# Legislative Council

Wednesday, 16th October, 1957.

CONTENTS.



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

## QUESTIONS.

### BEEKEEPING.

*Flora Reserve.*

Hon. L. A. LOGAN asked the Minister for Railways:

(1) What is the total area of the flora reserve on the coastal strip west of the Midland railway line?

(2) How many permits have been granted to beekeepers to use this reserve?

(3) Are certain areas set aside for each beekeeper?

(4) What provision is made for water for each set of hives while in the area?

The MINISTER replied:

(1) The area is 140,000 acres.

(2) Eighteen.

(3) The area of an apiary site is up to three acres. No apiary site permit is granted on Crown land within two miles of an apiary site granted to any other person.

(4) Section 5G of the Bees Act, 1930-1950, provides:

> Every beekeeper shall provide a good and sufficient supply of water on every site on which he keeps bees so that it shall be accessible to them unless such water is available from natural sources.

### PARLIAMENTARY SESSION.

*Closing Date.*

Hon. Sir CHARLES LATHAM (without notice) asked the Minister for Railways:

(1) Has a target date been fixed for the end of the session?

(2) If so, would he be kind enough to inform the House of it?

The MINISTER replied:

I understand that the Government hopes to complete the session in the third or fourth week of November.

### SCHOOL CHILDREN AND CROSS-WALK HAZARDS.

*Further Consideration of Motion.*

Hon. A. F. GRIFFITH (without notice) asked the Minister for Railways:

In connection with Item No. 22 on the the notice paper, which appears in my name, seeking a select committee of the Legislative Council on a particular matter, in view of the fact that there is approximately —if the Government keeps its promise—six weeks to go before the end of the session, will he indicate when he intends to put this item in such a position on the notice paper that it can be debated in order to give the select committee time to sit and deliberate, if the Council sees fit to appoint such committee?

The MINISTER replied:

This matter will be debated in ample time for the question to be properly considered.

## BILL—INTERPRETATION ACT AMENDMENT (No. 2).

Read a third time and returned to the Assembly with amendments.

## BILL—JURIES.

*Third Reading.*

**HON. E. M. HEENAN** (North-East) [4.36]: I move—

> That the Bill be now read a third time.

**HON. A. F. GRIFFITH** (Suburban) [4.37]: Before the House agrees to the third reading, there are one or two comments I would like to make in connection with it. If it goes on to the statute book in its present form it will substantially amend the existing Jury Act. It will alter the basis of enrolment for jurors which has stood in this State for the last 60 years.

Hon. Sir Charles Latham: Ever since it was put on the statute book.

Hon. A. F. GRIFFITH: The alteration is as recommended by the select committee. It will also make provision for women to serve on juries in certain circumstances, the qualifications being the same as for men, but the exemptions being different

from the exemptions for men. That was not in accordance with the recommendation of the select committee.

A jury must comprise a cross-section of the community for it to be as near perfect in its operation as it can possibly be. Where men and women are to serve on juries, the cross-section of men and women must be equal. Under the Bill, as it has been passed up to this stage, any woman who is enrolled for jury service can, of her own free will and on her own application, contract out of the obligation that the Bill, in the first place, sought to impose upon her.

The result of the particular clause, so far as jury service is concerned will, I think, unfortunately be unsuccessful for the reason that it will enable all women who so desire to contract out of their service. This will mean that men will not be able to contract out other than by the form of exemption provided in the Bill; but women will be able to contract out. So, rather than our having a balance of men and women, there will be no balance at all.

Hon. R. F. Hutchison: Why?

Hon. A. F. GRIFFITH: I think the result will incline to leave us in the position that only those women who are anxious to serve will be called on a panel of jurors.

Hon. R. F. Hutchison: There is no reason to believe there will not be a cross-section of people, even if that were so.

Hon. A. F. GRIFFITH: I venture to suggest that because of that state of affairs we will not see many, if any, women serving on juries in this State.

Hon. R. F. Hutchison: You wishfully think that.

Hon. A. F. GRIFFITH: Mrs. Hutchison has no idea what I wishfully think; and I often feel that is just as well! To return to the subject of the third reading of the Bill, that is my opinion.

Hon R. F. Hutchison: That does not make it a fact.

Hon. A. F. GRIFFITH: And it does not make the hon. member keep quiet, unfortunately.

Hon. R. F. Hutchison: No, it doesn't!

Hon. A. F. GRIFFITH: And it does not make it a fact, as she has said. Nevertheless, it is an opinion I express, although I hope it does not eventuate; because I think the move in this regard is quite good, provided the legislation brings us to a satisfactory conclusion.

A satisfactory jury—as Mr. Heenan with his legal knowledge will, I am sure, agree—is made up of a cross-section of the community, and it is essential that it should include what is referred to as the reluctant juror—a person who does not want to attend the court and sit upon the jury, but who is obliged to attend because of the obligation on him, under the law, to do so.

Hon. E. M. Heenan: I have heard of the reluctant debutante, but not the reluctant juror.

Hon. A. F. GRIFFITH: In this case the reluctant debutante has a chance of becoming a reluctant juror when she turns 21 years of age. The result will be that we will have the reluctant male; but the reluctant female, so far as jury service is concerned, will be able to relieve herself of the reluctance simply by contracting out. This is not only my opinion; it is shared by legal men in this city to whom I have talked in the past few hours.

Hon. R. F. Hutchison: That does not make it a fact, either.

Hon A. F. GRIFFITH: If the hon. member will allow me to finish, she may then get up and make one of her usual speeches. After numbers of women have contracted out of their jury service, we will be left with those who are anxious to serve upon juries; and I think that when they are empanelled, and as they are called up for service, the defending counsel will see to it that they are challenged, because he will know that this particular section of women is likely to be anxious to serve—at least some of them; those who have lined the galleries for the last two or three years, but not this year for some extraordinary reason. Some of them have written letters to me and they are anxious indeed to see that they will be able to be enrolled for jury service.

As I said on the second reading, there will have to be substantial structural alterations made at the Supreme Court in order to provide for women to serve on juries, and I know that is no bar to the matter at all. I hope that what I think can happen will not happen. The principle of women serving on juries, to my mind, is perfectly all right so long as the inclusion is satisfactory. But I think the intention of the Bill has been destroyed by reason of the fact that whilst there is the same qualification for men and women to serve, the methods by which they can be exempted are totally different, one sex being more free than the other. As one sex is naturally more inclined to seek exemption than the other, I feel certain that the result will be wholesale applications to the sheriff for women to have their names removed from the roll.

I considered it was an obligation on my part to say how I felt concerning this matter. Some of the amendments that were carried in the Committee stages of the Bill were definite improvements. I am pleased that the Committee saw fit, on recommittal, to agree with me in connection with the challenge clause so that the

right of challenge is now in the Bill as it has existed in the legislation since its inception in 1898. I believe the clause dealing with the restrictions on the Press is much more moderate than it was when it first started out in this House. In the first instance it was not moderate at all.

**HON. R. F. HUTCHISON** (Suburban) [4.49]: I would just like to reassure Mr. Griffith and tell him that he is worried with no occasion. I do not think the women will turn out as he says. I believe that the way this legislation will turn out will be just as big a surprise to everyone as was the select committee evidence; and that was a surprise to some people. I think that many women will contract out, but they will do so for a valid reason.

I am sorry that Mr. Griffith made the remark he did regarding the women in the gallery, because those women represent thousands of women throughout Western Australia; they render a public service and are honourable women. I am sorry he had to be so small about it.

*Point of Order.*

....Hon. A. F. Griffith: Mr. President, I regret the necessity to rise on a point of order. In my speech I made no reference whatever concerning the character or the repute of the ladies who were in the gallery when this Bill was being dealt with; as a matter of fact, this year there were none. I simply drew attention to the fact that the ladies were there on previous occasions, but they were not there this year; and they would represent the people who are so anxious to serve on juries. I resent the hon. member trying to turn my remarks around to suit herself; and I ask her to withdraw the statement.

The President: Mrs. Hutchison, Mr. Griffith has asked you to withdraw your remarks. I think you misinterpreted his statement.

Hon. R. F. Hutchison: I understood him to say that the women in the gallery were the kind of women who would want to get on the jury, and that other women would contract out. I think that is what he said. Does he want me to withdraw that?

The President: The hon. member has asked for a withdrawal, and he said that that was not what he intended by his remarks.

Hon. A. F. Griffith: I will examine Hansard to see just what I did say.

The President: Mrs. Hutchison, will you withdraw the remarks?

Hon. R. F. Hutchison: Yes; I am sorry that I interpreted the hon. member's remarks as an insult to the women who were here.

Hon. A. F. Griffith: You always do.

*Debate Resumed.*

Hon. R. F. HUTCHISON: The women were not here this year because they saw the report of the select committee, and they took it for granted that at last justice would be done. I also advised them that we hoped that it would be so on this occasion. When women contract out, they will have a valid reason for it; and I cannot see how there will be any unbalance. After all, only so many names are put on the jury list; and if some women contract out, others will take their place.

This legislation is a step forward in Western Australia; it is a major reform. When it is first instituted there will be certain teething troubles. However, I am very glad to know that women will be given an opportunity to take their place on juries. There is no more reason to think that they will want to contract out, other than for a valid reason, than that men want to contract out now. As an eminent professor who was in Perth recently said, women in public life serve a worth-while cause, and the reason for a lot of our backwardness is that there are not sufficient women in public life.

I do not think there is anything to fear in this legislation. It will certainly be a happy day for me when the Bill is passed, because I know that the women of Western Australia have fought for social justice for so many years. This is one step towards that social justice, and I know that I will proudly stand up in this House in a year or two and say that the confidence we placed in our women was well justified.

**HON. E. M. HEENAN** (North-East—in reply) [4.55]: I would like to express the hope that Mr. Griffith's rather pessimistic outlook regarding this Bill will not be justified. My own view is that it will not be; though, as Mrs. Hutchison has pointed out, at first there will undoubtedly be some minor difficulties. However, I am confident that the good sense that British people have displayed as regards the jury system will help overcome any troubles that might arise from time to time.

I am sure that the great majority of women are equal to men in ability and integrity; and if they find their names on the jury list, I am confident they will fulfil their obligations. Although the inclusion of women on juries in Western Australia is breaking new ground so far as this State is concerned, the system has been tried elsewhere with satisfactory results; and I am confident that our experience will be no different from that of Great Britain.

In conclusion, I would like to say that we owe a debt of gratitude to the members of the select committee for the work they did and the guidance they gave in this matter. The Bill does not carry out their recommendations in entirety; but to a great extent it does; and I think that by

this time next year we will not have any cause to regret the introduction of this legislation. I hope the Bill will pass the third reading.

Question put and passed.

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

## BILL—ROMAN CATHOLIC VICARIATE OF THE KIMBERLEYS PROPERTY.

Received from the Assembly and read a first time.

## BILL—CHIROPODISTS.

*Recommittal.*

On motion by Hon. J. G. Hislop, Bill recommitted for the further consideration of Clause 3.

*In Committee.*

Hon. A. F. Griffith in the Chair; Hon. G. E. Jeffery in charge of the Bill.

Clause 3—Interpretation:

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

> That the word "knee" in line 13, page 2, be struck out and the word "ankle" inserted in lieu.

I have taken the opportunity to find out exactly what chiropody means.

Hon. Sir Charles Latham: It is very nice of you to introduce it at this stage!

Hon. J. G. HISLOP: My investigations show it is very difficult to fit in the practice of chiropody with what is contained in the Bill. The Bill allows chiropodists to use electrical, surgical, mechanical and manual means to treat parts of the human body below the knee. What does that mean?

Hon. Sir Charles Latham: It is wide open.

Hon. J. G. HISLOP: Chiropodists must be limited more than they are in this Bill, because their real function is below the ankle. There are many diseases of the leg which it would be dangerous to allow a person trained only in chiropody to treat with electrical or mechanical means.

Hon. Sir Charles Latham: Look at the girls' ankles they would be feeling!

Hon. J. G. HISLOP: Let us take an example of someone who has difficulty in walking—perhaps somebody with an insufficient arterial supply in the lower leg. Under the Bill, the chiropodist would be allowed to treat that man because the condition complained of would be below the knee. Actually it is a condition of a very grave character. We have known of people giving massage treatment for such things as tuberculous ankles and joints. I have made inquiries, and I cannot see anywhere why their work should extend above the ankle.

Hon. G. E. JEFFERY: This Bill is based on the South Australian measure. I would refer members to the definition of chiropodists in this Bill, and I would also like to read the definition contained in the South Australian Act. It is as follows:—

> Chiropody means diagnosis and treatment by medical, surgical, electrical, mechanical or manual method, or by any proclaimed treatment of ailments or normal conditions of the part of the human body below the knee.

The South Australian Act has been in existence seven years and there has been no trouble. The amendment is not necessary. We should leave it to the good sense of the members of the board to decide what they should do. My information is that in any case chiropodists refer the individual to his doctor; in some cases they like the individual to come from a doctor in the first place.

Hon. N. E. BAXTER: I agree with Mr. Jeffery, and I think Dr. Hislop has taken a wrong view. He quoted only part of the provision. He should read the rest of it. It is most necessary for their training to extend not only to the muscles and bone structure of the leg below the ankle but also to those above the knee. If we restrict their training to the human body below the ankle it cannot be laid down that they should treat the human body between the ankle and the knee. Chiropodists will not perform operations by medical, surgical or electrical means between the ankle and the knee. The Bill sets out that chiropody is that which comes within the province of the chiropodist.

Hon. Sir Charles Latham: What is a chiropodist?

Hon. N. E. BAXTER: If Sir Charles read the Bill he would see.

Hon. Sir Charles Latham: I do not like the reference to massage being allowed.

Hon. N. E. BAXTER: This Bill provides for those who measure up to a certain standard. They will not treat blood clots in the leg, and so on. Even Dr. Hislop will admit that anyone unqualified who started medical and surgical treatment would soon find himself in hot water. The board will be most careful to define the province of chiropodists; and the board comprises responsible men. It is most necessary for chiropodists to know what exists between the knee and the ankle, and this amendment would limit their field.

Hon. J. G. HISLOP: This shows how fallacious it is to have a little knowledge, and not be thoroughly versed in this subject. Mr. Baxter makes an honest attempt on behalf of the chiropodists, but

mixes up the matter of training and treatment. Of course it is necessary for chiropodists to know how one stands on one's feet, but they cannot know that by knowing only what happens below the knee—it is necessary to have some knowledge of the entire leg functions if one wants to know how flat feet start, or how corns grow, and so on. If Mr. Baxter's idea is to be accepted, the treatment might just as well be extended to the pelvis; but that is not what is intended. The Bill says that they may diagnose or treat a condition between the knee and the ankle, and that is most unwise. They should not treat conditions in the lower leg. They should deal with the feet and not the legs.

Hon. Sir CHARLES LATHAM: I know nothing about chiropodists. I do know that they are people who make a charge for cutting toe-nails and removing callouses. Are they going to be given more power? I daresay they also probably treat ingrowing toe-nails.

Hon. J. G. Hislop: I hope not.

Hon. Sir CHARLES LATHAM: We have all treated ingrowing toe-nails at one time or another with no ill effect. There is an old man who finds it impossible to cut his toe-nails, and I do the job for him; but if he were to go to a chiropodist it would cost him 7s. 6d. Under this Bill I would not be able to help him out, and it would be a great inconvenience to that old-age pensioner. I cannot imagine anybody not being able to treat his own toe-nails, etc., as well as a chiropodist might. I know people who have a swelling in their veins, but I generally advise them to see their local doctor. It could be a clot in the vein.

The Bill refers to anything below the knee, and there is a portion of the leg between the knee and the ankle where there are two bones, so far as I know. We need to give consideration to this sort of thing. Do not let us build up a lot of small organisations that are quite unnecessary and expensive to people who can ill afford to pay.

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

The CHAIRMAN: I would point out that there is a reference to the words "below the knee" in Clause 12 also. If it is necessary for that clause to be amended, Dr. Hislop will have to move for the recommittal of the Bill at a later stage.

Hon. J. G. HISLOP: Would not this be recognised as a consequential amendment?

The CHAIRMAN: I think it would be preferable if the hon. member would look at the clause; and if he thinks it is consequential, then the clerks could make the amendment.

Bill again reported with a further amendment.

## BILL—BUSH FIRES ACT AMENDMENT.

*Second Reading.*

Debate resumed from the previous day.

HON. F. D. WILLMOTT (South-West) [5.18]: I support the Bill. I think the Act is a good deal too rigid; and these amendments, in the main, will tend to make it much more flexible and workable.

One amendment I would like to mention is that which allows officers of a brigade to carry out burning on roads. As the Act stands, only the fire control officer can undertake burning off along roads and streets. In my area, a lot of this work is done by the officers of the fire brigades. It is something which has to be done in a very limited time if it is to be carried out in complete safety.

In most areas where there are adjacent paddocks of pasture land which have been topdressed, that land remains green and will not burn for generally a week to 10 days after the roadways will burn, where the main growth is wild oats and that sort of thing. So the time in which the work can be carried out in perfect safety is limited; and if brigades had to wait for the attendance of a fire control officer, the postion would be absurd.

The fact is that this work is done by the brigade and has proved very valuable. Not only does it prevent fires being started by people travelling along the roads, but the roadways that have been burnt form valuable firebreaks. In my area a lot of this work has been carried out in the last couple of years by fire brigade officers, and I feel it is only right they should do it with the full authority of the Act. Accordingly, I am very much in agreement with this provision.

Another amendment on which I would like to comment is that which allows a brigade to operate in the district of an adjoining local authority. That is a very welcome amendment because, as everyone knows, when dealing with fire, speed is the essence of the contract; and the quicker one gets to work on it, the better.

Quite often the boundary between two local authority districts is a road or a river; and it would be absurd if, when a brigade were working near that boundary and the fire jumped the road or the watercourse and went into the area of the neighbouring authority, the brigade could not cross into the adjoining territory and take action to put out the fire immediately but had to wait for a brigade from the adjacent local authority district to travel miles to the spot, in which time the fire could have got well out of hand.

As things are, a brigade simply goes over and attacks the fire, but without the authority of the Act. It is far better that the right of members of a brigade to do this should be set out clearly in the legislation, and that they should know that they are in the clear. The question of insurance of equipment is involved. A lot of such equipment is privately owned—such as motor-trucks, tractors and utilities. Such equipment is taken to adjoining areas, and the owners might find themselves in trouble if they happened to lose it. They might also find themselves involved in a civil action if some person on whose land they went in order to fight the fire took exception to their presence. As the Act stands, they would be there without proper authority. It is only right, and in the best interests of fire brigades generally, that this amendment should be inserted in the Act.

The other amendment I would mention is the one which gives any member of a brigade the authority to take charge when he attends a fire and the captain or lieutenant is not in attendance. Again it is a question of the speed with which a fire is attacked. It is speed that counts; and if the members of a brigade arrived at the spot and no captain or lieutenant was there, they would simply go ahead in attacking the outbreak.

As Mr. Roche pointed out, no one wants to take control just for the sake of it, but it is necessary that someone should be in charge and co-ordinate the efforts of those engaged in this work. Otherwise a fire might be brought under control on one front and then everybody might leave it and attack it at another spot; and while they were all absent, the fire might get out of hand where it had been thought to be under control.

If someone were in charge to co-ordinate the efforts of the fire fighters, he would see that one of them was left to watch the portion of the fire that was believed to be under control. That has always been done at any time that I have attended a fire. My experience has been that when there has been no officer present, someone has taken charge, and it is far better that that should be done with authority of the Act.

There is only one other comment I have to make, and that concerns the amendment which Mr. MacKinnon has placed on the notice paper. I feel that this is very necessary, because we will be faced with many instances in the future similar to that to which he drew attention, in the irrigation areas particularly, because there are peculiar circumstances in those districts which do not exist elsewhere.

Where irrigated land has a rainfall of about 40in. and irrigation is carried out only during the dry summer months, with the idea of maintaining a lush growth through the hotter periods, there will be many instances occurring from time to time like those to which Mr. MacKinnon referred, and his amendment will cover such cases.

There are similar circumstances outside the irrigation areas. On my own property and on the properties of some of my neighbours, we are troubled with hoop grass. This is a type of reed or rush which grows very thickly in watercourses which are shallow; it will not grow in deep watercourses. It has the effect of blocking the stream and spreading the water out. I have known a watercourse which was normally two or three feet wide spread to a width of four to five chains over low-lying land adjacent to the creek.

The hoop grass takes possession and swamps out everything else that grows. Up to date I have not been able to get any advice from the Agricultural Department as to a spray that would control this weed; and as far as I can see, the only method of control will be by burning. That means opening up the original creek bed so as to confine the watercourse to that bed and allow the adjacent low-lying land to dry up ready for burning; and the only time that such land could be burnt would be at the very height of summer.

So I think that the amendment proposed by Mr. MacKinnon will cover such cases as that one also. I hope the House will agree to the amendment at the appropriate time. I support the second reading.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North—in reply) [5.30]: It is pleasing to note that members representing country provinces realise the value of the Act and of this amending Bill. During the debate a question was raised regarding the explanation of the amendment to Section 12, which is contained in Clause 2. Under Section 12 the Bush Fires Board may, with the approval of the Minister, appoint a person to be a bush fire warden for a defined district in the State. That means that there can be one warden only for each defined district. There are three defined districts at present, and three wardens, one for each of those districts.

The Bush Fires Board desires that provision be made for the appointment of another warden in either of those districts, or part of a district, because there are times when the wardens for those districts are absent from their districts.

Hon. H. L. Roche: Can you tell us what the districts are?

The MINISTER FOR RAILWAYS: I am sorry, but I do not know the districts. One warden is appointed as senior warden, and he travels from district to district and to other parts of the State which are not defined; and in those circumstances

the defined district is left without a warden. The board therefore desires provision to be made in the Act so that it can appoint another warden and have two wardens, for instance, for a district, although it is not incumbent upon it to appoint him permanently and he can be appointed for a term, if necessary. The board discussed the question with the Crown Law Department which, I think rightly, advised that it is not possible to do that under the existing provisions of Section 12, which restricts the appointments to one warden for each district.

That is the reason the Bush Fires Board wishes to appoint other wardens. As well as the senior warden they desire to appoint the secretary of the board as a warden for all districts. That is the information given to me in this regard, and the clause will give the board power, with the approval of the Minister, to appoint another person or persons as bush fire wardens for the whole, or any part of that, or any other, defined district or districts of the State. I do not think the board has any intention of overdoing the appointment of wardens. The object is merely to rectify a weakness that is considered to exist in the Act.

The second provision that was queried related to Section 59. Members desired to know what this provision was required to do—

Hon. A. F. Griffith: Isn't it already in the Act?

The MINISTER FOR RAILWAYS: There has been some consultation with the Crown Law Department in this regard, and the information supplied to me is that the present provision gives a local authority power to direct its officers to take action against any person alleged to have committed an offence under the Act; and the Crown Law Department states that this means that the local authority has to give an individual direction in respect of each offence.

The Road Board Association considers this to be too slow and cumbersome a procedure, as, before any action could be authorised, it would have to be discussed at a meeting of the local authority. The amendment has therefore been requested by representatives of the Bush Fires Board and the Road Board Association. If agreed to, this provision will give a local authority power, if it so wishes, to delegate to its officers the right to institute proceedings against alleged offenders. I think that explains the provision thoroughly.

The amendment relating to weeds and troublesome grasses, which appears on the notice paper in the name of Mr. MacKinnon, is acceptable and is considered to be a step in the right direction. The department has no objection to that amendment. I hope that the information that has been provided to me, and which I have passed on to members, is satisfactory.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill:

Clauses 1 to 10—agreed to.

New clause:

Hon. G. C. MacKINNON: I move an amendment—

> That after the word "section" in line 22, page 3, the following new Clause be inserted:—to stand as Clause 5:—
>
> > Section twenty-six of the principal Act is amended by inserting after the word "order" in line four the words "to eradicate the plant or."

This seems the simplest way of providing the necessary power, and I trust that the Committee will give the amendment sympathetic consideration.

New clause put and passed.

Title—agreed to.

Bill reported with an amendment.

## BILL—METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST.

*To Inquire by Joint Select Committee—Assembly's Message.*

Message from the Assembly notifying that it had agreed to refer the Metropolitan (Perth) Passenger Transport Trust Bill to a select committee of four members; that it had instructed the committee to inquire also

(1) Whether it is desirable to have one statutory authority to operate metropolitan street passenger transport services; if so, whether the Bill satisfactorily achieves this purpose, or what type of authority would be best for the purpose, and under what conditions it should operate; and

(2) Whether there are more desirable alternatives;

and requesting the Legislative Council to appoint a select committee with the same number of members with power to confer with the committee of the Legislative Assembly, now considered.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North) [5.43]: I move—

> That in accordance with the Assembly's request, this House appoint a select committee of four members

with power to confer with the select committee which has been appointed by the Legislative Assembly to inquire into the Metropolitan (Perth) Passenger Transport Trust Bill.

Hon. Sir Charles Latham: Have we the Bill yet?

The MINISTER FOR RAILWAYS: No. The reason for this motion is to comply with the Legislative Assembly's request for a joint select committee of both Houses to inquire into certain aspects of the Bill which is now before the Legislative Assembly.

Hon. A. F. Griffith: Why did the motion make reference to conferring with that select committee?

The MINISTER FOR RAILWAYS: Because it is laid down in Standing Orders that the message must be worded in that way. The Bill has been brought to Parliament as the result of the most unsatisfactory state of affairs existing today in the metropolitan road transport services. As everybody knows, there is quite a deal of concern among passenger transport operators—both private and Government—about the falling off of patronage caused, in my opinion, by the number of private motorcars which have been acquired by members of the general public in recent years.

I understand that the figure for Western Australia is something like one motorcar to every four persons. The number per head of population in the metropolitan area is probably greater than that. It would be very hard, of course, to estimate properly. However, there is no doubt about the increase in the number of private motorcars on the roads, probably brought about as a result of the general prosperity in postwar years; and this has posed a problem for all passenger transport operators today.

The Bill will, of course, be considered by the members of both Houses who are appointed to the select committee. It will be a matter for that committee to consider and comment upon. The Bill is not available to this Chamber and therefore its contents are not known. At this stage it is not my province to criticise the contents of the Bill, particulars regarding the provisions of which have been published in the Press.

I am sure that all political parties and all persons concerned with the metropolitan passenger services today are agreed on one point; namely, that the situation requires very careful consideration and examination before legislation of any kind is enacted which will, no doubt, interfere to a degree with the existing services and possibly to the extent whereby none of them would remain sound financial propositions. At this stage I feel that the members of this House will agree to the motion so that I might be enabled to move a consequential motion.

**HON. C. H. SIMPSON** (Midland) [5.50]: Following the action taken in another place to invite the members of this House to participate in the formation of a select committee to study this extremely important problem, I informed the Minister this morning that I was quite prepared, as a gesture and by way of co-operation, to follow straight on with the debate and to suggest that in view of the request—which is quite a simple one—there would not be any real need for an extended debate at this stage because practically all the questions that might be raised in the course of the discussion will probably be considered in detail by the proposed select committee; and, on its findings, the Bill, with possible amendments, might then be considered by members of both Houses with the advantage of having had a co-operative study made of it by all parties of both Houses.

To give members a little background of this matter it might be interesting to have a look at the earlier days of transport, the difficulties which have arisen from time to time, and the way in which they have been dealt with as they arose.

In the earliest days, when Perth emerged from the horse and buggy stage, I suppose the first two means of serving the metropolitan needs for transport were the railways, which were then being constructed, and probably push-bikes, although they were not really introduced until somewhere in the 1890's.

Later on, the Perth electric tramways took over to serve the need of the City of Perth itself. That service was run by a private company. Mr. E. E. Rogers was the general manager round about the first decade of this century. When the late Hon. Jack Scaddan became Premier, he was instrumental in having that service taken over by the Government, and it has been run by the Government ever since.

Following that move, there was a need —with the expanding population of the metropolitan area, and particularly in view of suburbs being extended into areas which were not served by the railways or by the tramways at that time—for other forms of traction for public transport, and petrol buses took over a portion of the metropolitan transport services.

I recall when taxis, back in the second decade of this century, were operating in competition with the then existing bus services. Whilst I do not think that any of them did very well, it was a means of making a living; and between them they managed to serve the needs of the public extremely well. The next step was the introduction of diesel buses—which practically meant goodbye to the taxis that were running in competition.

Hon. F. R. H. Lavery: They were brought to the State by the Metro Bus Company.

Hon. C. H. SIMPSON: I think there was a reorganisation of public bus companies and the Metro Bus Company was then established. In postwar years the picture altered to the point where the companies, which had been making a reasonable profit up to that time, were faced with declining revenue because petrol restrictions had been removed and there was not only more petrol for the existing cars becoming available, but also there was less difficulty in securing new vehicles. I can remember that at that time new vehicles were being placed on the road at the rate of 1,000 a month. Those vehicles were being used by the passengers who had made good use of public transport previously.

It was about this time that the companies began to feel the pinch, and they considered there was need for amalgamating in some cases or having their services re-routed. Also, sometimes restriction on pick-up of passengers and so on were applied in order to keep the services going. I might mention that the incidence of the railway and the river created a ribbon development along the Fremantle to Midland Junction route which I do not think exists in any other capital city of the Commonwealth. In any case, that was the area of the development and the somewhat peculiar conditions that were derived from it were the means of creating the problem with which my Government and later Governments had to deal.

With private motor-vehicles becoming more freely available, and with the necessary raising of bus fares because of the higher wage content and the greater cost of runnning buses, there was a tendency to seek Government concessions to keep the bus companies going. At that time a road tax of 6 per cent. was imposed on the gross earnings of bus operators, but in imposing it discretion was shown by the Transport Board in those cases where it was found that certain companies were operating on a fine margin of profit. In some cases the imposts of the Transport Board on such companies were as low as 1 per cent. I remember that is one case, in order to keep the company going, not only was this tax waived, but a certain amount of subsidy, per mile of running, was granted.

However, the patronage to the services still continued to decline. Whilst I do not wish to speak at great length, some of these figures might be extremely interesting because they will show the need to examine this question in detail before any particular scheme is adopted to try to iron out the difficulty with which we are faced. In 1955-56, as compared with 1951-52, the population of the metropolitan area had risen by 50,000.

Normally, we would expect the business of the bus companies to improve. However, the actual passengers carried during that period declined by 4,700,000. In the case of the Fremantle Municipal Tramways there was a decline of 340,000 in those five years and in the case of the Government Tramways, a decline of 5,200,000, so the total number of passengers carried by road services and tramways declined from 80,000,000 to 70,000,000.

Whilst that was our experience in this State it was not peculiar to the metropolitan area of Perth. It was the experience of every capital city in Australia and, to a certain extent, in countries all over the world, particularly where motorcars had become freely available, thus enabling the owners of those cars to use them to come into town. This would thus obviate the need for them to use public transport and, in some cases, there were certain owners of private vehicles who catered for their immediate neighbours by picking them up at their homes and transporting them right to their place of work, thus giving a service more than equal to a Government or private service and being able to render it more cheaply because the cost of wages did not enter into the total cost of operation. The need has come now to rationalise the system in some way. This need has become more acute over the last few years. In fact, the need was becoming apparent during the time I was Minister for Transport.

At the time, I suggested a sphere of operations or zone; that system has not been condemned. In fact it has been given serious and favourable consideration by the present Minister for Transport. At the time it was proposed, there were difficulties in the way. There was no legislation to enable the various units to be brought into line, and it was left to the individual companies to try to merge into groups so as to strengthen their operations; under that they could have been granted zones of services. That would have enabled them, with the extended franchise, to plan ahead.

It might be said at that time, and also at present, that while some operators were doing badly and needed help, there were others who were not doing badly at all. That can be understood when an examination of the areas of operation is made. For instance the Scarborough bus run has no competition from the railways or the tramways, and the district is developing. In that district the operators are quite happy.

Another district which has developed very rapidly is Morley Park and the land beyond. This area has been developed very greatly in recent years. It so happens that the residents are mostly young, and they have settled in that district and purchased homes. They do not seem to be in a position to purchase motor cars for the time being, so there is a

guaranteed patronage for the bus services, and therefore the operators are doing well.

If one were to take into consideration the bus services which pass through Dalkeith and Nedlands where practically every second family has a car, one would find that although the district looks quite prosperous, the bus operators are not really doing very well. Those are some of the difficulties that have to be ironed out.

During my term as Minister, and during the term of the present Minister the bus operators have been called into consultations at various times to try to work out a practical solution of their difficulties, and to give the public as efficient and as economic a service as possible. The conclusion which they have reached and which has been explained in another place, is that a transport trust should be formed. That is the view of the Leader of the Opposition in the party which I represent. He gave that view last year and said that it was desirable that a trust should be formed; the companies should be compensated; the management should have freedom from Government interference; the trust should have borrowing powers in the same way as the State Electricity Commission; and that the directorate should have the best transport and omnibus brains available. The present Minister was kind enough to say that he could not have put up the proposition for a trust in a better form.

So on the part of all parties there is unanimity of view towards the need to meet the position in the best possible way, to examine thoroughly all available data and to ensure that we have as far as possible the answer to the problem. One consideration that has been mooted is through-routing. That has been a subject of much comment over the years. Where there is a balanced population on either side of a central point, through-routing is no doubt desirable and economical; but in Perth, where the main body of population is in the west of the city, and a smaller proportion is in the east, it is not quite so easy to work a through-routing scheme.

We can adopt trans-routing which allows buses to come into the city, discharge the passengers, go on some distance and then turn back to the pick-up point. In some cases that system has been adopted but in the main those services were uneconomical, and inevitably have resulted in additional charges to be met by the companies.

In my opinion the answer is the establishment of bus stations. That is illustrated by the fact that when the Perth railway station was built provision was made not only for ample room for the passengers, but also for coaches to stand by in the off peak period. I understand the Government estimates the cost of taking over the private companies at between £2,000,000 and £2,500,000. If we add to that the estimated value of the Government tramways, of £2,000,000, there will be an undertaking within the sphere of operation of the trust, capitalised at between £4,000,000 and £4,500,000. Under the Bill I understand that provision is made for the payment of compensation, and there is also provision for making cash available to meet immediate commitments, but in the main there will be an issue of inscribed stock or shares which carry 1 per cent. interest in excess of the Commonwealth loan rate.

The fleet will approximate 600 vehicles, the tramways having 262 vehicles and the private bus operators 340 vehicles. The employees in total would consist of 183 salaried officers, and 1,549 wages staff, making a total of 1,732 employees.

It is interesting in considering this question to realise that the Government services, have over the years, despite certain advantages, consistently shown a loss, whereas the private operators have in total been able to show a profit. For instance, the Government-operated services do not have to pay licence fees, sales tax or duty, or to show a profit on the operations. They have only to pay one per cent. actual road tax. But the private operators have to pay all these charges; in addition they have to try to make the investment reasonably attractive to the shareholders.

There are various reasons why the results of the Government services have not been so good. It is not that the management is less efficient. I do not think it is because the employees are less efficient. If we look at the system which was firstly built for trams, and which later had to absorb trolley buses and omnibuses, we will realise that the workshop has to cater for three different forms of services, when it was originally built to cater for one form.

Another reason is that in the case of trams and trolley buses, two men operate each vehicle. Both those sections of the department are showing a loss. The omnibus section, which does show a profit, operates vehicles manned by one person. That is part of the explanation for the profit.

The privately-owned concerns cannot afford to go into the red every year. They would take steps to reorganise the concern, and bring in new capital to organise plant and facilities so that the services could be operated efficiently and economically. That is the proposition here. I did put up one suggestion when I was Minister for Transport that something along those lines should be done, but at that time there was a severe reduction of loan money and finance was not available.

It might be interesting to relate that in the peak periods of the day 450 buses leave Perth, out of a complete fleet of

600 vehicles. Of course at the other end the buses have to be kept going to balance the traffic in both directions.

Without labouring the position too much, I want to enumerate the points which were originally submitted as a basis of inquiry by the select committee:—

(1) Potential cost to the State of the proposed metropolitan passenger trust—

(a) in capital over the next 10 years;

(b) in operating losses over the same period.

(2) Legislative, administrative and financial disabilities under which passenger transport operators labour in the metropolitan area.

(3) Rearrangements needed of present system of control, taxing and spheres of operations of metropolitan passenger transport, if any private operators are to continue on a sound and profitable basis without financial demands on the State.

(4) The practicability of privately operated passenger transport services continuing in conjunction with Government owned and operated services.

(5) The practicability of cutting heavy railway metropolitan passenger transport losses by replacing existing railway passenger services with road passenger services for a minimum period of say 10 or 15 years until the regional plan develops sufficiently to determine the desirability of the use of selected railway metropolitan passenger facilities.

(6) The practicability of operating metropolitan passenger services on a contract basis for the whole or part of the system.

(7) Trust proposals and compensation provisions in the Bill.

Those are the recommendations that have been put forward as a basis for the appointment of a select committee. I am very pleased to say that the administration has been most co-operative and has agreed to that basis. In my opinion that will be a step towards solving a very difficult problem. We should not take this attitude: "A trust has been formed, and thank God the job is done!" We should try to work out a system which will not only solve our present difficulties, but which will also be elastic enough to overcome other difficulties which may arise in future years. I support the motion.

**HON. L. A. LOGAN** (Midland) [6.12]: I have no intention of opposing the motion for a select committee, but I would like to make this observation: This is to be a select committee to deal with a Bill. I am afraid that with the time available it will be impossible—I say that advisedly —to go into the whole ramifications of the metropolitan road transport system.

An outline has already been given by Mr. Simpson as to what he would like to see happening. In my opinion, the select committee will have no hope of achieving everything within the time available, because it is to inquire into the provisions of the Bill; and that, in my opinion, will restrict the inquiry into the problem for which we in this House want an answer.

If the select committee carries out the inquiry efficiently it may finish its deliberations, but I am informed that the report has to be submitted by the 12th November next. I am afraid the select committee will contend that it has not had sufficient time to delve into the problems, that it wants an extension of time, or that it wants the inquiry to be held over.

It is all very well for the Government to tell us that some of the bus companies are going bankrupt and will welcome the day when the metropolitan transport trust is formed. That is the easy way out for some companies that are not being run very efficiently. As far as I am concerned before the Government is permitted to set up the trust, I will require solid proof that every possible step has been taken to enable the companies concerned to carry on.

There are many problems to be considered in regard to metropolitan transport. Some of them have been mentioned by Mr. Simpson. In my opinion a reorganisation of the routes of the whole metropolitan area should be worked out to benefit all parties concerned. That, together with the amalgamation of one or two companies, may enable metropolitan transport to be run without the proposed trust.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. L. A. LOGAN: Before tea, I was doubting whether the select committee to be appointed would have sufficient time to go into all the ramifications of the metropolitan transport system. I had in mind the examination of road and rail co-ordination. In some instances, if it were gone into properly, it might be found possible to dispense with some of the metropolitan rail services, or to cut out some of the bus services which run parallel with the railway lines, thereby increasing the revenue of the railway metropolitan transport.

The through-routing of buses, which has been mentioned by Mr. Simpson, is another angle which could be inquired into thoroughly. We have some buses today which run the last three miles into the city without picking up a passenger, because they are travelling on a Government route. That three miles is a dead loss. Those are a few of the points that I consider should be thoroughly investigated.

The accounts of each bus company should be inquired into; and I cannot see how this committee can do its job properly in the time available. I am not opposing the motion; but if we are going to appoint the select committee, it should be given an extension of time, if necessary, so that the whole of the ramifications can be gone into and a satisfactory answer given.

**HON. SIR CHARLES LATHAM** (Central) [7.32]: If I understand the position correctly, all we are asked to do is appoint a select committee to be associated with one from another place for the purpose of looking through this legislation. I do not intend to make a second reading speech on something about which I know nothing. I think the select committee will be very helpful; because when the Bill comes before this Chamber, those were being used by the passengers who had some knowledge of it and will perhaps be in a position to straighten out some of the tangles which may be in the minds of other members. I support the motion.

Question put and passed.

*Select Committee Appointed.*

The MINISTER FOR RAILWAYS: I move—

> That the select committee consist of Hon. C. H. Simpson, Hon. Sir Charles Latham, Hon. E. M. Davies and Hon. F. R. H. Lavery, and that it inquire into—
>
> (1) Whether it is desirable to have one statutory authority to operate metropolitan street passenger transport services; if so, whether the Bill satisfactorily achieves this purpose, or what type of authority would be the best for the purpose, and under what conditions it should operate; and
>
> (2) Whether there are more desirable alternatives.

Question put and passed.

*Powers of Committee.*

The MINISTER FOR RAILWAYS: I move—

> That the committee have power to call for persons, papers and documents; to adjourn from place to place; and to sit on days over which the House stands adjourned; and that it report on the 12th November, 1957.

Question put and passed, and a message conveying the Council's resolutions returned to the Assembly.

## BILL—SUPPLY (No. 2), £18,000,000.

*Second Reading.*

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North) [7.36] in moving the second reading said: As members know, one Supply Bill for the sum of £21,000,000 has already been authorised this financial year for use by the Government in carrying on the various services of the State. Of that amount, £15,000,000 was from the Consolidated Revenue Fund, £4,000,000 from the General Loan Fund and £2,000,000 from the Advance to Treasurer.

Expenditure during the first three months of the present financial year has been £14,201,700 from Consolidated Revenue Fund and £2,973,132 from the General Loan Fund. Revenue collections during the same period amounted to £12,352,436, leaving a deficit in the Consolidated Revenue Fund of £1,849,264. The total estimated deficit for the financial year is approximately £2,630,000.

It will be seen, therefore, that the financial position of the State is likely to become a bit worse during the balance of this calendar year and probably up to about the end of February. In the months of March, April, May and June, the revenues which will be obtained will be greater than they have been on the average in the preceding eight months, and some improvement should be shown in these last four months.

The financial position of the State is undoubtedly difficult. Our financial difficulties are created entirely by the operations of the Railway Department, as the estimated deficit for the financial year for the railway system is very much greater than the total estimated deficit covering all the rest of the Government's operations.

Members will already be aware that the estimated deficit for the railways for the current financial year is approaching £7,000,000, and in that amount there is included an estimated loss in regard to running expenses over earnings of approximately £4,200,000.

Therefore, if we only measure the loss in regard to running expenses over and above earnings, of £4,200,000 for the financial year, as against the total estimated deficit for all the rest of the operations, of £2,600,000 approximately, it is easy to see how severe is the impact of railway finance on the financial operations of the State as a whole.

The amount of supply now sought is £18,000,000, and is required on the following basis—£14,000,000 for Consolidated Revenue Fund operations and £4,000,000 for General Loan Fund operations. This additional Supply will enable the Government to continue carrying on the normal affairs of the State until such time as the Consolidated Revenue Fund Estimates and the General Loan Estimates are finalised by Parliament. I move—

> That the Bill be now read a second time.

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

## BILL—MARKETING OF POTATOES ACT AMENDMENT

*Second Reading.*

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North) [7.40] in moving the second reading said: This Bill is considered by the Government to be an urgent measure, and it is desired that the Council consider it as early as possible.

The purpose of the Bill is an endeavour to prevent illegal trading in potatoes. A serious situation has developed as a result of potato growers, who are not licensed, depending again this year, as they did last year, on high prices in the Eastern States. Finding that they are unable to market their potatoes in the Eastern States they are pushing them, quite illegally, through the retail system of this State; and, by so doing, are breaking down the authority of the board which has done much over the last few years to regularise the production and distribution of potatoes.

During the war years, there was some degree of control over the potato-growing industry, but prior to that time there had been no control whatsoever. As a result, potato growers in those days grew potatoes when they felt inclined to do so. If the prices happened to be right, they grew potatoes, but if the prices were not right, they did not.

There was no regularity of supplies and no desire, apparently, by anyone other than the growers, to have an organised system by which the growers could reasonably expect to gain some security and by which the consumers could buy potatoes at reasonable prices.

During the war years the Commonwealth Government introduced a system of growing potatoes under contract at a guaranteed price. It became necessary in those days to feed the people. We were then, as we are now, largely a food-producing nation and we were feeding a lot of other mouths besides our own. Potatoes being such a staple article of diet, and appearing on everyone's table, it was considered necessary to undertake this contract system.

The guaranteed price under the system introduced by the Commonwealth Government was such as to stimulate production; and it definitely did that in Western Australia, because the area under potatoes almost immediately increased from 7,000 acres to 14,000 acres.

This fact lends colour to the view that unless we have some sort of regulation and an orderly marketing system, we will have no potatoes at certain times and a glut of them on other occasions. It appears that the growers will respond to some system of orderly marketing because, when the Commonwealth contract system was introduced, our acreage actually doubled.

When the national security regulations expired at the end of 1946, the growers were greatly concerned, and they then requested State legislation to provide for a controlled system of production and marketing. A Bill to that effect was agreed to in 1946 by Parliament.

The Potato Marketing Board in this State is composed of six members. The chairman is a person not engaged or financially interested in the growing of potatoes or the production of them. He is nominated and appointed by the Minister, as also are the two consumer-representatives and the grower-representatives. The other two members are commercial producers who are elected by the commercial producers and appointed by the Government.

Recently, the Potato Marketing Board has been very much concerned about the number of potatoes which are being purchased on the blackmarket. That is not new. A little of this has always been going on; but not very much of it. However, there is no doubt that at present a considerable quantity of second-grade potatoes are finding their way into the retail stores as a result of this illicit trading.

The purpose of the Bill is to tighten up certain provisions in the Act to counteract this illicit trading or blackmarketing. The Bill proposes to give the board's inspectors the right to demand a sales docket or a delivery note for consignments of potatoes above 10 stone in weight, failing the provision of which a prima facie case is established that the potatoes have been bought outside the facilities for marketing provided by the board. The limit of 10 stone has been included in the Bill because it is not intended to include the stocks of potatoes held by the average housewife.

The Bill contains a small amendment to Section 22 by including a definite day, the first day of October, 1948, in place of the term "the appointed day" on and after which every grower shall comply with the requirements of the Act. The court requires the production of the public notice in "The West Australian" when hearing charges under the Act, and by inserting a definite date in the Act this inconvenience will be overcome.

The reason this date was selected was that the influence of the Australian Potato Committee, whose powers really expired under the national security regulations at the end of 1946, still carried on for a further 12 months or so until the Western Australian Potato Marketing Board came into existence and commenced to operate.

Prior to 1956, blackmarketing was kept within reasonable bounds, so far as this State was concerned, and at no time did it exceed more than 1 per cent. of the State's production. But since the high prices offered in the Eastern States last.

year, many people decided they would grow potatoes for the Eastern States, and for that purpose they would not require a licence from the board.

We are all aware of the arguments which arose last year when an attempt was made to prevent sales to the Eastern States of potatoes grown under the authority of the Western Australian Potato Marketing Act. Because of the Federal Constitution, it was quite impossible to do anything. So these people, some of whom gained tremendously last year, decided to practise this method of growing potatoes without licence this year, in the vain hope that the prices obtained in the Eastern States last year would be in evidence again this year.

But whenever there is a drought, or potatoes are affected with disease in the various States, and extraordinary prices are obtained, the conditions next year are invariably reversed. These people overlooked that fact, and the other States of the Commonwealth this year are not nearly so badly placed for potatoes as they were last year due to the great increase in production.

They have plenty of potatoes in the Eastern States; and, as a consequence, prices there are much below the price in this State, when transport costs are also taken into consideration. These growers, many of whom never grew potatoes until last season, made the mistake of growing potatoes without licence in the hope that they would be able to pick up the Eastern States market which does not now exist.

These people are to a large extent unscrupulous because they want completely to avoid having anything to do with the board, which has the authority in this State; they are not concerned about what prices consumers have to pay for their potatoes; and they are not worried about anything except their own interests. Now they find themselves in the position where they have either to bury the potatoes or endeavour to sell them on the blackmarket.

The board quickly realised the situation that was going to develop and early in this season offered to market these potatoes for unlicensed growers in the Eastern States, either by a pool system or by separate consignments. But nothing came of that for obvious reasons—there was no market for them over there.

Not only are there these growers, who have no regard for anybody else but only their own selfish interests, endeavouring illegally to sell their potatoes in Western Australia, but there are also some unscrupulous retailers who are quick to take advantage of a smart turnover and the chance to make a profit of a quick penny or so on the way.

Unfortunately, blackmarketing in this State has reached a stage where the local distribution of potatoes is about only 80 per cent. of the normal distribution; in other words, 20 per cent. of our normal trade in potatoes is being taken over by blackmarketers.

In a large number of cases, our inspectors have located the illegally bought potatoes in retail stores and other places, but they are not able to secure convictions under the Act because in all cases the actual identity of the grower who is responsible has to be proved. That is how the present legislation reads; and, of course, it is impossible to do that.

The buyers themselves know of this difficulty and as the potatoes are always in unbranded bags, the inspector, in order to secure a conviction, would have to catch the grower delivering the potatoes to buyers' premises, or catch the buyer taking delivery of potatoes from a grower on the farm.

There are many buyers who freely admit that the potatoes they have in their possession were not bought through the board's channels and they say, "I have no intention of buying from the board." But even that statement is not sufficient under the Act to secure a conviction.

A number of these unlicensed growers are not experienced potato growers and they are foisting inferior potatoes on the market. What price they are getting for them I do not know—nobody does because we cannot prove anything. But there is trading going on in stores today where storekeepers are endeavouring to sell certain articles below the normal price in order to gain custom, and people are influenced by being able to buy this type of potato, which is sold through the present illegal channels.

The board is frequently blamed for the condition of potatoes which are being sold on the blackmarket. These are not the concern of the board, nor has it any control over them. This tends to reveal how difficult it is for the board to pinpoint the person responsible.

Retailers who buy potatoes from growers are short circuiting the normal legal channels of trading and are thereby avoiding the reasonable margins and marketing costs normally charged by wholesale merchants and the board. Also, by this illegal method, they dodge paying a levy which is imposed under the Potato Growing Industry Trust Fund Act. This enables them to sell potatoes cheaper and make a larger profit than the great majority of retailers who buy their potatoes through legitimate channels.

Another important factor is that when potatoes are bought direct from the grower they are not subject in any way to an inspection by an officer of the Department of Agriculture. That is why neither the board nor the department has any knowledge of the quality of the potatoes which are now being spread around the metropolitan area. There is no doubt that the

public of this State have enjoyed a continuous supply of potatoes over the last eigth years at reasonable prices and the price paid to the grower by the board has also been very favourable when compared with the production costs.

Blackmarketers of potatoes and the retailers who dispose of such potatoes, and who do not care what the public has to pay for potatoes or what happens to the board, are taking a course of action that cannot be disregarded. The board cannot prevent potatoes from being sent to the Eastern States and this Bill does not attempt to do that, but if this State is to have an efficient marketing board, it must be clothed with sufficient powers to enable it to work in the interests of all sections of the people within its own borders.

The Bill will give the board the necessary power to get the information it requires. It will enable the board to stop trucks on the road for examination; to impound dockets or notes in respect of the sale of potatoes; to impound containers, bags and such like; to demand of a person in possession of more than 10 stone of potatoes the source of those potatoes, failing which there will be a prima facie case against the holder of such potatoes.

On the whole, retailers, consumers and growers are infinitely better off today than they were in the days of fluctuating prices. Only last year the board had an opportunity of favouring the growers to a great extent. It could have exported most of the potatoes to the Eastern States at fabulous prices, but it refused to do that.

It is a well-known fact that as a result of the board's action during that time, the consumers of potatoes in Western Australia were saved over £500,000. If that amount of extra money had to be paid by the consumers for potatoes the basic wage in this State would have increased by 6s., with all the attendant repercussions in industry.

The Potato Marketing Board looks after the interests of consumers as well as all sections of the trade and it should be clothed with sufficient powers in order that it may perform its functions effectively.

There is no need for me to remind the House of the difficult situation that existed last year when emergency legislation had to be passed in order to cope with the position regarding the marketing of potatoes. From time to time such incidents will recur, and so adequate power must be given to the board in order that at all times it will be able to control, regulate and organise the marketing of potatoes in this State and also market the surpluses interstate.

On the whole the board is doing an excellent job for the growers and for the State generally. The organised marketing, as I have just said, has been responsible for maintaining the basic wage at a more realistic level than it reached in the Eastern States where, as we all know, when potatoes were very high in price, it jumped by something like 8s. or 9s. per week. It did this merely because of the price of potatoes.

The Potato Marketing Board is most anxious that this legislation should be passed as early as possible because it knows that each day its problems are becoming of more concern to it and the growers in this State. I move—

That the Bill be now read a second time.

**HON. F. D. WILLMOTT** (South-West) [7.57]: I deplore the necessity for legislation of this type. The Bill is a direct result of the position which arose last year due to the high price offering for potatoes in the Eastern States. During the debate on an amendment to the Act on that occasion I had a great deal to say about the actions of the board or, should I say, the non-actions of the board, because it was through the board's failure to take action immediately that conditions fell into a chaotic state and have since got gradually worse. The result now is that if the Potato Marketing Board is going to continue to operate at all it will have to be clothed with the powers the Bill proposes to confer upon it.

We have to make up our minds whether we are going to support the idea of the continuance of this board. Although I do not particularly like boards, I have to confess that for some primary industries, and potato growing is one of them, I look upon boards as a necessary evil. Having convinced myself that it is necessary that a board should operate for the sound marketing of potatoes, I feel it is up to Parliament to do its best to allow the board to operate efficiently, and it is certainly not operating efficiently at the moment.

The vast majority of growers of potatoes in this State are wholeheartedly behind the board, particularly the small growers—those who are growing only four to six acres of potatoes. They are the men with whom I am chiefly concerned because they will be put completely out of business if the Potato Marketing Board goes out of existence.

If it did, I think the potato-growing industry would soon be in the hands of a few large growers, with the result that we would have what we had before the Potato Marketing Board operated—a glut followed by a period of famine, with huge fluctuations in prices. That would be of no more benefit to the consumers than it would be to the growers. So I feel that it is necessary for the board to function and function efficiently.

As the Minister mentioned when introducing the Bill, a serious blackmarket has grown up in this State. It is not a blackmarket operated by a few individuals; it

has become an organised blackmarket, and a particularly serious one. That can be appreciated when it is realised that 20 per cent. of the potatoes being marketed in this State are being marketed illegally, and are thus outside the control of the board. Consequently the board needs the powers conferred on it under this Bill to put a stop to that practice.

However, I feel that some of these provisions are fairly sweeping; and in the Committee stage I intend to move an amendment which will have the effect of limiting the operations of the powers conferred upon inspectors under Clause 3 of the Bill to two years. If the blackmarketing of potatoes in this State is not completely wiped out within the next two years the Potato Marketing Board will go out of existence. It is necessary that this blackmarket should be stopped well within that two years' period. If it is not, it will not matter much whether the board is in existence or not, because by then it will have lost control of the marketing of potatoes.

I feel that the powers granted to inspectors under this Bill will not be required after a two-year period. I do not wish to delay the House on this measure; but, as I said earlier, I do not like this type of legislation. However, I feel I must support it, and I ask other members to do likewise, but in the hope that we can limit the powers of inspectors to a two-year period. I support the Bill.

**HON. H. L. ROCHE** (South) [8.4]: In speaking in support of this legislation, I wish to say that it is apparent to all of us who have taken an interest in the potato-marketing legislation in this State that, as Mr. Willmott indicated, we are reaping the harvest of mismanagement, or the failure to appreciate the circumstances that arose last year because of the failure of Eastern States crops, and the high prices that resulted.

These prices were offered to Western Australian growers who were prepared to avail themselves of the opportunity of sending their product to the Eastern States, and their actions at that time could have resulted in an absolute breakdown of the orderly marketing system for potatoes.

I think that over the years a good case has been made out for a continuance of this type of legislation. Up to last year we could claim that of the marketing authorities in this State the Potato Marketing Board was among the most successful. It had managed very well and had regulated production in accordance with demands. At one stage the board was exploring the possibility of overseas markets; and had it not been for the unfortunate circumstances which occurred 12 months ago, the board might have developed a considerable export trade.

There is in this legislation a provision which confers certain powers on inspectors; they are such that can be justified only in times of crisis as regards the marketing of potatoes. As Mr. Willmott said, these powers should not be given for an indefinite period to any inspectors who operate under legislation such as this.

I feel sure that when the Bill reaches the Committee stage the Minister, on behalf of the Government, will be prepared to recognise the fact that the conferring of such powers for an indefinite period is distasteful to many of us in this House, and also that he will be prepared to accept a reasonable amendment. I support the second reading.

**HON. G. C. MacKINNON** (South-West) [8.7]: Both Mr. Willmott and Mr. Roche have clarified the situation which prompted the introduction of this Bill; but there are one or two comments I would like to make. Potatoes, and the growing and marketing of them, have been discussed so much in this House over the years that most members know the history of the industry. The net result of the board's activities has been to lift the industry out of its previous difficulties and put it in the position of a protected industry which shows a fairly good return. Of course, it suffers from the disadvantage of any protected industry in that by its very nature there is an incentive to participate in it.

When an industry such as that is protected, and the price guaranteed, if one can get a licence, every man with suitable ground desires to participate. Yet, of course, there is a definite and a limited market in the State. When there is this incentive to participate, and a limited market, plus the fact that a man can still grow without a licence, so long as he plants a limited acreage, the problems are obvious.

There are two ways of controlling an industry such as this. One is by legislation, and the other is by economic pressure. At present the price is virtually fixed by a cost survey of all the licensed growers. It may well be that growers are not doing themselves justice in adhering to this principle, and the idea of setting a price lower than the present one would bear examination. There must be efficient growers who could make adequate returns on lower prices with the idea of stopping the marginal grower—the one who is growing as a sideline but finds it difficult to produce potatoes sufficiently cheaply to show a profit at a price lower than the one at present being paid by the board.

In any protected industry there are always the alternatives of legislative control and economic control. Like Mr. Willmott, I do not like, and I do not think any

member here really likes, continued legislative control, and we would prefer economic control. In private industry, unprotected by boards, there is, in the general run of things, economic control. But when we start to deal with a perishable commodity, such as potatoes, private and unrestricted enterprise does not work out to anything like the same degree as it does with non-perishable articles. So there is almost an absolute need to have some form of control, particularly where it is a perishable article which would flood the market at cropping time, and no more would be available until the next harvest.

In the section of this State where potatoes are grown there are no floods or droughts, and this is one of only three parts of the world where two crops of potatoes ean be grown each year. However, to leave a perishable article which is harvested twice a year to unrestricted marketing conditions has proved to be disastrous—it will not work. So we must have some form of legislative control. But I sincerely believe that we should have a greater degree of economic control on the limiting of acreage, and I think that growers would be well advised to take a longerterm view of the position, and take some steps themselves in that regard.

Legislative control naturally brings in its train the necessity to police that control. The necessity to have various policing bodies is abhorrent to most of us, although we all accept the uniformed police force as part and parcel of our life. But I think all of us would agree that the less we have of extra policing bodies the better.

In short, I am firmly convinced that the ideal arrangement would be that the policing of such legislation as this should be left in the hands of uniformed police officers. For, even in such matters as the stopping and examining of vehicles, some difficulty is presented. It is doubtful whether if, on wet nights, a person who was not in uniform walked out to stop a vehicle, any action could be taken if the driver of the vehicle did not stop.

The inspector would have to be clearly marked and be provided with an easily recognisable insignia. We are quite used to our policemen; we respect and trust them; and it would be a foolhardy man who failed to stop if a police officer stepped out and put up his hand. It seems that the provision to make a buyer of blackmarket potatoes guilty of an offence is quite reasonable because, if it is an offence to sell them, then it is only logical that it should be an offence to purchase them.

As Mr. Willmott has said, the proof that the board has worked to everybody's advantage is self-evident; indeed it is so self-evident that we must give this measure every support. Mr. Willmott also mentioned the desirability of limiting it. It is self-evident that this also should be agreed to; because if this matter cannot be regulated and corrected within, say, two years, we might just as well move to disband the board immediately.

For, like all boards, it must have the goodwill of the people concerned—in this case the growers and the consumers. If their goodwill is not forthcoming then of course, like all boards, and indeed like all legislation, it is doomed to failure. I am convinced that if this power is given for a limited period of time, the good sense of the growers and their representatives will prevail, and we will continue to have the reasonable and orderly marketing of potatoes, which we have enjoyed in this State. I support the second reading of the Bill.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North—in reply) [8.19]: I am grateful to members for the support they have given this Bill. One of the amendments foreshadowed by a previous speaker is acceptable to the Government. I have an amendment which I propose to move, but unfortunately I have not sufficient copies for everyone. The Bill was only introduced today and it was not possible to place the amendment on the notice paper. It is, however, an amendment which was explained in another place and I understand the Minister for Agriculture promised to have it inserted here. When the Bill gets into the Committee stage I will be able to explain the position a bit better.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 and 2—agreed to.

Clauses 3—Section 22 amended:

Hon. Sir CHARLES LATHAM: I would like to draw the attention of members to Subclause (3), paragraph (b). It seems to me that 10 stone of potatoes is a large quantity to cart around. It would be almost a sackful. This means they can sell a full bag, and have a full bag in their possession when picked up. Under the old Act a person was not allowed to have any potatoes in his possession.

The MINISTER FOR RAILWAYS: Any person who has that quantity, or a larger quantity, will be required to explain where he received them. The board considers that the provision is sufficient to enable it to control the position.

Hon. Sir Charles Latham: It is an innovation; we were not able to get a bag previously.

The MINISTER FOR RAILWAYS: Because of the opposition that was voiced here and also in another place, in connection with inspectors intercepting the driver of any vehicle; and to reduce the occasions on which a person might not take notice of an inspector because he could not be identified, it was thought that some identification should be worn to distinguish an inspector, so that those interested in potatoes would know that he was an inspector and would stop when asked to do so. If they did not, they might be apprehended later for refusing to pull up. That being so, the Minister for Agriculture has asked me to move the amendment I previously referred to. I move an amendment—

> That after the word "inspector" in line 31, page 4, the following words be inserted:—"wearing on the left arm a white arm band not less than four inches in width, with the letters P.M.B. embossed in black thereon; the letters being not less than two inches in height."

Hon. Sir Charles Latham: That means he cannot stop them without the badge.

The MINISTER FOR RAILWAYS: That is so.

Hon. G. C. MacKINNON: The idea behind the necessity for an identification mark is not merely to make it easy for those driving the trucks; but there could be among them fellows who were doing it with deliberate intent to commit a misdemeanour, verging on criminal tendency. The idea of putting law enforcement personnel into uniform is very often for their own protection.

I have not tested the effect of a 4in. width arm band with 2in. embossed letters. There could be the type of fellow who would drive a truck down to the South-West in the hope of picking up a couple of tons of potatoes to sell on the blackmarket at double the profit, and who would be prepared to take the risk of doing so even at the expense, perhaps, of injuring the inspector. That is quite possible. I wonder whether a single arm band worn on the left arm is sufficient.

Hon. F. R. H. Lavery: The military police have an arm band.

Hon. G. C. MacKINNON: Perhaps the Minister will explain where the idea originated and whether it provides adequate protection for these inspectors; because some of them might quite easily be unpopular and need protection.

Hon. F. D. WILLMOTT: Although there may be some merit in what Mr. MacKinnon has said, he is overlooking the fact that these inspectors know exactly who they are after. They will not stop all and sundry on the road. In this instance the arm band will be sufficient to show that the man is a bona fide inspector of the board.

The MINISTER FOR RAILWAYS: The Minister has discussed this identification arm band with members of another place who are interested; with the Potato Marketing Board; and with the Department of Agriculture officials; and all are quite satisfied that this will be ample indentification.

Hon. J. G. HISLOP: I am interested to know why it is to be on the left arm. I take it that the inspector would be standing on the side of the road and the truck would be approaching him and the first arm to be seen would be the right arm. The left arm would not be likely to be seen.

The MINISTER FOR RAILWAYS: That would be a matter of opinion. The left arm would be nearest to the headlights; but if an inspector were facing an oncoming vehicle he would be on the side of the road with his back to the traffic coming in the other direction, and his left arm would be nearest to the vehicle. However, I do not think it matters very much. Perhaps we should have it painted on their chests!

Amendment put and passed.

Hon. F. D. WILLMOTT: I move an amendment—

> That after the word "container" in line 5, page 6, the following proviso be added:—
>
> > Provided that the powers conferred on inspectors by this subsection shall continue in operation until the thirty-first day of December, One thousand nine hundred and fifty nine and no longer.

As I indicated in my second reading speech, I consider the powers of inspectors in this provision are pretty wide and sweeping; and if blackmarketing is not completely put down in the next two years, the board will be on the way out. The time proposed is sufficient for inspectors to have these powers. I think I am right in saying that the board is prepared to agree that two years is long enough.

The MINISTER FOR RAILWAYS: There is no objection to the amendment. Should a similar situation arise again, Parliament can be approached for the provision of further extraordinary powers.

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

Clauses 4 and 5, Title—agreed to.

Bill reported with amendments.

## BILL—LOCAL GOVERNMENT.

*In Committee.*

Resumed from the previous day. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

Clause 170—Ratepayers' meetings (partly considered):

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the word "fit" in line 2, page 128, the following proviso be added:—
>
> > Provided that if the minutes of the preceding meeting or meetings as referred to in paragraph (a) hereof or the financial statements or reports referred to in paragraph (b) or (d) hereof, have been printed and made available for perusal at the office of the council for at least twenty-four hours prior to the holding of the meeting, their reading may be dispensed with on a motion passed by a majority voting on the question at the meeting.

This proviso is considered most desirable, as it will be the means of reducing the time taken in reading certain reports at ratepayers' meetings.

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

Clause 196—Brickmaking:

Hon. R. C. MATTISKE: I hope that this clause will be deleted. Previously I endeavoured, unsuccessfully, to convince the Committee that there was ample control over brickmaking operations provided in Clause 231. Apparently certain members felt that there should be some additional means of controlling this industry.

Why brickmaking should be singled out I do not know, because it is not an objectionable industry in any way. It does not have the same effect on the neighbouring residents as a cement works or an oil refinery or meatworks or other factories of that kind.

Under the Bill as it stands, it is possible for a local authority to control the actual operations within a factory, which is quite different from the intention of the Act; because the intention of any local government measure should surely be to control the operations on the ground and not within the factory. For that reason, I do not see why it should be possible for a local authority to be able to say, "You can only work a certain number of shifts a day and you shall have only certain types of machinery and kilns." That would be possible under the Bill.

Previously I stated that an essential for economic brick production was that the factory be sited on the actual clay deposit. It is not practicable to cart clay from the pit to the factory. By controlling the actual excavation, which is clearly provided for under Clause 231, the operations themselves are controlled. I hope the Committee will reject the clause.

Hon. J. D. TEAHAN: This clause was previously debated fully and retained by the Committee. Municipalities and road boards welcome in their areas industries that will provide employment, or advance the district concerned, and they would not unnecessarily prohibit or regulate any industry.

Hon. L. A. LOGAN: I disagree with Mr. Mattiske; because it would be possible, in some circumstances, to transport clay from outside to a brick works within a municipality. A firm in Geraldton did a considerable amount of preparation on a certain site, but failed through lack of finance only. Although this provision would be used very seldom I think it should be retained.

Hon. R. C. MATTISKE: Brickworks are costly to install and hazardous to run. Although it has available the best knowledge and advice and very costly equipment, the State Brick Works is turning out poor quality wire-cut bricks, and making heavy losses, and that illustrates that few brickworks are likely to be commenced. Those at present operating will expand if the demand warrants it but they must use the most modern methods of production. The tunnel kiln method is recognised as the most efficient means of increasing output and quality, but under this clause a local authority could regulate brickmaking.

Hon. Sir Charles Latham: What does that mean?

Hon. R. C. MATTISKE: It could rule that the firm could not erect a tunnel kiln or could work only one eight-hour shift a day and could therefore prevent the industry operating. I would point out to Mr. Logan that clay is at present being carted to the State wire-cut brickworks at Armadale and that is one reason for the heavy losses there. A producer at Northam has operated successfully for years; but, as his clay deposit is becoming exhausted, he has had to arrange to shift his factory to a new deposit, as it is not economic to bring the clay to the existing factory.

There are extremely few suitable clay deposits in this State, and in the metropolitan area they are confined to the Guildford-Swan district and around Orange Grove. There are shale deposits near Byford and Armadale and poor quality clay in the latter area. There is some poor quality clay at Maylands, and the quality of the bricks made from it is not good.

The Mines Department collaborated with Professor Stephenson when preparing his plan for the metropolitan area; and if we compare with his plan the suitable deposits shown by the Mines Department, we see how few they are. Professor Stephenson has reserved those areas as open-space areas, so there is no chance of brick factories starting in residential areas.

Brick production can be fully controlled under Clause 231, by means of the powers relating to excavations. I have evidence in my office of an American who is considering investing capital in a tunnel kiln in an existing brickworks here; but if this clause remains he will withdraw, because it would allow the local authority to tell him how to run the project. There is no nuisance from a brickworks such as there is from a cement works, an oil refinery or a meatworks.

The MINISTER FOR RAILWAYS: The hon. member is at least tenacious. The Committee divided on more than one occasion, previously, on the question of whether local authorities should have control over excavations for brickmaking in their districts, and decided to retain the existing powers in the new Act.

Hon. Sir Charles Latham: You could shift pigs from a piggery easily enough but you could not shift a brickworks very easily.

The MINISTER FOR RAILWAYS: One cannot shift excavations. I have in mind one area where, if the road board had not the existing powers, much of the country would by now have been tunnelled or carted away. Uncontrolled excavations can be very unsightly and dangerous to children and others. I think the clause should be retained.

I do not know of any local governing authority, except one, that has had a difference with a brickmaker and in that particular case the local authority was quite justified. I can imagine how far the brickmaker, in this instance, would have gone had not the local authority possessed the power to restrict his activities. I would also mention that I do not think there is a shortage of bricks at the moment.

Hon. R. C. Mattiske: There is a waiting time at present.

The MINISTER FOR RAILWAYS: Only a short time ago there was a surplus of bricks, and the hon. member told us that the State Brick Works should be closed. I know that the position has changed; but no doubt it will change back the other way within a very short period.

Hon. Sir Charles Latham: It generally changes about election time.

The MINISTER FOR RAILWAYS: I cannot remember any change last year, but at the moment there are some large buildings being erected in the city.

Hon. Sir Charles Latham: But not many of brick.

The MINISTER FOR RAILWAYS: The hon. member apparently has not taken into consideration the State Insurance Office building or the new Royal Perth Hospital wing and the surrounding building. I hope the Committee will be consistent on this question as it was when the clause was first considered by it a few weeks ago.

Hon. L. A. LOGAN: We are considering the Local Government Bill, and therefore we should not take away the power of a local governing authority. In reply to Mr. Mattiske's remarks on brickmaking, I point out that it is not necessary to have a great deal of capital in order to establish a brickworks. I know of one man who had nothing to start with except ambition and the will to make bricks. He obtained all the information on the subject from the reading of books. He became the first man in Australia to manufacture bricks with the use of fuel oil and he did not have a large amount of capital to establish his brickworks. I repeat that we should not take away the powers of a local governing body.

Hon. Sir CHARLES LATHAM: As it stands, the clause is too severe. Existing brickworks could be closed immediately on the passing of this legislation. It has already been pointed out that Western Australia has few good clay brickworks. I have given notice of amendments that might be of benefit to those brickworks already in existence in Midland Junction and Belmont; because if we pass this legislation as it stands, they could be closed and ruined. I do not think Parliament desires to go that far. We have not made ourselves clear in this clause. The power is far too great to hand over to a local authority unless it exercises a good deal of commonsense and a sense of fair play.

Hon. A. R. JONES: I am one of those who opposed this clause when we discussed it previously. I cannot see why we should give a local authority the powers that are sought here. In other clauses a municipality has all the power to ensure that necessary safeguards are made against hazards that might be left by the establishment of a brickworks. As far as a brick kiln is concerned very little dust or smoke comes from it.

Hon. H. L. Roche: There are some pretty big holes in the ground.

Hon. A. R. JONES: Yes, in many cases there are; but we have to remember that the local authority has always held the right to determine whether a brickworks should be established. There has always been a check on brickworks by one piece of legislation or another. If a brickworks becomes so obnoxious as to interfere with the life of a community there should be some provision made whereby it could be bought out.

On the other hand, some of these holes that are left in the ground by brickworks are extremely useful for the dumping of rubbish by a local authority. Only 1½ miles from the centre of the City of Melbourne one can see large heaps of rubbish being piled up daily.

I venture to say that one could erect a brick kiln alongside of Parliament House and no one would know it was there. From the few pictures I have seen of

brick kilns in America one would think that they were large parklands; and, in my opinion, they seem to be equivalent to a modern bakery and its surroundings.

Those brickworks that are already operating should be permitted to continue. If they are considered to be a nuisance now, they must have been a nuisance when they were established. Under its by-laws, every local governing body has the right to ensure the safety of the public in regard to any hazards that are created by brickworks.

Hon. J. McI. THOMSON: I am one of those who voted for this clause when it was last discussed by this committee. I did so because I considered it was very necessary that local authorities should retain the power to make by-laws. At that time I was mainly concerned with the clayholes that are created by brickyards. This provision should not be the means of preventing the existing brickyards from continuing operations. Although I disagree with what has been said this evening, I think it is necessary for local authorities to have the power to make by-laws. They should have power to control excavations for the purpose of brickmaking.

Hon. R. C. Mattiske: That is completely covered by Clause 231 in respect of sand, gravel and all other materials.

Hon. L. A. LOGAN: Might I put this point of view to Mr. Mattiske? If he were a member of the road board, and this Bill were passed, would he be prepared to direct the existing brickworks to discontinue excavating for clay? We should have some respect for the conduct of local authorities. Surely if brickyards have been in operation the local authorities will not close them immediately. We must remember if such a course is adopted the ratepayers have it in their hands to reject the existing members of the road board at the next elections.

Hon. R. C. MATTISKE: I have the greatest respect for local authorities and I would not advocate taking away their powers. No one would invite his financial friends overseas to invest capital in certain forms of production or distribution in this State while there is in existence the Unfair Trading and Profit Control legislation. In the last few months that legislation has driven prospective investors away from the State. I could give definite instances.

By the same token, American investors who are about to invest capital in a new process of brickmaking in this State, which will reduce considerably the present price of bricks, will not do so if this provision is retained. They are not prepared to make such investments while power is given to local authorities to govern brickmaking operations. The investors do not mind the control of excavations being left with local authorities, but they do object to the control of methods of production being given to local authorities.

I would point out that in regard to excavation of pits, Clause 231 covers the position entirely and I would refer to the wording. It covers the quarrying and excavation of gravel, sand, stone and all other materials. To enable local authorities to control the methods of brick production is entirely wrong. If that is agreed to, we should also empower local authorities to control the operations of oil refineries because of the obnoxious smell from them and because refineries depress the values of nearby land.

Likewise, they should have the control of the Robb's Jetty meatworks, the smell from which is obnoxious to nearby residents. Similarly they should also be able to control cement production because of the dust nuisance.

Some members who have opposed this clause have, after personal inspection, realised that brickworks are not obnoxious in operation. There is some argument for the control of excavation of pits and I agree that that control should repose in local authorities. I strongly urge, on behalf of the building industry in this State, that the clause be opposed.

The MINISTER FOR RAILWAYS: Mr. Mattiske pointed out that, in respect of excavations, all materials are covered by Clause 231, but he did not tell us there is an amendment on the notice paper which will render that clause inoperative in regard to minerals covered by the Mining Act.

Hon. R. C. MATTISKE: Not at all. The proposed amendment will exclude minerals covered by the Mining Act and under the control of the Mines Department. Clay for brickmaking is not included among them. The Minister may contend that clay is a mineral under the Act, but land titles issued prior to 1899 vest in the owners all the minerals on the land. All land suitable for clay excavation is found in the old Guildford area, where titles were issued before 1899.

The MINISTER FOR RAILWAYS: I would point out that the minerals to be excluded under the proposed amendment to Clause 231 number over 40 and include clay, ochres, etc. In other words, there would be an open book.

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

| | |
|---|---|
| Ayes .... .... .... .... | 13 |
| Noes .... .... .... .... | 9 |
| Majority for .... | 4 |

Ayes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. H. C. Strickland |
| Hon. L. C. Diver | Hon. J. D. Teahan |
| Hon. E. M. Heenan | Hon. J. M. Thomson |
| Hon. R. F. Hutchison | Hon. W. F. Willesee |
| Hon. G. E. Jeffery | Hon. F. J. S. Wise |
| Hon. L. A. Logan | Hon. F. R. H. Lavery |
| Hon. H. L. Roche | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. C. H. Simpson |
| Hon. Sir Chas. Latham | Hon. H. K. Watson |
| Hon. G. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Hon. G. Fraser | Hon. A. F. Griffith |
| Hon. J. J. Garrigan | Hon. A. R. Jones |
| Hon. G. Bennetts | Hon. J. Cunningham |

Clause thus passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That after the word "council" in line 9, page 148, the following provisos be added:

Provided that the council shall not permit the establishment of any brickworks within a city or a townsite, or within any other area which the council may prescribe for the purposes of this proviso.

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

Hon. J. D. TEAHAN: The amendment is such that it would prohibit the council from issuing a licence to any firm or person to commence a brickworks in a city area or a townsite. It is possible for brickworks to be placed in a position where their establishment would not be objectionable to anybody. The town of York comprises a large area of agricultural land, and the installation of a brickworks in such an area would not be objectionable. The only objection could come from a brickworks being established near a residential area.

Hon. L. C. DIVER: I do not agree with the first part of the amendment, as it takes away from a local authority the determination which should abide with a local authority. It should use its own judgment as to whether a brickworks should be in the townsite or outside. I think the second part of the amendment contains very much merit; in my opinion it is warranted. But I do not agree with the first part.

Hon. Sir Charles Latham: Will you move to delete it?

Hon. L. C. DIVER: I move—

That the amendment be amended by striking out the first proviso and the word "also" in the first line of the second proviso.

Amendment on amendment put and passed.

Hon. L. C. DIVER: I move—

That the amendment be further amended by inserting the word "reasonable" after the word "paid" in line 6 of the second proviso.

Amendment on amendment put and put and passed.

The MINISTER FOR RAILWAYS: I hope the Committee will not agree to this proviso. It would be most unfair to compensate only those who have an existing brickworks, whether they be for the manufacture of sand, mud, cement, American tunnel bricks or any other type of brick. If they commenced operations after the Act came into operation and closed down at the same time as those in existence for five or six years prior to the commencement of the Act, they would be entitled to nothing.

Hon. Sir Charles Latham: They would know the provision was there.

The MINISTER FOR RAILWAYS: Those already established know that too. The provisions were in the local authority Acts before many brickworks commenced operations. One started in the Swan Road Board district, which knew of the conditions. I know that for a positive fact as, in an official capacity, I was an umpire on one occasion. Would it be fair and reasonable if the clay in that area were eventually mined out and then the clay was carted from some miles away to those brickworks?

Hon. R. C. Mattiske: How stupid that is.

The MINISTER FOR RAILWAYS: It could happen. They must mine all the clay out some time. The brickworks could operate there and cart clay from anywhere else in the State. But if the time came when some outhority said that the brickworks had to go, those works would be entitled to compensation.

Hon. Sir Charles Latham: I want to protect your brickworks at Armadale.

The MINISTER FOR RAILWAYS: The hon. member need not worry about the State because it will always co-operate. The proviso would be most unfair in all respects because every brickworks in the metropolitan area has a limited quantity of clay and normally they move their works to the source of supply. The brickworks I have seen do not look as though they would cost a great deal of money to move. Would it be fair for a man to cut out all his available clay and then remain and become a nuisance so that the local authority would shut him down and have to compensate him?

Hon. R. C. Mattiske: He would go broke if he carted clay.

The MINISTER FOR RAILWAYS: The brickmakers do not go broke; they go around the world looking for new ideas. I hope the Committee will not agree to the proviso.

Hon. R. C. MATTISKE: The Minister's arguments are difficult to follow. In one breath he says that the plant, equipment and kilns are such that it would be comparatively simple for them to be moved to a new clay deposit; and in the next he suggests that the individual should stay there and cart clay. When, by interjection, I said he would go broke by doing that, the Minister laughed at me. But the Armadale brickworks, over the last two years, have made losses totalling £75,000 because they have had to cart clay.

The present methods of brick production are uneconomical and inefficient. The Minister must know how concerned the Minister for Housing has been for a number of years not only about the quantity of bricks available but the quality of them. He has been trying to encourage brick manufacturers to improve the quality of their article, and that improvement can be brought about only by the introduction of new capital and the installation of costly equipment.

This proposal goes a certain way towards overcoming the damage which has been done by the inclusion of the remainder of Clause 196. I support the amendment.

Hon. H. K. WATSON: The amendment is well merited. No local authority or government should have the power to take away an individual's assets or business without providing compensation, whether it is done before or after the commencement of the Act. That is a fundamental principle and it applies to the Commonwealth Government because the Federal Constitution says so. Our Town Planning Act provides for compensation.

Touching on the point the Minister made of the Smart Aleck whose business is exhausted but who decides to cart clay from South Australia or somewhere, I point out that the amendment provides for reasonable compensation to be agreed upon, or to be decided by arbitration. If I were the arbitrator I know how much compensation I would award a businessman who put up a trick of that nature. There would be no exorbitant award or undue payment.

Hon. L. C. DIVER: A local authority cannot stop the owner of a dairy in a town from continuing his business. He cannot be prevented even under the Health Act. Yet it is proposed that the manufacture of bricks shall be stopped if the local authority thinks it wise, and the owner of the establishment shall be paid no compensation. I cannot be a party to that sort of thing.

Hon. H. K. Watson: It offends against first principles.

Hon. L. C. DIVER: It is the right of a citizen that he shall be paid compensation if his business is disrupted for the benefit of the community.

The MINISTER FOR RAILWAYS: A brickmaker knows the extent of his business by the quantity of his clay. If the clay cuts out and he is able to purchase another deposit nearby but the local authority prevents him from so doing, would the local authority then be prohibiting the brickmaker from making bricks?

Hon. L. C. Diver: You are presuming that.

The MINISTER FOR RAILWAYS: I am putting this up as a hypothetical case; but these instances do occur, and the local authority would be in an awkward position. This is not presumption, but a factual case that I know of. It would depend on what the court decided was "prohibiting the continuance of brickmaking."

Hon. Sir Charles Latham: I think you are right. If he is carting his stuff, he is continuing.

The MINISTER FOR RAILWAYS: We all agree that no one should take anything from anybody without providing compensation. But what will be the position in the circumstances I have just outlined? I think this is far too dangerous.

Hon. L. C. DIVER: The Minister is stretching an exceedingly long bow. The proviso refers to this section and does not deal with Section 231. As regards the hypothetical case of the carting of clay, I think that was covered by Mr. Watson when he said the arbitrators would pay due attention to these points in assessing reasonable compensation.

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

| | |
|---|---|
| Ayes .... .... .... | 13 |
| Noes .... .... .... | 9 |
| Majority for .... | 4 |

Ayes.

| | |
|---|---|
| Hon. L. C. Diver | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. H. L. Roche |
| Hon. A. R. Jones | Hon. J. M. Thomson |
| Hon. Sir Chas. Latham | Hon. H. K. Watson |
| Hon. L. A. Logan | Hon. F. D. Willmott |
| Hon. G. MacKinnon | Hon. C. H. Simpson |
| Hon. R. C. Mattiske | *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. J. D. Teahan |
| Hon. R. F. Hutchison | Hon. W. F. Willesee |
| Hon. G. E. Jeffery | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. E. M. Heenan |
| Hon. H. C. Strickland | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Hon. A. F. Griffith | Hon. G. Fraser |
| Hon. J. Cunningham | Hon. G. Bennetts |
| Hon. N. E. Baxter | Hon. J. J. Garrigan |

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

Clause 209—Fires:

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

That the words "stacking, storage" in line 26, page 153, be struck out.

This amendment has been moved at the request of the Perth City Council which has pointed out to me that it has had a considerable amount of trouble with persons placing, stacking, storing, and keeping dangerous or inflammable substances. It feels, after consultation with its solicitors, that by striking out these words and inserting the words "or leaving" the policing of by-laws made in accordance with this clause will be considerably facilitated.

Hon. J. D. TEAHAN: The notes of the department on this amendment are to the effect that the words should be retained because they do not appear to be redundant. They are capable of serving a useful purpose.

Hon. R. C. MATTISKE: The amendment was drafted by the solicitors of the Perth City Council; but if the departmental attitude, after consideration of the amendment, is such that a useful purpose will be served by retaining the words, I am prepared to leave it to the Committee to decide.

Amendment put and negatived.

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

That after the word "keeping" in line 26, page 153, the words "or leaving" be inserted.

Hon. J. D. TEAHAN: There is no objection to this amendment.

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

Clause 213—Goats:

The MINISTER FOR RAILWAYS: The amendment which is in my name on the notice paper is, in my opinion, not warranted and I do not desire to move it.

Clause 231—Quarrying and excavating:

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

That after the word "council" in line 37, page 167, the following proviso be inserted:—

Provided that this section shall have no application in respect of the excavation for or mining or winning such minerals as are defined by section one hundred and thirty-six of the Mining Act, 1904-1955.

At present this clause provides for the quarrying of any mortal thing. But under the Mining Act certain minerals are prescribed. The list is a comprehensive one, and the minerals concerned are under the control of the Minister for Mines. Before anyone can excavate for any of those minerals he must go through certain formalities which include the taking out of a miner's right, a permit to enter the land, the pegging of a claim, and the hearing of the claims by a warden or magistrate; and then the recommendation is made to the Minister for Mines who makes the final decision, on the advice of his engineers, and with a knowledge of the economic position of the State as regards that particular mineral.

I contend, therefore, that it is well beyond the scope of a local authority to permit it to say whether or not there should be that excavation. The only right of appeal from a decision of a local authority is to the Minister for Local Government whose decision is final. With all due respect, the Minister for Local Government has not the same knowledge or the expert advice available as has the Minister for Mines; and therefore I submit that it is wrong to include all materials under this section.

As regards clay used for pottery production, there are certain limited deposits and the quantities used could be carted away in a wheelbarrow. These deposits are to be found in the Swan area and the factories using them are in East Perth, Subiaco and probably elsewhere. Some members have seen the Subiaco factory and have been impressed with the quality of the articles produced. But the quantity of material used for that purpose would be very small as compared with the quantity of material used for brickmaking.

The MINISTER FOR RAILWAYS: I hope that the Committee will be consistent and reject this proviso. It was submitted to us, in slightly different wording, a few weeks ago, and on a division was defeated. My only comment in connection with it is that Mr. Mattiske is endeavouring to take away from local authorities the right to have any control over excavations for any of the minerals mentioned.

Hon. Sir Charles Latham: They must have a mining right.

The MINISTER FOR RAILWAYS: Not for clay or sand or gravel or bauxite.

Hon. R. C. Mattiske: They would come under the jurisdiction of the Minister for Mines.

The MINISTER FOR RAILWAYS: I am sure the hon. member does not want to mislead the House, but he knows that quarriers in the metropolitan area do not require a miner's right.

Hon. R. C. Mattiske: Have you read Section 136 of the Mining Act?

The MINISTER FOR RAILWAYS: I have done so before, but the hon. member's proviso does not put it in the Mining Act. It simply exempts all those minerals from the Local Government Act.

Hon. R. C. Mattiske: But that does not include clays, gravel, etc.

The MINISTER FOR RAILWAYS: Where is that?

Hon. R. C. Mattiske: In the Mining Act.

The MINISTER FOR RAILWAYS: The minerals mentioned in Section 136 of the Mining Act are as follows:—

> Antimony, arsenic, bismuth, chromium, cobalt, copper, lead, iron, manganese, mercury, molybdenum, nickel, rare metals, silver, tantalum, tin, titanium, tungsten, uranium, zinc and the ores and earths of these metals; alunite, ambylgmite, asbestos, barytes, bauxite, carbonaceous shale, corundum, diatomaceous earth, gadolinite, glass sand, graphite, gypsum, limestone, magnesite, mica monazite, potash, quartz crystal, rock salt, scheelite, vermiculite, wolfram; clays, ochres and felspars for use in the manufacture of porcelain,

The hon. member read it as clays and ochres.

Hon. R. C. Mattiske: See where the semicolon appears.

The MINISTER FOR RAILWAYS: The minerals continue—

> fine pottery or pigments; minerals to be worked for potash contents; mineral phosphates; material for cement making; coal and oil; and any mineral that the Governor may from time to time by proclamation bring under the provisions of this Part of this Act.

Mr. Mattiske's amendment will not exempt all those from the Local Government Act.

Hon. H. K. Watson: They are covered by the Mining Act.

The MINISTER FOR RAILWAYS: They are not. The Minister for Mines cannot prevent anyone taking away sand from private land. He can do that only when Crown land is affected.

Hon. R. C. MATTISKE: I object to the Minister implying that I am misleading the Committee. He is not reading this section of the Act correctly. After the list of the different metals down to wolfram, there is a semicolon. Then appears clay, ochres and felspars for use in the manufacture of porcelain, fine pottery or pigments. It does not require much education to see that clays, ochres and felspars referred to are only those required for the manufacture of fine porcelain and the amount involved could be carried away in a wheelbarrow. It is clay for a special purpose and that is why it is placed under the control of the Minister for Mines.

Hon. H. K. Watson: Can he give mineral rights?

Hon. R. C. MATTISKE: He must go through the procedure of the Mining Act. In order to excavate for any of these minerals it is necessary to obtain a miner's right and the Minister decides whether the excavations shall proceed. The position could arise when a local authority would say, "There may be gold in that ground but you are not going to dig for it." The Minister for Local Government will have the final say in that matter. Under the Mining Act the Minister for Mines has the prerogative, otherwise we could delete all that and say it is covered by later legislation in the Local Government Bill, and therefore it is the local government authorities who now say where to mine for different minerals.

The MINISTER FOR RAILWAYS: I know my education is not up to the standard of Mr. Mattiske's, but it is not that low as to prevent me knowing the points he is making. The hon. member knows that brick manufacturers do not require a miner's right. Nor do cement manufacturers or the limestone manufacturers at Cockburn Sound. The sand brick manufacturers at Bulls Creek do not require a miner's right; nor is it required for the ilmenite in the Capel area. The Mines Department has no jurisdiction over this when it is on private land, and the local authority is the only one that has. If the local authority feels that the permit should not be given a person has the right of appeal to the Minister whose decision is final. That has been removed from the Act.

Hon. Sir Charles Latham: It was unwise to remove that.

The MINISTER FOR RAILWAYS: Mr. Mattiske now wants to remove all control over excavations of any kind on earth mentioned in this definition in the Mining Act.

Hon. R. C. MATTISKE: I still think the Minister is unintentionally misleading the Committee. I know it is not necessary to get a miner's right. That is provided for in Clause 231. My amendment covers those minerals that we find in the Mining Act and that does not include gravel and clay for brickmaking, though it does include certain clays for certain purposes. If a person wished to dig for ilmenite he would be under the control of the local authority, because it is not listed in the Mining Act. Similarly if he wished to excavate for gravel or clay for brickmaking, he would find it was completely controlled by the Local Government Bill and the Minister for Mines had no say. I hope I have now made the point clear.

Hon. L. C. DIVER: It appears that the amendment is designed to prevent a clash of authorities. For instance, it may be in some mining town where certain metals will come under the jurisdiction of the Mines Department that, having satisfied the requirements of the department, a person wishing to mine those metals would—unless the amendment is agreed to—have to go to the local authority and obtain permission from it to

carry on. The Minister for Mines at present protects the interests of the local authority in any respect in which it needs protection. So I propose to support the amendment.

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

| | | | | |
|---|---|---|---|---|
| Ayes | .... | .... | .... | 12 |
| Noes | .... | .... | .... | 9 |
| Majority for | .... | .... | | 3 |

Ayes.

| | |
|---|---|
| Hon. L. C. Diver | Hon. J. Murray |
| Hon. J. G. Hislop | Hon. C. H. Simpson |
| Hon. A. R. Jones | Hon. J. M. Thomson |
| Hon. Sir Chas. Latham | Hon. H. K. Watson |
| Hon. G. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | Hon. L. A. Logan (*Teller.*) |

Noes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. J. D. Teahan |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. G. E. Jeffery | Hon. F. J. S. Wise |
| Hon. F. R. H. Lavery | Hon. R. F. Hutchison |
| Hon. H. C. Strickland | (*Teller.*) |

Pairs.

| Ayes. | Noes. |
|---|---|
| Hon. A. F. Griffith | Hon. G. Fraser |
| Hon. J. Cunningham | Hon. G. Bennetts |
| Hon. N. E. Baxter | Hon. J. J. Garrigan |

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

*Sitting suspended from 10.35 to 11 p.m.*

Clause 239—Streets, use and management:

Hon. R. F. HUTCHISON: I move an amendment—

That paragraph (s), lines 4 to 6, page 176, be struck out.

I have been in touch with the Local Government Office and I am told that this is a prohibitive provision and that it does not give protection. The information I was given is that small perambulators are probably no great trouble, but in narrow congested streets with narrow footpaths, the use of large perambulators such as are common in England could result in the complete blockage of pedestrian traffic. Therefore, in case there should be a change in fashions involving the use of these extraordinarily large perambulators, there should be power to prohibit their being allowed to stand alongside each other, unattended, in the street.

I do not think it is likely that this will happen in Western Australia, because I cannot imagine women in our climate wanting to push large perambulators. I have been asked by various associations to move for the deletion of this paragraph.

Hon. Sir CHARLES LATHAM: I am sure the hon. member misunderstands the provision; but if the Committee agrees to the amendment I will raise no objection.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:—

| | | | | |
|---|---|---|---|---|
| Ayes | .... | .... | .... | 11 |
| Noes | .... | .... | .... | 10 |
| Majority for | .... | .... | | 1 |

Ayes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. H. C. Strickland |
| Hon. W. R. Hall | Hon. J. D. Teahan |
| Hon. E. M. Heenan | Hon. W. F. Willesee |
| Hon. J. G. Hislop | Hon. F. J. S. Wise |
| Hon. R. F. Hutchison | Hon. F. R. H. Lavery |
| Hon. G. E. Jeffery | (*Teller.*) |

Noes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. R. C. Mattiske |
| Hon. L. C. Diver | Hon. J. Murray |
| Hon. Sir Chas. Latham | Hon. C. H. Simpson |
| Hon. L. A. Logan | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | Hon. F. D. Willmott (*Teller.*) |

Pairs.

| Ayes. | Noes. |
|---|---|
| Hon. G. Fraser | Hon. A. F. Griffith |
| Hon. G. Bennetts | Hon. J. Cunningham |
| Hon. J. J. Garrigan | Hon. A. R. Jones |

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

Clause 281—Property in streets:

The MINISTER FOR RAILWAYS: I move an amendment—

That after the word "Minister" in line 10, page 200, the words "for Lands" be inserted.

The advice of the department in connection with this amendment is that it is to ensure that the control over the opening and closing of roads is under the jurisdiction of the Minister for Lands; and the amendment is most desirable.

Hon. R. C. MATTISKE: I must support this because it is an exact parallel with my proposition in Clause 231. As the Minister for Lands has authority in connection with the opening or closing of roads, it is only right that the amendment should be made.

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

Clause 282—Governor's approval necessary before exercise by councils of certain powers relating to provision of streets:

The MINISTER FOR RAILWAYS: I move an amendment—

That after the semicolon following the word "use" in line 33, page 200, the word "or" be inserted.

This and subsequent amendments which it is suggested should be made to this clause are for the purpose of—

(a) Ensuring that the Minister for Lands is charged with the control of roads.

(b) Deleting the requirement that every road in every new subdivision must be specifically dedicated by the Governor thereby allowing automatic dedication of streets

shown in subdivisional plans or in town planning schemes, as is the custom at present.

(c) Ensuring that no road is less than 66ft. in width unless it is approved either by the Minister for Lands or shown in a town planning scheme or an approved subdivision.

Amendment put and passed.

On motion by the Minister for Railways, clause further amended by—

Striking out the whole of subparagraph (iii) in lines 34 to 36, page 200;

striking out the expression "(iv)" in line 1, page 201, and inserting the expression "(iii)";

inserting after the word "Minister" in line 16, page 201, the words "for Lands";

striking out the words "of opinion" in line 31, page 201, and inserting the following:—"(i) The Minister for Lands certifies."

The MINISTER FOR RAILWAYS: I move an amendment—

That after the word "granted" in line 33, page 201, the following be inserted:—", or (ii) the street is one set forth in a Town Planning Scheme which has been approved under the Town Planning and Development Act, 1928."

Hon. R. C. MATTISKE: Would the title of the Act—Town Planning and Development Act, 1928—be correct, even though it has been amended subsequent to that year?

The MINISTER FOR RAILWAYS: I understand that under the Interpretation Act, although the Town Planning and Development Act has been amended since 1928 it would still apply notwithstanding the year shown here.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

That the passage "(ii), (iii) or (iv)" in line 8, page 202, be struck out and the passage "(i), (ii) or (iii)" inserted in lieu.

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

Clause 283—Declaration of dedication of public streets:

The MINISTER FOR RAILWAYS: I move an amendment—

That after the semicolon following the word "public" in line 22, page 202, the word "or" be inserted.

This and the following amendments which appear on the notice paper are consequential in the same manner as the foregoing. They are to ensure that no road is less than 66ft. wide and is in accordance with the Town Planning and Development Act.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

That the word "or" in line 23, page 202, be struck out.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

That subparagraph (iii), in lines 24 and 25, page 202, be struck out.

Hon. Sir Charles Latham: Does it include streets, ways, and public places as well?

The MINISTER FOR RAILWAYS: They are all tied up with the dedication of streets shown in subdivisions or town planning schemes as is the custom at present. It is to bring the existing custom under the Minister for Lands to ensure that no road under a certain width, unless it is approved by the Minister is shown in a town planning scheme or approved subdivision.

Amendment put and passed.

On motions by Minister for Railways clause further amended by—

Inserting after the word "Minister" in line 12, page 203, the words "for Lands";

striking out the word "and" in line 39, page 203, and inserting the word "or" in lieu;

striking out the words "The Governor is of opinion" in line 1, page 204, and substituting the words "(i) The Minister for Lands certifies" in lieu;

inserting in line 3, page 204, the words "; or (ii) the street is one set forth in a Town Planning Scheme which has been approved under the Town Planning and Development Act, 1928."

Clause, as amended, put and passed.

Clause 289—Closing of streets:

The MINISTER FOR RAILWAYS: I move an amendment—

That after the word "time" where appearing for the third time in line 38, page 209, the words "and may give to land registration authorities such instructions as he thinks fit," be inserted.

This is to ensure that when roads have been closed and disposed of, the Governor may direct the Registrar of Titles or the Lands Department to include the land in the title covering the adjoining land if the land is transferred to the holder of that land and to make the added piece subject to the same encumbrances as the remainder of the land.

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

Clause 290—Notice of subdivision of land required.

The MINISTER FOR RAILWAYS: The information I have concerns the purpose of the amendments pertaining to this clause is as follows:—

(a) to use the word "lots" instead of "allotments" so that the legislation will coincide with the Town Planning Act;

(b) to provide for automatic dedication on the sale of an allotment in a subdivision of another street shown in the plan of that subdivision to which the land sold is fronting;

(c) to provide that in giving names to subdivisions or to streets, the approval of the Minister for Lands is obtained;

(d) to provide also that no street shall be less than 66ft. in width unless approved by the Minister for Lands;

(e) to make it clear that the appeal against refusal to permit a person to sell part of the land in a subdivision before the whole of the subdivision has been given roads, etc., will lie to the Minister for Local Government and not to the Minister for Lands as this is a matter of the action of the local authority and has no bearing on the road itself.

On motions by the Minister for Railways, the following amendments were agreed to—

That the word "allotments" in line 31, page 210, be struck out and the word "lots" inserted in lieu.

That the words "this Act" in line 38, page 210, be struck out and the words "the Town Planning and Development Act, 1928," inserted in lieu.

That at the end of the subclause, in line 38, page 210, the following be inserted:—

No street shall, without the consent in writing of the Minister for Lands, be set out or constructed unless the width of such street, to be ascertained by measuring at right angles to the course of such street from front to front of the boundary line on either side thereof, shall be sixty-six feet in width but any ways shown on a subdivisional plan duly approved under this Act or any repealed Act shall be deemed to be lawfully set out.

That the words "Before resolving to request approval of the Governor for the council to approve the plan, or to request the Governor to declare the proposed street to be a public street, or after having been invited to reconsider the request" in lines 12 to 16, page 211, be struck out.

That after the word "street" in line 29, page 211, the following new paragraph as (c) be inserted:—

(c) A name shall not be allocated to any area or to any street without the prior approval of the Minister for Lands.

That the word "allotments" in line 25, page 212, be struck out and the word "lots" inserted in lieu.

That the word "allotments" in line 27, page 212, be struck out and the word "lots" inserted in lieu.

That paragraph (d) in lines 35 to 40, page 212, be struck out.

That paragraph (e) in lines 6 to 17, page 213, be struck out.

That the expression "(f)" in line 18, page 213, be struck out and the expression "(d)" inserted in lieu.

That after the word "Minister" in line 18, page 213, the words "for Local Government" be inserted.

That the word "allotments" in line 23, page 213, be struck out and the word "lots" inserted in lieu.

That the word "allotments" in line 26, page 213, be struck out and the word "lots" inserted in lieu.

That the words "The decision of the Minister is final" be added to paragraph (f).

That paragraph (g) in lines 27 to 30, page 213, be struck out.

That Subclause (4), lines 31 to 36, inclusive, page 213, be struck out and the following inserted in lieu:—

(4) When a plan of any such subdivision is deposited in the Office of Titles, and approved by the Inspector of Plans and Surveys or other officer appointed to approve plans, and a transfer of one or more lots (not being the whole of the land on such plan) is registered, then as from the date of registration of such transfer any land delineated and shown as a new street, on such plan shall become dedicated as a street, and shall be under the control of the Council; but no way not exceeding 20 feet in width shall be dedicated or be deemed to have become dedicated as a street by virtue of anything in this sub-section or in subsection (5) of section one hundred and fifty-seven of the Road Districts Act, 1919, or subsection (4) of section three hundred and twenty-eight of the Roads Act, 1911.

Clause, as amended, put and passed.

Clause 291—Power of council, of its own motion to construct, repair and to clear private streets:

Hon. L. C. DIVER: The amendments I propose to move to this clause may appear a little complex; but on the last occasion the Committee debated it, I drew attention to the fact that even under modern town planning, the position could arise where the only access to a number of properties was by a laneway. It is my intention to move for the deletion of Subclause (1) which defines an "owner". An owner is defined to enable an account to be rendered. I move an amendment—

> That Subclause (1), in lines 2 to 8 inclusive, page 214, be struck out.

Hon. J. D. TEAHAN: This is a clause which may well remain as printed. The notes I have on this clause are as follows:—As the Council has already amended the clause and left it in an incomplete state, the addition suggested by Mr. Diver is a reasonable alteration to clarify the position. The whole principle is wrong, however, and it would be far better that the clause should remain in its present incomplete state so that no use could be made of it rather than that there should be written into the Bill a definite power to local authorities to construct roads for the benefit of private persons at the expense of the general ratepayers. The road in question may be formed and paved by the council at considerable expense and the owner of the land may then decide to close the road so that nobody has the benefit of it. There seems to be little difference in the carrying out of improvements to a road under this power and the carrying out of improvements to, for example, ground owned by a private sporting club for the benefit of its members at the expense of the general ratepayers.

If the amendment is to be accepted, some provision should be included in the Bill so that the land in question will be transferred to the Crown to serve as a road without any right of compensation to the owner as otherwise he could claim compensation not only for the land but also for the improvements carried out on it at public expense.

Hon. L. C. DIVER: I must be at cross purposes with the department because the laneway in question has a water main underneath and electric light poles along it, and the authorities responsible for those services are treating the land as a common road although it is only 16ft. wide. I would have thought that had the officers of the department realised the position they would have given Mr. Teahan more information in connection with my amendment. The best thing the Committee can do is to agree to the amendment and when in due course, the Bill is again reviewed, it can then be further amended if necessary.

Amendment put and passed.

Hon. L. C. DIVER: I move an amendment—

> That paragraph (b) of Subclause (2), in lines 16 to 25, page 214, be struck out and the following inserted in lieu:—
>
> (b) of its intention to form, level, pave, kerb, drain, or form or construct water tables in, the roadway or footpath of a private street or part of a private street in the district.

Amendment put and passed.

On motions by Hon. L. C. Diver, the following amendments were agreed to:—

> That after the word "previously" in lines 24 and 25, page 214, the following words be added:—
>
> and may carry out such work at the expense of the council.
>
> That paragraph (c) in lines 26 to 28, page 214, be struck out.

Clause, as further amended, put and passed.

Clause 354 — Council may require owners and occupiers to make and repair crossings:

On motion by Hon. R. C. Mattiske, the following amendments were agreed to:—

> That after the word "with" in line 24, page 262, the words "one half of" be inserted.
>
> That after the word "charge" in line 41, page 262, the words "one half of" be inserted.

Clause, as amended, put and passed.

Clause 368—Plans of buildings to be approved by council:

On motions by Hon. L. C. Diver, the following amendments were agreed to:—

> That all the words after the word "continues" in line 9, down to and including the word "continues" in line 11, page 276, be struck out.
>
> That all words after the word "continues" in line 38, down to and including the word "continues" in line 40, page 276, be struck out.

Clause, as amended, put and passed.

Clause 369—Notice to be given before commencing to build or alter a building:

Hon. L. C. DIVER: I move an amendment—

> That all words after the word "continues" in line 28, down to and including the word "continues" in line 30, page 277, be struck out.

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

Clause 371—No materials to be deposited on streets without licence:

On motions by Hon. L. C. Diver, the following amendments were agreed to:—

That all words after the word "continues" in line 1 down to and including the word "continues" in line 3, page 279, be struck out.

That all words after the word "continues" in line 4 down to and including the word "continues" in line 6, page 280, be struck out.

That all words after the word "continues" in line 23 down to and including the word "continues" in line 25, page 280, be struck out.

Clause as amended put and passed.

Clause 395—Notice of required alterations:

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

That after the word "appeal" in line 15, page 299, the following proviso be added:—

Provided that a building contractor is not liable for an offence against this section for anything done or omitted if the erection of the building is supervised by a qualified architect engaged by the building proprietor.

Recently, when we were considering an amendment to the Health Act, a provision similar to this was included after considerable debate. Therefore, I feel there is no necessity to retrace the whole ground.

The MINISTER FOR RAILWAYS: This is another one of those amendments which was defeated previously. The engagement of an architect should not take away the responsibilities of a builder for making good any departure from plans or any unsafe or dangerous work carried out by him on a building. It was fully discussed and considered previously and members were firm in their opinion that this could not apply in all cases, particularly in country areas. I hope members have not changed their opinion, and that the amendment will not be agreed to.

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

| | |
|---|---|
| Ayes .... .... .... .... | 10 |
| Noes .... .... .... .... | 10 |
| A tie .... .... | 0 |

Ayes.

| | |
|---|---|
| Hon. N. E. Baxter | Hon. H. L. Roche |
| Hon. L. C. Diver | Hon. C. H. Simpson |
| Hon. J. G. Hislop | Hon. H. K. Watson |
| Hon. G. C. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | Hon. J. Murray |

*(Teller.)*

Noes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. H. C. Strickland |
| Hon. E. M. Heenan | Hon. J. D. Teahan |
| Hon. G. E. Jeffery | Hon. W. F. Willesee |
| Hon. Sir Chas. Latham | Hon. F. J. S. Wise |
| Hon. L. A. Logan | Hon. F. R. H. Lavery |

*(Teller.)*

Pairs.

| Ayes. | Noes. |
|---|---|
| Hon. A. F. Griffith | Hon. G. Fraser |
| Hon. J. Cunningham | Hon. G. Bennetts |
| Hon. A. R. Jones | Hon. J. J. Garrigan |
| Hon. J. M. Thomson | Hon. R. F. Hutchison |

The CHAIRMAN: The voting being equal, the amendment is negatived.

Amendment thus negatived.

Clause put and passed.

Clause 428—Penalties:

Hon. L. C. DIVER: I have an amendment on the notice paper to strike out paragraphs (c) and (d) of Subclause (1). Before doing so it will be necessary to strike out the words "with or without provision for" in line 26.

The CHAIRMAN: I suggest to the hon. member that he move to strike out all words commencing with the word "with" in line 26 and ending with the word "offender" in line 34.

Hon. L. C. DIVER: Very well. I move an amendment—

That all words beginning with the word "with" in line 26 and ending with the word "offender" in line 34, page 323, be struck out.

We have agreed to delete the minimum penalty that was prescribed in the Bill, but this clause would impose a minimum penalty greater than that which was previously prescribed because it seeks to permit a local authority to impose a minimum penalty for every day the offence continues. If the maximum penalty is £5, one-tenth of that would be 10s. a day; so whereas in the body of the Bill a minimum penalty of 4s. a day was prescribed, this clause seeks to impose a minimum penalty of 10s. a day. I therefore hope the Committee will agree to my amendment.

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

Clause 473—Goats, pigs, poultry may be destroyed if found on enclosed land:

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

That after the word "pigs" in line 32, page 349, the words "birds" be inserted.

When this clause was previously considered by the Committee reference was made to the considerable trouble caused by pigeons. The amendment, therefore, is designed to cover that aspect.

Hon. Sir CHARLES LATHAM: The hon. member should insert the word "pigeons" instead of the word "birds." As it stands the amendment could include seagulls or any other type of bird.

Hon. R. C. MATTISKE: There are, of course, many birds that are a nuisance and extremely destructive.

Hon. Sir Charles Latham: I would not like to see ordinary birds, including seagulls, destroyed.

Hon. R. C. MATTISKE: Perhaps Sir Charles could move an amendment on the amendment that the word "pigeons" be inserted instead of the word "birds."

The MINISTER FOR RAILWAYS: The Committee discussed this clause previously and it was decided to give it further consideration. It is considered that as birds are free to come and go at will, it would be extremely difficult to administer such a provision efficiently. The clause states that an owner has to give notice before he can destroy goats, pigs—and birds, if the amendment is agreed to. Seagulls are a great nuisance because they contaminate rainwater by perching on the roofs. However, as they would have no owner it would be impossible to give notice to an owner. If a pigeon or other bird walked on to a person's property from the yard of the next door neighbour, the owner could give notice to his neighbour and destroy the bird.

Hon. Sir CHARLES LATHAM: Firstly, one is not permitted to discharge a firearm in any municipality; and if birds were poisoned I should think there would be an outcry on the part of the Royal Society for the Prevention of Cruelty to Animals. I know that every now and again the Perth City Council conducts a shooting campaign against pigeons. I do not see why the hon. member wants to include birds generally.

Hon. R. C. MATTISKE: It has just been asked whether this point is covered by the Health Act, but departmental information is silent on the question. I raised this point merely because pigeons cause a great deal of nuisance. If it is felt, however, that there are too many difficulties connected with the administration of the amendment, I am quite prepared to withdraw it.

Hon. Sir Charles Latham: The hon. member could insert the word "pigeons."

Hon. R. C. MATTISKE: If I could be permitted to withdraw this amendment, I could move another one to insert the word "pigeons."

Hon. C. H. SIMPSON: This applies to road board districts as well as to municipalities. We must consider the areas where there are vineyards and orchards.

Hon. Sir Charles Latham: Would you have to serve notice on the owner?

Hon. C. H. SIMPSON: I think so. I think the word "birds" would make it more comprehensive than the word "pigeons."

The CHAIRMAN: Does Mr. Mattiske still wish to alter his amendment?

Hon. R. C. MATTISKE: Yes, Mr. Chairman.

The CHAIRMAN: Has the hon. member permission to alter his amendment?

Hon. F. R. H. Lavery: No.

The CHAIRMAN: There being a dissentient voice the amendment remains unaltered.

Hon. F. R. H. LAVERY: With your leave, Mr. Chairman, I would like to point out that I was being a little facetious.

The CHAIRMAN: That is most unfortunate, but I am afraid I cannot have that happening night after night; it happened once before.

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

Clause 474—Stray cattle not to be taken away without notice to owner of land where they are:

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

> That after the word "offence" in line 35, page 350, the words "and is liable to a penalty not exceeding two hundred pounds" be inserted.

This is particularly important for cattle and sheep. In the past the police department has found it difficult to prove stealing charges in connection with sheep that have been removed from an owner's land. This provision was taken from the South Australian Impounding Act, 1935, which provided a maximum penalty of £20, and a minimum penalty of £5. At that time sheep were selling at 10s. a head; but today they are £5 a head, and it is necessary for the penalty to be fairly high.

It has been common practice for people with trucks to back their vehicles on to a fence, load up with 40-odd sheep and drive away, and the offence cannot be proved. The penalty provided is only £50 and the thief might be getting away with £200 worth of sheep. I had some sheep stolen; and though I knew who had taken them, I could not prove it. If this provision had been in the Act, I could have taken action. The following clause provides a penalty of £100 for releasing cattle from a pound. There is no comparison between the two offences and the penalty for stealing sheep should be heavy.

Hon. G. C. MacKINNON: I want to know whether the word "cattle" covers sheep. In country towns a number of people own cows and they often get away to the herds on the outskirts. I have

often heard it said that the penalty provision is an indication to the magistrate. But does it mean that if a boy dashes out before school to get the cow he will be liable to a penalty not exceeding £200? Has Mr. Baxter considered the problem of a house cow?

Hon. F. R. H. LAVERY: Would not penalties for cattle stealing be provided under the Criminal Code? I would like to know what happens in regard to this type of thing in the North?

Hon. N. E. BAXTER: In relation to the query on the house cow, although the maximum penalty is £200 for the offence referred to, no magistrate would inflict the maximum penalty for the removal of a house cow from a paddock. On the first offence he would probably give a warning to the offender, and on the second offence he might impose a fine of 10s. A discretion should be left to the magistrate to decide the degree of the offence.

I agree that the Criminal Code provides penalties for cattle stealing, but the amendment refers to cases where actual theft is not proved. It is very difficult to prove a charge of cattle stealing, and the offender must be actually caught in the act to be successfully prosecuted. This amendment will enable the police to pass the word on and to give evidence to the magistrate that a person is highly suspected of cattle stealing.

Hon. Sir CHARLES LATHAM: I would point out that the interpretation of "cattle" in Clause 6 includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats and swine.

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

Clause 504—Hostels for school children may be provided:

Hon. G. C. MacKINNON: I move an amendment—

> That new paragraph (j) inserted by a previous Committee be struck out and the following inserted in lieu:—
>
> > (j) may provide, establish, conduct, control and maintain on land owned by or under the control of the council, parking areas and parking stations including termini for buses.

The amendment was put forward as a result of an inquiry in respect of the control by the council of parking meters.

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

Clause 514—Funds to be established:

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

> That the words "separate and distinct banking accounts in respect of each of" in lines 14 and 15, page 375, be struck out and the words, "one trust fund banking account in respect to," inserted in lieu.

This amendment has been put forward at the request of the Perth City Council. Hundreds of trust accounts are kept by that local authority. If the clause is not amended it will be necessary to have a separate account for each trust fund. The effect would be precisely the same if one trust account were formed into which all the items were paid.

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

Clause 523—Land is ratable property:

Hon. G. C. MacKINNON: I move an amendment—

> That after the word "Crown" in line 12, page 386, the word "and" be inserted.

We did discuss this amendment at some length. It was withdrawn at the request of the Committee with a view to having the provision redrafted. In essence it deals with the problem of Crown lands and whether or not they are ratable.

Land is not ratable property if it is owned by the Crown and is not used for business trading purposes or purposes of residence. There are cases where a railway runs through the centre of a town and on each side of the railway there are some valuable building blocks. There are a lot of these towns in the wheatbelt. There is one in the South-West which has a main street on each side of the railway, and the railway authorities own half of the most valuable building blocks in that town. They own a line of houses which are also built on railway property. They could build shops in two main streets and not pay any rates. In Manjimup one street is railway property and is built on. The local authority has to provide footpaths but does not receive any rates. The Crown should be subject to normal rates.

The MINISTER FOR RAILWAYS: It is a pity prior notice was not given of this amendment.

Hon. G. C. MacKinnon: This amendment has been on the notice paper for two or three weeks.

The MINISTER FOR RAILWAYS: It is my opinion that even if the Council persists with this amendment the Government will never agree to it. The Government has approved of a policy of making ex gratia payments for all residences and wherever property is let for business purposes. The Railway Department has followed that policy consistently.

Unfortunately local authorities have been spending money in other parts of the town and leaving the residential area

provided by the Government without footpaths and decent roads. That is what induced the Government to adopt the policy of ex gratia payments. At the moment the Government has the right to discontinue these payments; but if this amendment were carried, it would have no say in the matter.

Amendment put and negatived.

Hon. H. L. ROCHE: I move an amendment—

> That the words "and is exclusively used for such purposes" in lines 10 and 11, page 387, be struck out.

I am asking the Committee to agree to the exclusion of these words because if at a later stage of the Committee I am successful with my move to delete Clause 528B it will be necessary to take these words out. This amendment is in connection with the charge levied against the Royal Agricultural Society and societies in the country which are not vested in a local authority. I think there has been a certain amount of misunderstanding on this matter; and I feel sure that if the Committee had a proper appreciation of the work done by the people running the Royal Agricultural Society in an honorary capacity, and of the financial position of that organisation, it would agree to the deletion of these words.

Hon. R. C. MATTISKE: I hope the Committee will not agree to delete these words. As Mr. Roche has said, the matter was previously debated at length. Afterwards there was a lengthy telephone talk between myself and Mr. Gooch, president of the Royal Agricultural Society. He subsequently wrote to Mr. Roche and submitted a copy of the letter, which he authorised Mr. Roche to pass to me. In that letter there is nothing new to the arguments advanced when the matter was previously considered by us. It would be useless to labour the question now.

I hope the committee will be consistent with the view it took before and agree that the amount involved of approximately £90 per annum is a token payment to the Claremont Municipal Council for the services it normally renders to the Royal Agricultural Society; and that the Committee will not agree to the deletion of the words.

*1 a.m.*

Hon. F. R. H. LAVERY: Had I been in the Chamber when this matter was last debated I would have supported Mr. Roche as I had already written to the Royal Agricultural Society telling it I would do so. We talk about indirect taxation. Well, I think the Agricultural Society affects us in the reverse way. The amount of money involved for the Claremont Council is £90, which is a small sum compared to what the business people there would gain as a result of the show.

Hon. G. C. MacKINNON: Only three agricultural societies are involved—the Royal Agricultural Society at Claremont, the Bridgetown society, and the one at Brunswick.

Hon. L. C. Diver: How about Meckering?

Hon. G. C. MacKINNON: There may be one other, but I do not know where it is. The Royal Agricultural Society is the only one which would be involved in an amount in excess of £10. The Royal Agricultural Society officers said that I stated that the society was prepared to accept a payment of 3 per cent. I said no such thing; and a careful reading of Hansard will show that I was referring to the Bridgetown society which was prepared to accept that payment.

It has been said that the Claremont Council is not put to much expense. But any open lands, beyond which services must be carried, must cost a local authority money. Again, a country show provides a show for the particular area and the local authority would probably give the amount back as a donation, but at Claremont the show is run for Western Australia.

Hon. F. R. H. Lavery: It is a Western Australian show.

Hon. G. C. MacKINNON: Well, let Western Australia contribute the £100. As a matter of principle, this seems a reasonable request. Everyone else with property pays rates. It is only reasonable that this small amount should be paid in lieu. I know the work that agricultural societies do as I am a member of about 16 of them.

Hon. F. R. H. LAVERY: I think there is a lot more involved than just a matter of principle. This is a show of the produce and secondary industries of the State and also of what is manufactured in other parts of Australia. I appreciate the difficulties the Claremont Council may have. They might be due to a tight-pocketed attitude on the part of the society. From information I have, the Royal Agricultural Society has been a little close-fisted in regard to the health inspector's services. The society should pay for those services.

The MINISTER FOR RAILWAYS: The financial position of the Agricultural Society is pretty grim. For a number of years many facilities have been lacking at the showgrounds. Every penny the society can raise is spent on improving the grounds. There is very little in this question from a cash point of view in any case. We should not legislate against the agricultural societies force them to contribute something; but rather we should allow them to spend their money as far as possible, on improving the facilities for the public who patronise the

shows. I feel sure that when they can afford it they will make ex gratia payments to the local authorities concerned. I support the amendment.

Hon. H. L. ROCHE: I understand the State has contributed within the last few months. I believe that before the last Show the Government made available £5,000 to the Royal Agricultural Society, partly as a loan and partly as an advance. In his letter, M. Gooch, the President of the Society, says—

> The Claremont Council is not involved in any additional expense in providing a health inspector. Any overtime incurred is paid for by the society. Additional inspectors are engaged during the show period from the Public Health Department and the expense is borne solely by the society.
>
> I must say that the Claremont inspectors have been most co-operative and so have the others and there have not been any problems which have not been ironed out to the satisfaction of both parties. It would be unwise for me to say there is not a certain amount of cleaning up to be done in the area surrounding the main entrance to the ground; such litter is unavoidable. The society offered on one occasion to make available certain of its staff for the purpose but presumably the offer was not acceptable.

So the society cannot be held responsible in that regard.

In regard to the financial position of the society we find that the overdraft in 1939 was £30,000. In 1955 it was £46,000; in 1956 it was £65,000 and today the indebtedness is over £107,000. Those running the Royal Agricultural Society act in a voluntary capacity and are men who have served the State well, generally in the pastoral or agricultural industries. Last year they had a deficit of £429 and that has been added to to the extent of about £90, plus the fact that they are expected to keep special accounts which must be available for inspection and render a return which will probably cost them as much as the total amount involved. I think the Committee should agree to the amendment.

Hon. H. L. Roche: The council must gain something.

Hon. G. C. MacKINNON: They may lose, because the speedway, for instance, makes a lot of noise. The pumping station must cost the council something, and the extension of services beyond and around the 70 acres of dead land also costs something. If it is thought by Mr. Lavery that the State should contribute—

Hon. F. R. H. Lavery: I did not say the State should pay.

Hon. G. C. MacKINNON: The hon. member agreed it was a national show. Both the voluntary bodies are doing a good job.

Hon. R. C. MATTISKE: In a telephone discussion with Mr. Gooch I pointed out that many ratepayers of the area must suffer inconvenience through the Royal Show. There is the cost of cleaning up the ground after the show or other functions, and the ratepayers are entitled to expect some payment to the council. I suggested that for the sake of the £90 or £100 per year involved they should not preclude the good spirit that should exist between the two organisations and that the two bodies could get together and arrange matters between themselves. In the letter to Mr. Roche Mr. Gooch says—

> Mr. Mattiske suggested to me that my council should approach the Claremont Municipal Council and endeavour to reach a settlement satisfactory to all concerned. Why should we when we have no dispute with them? However, I submitted the suggestion to my council which decided against any approach to the C.M.C. to settle a matter which originated in Parliament.

It is not correct that I suggested they approach the council. I suggested that the two bodies could get together.

Hon. H. L. Roche: Do you dispute what Mr. Gooch has written?

Hon. R. C. MATTISKE: Yes. I will deal with that later. The Minister suggested there was no need for legislative action and that an ex gratia payment could be made. It is evident from that letter what the result would be as the society refused to discuss the matter with the Council. Therefore there can be little hope that if this is removed from the Bill there will be any arrangement between the two bodies. I think a silly position will be created in which there will be friction between them over a paltry £90 or £100 a year.

A few moments ago Mr. Roche asked whether he should believe me or Mr. Gooch. I would like to quote another paragraph from Mr. Gooch's letter which reads—

> I have been reading Hansard and Mr. Mattiske is reported to have said that Mr. Marshall (the secretary of the Royal Agricultural Society) is not opposed to the Bill as amended in another place provided it is not the thin end of the wedge to charge full rates against the society. At a later stage Mr. Marshall is reported to have said that he was satisfied. Mr. Marshall has been associated with the R.A.S. for something like 30 years and I feel he is much too wise to make any statement which he knows is foreign to

his council's policy. My council is opposed to any form of rating of the showgrounds. It is indeed unfortunate that Mr. Mattiske so misunderstood what Mr. Marshall said as to create in his own mind the impression that Mr. Marshall was satisfied. The same impression he conveyed to the Legislative Council.

I take very strong umbrage at words of that nature. As I reported to this Chamber, I had a discussion with Mr. Marshall on the telephone. We discussed the matter at length and he did tell me those words, and I recited them here exactly as he said them, and as they appeared in Hansard. It is also significant that after they appeared in Hansard there was no contact between Mr. Marshall and me; and if I had misunderstood him, the obvious thing would have been for him to have contacted me either by letter or telephone to point out the fact that I had misunderstood him.

The CHAIRMAN: Order! I want the hon. member to connect up his remarks with the amendment.

Hon. R. C. MATTISKE: I will. In this letter Mr. Gooch is stating that I misunderstood things, and did not get the story correctly. I sincerely hope that Mr. Gooch will also read this copy of Hansard and I would like to hear further from him.

The CHAIRMAN: I do not see that this amendment has anything to do with reading Hansard. I think the hon. member should stick to the amendment before the Chair. The hon. member may proceed, but I want him to realise that there is an amendment before the Chair.

Hon. R. C. MATTISKE: With the terrific turnover in cash of the Royal Agricultural Society the amount in question is very small. It is only a token payment, but one which would mean a lot to the ratepayers of the Claremont area. While I thoroughly appreciate the benefits which derive from the Royal agricultural shows, and from the other efforts generally, for the sake of peace and harmony between these two important bodies a token payment would not hurt anyone. I would be sorry to see the amendment introduced in another place defeated at this stage, particularly as Government members there gave it sufficient support for it to be inserted.

Hon. Sir CHARLES LATHAM: I move—

That the Committee do now divide.

Motion put and passed.

The CHAIRMAN: The question is that the words proposed to be deleted be deleted.

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

| | |
|---|---|
| Ayes .... .... .... | 12 |
| Noes .... .... .... | 6 |
| Majority for .... .... | 6 |

Ayes.

| | |
|---|---|
| Hon. E. M. Davies | Hon. H. L. Roche |
| Hon. L. C. Diver | Hon. H. C. Strickland |
| Hon. G. E. Jeffery | Hon. J. D. Teahan |
| Hon. Sir Chas. Latham | Hon. W. F. Willesee |
| Hon. F. R. H. Lavery | Hon. F. J. S. Wise |
| Hon. L. A. Logan | Hon. N. E. Baxter *(Teller.)* |

Noes.

| | |
|---|---|
| Hon. J. G. Hislop | Hon. C. H. Simpson |
| Hon. G. MacKinnon | Hon. F. D. Willmott |
| Hon. R. C. Mattiske | Hon. J. Murray *(Teller.)* |

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

Progress reported.

## ADJOURNMENT—SPECIAL.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North): I move:

That the House at its rising adjourn till 2.15 p.m. today (Thursday).

Question put and passed.

*House adjourned at 1.32 a.m. (Thursday).*