J. G. HISLOP: Yes; all that should be dealt with by such a committee and all repairs, renewals or alterations to plant should be submitted before they are undertaken. That is the practice in America. Mr. Loton's point is dealt with in the next sentence which reads—

> Details of the fuel intended to be used and the output of the plant must be submitted, and the whole plant and its working can be subjected to critical review in respect of its smoke-creating possibilities. All plants are registered and inspection of a map of a city shows each smoke-producing plant marked, the district being divided into many zones.

So it goes on pointing out that the whole question is one that calls for a good deal of training on the part of those who should take their place on the committee. I do not want to labour the point, but I want to make it clear that there is a health as well as an inconvenience aspect to this question.

It is interesting to read how in various parts of the world, particularly in England, where they have a damp climate, the respiratory diseases have increased according to the smoke nuisance and fog. It has definitely been established that smoke will induce further fog. We do not get many fogs here, but during the last few years we have had one or two severe fogs and it is possible that, if we do not take care of smoke nuisances, we may induce further fogs. It is interesting to note that in Great Britain particularly, the incidence of respiratory diseases has increased in relation to smoke and fog nuisances and an interesting point is recorded in the Medical Annual of 1952. It states—

> Perhaps the case against smoke stands or falls by its effect on the respiratory tract and indirectly on the cardiovascular system. Here the strongest evidence is probably supplied by the epidemics in which high death-rate from respiratory disease has been associated with severe fog. If it is admitted that severe smoke pollution can be one of the causes of death from respiratory disease, then it follows reasonably that lesser degrees of pollution are likely to cause pathological results of less severity.

So there is frankly a health problem in this matter as well as a nuisance problem. In the American Journal of Health there is an article on air pollution which is practically confined to the engineering aspect.

It is quite interesting to realise that in a place like Los Angeles, where the fog conditions are probably more extensive than anywhere else, particularly on the coast, they have developed a new word which they call smog; it is a mixture of smoke and fog and because of this the respiratory disease rate has increased and there have been epidemics. They have questioned whether the Health Department is organised sufficiently to control the matter because they feel that the engineering problem is one that must be brought into line with it. The following paragraph may be of interest:—

> The pollution of the atmosphere by dust, smoke, fumes, gases, vapours and mists as well as by pollen, should engage the attention of health departments at all levels of government, and qualified engineers should be called upon to meet health department responsibilities in this field of environmental sanitation.

In another journal in 1951 this statement appears—

> Air pollution control is truly forging ahead. We know how to do the job, but frequently have our hands tied when it comes to applying our know-how. Industry is more alert than ever before to its responsibility to be a good neighbour. Less and less is heard of the argument that "we were here first and those people knew it when they built their homes near us." One evidence of this more enlightened attitude is the recent sponsorship by the American Iron and Steel Institute of an air pollution study by the Industrial Hygiene Foundation of America to include steel mill processes and the atmospheric contaminants they emit.

That statement is relevant when we consider what is likely to happen with regard to pollution of the air between here and Kwinana. The Public Health Department is quite anxious about this matter and feels that this is possibly another means by which a little power is whittled away from the Health Department and placed in the hands of people who are in the industry and who are adequately trained to carry out this work with the advice of an advisory committee, consisting of highly skilled technical experts. I would visualise that possibly the following people should be on the committee—

> The Professor of Chemistry, Professor Bayliss. Possibly the Professor of Engineering, or some engineer of high repute—possibly our own Director of Works. Chemists of industrial works. Representatives of the factories themselves. A representative of the Health Department.

It might also be necessary to co-opt people who have had experience. The people who are coming here, B.H.P., have had all the experience that is required in places like Newcastle, and a representative of that firm might be of great assistance if appointed to a committee of this nature.

I propose to ask the Minister to hold the Bill up until this whole matter is reviewed, the Health Department consulted,

and plans laid for the appointment of a committee of this type. If this is done, we will be able to start off on the basis of prevention rather than treatment of the nuisance. As I have pointed out, we are not a community with a number of these big firms competing one against the other and where it would be possible to close one down. We are a community where we will have one and one only of each type.

Declaring the matter a nuisance will not help us in the slightest. I think the correct approach to this problem is to call our experts together and ask them to form a smoke abatement committee or an air pollution committee so that it can advise the Health Department on factories and shops. In that way we could make use of the mistakes made by other countries and start off afresh with the possibility of building up an industrial area, free and clean from dust and nuisance of all types.

On motion by Hon. H. Hearn, debate adjourned.

BILL—WORKERS' COMPENSATION. ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th November.

HON. R. J. BOYLEN (South-East) [10.50]: I support the second reading of the Bill and I hope it will have the blessing of this House. This is a matter that must be revised periodically because of the conditions under which we are living at present. Of course, we must mete out justice to injured workers as we do to workers who are more fortunately placed so far as their health is concerned. I think the Government appreciates that something must be done for these people because in the Estimates before another place at the moment there is an extra £1,250,000 to provide for possible increases in the basic wage in the next 12 months.

If my memory serves me aright, the estimate last year was a very similar figure. Hence I think members will have an appreciation that injured workers are also entitled to more liberal payments than they receive at present. To me one of the most pleasing features of the Bill is the provision being made for workers going to and from work. I do not intend to deal with that provision at length because I presume other speakers will refer to it later on. But I hope it will be given consideration in this Chamber in a better light than it was previously, because this House on that occasion rejected the proposal.

I fear that if it is not given consideration, the Government may be judged very harshly at the next election because the people will regard this as merely electioneering propaganda. The provision in question operates in Victoria, New South Wales, Tasmania and to an extent in Queensland. I consider that employers could minimise the risk of accidents and the high premiums on workers' compensation if they would adopt the attitude of safeguarding the worker from risk in the different industrial establishments.

We know there is an old saying that familiarity breeds contempt, and it does so in many cases in industry. Workers are apt to take undue risks which involve them in injury, accidents and sometimes in death. If the industrialists took precautionary measures—I have no doubt that they do in some cases—the risk of injury would be minimised and the payments of workers' compensation would be considerably decreased. The employers probably adopt the same attitude of familiarity and feel that because it has never happened before it cannot happen now. But if they were more careful, the premiums would be reduced.

Hon. J. A. Dimmitt: Could you give one instance of such neglect?

Hon. R. J. BOYLEN: I have been through factories where I have witnessed such neglect by the industrialists. I have seen it on the Goldfields and I have seen it down here. It undoubtedly does occur.

Hon. J. A. Dimmitt: I think they observe every safeguard provided under the Act.

Hon. R. J. BOYLEN: I do not think so. Nor do I think they are strictly observed by the employees, and I feel that if the industrialists made proper provisions and insisted on the employees taking advantage of the fact—

Hon. A. R. Jones: How could they insist?

Hon. R. J. BOYLEN: By proper supervision of how the work was being done. Another provision in the Bill deals with the fixing of premium rates. That is a provision which applies more to the goldmining industry than to any other. I think the State Insurance Office is the only office which insures workers in that particular industry. This provision allows the Minister to vary the premiums as and when required, whereas previously for every £100 paid in, £70 was recovered for workers' compensation. The Premium Rates Committee, whose job it is to assess rates, reduced the figure to about £55. Hence the huge amounts gained by insurance companies. Under the Workers' Compensation Act I think the employers are getting workers' compensation insurance cheaper than ever before.

When the amending Bill was introduced in 1951, the basic wage in the metropolitan area was £10 5s. 8d. per week. Now the basic wage is £11 18s. 6d. a week. It is different on the Gildfields where

the basic wage is £12 4s. 2d. per week and a gold industry allowance of £2 is also paid. So when we are dealing with the provision of payments to injured workers, we must consider that circumstances are different from what they were in 1951 and we should make allowance for more liberal payments than are available at present, when the maximum paid to an injured worker is £8 a week. The parent Act provides for the payment of 66⅔ of the worker's average weekly earnings, and the worker's dependent wife receives 30s. and 10s. per week for each dependent child.

So the efficacy of this provision is virtually nil. It was all right when the basic wage rose 2s. or 3s. in 12 months. Of course it has risen considerably since 1947, and the provision is not as effective now as when it was first introduced. In the mining industry where the basic wage is £12 4s. 2d. plus a gold industry allowance of £2, and in some instances, a margin for skill of £1 or more, the worker generally receives about £15 or more a week. Two-thirds of £15 is certainly more than £8 a week, which is now paid to the injured worker. I consider that the amount should be considerably increased and that it should be in the vicinity of about £12 a week. One can readily appreciate the conditions under which a man will have to live if his earning is reduced to £8 a week after he has been used to a salary of £15 or £16 a week. He has the same domestic responsibility.

Provision is also made for the alteration in hospital and medical benefits. Some 25 years ago when it was introduced by the late Hon. A. McCallum the benefits were from £100 to £150, but in the amending Act of 1951 the amount was pegged at £200. It is now proposed to increase the amount to £250, the allowance being £100 for medical expenses and up to £150 for hospital charges. I think this idea is worthy of being given a trial, but there are certain aspects of it that do not appeal to me and I feel sure will not appeal to some other members.

In the schedule to the Act provision is made to meet hospital expenses of 27s. per day in the metropolitan area within a radius of 15 miles from the G.P.O. and there would be the additional 8s. from the Social Services Department. A worker should not have to contribute directly or indirectly to his hospitalisation charges if he has been injured in the course of his employment but the 8s. per day contributed by the Social Services Department is paid for by the worker and he would consequently have to make a personal contribution to pay for his hospitalisation.

While 27s. per day is proposed within an area of 15 miles from the G.P.O., only 22s. per day is provided for areas outside that radius, and it is only reasonable to assume that hospital charges would be higher outside of that radius than within it. Private hospitals, which charge more than the 35s. per day provided for, are hesitating to take injured workers, but if they do take them, the workers have a bill to meet after they have been discharged. If the amount were increased to 35s., this and the 8s. might make conditions more equitable for an injured worker.

The Bill also contains a proposal to raise the travelling allowance and away-from-home allowance which is 10s. per day or £3 per week to 13s. per day or £4 per week. Members are hardly likely to suggest that an injured worker could get board at £4 per week or meet travelling expenses on 13s. per day. This applies particularly to men in the country. If a man is advised to consult a specialist, he has to come to Perth, and I am certain that he could not meet his expenses out of 13s. per day or £4 per week. I know what it costs to live in a hotel, and while it is possible to get other accommodation at a cheaper rate, it would be impossible to get it at the rate of £4 per week.

When the 1950-51 amendment was passed and the rate for an injured worker was increased, it contained a provision which precluded a worker who had been incapacitated before that time and who was still incapacitated from receiving the £8 per week, which meant that two different payments were being made. I think it was in January, 1951 that the new measure took effect. If a worker had been injured before that time, he received £6 per week because, under the amending Act, he was not entitled to £8 per week unless he was injured after that time, whereas a worker injured subsequently was paid £8 per week. Thus anomalies were created and a good deal of dissatisfaction was caused. I think the provision was unfair to a worker who had been injured in the earlier period and was still incapacitated.

Under this measure the amount of £1,500 is to be payable to the dependants of a deceased worker and an amount of £1,750 to a permanently and totally incapacitated worker. With the ever-increasing rise in wages, I consider that the amount of £1,750 should be raised to approximately £2,500, and I do not see any reason why the amount paid to the dependants of a deceased worker should be less. I cannot understand why there should be this difference. The dependants of a deceased worker have to live, just as do the dependants of a worker who is suffering permanent and total incapacity.

The amount of £1,750 was fixed when the basic wage was £10 5s. 8d. and the basic wage is now about £12 per week.

Thus if a worker and his family were not prepared to stint but continued to live as they had been accustomed to do when he was in receipt of regular wages, the total amount would be exhausted in a compartively short time. In New South Wales the comparable amount to our £1,750 is £2,000. In most of the other States compensation is paid at 75 per cent. of the worker's average weekly earnings, and I suggest that consideration should be given to the advisableness of adopting that principle in our legislation.

The basic wage fixed by Mr. President Dwyer in 1926 was £4 5s. per week and fluctuated by only about 2s. until 1931. After the introduction of the emergency legislation at that time, the Liberal Government introduced an amending Bill, which had the effect of cutting the basic wage from £4 6s. to £3 18s. per week. The system of quarterly adjustments was then introduced and has been in operation ever since. From 1942 to 1947 the basic wage increased by 9s. per week and since then, with quarterly adjustments, the basic wage for the metropolitan area has increased to approximately £12 a week. These figures convey some indication that the cost of living has increased at a greater ratio than have wages.

I cannot understand why the dependants of an injured worker or the injured worker himself should be expected to live on a different ratio under the Workers' Compensation Act than if he were working and receiving his wages. The minimum wage paid on the Goldfields is £14 4s. 2d. and 66⅔rds per cent. of that would be about £9 10s., whereas under this measure the worker will be paid £8 per week. This should impress members with the unfairness of the proposal and the hardship that will be entailed. It is only natural that if a worker is sick or incapacitated, his domestic expenses increase rather than decrease.

Industrial diseases are common on the Goldfields, silicosis being the one that mainly afflicts miners. If a worker is disabled to the extent of 60 per cent., as assessed by a medical board, he receives only 60 per cent. in weekly payments until 60 per cent. of the total amount has been exhausted. Prior to 1951 the amount of compensation was £750, but the affected worker received the full amount irrespective of the percentage of disability from industrial disease, and the cost of living was then proportionately lower. Perhaps a worker would be suffering 50 per cent. incapacity and he would receive 50 per cent. of the money. Then he would be told that he could probably do light work, but there is not much light work offering, and a man suffering 50 per cent. incapacity seeking work on a mine or elsewhere would be hardly likely to be considered for employment.

The amount of £1,750 at £8 per week would be exhausted in about 4¼ years whereas, at £10 a week it would last for less than 3½ years. Then the people affected would be thrown on their own resources, if they had any, failing which they would have to apply for assistance from the Social Services Department, or for an invalid pension or a widow's pension, as the case might be. Members should consider making the payment £12 per week provided that no weekly payment shall be less than 75 per cent. of the average weekly wage, exclusive of child allowance. That would be nearer to a reasonable sum for an injured worker, and I think that industry could stand it.

An obligation rests upon us to do as much as we can for these injured workers. Our object should be to get injured workers back to their employment as quickly as possible, because they would profit by it and so would industry. When the Bill is being considered in Committee, I hope it will be amended to make some of the provisions more equitable in the interests of the workers. I support the second reading.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

House adjourned at 11.11 p.m.