

have been a member of the Labour Party all my life and our idea has always been to uplift the masses and make the people self-reliant. We have always tried to raise the standard of living and get the best industrial conditions for the workers, and we know the deleterious effect that liquor has upon the workers.

As a matter of fact, speaking generally, in this country, and especially in the post-war periods, the increase of excessive drinking has been a retrograde step. To further extend hotel trading hours to provide more opportunities for drinking will prove to be our undoing. Even now the law is violated in many instances. I am not what is known as a wouser or even a prohibitionist; I believe in moderation in all things. I do not think we should present opportunities for drinking to our young people because in the main they would be the ones to frequent the hotels in the evenings.

At present one can always see numerous cars parked outside hotels at night and after the patrons have finished their drinking many of them are under the influence of liquor when they drive their cars away. I have had no representations made to me for the extension of trading hours or for any reform in this direction, although I represent 13,000 people, many of whom are workers. Not one has approached me to cast a vote on this question in this House and the Government would certainly be unwise to introduce a Bill to provide for the extension of hotel trading hours from 9 p.m. to 10 p.m. If it does, I shall strenuously oppose it.

Question put and passed; the Address, as amended, adopted.

#### BILLS (10)—FIRST READING.

- 1, Pig Industry Compensation Act Amendment.
- 2, Noxious Weeds Act Amendment.  
Introduced by the Minister for Agriculture.
- 3, Industries Assistance Act Amendment (Continuance).  
Introduced by the Minister for Lands.
- 4, Firearms and Guns Act Amendment.  
Introduced by the Minister for Police.
- 5, Adoption of Children Act Amendment.
- 6, Royal Style and Titles Act Amendment.  
Introduced by the Minister for Justice.
- 7, Jury Act Amendment.  
Introduced by Hon. A. V. R. Abbott.
- 8, Fertilisers Act Amendment.
- 9, Matrimonial Causes and Personal Status Code Amendment.  
Introduced by Hon. A. F. Watts.
- 10, Companies Act Amendment (No. 1).  
Introduced by Mr. Brady.

*House adjourned at 9.53 p.m.*

## Legislative Assembly

Thursday, 3rd September, 1953.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

### QUESTIONS.

#### DEPARTMENTAL SALARIES.

*As to Railway and Tramway Departments.*

Mr. JAMIESON asked the Minister for Railways:

Would he supply a detailed list of the number of servants drawing a salary of £1,300 per annum and over from the Railway and Tramway Departments?

The MINISTER replied:

The number of servants drawing a salary of £1,300 per annum and over from these departments is:—

#### Railway Department—

1	at £3,450 p.a.
2	at £2,450 p.a.
1	at £2,218 p.a.
2	at £2,216 p.a.
1	at £2,118 p.a.
2	at £2,018 p.a.
1	at £1,868 p.a.
2	at £1,718 p.a.
7	at £1,716 p.a.
2	at £1,618 p.a.
1	at £1,496 p.a.
1	at £1,468 p.a.
1	at £1,446 p.a.

4 at £1,418 p.a.  
 1 at £1,414 p.a.  
 6 at £1,396 p.a.  
 9 at £1,393 p.a.  
 8 at £1,368 p.a.  
 1 at £1,366 p.a.  
 2 at £1,343 p.a.  
 1 at £1,336 p.a.  
 11 at £1,311 p.a.

#### Tramway Department—

1 at £2,215 p.a.  
 1 at £1,615 p.a.  
 2 at £1,365 p.a.  
 1 at £1,315 p.a.

Hon. Dame Florence Cardell-Oliver: No wonder they do not pay!

### TOURIST TRAFFIC.

#### *As to Shortage of Accommodation.*

Hon. C. F. J. NORTH asked the Minister for Mines:

(1) Does the existing shortage of accommodation for visitors render impracticable any move to boost the tourist traffic?

(2) If so, are there any prospects of relief in this direction?

The MINISTER replied:

(1) Only during the peak of the spring and summer seasons. At other periods accommodation in Perth and coastal tourist resorts is reasonably adequate.

(2) Publicity is designed to encourage travel to Western Australia during autumn and winter, thus spreading the demand for accommodation.

### WATER SUPPLIES.

#### *(a) As to Canning Dam Overflow.*

Mr. McCULLOCH asked the Minister for Water Supplies:

As Canning dam is now overflowing at the rate of one hundred million gallons of water per day, and a possibility of a greater overflow during the next two or three months, is a survey of any description being made by the department which would have the effect of saving such water for public use?

The MINISTER replied:

No surveys are being made at present, but the Canning river catchment area has previously been closely examined.

A possible dam site exists on the upper reaches of the river, but the construction of a dam would not be justified while other more economical sources are available.

#### *(b) As to Mundaring Pipeline and Pump.*

Mr. McCULLOCH asked the Minister for Water Supplies:

(1) What progress has been made with the duplication of the pipeline eastwards from Mundaring weir?

(2) Has the new high-capacity pump been installed at Mundaring? If not, when is it expected that such work will be completed?

The MINISTER replied:

(1) Work completed to August, 1953—  
 Under Comprehensive Scheme:

	Miles.	Chains.
Enlargement ....	6	37
Duplication ....	7	4
Prior to Comprehensive Scheme:		
Enlargement ....	18	14
Total ....	31	55

Further work to be completed by end of November, 1953—

	Miles.	Chains.
Enlargement ....	2	77
Duplication ....	3	—
Total ....	5	77

(2) The pumping station is now under construction.

It is anticipated that sufficient equipment will be assembled to enable one new electric unit to commence pumping at the beginning of December, 1953, in conjunction with the existing steam stations.

The other three units will be installed at intervals of one to two months.

#### *(c) As to New Pumping Equipment, Mundaring.*

Hon. D. BRAND asked the Minister for Works:

(1) When is the new pumping equipment for Mundaring No. 1 Station due to arrive?

(2) Will it be installed in time to meet increased summer demands for water on the Goldfields system?

The MINISTER replied:

(1) Limited sections of equipment are already here and the balance is expected during the next six months.

(2) It is anticipated that sufficient equipment will be assembled to enable one new electric unit to commence pumping at the beginning of December, 1953, in conjunction with the existing steam stations.

The other three units will be installed at intervals of one to two months.

#### *(d) As to Canning-Mundaring Connection.*

Hon. D. BRAND asked the Minister for Water Supplies:

(1) In view of the fact that Canning dam is overflowing, has the connecting pipeline to Mundaring Weir been opened?

(2) If so, for how long?

(3) What quantity of water is transferred each 24-hour day?

The MINISTER replied:

(1) No.

(2) and (3) Answered by No. (1).

### PRICE-CONTROL.

*As to Statement by Premier.*

Hon. Sir ROSS McLARTY (without notice) asked the Premier:

(1) Is the report of his statement in this morning's issue of "The West Australian" on price-control correct?

(2) If so, would he say what industries and commodities he had in mind when he stated he was convinced profiteering would take place if price-control were not continued?

The PREMIER replied:

(1) The report was correct in regard to what I said to the newspaper reporter. An item was added concerning the cost of the price-control scheme in this State last year. The figure given was, I think, £82,000. That was not correct. The correct figure is approximately £55,000.

(2) Profiteering would most certainly take place in the plumbing, electrical and clothing industries, to mention a few. It would also take place in connection with petrol and oils, groceries, onions, potatoes, bread, footwear, and a considerable number of other items of that description.

### COCKBURN SOUND.

*As to Dredging for B.H.P. Works.*

Hon. J. B. SLEEMAN (without notice) asked the Minister for Works:

Will he lay on the Table the Public Works Department Plan 33486, marked and showing the other channels to be dredged for Broken Hill Pty., Ltd., which are estimated to cost £150,000?

The MINISTER replied:

Yes.

### BILLS (2)—FIRST READING.

1, Mine Workers' Relief Act Amendment.

Introduced by the Minister for Mines.

2, State Transport Co-ordination Act Amendment.

Introduced by Mr. Oldfield.

### BILL—BEE INDUSTRY COMPENSATION.

*Message.*

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. E. K. Hoar—Warren) [2.28] in moving the second reading said: So seldom

does the subject of honey production or the bee industry come before this House that I think there is some justification for members thinking, if they do, that this might be an industry that has arisen overnight and now requires some sort of legislation to protect it. Such is not the case. As a matter of fact, the gathering of honey for commercial purposes is one of the oldest agricultural pursuits in the Commonwealth and dates back to the beginning of settlement in New South Wales and to the early days of colonisation in Western Australia.

Legislation affecting the industry goes back to 1899 when it was found necessary, because of the difficulties associated with the control of disease in the earlier years of settlement, to establish some Act in connection with this industry. In that year, the Contagious Diseases of Bees Act was put through Parliament. That Act operated for no fewer than 31 years, during which time it served its purpose to some extent. But principally on account of the more modern requirements and the development of the industry so far as the production and grading of honey are concerned, the Act became somewhat out of date and was superseded in 1930 by the Bees Act for the prevention and eradication of contagious diseases amongst bees.

This particular Act, except for a minor amendment in 1950, still operates. It provides ample power to enforce notification of disease in apiaries with a view to its eradication, under the threat of substantial fines. So it can be said that, from a legislative point of view, the bee industry is protected in every shape and form except that it does not in any way arrange for the payment of compensation in the event of some disease striking it to such an extent that the bees, the hives and the material and equipment concerned must all of necessity be destroyed.

The diseases which are most known in the industry are called foul brood, Isle of Wight disease and sour brood. Just how they attack the bees I am unable to say, but I do know from reports that are on the files and from discussions I have had with certain beekeepers in the State, that these three diseases alone are responsible each year for some loss to the owners and producers of honey. Western Australia does not suffer a great deal from the onslaught of disease because the Agricultural Department has, over the years, developed a technique which has resulted in obtaining the full co-operation of the owners and the beekeepers generally.

As a result, all of these diseases, if they have not been completely eradicated, have at least been brought to the point where they can be reasonably controlled. When it is known that the cost of a hive approximates £8, we can see just how much loss can occur to a beekeeper in the event

of his bees being struck rather savagely by any one of these diseases. I think the worst year Western Australia had was 1938-39 when 408 hives had to be destroyed together with all the bees. This, however, would seem to be a rather small percentage because at that time there were no fewer than 17,000 hives in the State. Therefore it can be seen that although the incidence of disease is not so great, there are each year, some losses that have to be borne by the beekeepers themselves.

Mr. Yates: Has there been a marked falling off of supplies in the last three years on account of disease?

The MINISTER FOR AGRICULTURE: No; the market has been increasing.

Mr. Yates: That is because of the increase in the number of hives.

The MINISTER FOR AGRICULTURE: That is perfectly true. I will give the position since the last war to show exactly what has happened to the industry and the prospects for the future. In 1946 we produced 1,700,000 lb. of honey valued at £49,322. In 1952 the production had been stepped up to 3,500,000 lb., to a value of £365,239. So it can be readily seen, when it is borne in mind also that there are no fewer than 580 registered beekeepers in the State, though they are not all commercial producers, that a fairly substantial body of people is interested in what Parliament is prepared to do in regard to the proposed compensation fund. The industry itself is in a rather prosperous state today because we actually export a tremendous proportion of our honey production.

With the technique that has been devised over recent years, particularly since the war, Western Australian honey is finding a ready sale on quite a number of the markets of the world, which is all to the good of the State. Because the 1930 Act contains no provision for compensation payments, the Bill before the House is introduced in the hope that members will see fit to pass it. As the beekeepers of Western Australia are the only ones who will contribute money to the fund, and because of that fact it will cost the State little or nothing to administer, the measure is well worth the consideration of members.

Hon. Sir Ross McLarty: Have the beekeepers asked for it?

The MINISTER FOR AGRICULTURE: Yes, and they have had ample opportunity to study the Bill. In fact, it was brought to my notice by them first of all. The matter was later taken up by the full conference of the Farmers' Union which accepted it, and it was then passed back for attention at the earliest possible moment.

Hon. Sir Ross McLarty: The only cost to the Government will be the administration of the fund.

The MINISTER FOR AGRICULTURE: Yes, because the beekeepers themselves are willing to treat the matter of administration, from their point of view, as being entirely voluntary and so are charging nothing for their sittings and meetings, and so on. Because of this, it was felt reasonable to ask the Government to stand the cost of the administration in another sense. It is estimated that it will not cost the Government more than £25 to £30 a year, which is very reasonable.

The scheme will be a compulsory one and the compensation will be paid from a fund created by contributions on a per hive basis from all registered beekeepers. The maximum compensation payable will be two-thirds of the value of the material required to be destroyed. As I said previously, the cost of a new hive today is approximately £6, so the maximum refund from the fund will be £4, but it will be subject to depreciation. In order to establish the fund and make possible these payments it is suggested that there should be a maximum contribution of 6d. per hive, and this has been written into the Bill. However, in conjunction with the beekeepers' section of the Farmers' Union, and with its approval, it has been agreed that the maximum amount that shall be permitted to be in the fund is £800. Consequently, in order to obtain that amount, and maintain it at that level, it is quite possible that the rate of contribution to the fund will vary from year to year.

I look upon this as a domestic matter for the incoming committee to deal with. I imagine that for the first year the contribution will be rather substantial, and will remain so until such time as the total of £800 has been reached, and that it will then tend to taper off each year. It will, of course, be influenced by the number of hives that have to be destroyed annually. The contribution will be paid as a license fee at the same time as the beekeepers are paying their annual registration fees under the 1930 Act. Should a serious outbreak of disease occur at any time, then provision is made for the Government to come into the picture by way of an advance from Consolidated Revenue, but this would only be considered as a loan repayable as the fund improved with the passing of time.

There is included in the Bill a provision that members may feel is unnecessary. Its purpose is to enable the investment of money not immediately required by the fund. On the face of it, members may think it silly to suggest that there shall be a maximum of £800, above which the fund cannot go, and, on the other hand, to provide that, should the fund reach a greater sum, the money may be invested, but I am assured by the Parliamentary Draftsman that a number of Acts of Parliament which govern the control of trust

funds contributed to solely by those participating in a particular industry contain a provision of this nature.

The clause is included in the Bill in case at some future time, when the industry expands further, the fund may become larger, possibly forming a surplus that those concerned would not know what to do with for the time being. This provision will not become applicable for a number of years and is simply a precautionary measure for the future. The committee to be set up under this legislation will administer the fund subject to the approval of the Minister and will consist of three members—a departmental representative, who will be chairman, and two producer representatives.

It will be noted that there is no question of a ballot or anything like that, such as is provided for in some instances and in some industries, but the proposal in the Bill has been examined thoroughly by the department and the beekeepers, and is in every way satisfactory to them. I can assure the House that I would appoint the two producer representatives only after a full discussion with the beekeepers' section of the Farmers' Union. I think I have said all that is necessary to introduce the Bill, and I hope members will give it favourable consideration as I desire to establish something in this State that will assist this industry to expand still further and give those participating in it a feeling of security.

There is a large area of country stretching from Geraldton to Esperance, and another from Moora to Geraldton, which has never been touched by apiarists. Those areas contain wonderful flora, and interest in them is now becoming general on the part of beekeepers who, I am certain, will, before long, expand their activities greatly. They know that in the 1930 Act they have the protection they require in most respects but they will be given a feeling of confidence if this measure is agreed to and a fund established to cover eventualities in any disaster that might occur in that industry in the future. I move—

That the Bill be now read a second time.

On motion by Mr. Yates, debate adjourned.

## **BILL—FIREARMS AND GUNS ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR POLICE (Hon. H. H. Styants—Kalgoorlie)** [2.45] in moving the second reading said: This is a Bill to amend the Firearms and Guns Act of 1931-39. In order to give members a brief history of this legislation, I will relate the following facts:—The Firearms and Guns Act, No. 8 of 1931, was originally introduced to control the sale and

use of firearms in this State in consequence of undesirable people being able to purchase firearms and use them for illegal purposes.

Members may recall the dastardly act which decided the Government of the day to bring down the original legislation. On that occasion, Sergeant Marks, one of the most respected officers of the Police Department, was shot in the Brisbane Hotel by a person who had had an argument with somebody else. The committing of that crime was made all the more easy because at that time there was no restriction on the purchase of firearms. The man in question left the hotel, went to a seller of firearms in the city, purchased a revolver and went back to the hotel for the purpose of settling his differences with the other party. The police were called in, and Sergeant Marks was shot dead by this man of very questionable repute.

The original Act gave a measure of control to the Commissioner of Police to prevent persons of criminal tendencies obtaining revolvers, pistols or other firearms. That Act was amended by No. 49 of 1939 to give a better definition of "firearms". In view of the increased criminal activity in various parts of the Commonwealth, the Governments of some of the States, more particularly New South Wales and Victoria, have amended, or added, Acts to cope with this activity. They have provided exemplary penalties to deal with the criminal element who carry firearms.

The speedy means of travel today are enabling the criminal element to travel from State to State to pursue their activities. The purpose of the Bill is to provide added penalties for offences by such people, and also to correct some anomalies in the Act. Provision is made for an amendment which the Cartridge and Firearms Association requested to cover the testing and demonstration of firearms by manufacturers and dealers in firearms. Permission has been granted by the Commissioner of Police for this purpose to oblige traders who may be required to test a weapon.

The amendment in question will provide for the legal use of firearms by manufacturers and dealers for such purposes. I might say in passing that at present dealers in firearms who require to demonstrate the efficiency of a weapon to a prospective buyer, have on each such occasion to make application to the Commissioner of Police, or the Police Department, for a permit. Many prospective clients, perhaps from the country, who desire to buy valuable guns, want a demonstration of the efficiency of the weapons and the dealer then has to make an application to the department in each case for a permit to go out to the bush, or down to the Gun Club range for the

purpose of giving the required demonstration. If the Bill is agreed to, it will permit a dealer to obtain a permit which will be for a period of 12 months.

It is proposed also to amend Section 9 to provide that the Governor and diplomatic representatives resident in this State will be extended the privilege they have with reference to licenses of various kinds. It is an anomalous position that they should be required to obtain licenses for firearms. This section will not apply to those who are permanent residents in this State and have been, or may be, appointed as representatives of a foreign State.

The Bill provides an amendment to Section 11 of the principal Act to delete words to correct an anomaly. Powers of arrest are given to police under the Police Act, and that Act provides that a person who fails to give his name and address may be arrested. Therefore it is not necessary to provide for this contingency under the Firearms and Guns Act. It is considered that powers to arrest under this Act should be extended to the police to arrest dangerous persons offending against the Act, and to leave no doubt as to the powers of arrest. The present section only provides for arrest when a person refuses his name and address and has committed an offence under the Act. We can safely leave it to the police to administer this section with reason, for I have no doubt that they will take action by summons, as has been their usual practice for most such offences, and use the power of arrest only when absolutely necessary.

During the years a considerable number of firearms have come into the possession of the police and they are held because the Commissioner of Police has no authority to sell or destroy them. In some cases the owners cannot be located; in other cases the owners are not qualified to hold licenses and will not dispose of the firearms. It is essential that power be given to dispose of firearms held by the police. Quite a number of these firearms are unfit for use and should be destroyed. Should any be suitable for sale, they may then be sold and the proceeds, less the cost of sale, paid to the owner if he is known; if not, the proceeds will go to Consolidated Revenue. The New South Wales Pistol License Act provides similar powers.

The Bill proposes to amend Section 12 to provide for increased penalties for certain offences. It is desired to amend the subsections concerned to give power to magistrates to impose suitable penalties in cases that warrant exemplary punishment. This will also make the criminal element realise that the carrying of firearms will render them liable to exemplary penalties, and, in some measure, prevent this type carrying firearms. At present a criminal may be found in possession of a

concealable weapon, or even a machine gun, and a magistrate cannot impose any term of imprisonment should he consider the case serious enough to warrant such penalty.

I am advised that the shotgun is a favourite weapon with some criminals in other parts of Australia because the penalties provided there are exemplary with regard to concealable weapons. The Pistol License Act of New South Wales provides for a penalty of £100 or 12 months or both, for a person being found in possession of a pistol. If he carries it during the day, £200 or 12 months, or both; if at night time, £400 or two years, or to both fine and imprisonment.

Another amendment is to provide a clearer definition of the word "delivering" which means an actual giving. This will clear doubts which have arisen at times and will cover cases where an offender has permitted an unauthorised person to take and use a firearm, but does not actually hand it to the unauthorised person. Cases have been brought before the notice of the Commissioner of Police where persons owning firearms have created danger to others by permitting irresponsible people to take possession of and use those firearms.

The Bill provides an amendment to Subsection (5) of Section 12 to increase the penalty to 12 months instead of two months as printed. It would appear that it was intended to impose a penalty of 12 months imprisonment in view of the monetary penalty having been fixed at £100; and the figure "1" appears to have been omitted in the original printing of the first Act. Another amendment is the addition of a new subsection to prevent unauthorised persons altering or defacing numbers to avoid identification of stolen firearms. This provision is similar to Section 17 of the Pistol License Act of New South Wales. The words "without lawful excuse" will protect the person who does such an act in a lawful manner.

It is proposed to provide power for the police to compel the production of a licensed firearm for examination. At present, the police can compel the production only of an unlicensed firearm. It is necessary to have power to examine a licensed firearm where time does not permit the obtaining of a warrant. Similar power under their Act is given to the police in New South Wales. Provision is made for heavier penalties, including imprisonment in some instances for carrying unlicensed concealable weapons and this will affect the criminal classes principally.

The measure also deals with an offence not covered by the present Act. The clause is adopted from a similar provision in the Pistol License Act of New South Wales and is to prevent any evasion by the criminal element. If a part of a firearm is carried by one person, and another part by a

second person, there would be an intent by them to avoid the penalties of the Act. This amendment will cover the type of person who carries a portion of a weapon, such as a machine gun. It has been known that two persons conspiring to commit an offence have each taken parts of a sub-machine gun, and assembled it when about to carry out the offence. The provision of this clause will clarify any doubt which may arise where criminals are concerned.

It is proposed to repeal the present Section 15, and insert a new section to provide an averment in a complaint that a person is unlicensed. It is extremely easy for a person to prove he was licensed at the time of an offence. Considerable difficulty is experienced in country areas in complying with the present section with regard to obtaining a certificate from the Commissioner of Police that a person was unlicensed. It is wrong for cases to be dismissed—and some have been dismissed—because a certificate had not arrived in time for a case. To secure an adjournment to obtain a certificate would involve all parties in extra cost and time. It is common in most Acts to provide that proof of a license, which can easily be done by the defendant, can be averred in the complaint.

The last amendment is to give latitude to the Government in the provision of fees for licenses. The fee of 5s. at present set out in the Act does not in any way compensate for the cost of printing and recording of licenses. There is not the slightest doubt that the fees will be controlled at a reasonable figure by the Government. When provision was first made for the fee of 5s. the basic wage was about £4. Today it has increased to over £12, thus increasing the cost of printing, recording and other incidentals necessary in the licensing of firearms.

Hon. J. B. Sleeman: What are you making it now?

**THE MINISTER FOR POLICE:** The actual fixing of a license fee is governed by regulation, but there is a provision in the Act at the moment to the effect that a fee of 5s. shall not be exceeded. Until such time as that is struck out, it is not possible to increase the fee beyond a 5s. limit.

As with motor drivers' and many other licenses which are issued from time to time, it is intended to increase the initial license fee to 10s. and the fee for renewals will be 2s. 6d. instead of 1s. Almost all of these amendments have been requested by the Police Department and the majority of them will not apply to law-abiding citizens. Most of the provisions contained in the Bill are aimed at the criminal class and to provide heavier penalties for those who carry unlicensed concealable weapons. Those amendments which have not been asked for by the department have been approved of by that body. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

## **BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).**

### *Message.*

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

### *Second Reading.*

**THE MINISTER FOR LANDS** (Hon. E. K. Hoar—Warren) [3.0] in moving the second reading said: Members will note that this is another continuance measure similar to those that have been dealt with over past years. The original Act was passed in 1915 when it first became necessary to have such legislation to assist farmers in the main. In those days it was also required to make advances to other primary producers through the Industries Assistance Board in order that primary production might be fostered.

As the years have passed we have had a continuance measure brought before us annually because the duration of the Act was limited to twelve months. It was not until 1948 that the previous Government very wisely decided to increase the term of the Act from 12 months to five years, and a Bill was passed accordingly. The existing Act expires in 1954 and it therefore becomes necessary at some time during the session to continue its operation. I hope that the Bill now introduced to extend the term for a further five years will be agreeable to members.

The advantage of having this Act continued is that since 1944, when the Rural and Industries Bank supplanted the old Industries Assistance Board, there has been in existence machinery which can be implemented to render assistance to farmers who have suffered some disaster through fire, flood or bad seasons. The Act no longer applies to outside industries but strictly to agriculture as we know it today.

The legislation is administered by the Rural and Industries Bank. It has rendered excellent service to the farming community over the years and many farmers today, particularly those in the wheat and sheep areas, would not be in such a financial position had it not been for the assistance rendered to them many years ago under this measure. It would be a pity, for any reason whatsoever, if we failed to extend the life of this Act for a further term. The period proposed under the Bill is similar to that provided in the existing Act which, as I have said, was first proposed by the previous Government in 1948. If the Bill is passed, the new term will expire in 1959.

The Rural and Industries Bank is holding a number of securities for loans that have been advanced by it over the years and I consider that if we further extend

this legislation for another five years we will give that extra protection to the securities, amounting to thousands of pounds, that are now held and controlled by our State bank. I do not think there is need to say anything further because I am sure members realise the necessity of continuing this legislation. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

## **BILL—ADOPTION OF CHILDREN ACT AMENDMENT**

### *Second Reading.*

**THE MINISTER FOR JUSTICE** (Hon. E. Nulsen—Eyre [3.5]) in moving the second reading said: The Bill, although small, is very important. It is desired, through its introduction, to make a small amendment to the law relating to the adoption of children. It was recently held by a Judge of the Supreme Court in this State that jurisdiction under the principal Act can be exercised only in respect of a child of local domicile, that is, one born of a father having a Western Australian domicile, or, if the father is dead, born of a mother having a Western Australian domicile.

It is within my own knowledge that in the past some judges in this State have granted adoption orders irrespective of the domicile of the child. In view of the conflict of opinion, it is desirable to rectify the position, as hardship is caused to adopting parents when their application is refused only on the grounds that the child has a "foreign" domicile.

"Foreign domicile" includes any of the other States of Australia. It will be seen, therefore, that anybody domiciled in Western Australia and wishing to adopt a child born in one of the other States is likely to have the application rejected on the ground of the foreign domicile of the child, even though in every respect it might be exceedingly desirable, and indeed in the best interests of the child, for an adoption order to be made.

Turning for guidance to the English Act, it will be found that that measure stipulates no requirement as to domicile but requires the applicant and the infant to reside in England and that the infant should have been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order.

With regard to the Commonwealth, Queensland is the only State that has a domicile or residence stipulation. Queensland's Act requires that the applicant be resident and domiciled in Queensland, or be a British subject. There is no requirement as to the domicile or residence of the child. It would appear that in no other Australian State, nor in the Capital

Territory, is the domicile or residence of either applicant or child, required by statute to be considered.

In this amending Bill the draftsman has preserved the essential features of the English legislation. I hasten to point out that the proposed amendment does not interfere with the discretion given to the judge to grant or refuse an adoption order, but it gives an express authority, as far as this State is concerned, to grant an order notwithstanding that either the applicant or the child is not domiciled in the State.

The Bill has been introduced because of the recent case of a child who, although having resided in this State for a period, was domiciled in the Eastern States. Actually the child had been born in another State and the judge refused the application for adoption because of the foreign domicile of the child. The person who was anxious to adopt the child was respectable and well-off, being a farmer.

Hon. J. B. Sleeman: They are all well-off these days.

**THE MINISTER FOR JUSTICE:** Yes. However, this person was well-off and resided in a good district and there was no doubt as to his integrity, but the adoption was refused on the ground of foreign domicile only; hence this amendment. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

## **BILL—NOXIOUS WEEDS ACT AMENDMENT.**

### *Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. E. K. Hoar—Warren) [3.10] in moving the second reading said: This is also a very short measure for the purpose of amending the Noxious Weeds Act. The officers of the Agriculture Protection Board find the administration of the Act in this one particular rather onerous and difficult to carry out.

It appears that under Section 121 the responsibility is placed on the occupier of private land for the destruction of primary noxious weeds when such are declared by proclamation. If, in the opinion of the Agriculture Protection Board, the occupier makes no effort at all to deal with the declared primary weed, it has the power to direct that work to be done. If they examine the Act, members will see that the only power given to officers of the board is by way of regulation. It has been found that this power is not elastic enough to describe the methods needed by the board and its officers to undertake the eradication of these particular kinds of weeds.

Cape Tulip would be about the best example for us to cite because it is a well-known and accepted fact that in the case of an isolated plant, the best method of eradication is by means of the mattock; but if there are large areas covering arable land, the plough is required. Similarly if this weed is found in gulleys or on fence lines or on swampy land, then its eradication must be effected by chemical spray. It can be easily understood, therefore, that it is possible that in different areas each of these three methods of destruction may be required.

Hon. Sir Ross McLarty: Is the chemical spray effective?

The MINISTER FOR AGRICULTURE: Yes, in particular cases, but the point is that if officers of the department are required to define the particular work that is necessary to destroy this weed, they are obliged to do it by regulation, and this, of course, is hampering their activities tremendously. This amending Bill endeavours to make it unnecessary to use the regulation in the restricted sense and instead to empower the Agriculture Protection Board to write a letter explaining in detail the method that is required for the destruction of the particular weed. Any farmer who has suffered as a result of the primary weeds, as we know them, will, I feel sure, appreciate that it would be far better from his point of view if an officer of the department were given the power either to explain personally what was required for the destruction of the weeds or, if unable to do so in person, to write a letter setting out the methods required for their destruction.

It is difficult to give detailed information by regulation and it is suggested that the Act be amended along the lines I have stated. If members examine the Bill they will see exactly what the import of the amendment is. In view of the importance of the Agriculture Protection Board, I trust the House will have no difficulty in accepting this amendment. I move—

That the Bill be now read a second time.

On motion by Mr. Ackland, debate adjourned.

## **BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.**

### *Second Reading.*

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [3.15] in moving the second reading said: This is a very small and formal Bill. With the passing of King George VI and the accession of his daughter, Queen Elizabeth II, to the throne, it has become necessary to alter the Royal Style and Titles. Those applying to the late King George VI do not apply to Queen Elizabeth II.

The Commonwealth Parliament recently adopted the new Royal Style and Titles by the passing of an Act, and, following the issue of a proclamation for the Act to operate as from the 29th May, 1953, it is necessary for the State of Western Australia to adopt the form of Royal Style and Titles set out in the Commonwealth Act. This will be achieved by inserting a new section in our principal Act. The new section provides for the consequent change in the alteration of various forms, regulations, bylaws, rules, etc., in which the Royal Style and Titles are used.

Provision is made for the Act to come into operation on a date to be fixed. This will give time for the correct Style and Titles to be incorporated in the various forms previously mentioned. In order to overcome the necessity for introducing amending legislation when a similar occasion arises again, provision has been made in the Bill for the appropriate change in the forms, rules, regulations, etc., to be brought about by the issuing of a proclamation by the Governor. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

*House adjourned at 3.18 p.m.*