

Legislative Assembly.

Thursday, 2nd November, 1950.

CONTENTS.

	Page
Questions : Hospitals, as to Carnarvon and Development Committee's recommendation	1630
Railways, (a) as to Bayswater and Meltham stations, revenue and fares	1630
(b) as to freight on explosives	1631
(c) as to probable increase of freights and concessions	1631
(d) as to building at Merredin yards	1631
Drainage, as to survey of metropolitan problems	1631
Bricks, as to distribution of supplies	1632
Education, (a) as to Northam State School grounds	1632
(b) as to provision of cycle sheds and racks	1632
Water supplies, as to Eastern Goldfields requirements	1632
Prices control, as to fireworks	1632
Chandler Alunite Works Debate, (a) as to statement by the Premier	1632
(b) as to alleged misleading information	1633
(c) as to vote of Independent member	1633
Prohibition referendum, as to compulsory voting	1633
Bills : Traffic Act Amendment, 3r.	1633
Agriculture Protection Board, 3r.	1634
Constitution Acts Amendment (No. 1), 2r., Com.	1634
Mining Act Amendment, Com.	1635
Roads Agreements between the State Housing Commission and Local Authorities, returned	1636
Acts Amendment (Allowances and Salaries Adjustment), returned	1636
Country Areas Water Supply Act Amendment, 2r., Com., report	1636
Medical Act Amendment, 2r., Com., report	1636
Public Works Act Amendment, 2r.	1641
Industrial Arbitration Act Amendment, 2r.	1644
The Fremantle Gas and Coke Company's Act Amendment, 2r.	1645
Vermion Act Amendment, 2r., Com.	1649
Noxious Weeds, 2r.	1649
Transfer of Land Act Amendment, Council's amendment	1652
Marketing of Eggs Act Amendment (Continuance), 2r., Com., report	1653
Annual Estimates, Com. of Supply, general debate	1658

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

QUESTIONS.

HOSPITALS.

As to Carnarvon and Development Committee's Recommendation.

Hon. F. J. S. WISE asked the Premier:

(1) Is he aware that the North-West Development Committee, in February last,

had a reference made to it by the Public Health Department seeking a recommendation regarding—

(a) a new hospital; or

(b) substantial improvements to existing buildings, at Carnarvon?

(2) Is he further aware that the Committee agreed that the present demand of population and industry at Carnarvon warranted only the reconditioning of the existing buildings, the question of a new hospital to be reviewed in 12 months?

(3) Is he aware that those present at such Committee meeting included only Governmental officers, plus Mr. Blythe, of Kimberley, and Mr. Adkins, of the Pastoralists' Association and, in view of the absence of any Gascoyne representative, does he think the recommendation satisfactory?

(4) As the Minister for Health approximately one year ago gave an assurance in writing that the Carnarvon Hospital plans would be proceeded with—which assurance has been repeated several times this year—will he explain the attitude of the Public Health Department in seeking a recommendation from the North-West Development Committee in this connection?

(5) Will he advise by statement in the House and by letter to me what really are the Government's intentions regarding Carnarvon Hospital, and when tenders are likely to be called?

The PREMIER replied:

(1) Yes.

(2) The committee recommended that the existing hospital be rehabilitated and added to where necessary as it would have to carry on for five or six years at least, that outline designs for a new hospital be proceeded with, and that the position be reviewed at the end of each year.

(3) The committee had available all the facts on which to make a recommendation.

(4) and (5) Since the occasion referred to, the Government has approved a new hospital for Carnarvon to cost £35,000. The Minister for Health now has the draft plan, which she has offered to show to the Leader of the Opposition.

RAILWAYS.

(a) As to Bayswater and Meltham Stations, Revenue and Fares.

Mr. J. HEGNEY asked the Minister representing the Minister for Railways:

(1) What were the yearly passenger revenue earnings of the Bayswater railway station for the years 1947-50, inclusive?

(2) What was the opening date of Meltham station?

(3) What have been the revenue earnings at Meltham at the end of each financial year since?

(4) (a) Has the opening of Meltham station had any serious effect on the passenger revenue earnings of the Bayswater station?

(b) Has any other factor had its impact on the passenger revenue earnings of the Bayswater station? If so, what is it?

(5) What are the fares chargeable between Bayswater and Meltham to Perth, respectively, single, return?

The MINISTER FOR EDUCATION replied:

(1) 1946-47, £7,767; 1947-48, £8,312; 1948-49, £8,836; 1949-50, £6,089.

(2) 10th December, 1948.

(3) 1948-49, £1,765 (seven months); 1949-50, £2,761.

(4) (a) No.

(b) Revenue has been seriously affected by the operations of the Federal Bus Service and to a lesser extent by the Inter-Suburban Bus Service.

(5) There is no difference in Bayswater and Meltham fares which are:—

1st single, 8d.; 2nd single, 5d.; 1st return, 1s.; 2nd return, 8d.

(b) *As to Freight on Explosives.*

Mr. McCULLOCH asked the Minister representing the Minister for Railways:

(1) What is the rail freight per ton on explosives transported from Woodman's Point to Kalgoorlie?

(2) If an explosives magazine was established at the port of Esperance, what would be the rail freight charge per ton of explosives from that centre to Kalgoorlie, taking into consideration that the distance per rail would be 189 miles less?

The MINISTER FOR EDUCATION replied:

(1) 157s. 6d.

(2) The difference between the two mileages is 140, not 189, and the freight rate 119s.

(c) *As to Probable Increase of Freights and Concessions.*

Mr. McCULLOCH asked the Minister representing the Minister for Railways:

(1) In view of the recent statement that with the increase of the basic wage the State railways would show a deficit of £3,500,000 and that in all probability freight rates would be increased, will he give an assurance that any increased charges will not be made applicable to the Eastern Goldfields, thereby encouraging industrial expansion and decentralisation?

(2) Is it a fact that farmers are still receiving concessions on freights and that the road transport of wheat and superphosphate is being subsidised by the Government?

The MINISTER FOR EDUCATION replied:

(1) No. Increased charges, if made, will be applied to commodities irrespective of districts. Special consideration could not be extended to the Eastern Goldfields area and withheld from any other area.

(2) Returns per ton mile for wheat and superphosphate are below the average received for the transport of all commodities by rail. A subsidy is paid by the Government for the transport of superphosphate by road, but wheat cartage is subsidised only in those areas where rail facilities had been promised in the past but have not yet been provided.

(d) *As to Building at Merredin Yards.*

Mr. KELLY asked the Minister representing the Minister for Railways:

(1) Is he aware that a very poor type of building is being erected near the overhead bridge at Merredin?

(2) Does this building conform to the general plan for Merredin yards?

The MINISTER FOR EDUCATION replied:

(1) No.

(2) The building is a garage and is considered suitable for the purpose.

DRAINAGE.

As to Survey of Metropolitan Problems.

Mr. J. HEGNEY asked the Minister for Water Supply:

(1) Has the comprehensive survey of the drainage problems of the metropolitan area been completed?

(2) What was the cost of the survey?

(3) Have any drainage works been undertaken as a result of the survey? If so, where?

(4) Are any works continuing?

(5) Has any provision been made on the Estimates for new drainage works? If so, what are the locations?

(6) Will drainage problems in the Bayswater road district, well known to the department, receive progressive attention?

The MINISTER replied:

(1) No. Contour surveys of the total area are 85 per cent. completed. The completed portion includes the area between the Swan and Canning Rivers, Welshpool and the Hills, also the Bayswater road district. It is anticipated that the whole survey will be finalised by October, 1951.

(2) £17,474 to 30th June, 1950.

(3) No.

(4) Yes, survey work and preparation of proposals.

(5) £3,500 for balance of cost of surveys for comprehensive drainage scheme.

(6) Yes.

BRICKS.*As to Distribution of Supplies.*

Mr. NEEDHAM asked the Minister for Housing:

(1) Is he aware that many builders are held up awaiting delivery of bricks?

(2) Is it a fact that bricks are piled up on building sites for weeks before even the foundations are excavated?

(3) If the answer to (2) is in the affirmative, will he take all necessary steps to ensure a more equitable distribution of bricks, and so obviate unnecessary delays in delivery of bricks to buildings in course of construction?

The MINISTER replied:

(1) I am aware that a few builders are experiencing difficulty in obtaining supplies expeditiously.

(2) Yes; only in odd cases.

(3) Yes.

EDUCATION.*(a) As to Northam State School Grounds.*

Hon. A. R. G. HAWKE asked the Minister for Education:

Will he give an approximate estimate of the date when the Northam State School's turn is likely to be reached on the priority list for playground improvements?

The MINISTER replied:

It is extremely difficult in existing circumstances to give any such approximation.

(b) As to Provision of Cycle Sheds and Racks.

Hon. A. R. G. HAWKE asked the Minister for Education:

Will he provide a list of the schools at which the Government has provided, or assisted to provide, cycle sheds and cycle racks?

The MINISTER replied:

There is no record in the Education Department of any assistance having been given towards the cost of providing cycle sheds or cycle racks, during the past three years.

Owing to the present shortage of materials and labour, it is not the policy of the Education Department or the Public Works Department to provide cycle racks at schools.

WATER SUPPLIES.*As to Eastern Goldfields Requirements.*

Mr. McCULLOCH asked the Minister for Water Supply:

(1) In view of the reply given by him in answer to a question by the Member for Boulder, relative to the supply of water to the Goldfields, is he aware that notwithstanding the alleged satisfactory

agreement arrived at by the Kalgoorlie and Boulder Local Government Authorities, that supplies of water to market gardeners have already been restricted?

(2) Is he aware that the Premier in February, 1949, promised those market gardeners that an adequate water supply would be made available, a promise which encouraged many of those gardeners to employ additional labour?

(3) Will he endeavour to ascertain that sufficient water is allowed to pass beyond Merredin through the Goldfields Water Scheme, whereby Eastern Goldfields residents will not be unduly penalised owing to the present high price of wool?

The MINISTER replied:

(1) Restrictions throughout the Goldfields water supply system apply as from tomorrow, the 3rd instant. Special arrangements will be made with market gardeners, who must, however, show an overall reduction of approximately 33 per cent. in consumption.

(2) The Premier in February, 1949, promised that certain work would be carried out to increase the capacity of the mains to supply water to Kalgoorlie. This has been done, but the reduced level of Mundaring Weir, due to low rainfall, compels the introduction of restrictions.

(3) Answered by (2).

PRICES CONTROL.*As to Fireworks.*

Mr. KELLY asked the Attorney General:

(1) Does the Price Fixing Commission control the prices under which fireworks are to be sold in the city and suburbs?

(2) If the reply is in the affirmative can he state why retailers prices differ so greatly in both city and suburbs?

(3) Does he consider that retailers are playing the game in fleecing kiddies by charging such exorbitant prices?

The ATTORNEY GENERAL replied:

(1), (2) and (3) Fireworks are not controlled under the Prices Control Act, 1948-1949.

CHANDLER ALUNITE WORKS DEBATE.*(a) As to Statement by the Premier.*

Hon. J. T. TONKIN (without notice) asked the Premier:

Last evening the Premier stated that it was not until March that he was made aware of the proposal to produce plaster at Chandler. In view of the fact that there is a minute on the file from the Minister for Industrial Development to the Premier in Cabinet, dated the 6th January, in which he was acquainted with the proposal, does the Premier not think he ought to apologise to the House?

The PREMIER replied:

As I tried to convey to the House last night—and I thought I did—I was asked to sign an agreement, on the 16th March, I think, the night previous to my departure for the North. I also explained to the House that I had not had an opportunity to peruse the file and refused to sign the agreement.

(b) *As to Alleged Misleading Information.*

Hon. J. T. TONKIN (without notice) asked the Premier:

The Premier surely does not change his ground at this stage! I ask him to peruse the "Hansard" notes of what he said last night and, if he finds his statement to be at variance to what he now says, will he apologise to the House for giving misleading information?

The PREMIER replied:

I do not consider there is any justification for an apology as I did not mislead the House. As I have told the hon. gentleman, and the House, this agreement was brought to me on a certain date.

Hon. J. T. Tonkin: You did not say that. You said that that was the first you had heard of the proposal.

(c) *As to Vote of Independent Member.*

Hon. J. T. TONKIN (without notice) asked the Premier:

Has he given consideration to a suggestion that, as a reward for saving the Government from serious embarrassment over the Chandler alunite works debate, the Independent Member for Victoria Park be recommended for a Knighthood?

The PREMIER replied:

I regard the question as frivolous and do not intend to reply to it.

BILL—TRAFFIC ACT AMENDMENT.

Third Reading.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. V. Doney—Narrogin) [4.41]: I move—

That the Bill be now read a third time.

MR. MARSHALL (Murchison) [4.42]: I do not wish to delay the passage of this measure, but I want to take this last opportunity of making a final appeal to the Minister to take steps to prevent the incidence of drunken driving along the lines mentioned when we discussed the Bill in Committee. It is quite obvious that the penalty as is now imposed under the Act, which has not been amended whatsoever by this Bill, is not having the effect that I feel members of Parliament are seeking. In fact, drunken driving is becoming more prevalent almost daily. I venture to suggest that two or three times every week one can read in the Press where

some individual has been charged with drunken driving and now, in addition to males being so charged, we have females who, without any compunction whatsoever will enter a car and drive it although under the influence of liquor.

Hon. J. B. Sleeman: Did you notice where a magistrate said that when a man was drunk he was incapable of driving?

Mr. MARSHALL: I am not concerned about that for a moment. I am concerned with the number of weekly convictions on this charge. It is obvious that the penalty now imposed is not sufficient to deter these people. They will take the risk, so it is clear that the penalty should be increased. I agree with the proposal submitted by the Leader of the Opposition, namely, that we might consider cancelling the license of a driver, who has been convicted for drunken driving, for a longer period than three months on his first offence. I will go so far as to leave the magistrate with discretionary power to impose the penalty of cancelling a driver's license for a minimum of three months for the first offence.

Some interest should be taken in protecting unfortunate victims of drunken driving. Only last week another person lost his life through such a cause. As the law now stands no driver can say he did not know that the penalty on his first offence for drunken driving is a £30 fine and the cancellation of his driver's license for three months. Everybody knows that, even those who do not drink at all, and it is of greater interest to those who do. I suggest to the Minister that he have this Bill amended when it goes to another place. Its passage will not be delayed to any extent because after its return to this House its consideration will be treated with expedition.

There are too many people losing their lives due to men and women who drive under the influence of liquor and who, after entering a car with bravado, drive along a congested highway with reckless abandon. They are utterly incapable of doing so without grave risk to other people. It is only due to good luck and great fortune that a greater number of innocent pedestrians are not killed by such drivers. The time has now arrived when a more severe penalty should be imposed upon every person who is convicted of taking charge of any vehicle whilst, as is now stated in this Bill, under the influence of liquor.

THE PREMIER (Hon. D. R. McLarty—Murray) [4.47]: What the member for Murchison says as to severer penalties for drunken motor drivers has a good deal to commend it. I am wondering what penalties are provided in other parts of Australia for this offence. I know that drunken driving is altogether too prevalent in Western Australia.

Hon. F. J. S. Wise: There is a great and serious inconsistency between the section which provides for the offence of drunken driving and others which provide for other driving offences.

The PREMIER: Yes. At this stage I will promise the hon. member I will have this matter brought before Cabinet on Monday when the views which he has put before the Chamber will be considered.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—AGRICULTURE PROTECTION BOARD.

Read a third time and transmitted to the Council.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 25th October.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [4.49]: In two respects this Bill is very similar to one which was brought forward by the Government in 1948, but which failed to pass in another place.

Hon. F. J. S. Wise: Much against the Government's desire, too, I think.

The ATTORNEY GENERAL: The two respects in which it was similar were, firstly, that the 1948 Bill proposed, as this one does, to give both members of the family unit a vote. Secondly, there is the proposal to abolish plural voting. The Bill also provides for an additional franchise qualification in favour of returned Servicemen and Servicewomen. I agree with the member for Northam that it is only reasonable that both members of a family unit should have representation in the Legislative Council. After all, both share the responsibility of conducting the home and bringing up the family. In the same way I agree that they should share electoral privileges. I therefore support the view that favours both members of the family having a vote for the Legislative Council.

Furthermore, I am in accord with the opinion of the hon. member in connection with plural voting. I feel that the days of plural voting are over. The Bill contains a provision setting out that an elector shall not be entitled to vote in more than one province and that he shall select the one for which he desires to qualify. That is merely fair. If all a man's interests are in one particular electoral district or province, he should be able to qualify as an elector for that district or province, although he might not reside there. That is quite reasonable. The third suggestion is that returned Servicemen and Servicewomen shall be granted the franchise. There again I agree with the hon. member.

In South Australia the franchise has been extended in that respect with regard to the Legislative Council.

Mr. Marshall: Is the South Australian Legislative Council a nominee Chamber or is it elective?

The ATTORNEY GENERAL: It is elective. I feel that those who have placed their lives in jeopardy for the good of the State should have the advantage of full electoral franchise qualification. I think, however, that the definition of "returned serviceman" as embodied in the Bill is rather too wide because it would include personnel who had served only in Canberra.

Hon. A. H. Panton: Is that not in a foreign country?

The ATTORNEY GENERAL: Not for war service purposes.

Mr. Marshall: Not so foreign as the member for Leederville would imply.

The ATTORNEY GENERAL: No.

Hon. A. H. Panton: One would think so at times.

The ATTORNEY GENERAL: In the definition of "returned Serviceman" and "returned Servicewoman" there is a proviso setting out that—

For the purposes of this definition employment of war service outside the Commonwealth of Australia shall be deemed to include such employment within the territory of the Commonwealth of Australia.

That is rather too wide. I think this privilege should be limited to those who serve outside Australia. When the Bill is dealt with in Committee, I intend to move an amendment accordingly, but in the meantime I support the second reading.

Question put.

Mr. SPEAKER: There being no dissentient voice, I declare the question carried by an absolute majority.

Question thus passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; Hon. A. R. G. Hawke in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 15:

The ATTORNEY GENERAL: I move an amendment—

That the proviso to subparagraph (ii) of paragraph (f) be struck out.

The proviso would include those who serve in Canberra.

Hon. A. R. G. HAWKE: I am quite in favour of the objective the Attorney General seeks to achieve. Like him, I do not desire to bring under the heading of returned Servicemen or returned Service-

women, any person whose service was given wholly at a place like Canberra, but I am afraid that if the amendment were accepted we might easily find that we had excluded men and women whose service was in New Guinea or Papua.

The Attorney General: But that is outside Australia.

Hon. A. R. G. HAWKE: It is outside Australia, but it might not necessarily be outside the Commonwealth of Australia.

The Attorney General: Yes, but you will find "Commonwealth of Australia" defined in the Interpretation Act.

Hon. A. R. G. HAWKE: The proviso has been included to ensure that men and women who served in New Guinea, Papua and other territories shall have the right to be enrolled to exercise the franchise. We would be embarrassed if we accepted the amendment and found later on, when the Act was in operation that men and women who served in the territories I have referred to were excluded. In the circumstances, I suggest we should leave in the proviso and pass the Bill in this form. The Attorney General could then discuss the matter more closely with the officers of the Crown Law Department, and have a suitable and safe amendment drawn to make sure that service in Canberra or in the Northern Territory is not sufficient to qualify a person.

The Attorney General: You had better report progress.

Hon. A. R. G. HAWKE: The Attorney General could have that amendment moved when the Bill is in Committee in the Legislative Council, or could even have the Bill recommitted at the third reading stage here with a view to inserting an amendment that would meet his wishes and mine. We would be very ill-advised at this stage to delete the proviso, because I have a fairly strong idea that if we do we shall exclude returned Servicemen and women who served, or might serve, in places like New Guinea and Papua.

The ATTORNEY GENERAL: If I follow the procedure suggested by the hon. member, it will mean some delay in the passage of the Bill, because I have to proceed to the Eastern States next week. If the hon. member will move to report progress—

Hon. A. R. G. Hawke: That would mean much greater delay.

The ATTORNEY GENERAL: The item can be kept in its place on the notice paper.

Hon. A. R. G. HAWKE: I oppose the suggestion. The Attorney General may be going to the Eastern States early next week, but that will not prevent him from asking his Crown Law officers tomorrow to investigate this matter very closely, and to have a suitable amendment drafted for consideration next Tuesday or Wednesday.

The Attorney General: We can have the matter considered on Tuesday.

Hon. A. R. G. HAWKE: I am prepared to go as far as agreeing to progress being reported if the Attorney General will give an undertaking that the amendment he will have drafted will be considered next Tuesday.

The Attorney General: All right. Progress reported.

BILL—MINING ACT AMENDMENT.

In Committee.

Resumed from the 31st October. Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

Clause 4—Amendment of Section 277:

Mr. MARSHALL: This clause covers practically all the changes made in the principal Act in connection with the granting of reservations, and I do not think any great objection can be taken to it. Though I support the clause and the viewpoint of the member for Boulder that if we are to have development in a big way, involving the expenditure of a great deal of capital, we must encourage large companies to undertake the responsibility of that development, I want it to be understood that, on account of my long experience, I am always pretty guarded in matters of this kind.

The provision under discussion does not limit the granting of a reservation to a particular company. Any individual or company can make application and secure a reservation. We have seen what has happened in past years under similar conditions. Unfortunately, Ministers seemed to be easily influenced, to such an extent that prospecting became almost an impossibility. That is to say, prospectors could not work with any degree of certainty of where they could go. Hence my caution.

Paragraph (a) of this clause purports to insert a new definition, which is quite necessary, to grant the holder of a right of occupancy of one of these large reservations also the right to explore and develop his area for the purpose of prospecting for earth minerals. Gypsum, which is a most important product, is an alkali associated with calcium and magnesium. They are closely associated with the same strata of rock as earth minerals. It is possible for a bed of gypsum or pure table salt to be found. I am not interested in that, however.

What I am worried about is that if a reservation is granted under this provision, any prospector prospecting on one of these reservations and coming across a surface gypsum deposit will not be entitled to peg it, because it is associated with alkaline earth minerals and the right of occupancy is given for that specific pur-

pose to the holder thereof. The prospector would be excluded from the benefits of any discovery of gypsum that he made. I am given to understand that the company which made representations for these reservations to be granted for the exploration of alkaline earth minerals is not interested in gypsum. The amendment I intend to move to this clause will not affect that particular company, but it will ensure that there is no possibility of the holder of a right of occupancy of a reservation taking a complete monopoly of any gypsum deposits on the surface. I move an amendment—

That in the definition of "alkali prospecting" in proposed new Subsection (A1) of Section 277, after the word "minerals" the words "except surface gypsum" be added.

Hon. A. H. Panton: What is the definition of "surface"?

Mr. MARSHALL: I shall put that in later. I understand that the Minister feels this will not interfere with the company at all.

The Minister for Housing: The Mines Department has no objection to the amendment, so I agree to it.

Amendment put and passed.

Mr. MARSHALL: I move an amendment—

That the following definition be added:—

"'surface gypsum' means gypsum within thirty feet of the natural surface of the ground."

I understand the Minister is in accord with the amendment. I am moving it merely to safeguard prospectors.

The Minister for Housing: I agree with the amendment.

Amendment put and passed.

Mr. MARSHALL: There seems to have been some bad drafting in Clause 4. Paragraph (c) provides for the substitution of all words in lines 1 to 6 of paragraph (a) of Subsection (1A). The Bill should have included in the words to be substituted, the first three words "be granted, and" in line 7 of that subsection. I ask the Minister to look into that and have an amendment moved in another place. In line 7 of subparagraph (iii) of paragraph (a) of Subsection (1A), after the word "minerals," the Minister wishes to insert the words "except in the case of right of occupancy for alkali prospecting, alkali and alkaline earth minerals." That does not read altogether correctly. I drew the attention of the Under Secretary for Mines to the parts which are badly drafted, but apparently he has not advised the Minister. I think another amendment is necessary. The proviso to Subsection (1A) of Section 277 is sufficient for the prospecting of gold, but not for alkali or alkaline earth minerals.

If the Minister looks at the proviso I think he will find it should include the words "alkali or alkaline earth minerals" after the words "gold and minerals" in the third line. I do not intend to move any amendment.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILLS (2)—RETURNED.

- 1, Roads Agreements between the State Housing Commission and Local Authorities.
- 2, Acts Amendment (Allowances and Salaries Adjustment).
Without amendment.

BILL—COUNTRY AREAS WATER SUPPLY ACT AMENDMENT.

Second Reading.

Debate resumed from the 19th September.

HON. A. R. G. HAWKE (Northam) [5.25]: The Bill proposes to amend the Act passed in 1947, for the purpose of enabling the Minister for Water Supply to delegate to officers of the department power which was conferred exclusively on him by the Act. I can quite understand the Minister being anxious to amend the legislation in this way. This particular Act, and several others, place on the Ministers concerned a great amount of responsibility in regard to a considerable number of things that they must do. Many of these matters are not of much importance at all, in the scheme of things, and yet the Minister involved has to give his time and attention to them. He has to sign the necessary papers, after they have been prepared and he has had an opportunity to study them. Therefore it seems to me that the passing of the Bill will considerably assist the Minister, will make it unnecessary for him to give as much time to these matters as would otherwise be required, and so leave him with a greater amount of time for more important work. In the circumstances I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MEDICAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st October.

HON. A. H. PANTON (Leederville) [5.28]: The Bill provides for two amendments to the Medical Act and, although they are not very big, one is particularly interesting. The first provision tends to

show how smart some of the alleged professional men become when it suits their purpose. The Act contains the provisions under which medical men become registered in this State, and in this regard Subsection (2) of Section 11 provides—

He is the holder of a degree (obtained after due examination) in medicine and surgery of any legally constituted and recognised university in the Commonwealth of Australia or the Dominion of New Zealand which is legally authorised to grant such degree; or—

This is the sub-paragraph in which one smart Alec has already found a loophole—

He is registered or possesses a qualification entitling him to be registered under the Medical Acts of the Parliament of Great Britain and Northern Ireland or any Act amending or substituted for those Acts or any of them

Members will notice that the second sub-paragraph provides for the registration of any medical man by an Act of Parliament and not necessarily a University diploma. During the last war certain alien doctors arrived in England with the Army—I believe a large number of them were Poles. Because they did a good job during the war they were permitted to remain in England and the English Parliament decided, by an Act, to grant them the right to become registered as medical practitioners in England, although it did not say in England only. It is one of those cases where Parliament intends to do a certain thing but only certain words are inserted and when it comes to a legal interpretation the Act is read in a different way.

Consequently one gentleman already has seen the loophole in our Act. He apparently went to England and was registered under the English law. Upon looking up the Acts of the various States of Australia he discovered this section in our Act where it states that a person does not have to be registered in Western Australia other than by Act of Parliament. So, he applied for registration as a medical practitioner in Western Australia. Strange to say, he made his application for migration prior to being registered as a medical practitioner in England. When he arrived here the Medical Board had no option but to register him and he is now a medical practitioner in Western Australia.

It is desired that the Act be tightened up and this Bill proposes to repeal subparagraph (ii), which I read, and insert in subparagraph (i) the words "Great Britain and Northern Ireland." That will mean that any person who wishes to be registered in Western Australia, under this section, will have to obtain his degree in medicine in any university of the

countries I mentioned. Therefore, members are faced with the proposition of either passing to this Bill—with which I wholeheartedly agree—or leaving the Act as it stands and releasing all sorts of aliens as medical practitioners. The English Act has permitted them to become registered as medical practitioners because they stated that they intended to reside in England, although it was not necessarily of a temporary nature.

Mr. Yates: How long has that section been in operation in England?

The Minister for Health: Since 1945.

Hon. A. H. PANTON: It was while the war was on and a lot of soldiers went from Poland to be trained in England. These medical people apparently took a liking to England, and the profession induced somebody to introduce the legislation on the condition that these men would not be taking up temporary residence only. Because of the good work they did during the war, they were able to become medical practitioners under that Act. Instead of their being confined to England, they have a right to come to any place which has a reciprocal agreement with that country, provided those countries have similar legislation to ours. We have to consider the question of whether we are going to take the risk of letting loose all these aliens or of tightening up the Act and preventing them.

Mr. Marshall: Letting them all come in!

Hon. A. H. PANTON: Yes, irrespective of whether they are good, bad or indifferent. They will not have to pass any examination while that subparagraph remains in the Act. If we repeal it, then they will have to comply with the Act which will provide for a university degree in England, Northern Ireland, in the Commonwealth of Australia, or the Dominion of New Zealand. I do not agree with the B.M.A. on many points, but I do not believe in letting loose all sorts of people into Australia or in Western Australia in particular, and permitting them to deal with our people when they are sick. The Eastern States have discovered this opening and have amended their Acts accordingly and we are the only State that now has a loophole. I hope the House will agree to this particular amendment.

The other provision concerns a matter that we dealt with some time ago when there was a grave shortage of doctors during the war. This applies particularly to the outback areas. The State was divided into certain regions and the idea was for alien doctors to be placed in these regions as regional doctors. These people had to do 12 months in the Royal Perth Hospital and, if the superintendent thought them satisfactory, they were sent out to regions. If they conducted themselves in a proper manner, and the board was agreeable, at the end of seven years they were entitled to registration in Western Aus-

tralia only. Several of these people took advantage of that provision and they have done a good job. But, in a large State like Western Australia, difficulties have cropped up. This difficulty is also apparent in the Northern Territory where a doctor may be wanted urgently and there is no chance of getting one except by making use of a regional doctor. If the person who wants the regional doctor is just outside the boundary of that region, the regional doctor is not allowed to attend him unless he breaks the law.

It is proposed under this measure to make an auxiliary region and to give powers that be the right to send these men just where they are wanted outside the borders of the region. It would be most difficult to define a border in the North-West and especially when anybody is travelling by aeroplane. I consider the two provisions necessary and the second one most essential. Members must make up their minds to assist the Medical Board and prevent, as the member for Murchison said, making it an open go for people who are good, bad or indifferent.

MR. YATES (South Perth) [5.40]: While I support the Bill, I think the time has arrived when we should overhaul the parent Act to a far greater degree than is set out in this small amendment. We in this State, as well as those in the other States of the Commonwealth, were pleased when the Commonwealth Labour Government decided to embark on an immigration plan, not for the present, but for the future. The Commonwealth went into it in great detail, not only here, but also overseas. They invited men from the working classes of Europe and professional men both medical and otherwise. The authorities offered these people inducements to come to Australia and gave them to understand that it was a land of milk and honey; a land of security and a land where in future they could build up security not only for themselves, but also for their families.

Whether they were invited to Australia under false pretences or not is not known to me, but I fear that a number of them were misled by propaganda given to them before they embarked from their own countries. In the Northam immigration camp at present there are several men who were qualified doctors in their own countries, and they have been denied the right to practise in this State or in other parts of the Commonwealth. They cannot come under the provisions of the measure introduced into England because these particular men came direct from their own countries and therefore have not the protection of any Act in operation in England.

On arrival in Western Australia they find that they are unable to practise as doctors when they complete their two years' work for the Commonwealth. After that time

they still have to present themselves to a University in another State so that they can go through a medical school and pass certain degrees before they can practise. They have to do this at their own cost because the Commonwealth Government does not provide funds for immigrants to further their medical research. The State Government does not provide funds for this purpose either; and therefore these men are prevented from becoming medical practitioners until such time as they have sufficient funds to enable them to undertake university courses.

I believe the "Daily News," some months ago, published the life history of a certain doctor. I think his name is Baranovsky. The paper published a photograph of him washing dishes in one of the kitchens at the Northam camp. This man is said to have several medical degrees obtained at the University of Vienna. He has come here with an abundance of medical knowledge but is denied the right to practise. There is another doctor in the Northam camp who is acting as an orderly in the camp hospital. I believe his name is Brasowski and I think there are two women doctors, one in the Holden centre and the other in the Northam camp, and they are unable to practise their profession in this State.

If we invite these immigrants to come to Australia, and receive them in Western Australia, I think we should extend to them the same facilities that have been extended to other immigrants. We have established schools at Northam camp to teach the immigrants how to speak English and to mix with other people. We set up an employment service for their benefit and so on, so that the men and women may obtain suitable employment. But, those who practise medicine seem to be on the outer and from the information I have received, the medical profession, as a body, has never yet visited these people to see whether the profession can be of some assistance to them, do something to help them, and give them the courage to carry on for the two years under the Commonwealth plan so that at the end of that time they can take their places in this community.

The Department of Health may have some scheme and may have done something to assist these people but, if so, I do not know anything about it, nor do other members of this House, as far as I understand. While this Bill is before us I thought it advisable to point out the difficulties which a number of these migrants are finding when they come out to Australia to take up the profession of medicine. They are precluded from doing so because they have not taken their degrees in this country and they will have to go through the process all over again. What chance has a doctor, working in a migrant camp on a salary of £8, of saving enough money in two years to go through

the Adelaide University, and pay the high charge required of him to complete his medical degree in this country?

Mr. STYANTS: Why should he have to?

Mr. YATES: He should not have to, but he may want to. I think provision should have been made by the Commonwealth Government, in its migration policy, to set aside a certain amount of money for the further training of these professional people so that they could fit in where they belonged.

Mr. STYANTS: They are probably more qualified than some of the members of the B.M.A.

Mr. Fox: Of course they are.

Mr. YATES: I agree with that.

Hon. A. H. Panton: Surely they are entitled to go through some examination when they come out here.

Mr. YATES: One or two of these doctors have been offered positions in parts of the State. I hear one was offered a position at Woolloomoo but I am not sure of that. Perhaps the Minister could inform us on that point when she replies, and tell us what has been decided for these people in the Northam camp. I would like to see this matter taken up with the Federal immigration authorities to ensure that any future migrants coming here, especially if they have medical degrees and are fully qualified in their own countries, and fully informed of conditions before they leave their country, so that they may know what they are coming to.

The second clause, which deals with the emergency setting up of regional doctors, points to what could happen in a time of emergency when we are short of doctors. We are not over full with them now. There is a shortage in some parts of the State. Whether we are going to overcome the shortage by keeping the profession for our own doctors and people to the exclusion of migrants from overseas I do not know. But this country will have to wait many years before it has enough professional men to look after the needs of the people. I support the Bill and trust that the Minister for Health will give the House some information as to what the future holds for migrant doctors arriving in this country.

MR. STYANTS (Kalgoorlie) [5.48]: I agree entirely with the member for South Perth. I am not going to mention the first provision in the Bill because I have no objection to it. But I think the second provision is a selfish and parochial attitude to adopt towards professional men. I am not going to suggest, whether he be a tradesman or a medical man, that he should be permitted to come from overseas and follow a responsible occupation here without demonstrating quite clearly that he has the qualification to do the job.

The second proposal is just one of convenience, so far as we are concerned in the outback portions of the State, in permitting these regional doctors to cover a greater area than they did previously. From what I know of it, the practice adopted is that a man who comes here as a migrant, claiming to have medical qualifications, and, after establishing his credentials, is expected to serve a certain time at the Royal Perth Hospital.

Hon. A. H. Panton: Twelve months.

Mr. STYANTS: There, under the observation of medical men, not only does he establish his qualifications, but he also shows that the diplomas which he carries with him from his native country are genuine. There is no question at the end of that 12 months, or there should not be any question that with subsequent permission he should go into the country when he is a fully qualified man. The B.M.A. says that after a migrant doctor has spent 12 months in establishing his qualifications at the Royal Perth Hospital, he is permitted to follow his profession for which it is amply demonstrated he has the qualifications. But he must not follow his profession in the thickly populated areas of the State where there are greater amenities and educational facilities for his wife and family. They say he should go away as a regional doctor. After these men have spent seven years in the outback they are then told that they are free agents and that if they can get a practice in any other part of the State they will be permitted to do so. I say it is a selfish attitude to adopt.

After these people have established their qualifications they should be allowed to practise in any portion of the State. They should not be sent out to "Woop Woop." Let the B.M.A. compete on terms of equality with these men. I believe, and I think it is established beyond doubt, that some of these medical men coming here are much cleverer, and hold higher diplomas, than many of the members of the B.M.A. practising in this State at the present time. After the qualifications of these men have been established the B.M.A. should adopt the same attitude as the trades union movement.

Hon. A. H. Panton: You will have to alter the present law.

Mr. STYANTS: I say the present law is selfish and parochial. I know the B.M.A. dictated these terms. After these men have served at the Royal Perth Hospital for 12 months they have to go into the bush where there are no amenities for anyone. Trade unions feel that a man who comes out here and claims to be a tradesman should be put through a test to see that he has the necessary qualifications. After having passed that test by competition the unions do not say he has got to go into the regional areas at "Woop Woop" to

practise that trade. The movement is prepared to let that man do the job he is qualified to do wherever he pleases.

The law should be altered so far as these medical men are concerned. All this says is that the State is not convinced after these men have shown by service over 12 months that they possess these qualifications. They are accordingly sent for seven years out to regional areas which might cover several thousand square miles, but at present if somebody takes ill outside the regional boundary we propose to permit him to attend to that case. I say it is a disgraceful attitude for the legislature and the B.M.A. to adopt to these qualified men.

I do not believe that any person coming from overseas, whether he be a medical man or a tradesman, should be let loose on the population to do work either of a medical nature or of a technical nature, where tradesmen are concerned, without first establishing his qualifications. But the precautions we take to ensure that the migrant doctor shall serve 12 months at the Royal Perth Hospital before he can practice, and this under the eyes of competent qualified men, should be quite sufficient to establish that he has these qualifications and having done so he should be permitted to work, not in "Woop Woop," but in any place which he considers suitable in his adopted country.

THE MINISTER FOR HEALTH (Hon. A. F. G. Cardell-Oliver—Subiaco—in reply) [5.55]: There is not much to reply to. I thank the member for Leederville for the explicit way in which he made his speech. The last speaker raised an objection that these alien doctors after spending 12 months in the Royal Perth Hospital, if they are selected, should then be allowed to practise in any part of Western Australia. I do not know whether the hon. member has met any of these particular men. I have, and while I have every sympathy with them I do not think they are sufficiently qualified, after spending 12 months in the Royal Perth Hospital, to go out and practise just anywhere. Some of them do not understand or speak English fluently enough for one thing. I know some men who have been here for a few years and it is most difficult to understand them.

Mr. Styants: Are not the people in the country just as much our concern as the people in the town? Why are you going to let them loose in the country if they are not qualified?

Hon. F. J. S. Wise: They might take out your appendix when you have thyroid gland trouble.

The MINISTER FOR HEALTH: They are not being let loose, as the hon. member put it, until they are qualified to go out. Some of these men have been in the

Fremantle Hospital or the Royal Perth Hospital for two years and it is after that that they go, and do so willingly. I would like to quote a case which the Leader of the Opposition knows about. It is that of Dr. Hertz who was at Derby as a regional doctor for some time and is now at Carnarvon. We know what a successful man he was. He had been in this country for some time and was serving under the Commonwealth for a short period. That was permitted by a Bill we passed here in 1946. We allowed him the time he served with the Commonwealth to be taken into consideration with the time he served here in a regional area. He has been very successful. But it is not every man who is so successful.

Hon. J. B. Sleeman: If you allow him to go to "Gobbleguttin" why cannot he go to Subiaco?

The MINISTER FOR HEALTH: We have one at Subiaco. I would like members to realise that the medical profession is one that must be guarded to the extreme because we cannot have just any type of man, as the hon. member put it, let loose on the population. I do not know of any profession where a man is permitted to come here and stay for a year or so and then put his plate up unless he has some qualifications. I would like members to tell me whether an oculist or a dentist who comes here is not required to have some qualifications to show that he is able to practise efficiently in this country. I could tell members, but I do not wish it to be put in "Hansard," the names of some doctors who have not been successful when they have been let loose on the population.

Hon. J. B. Sleeman: Some of the others have not been successful, either.

The MINISTER FOR HEALTH: In reply to the member for South Perth, there has been a suggestion that we have not enough doctors. The position regarding resident medical officers in this State is that at the end of this month, 50 new graduates in medicine from universities in the Eastern States will be available and in such numbers that all resident appointments in our hospitals will be filled. In fact, all vacancies have been booked and there is a waiting list. I can say definitely that other States have asked whether they might send any of their young men here, but it is difficult to get them to come here unless they are offered an incentive.

To say that we are fully booked up for the next year means a great deal. We shall have sufficient doctors then for every part of the State. The member for South Perth implied that the men who had done good work in England and had been encouraged to come here as displaced persons probably had not had the position explained to them before they left. I do not know what they were told, but if I have any faith in the men responsible for

sending migrants to Australia, I must assume that they would not tell a medical man that he could come here and practise when he could not even speak English and the nature of his qualifications was unknown.

Mr. Yates: Most of those I have met can speak English very well.

The MINISTER FOR HEALTH: Apart from that, displaced persons can come here and practise provided they have qualifications from the universities mentioned. I told the House the other day that a number of alien doctors are serving in the State and are eligible for appointment. The number is over 20. I stated also that we had had alien doctors here for a considerable time some of whom had served their seven years, as well as a number of alien doctors now practising in the regions. We have eight of them in regions at present. Some members seem to think that the B.M.A. is a closed door. It is not. The association is only too glad to receive members from other countries provided they hold the requisite qualifications.

Hon. F. J. S. Wise: A sort of closed door not locked.

Mr. Hutchinson: Malpractice must be guarded against.

The MINISTER FOR HEALTH: I should like to ask members a question, though they need not necessarily answer it: Would they prefer to have these displaced persons, who are coming here and saying they hold qualifications, to be taken in by the association while our own men who we know have qualified were left out? I am satisfied that members would sooner see our own Australian men, who have the qualifications and whose background we know, taken in rather than someone coming from goodness knows where and claiming all the qualifications in the world. I believe that a majority of members will support the Bill because it is a necessary measure of protection.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 40 amended:

Hon. J. B. SLEEMAN: Will the Minister explain the meaning of the proposed new Section 12A (1) which reads:—

Where the Governor is satisfied that a duly qualified medical practitioner or a sufficient number of duly qualified medical practitioners is or are not available to provide a medical or surgical service, he may from time to time by proclamation declare the service to be an auxiliary service in the whole or part of the State.

We are told that a rose by any other name would smell as sweet. Instead of being described as a regional service, it is to be called an auxiliary service. These doctors will be required to go out into the never-never—

Hon. A. H. Panton: Or even a little further.

Hon. J. B. SLEEMAN:—instead of being permitted to practise where they like. If a doctor is qualified to practise in Leonora, he is qualified to practise in Perth, Fremantle, Albany or anywhere else. Years ago the hospital committee at Leonora was taken to task because the people of the district considered that it was going to waste too much money on providing an operating theatre. A friend of mine replied to them, "We are going to have the theatre because I am not aware that a man's life is worth less in Leonora than in the metropolis." They built the theatre and I think it is still there. I want to know what this clause means. If it is going to change the name from regional to auxiliary service, we should do something about the matter.

The MINISTER FOR HEALTH: If the hon. member would read the Act he would realise that the region is a defined area, but now it will be expandable, for this reason: In connection with blood transfusion we have a motorcar which goes from place to place and there might be a regional doctor in that car. As a regional doctor he would not be able to go from place to place. There must be a registered man going from one region to the next. By making an auxiliary service the region is expanded and the doctor is permitted to be taken from place to place. It will make things much easier for centres in the North-West where it is difficult to define an actual region.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL— PUBLIC WORKS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS (Hon. D. Brand—Greenough) [6.11] in moving the second reading said: This Bill aims at amending the Public Works Act and is occasioned by the activity of the Public Works Department in connection with land resumptions over the last few years, and especially in the last two or three years. As members are aware, the department carries out resumptions authorised under the Act, not only in connection with areas required by the department but also areas required by other Government departments and in particular the State Housing Commission.

In the Act authority is given for construction of public works on Crown or private land either by the State, local authorities or public institutions. Authority is also given to take and set apart Crown land and freehold or leasehold private land for use in connection with authorised works. The Act also has provisions governing authority and procedure necessary for the settlement of claims for compensation for loss of or damage to private property through construction and maintenance, etc. of a public work or resumption of land for that purpose. This includes provision for an amicable arrangement between the Government and the owner of such property in regard to compensation. Where one party or the other is dissatisfied, provision is made for the establishment of a compensation court to enable the case to be heard and compensation awarded.

Hon. F. J. S. Wise: The owner always has an idea of values with which the department rarely agrees. I know, because I have had experience of repurchasing property.

The MINISTER FOR WORKS: While the Leader of the Opposition may have had some experience, in my brief period as Minister for Works I have found that we have been able to arrange many settlements that have been very satisfactory to the owners.

Mr. Styants: I know of one case in which you did not arrive at a satisfactory settlement. It was very unfair.

The MINISTER FOR WORKS: In the 6,690 resumptions that have been made in the last four years, there may have been some anomalies on one side or the other.

Mr. Styants: I would say that this was bare-faced robbery.

The MINISTER FOR WORKS: I trust that if it was a bare-faced robbery the hon. member put the case to the right quarter in the hope that justice would be done.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR WORKS: At the tea adjournment I was pointing out that some 6,000 resumptions had taken place in the last four years, and a large percentage of them was by the Housing Commission. The minor amendments included in the Bill are aimed at strengthening the Act and providing for its smoother working. In the first place it has been felt for some time that hardship has been inflicted on the public in that provision is made only for complete resumption of freehold or leasehold land, even where the interference is such as to render unnecessary the complete taking of the land affected.

I believe this amendment has been found necessary as a result of the activities of the State Electricity Commission in erecting the power line from South Fremantle to East Perth. This line must be as straight as possible, so it will have to cross private property. The standards are of a certain height—I do not know just what it is—so that in passing over properties the line will in no way interfere with the cultivation of the land for primary production. Therefore, it is felt by the department that an amendment is required to provide for an easement whereby it will have the right of access to a property and be able to demand that no buildings be erected under the power line. The farmer or owner, however, could proceed fully to utilise the land.

Hon. F. J. S. Wise: Will that circumstance apply to the metropolitan area too?

The MINISTER FOR WORKS: Yes. Of course compensation will be paid in the usual way, and an assessment of the compensation will be arrived at amicably between the parties. In the second place, I might point out that Section 21 provides for the annulment and amendment of a notice taking land, the provision being that such annulment renders the resumption absolutely void and of no effect. This step may be taken at any time within 90 days of the original gazettal of the resumption. This power of annulment is provided for two reasons, firstly, so that, if through some change in policy or other unforeseen circumstance it is found that the land is no longer required for the purpose for which it was resumed, the resumption can be annulled, and secondly, the resumption of a block might have caused extreme hardship to the owner, and, after representations had been made to restore the ownership to the original owner, it might be thought desirable to annul the resumption.

The Housing Commission has found it necessary to resume large areas, including individual blocks which have been owned for many years by people in the country. Those blocks might have been purchased with the intention of the owners having somewhere to build for the purpose of retirement in their old age. The Housing Commission has looked kindly upon such cases but, even so, it has found it necessary to resume the land because of its desire to provide services, such as water, gas, roadways and footpaths. In these circumstances, if the Commission cannot return the block to the owner, it does its utmost to make another equivalent block available.

Hon. F. J. S. Wise: There has been a lot of re-designing, too.

The MINISTER FOR WORKS: Yes. That has come about because of changes in town planning policy and other alterations that have taken place. The weakness concerning the present section is that

although there is provision in Section 23, for the registrar to register the resumption after the expiry of 90 days in the Titles Office records, there is no precise instruction to the registrar in Section 21 to register on the title any annulment action that may be taken, and this has for a long time in the past been commented upon by the Titles Office.

In the third place, Section 23 of the Act deals with the proceedings for registration of land taken and instructions to the Registrar of Titles as to how to deal with this in the Titles Office when the land is under the Transfer of Land Act; and also where the land is not under that Act. It is desired to amend this section to ensure prompt registration of resumptions in the Titles Office records immediately after gazettal of resumption instead of after the expiry of the period of 90 days, as is now provided. I understand that the reason for this is that in some cases there has been no record of the resumption during the period of 90 days, and the authorities have approved of the transfer of the block to someone else simply because of the lack of record of the resumption in the Titles Office.

Again, I am told that certain persons have taken advantage of this circumstance to base the value of their land on fictitious sales. Of course, it does bring about embarrassment to the innocent person who made the purchase, and a great deal of trouble to the department itself. The Commissioner of Titles fully concurs in the proposed amendment and, if the passing of such a simple amendment will protect us against difficulties of that nature, I feel sure the House will agree.

Section 25 of the present statute makes special provision whereby the owner of land affected by resumption may require small portions of his property, which have been severed by the resumption, to be included in the resumption. It is considered that the resumption is generally a reasonable one and in the interests of the property, where country lands are concerned. The provision is that the owner of such land may require the department to resume such severed land where it is less in size than one statute acre. The section now provides that land situated in a municipality or townsite or built upon shall be excluded from this provision, but particularly in the outer metropolitan area, and certain country towns which are neither within a municipality nor within the definition of "townsites," and where large subdivisions for purely residential purposes are existent, the section at present permits the owner whose lot may, for example, be slightly interfered with—perhaps merely by a small truncation—if the block concerned is less than one statute acre, to insist that the balance of it be resumed.

It is strongly felt that there is no justification for insistence on such a resumption, the balance of the lot after the taking

of the truncation being quite large enough to fulfil town planning and local government requirements. Therefore, an amendment is sought to decrease the size of the land which would have to be taken under the Act. There is merit in the proposal to exclude from the provisions of Section 25 all residential, shop or business subdivisional allotments, whether they are within a municipality or townsite or not, and steps will be taken to amend this section of the Act.

In connection with public works, it is often possible by private negotiation with the owner of private land for the Government to reach an understanding for the permanent or temporary occupation of portion of such land by means of an easement. The difference between the easement now referred to and that to which I have previously referred is that in the earlier case compulsory resumption of an easement is desired, such as where we run a pipe-line through a property, whereas in the case now being dealt with the arrangement is voluntary between two parties. It frequently happens that the Crown or local authority desires right of access or right of way, or authority to lay a pipe-line on or under private property, and negotiations reach a stage where an agreement by mutual consent is established in the form of an easement. On most occasions, we have been able to arrange agreements by mutual consent, established in the form of an easement.

Hon. F. J. S. Wise: Would the owner of property have any protection against damage through any cause?

The MINISTER FOR WORKS: I understand that if it is by mutual arrangement those questions are taken into consideration, and I should say that, as things now are, he would safeguard himself against any damage to his property. If the Crown or local authority owns the adjoining or adjacent land, it is possible for the easement document to be registered in the Titles Office, but where the land is not adjacent, or where it is land that is a dominant tenement, we find it necessary to amend the Act so that easement in gross, as these easements are called, can be registered against the title of the land affected.

Hon. F. J. S. Wise: Without a separate title?

The MINISTER FOR WORKS: I do not think that a title would be issued, but that it would be registered in order that anyone desiring to purchase the land might have full knowledge that the easement existed and that certain pipe-lines, perhaps laid underground, could not be seen. Otherwise, unless the actual owner desired on a voluntary basis to disclose that the easement existed, there would be some misunderstanding and embarrassment to the purchaser. There is no necessity for such title as far as the State or local authority is concerned, and the Commissioner of

Titles agrees that it would be unsatisfactory to issue such a title in favour of the Crown or the local authority. They are the main principles involved in this amending Bill. Although they are of a minor character, I feel sure the House will agree that they will assist the department greatly in dealing with this difficult problem of easements, while at the same time affording satisfaction to the owner and the Crown alike. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st October.

MR. W. HEGNEY (Mt. Hawthorn) [7.49]: The Bill now before us is a minor measure containing no contentious clauses and, in my opinion, is designed to make clearer than it now is the position of the court with regard to appeals. As far as I am aware, the position is clear from the viewpoint of the trade unions and, I think, the Employers' Federation. Nevertheless, if the President of the Court has indicated that he is not fully satisfied that the section is as clear as it might be, then I am agreeable that the Bill should be passed so as to put the legal position of the court beyond any doubt.

Under the provisions in the Industrial Arbitration Act at present, the magistrate has certain powers, but if either party feels aggrieved it may appeal to the Arbitration Court, within a specified time, and the court has power to reverse or modify the decision of the magistrate. The magistrate is a subsidiary authority to the Arbitration Court and we believe that the court should be the dominating authority in all industrial cases. If the provision in the Bill is passed it will make the position clear and the court will be able to take any action necessary in connection with an appeal which may be lodged against the magistrate's decision.

This also applies to a decision of the Conciliation Commissioner. The present Commissioner is a man with wide industrial experience, and probably future Commissioners will also have a wide knowledge of industrial affairs and will largely follow the principles set down from time to time by the full industrial court. But, in cases where the Conciliation Commissioner makes a decision which may be inconsistent with the policy of the full court, and either one of the two parties feels aggrieved, then an appeal can be made to the Arbitration Court. In my opinion, the court has power at present to deal with such an appeal, but the proposals outlined

by the Attorney General will ensure that the court does have that power. Therefore, I am in full agreement with both proposals.

Another amendment in the Bill simply seeks, in the case of Civil Servants, to increase the figure of £699 to £860. This is because of the rapidly increased cost of living and the difference in the purchasing power of the £ compared with that when the provision was first inserted in the principal Act. This means that any civil servant whose salary is less than £860, will come within the purview of certain sections of the Arbitration Act and the salary will be related to the variations in the basic wage. That £860 is the base as at the 1st July, 1950.

I see nothing in the Bill to cause any industrial disturbance in this State. It will give civil servants a measure of protection under the Act, and it will make clear certain other aspects concerning appeals from decisions of the Conciliation Commissioner or the Industrial Magistrate. So far as I know there has not been any extended litigation up to date even with the present provisions, but this will place the issue beyond doubt.

Everyone will agree that this State has a record of industrial peace unequalled anywhere in Australia. In the first place I think that is due to the principles that are written into the Industrial Arbitration Act, and also in a large measure due to the policy laid down over a number of years by the late Sir Walter Dwyer, the first President of the Arbitration Court, and Mr. President Dunphy. I believe that if the present occupant of the office follows on the lines that have been laid down his action will be conducive to industrial peace. The provisions outlined in the Bill will help to solidify that position and I have much pleasure in saying that the provisions mentioned have my blessing.

MR. OLIVER (Boulder) [7.55]: Before giving my support to the Bill, I should like the Attorney General to explain his purpose in wanting to delete from Section 179 of the principal Act, paragraphs (i) and (ii) from Subsection (2). Section 179 deals with the court's powers to make regulations and the paragraphs proposed to be deleted read as follows:—

Any regulations made or purporting to be made under this Act shall be published in the "Gazette."

Is it not right and proper to publish them in the "Gazette"? The other paragraph states—

And shall take effect from the date of publication or from a later date to be therein specified.

That is the only way I have of knowing anything about these regulations. If they are not published in the "Gazette," how

is the public to know what is going on? The Bill also proposes to delete from the same section, Subsections (3), (4) and (5). Subsection (3) reads as follows:—

All such regulations shall be laid before both Houses of Parliament if Parliament is in session, and if not, then within seven days after the commencement of the next session.

Subsection (4) states—

If either House passes a resolution at any time within 30 days after such regulations have been laid before such House disallowing any regulation, such regulation shall cease to have effect.

Is it the Attorney General's intention to take away that right from Parliament by deleting this subsection from the Act? If that is the effect then I will oppose the Bill. Subsection (5) states—

The regulations made under the Industrial Conciliation and Arbitration Act, 1902, shall, subject to this Act and the regulations thereunder, remain in force, but may at any time be repealed by regulations made under this Act.

It seems to me that if those parts of the Act are removed we will not know much about anything that is going on. If the Attorney General wants me to support the Bill then he must give some good reason why these subsections should be deleted. I do not doubt that he has some good reason for it, but I think he should let us know his intentions and give us some assurance on the matter.

On motion by Mr. Needham, debate adjourned.

BILL—THE FREMANTLE GAS AND COKE COMPANYS ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th October.

HON. J. B. SLEEMAN (Fremantle) [8.0]: Although I suppose we will eventually have to pass this measure I am not very happy about it. In 1947, when the then Minister for Works introduced a similar amending Bill, he said:—

The Government's purpose in introducing the Bill is that the capital of the company, which now stands at £120,000, may be increased to the not inconsiderable figure of £250,000; and also to have the borrowing powers of the company extended from the £60,000 at which it now stands to £125,000.

Further on he said—

... the work may be commenced within six months; or it is quite possible that some three years will elapse before the new structure is completed.

Over three years have elapsed and now the Government has brought down another Bill further to increase the company's authorised capital. In 1947 the capital was increased from £120,000 to £250,000 and the borrowing capacity of the company from £60,000 to £125,000 with the promise that the work would be completed within three years. Now, in 1950, the company desires to increase its capital from £250,000 to £750,000 and its borrowing capacity from £120,000 to £375,000. Those are large increases. It means that the capitalisation on this plant will total approximately £1,000,000. One of my complaints is that the company has not treated the residents of the Fremantle district in the way they should have been treated.

This was originally a Fremantle concern, and in 1940 the company was given a monopoly to operate as far as Claremont and you, Sir, being the member for Claremont, know what happened. The gas mains were extended to Claremont and the people in that district enjoyed a fairly good gas supply whilst the people in Fremantle, North Fremantle, Bicton and Mosman Park were practically bereft of gas. The Government could at least have consulted the members representing those districts before it introduced the Bill. After introducing a Bill in 1947 it must have been aware of the manner in which the business was conducted. If it had shown a little common courtesy and consulted the Fremantle members, this would have enabled the Bill to go through more quickly. The Government, however, took no such action. The first we knew of it was when it was introduced in another place.

The member for Melville asked me, "Do you know anything about the introduction of a Bill to amend the Fremantle Gas and Coke Companys Act?" and I said, "No, I do not, except that it has been introduced in another place." Eventually the company sent me a circular letter which concluded by saying that it had received a very complimentary communication from the Mosman Park Road Board. It also enclosed a copy of a letter dated the 26th September, 1950, from one of its consumers, which reads as follows:—

Dear Sir,

I feel it is fitting to express my thanks for the installation of gas in our locality as a result of the petition forwarded to your company and the assurance you gave me personally at a short interview I had with you about three months ago.

My premises were connected yesterday and we are all delighted with the ease and comfort in which our domestic cooking is now performed and would like to pay a tribute to the courtesy of your workmen and the care taken in avoiding any damage to garden, paths, etc.

I trust you will receive full support from other residents in gratitude for your undertaking which must have entailed your company in considerable expense.

It is all very well for the company to send me that letter but I also received a letter from the Mosman Park Road Board dated the 10th October, 1950, which reads:—

My board note, with interest, that the Fremantle Gas & Coke Co. are seeking authority, through Parliament for permission to increase the company's capital for the purposes of extensions of service.

I am directed to request, that if the necessary legislation receives the approval of Parliament, you will be able to take some action to have a reasonable amount of extensions of service allocated to this area which is urgently required owing to the expansion of this district occasioned by the large number of new homes erected by the State Housing Commission and private enterprise.

So it can be seen that the road board has not written in very complimentary terms of the Fremantle Gas and Coke Company. As I said before, that road board has had a bad deal from that company which has been neglectful in its duty. The Minister in another place mentioned the district of North Fremantle but he did not mention all the letters. The people there are much concerned about the position. I will not refer to Bicton because that district is represented by the member for Melville, and he will be able to tell the House how the people there have been treated. Some amendments should have been made to Section 28 of the Act by this Bill. That section reads—

The maximum price at which gas shall be sold by the company to private consumers who shall burn the same by meter shall not exceed one pound per thousand cubic feet, and the company shall not be entitled to charge a higher rate for gas supplied by contract to any person . . .

The basic price has not been fixed very long. We complained previously when the other amending Bill was before the House that there was no basic price, and it was then fixed at 10s. 9½d. per 1,000 cubic feet, but I understand that company is now charging 11s. 9d. per 1,000 cubic feet. I also understand that it is going to try for an increase very shortly. I consider, also, that we should bring the Act more up to date by allowing consumers more than 1,000 cubic feet for the rate charged. I will now refer to Section 50 of the Act, which reads:—

It shall be lawful for the mayor, councillors and burgesses of the town of Fremantle, if they shall think fit, at any time after the thirty-first day

of December, one thousand nine hundred and six, to purchase all the land, buildings, works, hereditaments, lamps, pipes, stock and appurtenances of and belonging to the company in the name and on behalf of the corporation, upon giving to the directors six calendar months' notice in writing of such intention so to do, and upon such terms and conditions as shall or may be mutually agreed upon between the directors and the corporation;

I am concerned that if the company is allowed to increase its capital to approximately £1,000,000 there will be little chance of the corporation being able to take it over. That is what should be done. This is the last chance the council will ever have of being permitted to take the company over if its capital and borrowing capacity are to be raised to approximately £1,000,000. There was another proviso inserted when the previous Bill was before the House, and it reads as follows:—

Provided that any shares issued for the purposes aforesaid shall be issued at as near as may be the average market price of such shares in the period of fourteen days immediately preceding the issue thereof, and that in no case shall the price at which such shares shall be issued be lower than five per centum below such market price. The average market price as aforesaid shall be ascertained in the same manner as is provided in Subsection (2) of this section.

The proviso that was inserted by another place on that occasion is as follows:—

Provided also that this section shall not apply to any unissued shares of a company existing at the time of the passing of this Act.

There is quite a difference of opinion as to what that means. I do not know whether the Attorney General could tell us what it does mean. Something should have been done about that proviso before this Bill was introduced. I know and you, Sir, know too, that the member for Melville has given notice of a Bill to amend the Gas Undertakings Act, and I think the appropriate thing to do is to lay this Bill aside until such time as that Bill is dealt with. Once this Bill is passed and becomes law, we have not much chance of doing anything with the Bill to be introduced by the member for Melville. I think something should be done to set the Bill aside until such time as the member for Melville's Bill has been discussed in both Houses. I move an amendment—

That the word "now" be struck out with a view to inserting the words "after both Houses have given consideration to the Gas Undertakings Act Amendment Bill of which the member for Melville has already given notice."

THE MINISTER FOR WORKS (Hon. D. Brand — Greenough — on amendment) [8.11]: I have no intention of accepting this amendment.

Hon. A. H. Panton: You hope the House will not accept it.

The MINISTER FOR WORKS: Yes. That is more to the point. I hope this House in its wisdom will not accept the amendment. As one House has already dealt with this Bill, I see no reason why this House cannot proceed with the debate. Any Bill intended to be introduced by any member will be treated on its merits, and I feel sure will receive the same consideration then as it would if it were to be considered before the Bill now being dealt with by the House. I feel this is just another move by the member for Fremantle to endeavour to embarrass the Government and waste the time of the House, and I think that is his only reason for moving that this Bill be set aside.

Hon. J. B. Sleeman: That is a rotten statement, and you know it.

The MINISTER FOR WORKS: In any case I feel we should be given the opportunity—

Hon. F. J. S. Wise: I do not think that is a fair statement.

The MINISTER FOR WORKS:—of dealing with this Bill immediately, because members know every opportunity will be given to any other member to move an amendment, or introduce here any other Bill at a later date.

HON. J. T. TONKIN (Melville—on amendment) [8.14]: I regret very much that the Minister for Works saw fit to use the words he did. He did so without any shred of justification. As the Minister has stated, the other House has already passed this Bill, so very little remains to be done in connection with it to enable it to complete its passage through Parliament and become law. As the member for Fremantle has said, I have given notice of a very small amendment to the existing Act. You, Mr. Speaker, would not allow me now to anticipate that, but it has reference to something which was inserted into the Gas Undertakings Act as a result of agreement between myself and Hon. L. Craig of another place. I have information that the company proposes to take advantage of the proviso in the Gas Undertakings Act, in order to dodge the provisions of that Act with regard to the issue of new capital. They are enabled to do that because of the unfortunate wording of the proviso.

In order to clear this matter up I sought out Mr. Craig during this week and asked him did he recall the circumstances under which this particular amendment was inserted. He said he quite clearly did. When I told him the use to be made of the proviso, he said that was not intended, and he would be prepared to sup-

port the amendment, which I propose to move, to remove the proviso from the Act. But the other members of another place might not agree to that course if we pass this Bill which is now before the House. If they did not agree to the deletion of the proviso which was put in for a specific purpose only, and that proviso remained in the Act, it would enable the company to issue these shares free from the obligations of the Gas Undertakings Act, but contrary to the intentions of Parliament.

The Attorney General: These shares?

Hon. J. T. TONKIN: Yes, these shares. The trouble arises because, in framing the proviso, the participle was related to the wrong noun. The proviso was meant to apply to unissued shares existing at the time, and it was made to apply to the company existing at the time. As this was meant to apply to unissued shares existing at the time, and had no reference to companies existing at the time, it is wrong that the company should be in the position to take advantage of that unfortunate wording against the intention of Parliament, and I am advised authoritatively that that is the company's intention. We should not be a party to that, and I am suggesting that the fair thing to do would be to wait and see what another place would do with regard to the deletion of this proviso, and, when the matter is perfectly clear, we can proceed to give the company this additional franchise which amounts to a very considerable sum.

The delay does not cause them any hardship, but it at least ensures that the will of Parliament is not flouted, and I think I will be able to prove, when the matter comes up for discussion in the proper way, just what the will of Parliament was in this matter, and how use could be made of unfortunate wording to get round the provisions of the statute. So it can be seen that it is not a move on the part of the member for Fremantle deliberately to delay discussion and make things difficult for the Government. It is a proper move on his part to ensure that the will of Parliament, as expressed in 1947, shall be given effect to as it was then intended.

The Attorney General: It was not intended to make it retrospective in 1947.

Hon. J. T. TONKIN: No.

The Attorney General: That is what you are suggesting.

Hon. J. T. TONKIN: Oh no, it is not. I thought the legal mind of the Attorney General would keep him more up to date than that.

Hon. F. J. S. Wise: The trouble is that he has a legal mind.

The Attorney General: I think I am right.

Hon. J. T. TONKIN: I am sure you are wrong. The proviso which was inserted by Mr. Craig in the Gas Undertakings Act reads as follows:—

Provided also that this section shall not apply to any unissued shares of a company existing at the time of the passing of this Act.

The Attorney General: That is so.

Hon. J. T. TONKIN: To what does that refer, the shares or the company?

The Attorney General: That refers to the shares.

Hon. J. T. TONKIN: But the company says it refers to the company.

The Attorney General: It says "unissued shares."

Hon. J. T. TONKIN: Yes, Parliament intended that it should apply to the unissued shares, but the company says it refers to the company existing at the time. That is the trouble. It was clearly intended—as a reference to Mr. Craig's remarks in "Hansard" will conclusively show—that our agreement was that we would not apply the provisions of the Gas Undertakings Act to the accrued rights of shareholders at the time. We intended that they should be safeguarded, but that the provisions of the Act should apply to all new capital. The company, however, takes the stand that this applies to a company existing at the time and that, as the Fremantle company was existing at the time, it is free from the provisions of the Act. The company should not be allowed to get away with that, but it could do so if another place refused to delete the proviso from the Act.

Mr. Hutchinson: Are you assuming that the company is taking that stand, or do you know?

Hon. J. T. TONKIN: I am not assuming it; I said that I had been advised authoritatively.

The Minister for Education: Is Mr. Craig concerned in the company?

Hon. J. T. TONKIN: I cannot say, but I know that at the time the Gas Undertakings Bill was before Parliament, he took the point that, while it was right that the provisions should apply in future, there were about £30,000 worth of unissued shares with regard to which members of the company had certain rights and privileges, and he thought it would be unfair to do anything that would have retrospective effect regarding those shares. I agreed. The proviso was inserted in the Bill in another place and, when the Bill was returned to this House, I did not oppose the proviso and it was included in the Act.

Since my attention has been drawn to this matter, I can see that any lawyer advising the company could argue as I have indicated, and that the judge would

take the literal reading of the proviso. He could find that the present participle "existing" has reference to the noun "company" and not to the noun "shares", and therefore could direct that, as the Fremantle Gas Company existed at the time, it did not come under the provisions of the Gas Undertakings Act regarding the issuance of capital.

The position is perfectly clear. There is no doubt about the intention of Parliament, as a reference to "Hansard" will show, and it would be unfair to permit the intention of Parliament to be circumvented because of the unfortunate wording of a proviso included to effect a certain purpose. Surely we are justified in ensuring that the position is adequately safeguarded before giving the company all for which it is asking under this Bill! A few day's delay would be neither here nor there. The amendment to the Gas Undertakings Act is so simple that it could be passed next Wednesday if the Minister proceeded with the debate immediately after the moving of the second reading.

Hon. F. J. S. Wise: You could furnish him with a prior copy of the Bill.

Hon. J. T. TONKIN: Yes. The Bill is designed to deal with this one point only, and if the Minister continued the debate immediately, the Bill could be sent to another place next week and disposed of on the day on which it was received, if that House were so minded. It is not always so minded, but on this occasion it might be. If we pass that Bill with despatch, the delay to this Bill will be so short as to have very little adverse effect. In the circumstances, the Minister should be reasonable and should agree to the proposal of the member for Fremantle.

THE MINISTER FOR EDUCATION
(Hon. A. F. Watts—Stirling—on amendment) [8.25]: I have some recollection of the circumstances referred to by the member for Melville and of the Bill which he introduced, and, after hearing him this evening and his reading of the proviso, I am of opinion that there may be some substance in his observations. Prior to his remarks, I might have felt that no further delay was warranted, but after hearing him and recalling something of the circumstances with regard to the insertion of the proviso, I consider that the House should not agree to the amendment by the member for Fremantle, but we would be perfectly willing to accept an adjournment of the debate in order to give the member for Melville an opportunity to introduce his measure. If some member will move that the debate be adjourned, this side of the House will be happy to support it.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—VERMIN ACT AMENDMENT.*Second Reading.*

Debate resumed from the 12th October.

HON. J. T. TONKIN (Melville) [8.28]: As the Minister for Lands stated the other evening, a good deal of my remarks on the Agriculture Protection Board Bill had reference to the contents of the Vermin Bill. I deliberately framed my remarks in that way, because I felt that one Bill was so closely bound up with the other that I might as well deliver my argument for both measures on the first one. Therefore I have very little to say on this Bill, except that it is only making necessary amendments to existing vermin legislation in anticipation of the setting up of an agriculture protection board. If the board is not set up, then a number of these amendments will not be necessary.

The Minister for Lands: A lot are consequential.

Hon. J. T. TONKIN: The Minister assured us the other evening that the Bill makes provision for a vermin control officer to supersede the Chief Inspector of Vermin and that it would make consequential amendments in another Act. I am prepared to accept that, but it is news to me that this can be done. I did not know that the provisions of one measure could make consequential amendments to another Act. I knew that amendments in one Bill could make consequential amendments in the principal Act, but I was completely unaware and am by no means convinced that amendments in a Bill can effect consequential amendments to existing Acts. That is what the Minister proposes to do. It will be his legislation. He will administer it; and if it does not work out the way he thinks it will, that will be his fault.

The changing of the name from chief inspector of vermin to chief vermin control officer will not make very much difference to what the officer will do. I suppose he will carry out very much the same work. But this is one of the recommendations of the Royal Commission; and I suppose that, in his anxiety to give effect to as many of those recommendations as possible, the Minister has grabbed this with both hands. The legislation is necessary, assuming that the establishment of an agriculture protection board is agreed to, and I have no objection to it.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 29—agreed to.

Clause 30—Amendment of Section 59:

Hon. J. T. TONKIN: I move an amendment—

That in line 3 of paragraph (b) of proposed new Subsection (2) after the word "pence" the words "and not less than $\frac{1}{2}$ d." be inserted.

It will be noticed that the vermin rate on land held under pastoral lease provides for a maximum and a minimum, and quite rightly so, but there is no provision for a minimum rate with regard to land held otherwise than under pastoral lease. The Royal Commission recommended that there should be a minimum rate of $\frac{1}{2}$ d.

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

Clauses 31 to 79, Title—agreed to.

Bill reported with an amendment.

BILL—NOXIOUS WEEDS.*Second Reading.*

Debate resumed from the 12th October.

HON. J. T. TONKIN (Melville) [8.38]: This Bill repeals the Noxious Weeds Act and is complementary legislation to the two measures already considered by this House. The Minister amused me very much when he introduced the Bill, because he said the most important thing for which it provides is the division of noxious weeds into two groups. This Bill repeals the Noxious Weeds Act; but, according to the Minister's own statement—and I suppose we are entitled to rely upon what he says for a lead as to what to do with it—the most important thing for which it provides is the division of weeds into two groups!

Hon. A. R. G. Hawke: Does the Bill bring the Minister under the Act?

Hon. J. T. TONKIN: Would you, Mr. Speaker, regard that as a very important thing? You could go into your backyard, and you would not need any Bill to divide your weeds into two groups, or into 52 groups. Surely the Minister did not mean that. If this is the most important thing the Bill does, we can tear it up. Fancy introducing a Bill to divide weeds into two groups, primary and secondary. The most important thing in the Bill is to repeal the Weeds Act. That is important because it wipes out existing legislation on the subject and substitutes something else. So we have the marvellous result that we are now able to divide weeds into two groups.

The Minister for Lands: Yes, and that means a lot more than you think.

Hon. J. T. TONKIN: The Minister did not say so.

The Minister for Lands: Yes, I did.

Hon. J. T. TONKIN: The Minister said it was the most import and "most" is a superlative adjective, which means it is of No. 1 importance; and the important thing is to divide the weeds into two groups.

The Premier: There is no doubt about the importance of that.

Hon. J. T. TONKIN: Would the Premier say it is the most important thing the Bill does?

The Premier: I say it is important, and it might be the most important thing in the Bill.

Hon. J. T. TONKIN: It might be, but it is not.

The Minister for Lands: That is all you know.

Hon. J. T. TONKIN: If this is the most important thing, the Minister could sit in his office with a list in front of him and say, "These weeds are in No. 1 group and those are in No. 2."

Hon. F. J. S. Wise: What are the groups, noxious and obnoxious?

The Minister for Lands: Be serious!

Hon. J. T. TONKIN: Do we need a Bill to divide weeds into two groups?

The Minister for Lands: Yes, we do.

Hon. J. T. TONKIN: I thought we needed an entomologist.

The Premier: This was suggested to the Royal Commission by many people at different centres.

The Minister for Lands: Noxious weeds in some districts do not spread. *Watsonia*, for instance, is out of control in some places.

Hon. J. T. TONKIN: What difference does it make whether we put it in one group or the other?

The Minister for Lands: It makes this difference, that the primary are the more important and are dealt with first.

Hon. J. T. TONKIN: I am glad I have the Minister in so far.

The Minister for Lands: You can keep on getting him in.

Hon. J. T. TONKIN: As we continue we shall see the humour of it.

The Minister for Lands: A little humour in debate is not bad, either.

Mr. SPEAKER: Order!

Hon. J. T. TONKIN: When the legislation is passed and our botanist has determined whether weeds shall be primary or secondary, the agriculture protection board is to concern itself with the primary weeds and the local authorities are to be left with the secondary weeds. The Bill makes it clear that what is a secondary weed today could be a primary weed tomorrow. Will the Minister deny that?

The Minister for Lands: No.

Hon. J. T. TONKIN: We are to leave the secondary weeds—those which have not got to the stage of being particularly harmful—to be looked after by the local authorities in the same way as they have been in the past—most unsatisfactorily.

The Minister for Lands: Yes, but the agriculture protection board will have its powers.

Hon. J. T. TONKIN: Before long we shall have more and more of the secondary weeds becoming primary weeds and coming into the No. 1 group. I suggest to the Minister that he should put all weeds, whether primary or secondary, under the agriculture protection board.

The Minister for Lands: They are.

Hon. J. T. TONKIN: Give the board the same power with regard to secondary weeds, as it has with regard to primary weeds.

The Minister for Lands: You know the board will have the power to direct a local authority which is not doing its job.

Hon. J. T. TONKIN: No, it will not.

The Minister for Lands: Yes it will.

Hon. J. T. TONKIN: Perhaps the Minister will show me, in Committee, where in connection with secondary weeds, it will be the responsibility of the agriculture protection board to direct a local authority.

The Minister for Lands: Does it not provide that when any local authority is not carrying out its functions properly, the board can step in, do the work and charge the local body for it?

Hon. J. T. TONKIN: With primary weeds only. The Minister will declare what are secondary weeds, and then it will be the responsibility of the local authority to look after them. There, in my opinion, is a definite weakness in the Bill. The Minister thinks that the power is in the Bill which I say ought to be in it.

The Minister for Lands: The Minister has power at any time to declare a secondary weed a primary weed.

Hon. J. T. TONKIN: Suppose he has!

The Minister for Lands: He will deal with it.

Hon. J. T. TONKIN: We are supposed to interpret the legislation as it is before us, not deal with what some Minister may or may not do.

The Minister for Lands: I am quoting from the legislation as it is brought here.

Hon. J. T. TONKIN: I tell the Minister that the Bill provides that it shall be the responsibility of the agriculture protection board to direct a local authority what to do with respect to primary weeds, and only primary weeds. So far as secondary weeds are concerned, the Minister will declare which weeds come within that category, and it will then be the responsibility of the local authorities to take action, or not; and previous experience has shown that it will more often be not. That is the weakness in the legislation. The recommendation of the Royal Commission was, in respect to the destruction of vermin and

weeds, that the responsibility should be taken off the farmer who owned the land, and placed on the Vermin Board. The Bill does not follow that recommendation, I am pleased to say. It leaves the responsibility for getting rid of weeds on the shoulders of the man who owns the land—where it ought to be.

Of course, when members who now form the Government were on this side of the House they held a different opinion and tried to force me to adopt *holus bolus* their recommendations, which would have taken the responsibility from the owner of the land and thrust it upon the board. Now that they have opportunity of doing what they then suggested, of course they do not do it. They leave the responsibility with the man who owns the land—where it should be—and, if the growth of weeds is such that the owner cannot cope with them, he is entitled to look to some constituted authority for assistance, which the legislation proposes to give to him. This is a big departure from the recommendations of the Royal Commission. I think the Minister should have given some explanation of why, when on this side of the House he thought responsibility should be taken from the owner of the land, he now thinks the opposite.

The Minister for Lands: It is marvellous, the way we change.

Hon. J. T. TONKIN: Yes. Perhaps I educated the Minister.

The Minister for Lands: You have changed a lot.

Hon. J. T. TONKIN: I do not think so.

The Minister for Lands, Oh, yes, since you were on this side of the House.

Hon. J. T. TONKIN: When I was on that side of the House I took the same view with regard to this legislation as I am taking now, and if the Minister says otherwise, let him prove it. He knows that I consistently opposed the recommendation for a tax on urban as well as rural land; that I refused to establish mobile units because I said they would cost £500,000, and he knows that I refused to take the responsibility off the shoulders of the owner of the land. Those are the arguments I am now submitting and my present view does not deviate at all from that which I held formerly. The Minister ended by indulging in some wishful thinking but he has an awakening in store for him because his wishes will not be fulfilled. The Minister thinks this legislation will result in much more effective control, but that remains to be seen.

The Minister for Lands: Exactly!

Hon. J. T. TONKIN: After the Minister has got his botanists to divide the weeds into two groups they will still be weeds and still just as hard to eradicate.

The Minister for Lands: You have something there.

Hon. J. T. TONKIN: The only way to cope with them will be to ensure that both primary and secondary weeds are dealt with as soon as they appear, because a secondary weed is likely within a period of weeks or months to become a primary weed; and it is easier to deal with it while it is in the secondary stage, which is when the weed first makes its appearance in a comparatively small area, as it is then less costly to deal with.

The Attorney General: It might still be a primary weed.

Hon. J. T. TONKIN: A secondary weed?

The Attorney General: No.

Hon. J. T. TONKIN: The Attorney General should have read the legislation. Surely it provides that certain weeds which might be in the secondary classification at one stage can subsequently get into the primary group.

The Attorney General: Yes, and a weed may be a primary weed although there is only one such weed in the whole country.

Hon. J. T. TONKIN: That is so, but surely the Attorney General appreciates that a weed such as cape tulip might in the first instance be regarded as a secondary weed—

The Attorney General: I do not think so.

Hon. J. T. TONKIN: It was so regarded.

The Minister for Lands: That was when you were in power.

Hon. J. T. TONKIN: It was so regarded.

The Minister for Lands: We do not regard it in that way.

Hon. J. T. TONKIN: It will not be the Minister but the botanists of the department who will regard it as a secondary or primary weed, and the same officers were there in our time.

The Premier: Cape tulip is primary in some districts and secondary in others.

Hon. J. T. TONKIN: Yes, and that proves the truth of my argument which the Attorney General and the Minister for Lands are denying.

The Attorney General: No.

Hon. J. T. TONKIN: The Attorney General denied that cape tulip was ever a secondary weed.

Mr. Manning: It is a deadly poison and should be considered a primary weed for the purposes of eradication.

Hon. J. T. TONKIN: The Premier has stated that cape tulip is regarded as primary in some districts and as secondary in others. Years ago it was regarded everywhere as a secondary weed when it first made its appearance, and because it was not dealt with effectively at that stage it has now spread until in some districts it has become a primary weed. That is my case. The weakness of the legislation is

in not providing for the same strong control over a weed when it is in its secondary stage as is applied when it becomes a primary weed. Why not take strong action with regard to a secondary weed and force the local authorities to deal with it instead of waiting until it becomes a primary weed, before using the power of the agriculture protection board? Why not give that board power to direct local authorities to deal with secondary weeds in the same way as they can be made to deal with primary weeds? If the Minister will do that he will have a good Bill but, if not, he will not have effective control such as he has led himself to believe he will obtain.

On motion by Mr. Cornell, debate adjourned.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Clause 34, page 9—Add a new section after section 129B to stand as section 129C as follows:—

129C. (1) Where land under this Act is subject to any restriction arising under covenant or otherwise as to the user thereof or the right of building thereon, the court or a Judge may from time to time on the application of any person interested in the land by order wholly or partially discharge or modify the restriction upon being satisfied—

- (a) that by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the court or a Judge may deem material the restriction ought to be deemed to have been abandoned or to be obsolete or that the continued existence thereof would impede the reasonable user of the land without securing practical benefits to other persons or (as the case may be) would unless modified so impede such user; or
- (b) that the persons of full age and capacity for the time being or from time to time entitled to the benefit of the restriction whether in respect of estates in fee simple or any lesser estates or interests in the land to which the benefit of the restriction is annexed have agreed to the same being

discharged or modified or by their acts or omissions may reasonably be considered to have waived the benefit of the restriction wholly or in part; or;

- (c) that the proposed discharge or modification will not substantially injure the persons entitled to the benefit of the restriction.
- (2) When any proceedings by suit or otherwise are instituted to enforce a restrictive covenant affecting land under this Act any person against whom the proceedings are instituted may in such proceedings apply to the court or a Judge for an order under this section.
- (3) The court or a Judge may on the application of any person interested make an order declaring—
 - (a) whether or not in any particular case any land under this Act is affected by a restriction imposed by any instrument; or
 - (b) what upon the true construction of any instrument purporting to impose a restriction is the nature and extent of the restriction and whether the same is enforceable and if so by whom; or
 - (c) whether or not any restrictive covenant ought to be removed as an encumbrance from the register.
- (4) Notice of any application under this section shall, if the court or a Judge so directs, be given to the council of the municipality or the board of the road district in which the land is situated and to such other persons and in such manner whether by advertisement or otherwise as the court or a Judge either generally or in a particular instance may order.
- (5) An order under this section shall when registered as hereinafter provided be binding on all persons whether of full age or capacity or not then interested or thereafter becoming interested in enforcing any restriction which is thereby discharged modified or dealt with and whether such persons are parties to the proceedings or have been served with notice or not.
- (6) This section applies to restrictions whether subsisting at the commencement of this section or imposed thereafter.
- (7) The Registrar shall on the prescribed application make all necessary amendments and entries in the register book for giving effect to such order in respect of all certificates of title specified therein.

(8) The costs of and incidental to an application made pursuant to the provisions of this section to the court or a Judge shall not be awarded against the defendant or respondent in any event.

THE ATTORNEY GENERAL: The Bill, which passed through this Chamber, has been returned by the Council with an amendment reinserting the clause that was deleted here, together with an addition. When that clause was dealt with in this Chamber it provided that on application the costs were to be at the discretion of the court.

The Leader of the Opposition, in voicing objection to the clause, stated that he felt that a party who was forced by an applicant to be in the proceedings might have to pay costs which would be unreasonable. He stated that an applicant might be encouraged to take these proceedings well knowing that he would not have to pay the costs but that some person who was necessarily a party would have to pay. The object of the clause is to enable an owner of land, which is subject to a restrictive covenant, in favour of any number of persons in an estate, to obtain an order of the court doing away with that restriction if the necessity for it has ceased to exist. The clause has been reinserted with an additional subclause, so that the clause now provides that if an applicant applies to the court or a judge for relief under this clause, each party will be obliged to pay his own costs.

Hon. F. J. S. Wise: What is the difference between this amendment and that introduced by your representative in the Legislative Council?

THE ATTORNEY GENERAL: Under the clause as introduced into this Chamber, the cost of an application to a court or judge was left to the discretion of the court or judge, as the case may be.

Hon. F. J. S. Wise: That was my objection.

THE ATTORNEY GENERAL: The Leader of the Opposition rightly put forward the view that the usual practice of the court, if an applicant was successful in his application, was that any party or any person who was made a party, might be forced to pay costs, although they may not necessarily be a very interested party. With this amendment it will mean that an applicant must necessarily pay his own costs if he appears, but he need not appear; in other words, each party to the proceedings will pay his own costs. I move—

That the amendment be agreed to.

Hon. F. J. S. Wise: The Attorney General did not go quite as far as I had hoped when explaining the amendment moved in the Legislative Council, prior to its being amended by Mr. Parker.

The Attorney General: No, I did not.

Hon. F. J. S. Wise: There is an important distinction because the amendment as sponsored by the Government in the Council did not have a Subclause (8). Where the costs could not be awarded against the defendant and must be awarded against the applicant, there is an opportunity for lawyers to take cases for defendants irrespective of costs, knowing full well that they could not lose. The Council's amendment covers or meets my objection and therefore I have no objection to it.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—MARKETING OF EGGS ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the 19th October.

HON. J. T. TONKIN (Melville) [9.8]: The purpose of this amendment is to give five additional years' life to the Egg Marketing Board. I introduced the original legislation and the board has operated for five years under that measure, with the exception that last year an amendment was carried to make provision for an alteration to the personnel of the board, although that amendment has not yet been affected.

The original legislation provided that there should be three producer representatives on the board, two elected by the producers and one nominated by the Minister. The purpose of that was to ensure that there would be one producer representative on the board who would not be subjected to outside pressure, and therefore could be expected to take a more unbiassed view than would be possible for a man who owed his continuance on the board to his popularity with those who elected him. Members of Parliament will appreciate that in electorates where majorities are small, the member is more susceptible to the influence which can be exercised by an influential body of his constituents than is the case of a member who represents a district where his majority is substantial. So it is with elected members of boards. When such members desire to remain on boards and their presence on them is dependent on the popularity with those people who elect them, they are much more susceptible to the views of those persons than if they are in a position of some independence.

A nominated producer is a man who has had a producer's experience and his sympathies will naturally be with the producer, but as his continuance on the board is not dependent upon the popular favour

he can be expected at times, when the decision to be made is somewhat difficult, to be stronger for his point of view where it conflicts with that of a pressure group than is the case of a man who is dependent upon popular support. The Government altered that position last session, by a very slender majority it is true, and also partly as a result of incorrect information given to the House by the present Minister for Housing who quoted some election figures which were incorrect. He therefore influenced this House, I submit, because of that statement in a way in which it would not have been influenced if the Minister had quoted the correct figures.

I sought to show, and I think experience will prove me correct—we have a little time to wait yet; another 12 months—that ultimately the three producer representatives on the board would all be drawn from the same district because they would be elected by the strongest branch of the Poultry Farmers' Union. The present Minister for Housing sought to disprove that by quoting some figures which purported to show that the particular branch to which I referred did not have the voting strength I said it had. At the time I was not in the position to challenge the Minister's figures, although I felt they were wrong, but subsequently I had authentic figures supplied to me which proved conclusively that the Minister had misled the House. When this legislation is put into operation we will have a board of three producer representatives instead of the two elected and one nominated.

I fear very much that when that time occurs the Government will be in for some trouble. That has been the experience in Victoria and I am afraid it will be the experience here, because certain localised interests will put on the pressure and will be in a position to have their decisions carried out by the board. However, the Government has taken that action with its eyes open and it will have to put up with it. Nevertheless, that is what I fear will happen.

My other complaint about the continuance of this board is that it ought to realise that it is now in much the same position as a Government authority. It is clothed with certain strong powers and it has the backing of the Government. Quite recently the union controlling the employees of the board have been in negotiation with the board to better their conditions, and I am advised that the Minister for Lands, who was then in charge of the board because he was nominally the Minister for Agriculture although there was an Honorary Minister in another place to administer the department, was very helpful to the union and it is grateful to him for the assistance rendered. However, all the union asked for was not granted. What

it was requesting was that the conditions of the employees should be similar to those enjoyed by civil servants.

It has become fairly generally recognised today that workers in industry, no matter where they are employed, either for the Government or for private enterprise, should be entitled to long-service leave after giving long service. In the Government service we grant pro rata long service leave to casual workers who do not stay long enough in the Government's employ to qualify for the full term, but the recognised principle is that in addition to the ordinary annual holidays a worker shall qualify for long service leave. We grant it to school teachers and civil servants and so the employees of the Egg Marketing Board, as they are in the employ of a body similar to a public instrumentality, should be entitled to long-service leave also. I regret that so far the board has not seen fit to grant that and I am advised that the opposition is coming from the producers' representatives.

I am a bit disturbed about that, because the board was set up to ensure that the producers should be amply protected and enjoy the benefits of the legislation. They were primarily the ones concerned in this matter and if the legislation had not been introduced for the welfare of their industry, at their request, there would not have been an Egg Marketing Act. So I think it is a very wrong attitude on the part of the producers' representatives to oppose this reasonable request by the employees because it is a recognised benefit of Government employees elsewhere, and I want the employees of the board to be in a similar position. I would not suggest that we should delay the legislation until the board sees reason on that point, but I am making these remarks in the hope that it will do the proper thing and complete the negotiations by putting its employees on the same basis as other employees.

If producers' representatives are going to adopt the attitude that it will not give the employees of boards, which are constituted for their benefit, proper conditions which are general at the time, then they will find there will be less sympathy for their point of view than there has been hitherto. So I hope that reason and commonsense will prevail and that before long the differences between the union and the board will be satisfactorily adjusted. Of course, if we do not pass this Bill to provide for the continuance of the board, the Government would have to take the show over. It could not be abandoned.

The board possesses extremely substantial assets, thanks to the wise administration of the member for Gascoyne at the time, which resulted in a considerable amount of money being obtained for the erection of a very handsome and useful building. Also the work carried out by

the board has been of first-class importance to the industry. I understand that comparatively recently there has been some trouble in regard to the pulp prepared by the board and it has been a matter of some concern. However, the difficulty has been overcome and I am assured the board now feels quite happy about the present position. It is true that the more efficient the board is, the better will be the return to the producers.

The Minister for Lands: What was the trouble with the pulp? Did the fault lie in its preparation?

Hon. J. T. TONKIN: Yes, but the position has been rectified and I now understand that it is quite satisfactory. But the pulp being produced was inferior in quality and therefore money was being lost, and an economic loss was resulting to growers generally. I am assured that the position has been rectified and that the board is quite satisfied now that things are all right. We have to consider, of course, whether the continuance of these boards is justified; that is, boards generally, and they would no longer be justified if they ceased to render a service to the particular industry for which they were established.

I am satisfied that this board is still rendering a very distinct and useful service to poultry producers and, because I feel that way, I am not opposed to extending its life for a further five years. But I do hope that the members of the board will at all times treat their employees fairly, and not be concerned completely about the welfare of the producers regardless of that of the employees. The producer would not get very far if did not have the co-operation of the employee in looking after his products, and he should be prepared to see, and I think most of them are, that the employees get conditions which are generally obtaining at the time, and from time to time.

The Minister for Lands: It took a bit of working up to give them the benefit of the clerks' award.

Hon. J. T. TONKIN: I know, and I do not hesitate to express appreciation to the Minister for the part he played in that matter. I am kept well informed of what transpires from time to time.

The Minister for Lands: It is good to be well informed.

Hon. J. T. TONKIN: I do not say much about these matters so long as they are going along satisfactorily, for then there is no reason for me to say anything about them. I think the legislation should be passed, and we shall see whether what I prophesied would occur does occur when the personnel of the board undergoes a change as a result of the alterations which we made to the legislation last session.

MR. MARSHALL (Murchison) [9.24]: I feel I cannot cast a silent vote on this Bill, and I desire to make some observations

as briefly as possible. While I can subscribe to most of what the member for Melville has uttered, I cannot go 100 per cent. with him. I well remember the introduction of the Act, and I also remember the introduction of similar Acts and the arguments advanced for their institution. As the member for Melville has said, they were passed to do the fair thing by the producer. But we were given an assurance at the time that justice would be done to the consumer. I am somewhat interested in that section of the community. If we go back over the history of these boards, and this one in particular, I think we will find that right through, gradually and steadily, but nevertheless surely, there has been an increase in the price of the commodity which they handle. The price has been extortionate at some periods of the year.

We were given an assurance that, while the producers were rendered justice, the consumer would not be done an injustice, and I was influenced into subscribing to legislation of this sort on those grounds. I feel that that assurance has not been maintained.

Hon. F. J. S. Wise: You feel that hens and not geese lay golden eggs!

Mr. MARSHALL: That is it, insofar as the consumer is concerned. We were also assured that, instead of having a constant fluctuation of prices for this commodity, a board would be able to level out and keep the prices of the product at something like a reasonable figure throughout the year.

Mr. Manning: Have you ever kept poultry?

The Minister for Lands: Of course he has!

Mr. Manning: One would not think so.

Mr. MARSHALL: It is not a matter of whether I have kept poultry or not, though I must say I have been closer to sharing their accommodation than anybody here.

Mr. SPEAKER: Order!

Mr. MARSHALL: Notwithstanding the hilarity of members, there is a serious aspect to this situation. We find that the price of eggs has risen higher during the history of this board than we have ever known it to do before its institution.

Mr. Brady: Have the profits gone up?

Mr. MARSHALL: I am not saying that the producer is being overpaid, either. We find in the expenditure of all these boards that the overhead costs must figure in the price the consumer ultimately pays, and must govern the price the producers will get. It reminds me of the constant argument that we get a great deal of these days through the medium of the Press, and from the utterances of alleged statesmen and public men, about free medicine, and a multiplicity of other things given by the Government free. In essence, that is all

rot! It is eyewash and rubbish. We have the same thing here in this Bill. So far as the Government granting anything free is concerned, all I can say is that it has an army of taxgatherers on the one side, and an army of distributors on the other, autocratic powers and institutions imposing the means test and a multiplicity of other things, such as regulations and red tape. It is sickening to hear of these things being granted free.

One would believe that the Government had a strongroom filled with gold which it could distribute as it desired, at no cost to the people, whereas actually it has to be obtained from the community in order to give it back. In the process of doing this, we find an army greater than any army that ever fought in our defence, in the process of managing these things which it is alleged we get free. Here we have a board, and with every board we have had we find a scarcity in the commodity and an increase in the price thereof. I give as an example the price of onions, potatoes, eggs and milk. We find there is scarcity at times and an increase in the price all the time. We are to continue the operations of this board for another five years. If our experience in the future, at the end of that five-year period, can be judged by that of the past, we shall be paying at that stage double the price for eggs that we do now. It has cost the consumer as much as 3s. 4d. a dozen at times.

I cannot discover any great efficiency in the operations of these boards. The Egg Board does not seem to have regulated the price on an equitable basis throughout the year. I am not at all enamoured of its success from the standpoint of the consumer who, I think, will suffer more as time goes on. I am not enthusiastic about the measure and I would just as soon see the Act go by the board. Let those interested in the industry organise themselves, and take charge of their particular business. Let there be some more of this competition about which we hear so much from members sitting on the Government side of the House. The principle is a healthy one when it is applied to special matters in which they are interested.

Hon. J. B. Sleeman: The law of supply and demand.

Mr. MARSHALL: Yes, but when it comes to primary production they take a different point of view. There is no idea of allowing the law of supply and demand to operate then. On the contrary, we are then asked to protect the industry at the expense of the community in general.

Hon. F. J. S. Wise: Orderly marketing.

Mr. MARSHALL: That is their great catch-cry. I would like a definition of it. What is orderly marketing?

The Minister for Lands: I have explained that.

Mr. MARSHALL: If orderly marketing has meant in our experience, as it has meant, increased prices, I would prefer disorderly marketing.

The Minister for Lands: I have explained it often enough.

Hon. F. J. S. Wise: But not intelligently enough.

Mr. MARSHALL: In essence, that is all we get. After a few years of a board's operations we find that the commodity it deals with is in short supply and prices are increased.

Hon. F. J. S. Wise: And everyone is bored.

Mr. MARSHALL: I have no objection to boards that render efficient service, but I do not know of any that has fulfilled the obligations imposed upon it when Parliament granted it statutory authority to act. We thought that the producers were to get fair play and that the interests of the consumers would be looked after. I do not know how the producers have got on, but the consumers' interests have not been conserved. Assurances we were given have not been fulfilled by any board to date. I am not enthusiastic about the Bill; I am not interested in it.

Question put and passed.

Bill read a second time.

In Committee.

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

ANNUAL ESTIMATES, 1950-51.

In Committee of Supply.

Debate resumed from the 17th October on the Treasurer's Financial Statement and on the Annual Estimates, Mr. Perkins in the Chair.

Vote—Legislative Council, £3,966.

MR. STYANTS (Kalgoorlie) [9.37]: In discussing the Estimates, I propose to deal principally with the financial morass into which the railways have deteriorated and into which that State instrumentality seems to be getting deeper. Before doing so, however, I shall make reference to the financial position generally. Listening to the Treasurer deliver his Budget speech was much more pleasant this time than it was last year. At that time I told the Premier that his story was a most mournful one and his anticipations were the most pessimistic I had heard from any previous Treasurer. When we have regard to the results of the last financial year, due principally to the generosity of the Commonwealth Government, we find that his doleful anticipations were not realised. The financial position for the coming year will again depend largely upon the assistance rendered by the Commonwealth Government.

It is rather alarming to realise that of the anticipated expenditure outlined by the Treasurer, the State will be dependent upon the Commonwealth Government to find about 33 per cent. I am surprised that the Treasurer should express any dissatisfaction regarding the treatment of this State by the Commonwealth Government from the financial point of view. When we consider that the Commonwealth is contributing £8,000,000 towards the financing of the war service land settlement scheme and three-fifths of the money required in connection with the Commonwealth-State housing scheme, it should be agreed that the assistance rendered by the Commonwealth to this and other States as well is on a particularly generous scale. If it were not for the uncertainty of its continuing, I should think that there would be room for little complaint by the Treasurer as to the assistance the Commonwealth is rendering the State.

Before dealing with the financial position of the railways, I wish to protest very strongly against the late tabling of the report of the Railways Commission. The report should be here before the Estimates are discussed, because the finances of the State depend very largely upon those of the railways. A week ago I asked the Minister representing the Minister for Railways whether we were going to get the meagre information contained in the five years' comparative working results—a statement that previously has always been presented in time for use in the discussion on the Estimates. The Minister promised to ascertain whether the Commissioners intended to supply it, but so far the information has not been forthcoming. It is entirely wrong that our largest establishment and largest employer of labour should not have its report here for the information of members before the Estimates are considered in order that we may have up-to-date details instead of having to use information 18 months out of date.

In discussing the financial position of the railways, I find it necessary to use some figures for the year 1948-1949 and others, except those with regard to super., for the year 1950. The capital invested in the railways is gradually increasing. The total amount invested is now almost £28,000,000, and an alarming feature is that over the years we have paid something like £36,000,000 in interest on the borrowed money. The amount invested per head of population is now down to the level of 1916, due principally to the fact that in the last 12 months the population of the State has increased by about 26,000.

As regards passenger journeys and the ratio of goods traffic carried by the railways, the effect of road transport is evident. In 1914, 60 per 1,000 of our population made journeys on the railways, the

total passenger journeys having been 19 million. In 1926 the number was 44 per 1,000 representing 16½ million passenger journeys, and in 1949 the number had decreased to 25 per 1,000 of the population and 13 million journeys. Of goods and livestock, in 1914 the railways carried 1½ million tons or 9.46 tons per head of the population; in 1926 the figure was 8.71 tons per head of the population, and in 1949 it had fallen to 5.24 tons per head of the population for a total of 2½ million tons. The report for 1948-49 gives the average earnings per ton mile as 2.15d., and the average cost—this is guesswork because the report is not here to give the exact figures—was 3.15d., so that for every ton mile carried on the railways, the loss was 1d.

Only in the last couple of years have the railways not been able to balance earnings and running costs, and not only have they failed to do this, but they have failed to an alarming extent. Earnings fell short of running costs by £1,487,410, and this, it must be remembered, is without taking into consideration the interest bill. The interest charges are gradually creeping up and in 1948-49 amounted to £1,063,023, thus making a total deficit on the railways of £2,550,433. On an undertaking of the proportions of our railways, that is a colossal loss.

If members who do not make a close study of railway finance take notice of my remarks, they will arrive at a realisation of why this colossal loss is occurring. Many commodities are being carried per ton mile at a fraction of the actual cost, and consequently it is impossible for any management to be able to show anything like a reasonable financial return under such conditions.

I was interested in the proposal of the Treasurer to write down the capital of the railways. I do not think that will deceive anyone, not even the Treasurer himself. No matter how much the capital investment may be written down, the borrowed money will have to be repaid, as well as the interest charges. I could understand a proposal of that sort had it come from some other source. I do not know whether such a writing down would be to the advantage of the Railways Commission or whether it thinks that its prestige might be enhanced if the capital investment were written down by about 50 per cent., thus enabling it to show on a fictitious basis that a profit was being made on its operations.

As far as the finances of the State are concerned, of course, there would not be any advantage. As a matter of fact, I think the result would be that claims would be received from all sections of the community for reductions in fares and freights. People would be able to say, "You are showing a much-improved financial position as compared with some years ago; in fact,

you are actually showing a profit." Of course, taking into consideration the written down capital and the repayments and interest charges to be made, the same loss will confront the State.

I was rather surprised to find that an amount of £258,000 odd had been paid for the 25 A.S.G. engines, that is, if one might flatter them by calling them engines. These were purchased or received from the Commonwealth Government some seven years ago. I raised my voice about the unsuitability of these locomotives 12 months after they began to be used by the department. Why I say that I was surprised to know that within some few months of the Menzies Government taking office a payment of £258,000 had been made for these engines is because, in my presence, the previous Prime Minister had said that if the engines did not prove to be satisfactory there was no need to make any payment for them. He said they could be written off the same as many millions of pounds worth of other goods which had been rush war-time jobs had been written off, and had turned out to be very unsuccessful and of not much use.

The Premier: I do not think there is anything I know of in connection with which the Commonwealth has agreed to write it off.

Mr. STYANTS: I know that the Commonwealth, although responsible for building these locomotives, would never use them on its own lines. There are quite a number of "A.S.G." engines that have never turned a wheel on a main line on any railway in Australia because they were proved to be so unsuccessful in Queensland and Western Australia. The Commonwealth would not use them on its 3ft. 6in. line to Alice Springs. We were told when the engines were here, and the engine-drivers refused to work them because of their unsatisfactory and dangerous performance, that they were super engines. As a matter of fact, special brochures were issued setting out the qualities of these locomotives, and were distributed by those interested in their design and manufacture. The average life of a locomotive is regarded as being 30 years.

The Premier: Ten years.

Mr. STYANTS: Thirty years. That is recognised throughout the world as the average life of a locomotive; but the life of this particular engine has been written down to 10 years.

The Premier: That is so.

Mr. STYANTS: An unprecedented method of paying for them was adopted so far as this State was concerned. On the basis that we had had them in use for seven years—which is 7/10ths of their estimated life—7/10ths of the cost was to be paid out of railway revenue. I think it is unprecedented to buy locomotives out of railway revenue.

Hon. F. J. S. Wise: They were really paid for out of the coal grant.

Mr. STYANTS: It may have been a matter of conscience money. The Treasurer may have been returning some of the £600,000 he received as compensation for loss in connection with the coal strike. It may have been a matter of endeavouring not to show too favourable a return in the department's finances. But certainly it was an unprecedented method of paying for the engines. I understand that the other 3/10ths owing will be paid out of loan funds. I suppose there was a reason for some of the cost coming out of railway revenue; but I say again that such a thing had never occurred previously in regard to the purchase of rollingstock, because payment had always come out of loan funds. To gain some idea of what these engines have cost the State I asked some questions a couple of months ago in regard to their performance. One question I asked was—

How many "A.S.G." engines were available for main line work on the 30th June, 1950?

Out of a total of 25 I was told that only 11 were available for that work. A second question was—

How many had been available for main line work continuously for the three months prior to that date?

The answer was seven. My third question was—

What was the average number, each month, available for main line work for the year ended the 30th June, 1950?

The answer was 12. In answer to the question—

What was the average total mileage run by each "A.S.G." engine during the year ended the 30th June, 1950?

I was informed that the mileage was 14,821 miles. The next question and answer were as follows:—

What was the average total mileage run by "U," "P" and "PR" class engines respectively for the same period?—"U," 35,255; "P," 29,924; "PR," 29,665.

So we find that the "U," "P" and "PR" classes with a comparable sized wheel to that of the "A.S.G." had run double the mileage. That was the experience of the Queensland Government when the Commissioner himself banned these engines and decided to scrap them. To gain an idea of their performance, I asked how many "A.S.G." engines had knocked out the steam chest cover and was informed that there were six of them. I also asked how many had knocked the cylinder end out; there were 19 out of the 25. My third question was as to how many had broken the chassis framing. This is a very serious defect. The chassis was not strong enough to stand the tractive effort of the engine.

In answer to that question I was informed that 23 out of the 25 had broken the chassis framing during the few years the engines had been in service here. I also asked how many had bent or broken the driving rod, and the answer was 16. I asked how many of the engines had failed more than once for any of these causes, and was told that 19 out of the 25 had had dual failures.

Mr. Hearman: How many cylinder ends had been knocked out? There would be 100 involved.

Mr. STYANTS: Nineteen engines had their cylinder ends knocked out. I do not know whether they knocked out one cylinder end or four cylinder ends per engine. I was concerned with the number of engines involved and not the number of cylinder ends. I do not like to be in the position of saying, "I told you so"; but I was informed frequently by the Railway Department, through the Minister, when I criticised these engines, even before the Royal Commission inquired into their suitability, that I was just a common ex-driver and did not know anything about the mechanical qualities of the locomotives. But I arrived at an estimate of the value of these engines by riding on them myself; from advice received from those working them; and as a result of the performance which I saw them put up, when it was taking more than 50 per cent. of the mechanical staff of the department to keep them in working order; and my estimate was substantially correct. I understand that now they are on their way out.

I have been told on reliable authority that no more new parts are to be purchased for them. They are about to what may be called cannibalise each other, in that if a certain part breaks down on one engine, it will be replaced by a part taken from another, so that the locomotives will gradually go out of service. Consistent with our getting more locomotives, the quicker these go out of the service the better the financial position of the department will be.

The Premier: They are using Garratts in other parts of the world today.

Mr. STYANTS: There is nothing wrong with what is called the articulated engine. Railway systems are running passenger trains and express trains with them. Provided the Garratt engine is set out scientifically and is properly balanced, it will work quite well and give good service. They are used, I think, in a dozen countries. This engine was not scientifically balanced, and it gave very poor service. As far as the general estimate is concerned, we find we have a loss of over 2½ million pounds on the railway service, and something like £300,000 on the North-West Shipping Service, so it looks as though the Government is not doing too well with its socialistic enterprises. I think at Wundowie there was a loss of £97,000 for the year, and the loss at Chandler is anybody's guess.

These three or four items alone would account for a considerable amount of our deficit. The reason, in my opinion, why it is impossible for the railways to show a decent financial return is because they are carrying over 80 per cent. of their traffic at less than cost. I want to deal with the super. position first. The figures I shall give are for this year because I was able to glean the information as the result of some questions I asked. I shall be quoting the earning rates and not the freight rates which the department says are the amounts charged per ton. These rates can be found at page 48 of the railways report for the year ended the 30th June, 1949.

We find that the average haul for super. was a little less than 150 miles, but I have based my estimate on 150 miles for the purpose of calculation. Whilst my figures may not be correct to a shilling, they will be sufficiently accurate for members to get an idea of the financial position of the railways. The rate set out is 13s. 2d. for super. for 150 miles, and its costs 37s. 6d. according to the information supplied by the Railway Department, which estimates that it costs about 3.4d. per ton mile for haulage on the railways. So we find that for 150 miles the railways receive 13s. 2d., whereas the estimated actual cost is 37s. 6d. On a 250-mile haul, the department receives 18s. 6d. a ton, whereas the cost is £3 12s. 6d., so a considerable amount is lost there. Where the distance is 400 miles the amount received is 24s. 9d. and the cost is £5.

Each ton carried over 400 miles represents a loss of £3 15s., or, if we work out the position with a 10-ton G.C. truck loaded with super. we find there is a loss in hauling it over a distance of 400 miles, of £37 10s. I asked what the department estimated it had lost on the haulage of super. for the 12 months ended the 30th June this year, and the answer was £299,400. The department hauled 215,932 tons, so its estimate over all distances is that it lost something in the vicinity of £1 6s. for every ton of super. carted. The cartage by road subsidy amounted to £179,000. Another factor which comes into the question of super. is the haulage of pyrites from Norseman.

In answer to a question I was told that for the year 33,128 tons of pyrites were carted from Norseman to provide sulphur for the manufacture of super. On an average haul of 450 miles—and it is slightly more than that to Norseman—the earnings per ton were 30s., and the cost was £5 12s. 6d. A particularly low freight rate of .79d. per ton mile has been set down for this traffic—or 4/5ths pence per ton mile. The department estimated that it costs more than 3d. per ton mile, so that for every ton of pyrites hauled from Norseman the railways receive 30s. whereas it costs £5 12s. 6d. The number of tons hauled was 33,128, and that meant a loss of almost £140,000.

The alarming thing from the railways point of view is that there is every probability that the pyrites traffic will increase threefold during the next two or three years. It is estimated by the manager of the Norseman Gold Mines, who is also in charge of the mine from which the pyrites comes, that the annual saving due to using Norseman pyrites for the manufacture of super., would be £1,000,000 a year. He estimates imported sulphur to be worth £30 a ton, and it costs £14 to produce a ton of sulphur from pyrites. I am told that three American firms are interested in shipping pyrites to America where both the sulphur and the iron content would be utilised. But our technical men in Australia—I think those connected with the Broken Hill Proprietary Company Limited—are of the opinion that the iron content in the pyrites would make it a non-economical proposition for treatment here.

If the traffic is to increase threefold, and there is a saving of £1,000,000 a year to the super. industry, will the Railway Department be expected to continue with this unprofitable rate of 4/5ths pence per ton mile? It would appear that the loss sustained by the Railway Department on the haulage of super., or by the State in this instance—amounts to a subsidy on super. That loss, and the sum lost on the haulage of pyrites, amounted to £618,993. There was also the loss involved in the road haulage of super., and we will not say anything about the probable hundreds of thousands of pounds worth of damage done to our highways by the heavy, super-laden vehicles. So what it must be costing the people of this State, in actual loss, to get the super., is in the vicinity of £1,000,000 per year.

Mr. Hearman: What would be the loss if they did not get the super.?

Mr. STYANTS: The hon. member's guess is as good as mine. Another liability that the Railway Department has been asked to take in the last 12 months is the transport of about 500 tons of coal per week from Collie to the power house and the mining industry on the Eastern Goldfields, and although the Railways Commission estimated that it cost 3d. per ton mile, the rate that has been fixed for the haulage of that coal is 1.08d. per ton mile, so it looks as though they will lose hundreds of thousands of pounds in the haulage of coal. Coal for the metropolitan area, apart from that which is required for the railways, has a freight rate of 1.71d. per ton mile as against the estimated cost of 3d. The taking of this coal to the Goldfields at reduced rates, while being of assistance to the mining industry and the power house there, is probably going to have a serious effect upon the Government's guarantee to the Goldfields Firewood Co., the local industry that has been carrying on there.

I think the Government's guarantee to that company is still in the vicinity of £130,000, and it has been assisting the company by a lower royalty on wood. The company is also still receiving a concession—I understand—from the State Insurance Office in workers' compensation rates, so I think it will have a serious effect and that, with the increase of the value of gold from £10 15s. 8d. per ounce to £15 9s. 6d. per ounce, the goldmining industry must be working on a reasonably profitable basis at present. I know that when they were working on £10 15s. 8d. prior to the devaluation of Australian currency as against dollars, they were having a particularly hard time, but I think they are working on quite a profitable basis now.

With regard to wheat, for the period 1948-1949, the tonnage hauled was 509,786. The average haul was 137 miles and the charge for 150 miles is shown at 23s., or a difference of 5/6d. per ton mile, but the earnings shown in the Commission's report are only 1.29d. per ton mile, or 14s. 10d. The difference on a 137 mile haul is in the vicinity of 7s. The earnings per ton mile on 137 miles came to 14s. 10d. at the rate of 1.29d. per ton mile, which is set out in the Commission's report, and the receipts of 14s. 10d. and the cost at 3d. per ton, and not 3s. 4d. as shown in the Commission's estimate of the average hauling cost was £1 14s. 3d., or a loss per ton on the haulage of wheat of 19s. 5d., so on 509,786 tons, the loss was £495,000. Hay, straw and chaff, with a tonnage hauled of 31,371 tons, on an average haul of 150 miles, gave earnings of 1.60d. per ton mile, or approximately £1 per ton for 150 miles, and the cost was £1 17s. 6d., or a loss of 17s. 6d. per ton on those commodities, which showed a loss on 31,371 tons of £27,450.

Another considerable item of primary production is grain, special grain other than wheat. The tonnage hauled was 195,046 tons and the average haul, as shown in the Commission's report, was 130 miles. The earnings were 1.40d. per ton mile, or 15s. 2d. on a 130-mile haul, and the cost 3d. per ton, or £1 12s. 6d., so the loss on the haulage of 195,046 tons was £170,000. So we have the loss shown according to the Commission's report, whence these figures are taken. The loss on fertilisers and pyrites—pyrites is an estimate on my part, because it is included in the section coming under "ores," but on a haulage of 33,000 tons I think I have got close to it—was £439,997.

The loss on wheat was £495,000; that on hay, straw and chaff was £27,450, and on grain, special grain other than wheat, £170,000, so the total loss on those commodities was £1,132,443. I have segregated them in a summary to show the different categories and the percentages of the total tonnage. It shows in the

first place the earnings on wheat at 1.29d. per ton mile. The percentage of the total earnings is 10.61 and the percentage of the total tonnage is 18.63. For hay, straw and chaff the earnings per ton mile are 1.60d. and the percentage of total earnings .89, while the percentage of the total tonnage is 1.15. For grain, special grains not wheat, the earnings per ton mile are 1.40d., the percentage of total earnings 4.19, and the tonnage percentage to the total hauled is 7.13.

When I mention earnings per ton mile, members should bear in mind that it cost 3d. per ton mile for haulage, and they will then realise the difference between the earnings and the cost. Although fertilisers are set out as being at a higher freight rate, according to the Commission's report, they earned only .59d. per ton mile. The percentage of total earnings was 2.38, and the percentage of the total tonnage hauled was 8.54, so we find that on those items the percentage of the total earnings was 18.32 and the percentage of the total tonnage hauled was 36.45. I have set out in the second schedule the goods which returned less per ton mile than the average earnings of 2.15d. per ton mile, which is the figure set out in the Commission's report as the average earnings per ton mile. Into this category come local charcoal, coal coke and shale. The earnings are 1.55d. per ton mile, and the percentage of the total earnings is 8.40, while the percentage of the tonnage to the total haulage is 13.36.

For imported coke and coal the earnings are 1.96d. per ton mile and the percentage of earnings is .14, while the percentage of total tonnage is .41. Firewood returned only 1.11d. per mile, the percentage of the total earnings was 1.30 and the percentage of the total tonnage hauled by the department was 3.35. Fruit and vegetables earned 1.97d. per ton mile and the percentage of the total earnings of the department was 4.30 while the percentage of the total tonnage hauled by the department was 4.23.

The next item is miscellaneous. I do not know what goods come under that heading, but they were carried at the particularly cheap rate of .89d. per ton mile. Their percentage of the total earnings was 3.99 and the percentage of the tonnage carried to the total haulage of the department was 8.29. So we find that local and imported charcoal, coal, coke, shale and the carriage of vegetables, fruit, firewood and miscellaneous produced 18.13 of the total earnings of the department. They provided 29.54 per cent. of the total tonnage hauled by the railways.

The next figures deal with goods which return not less than the average earning of 2.15d. per ton mile, but not the amount of the average cost of 3.4d. These goods come under the category of "A" class goods, "B" class, livestock and local timber. The

earnings per ton mile on "A" class goods was 2.49d. and the percentage of the total earnings was 2.97 while the tonnage hauled was 2.34 per cent. of the total haulage. "B" class goods earned 2.8d. per ton mile and the percentage to the total earnings was 2.74 and the tonnage hauled was 1.45 of the total tonnage hauled. Livestock earned 2.98 per ton mile, the percentage of total earnings was 7.17 and the tonnage hauled was 5.95 of the total haulage. Local timber earned 2.15d. per ton mile, the percentage of total earnings was 6.97 and the percentage of total haulage was 8.42. Here we have "A" class and "B" class goods, livestock and local timber earning 19.85 per cent. of the total earnings and 18.16 per cent. of the total haulage of the department. So, we are getting somewhere near to a balance.

I now come to a summary of goods which return an average earning above the average haulage cost of 3.06d. per ton mile. These goods consist of wool, imported timber, private oil tankers, "C" class goods, 1st and 2nd class goods, and all other goods. Wool earned 3.44d. per ton mile, the percentage of total earnings was 3.60 and the percentage of total haulage was 1.40. The earnings on imported timber were 4.63d. per ton mile, the percentage of total earnings was .03 and the tonnage was .03 per cent. of the total tonnage hauled. The oil tankers refer to oil and petrol hauled in private oil tankers and they had an earning capacity of 4.31d. per ton mile, the percentage of total earnings was 7.69 and the percentage of tonnage to total tonnage hauled was 3.94. "C" class goods earned 3.97d. per ton mile, the percentage of total earnings was 7.33 and the percentage of total tonnage hauled was 2.94.

The earnings of first class goods were 5.31d. per ton mile, the percentage of total earnings was 14.48 and the percentage of total tonnage hauled was 4.84. Second class goods earned 8.07d. per ton mile and the percentage of total earnings was 6.10 and the percentage of total tonnage hauled was 1.14. There is another category which covers all other goods and they earned 3.47d. per ton mile and the percentage of total earnings was 4.71 while the percentage of total tonnage hauled was 2.43. So that we find that wool, imported timber, oil conveyed in private tankers, "C" class, 1st and 2nd class goods and all other goods earned 43.94 per cent. of the total earnings and the tonnage was 16.72 per cent. of the total haulage.

Goods which did not earn the average cost of 2.15d. per ton mile were 36.45 per cent. of the total earnings and 66.10 per cent. of the total tonnage hauled. Goods which returned not less than the average earning of 2.15d. per ton mile, but less than the average cost of 3.06d. per ton mile earned 19.85 per cent. of the total earnings and were 18.16 per cent. of the total tonnage hauled by the Railway Department. Goods which earned above the average

cost of 3.06d. per ton mile earned 43.94 per cent. of the total earnings and were 16.72 per cent. of the total tonnage hauled.

That will give members some idea of the importance of the task set the department and explains why it is showing a loss of 2½ million pounds per annum. If we allow that condition of affairs to continue there is no possibility of the railways ever showing a better financial return. I believe that the railways require a total reorganisation of their freight rates. The vast majority of commodities being carried are being hauled at a loss of over £1,000,000 a year and those commodities could, under present circumstances, be hauled at least at the actual cost of their transport. I believe that some of the other goods, and particularly consumable commodities which come under first and second class, are hauled at a rate which is in excess of the actual cost and in many instances revision of those rates would be justified.

That is all I wish to say on the general Estimates. When the Railway Estimates are introduced I propose to deal with some other aspects of the railways, but I would point out to members that it is not because of inefficiency or lack of proper administration on the part of railway officials and workers generally that the system is showing these huge deficits. It is because we have a rate which is so low that goods are carried at 2.15d. per ton mile which, in itself, is 1d. per ton mile less than the actual cost. Earlier in the session the member for Moore endeavoured to make a point that the rate for super. was much higher than that charged in Victoria. That, of course, is correct, but he omitted to tell the House that all other fares and freight rates are higher than those in Victoria.

The Premier: All the States recently have increased their fares and freight charges.

Mr. STYANTS: Yes. I think that during the last four years there have been at least three or four adjustments in the rates. The States have found it impossible to carry on unless they did so.

MR. HEARMAN (Blackwood) [10.34]: I wish to discuss briefly the question of super. and in particular, super. supplies. I know that the Government is endeavouring to augment supplies and I think that all members realise the difficulty confronting it. There is one other line of investigation which should be pursued and that is the economic rate of super. application. I hope at the appropriate time during the debate to ask the Treasurer to set aside a sum of money to investigate the rate of application of super., and other things appertaining thereto. There are several avenues that should be explored perhaps to improve the overall super. position. The impracticability of increasing our factory output by the use of certain proportions of ground rock phosphate may considerably affect the

position. The manufacturing bottleneck at the moment is due to the incapacity of the acid plants to produce acid. If ground rock phosphate were used there would be no need to use acid and to that extent the production bottleneck could be alleviated.

There is another avenue worthy of inquiry. In every bag of super. a considerable proportion of the phosphate is not suitable as plant food. Actually, there is far more phosphate of that nature in the bag than is suitable for plant food. As a result, a considerable quantity of super is in the soil but it is invaluable. There has been a certain amount of work carried out in other countries which would indicate that there is some hope of making that residual amount of super. available as plant food. Unfortunately in this country we have a peculiar climatic and soil conditions and what is learned from oversea is not always directly applicable to the conditions here. However, the indications show that an avenue for investigation exists and, because the shortage of super is likely to continue for some time, it would be an excellent idea to investigate that aspect of agriculture to see if some relief could not be gained.

The use of trace elements in connection with super. is, of course, by no means new, but the extent of investigation in that direction is not very great and, therefore, that is another avenue well worth greater investigation. I think the actual rate of application is at present a matter of opinion rather than a question of scientific test. During the last week-end I asked one farmer what the rate of application of super. was on his farm and he said that he believed in 100-lbs. to the acre for new land and 90-lbs. per acre for old land. In three years he had cropped and top-dressed, and was particularly pleased about the improved carrying capacity of his land and his improved pastures. I then asked what his quota was and he told me it was 28 tons, and he also said that the area he was top-dressing was 1,000 acres. If we work those figures out we find that the application of 63lb. of super. to the acre does not tie up. I was not surprised at his answer because I am satisfied from conversations with numbers of farmers that they are not always aware of the rate of application which they use.

I questioned the figures in this particular case, and one of the field supervisors of the War Service Land Settlement Scheme told me that this man may have been able to obtain super. from another source. Of course there are literally hundreds of people seeking super. from another source. If this man were able to get his super. elsewhere that would mean that some farmers are obtaining more than they should while others are going short. I point out that although a farmer may say he is topdressing at 90-lbs.

an acre he may be topdressing only at 63-lbs. an acre. An investigation would show the real state of affairs in a great many instances. It would be quite reasonable for the Committee to ask what the Department of Agriculture has done and why this information is not available.

It would be a very good thing for this State if the information were available but, unfortunately, for a number of reasons—and the Leader of the Opposition, I am sure, will be well aware of what those reasons are—the department has not been able to conduct half the investigations and field trials which it would have liked to. In actual fact it has in progress at the moment certain trials. I am better informed on those they have in the South-West than in any other areas, but certain trials are at present current in connection with rates of application and certain data is available from them.

The Premier: As a practical farmer, what do you consider is the maximum amount of super. that a farmer should put on his land?

Mr. HEARMAN: In a heavy rainfall area it would appear that unless land has had at least 25 cwt. of super. applied to it a heavier application is better. The law of diminishing returns does not apply in heavy rainfall areas. With older pastures of 20 or 30 years that have been top-dressed we do not know whether 2 cwt. would be an economical load or not. There is a considerable field for investigation, particularly in my own area, and I suggest that these high rates of application which are used by some people are not entirely economical. It is conceivable, I think, that an investigation would show that other methods of farming in connection with the application of that manure would produce a very much bigger yield.

There is a tendency for the quality of pastures to deteriorate over a long period, and a continued heavy rate of application does not always produce quantity or quality of feed. When clover is first planted and a heavy top-dressing is put on, wonderful results are obtained because clover, after six to ten years, starts to deteriorate and the quality and quantity drop back. But there is a tendency for farmers to continue the high rate of application in an endeavour to get back the quantity of feed. That has happened. Trials applied to the South-West indicate that in round figures 2 cwt. could be regarded as the maximum that can economically be applied. They also indicate that for a period a very much lighter dressing might produce some results. I also mentioned the use of ground rock phosphate instead of the super. as we know it now and, particularly on these older pastures, there is scope for ground rock phosphate. But that is one of the matters we do not know about and I think an investigation of this type would perhaps assist.

Apart from the departmental trials, Cuming Smith & Mt. Lyell have trials going on throughout the country, in the wheatbelt area as well as in the South-West, and they have not topdressed for a considerable period. Originally the trials were established with a view to promoting the use of additional super., but investigations that are being carried out, and recent soil surveys that have been made in those places, would indicate that perhaps we might be able to economise on our super., and I think the information available from those trials should be correlated and made available.

The Premier: I think some farmers will be forced to economise.

Mr. HEARMAN: I think they will be and that is the part that worries me. At the moment we have a voluntary system of quotas based on the best year. I think an investigation of the type I suggest may possibly enable us to arrive at some more equitable system of fixing quotas, and arriving at quotas, and perhaps of enabling new farmers to get quotas. To produce a reasonably rapid result we will have to enlist the services of people other than the Department of Agriculture; possibly Cuming Smith & Mt. Lyell, Cresco, the University and the Government laboratories. I suggest that a sum be set aside for the purpose of enabling the Minister for Agriculture to set up a special committee for investigations along the lines I have mentioned. I do not wish to go into detail at this juncture but would be prepared to speak further when the agricultural estimates are before the Committee.

Progress reported.

QUESTION.

PROHIBITION REFERENDUM.

As to Compulsory Voting.

Hon. F. J. S. WISE (by leave) asked the Premier:

As a matter of great public interest would he advise the House whether the compulsory voting provisions of the Electoral Act, which were incorporated into the law late in the 1930's, are to apply to the referendum to be held on the 9th December to conform to the requirements of the Licensing Act?

The PREMIER replied:

The advice given to me this morning by the Chief Electoral Officer was that the compulsory provisions in the Electoral Act will apply to the poll that is to be taken in connection with liquor on the 9th December.

House adjourned at 10.48 p.m.