casioned because of the expense of establishing a board, but that is not so. I do not know whether the poultry adviser gave him that information, but it is incorrect. As a matter of fact, the producers were not satisfied with certain amendments that had been made, and felt that the Act was not workable in its present form. I, therefore, ask the House to pass the second reading of the Bill, and deal with it in Committee. If I have an assurance that I shall now receive a little more consideration as regards the Bill than I have received during the three months it has been on the notice paper, I shall suggest going into Committee on it next week, in preference to asking members to carry on until 3 a.m. or 4 a.m. The principle has been established, that an egg marketing board should be formed. Therefore this is purely a Committee Bill. In this House the measure was passed with practical unanimity last session, although containing no provision for a poll. However, the poultry people want a poll, but want it to be taken under the best conditions.

The PRESIDENT: With reference to the remarks of the hon. member who has just resumed his seat, that mistakes were made as the result of carelessness or of some action taken by the Clerks, what really happened was that the Clerks had no discretion except to follow what was actually done as the result of amendments made in Committee by members. So the blame does not rest with the officers of the House.

Hon. G. B. WOOD: I did not desire to cast any reflection on the Clerks, either here or in another place; but I did wish to reflect on the way business was done last session. When references were made to a provision not contained in the Bill, we missed the errors here.

The PRESIDENT: I am glad of the hon. member's explanation of his remarks.

Question put and passed.

Bill read a second time.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [12.33] I move—

That the House at its rising adjourn until Tuesday next.

Question put and passed.

House adjourned at 12.34 a.m. (Friday).

Legislative Assembly.

Thursday, 23rd November, 1939.

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

MOTION—INVESTMENT COMPANIES SELECT COMMITTEE.

Extension of Time.

On motion by Hon. C. G. Latham, the time for bringing up the report of the Select Committee was extended for two weeks.

MOTION—STANDING ORDERS SUSPENSION.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.34]: I move—

That during the remainder of the session the Standing Orders be suspended so far as to enable Bills to be introduced without notice and to be passed through all their remaining stages on the same day, and all messages from the Legislative Council to be taken into consideration on the day they are received.

HON. C. G. LATHAM (York) [4.35]: Usually towards the end of the session the Premier asks permission to suspend the Standing Orders. I want an assurance from him that all the items on the notice paper will be considered, and that time will be given in which to send them to another place to receive such consideration there as they may require. There are 27 items on the notice paper today.

The Premier: Some of them ought not to be there.

Hon. C. G. LATHAM: A fairly extensive amount of business, therefore, remains to be

done. If the intention of the Government is to discharge some of the orders, then we ought to do so. I admit that Government business is well advanced, but private members have the same rights as has the Government. To maintain that right for private members, I ask the Premier to give an assurance that, although we may suspend the Standing Orders, private members will be given an opportunity to discuss the matters on the notice paper in which they are interested.

THE PREMIER (Hon. J. C. Willcock—Geraldton—in reply) [4.36]: Usually sufficient time is allowed in which to discuss everything on the notice paper that requires to be discussed. It is hardly fair to the House for private members to bring down business late in the session, and expect to be given an opportunity for prolonged discussion concerning it.

Hon. C. G. Latham: Private members' day has been fully occupied.

The PREMIER: There have been occasions when the time occupied could have been devoted to other proposals. Some members bring down Bills at this late stage of the session and expect them to be dealt with. The Government does not bring down Bills as late as this unless they deal with such formal matters as reserves, revocation of forest areas, road closures, etc., and, of course, the Appropriation Bill.

Hon. C. G. Latham: There are some more Bills in another place.

The PREMIER: They are almost formal. The Government desires to give every consideration to the business of private members. If the motions of private members were dealt with earlier in the session, the House would find it easier to consider them than when they come down towards the end of the session. There is a tendency to delay the business of the House, and to upset plans with regard to the terminating date of the session. The old procedure was for the Governor to come here and prorogue Parliament, and everything that was left on the notice paper was then ended, irrespective of how important private members thought their business might be. We have got away from that now, and I do not think there has been any cause for complaint during the last two or three years as to the consideration that is given to private members. That procedure will be adopted this session. The Government does not intend to bring down any more legislation of consequence, except formal measures. What the Government does, private members should do, and, once we reach this stage of the session, no further business should be brought forward in the expectation that it will be adequately and properly dealt with. No one likes to hurry through matters of importance, but sometimes people have different ideas as to the relative value of those matters that are brought forward. Better service would be given to every item, and the House would be able to consider them much more carefully, if they were brought forward early enough in the session to enable us to give them the fullest attention. One member gave notice of a Bill dealing with the law of escheat. We know nothing about that subject. Probably the Bill in question will be reached only on the day the session closes. I will, however, give the member in question an opportunity to introduce the measure a day or so before the House rises so that we may know something about it. It is not fair that private members, who have more time than have members of the Government to deal with matters in which they are interested, should bring down their business at the close of the session.

Mr. Marshall: The Government is able to initiate legislation at the other end also.

The PREMIER: Private members could at least put their business on the notice paper, so that we might know what has to be taken into consideration. I give an assurance that so far as is possible every reasonable consideration will be extended to private members, so that their business may be proceeded with prior to the end of the session.

Question put and passed.

BILL—BILLS OF SALE ACT AMENDMENT.

Recommittal.

On motion by Mr. Cross, Bill recommitted for the further consideration of Clause 1.

In Committee.

Mr. Marshall in the Chair; Mr. Cross in charge of the Bill.

Clause 1—Short Title:

Mr. CROSS: Only after the Bill had been dealt with was it noticed that the Parliamentary Draftsman had omitted to include a Short Title. Naturally, it is useless to pass a Bill without a Title just as it would be to have a man without a name.

Hon. C. G. Latham: In some places men are not known by names but by numbers!

Mr. CROSS: I move an amendment—

That in line 1, after the word "Act," the words "may be cited as the Bills of Sale Act Amendment Act, 1939, and" be inserted.

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

Bill again reported with a further amendment, and the report adopted.

BILL—RURAL RELIEF ACT AMENDMENT.

Report, etc.

Report of Committee adopted.

Bill read a third time and transmitted to the Council.

BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 1).

Third Reading.

Mr. NEEDHAM (Perth) [4.45]: I move—

That the Bill be now read a third time.

HON. C. G. LATHAM (York) [4.46]: I did not have an opportunity to speak on the Bill last night and I must apologise to the House for taking up some time this afternoon.

Mr. Needham: It is getting a habit with you to speak on the third reading.

Hon. C. G. LATHAM: And it is a very good habit. I only wish I could convert the hon. member to my way of thinking, but I am afraid that is impossible. I wish to point to the effect of such legislation at the present stage. I know one large garage in the city where three men are employed, but those men will be immediately dismissed if this legislation is agreed to. The garage has been kept open mainly for parking purposes, and three men have been employed there for some time. As the garage will be closed, three men will be thrown out of work, and other arrangements will have to be made by car owners who formerly parked their vehicles there. That is one instance of which I am aware, and I know there are several others. I wish to refute the statement made by the member for Perth (Mr. Needham) who conveyed the impression to members that garage employees were working 70 hours a week. The industry is bound by an Arbitration Court award which sets out that the men shall not be employed for more than 44 hours a week, spread over a 12-hour day. Apparently I know a little more about the business than does the member for Perth, if I may judge from his remarks last evening. If a business is unprofitable, it should not be necessary to secure an amendment of the Act to compel the person affected to cease operations. Surely the man's own commonsense will indicate to him that an unprofitable business must be closed down. We do not compel people to engage in business that is unprofitable. If the necessity arises for the business to be closed down because it is unprofitable, why should we be asked to legislate to permit it to continue? People find it necessary to travel by road just as others travel by tram, train or air.

Mr. Rodoreda: You want the farmers to walk off their farms.

Hon. C. G. LATHAM: We do not pass legislation to force people to stay on their farms or to compel them to walk off their properties. That is the point. The issue I am discussing has nothing whatever to do with men walking off their farms. If a person is engaged in an unprofitable business and the profitable part is confined to two hours a day, I wonder legislation is not introduced to compel him to keep open for those two hours daily. Far too much legislation is passed that means restriction upon activities, and such restrictions definitely make for unemployment. The Minister for Labour told us that the garage people are making large profits on the sale of petrol.

The Minister for Labour: Who said that?

Hon. C. G. LATHAM: I understood the Minister to make that statement.

The Minister for Labour: Nothing of the kind.

Hon. C. G. LATHAM: Those who are alleged to be protected by this type of legislation will be adversely affected. I warn the House that because of the 12-mile limit included in the measure, quite a number of garages will be opened up outside the re-

stricted area, where petrol will be sold outside the prohibited hours. We shall not overcome the difficulty that has been mentioned. During the last few years in particular, Parliament has done nothing else—I will not use that word because it would be unfair, but will substitute the word "much"—in the direction of placing restrictions upon people. I understand another Bread Act Amendment Bill is to be introduced. All this is a huge mistake. If the Government is prepared to accept the responsibility of finding employment for those that will be thrown out of work as the result of such legislation, well and good. Many men have told me what will happen. They will be thrown out of employment and have asked me to oppose this legislation. I am doing my best along those lines. Similar legislation was submitted to Parliament last year but was rejected. Now there is a new mode of procedure. One of the members from the other side of the House has introduced the measure. Last year it was brought forward as a Government measure; this year as a private member's Bill. That is not consistent.

Mr. SPEAKER: The hon. member is not in order in discussing the decision of another place.

Hon. C. G. LATHAM: Why am I not? I have heard many other members do it. I have heard you do it, Mr. Speaker. I do not desire to reflect on you, but I remember the member for Fremantle doing it, so I am following a good example.

Mr. SPEAKER: The hon. member knows that two wrongs do not make a right.

Hon. C. G. LATHAM: I think I have heard that old proverb before and at the moment I am prepared to accept it. I make a final appeal to the House and particularly to those representing men in employment, and seeking employment. I know the House has made up its mind, but one voice crying in the wilderness may be the right voice, and the views it expresses may happen to be sound. I appeal to the hon. member, even at this late stage, not to persevere with the measure. He claims to represent the workers; this will not be in the interests of the workers. The Bill may not affect trade a great deal. Last year I made an appeal on behalf of the man using his car on the road and many of us may find ourselves at a disadvantage as a result of this Bill. This class of legislation has increased. I remember when we prevented chemists' shops from opening after hours and I know the disadvantage that has been to many people. He is a poor business man who cannot manage his own affairs without having to ask Parliament to protect him against himself. If I had a business and it was not paying me after 6 o'clock, I would close it. Many of these garages do close early. My motor car lights failed one night this side of Midland Junction and the first garage at which I could have a fuse put in was one at the Causeway. In the future if such a thing occurs, I shall have to leave my car there and walk a long distance. This sort of measure will drive people into more attractive places. We complain about the lack of business activities and express a desire to see trade expand, but this legislation will kill it. Let us make no mistake about that. My appeal will probably fall on deaf ears, but I sincerely hope we will not have made a serious mistake in passing this measure. I propose to divide the House on the matter.

MR. CROSS (Canning) [8.54]: The Leader of the Opposition is always opposed to reasonable reforms and usually makes untrue statements.

Mr. SPEAKER: Order!

Hon. C. G. Latham: Mr. Speaker, I appeal to you to ask the hon. member to withdraw that remark. I do not usually make untrue statements.

Mr. CROSS: I will withdraw. The hon. member said that his party had never guaranteed the farmers a profit. Every member in this Chamber knows that continuously Country Party members are seeking assistance in one way or another to bolster up the profits of the farmers.

Hon. C. G. Latham: Profits? What do you mean?

Mr. CROSS: Years ago they wanted a special grant of £100,000.

Hon. C. G. Latham: You left because you could not make a profit.

Mr. SPEAKER: I must ask the member for Canning to confine his remarks to the Bill.

Mr. CROSS: I am pointing out the inconsistency of the whole business. The people concerned by this measure never ask for any kind of assistance. The aim of the Bill is to put all garages on the same footing. The hon. member says that some gar-

ages close early and others remain open till later in the night. That is true. Those that remain open seek to take advantage of the other garage proprietors by endeavouring to secure their customers. We had the same old arguments put up years ago when the early closing of shops was mooted. The Minister for Mines will remember that quite well. Some of the people putting up those arguments have altered their opinions since then. When this measure has been in operation for a little while and the garages and their customers have become used to it, we will wonder why the reform was not effected long ago. Some garages remain open all night and do scarcely any business. It is unnecessary for them to remain open. If men want extra petrol, they have tanks attached to their cars and those tanks mostly make provision for eight to 12 gallons. That would take anybody quite a fair distance. Even if the hon. member's car had a puncture at the present time, I do not know one garage in Perth at which he could have it mended after 8 o'clock. As a matter of fact there are few that make provision for repairs to be done after 5 o'clock. At all the big repair garages in the city the mechanics finish at 5.30 and a motorist cannot receive attention from those garages until the next morning. All that can be procured after 6 o'clock in most service stations are petrol, oil and perhaps a few minor parts that every garage carries; and after 8 p.m. those commodities cannot be obtained. I have not heard much dissatisfaction expressed because the service stations are closed at 8 p.m. and these requisites cannot be bought. Garages are like grocers' shops. If those shops remained open later than 6 o'clock at night, somebody would be just a bit too late. If they remained open till 12 o'clock at night, somebody would want something at five past 12. The closing of these garages, particularly on Sunday, is reasonable and I will support the third reading of the Bill.

MR. THORN (Toodyay) [4.58]: I hope the Bill will not receive the support the member for Canning (Mr. Cross) hopes it will be given. The Bill will create great hardship on the workers in service stations.

Mr. Cross: It will give them assistance.

Mr. THORN: It will not. It will put men out of work. I appeal also for travellers from the country. This is an essential service for the travelling public and travellers through the country are entitled to it. The closing of bowsers will occasion considerable hardship to such travellers and will have the effect of causing many of them to spend the night out instead of reaching their destinations. I have had representations from the proprietors of several garages who indicated the services they render to the travelling public and who have asked me to oppose the Bill. The service station owner is in for a very lean time on account of the restrictions that are being and will be placed on him. The high price of petrol will affect his trade considerably and he is a very worried man today. I know several owners of service stations who are concerned about the future. We should give them all possible facilities to sell their petrol.

The Minister for Mines: Do they need 24 hours in which to sell their petrol?

Mr. THORN: Employees are engaged for night duty; they have a comfortable bed to lie on and the door of the garage is closed.

Mr. Marshall: How do you know so much about it?

Mr. THORN: Because I am always working in the service of my country. If a man needs petrol he can ring up a station, which will render the required service. It is most essential to the travelling public that this service should be available. All we seem to do nowadays is to reduce the services to the public by limiting the hours of work. I am not a believer in long working hours, generally speaking, but I do believe in making a service of this kind available to the public. It is merely a matter of service station employees working their shifts, as employees in many other branches of industry have to do. Our railways render a public service and to do so operate throughout the 24 hours. Bus drivers work long hours, often till 1 a.m. or 2 a.m. If it is our policy to deprive the public of this service, let us stop them all.

Mr. Holman: We are dealing with the sale of petrol.

Mr. THORN: Yes, petrol which is essential for the maintenance of services and the convenience of the travelling public. The member for Forrest should know that one gets a very sick feeling when one runs short of petrol in the country. The garages that provide all-night attendance are rendering a

great service to the public, and therefore I hope the Bill will not be agreed to.

MR. NEEDHAM (Perth—in reply) [5.2]: The Leader of the Opposition addressed himself to the third reading of the Bill, and I remind him that he is setting a very bad example. He had ample opportunity to speak on the other stages of the Bill. As Leader of the Opposition he is setting a very bad example to other members by discussing measures so frequently at the third reading stage. He told the House that he had a little knowledge of this measure, much more than the member who introduced the Bill possessed, but in the course of his speech the hon. member concealed his knowledge. As a matter of fact, he showed a lack of knowledge of the measure. He said I had told the House that station employees were working 70 hours a week. I said nothing of the sort. The Bill proposes to limit the hours of their employment to 77, and yet because of this very small reform, he contends that the industry will be ruined. The member for Toodyay certainly did not give us any information on the Bill, but he did give a lot of information about the hours he keeps. We are accustomed to hearing such members express solicitude for the welfare of the workers, but those gentlemen who profess themselves so solicitous for the workers generally fail us on occasions like the present. Reference was made to commercial travellers. They will not suffer if the Bill becomes law.

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

Ayes	28
Noes	13
Majority for	15

AYES.

Mr. Berry	Mr. Needham
Mrs. Cardell-Oliver	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Shearn
Mr. W. Hegney	Mr. F. C. L. Smith
Mr. Holman	Mr. Styants
Mr. Hughes	Mr. Tonkin
Mr. Lambert	Mr. Trint
Mr. Marshall	Mr. Willcock
Mr. McDonald	Mr. Wise
Mr. Millington	Mr. Wilson

(Teller.)

NOES.

Mr. Boyle	Mr. F. C. L. Smith
Mr. Hill	Mr. Stubbs
Mr. Latham	Mr. Thorn
Mr. McLarty	Mr. Warner
Mr. Patrick	Mr. Watts
Mr. Sampson	Mr. Doney
Mr. Seward	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Leahy	Mr. Willmott
Mr. Collier	Mr. Keenan
Mr. Johnson	Mr. Abbott

Question thus passed.

Bill read a third time and *passed*.

ASSENT TO BILLS.

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

1, Administration Act Amendment.
2, Death Duties (Taxing) Act Amendment.
3, Wheat Products (Prices Fixation) Act Amendment.
4, Government Railways Act Amendment (No. 1).
5, Rights in Water and Irrigation Act Amendment.
6, Lotteries (Control) Act Amendment.
7, Dried Fruits Act Amendment.
8, State Forest Access.
9, Transfer of Land Act Amendment.

BILL—SUPREME COURT ACT AMENDMENT.

Received from the Council and, on motion by Mr. McDonald, read a first time.

BILLS (2)—RETURNED.

1, Income Tax (Rates for Deduction).
Returned from the Council with an amendment.

2, Builders' Registration.
Returned from the Council with amendments.

BILL—POLICE BENEFIT FUND ABOLITION.

Second Reading.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [5.15] in moving the second reading said: The purpose of this Bill is to abolish the Police Benefit Fund and to make

provision for the winding up and disposal and distribution of the moneys in the fund. The reason why the fund is being abolished is that provision is made in the Superannuation and Family Benefits Act of 1938 for pensions to police officers, in common with other members of the Public Service, on retirement from the service. The Superannuation and Family Benefits Act, Section 32 (2), provides that a contributor to the Superannuation Fund who is employed in the Police Department and who is liable to contribute to the Police Benefit Fund shall cease to be liable to contribute to that Fund or be entitled to benefit from it, but he is entitled to have placed to his credit with the Superannuation Fund his share of the Police Benefit Fund as is in the opinion of the Government Actuary fair and just.

If the condition of the Police Benefit Fund had been normal there would have been no occasion for the present Bill, because after investigation by the Government Actuary the share of those members of the Police Benefit Fund who desired to join the Superannuation Fund could have been certified and paid over to the Superannuation Board. Unfortunately, the condition of the Police Benefit Fund is that it is almost insolvent. The history of the Police Benefit Fund is that it was established under an Ordinance of 1866, which provided that moneys collected from members of the Police Force by means of fines and subscriptions should be set aside to form a fund out of which gratuities, rewards, retiring allowances or superannuation to police officers could be paid. Since that time the regulations governing the fund have been amended from time to time, and until recently the position was that police officers contributed 3 per cent. of their salaries and the Government contributed an amount equal to the sum of these contributions to the fund. Officers on retiring were entitled to a gratuity varying from a fortnight's to four weeks' salary for each year of service.

The fund has been investigated on various occasions by the Government Actuary, who has reported that the basis of contribution had no actuarial connection with the benefits; and he pointed out that there was a grave danger of the fund becoming insolvent. Steps had been taken to place the fund on a more satisfactory basis, but at the date of the passing of the Superannuation and Family Benefits Act sufficient time had not elapsed to enable the corrective measures to become effective. The position was, therefore, that the balance in the fund was not sufficient to return to the existing members even the contributions they themselves had paid in. The balance of the fund at the end of the last financial year was £33,938 3s., while the amount of the contributions actually paid in by existing members was £58,663. The liability for the gratuities, assuming all members were retired on the 30th June last, was £151,000. It is quite clear, therefore, that if the provisions of the Superannuation and Family Benefits Act had been applied literally, and the fund as it stood divided amongst the existing members, they would have received approximately one-half of the contributions they had made. It would have been obviously unfair to the members of the police force if the Government had applied strictly the provisions of the Superannuation and Family Benefits Act to those members who wished to become contributors to the Superannuation Fund, and allowed the Police Benefit Fund to continue and to pay the full gratuities provided for under the regulations to those who remained members of it.

After very careful investigation by various departmental officers, the Government agreed to the following modification of benefits:—

1. That the Police Benefit Fund be closed as from the end of last financial year.
2. That the gratuities payable to officers who retired after the closing of the fund be limited, in the case of members under 55 years of age, to a return of contributions.
3. That gratuities payable to members of 55 years of age and over be limited to a return of the contributions paid by them, plus 1/10th of the difference between their contributions and the gratuities they would have received if they had retired on the 30th June last, increasing by 1/10th for every year by which the age of the officer exceeds 55 years, with a maximum of the gratuity which would have been payable under the existing regulations.

The estimated cost of paying even these reduced gratuities is £87,345. The balance of the fund at the end of June last was £33,938; but as there were certain liabilities of £1,994 attaching to it, the effective balance was really £31,944. The Government

has therefore to find an additional sum of £55,401 to meet the obligation it has undertaken.

An investigation made by the Police Union discloses that with the exception of 19, all the existing members of the Police Benefit Fund have elected to join the Superannuation Fund. The estimated liability to pay the reduced gratuities to the 19 is £4,465, so that the amount owing to the Superannuation Fund is £82,880. After deducting from the balance of the Police Benefit Fund the liability of £4,465 on account of the gratuities due to the 19 non-contributors to the Superannuation Fund, there is an amount of £27,479 available for immediate transfer to the Superannuation Fund. The remaining liability of £55,401 need not be paid immediately to the Superannuation Fund, and it is proposed to liquidate it over a period of years. If the Police Benefit Fund had been continued, the Government would have had to find a subsidy to the extent of £5,600 this financial year as its share of the contributions to the fund. The Government therefore proposes to pay annually to the Superannuation Fund this amount until the liability due to the fund on behalf of the late members of the Police Benefit Fund, who are now members of the Superannuation Fund, has been discharged. Interest at 4 per cent. per annum will be paid to the Superannuation Fund on the unpaid balance of the amount due, and approximately 13 annual payments at the rate of £5,600 per annum will be necessary to redeem the debt. The Bill now under consideration is to close the Police Benefit Fund as from the 29th June last, that date being the last day in the financial year for the payment of contributions.

The Bill also provides for the preparation of lists showing the gratuities payable to members of the Fund on the reduced basis to which I have already referred. Provision is made for the payment of the Government's liability to the Superannuation Fund to be made by annual instalments, and for the debt due by the Government to the Superannuation Fund to be recognised as a proper investment by the Superannuation Board. The Bill provides for the transfer of the balance in the Police Benefit Fund to a special account to be kept at the Treasury, known as The Police Benefit Fund Distribution Trust Account. From this trust account have to be met the payments to those members of the police force who remained members of the Police Benefit Fund, and payment to the Superannuation Fund of the gratuities due to those members of the police force who joined the Superannuation Fund. The Treasurer is required to keep books showing the payments to and from this trust account, and these accounts have to be audited by the Auditor General. A copy of the accounts as audited by the Auditor General, and the Auditor General's report, are required to be laid before both Houses of Parliament annually. A Schedule attached to the Bill contains a formula to be used in assessing the gratuities payable to members of the Police Benefit Fund in accordance with the conditions I have already explained. As I have stated, the Government's proposals have already been discussed with the Executive of the Police Union, who are satisfied with them, and I am sure hon. members will agree that the Government has treated the members of the police force with fairness, and indeed with generosity.

Hon. C. G. Latham: The mistake is that the fund has been allowed to become so insolvent.

The PREMIER: That is not the Government's mistake.

Hon. C. G. Latham: No. I do not suggest that.

The PREMIER: I may mention that years ago a Minister for Police actually declared that the fund must be closed. I claim that the Bill represents the best that can be done in a situation of extreme difficulty. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HEALTH (Hon. A. H. Panton—Leederville) [5.30] in moving the second reading said: This is a very small measure but nevertheless necessary. For some considerable time difficulty has

been experienced in obtaining trained nurses not only in Western Australia, but throughout Australia and also New Zealand. In this State we have four methods by which nurses may be trained. I do not refer to religious orders, which have their own methods of training nurses. Nurses in this State are trained at the Perth and Fremantle hospitals and also the Children's Hospital, and in Government institutions. In the hospitals that I have mentioned the nurses are trained from start to finish. Each institution trains its nurses, who are subject to the Nurses Registration Board. The present period of training is three years. That is provided by Subsection (3) of Section 5 of the parent Act, which reads—

> Every person who has attained the age of 21 years, and is certified as having had not less than three years' training as a nurse in a hospital or training establishment, together with systematic instruction in theoretical and practical nursing from the medical officer and matron of such hospital, and who passes the prescribed examination, shall be entitled to registration on payment of the prescribed fee.

There is no intention to alter the existing system of training at the Perth, Fremantle and Children's Hospitals. The system in Government institutions is that nurses are sent to the Wooroloo Sanatorium, where they receive training for 12 or 15 months. That period is considered sufficient there, because only one complaint is treated at that institution. The nurses are then transferred to the Northam or Bunbury hospital, or to some other hospital agreed upon by the board.

Mr. Patrick: And to the Geraldton hospital?

The MINISTER FOR HEALTH: Yes. Much depends upon whether medical officers are available in such towns to give lectures to the trainees. Such lectures are of course essential to their training. After spending some months in one of these hospitals the probationer is transferred to Kalgoorlie, where she completes her training. It is difficult to account for the lack of nurses; we train a considerable number, but they seem to disappear for various reasons. Country hospitals are now growing, and as the hospitals are graded on the average number of beds occupied, an agreement has been come to by the department and the Nurses Registration Board to increase the number of such hospitals where nurses may be trained for a certain period. There is not, however, in country hospitals the intensive training that can be obtained at the Perth, Fremantle and Children's Hospitals, where a very intensive training system prevails. It has now been agreed by the board that, as the department has opened a school at Wooroloo, nurses may obtain training there for a month or six weeks under a sister tutor before being allowed to work in a ward at all. In view of the fact that nurses cannot obtain in country hospitals that intensive training which is given in the metropolitan area, the Nurses Registration Board desires the Act to be amended so as to lengthen the period of training beyond three years' if necessary. The Bill, by Clause 2, seeks to strike out the words "certified as having not less than three years'" in lines 2 and 3 of Subsection (3), and inserting in lieu thereof the words "certified as having completed the prescribed course of". At present, the board cannot compel a nurse to train for a period longer than three years. If at the end of three years a nurse fails to pass the examination, we lose her services; whereas if she were given an additional six months' training, the probability is that we would have available the services of another competent nurse.

Mr. Sampson: In some circumstances, less than three years' training could be accepted nowadays.

The MINISTER FOR HEALTH: That is so. If the Bill passes, Subclause (3) of Clause 5 will read —

> Every person who has attained the age of twenty-one years, and is certified as having completed the prescribed course of training . . . . .

Of course, the board will prescribe the course of training, as it does now. The board consists of five members, one of whom is the Principal Medical Officer, who is ex officio chairman. Of the other members, one is a medical practitioner and three are nurses appointed by the Government. The three nurses are usually the matrons of the bigger hospitals, who are regarded as having the experience and knowledge necessary to control the training of nurses. We believe this measure will be in the interests of the nurses themselves. I move—

> That the Bill be now read a second time.

On motion by Mrs. Cardell-Oliver, debate adjourned.

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Marshall in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 6—Delete proposed new Section 11B:

The MINISTER FOR AGRICULTURE: The Legislative Council's proposal is to exclude from the Bill that portion of Clause 6 which deals with the transport of cream. I regret very much that the Council has made this decision. Nevertheless, I fully appreciate the excellent provisions of the measure and what its ultimate effect will be when it becomes law. I carefully perused the comments of the speakers on the amendment; and it seems to me that considerable pressure was brought to bear by vested interests. Although the desires of the department will to some extent not be realised if the Committee agrees to the amendment, yet the measure is of such great importance to the industry that I would not care to jeopardise its passage by suggesting that we disagree with the amendment. I regret that a large majority decided against this provision; but I venture the opinion that within a very short period we shall have pressing requests, backed by members of another place, to reinstate it. I realise that it would be hopeless to fight the Council on the amendment and I therefore move—

That the amendment be agreed to.

Mr. McLARTY: I supported this measure in the form in which it was introduced. The part struck out by the Council is the most contentious provision in the Bill and it has been opposed by many producers. These producers do not appear thoroughly to understand the position; but I am glad that the Minister has decided not to oppose the amendment, as otherwise the measure itself would be in jeopardy. Strict enforcement will probably overcome the transport difficulty. I notice that during the course of the debate on the Bill in another place the Minister in charge of the measure said that our transport difficulties were comparable with those of the other States and New Zealand. I cannot share his opinion, because in the other States the cream is sent to co-operative factories, which is not the case in this State.

The Minister for Agriculture: They are not fully co-operative.

Mr. McLARTY: That is the fault of the producers. No industry lends itself so much to co-operation as does the dairying industry. If later it is found necessary to reintroduce this particular provision, we can give it further consideration.

Mr. HILL: I am pleased with the attitude of the Minister and I congratulate him. I trust that the Bill as now amended will soon be put into operation.

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

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

BILL—PLANT DISEASES (REGISTRATION FEES) (No. 2).

Second Reading.

Debate resumed from the 16th November.

MR. THORN (Toodyay) [5.43]: I assure the Minister that the growers in my district are absolutely in favour of the principle contained in the Bill. They feel that the measure is very necessary, though some growers consider that the fee it is intended to impose is rather high, particularly in times like the present, when there is no assured market and when also everyone will probably be subjected to additional taxation, including a probable high advance in the price of petrol, to say nothing also of indirect taxation. The market outlook is very doubtful and growers are concerned about securing the markets that they have had in the past. For those reasons it is felt by the growers that the imposition of the suggested tax is a little on the severe side. I stated in this Chamber on a previous occasion that in my opinion the fee of 1s. was too low altogether, but it was the wish of the House that that should be the charge and it was adopted. I suggested then that we should strike an average rate of 5s. for an orchard or a vineyard, but that proposal was not entertained. The amendment contained in the Bill asks the commercial fruitgrower to subscribe more heavily towards the cost of controlling the fruit fly. This, I think, is correct, and the commercial fruitgrower agrees with it also. The object in levying

the fee of 1s. from the house owner was to raise the wherewithal to appoint inspectors to carry out the work of inspection.

The Minister for Mines: Some house owners have only a lemon tree.

Mr. THORN: I am endeavouring to justify the fee and I agree that it is up to the commercial fruitgrower to pay a fair share towards the policing of the orchards. I have a letter from the Viticulturists' Union, to which body I submitted the Bill and asked for an expression of opinion. There are various organisations in my electorate and I wanted to know what they thought about the question. I had no desire to take it upon myself to agree or disagree with the proposed amendment to the Act because it concerned the whole of my district. The union suggests a flat rate of 10s. per orchard, which would return the department more revenue than it is now receiving and permit ten times the number of inspectors to be employed. The union is wrong in this assumption. The union, however, loses sight of the fact that the metropolitan-suburban area has provided most of the money. I believe I am safe in saying that with the present fee, the Swan Road Board district, in which I live, does not contribute more than £25 towards the total. There is an amount of £2,100 raised by way of fees and the £25 that I quoted can be regarded as only a very small contribution towards the total. A meeting of the Export Fruitgrowers' Association was held on Sunday last and that meeting practically adopted the Bill, but suggested certain amendments which, of course, will not interfere very much with the total the Minister and his department expect to collect. The meeting suggested that the maximum be £2 10s. instead of £5. Those present at the meeting consider that £5 is rather a high figure and that if the charge were made £2 10s., there would not be very much difference in the total collected. Another point I should like to make is that the definition of what an acre shall contain—trees or vines—is wrong, and I am hopeful that the Minister will agree to rate the properties on the broad acre basis because, after all, I know that he only wants to impose a fee of 2s. 6d. an acre, and yet under the definition the fee will be much higher. I draw his attention to vine growing properties that may be perhaps of 200 acres and on which properties the distance between the vines may be 9 by 6. Of course, that would all depend on the variety. I should also like to bring under the Minister's notice that none of the varieties grown is prescribed under the regulations as fruit that is infested. The owners of those properties are not even asked to spray their vines because it is known that the fly does not trouble the vines. Those people have not said anything about the fee, but they do not want to have to pay at the rate of 300 vines to the acre, when there may be 600 vines to the acre.

The growers of currants and sultanas are exempt because the fly has not been discovered in this fruit. That is known to the department. Yet these growers are paying and are still willing to pay, although the planting of their vines is 12 by 8, which gives 460 vines to the acre. There are also growers whose vines run 400 to the acre, and when we come to the export variety these are 300 to the acre. I understand that the department is working under an old regulation regarding the definition of an acre, and I believe that the 300 vines to the acre is taken from that. I hope that when the Bill reaches the Committee stage the Minister will report progress and then take the opportunity to inquire into this point for the purpose of correcting the anomaly. I suggest that the clause in question be amended to provide that the grower should pay on the acreage, whether the acre contains 300 or 600 vines. That would be the fairest way to deal with the matter. The people I represent—and I, too—are behind the Minister on this amendment to the Act. We all believe in the principle. Since the Act has been in operation wonderful results have been obtained. In my district there is a most energetic inspector. I used to be an inspector and so I know that the officer who is now employed has far more energy than I possessed. One may go around orchards or vineyards daily to find that every grower has something that he wants the inspector to see. Usually what the owner of a property wants to display is at the other end of the orchard and that entails a fairly long journey on foot and over ploughed ground. One is bound to become tired after a series of inspections and the work also becomes monotonous. I speak from experience and so I am able to admire the

energy of the inspector who is now engaged on the work. He is putting all he knows into his job.

The other evening the Minister informed us of the inspections that had been carried out at the metropolitan markets and we were glad to learn that there was scarcely any fly at all in the fruit that came from my district last season. I am aware from experience that definite results have been obtained from the operation of the Act and that it is having a desirable effect on the industry. I am glad to know that the Minister has decided to include the Guildford-Midland electorate under the Act. That is very necessary because it is an old district and there we find trees bearing guavas, pomegranates and nectarines, all of which are particularly favoured by the fly. Those areas have been responsible for infesting the adjoining districts. I suggest, too, that the Minister should go further afield and include other localities.

The Minister for Lands: We will when we get the money.

Mr. THORN: When it has been driven home to us what damage is capable of being done by the fruit fly and the manner in which it interferes with the marketing of products, it is time we took the matter seriously and made a real effort to clean up the trouble. We have proved that it can be done. The Act has given results. I could not speak with the enthusiasm I do if I did not know that this legislation is having a wonderfully good effect upon the industry. We cannot do too much to further its operaton in the endeavour to deal effectively with the fruit fly pest. I hope the Minister will agree to reduce the maximum fee from £5 to £2 10s., and will take upon himself to move an amendment to that effect. I hope he will also do something with regard to the acreage basis, because he cannot desire that people who come under the definition of 300 vines should be called upon to pay double the fee. I am not so worried about the trees, for I know of many people who plant 80 to the acre, but the growers would be unjustly dealt with if this question was not settled. The Minister must appreciate that the varieties of trees now being grown do not come under the regulations as fruit fly hosts. If the amendments I have suggested are made to the Bill, it will be acceptable to fruitgrowers throughout the State. I support the measure.

MR. HILL (Albany) [6.2]: I was present at the conference in Albany when this matter was discussed by the fruitgrowers of Western Australia, and also at the executive meeting of the Fruitgrowers' Association at Kojonup, when it was decided to ask that this Bill should be introduced. We fruitgrowers consider the Government should do all it can to stamp out the fruit fly. We realise that it is short of cash, and for that reason I and other growers are prepared to tax ourselves so that the necessary finance may be provided. I have been growing fruit for upwards of 30 years, but I had to become a member of Parliament before I ever saw the fruit fly. Some two years ago I bought in Perth fruit that was infected with the fly, and that was the first occasion upon which I saw the pest. In Albany we are free from that trouble, but the metropolitan areas constitute a real danger to the growers generally. A motor car can travel to Bedfordale, buy fruit there, and in five hours land infected fruit in the Albany district. There are many orchards around Albany, and fruit brought by that means constitutes a grave danger to orchardists. I know how I would feel if members of a picnic party were to deposit infected fruit near my home. The Bill means that my personal charges will be raised from 1s. per annum to £2 10s., but I am not concerned about that, as I feel it is better to fight the fruit fly in the metropolitan area than upon our own orchards. I support the Bill.

MR. SAMPSON (Swan) [6.4]: I am feeling rather depressed because my colleagues appear to look with favour upon the imposition of a tax upon the fruitgrowers.

The Minister for Lands: It is brought in at their request.

Mr. SAMPSON: At the request of some of them.

The Minister for Labour: Surely you are not opposing the Bill.

Mr. SAMPSON: The imposition of the tax introduces a new principle, which is regarded by many growers as a very unprincipled move. I am aware that at present the registration fee is 1s., and that it is payable by every person who has one or more

fruit trees or vines. In that case the fee is so nominal and amounts merely to a registration fee, and is so general, that there can be no real objection to it. I have thought seriously over this matter, because I have been anxious not to be in opposition to this legislation if I can find justification for being in support of it. In New South Wales the fly has been very bad. Both the Queensland fly and the Mediterranean fly are prevalent in that State. Some years ago it was stated that the fruitfly could be seen in the fruit that was displayed in the shop windows in Sydney. I thought I had better find out what the position was in New South Wales, and telegraphed to the Minister for Agriculture in Sydney. He replied to my question, "What tax if any is imposed on the growers?" to the following effect, "No. tax for fruitfly in force this State."

The Minister for Lands: That would be the reply here.

Mr. SAMPSON: I take it the tax is required for the purpose of controlling the pest.

The Minister for Labour: Surely you want the fruitfly brought under control.

Mr. SAMPSON: Of course we do. I believe that in New South Wales the fly has been brought under control, although not yet exterminated. It is exceedingly difficult to exterminate the pest. The fly became very bad in Florida. The Government of that State went carefully into the matter and spent a lot of money in the endeavour to eradicate the pest. I understand that eventually it was brought under control. When the Minister introduced the Bill containing a slight constitutional error, he stated that the matter had been discussed by the Fruitfly Advisory Board. That is so. I am not sure whether he is under the impression that all members of the Fruitfly Advisory Board wish to have a special tax levied; if he is under that impression, he is wrong. One of those members whose name was mentioned was not present at the meeting when the matter was discussed and a decision arrived at.

The Minister for Lands: I have a copy of the minutes giving the names of those who were present, and I am willing to show it to you.

Mr. SAMPSON: Was Mr. Knuckey present?

The Minister for Lands: No.

Mr. SPEAKER: Order! The Minister is not under cross-examination.

The Minister for Lands: I gave the names of those who were present.

Mr. SAMPSON: I understand that everyone but Mr. Knuckey was at the meeting. I am also informed that some members of the board feel depressed, because certain executive powers have been refused them. It will be appreciated how discouraging it becomes to a body of honorary officials who meet on different occasions to find that they are prevented from doing what they desire to do, namely, take such steps as in their opinion are effective for the control of the fly. I understand that feeling of discouragement amongst members of the board has grown, and that since several requests for executive power have been refused it was decided to ask the Minister to impose a tax.

The Minister for Lands: Were not other matters brought into the discussion?

Mr. SAMPSON: I understand that the fruitfly scourge was discussed at length at the conference of fruitgrowers held recently in Albany, and the motion that has been published in the Press was carried. Unfortunately the discussion took place just before the declaration of war. I am of opinion that had it been discussed one day later the chances are the request would never have gone forward.

Mr. Hill: The executive meeting was held a good deal later.

Mr. SAMPSON: The matter was discussed at the conference, and a decision arrived at prior to the declaration of war being known to the growers.

Mr. Hill: Our executive meeting was held three or four weeks later.

Mr. SAMPSON: Any motion that is carried at the conference becomes an instruction to the executive. I cannot believe that the growers would have carried the motion had they been aware of the great world conflict, notice of which arrived soon after the decision was reached.

The Minister for Labour: You seem to be in low gear all the time on this Bill.

Mr. SAMPSON: The measure affects growers who have a very difficult task. I do not whether the growers at Baker's Hill, Northam and the surrounding districts are in favour of this innovation, but I am advised that some members of the Fruitfly Advisory Board are not enthusiastic about the imposition of the tax.

The Minister for Lands: Some people are not enthusiastic about getting rid of the fly.

Mr. SAMPSON: I suggested that some members of the board were not enthusiastic about the imposition of this tax.

The Minister for Labour: You would not impress one as being even half-heartedly in opposition to the Bill.

Mr. SAMPSON: The Minister impresses me as being over-flippant, to the extent that he could almost be flippant at a funeral. Growers face a most difficult time, not only at special periods of the year but always. I want the Minister to view the position as it applies to other primary producers, and to compare the difficulties and problems confronting them with those confronting the fruitgrowers. Admittedly wheatgrowing is one of the most difficult of our primary efforts, but are the wheatgrowers taxed when takeall, smut, rust or septoria appear in the crop?

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SAMPSON: I mentioned that the wheatgrowers were not called upon to pay a tax in order to deal with certain diseases that affect wheat—and very properly so. The farmers on the wheatbelt already have sufficient problems, as indeed do all who are engaged in primary production. I have been considering the position of the different pests that attack plant life, and I find they are almost unlimited. I dare say there are scores of hundreds of them. Even the homely banana is liable to suffer from bunchy top and squirter, while the poultry-farmers have to contend with tick and, more particularly, the stick-fast flea. Notwithstanding that, the poultry-farmers do not pay a tax because their industry is unfortunate enough to be affected by those diseases. On occasions the dairymen have had to face the ravages of rinderpest. I was a Minister at the time of one outbreak, but the then Government gave no consideration whatever to the imposition of a tax. Already those owning the diseased cattle had sufficient problems to contend with, including pleuro, tick and other diseases. Nevertheless, the statute-book is free so far from any indication of legislation imposing taxation upon that industry. Proceeding further with the subject, there are the Rutherglen bug and thrip, diseases that attack different fruits and vegetables. If members approve of the action contemplated by the introduction of the Bill, who will say that very shortly other Bills will not be introduced to impose additional forms of taxation? In that event, members who support the measure now before them will find it difficult to withhold their commendation of such Bills.

Mr. Patrick: This impost is not specifically for the fruit-fly!

Mr. SAMPSON: The Bill is introduced to amend the Plant Diseases Act, and we had an assurance from the Minister, in reply to an interjection during the course of his second reading speech, that the whole of the money that would be obtained was to be used for the purpose of controlling fruit-fly. In the circumstances, that places the issue beyond all doubt. So members will see that they may find themselves in a most awkward position should they extend their support to the measure under consideration. Take the position of the sheep-farmer. His flocks have suffered from the braxy-like disease.

Mr. Warner: And the blow-fly.

Mr. SAMPSON: That is so. Can members lightly contemplate the Bill, seeing that each one of them may be directly concerned at some later period? There are the potato-moth and aphis. The Minister for Mines does not pay a tax because his garden suffers from the depredations of aphis; yet that pest is one of the parasitic insects that cause so much anxiety to lovers of flowers.

The Minister for Mines: You are quite right there.

Mr. SAMPSON: The task of coping with all diseases from which plant life suffers, is a responsibility of the Department of Agriculture. Each year members have before them the Estimates of that department, and certainly it was never anticipated that a special tax would be levied to deal with fruit-fly. Discussing this matter with me, one orchardist said, "I do not know that it will trouble me too much; things are so bad that I will have to go out and get a job."

Mr. Warner: He might get an appointment as an inspector!

Mr. SAMPSON: If, in spite of all that may be said, the Bill is agreed to, I shall be very pleased to introduce that orchardist to the Minister for Agriculture. The individual I refer to felt much aggrieved. He

maintains good orchard practice, and his property is kept clean, all the fallen fruit being picked up. Speaking of the difficulties confronting orchardists, prior to the big conference at Albany, I attended a branch meeting at which an invitation was offered to anyone present to proceed to the southern port, return fare being provided for the grower accepting the offer. I was surprised to note that not one of the orchardists present could avail himself of the opportunity. Each man said he could not afford the time; he had too much work to do. To me that was significant, and indicated how hard-pressed the orchardists are, and how little able they are to bear the burden of this special tax, which constitutes an innovation, to be applied to a section of growers least able to shoulder the burden.

If effect were given to the provisions of the Plant Diseases Act, it would be found that the existing legislation was ample to do all that was necessary. Today the orchardists have to pay various taxes. Any member who takes the slightest interest in the orchardists' problems, will know that growers cannot secure any return from their properties unless they carry out the requirements of the Act. Decidedly, most of the orchardists do that. The real solution of the fruit-fly problem is centred in the introduction of a measure to provide for organised marketing. If that were done, in the opinion of many growers, the problem would solve itself. I admit that when prices are persistently low, some growers lose heart and do not carry out the baiting requirements, nor do they pick up the fruit, as required by the Act. I am sure members who are fruitgrowers will agree with me that if the price for apricots did not fall below 3s. 6d. a case, there would be no trouble regarding the fruit-fly. The difficulty is that the price drops to such a very low figure that many orchardists do not bother either to pack the fruit or even pick it. I have a suggestion to make to the Minister that, should he accept it, will do much to relieve the bitterness following upon the imposition of this tax.

The Minister for Lands: What tax?

Mr. SAMPSON: A charge under any name is equally bad, if it has to be paid.

The Minister for Lands: You should charge the fruitgrowers with that; it is not my Bill.

Mr. SAMPSON: The Minister has to accept the responsibility and odium of bringing it forward.

The Minister for Lands: I am used to odium.

Mr. SAMPSON: The Minister must accept the responsibility for this innovation in the sphere of taxation.

Mr. Thorn: Did not the growers ask for this legislation?

The Minister for Lands: Yes.

Mr. SAMPSON: The growers are seriously concerned about the matter. The measure is neither right nor reasonable. The orchardists are all taxpayers, and are called upon to pay taxation in every possible direction. It seems to me that the Government is searching for every available opportunity to levy a new impost.

The Minister for Lands: That is pure humbug.

Mr. SAMPSON: The tax is real, not humbug. The impost will have to be paid, because it will have all the force of the law behind it. If the Bill is agreed to, I suggest that the Minister might agree to provide baiting material to the value of the tax paid, thereby assisting the growers faithfully to carry out what is required. That suggestion is not unreasonable. If those concerned were not anxious to do what is necessary, that proposal would not be advanced.

The Minister for Mines: Do you suggest containers with the bait?

Mr. SAMPSON: As long as the bait is in a packet that will hold it, that will be sufficient. I hope the Minister for Mines will lend his aid in that direction, because the matter is serious and the growers cannot afford the extra expense. The orchardists are not heard making complaints, although, from returns that are furnished from time to time, we know what their position is. Any member who peruses the returns to orchardists during a 12-monthly period must know that the problem of maintaining a livelihood under reasonable conditions is indeed most difficult. The tax would pay for the baiting material.

The Minister for Lands: What did your meeting decide on Sunday?

Mr. SAMPSON: We did not hold a meeting on Sunday, but there was one on Monday. A meeting of fruitgrowers was called to consider the formation of a branch at Mundaring of the Western Australian Fruit-

growers and Market-gardeners' Association. Subsequent to the branch being formed, the proposed fruit-fly tax was discussed, and a motion dealing with it was moved.

The Minister for Mines: Can you link up that resolution with orderly marketing?

Mr. SAMPSON: I am more likely to link the Minister up with something less pleasing.

Mr. SPEAKER: Order!

Mr. SAMPSON: I am answering a perfectly proper question put to me by the Minister for Lands, and I desire to present the exact facts to him. A motion was moved regarding this measure. Four were in favour of the Bill and 22 against it. The propaganda that has been spread throughout the length and breadth of this State having as its object the inducement of orchardists to believe they are under an obligation to pay this tax, thereby relieving Consolidated Revenue of the cost of orchard inspection, is unquestionably wrong. I have little more to say, but if I were to say a hundred times what I have just said, I could not say it with more sincerity. I feel very keenly on this matter. It is a shocking state of affairs that those engaged in primary production in small orchards should have to pay a tax of this kind.

I want to remind the Minister, and all associated with him, that they are under an obligation to do what is right without imposing this tax on folk who are striving to make a living. Those people are some of our best citizens and are doing their duty to care for their families. Orchardists are increasing in number in the respective districts. I ask the Minister to think again and as he turns the matter over in his mind to note that he is under an obligation. I understand he is a member of the Australian Labour Party.

The Minister for Lands: I will read you something to show that you are under an obligation.

Mr. SAMPSON: If by reading something to prove that I am under an obligation or guilty of some dire evil, the Minister's conscience in respect of the imposition of this tax is salved, I must put up with it. Actually, however, I do not think that has anything to do with the question. In conclusion, I desire to read to members of the House—and particularly those on the opposite side because I look to them for help—the agricultural policy of the Australian Labour Party (West Australian branch). Paragraph (f) of that agricultural policy under the sub-heading of "Land" contains the following:—

> A maximum measure of assistance to eradicate the rabbit, the red-legged earth mite, the fruitfly and the pests which from time to time threaten primary industries.

The paragraph contains no provision for the imposition of taxation in order to bring that about. I also wish to read part of a letter from one of my constituents. It is as follows:—

> I have some very definite views on this subject. I am very strongly opposed to any further taxation for the purpose of employing inspectors, but would be prepared to pay a man to spray. One man with a spray pump would do more good than 100 inspectors. The inspectors that we have had have proved useless. Why count 100 trees to the acre if there are 125? We are led to believe that at the present time the inspectors are each costing £12 per week, and yet the Minister has said that unless the tax is increased some of these will have to be put off.

The Minister for Lands: Why have you not corrected that?

Mr. SAMPSON: I received the letter only this afternoon but I take it that when transport is included the cost would not be much less than £12 per week for each inspector.

The Minister for Lands: The writer refers to a tax.

Mr. SAMPSON: May I ask the Minister what it is, if not a tax?

The Minister for Lands: I will tell you directly.

Mr. SAMPSON: If the use of another name makes the bearing of the cost easier, I will be prepared to adopt that name. The letter concludes—

> If this money were spent on bait we should not be troubled with fruitfly.

That is the suggestion I have put forward. My idea is that if the tax is imposed the grower should be provided with bait to the value of the amount paid. That would not justify the tax but its incidence would savour of less inequity than is the case at present.

MR. HOLMAN (Forrest) [7.51]: I support the Bill because the idea emanated from the growers themselves. Instead of regarding the matter from an individual point of view we should accept the views of the association representing the members of the in-

dustry. Only recently at Albany a conference was held—as a matter of fact on the 31st August and the 1st September—at which the principle of this measure was discussed. The fruitgrowers were most definite in their view that something should be done to assist in the eradication of this menace to the fruit industry. They were so much concerned about the matter that, without any pressure from the Government, or any political pressure at all, they decided on the principle of taxing themselves and suggested that legislation should be introduced to give concrete expression to their opinions. That something should be done is essential. It is useless for the member for Swan (Mr. Sampson) to criticise this proposal when the figures of the Agricultural Department indicate that the area represented by the hon. member contains so much of this fruit-fly, probably in common with other districts. The pity is that some people in the district that the hon. member represents did not spend an equivalent amount of this tax on baits previously, instead of only just thinking about it.

The measure is important to the orchardists in my electorate. The pest is not as serious in that district as it is in other electorates, but most of the Forrest orchardists are definite in their view that they should be taxed with the idea of not only keeping the pest out of their locality but also of assisting other districts to eliminate it and of protecting districts not so seriously infested. The member for Swan must know the serious effect of the fruit-fly on the industry and it is strange, therefore, that he opposes a measure designed to protect that industry. Only recently I listened to an outburst from him in respect to how this State did not protect the industry inasmuch as it allowed fruit of inferior quality to be used or exported. By the introduction of this measure we have indicated that we take that particular view of his in one sense, and because we are aware that this serious menace is attacking not only the name but the very soul of the fruit, we are anxious to ensure that steps shall be taken adequately to protect the fruit. If the fruitgrowers themselves are not to be taxed for this protection, who is to be? However, in the main, the growers through their executives have agreed to this levy, which is essential because if the matter is not taken in hand seriously and finance provided to check the pest, there is a possibility that the whole industry will be wiped out or reduced to such a bad condition that it will be virtually wiped out.

In New South Wales the fruit-fly has a terrific hold; so much so that the growers there are of the opinion that they will never be able to eradicate it, and are apparently resigning themselves to their fate, although endeavouring to do what they can to protect themselves. They are not however doing so to the same extent as are the Western Australian growers. It would be a sorry state of affairs if such a condition existed in Western Australia because the industry is so valuable to this State. Therefore it is high time that legislation of this kind was introduced to protect the industry and the growers. At Donnybrook, which is probably the fruit-growing centre of the Forrest electorate, the belief was prevalent at one time that the fruit-fly would never attack the trees, that the trees were more or less immune from serious onslaughts. A fallacy also existed that the fruitfly was a stonefruit pest only. Now, however, it is widely known that the fly has a tendency to change its habits and the objects of its attacks, and we are aware that it will attack not only stone fruit but also apples and other fruit to a serious extent. Eventually the fruit-fly visited Donnybrook and the growers there had to put up with this curse. These people, too, are good citizens —doubtless like the member for Swan's constituents—but evidently they view their obligations as citizens in a somewhat different manner. They are prepared to accept their responsibility and feel they should be given this protection for the sake of the industry. The Bill will not inflict any great hardship on the growers. When we consider that the maximum amount is to be only £5 per orchard, it represents a cheap measure of insurance to the growers. The member for Swan has spoken against the Bill, but I ask him if the fruitfly was bad in an orchard owned by him, would not it be better for him to pay £5 in the hope of eradicating the pest rather than keep the £5 in his pocket and have not only his own orchard, but all other orchards ruined?

Mr. Sampson: The payment of the tax will not mean immunity.

Mr. HOLMAN: Probably nothing will give complete immunity, but we can afford a measure of safety and control, and this Bill will assist to do that. The old system of paying 1s. per orchard was ridiculous; even the growers recognised that. That amount might be heavy for the woman who had only one grape vine and was taken to court, but it is a very light charge for an orchard of a quarter of an acre or one acre. It is high time that an alteration was made. Commonsense should command support for the measure, even though certain correspondence has been received from one or two individuals. I believe the Bill will be passed, and I have pleasure in supporting it on behalf of the growers and the industry. Both vitally need protection of this kind.

MR. WATTS (Katanning) [8.4]: I had not intended to speak on this Bill, but the observations, both relevant and irrelevant, of my friend the member for Swan have induced me to inform the Minister that the large section of fruitgrowers in the Katanning electorate is, by a substantial majority, in favour of the measure. This being a democratic country, we are obliged to comply with the wishes of the majority. We all realise that there are portions of the State, in which I include the Plantagenet district around Mt. Barker, where there is no fruit-fly at present, but there is always a distinct possibility that unless action is taken to prevent the pest from getting outside the areas where it is now prolific, it will, at some future date, be found in those at present clean areas and become a menace and consequent loss to the growers concerned. The people with whom I have discussed this measure are of opinion that the best course is to make an effort now to prevent an extension of the pest beyond the present areas and, if possible, destroy it there. They are agreed, and as a matter of fact, have requested that action should be taken in this way.

I suggest to the Minister—and I hope he will approve of my suggestion—that the Bill be amended to provide that the fee shall not exceed 2s. 6d. I doubt the wisdom of obliging the Minister—as the Bill will do—to charge a fee of 2s. 6d. per acre with a maximum of £5. I would prefer to leave it to the Minister's discretion. If he thinks that 2s. 6d. is requisite for the purpose, he will be at perfect liberty under my amendment to charge a fee of 2s. 6d., but if he thinks a smaller sum will be sufficient, I feel that the fruitgrowers should be given the benefit of that decision. If the amendment is not incorporated in the Bill, the Minister will not be able to reduce the charge below 2s. 6d. when making the regulation. Therefore, I trust he will subscribe to my proposed amendment. In general, I have no difficulty in supporting the Bill. It is of a temporary nature to effect a very good purpose for the fruitgrowing industry, and I am convinced it has the support of a great majority of those in the industry, whether affected or not. I hope that by the end of the period mentioned, any further tax of this kind will not be necessary.

MR. McLARTY (Murray-Wellington) [8.7]: I support the second reading. A majority of members who represent fruitgrowing districts favour the Bill, and representatives of orchardists in conference have asked for it. I know what a tremendous amount of damage the fruit-fly does and I know the loss resulting from it. I think the great contributing factor to the spread of fruit-fly is the lack of markets for much of our fruit. The waste is tremendous. It does not pay the grower to send much of the fruit to market, and the consequence is that it falls on the ground, rots there, and the fruit-fly breeds in it. From now on is the season when the fruit fly becomes prevalent and breeds, and it attacks soft fruits particularly. In a few weeks we shall have a tremendous quantity of soft fruits, especially apricots and peaches. Year after year the prices are such that they do not pay the grower to send the fruit to market, and thousands of cases of fruit are wasted. I should like to direct the attention of the Minister for Industrial Development to the fact that, if something could be done to utilise this waste fruit, it would go a long way towards checking the fruit-fly. In the fruit districts not one jam factory is operating.

Mr. Patrick: You would not turn rubbish into jam. Choice fruit is needed for jam.

Mr. McLARTY: Much choice fruit goes to waste. If factories could be established in the fruitgrowing districts, that waste would be obviated. I do not know that the choicest of fruit is necessary in order to make choice jam. If fruit is good and wholesome, even though it is not of the top

quality required for marketing, it should be suitable for jam and should not affect the quality of the jam. Perhaps a scheme could be devised to send more fruit at reasonable rates into areas where it cannot be grown. I often think something could be done in that direction.

Mr. Patrick: Sales would be trebled if growers sent good fruit to the wheat areas.

Mr. McLARTY: There is any quantity of good fruit. If the hon. member had seen the waste as I have seen it—

Mr. Patrick: I have seen some of the fruit that is sent to the wheat areas.

Mr. McLARTY: Some might be of poor quality, but the growers generally recognise that they must produce good fruit if they are going to market it. I have some sympathy with the member for Swan. I agree that this proposal represents extra taxation, although the Minister said it was not a tax. The fact remains that the growers will be obliged by law to pay, and I cannot see that it can be called other than a tax.

By supporting this Bill I hope we shall not be establishing a precedent. Farmers have to combat many pests, and I hope the Minister will not be found introducing a taxing measure to compel farmers to pay towards the cost of combating red mite, lucerne flea, blow flies and other pests too numerous to mention now. We already pay a vermin tax and, in fact, we are taxed in almost every possible direction. I believe that if baiting and trapping are undertaken systematically, and the department enforces those measures, much will be done towards minimising the fruit-fly pest. Perhaps it is not possible to eradicate the fruit-fly, but I think it could be controlled to a very large extent. The measure is to operate until December, 1942, and no longer. I should like to be able to tell the orchardists that that is the actual fact, but I see similar provision in other Bills and I know what has happened. After three years the Minister should have a fair idea whether he will be able to control the fruitfly or not, and whether it will be necessary to continue this legislation. I should like the Minister, when replying, to indicate what amount he expects to obtain from this levy. I hope that the maximum amount will be reduced, as suggested by the member for Toodyay, from £5 to £2 10s.

THE MINISTER FOR LANDS (Hon. F. J. S. Wise—Gascoyne—in reply) [8.15]: I appreciate highly the sentiments expressed by hon. members supporting the Bill, because apparently they realise that there is not much satisfaction in the thankless job of introducing on behalf of someone else something that hon. members, if they fully recognise their own interests, will strongly support. The member for Toodyay (Mr. Thorn) has suggested that the maximum fee to be charged under the Bill shall be 10s. per property; but that amount, if applied to the commercial orchards of the State, will be wholly insufficient for the purposes for which the measure is introduced. Quite apart from that, to impose the fee on a flat rate will certainly entail on small growers something that will be quite unfair to them in comparison with persons operating orchards in a large way.

I fail to understand the sentiments of the member for Swan (Mr. Sampson). He insisted that this was a taxing measure introduced for the purpose of taxing fruitgrowers. The hon. member knows that is not true. He knows that the Bill is introduced specifically at the request of the commercial orchardists of Western Australia. He does not desire to see any merit in the Bill. I have said that he is out of step with his own orchardists. He prefers to stump his district criticising officers engaged by the Department of Agriculture and vilifying the department generally. The hon. member has been grossly unfair in his own district, and out of it, towards the department. He has made the statement that the Department of Agriculture is the best friend the fruit-fly ever had. Will he deny that?

Mr. Sampson: I certainly have said it.

The MINISTER FOR LANDS: And I will prove to the House that the hon. member is by reason of his own neglect, in his own district, in his own orchard, probably one of the greatest menaces to the fruit industry, in that he breeds fruit-flies. In accepting this thankless job in the interests of the fruit industry, the last thing I could have expected from the hon. member was the casting of aspersions on men and on a department rendering good service to the industry and to the State generally.

Mr. Sampson: On a point of order, Mr. Speaker. During my remarks I cast no aspersions on the employees of the Department of Agriculture. I reflected only on the Minister for bringing down this taxing

measure. Moreover, the Minister has said that I bred fruitfly. Surely the Minister does not mean that. I ask the Minister to withdraw the statement. He knows it is wrong. I have not an orchard at present.

Mr. SPEAKER: If the statement is incorrect, of course the Minister will withdraw it.

The MINISTER FOR LANDS: If the statement is unpleasant to the hon. member, I will withdraw it; but I shall endeavour to show that I spoke the truth. The hon. member has cast aspersions on the Department of Agriculture and on its officers. He read gleefully—it was the only time he showed any sign of enjoyment—from a letter casting serious reflections upon the "useless" inspectors employed in his district. This is the hon. member who has, through the Press and at public meetings, not only made special requests for additional inspectors, but who has said that he would not rest until additional inspectors were appointed in his district. The Bill provides the hon. member with the opportunity to obtain the appointment of additional inspectors. An additional license fee is to be imposed at the request of orchardists resident in his district. The chairman of the Fruit-fly Advisory Board lives in the district of the member for Swan, and he has been most persistent in his endeavours to force me to carry out the recommendations of the past few years to introduce a Bill of this nature. My only concern in this business is the interests of the industry. If the member for Swan is so insensible of his obligations that, while realising there can be no additional inspectors and will be no additional inspectors unless the Bill passes, he opposes the measure, then certainly he is not rendering any great assistance to the industry in adopting that attitude. The hon. member instituted a clamour for an additional inspector in his district. Because of the indifference of many people in his district, an additional inspector was appointed to assist those orchardists to realise their own responsibilities. That is true, and it is also true that those who are making the biggest clamour against the Bill are the greatest offenders, and the greatest menace to the fruit industry of the State. The hon. member was foolish enough to say that when I introduced the measure, it was my word that had to be taken and no other. He said there was no suggestion in the Bill that this tax, as the hon. member called it, would not be used for any purpose whatever under the Plant Diseases Act. That is a most foolish statement, for the reason that in a clause of the Bill specific mention is made of the original Plant Diseases Act of 1914, with special reference to the section in it and to the section in the amending measure of 1935 which lay down how the money shall be spent. The hon. member, in casting upon me and upon the department the slur that we were going to pocket the money, that this was only a sort of catch to tax the orchardists of the State, is again misrepresenting the position. Subsection (4) of Section 2 of the 1935 Act says that the moneys in the fund may be used and applied for the control, prevention and eradication of the fruit-fly pest; and this Bill particularly refers to that section of the 1933 Act. I have little more to say. The member for Swan is out of step with his own district and the people in it; but I want to prove my contention that the member for Swan certainly has been guilty of breeding fruitflies. In a minute addressed to me early last year, one inspector reported in these words—

> You will be interested to know that at No. 35 Byers-road, Midland Junction, the fruitfly inspector, Mr. J. Rolinson, found an unoccupied property on which were growing two nectarine trees, and these became badly affected with fruitfly. He made inquiries and ascertained that the unoccupied property was owned by Mr. R. S. Sampson, M.L.A., and apparently owing to some oversight on Mr. Sampson's part traps had not been placed in the nectarine trees, nor had they been baited to control fruitfly; neither was the place registered.

Subsequently these fruit trees were destroyed, and the agent paid for their destruction. So that it is quite useless for the member for Swan to get up and cast aspersions on me and the Department of Agriculture of neglect of duty when we accept the very onerous duty of introducing a measure of this nature specifically to protect the interests of the fruit industries in all districts—not only the parochial interests of the member for Swan. If he will accept his responsibility in the matter, he will not only urge all those whom he is now endeavouring to incite against the department, to accept their responsibility, but he will see that he discharges his own responsibility in the matter.

Mr. Sampson: May I reply to the attack of the Minister?

Mr. SPEAKER: The member for Swan is not permitted to reply. The Minister has replied.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—Short Title:

Mr. SAMPSON: In connection with the orchard matter—

The CHAIRMAN: The hon. member is not entitled to speak on that subject under this clause.

Clause put and passed.

Clause 2—Power to prescribe higher registration fees:

The MINISTER FOR LANDS: I have no objection at all to the suggestion of the member for Toodyay, which was supported by the member for Canning, to reduce the maximum fee. The estimate made of the commercial orchardists of Western Australia and of the maximum fee prescribed, £5, suggests that something in the vicinity of £3,000 might be collected if the maximum were imposed. But since it is desired that these inspectors who are now employed shall not be put off—and they will have to be unless there are additional funds to supplement the present position—I mention that we can still employ not only the inspectors at present engaged but also three others if the maximum fee is reduced to 50s. I am not at all adamant on that point. I have merely submitted the Bill. The recommendation came to me from the growers themselves. However, I am prepared to move the deletion of the amount of £5 with a view to the insertion of £2 10s. in lieu.

Mr. Watts: I wish to move an earlier amendment.

The MINISTER FOR LANDS: The member for Katanning suggested that the fee should be 2s. 6d.—an amount totally inadequate to achieve any of the objects of the Bill.

Mr. Watts: I meant, a maximum of 2s. 6d. per acre.

The MINISTER FOR LANDS: The hon. member did not say that.

Mr. WATTS: I move an amendment—

That in Subclause (1), line 12, the word "five" be struck out and the word "two" inserted in lieu.

I propose, if this amendment is carried, to move that the words "ten shillings" be added to the subclause. This will mean a maximum registration fee of £2 10s. in place of £5. My desire is to leave it to the Minister's discretion whether the fee shall be at the rate of 2s. 6d. per acre or at a less rate. I am not sure that the Minister cannot do with a lower rate than 2s. 6d. The alteration will enable the Minister, at his discretion, to reduce the rate per acre to less than 2s. 6d., if that is practicable.

Amendment put and passed.

On motion by Mr. Watts, the words "ten shillings" were added to Subclause (1).

Mr. McLARTY: I move an amendment—

That the following proviso be added to Clause 2:—"Provided that where two or more orchards owned by the same owner are situated within the district of one road board the total registration fees for the registration of such orchards shall not exceed the sum of two pounds ten shillings."

Numbers of orchardists have orchards on more than one piece of land. That is so in my district, and it obtains in other parts of the South-West, particularly in regard to apple orchards. It would not be just to treat such separate pieces of land as separate orchards; they should be treated as one holding.

Mr. HOLMAN: I support the amendment. In addition to what was pointed out by the member for Murray-Wellington, there is the possibility that an orchard might be bisected by a road, thus splitting it into two holdings. The owner of such a property should not be called upon to pay two fees. Other orchardists, in order to make a living, may have acquired two or three small blocks in one district because they were unable to obtain one piece of land large enough for their purposes. Such an orchardist should not be called upon to pay a fee for each separate block. I was present at the annual meeting of the Fruitgrowers' Association when the growers expressed a desire to tax themselves, and I feel sure that the possibilities which have been mentioned did not occur to them.

Amendment put and passed.

The MINISTER FOR LANDS: Two or three speakers, particularly the member for Toodyay, touched upon the definition of "acre," and pointed to the hardship that might be suffered by persons who grew only

grape-vines. To overcome the difficulty, I move an amendment—

That in line 2 of paragraph (b) of Subclause (3) the words "three hundred fruit vines" be struck out and the words "an actual acre according to measurement" inserted in lieu.

Mr. SAMPSON: I draw the Minister's attention to the preceding paragraph, which deals with an orchard where only fruit trees are growing. I hope the Minister will adopt the same principle in connection with that paragraph.

The MINISTER FOR LANDS: There must be some basis for determining what is an acre where areas are not conjoined. A property consisting of two or three acres may have only 80 or 100 fruit-trees growing upon it. It is necessary to specify the number of trees.

Mr. THORN: If the member for Swan will study the question, he will find that 100 trees is the correct average.

Amendment put and passed.

The MINISTER FOR LANDS: I move an amendment—

That in line 2 of paragraph (c) of Subclause (3) the word "three" be struck out and the word "four" inserted in lieu.

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

Clause 3—Operation:

Mr. SAMPSON: I draw the Minister's attention to the fact that this clause will make the payment of the fees retrospective. I move an amendment—

That in line 3 of Subclause (1) the word "July" be struck out and the word "January" inserted in lieu.

I do not think it altogether fair that payment of the fee should be made retrospective.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That in line 3 of Subclause (1) the words "thirty-nine" be struck out and the word "forty" inserted in lieu.

Amendment put and passed.

Mr. SAMPSON: I take it that consequential alterations will be made in Subclause (2).

The CHAIRMAN: Yes.

Clause, as amended, put and passed.

Clause 4—Duration of Act:

Mr. HUGHES: I move an amendment—

That the words "and no longer," in line 3, be struck out.

If the clause as it stands is accepted, the Parliament of 1942 will not be able to continue the operation of this measure because it is specifically stated that it shall continue to the end of 1942 and no longer.

The Minister for Lands: This applies only to commercial orchards.

Mr. HUGHES: This Parliament cannot say that the Bill shall operate until 1942 and no longer because the Parliament of 1942 might say, "We are going to continue it indefinitely." It is foolish for any Parliament to say that a Bill shall continue for a certain time and no longer. What effect do the words "and no longer" have? At the end of 1942 the Bill will have expired automatically and the words are both superfluous and stupid.

The MINISTER FOR LANDS: These words are usual in continuance Bills. I would suggest that even more words be added if hon. members desire to safeguard the position. Since the Bill has been introduced at the request of the fruitgrowers we might add the words, "until no longer required by the fruitgrowers' organisations." That might please the member for Swan and it would also indicate from what source the Bill emanated. I oppose the amendment.

Mr. THORN: All I hope is that we will not do anything that will interfere with Parliament giving further consideration to the measure in 1942 because without a doubt we shall want to keep it in operation. The worst thing we could do would be to drop the measure in 1942 because the pest will not have been sufficiently dealt with by then. We might be able to consider reducing the fee and the number of inspectors, because in three years' time a certain amount of efficient work in eradicating the pest will have been undertaken, but the legislation will still be needed.

Mr. DONEY: The Minister has not told the Committee what is the function of the three words. It is always assumed that words in a Bill mean something. I have understood the addition of those words to mean that the Act under consideration must definitely cease on the date stated. Opportunity is taken to alter the date of an Act and to leave in the words "and no longer." I shall vote for the amendment unless the

Minister indicates that there is some importance attached to the words.

The MINISTER FOR LANDS: It is customary to have these words in all continuance measures. I know that the member for Williams-Narrogin desires at all times to be precise and correct and I think the desire to be precise and correct actuated the draftsman in including these words in conformity with Standing Order 285, which reads—

> The precise duration of every temporary Bill shall be expressed in a distinct clause at the end of the Bill.

The CHAIRMAN: It is a doubtful point whether the amendment is in order, having regard to the Standing Order just quoted. I do not wish to rule the amendment out of order, but members should take this fact into consideration.

Mr. DONEY: Will it not be a precise statement as to the duration of the measure if we stipulate that the Bill shall continue to the end of the year 1942, and let it go at that? No greater sense or further meaning is added to the clause by the addition of those three words.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported with amendments.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

Debate resumed from the 18th October on the following motion by Mr. Needham (Perth):—

> That Regulations Nos. 134 to 139A, inclusive, of the regulations made under the Native Administration Act, 1905-36, as published in the "Government Gazette" of the 8th September, 1939, and laid upon the Table of the House on the 12th September, 1939, be and are hereby disallowed.

MR. MARSHALL (Murchison) [8.55]: I do not think I can be accused of being one of those who argue that no Act of Parliament should be permitted to exist on the statute-book that has within it the authority for the making of regulations. There are certain measures that must contain power to make regulations, but in this instance there has been too much of a desire on the part of the departmental officers to give us a skeleton Act and complete that Act with regulations. The measure, now the subject of discussion, has been on the statute-book for a period of only two years. It contains no more than 74 clauses but 151 regulations have been made under it. The 74 clauses include the Title, the Short Title, the power to make regulations and one or two others of no consequence. There is too much of a desire to rule this country by regulation. That is due to the fact that Parliaments have been altogether too generous. We have allowed regulations and by-laws to slip through the two Chambers without recognition and those regulations have in some instances given extensive powers to departmental officers. If hon. members will look at some of the regulations dealt with in this and the next motion on the notice paper, they will find that practically all could have been embodied in the Act. The draftsman, however, has given us a mere skeleton Act and has then said to the departmental officers, "Now you have power to make regulations, endeavour to do so and complete the Act." I do not take the present Minister to task for the position in which he finds himself. He is in a very invidious position, having only just assumed control of the department. Certainly he is consistent, because the regulations in dispute are regulations that he never opposed on any occasion. However, I intend to vote against all these regulations.

The Premier: All of them?

Mr. MARSHALL: The whole lot. I shall support both motions. I do not propose to allow this kind of thing to go on. The Act has been in existence for only two years. Had the Act been a very old one and the passage of time made necessary the promulgation of regulations in order that the statute might be efficiently administered, we would probably not have found so much fault with the procedure. But to ask Parliament to agree to an Act and then in the following two years submit 151 regulations under it, is going a little too far. I agree that many of these regulations are practically essential, but, if we are going to allow departmental officers to administer the affairs of State by regulation, we might as well close up. Whilst I admit that some of the regulations ought not to have been framed, to make up the substance of the Act, I suggest that the major portion of what they contain could well have been put into the Act.

Member: Why did you not put them in yourself?

Mr. MARSHALL: I did not pilot the measure through Parliament, and have no knowledge of the administration of these affairs. When the Bill was before the House I expressed my opinion upon it, and allowed the clause providing for the regulations to go through, believing that it would be used with discretion, and not as a means of building up the statute. I thought we were providing machinery to give effect to the Act. I propose to vote against the regulations on the grounds I have stated. The Act is only two years old. Most of the regulations were in existence when the legislation was a Bill before the Chamber to amend the Act that preceded it. With all the knowledge that is in the possession of the department, it could not conceive the idea of putting all it wanted into the Bill so that it could be amended, but waited until the Act was proclaimed when it completely revolutionised that legislation by framing 151 regulations inside two years. I wish to voice my protest against that sort of thing; it should not be permitted to continue.

MR. McDONALD (West Perth) [9.4]: I can hardly agree with the reasoning of the member for Murchison (Mr. Marshall). We cannot judge the necessity or the propriety of regulations by comparing their number with the number of sections in or the size of an Act. The regulations that have been brought forward rather stand to the credit of the department, and show that it has been active and industrious in seeking to establish the framework which the Act contemplated should be provided. I also appreciate the position set out by the Minister in what was a well reasoned and temperate address. I propose to vote against the regulations for a different reason. There should be some regulations governing the conduct of those who set up missions, and those who have occasion to take charge of natives and assume a certain amount of responsibility for them. I find there is a difference between the department and the churches. All churches are fairly unanimous in feeling that certain regulations are not in the best interests of the natives, and what they have conceived to be a duty they owe to that particular set of people in the State. The churches deserve consideration because they are putting their money and energy into endeavours to ameliorate the conditions of the natives. There are men and women in some of the loneliest parts of the world, who, from a feeling of duty and responsibility, are devoting their lives for small remuneration, to helping natives. I shall vote against the regulations to give the Minister an opportunity again to get into contact with the representatives of the churches who are vitally interested in this particular field of work, so that an amicable agreement may be arrived at as to what the regulations should contain.

The Premier: And if that fails again?

Mr. McDONALD: Then it will be a matter for Parliament to decide.

The Premier: These are the considered regulations.

Mr. McDONALD: I do not think the opportunities for arriving at an amicable settlement have been exhausted.

The Premier: We have tried, with conferences, etc.

Mr. McDONALD: I do not think they have been tried in a very successful manner. Some utterances in another place did not ease the situation and could not be said to be calculated to bring about an amicable frame of mind.

The Minister for Mines: Conferences have been held since.

Mr. McDONALD: There was a conference held at a time when feelings were rankling and a sense of grievance existed such as had been brought about by the words of a responsible Minister. That feeling has subsided, I hope, to a large extent. I feel there is now a reasonable chance of a settlement being arrived at, when victory would not be claimed by either side, when the department would not say "We have won and forced this upon you," and when the churches could not say "We have defeated the department, and gained what we think is necessary in the interests of the natives." Another opportunity should be given to the parties concerned to arrive at regulations that will be recognised by both sides as fair to the interests they represent. I am confident that in the hands of the present Minister, who brings knowledge and a new mind to bear upon the matter, the negotiations would be successful. For that reason I personally do not desire to see forced upon the churches and the missions, who have been doing good work, regulations which

for conscientious and other reasons they feel are not acceptable to them. I do not want the House to force them upon the various religious missions which are conducting institutions in order to help our aboriginal population.

The Premier: There is a lot of intolerance and misunderstanding about the whole thing.

Mr. McDONALD: Under the presidency of the present Minister I think the misunderstandings would be removed. I shall vote against the regulations, not because I feel either side should be condemned, but because I think that with another conference, both sides should be able to arrive at something that will be supported by both, and will enable this essential work to be conducted in an atmosphere that will make for the best results for the people who are the real object of the consideration of Parliament, the Minister, and the religious organisations.

THE MINISTER FOR MINES (Hon. A. H. Panton—Leederville) [9.10]: I hope the motion will be defeated. The regulations concerned are Nos. 134 to 139A. Like the Minister for the North-West, I have received many letters from my friends who are members of the Association of Churches. I can claim friends to the tune of many hundreds amongst all the churches. I have even been chided for an interjection I made when the member for Avon (Mr. Boyle) was speaking. It is said that open confession is good for the soul. I plead guilty to having been mixed up with the proposed board and the conference that was held. I was under the impression that was where the board emanated from, but evidently I was under a misapprehension, so I plead guilty and withdraw. I was particularly interested in the speech delivered by the member for Subiaco (Mrs. Cardell-Oliver). Had it not been for that I probably would not have intervened in the debate. Many of the statements made by her, when seen in cold print in "Hansard," can be taken as innuendoes. She said the regulations afforded a loophole for the selection of one or more religious organisations to be licensed in preference to others. That sort of thing cannot happen while the present Party occupies the Treasury Benches. If there is one thing the Labour movement stands for it is the right of every man and woman to worship when, where, and how they like. There is no necessity for the hon. member to worry as to whether this Party will give preference to one religion over another. I have been actively associated with the Labour movement for 42 years, and never once have I heard the question of religion discussed in the movement. The only exception to that was when a Minister of the Gospel conceived the idea that we should have a religion of our own in the Labour movement.

Mr. SPEAKER: Order! Surely the Minister is getting away from the subject.

The MINISTER FOR MINES: Several references were made by the hon. member to what these regulations were likely to do, and it was my desire to clear up the point. On the occasion in question I was general president of the Labour movement. We listened closely to the Minister of the Gospel one Sunday, and then we politely and courteously told him that the Labour movement was composed of all creeds, that we proposed to stand by that situation, and had no desire to form any separate religion associated with the Labour movement.

Mr. Rodoreda: You might have been an archbishop by now.

The MINISTER FOR MINES: The hon. member also referred to Russia, Turkey and Germany, and the anti-Christian attitude of those countries. When I read that statement in "Hansard," I felt that anyone not associated with this House and not having heard the debate, would naturally conclude that the member for Subiaco (Mrs. Cardell-Oliver) inferred that we endorsed the anti-Christian attitude in Germany. There again, as the member for Middle Swan (Mr. J. Hegney) interjected a little while ago, labour is a religion in itself. The very fundamentals of the Labour movement support Christianity, if not churchianity. I do not think any nation that sets out to be anti-Christian will survive, and I go further than that and say that no such nation has any right to survive. We who sit on the Government side of the House—I hope the member for Greenough (Mr. Patrick) will again interject, "And also those on this side of the House"—stand for Christianity, if not for churchianity.

Mr. J. Hegney: Why, we say "Our Father" before we begin our proceedings!

Mr. Rodoreda: But what do we say when we finish?

The MINISTER FOR MINES: I do not understand the attitude of the member for West Perth (Mr. McDonald), who said that there seemed to be disagreement between the churches and the department. Whatever happened before the present Minister took charge should be forgotten in a true Christian spirit of forgive and forget. There was some talk about a big conference, and I think the member for Subiaco said that 60 representatives attended that gathering.

Mrs. Cardell-Oliver: No, 40 were there, and all but three voted against the regulations.

The MINISTER FOR MINES: Of course, they would.

Mrs. Cardell-Oliver: Why?

The MINISTER FOR MINES: Because there were 40 people there, all church leaders holding different ideas. They sat down and immediately discussed the matter in accordance with their varying views.

Mrs. Cardell-Oliver: But animated by the same principle as the Labour Party—Christianity.

The MINISTER FOR MINES: I will give them full credit for that. I have read the regulations over and over again, and I cannot see where they deal with anything but the establishment of missions. I can find no reference to preaching the Gospel. They merely deal with the right to establish missions. Naturally, we would expect that the Gospel would be preached at a mission and that it would be preached in accordance with the faith of those conducting the mission. No one in his right senses would wish competition between the different religions at any one mission. Surely the church that secures a license to establish a mission should preach the Gospel in accordance with its tenets at that mission, and I cannot imagine that any officer of the department or the Minister himself would support the suggestion that a faith other than that of the church conducting a mission, should be preached there.

Mrs. Cardell-Oliver: Why give them a license?

The MINISTER FOR MINES: There is not one word about preaching the Gospel in the regulations, which merely provide for the establishment of missions.

Mr. Doney: But that involves preaching.

The MINISTER FOR MINES: It can involve nothing else but the establishment of a mission.

The Premier: Of course not.

The MINISTER FOR MINES: If any particular church set out to establish a mission for preaching the Gospel only, that mission would quickly be in the position most churches find themselves in today. I know something about the aborigines. If a mission were established purely and simply for the preaching of the Gospel, there would be very few natives to be found there.

Mr. Hughes: Do you think our black brethren are pure materialists?

The MINISTER FOR MINES: I know what they want—"big feed, plenty fill 'em-up, plenty tucker and baccy!" That is what they principally worry about, so why talk all this sentimental nonsense about the Gospel being preached? That is not the issue at all.

Mr. Doney: No one suggested that.

The MINISTER FOR MINES: I want to get back to the regulations as they provide for the establishment of missions. I emphasise that the Gospel will be preached at a mission so established only by the church that obtains permission to establish the institution. No one in his right senses would want to go to such a mission and preach any other Gospel. If it were a Roman Catholic mission, who would suggest trying to preach some other gospel there?

Mr. Doney: No one suggested that.

Mrs. Cardell-Oliver: No, it is stupid.

The MINISTER FOR MINES: That has been the contention. It is useless for the member for Subiaco to pout at me; I am not used to such treatment. Much was said during the course of the debate regarding the use of the word "nonconformist." I know there is no State church in Western Australia, and therefore, technically speaking, there is no nonconformist church here. On the other hand, for very many years I have heard the churches, apart from the Roman Catholic and the Church of England, referred to generally as nonconformist or non-denominational.

Mrs. Cardell-Oliver: And what about the dissenters?

The MINISTER FOR MINES: What does it matter what we call them? That phase is of no importance to me whatever, and I cannot see anything in the argument at all. As a matter of fact, the member for Williams-Narrogin (Mr. Doney) will agree with me that, when we were in the army, we had compulsory church parades. He will

remember when we were in France, with the snow over the tops of our boots——

Mr. SPEAKER: Order!

The MINISTER FOR MINES: All right, Mr. Speaker! I realise you are in rather a ticklish position in that you have to keep order, but I hope you will allow me to explain this point, because of the discussion that centred around the use of the word "nonconformist." Will you let me get to the bottom of it? As I was saying, in the army we had compulsory church parades. The sergeant-major would call out, "Fall out the R.Cs.," or "Fall out the C. of Es." They would fall out, and those who did not belong to those churches stood where they were and were said to belong to "fancy religions." I remember that one day I wanted to dodge the church parade so I said I was a vegetarian. The sergeant-major said I was the very man he was looking for; he marched me down to the cook-house and I had to peel potatoes all the time the others were on church parade. When we consider the matter, members must agree that there is nothing in the argument about non-conformists. It matters not what we call the various sections of religion. In fact, it seemed to me that the issue was raised merely to have something to argue about.

Mr. Doney: That is rather weak.

Mr. SPEAKER: Order! The member for Williams-Narrogin must keep order.

The MINISTER FOR MINES: The member for Williams-Narrogin mumbled something about non-conformist and said there was no such section in this State. He said he was not one bit interested in that, and I am not interested in this phase. If he is not interested, he need not mumble about it.

Mr. Doney: I give in!

The MINISTER FOR MINES: It seems to me that we have three representatives of well-defined religions, and one other involved in this discussion. We have the Roman Catholics, the adherents of the Church of England, Presbyterians and a body known as the United Aborigines Mission of Australia. The last-mentioned organisation, so far as I have been able to ascertain, is a Federal body and I freely admit I do not know what faith its members follow. It may be argued that that does not matter, and I am inclined to agree with that contention, provided the faith is some form of Christianity. I have never been very much impressed by the various "isms" of religion. All seem to be aiming at the same goal, but, for some reason or other, each travels by a different path to reach the one end. However, I do not think there is a great deal to worry about from that point of view. I think it can be taken that there are only four elements to be considered in the matter, quite apart from what particular faith those people desire to preach. Whatever it may be, it matters not so long as they preach Christianity.

Mr. J. Hegney: What about their sincerity?

The MINISTER FOR MINES: I award them 100 per cent. credit from that standpoint. Much criticism was voiced by the member for Subiaco regarding the proposed board of appeal, which, it is suggested, shall consist of the Commissioner of Native Affairs or his deputy, representatives of the Church of England, the Roman Catholic Church and the Presbyterian Church respectively, together with one nominated by the governing bodies of all the churches acting together for the purpose of making the nomination. I do not know how the other churches will make the nomination, but I know that the Methodists, Congregationalists, Baptists, the adherents of the Church of Christ and others, have what is known as the Council of Churches, and whenever any matter of interest has to be discussed, they meet to determine the issues. In deciding upon a nominee, I presume the representatives of the various churches will meet, as the Council of Churches does, and appoint a delegate. If any member considers the position, I think he will agree that there is nothing wrong with a board constituted as proposed. Moreover, the decision of the board will be final. Apparently the only fault the member for Subiaco finds with it is that the Commissioner of Native Affairs will be a member of the body. If she had been associated as long as I have with the leaders of the churches I have mentioned, she would agree that those who would possibly be chosen to sit on the board with the Commissioner of Native Affairs would be of a calibre that would not fear the Commissioner of Native Affairs or anyone else. In my opinion, it is an insult to those who will represent the churches to say that they will be overawed by Mr. Neville, in his capacity as Commissioner of Native Affairs.

Mrs. Cardell-Oliver: Not overawed, but over-ruled.

The MINISTER FOR MINES: How could four men, such as those who would be appointed to seats on the appeal board, be outvoted or over-ruled by Mr. Neville?

Mrs. Cardell-Oliver: That is being done now by the regulations.

The MINISTER FOR MINES: That is a nice thing to say! I cannot understand the hon. member's attitude. If these regulations are agreed to, there will be four representatives of the leading churches, and poor old Neville is to be expected to overawe and over-rule a man like Mr. Tulloch, the illustrious leader of my own church, a man standing over 6ft. in height, and measuring 49 inches round the chest! Fancy a man like that being frightened and over-ruled by poor old Neville!

Mr. Cross: But he is to retire next year?

The MINISTER FOR MINES: Who is to retire?

Mr. Cross: Mr. Neville.

The MINISTER FOR MINES: For the moment I got a bit of a scare! I thought the hon. member was referring to Mr. Tulloch. The member for Subiaco, further, did not agree that one church should sit in judgment on the work of another. Personally, I disagree with that contention. If there is any one section of the community that should sit in judgment, it is representatives of those that know most about the issues at stake. There is no question of one church sitting in judgment on another. The argument will be between the department and the individual. The members of the appeal board will be asked to decide and settle a dispute that may arise between one person and the department. The church need not come into the question at all. Surely the representatives of the churches that are engaged upon the work should be in a better position to judge the ability and capability of a particular individual for particular work than any other half-dozen people who know little about the task at all. I do not know of anyone better qualified for the task than the people mentioned in the regulations. Then again, the member for Subiaco was afraid that the regulations might prevent other than established churches from obtaining a license. Personally, I do not think that would be any great detriment to the native. We have too much churchianity and not enough Christianity. I favour having more Christianity as against churchianity. It would be all the better for the natives if the missions were limited to those that are well defined and of the orthodox religions. Recently a man said to me that the quickest way to make money was to start a new religion. I am afraid I have not enough brains to do that, and so I prefer to stick to the old religions.

Mr. Hughes: The old religions are non-Christian.

The MINISTER FOR MINES: That depends how old they are; I do not want to go back too far. I am inclined to agree that the sort of religion we want today is the old-time religion. Three or four weeks ago I read in the week-end paper something that I was very sorry to see. It was headed in large block letters "Rev. Tulloch Angry."

The Minister for Labour: I do not believe it.

The MINISTER FOR MINES: That is a fact; I can produce the paper.

The Minister for Labour: But I do not believe he was angry.

The MINISTER FOR MINES: I am quoting what was reported in the paper. I regret that the head of the church in which I was reared should so far forget himself as not to count ten before speaking an angry word. But the reverend gentleman in his anger was not even accurate. He was reported to have said—

> It is surprising to find Mr. Coverley, who strongly opposed the regulations 12 months ago, now strongly supporting them and using arguments which I say are most unconvincing.

I have watched subsequent issues of the "Sunday Times" and have not seen any contradiction of that statement, so I accept the report as being correct. As a matter of fact, the member for Murchison and I made a search, and found that what the reverend gentleman said was not correct. The Minister for the North-West at no time either spoke or voted against these particular regulations. Therefore the statement was incorrect. As to being unconvincing, that of course is a matter of opinion. I am with the member for West Perth in thinking that the Minister, in his speech in defence of the regulations, stated his case in an honest, straight-forward manner. He was endeavouring to convince this House. That was his job. He was not making any attempt to convince somebody outside, someone who I feel sure is unconvinc-

able on this matter. I listened with great interest to the member for Perth when he moved the motion, and have done him the honour of reading his speech twice, but I have been unable to find one argument in his speech.

Mr. Needham: Did you look for arguments?

The MINISTER FOR MINES: I had a magnifying glass on it, and could not find any.

Mr. Hughes: What about that Christian spirit?

The MINISTER FOR MINES: That is the only sort I indulge in; the hon. member cannot accuse me of drinking anything by that name. It seems to me that the member for Perth, representing the electorate where the principal churches are centred, believed it his duty to move the motion, but he certainly was not very enthusiastic about it. In my opinion there is a lot of sentimental nonsense being talked about these regulations. We have taken over this country from the natives, the native game has been killed off, and it is our duty to see that the natives are fed and protected. The question of which religion they are to be taught, so far as this House is concerned, can well be left to the missions, when established, whichever they might be. Nobody wants competition in the matter of carrying religion or preaching the Gospel to the natives. The more I roam around this country and see the natives and the conditions under which they live, the more I am convinced that it would be for the benefit of the natives themselves and of the State if we limited as much as possible the number of missions that are permitted to assist the natives.

I believe that one of the troubles in the future will be the multitude of religions. Quite a number of people having the advantage of some degree of education have endeavoured to find out something about religion, but when we have these missions competing with one another and trying to teach the unfortunate natives who are probably hungry, cold and miserable, the different religions, I think the sooner the department takes a stand in the matter, the better it will be. I appeal to members to consider seriously their vote on this question. There has been altogether too much propaganda over these regulations. I appeal to members to give the Minister for the North-West an opportunity to administer the Act. He knows the natives as well as any Minister who in many years has had charge of the department, and I am satisfied he will administer native affairs with common sense. That is the main consideration. If the motion is negatived, the Minister for the North-West will have an opportunity to put into practice what I know he possesses, namely, good theoretical and practical ideas on the question, and if this is done we may hope to end this unseemly wrangle between the churches and the department over what should be a Christian method of dealing with the natives. Therefore I ask members in all sincerity to vote against the motion, and if they do so, I am satisfied that by this time next year, the Minister for the North-West will be able to tell us that we have heard the last of these native regulations.

MR. NEEDHAM (Perth—in reply) [9.38]: The speech of the Minister for the North-West, in reply to my remarks in moving for the disallowance of these regulations, was very comprehensive and very sincere. While paying him that compliment, I also wish to say that those of us who think the regulations should be disallowed are just as sincere as he is. With his interpretation of my speech, I do not agree. The Minister went to considerable pains to reply to what he considered were the four main points I had made. The first was in connection with the appeal board, about which a great deal has been said, and on which there is a wide divergence of opinion. He went on to say, speaking still of the appeal board, that the fact that the Commissioner of Native Affairs is to be a member of the board could surely have no bearing on the result of the appeal, any more than would the appearance of a solicitor in court for the purpose of stating a case have a bearing on the attitude of a judge. I submit that that was a very unfortunate argument for the Minister to use. In fact, I consider that he was on very unsound ground. There is no analogy between the two cases.

In the first place, the Commissioner of Native Affairs is to be put on the board and is to be one of five judges adjudicating upon his own determination. That is entirely different from the position of a lawyer acting in the capacity of an advocate and not of a judge. I do not think the Minister for the North-West can quote a case where a

trial judge has taken his seat on the bench of the Full Court when an appeal was being heard against his decision. That might occur in a criminal case, but I remind members that in a criminal case the trial judge does not give the verdict; that is given by a jury. I do not think the Minister can quote an instance of a trial judge in a civil case having sat in the Full Court on his own decision. Therefore the argument used by the Minister is not effective. The solicitor appears as an advocate and not as a judge, and there is certainly a big difference between the two positions.

In that regard I listened with interest to the rather impassioned speech of the Minister for Mines dealing with this same aspect of the regulations—the constitution of the appeal board. He upholds the present regulations and considers that the Commissioner of Native Affairs should be permitted to take part in determining an appeal against his own decision. I have a recollection of some of the industrial and other proceedings in which the Minister has taken part, and I cannot conceive of his approving of an appeal from Caesar to Caesar. I can imagine his becoming just as impassioned as he was to-night in saying how wrong it was that there should be an appeal from Caesar to Caesar. Yet what is the difference in this case? The Minister stressed the point about the representatives of the church being overawed or overruled by poor Mr. Commissioner Neville. The fact remains that the Commissioner of Native Affairs would have given the decision and, like a trial judge, would be present at the appeal board to adjudicate on his own determination. My own conception of an appeal board would be two or three independent persons to hear the case for and the case against. The Commissioner of Native Affairs could appear before such a board for the department, and another person could appear for the missions. Let three independent men sit as an appeal board. Let the Commissioner of Native affairs be an advocate for the time being, and on the other side let there be an advocate for the churches concerned. That would be a much better appeal board than the one proposed to be constituted under the regulations.

The Minister for the North-West also contended that we were not justified in moving for the disallowance of these regulations. My reply is that we are taking this action because the regulations are unjust and unnecessary, and also because the last Parliament disallowed them. The Minister suggested that is was customary for members of Parliament to move to disallow regulations. I have now been a member of this Chamber for over six years, and I can state that, generally speaking, during that period not many motions for disallowance have been moved. As regards the Native Administration Act there has been a deluge of motions to disallow, but that is so because members moving for disallowance considered the regulations unjust, impracticable and in some cases inequitable. It is because I take that view of the regulations referring to religion that I have been impelled to move my motion. The word "undenominational," or "nonconformist," mentioned by the Minister I am not concerned about at all. All I contend is that the word "undenominational" is the only alteration in the present regulation as compared with that disallowed by Parliament in the last session. That is one of my strongest reasons for moving the motion. Nothing has transpired since 1938, when these regulations, in essence, except for one word, were disallowed. Thus the position has not changed. The Minister for Mines has described these motions for disallowance as an unseemly wrangle.

The Minister for Mines: That is not so.

Mr. NEEDHAM: Probably the motions would not have been moved had it not been for the unfortunate statement made in another place. I believe that the failure of the conference over which Mr. Gray presided was due to its being held at a time when the words used in another place were still rankling in the minds of the church leaders. I do not desire to elaborate on that phase, and therefore shall confine myself to the regulations. The Minister went on to deal with the question of mission permits. I realise that there is no intention on the part of either the Minister or any of his colleagues to prevent the preaching of the gospel at any of these missions or to the natives generally; but I do contend that permission must first be given to the mission before the gospel can be preached.

The Minister for Mines: Before missions can be established.

Mr. NEEDHAM: That is true. But will the Minister deny that until a mission is established, the gospel cannot be preached? Will he deny that? And will he deny that

a mission cannot be established until a permit has been granted? He cannot deny those things. They appear in the regulations—expressed in plain English; and those are the regulations my motion asks the House to disallow. All the trouble has arisen because of that indignity imposed on the churches. The word "permit" should not appear in the regulations. I go further and contend that all that is desired could be achieved by amending the Act itself. When we realise, as I said in my original speech, that in no part of the Commonwealth of Australia, in not one of the States, are permits required before any church can establish a mission, we must also realise that these regulations should not exist. The next feature is that the Minister admits that missions are not licensed elsewhere in Australia. He added that probably the other States had no missions that defied authority. If missions here have defied authority, and if we still have missions defying authority, there is another way to deal with them—not by regulation. If there is not sufficient authority in the Act itself, then the Minister should bring down an amending Bill and this House would agree to give him the additional power required in order to cope with missions that defy authority. I do not think the Minister will contend that regulation is a proper remedy in this instance. The fact that a missionary has received permission does not in itself guarantee his compliance with the law. I do not say that because no permit is required, missions will comply with the law. On the other hand I contend that if missions are defying the law, the Act should be amended as I have indicated.

The Minister referred to the Rev. J. R. B. Love in connection with a telegram he sent on the subject of these regulations. The Minister quoted from some statements made by the Rev. Mr. Love wherein he said that he would not give permission to scientists and other people to go on to mission grounds. That statement is torn from the context of a very long report which the Rev. Mr. Love gave to the General Synod dealing with South Australia. The statement in question did not deal directly with the subject now under discussion. The Minister quoted one or two instances in which missionaries had not played the game. I hold no brief for such missionaries. However, that is no reason why this indignity should be imposed upon churches whose missionaries have played and are playing the game. If there are missionaries who do not play the game and churches which do not play the game, the Minister's best course would be to give the names of those missionaries and churches. Then we would know the full facts.

I have not accused the Government, nor has anyone accused it, of attempting to interfere with the preaching of the gospel. All we contend is that the regulations are unnecessary. There should be no need for the granting of permission. I have here letters from nearly all the churches protesting against the regulations. I have one from the Anglican Church, signed by Dean Moore; one from the Presbyterian Church, signed by the Rev. G. Tulloch; and also one from the United Missions, as well as letters from several other denominations—all protesting against the regulations. It must be remembered that these churches represent a large proportion of the public opinion of Western Australia.

I have little more to say beyond expressing the hope that the regulations will be disallowed. In conclusion, let me express my agreement with a suggestion made by the member for West Perth (Mr. McDonald) that even now the Minister for the North-West should call another conference of representatives of the various churches. By that means I dare say an understanding could be arrived at, with the result that a better feeling would prevail. I ask the House to disallow the regulations.

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

Ayes	15
Noes	19
Majority against	4

AYES.

Mrs. Cardell-Oliver	Mr. Patrick
Mr. Hughes	Mr. Sampson
Mr. Latham	Mr. Seward
Mr. Marshall	Mr. Shearn
Mr. McDonald	Mr. Warner
Mr. McLarty	Mr. Watts
Mr. Needham	Mr. Doney
Mr. North	*(Teller.)*

NOES.

Mr. Berry	Mr. Rodoreda
Mr. Coverley	Mr. F. C. L. Smith
Mr. Fox	Mr. Styants
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. W. Hegney	Mr. Willcock
Mr. Holman	Mr. Wilson
Mr. Lambert	Mr. Wise
Mr. Millington	Mr. Cross
Mr. Panton	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Thorn	Mr. J. H. Smith
Mr. Willmott	Mr. Leahy
Mr. Keenan	Mr. Collier
Mr. Raphael	Mr. Withers
Mr. Stubbs	Mr. Johnson
Mr. Boyle	Mr. Nulsen

Question thus negatived.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

Debate resumed from the 25th October on the following motion by Mr. Boyle (Avon):—

That Regulations Nos. 17, 18, 23, 24, 30, 31, 32, 39, 53, 54, 64, 65, 72, 73, 76, 80, 81, 85, 88, 89, 94, 99, 106G, 106I, 108, 142 and 144 of the regulations made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" of the 8th September, 1939, and laid upon the Table of the House on the 12th September, 1939, be and are hereby disallowed.

MR. W. HEGNEY (Pilbara) [10.2]: I oppose the motion. I have studied both the Act and the regulations which are the subject of the motion. In my opinion, the Minister and the department are simply endeavouring to put machinery into operation effectively to administer the Act. In common with many other members, I am opposed to government by regulation in the sense in which that term is generally used. There are, however, many Acts of Parliament which require for their effective administration appropriate regulations. The member for Murchison (Mr. Marshall) mentioned earlier this evening that there were in existence 150 regulations made under the Native Administration Act. Under the Industrial Arbitration Act 140 regulations are in operation; while under the Mining Act about 270 regulations have been gazetted. By his speech the other evening, the Minister for the North-West demonstrated that he had devoted much time to the consideration of the regulations now sought to be disallowed. I appeal to members who are not finally opposed to the regulations to bear in mind that the Minister in control of this department has a practical knowledge of both the North-West and the South-West, as well as a practical knowledge of our natives and of the problems connected with their control. I have known the Minister for many years and am sure he would not ask the House to approve of regulations which he thought were unreasonable and impracticable. We have his assurance that if any regulation is found to be unreasonable or unworkable within the succeeding 12 months, provision will be made for its repeal. I understand that an organisation greatly interested in the Act and the regulations—I refer to the Pastoralists' Association—has, after consultation and discussion with the Minister, largely withdrawn its opposition to the regulations. Any regulations submitted to the House and not in conformity with the Act would be *ultra vires* and of no effect. I assure those members who may not have closely studied the regulations that they arise under appropriate sections of the Native Administration Act. For instance, Regulations 17, 18, 23, 24, 30, 31 and 32—I shall not weary the House by reading them—refer to the control of reserves.

Section 12 of the Act provides—

> The Minister may cause any native to be removed to and kept within the boundaries of a reserve, district, institution, or hospital, or to be removed from one reserve, district, institution, or hospital to another reserve, district, institution, or hospital, and kept therein.

Other parts of that section empower the Minister to control native reserves and admittance thereto. Regulation 39 deals with correspondence, which must pass through the manager or superintendent of an institution where native children are being maintained. The appropriate section of the Act is No. 55, which reads—

> The governing authority of a native institution shall have and may exercise, in respect of any native child sent to the institution, all the rights and powers conferred upon such governing authority in respect of wards under the provisions of the Child Welfare Act, 1907-1927.

Another regulation sought to be disallowed is Regulation 53, which provides that a native who is in employment and has dependants in an institution maintained by the department, may be required to assist to maintain those dependants. There is nothing wrong in that. The Minister's recent explanation meets any objection that may be made to the regulation. Regulation 54 deals with the admittance of natives to institutions that are subsidised by the department. Under the appropriate section of the Act, the Commissioner is empowered to control admittance of natives to any institution. Regulations 64, 65, 72, 73, 76 and 80 all deal with

the issuing of permits to persons who desire to employ natives. The regulations clearly prescribe the rights and obligations of such employers. Anyone understanding the native problem will realise that such regulations are essential in order that the Act may be properly administered. Regulation 81 simply amplifies the provisions of the Act dealing with the supply of accommodation for natives in the employ of any person. Regulation 85 gives the Commissioner power to direct that an amount up to 75 per cent. of a native's wages may be paid by the employer to the Commissioner to be held in trust. Anyone hearing that, and not having perused the regulation and not understanding the circumstances which arise in some parts of the State, would consider it to be unnecessary. I believe it to be unnecessary in that part of the State which I represent; but I have made inquiries and find that only once in several years has the regulation been given effect to, and rightly so in that case. Regulation 88 provides that any native proceeding to his place of employment within 20 miles of the General Post Office shall have his fare paid by his employer. Will anyone suggest that this is unreasonable? Awards and agreements made under the Industrial Arbitration Act frequently provide that fares of workers shall be paid both ways by the employer. I cannot understand the objection to this regulation. Regulation 99, to which objection is also taken, prevents an employer from purchasing for or selling to a native any musical instrument of a value above £1. This regulation is also made pursuant to a section of the Act, and so the Minister and the Commissioner are, to my way of thinking, right in having framed it. It will prevent unscrupulous employers from exploiting natives who may not know the value of money. Section 6 of the Act provides—among other things—

> It shall be the duty of the department—
>
> To provide for the custody, maintenance and education of the children of natives;
>
> To provide, as far as practicable, for the supply of medical attendance, medicines, rations and shelter to sick, aged and infirm natives;
>
> To manage and regulate the use of all reserves set apart for the benefit of natives;
>
> To exercise a general supervision and care over all matters affecting the interests and welfare of the natives, and to protect them against injustice, imposition and fraud.

It will be seen, therefore, that the regulation is in accordance with the Act. Section 6, which I have just read, deals with the care of natives. Sections 18 and 19 are fairly lengthy, and I shall not read them. They deal with the issuing of permits to employers to employ natives. Section 40 confers power upon the Commissioner and the Minister to have native camps removed when deemed necessary. Section 68 of the Act is fairly comprehensive. It sets out, in part, that—

> The Governor may make regulations for all or any of the matters following (that is to say):—
>
> Prescribing the duties of protectors and superintendents and any other persons employed to carry the provisions of this Act into effect;
>
> Prescribing the conditions on which any native prisoner may be placed under the custody of any officer or servant of the State.
>
> Regulating the payment of wages payable to natives under agreements.
>
> Providing for the control of natives residing upon a reserve and for the inspection of natives employed under the provisions of this Act.
>
> For the maintenance of discipline and good order upon a reserve.
>
> Authorising entry upon a reserve by specified persons or classes of persons for specified objects, and the conditions under which such persons may enter or remain upon a reserve, and providing for the revocation of such authority in any case.

I am not going to quote any further sections of the Act or regulations. I assure hon. members that every regulation that has been gazetted is quite reasonable. I know personally that many of the statements made by the Minister for the North-West are true. I am prepared to accept the Minister's word with respect to those facts of which I have no personal knowledge. I believe the Minister has set himself out sympathetically to administer the provisions of the Act, and I am prepared to give him and the regulations a trial. If in course of time some of them are found to be unworkable the position can be remedied. The mover of the motion is not here and I do not like to refer to absent members. He raised certain objections and advanced certain reasons why the regulations should be disallowed. I looked up the "Hansard" report of 1936,

when the Act was amended, and I did not notice that the member for Avon (Mr. Boyle) made any violent protest against the regulations on that occasion. The regulations to my way of thinking conform to the provisions of the Native Administration Act and I believe that the Commissioner and the Minister should be granted the requisite machinery to carry out those provisions. In the circumstances I hope that the motion for the disallowance of the regulations will be defeated.

Question put and negatived.

BILL—RESERVES (No. 3).

Second Reading.

THE MINISTER FOR LANDS (Hon. F. J. S. Wise—Gascoyne) [10.20] in moving the second reading said: Accompanying the Bill are the usual plans, and I will move that they be laid on the Table. The Bill deals with reserves usually considered towards the end of the session. The first one dealt with is situated in the town of Pinjarra. This is a site being sought by the Country Women's Association for the purpose of a rest room. The association has requested that Lot 34 be made available to it. On investigation it was found that that particular area was set aside many years ago under three trustees on behalf of the Independent Order of Good Templars. The trustees in whom the area was vested have been dead very many years. The block is unimproved and in order that it may be made available to the Country Women's Association it is necessary for it to be dealt with in a Bill of this kind. All of those—including the Town Planning Board—to whom the matter has been referred, concur, and in view of the fact that none of the trustees now survives, it is necessary to effect a surrender of the grant and legislative action is sought to revest the land in the Crown in order that it may be made available for the purpose I have mentioned.

The second reserve dealt with is in the district of the member for Claremont. I refer to Swan Location 2112 at Claremont. Under the Permanent Reserves Act, 1904, this area was excised from a Class A reserve and dedicated for the purpose of a municipal yard and electric light and power station, and the adjoining location 2511 was excluded from the same reserve under the Permanent Reserves Act, 1909, and dedicated for municipal purposes. Since the erection of a new substation for electric current in this district and the changeover in the district to alternating current, the area is not required for the purpose for which it was dedicated. The municipality has requested that the area, which is no longer wanted by the Crown, should be incorporated in the adjoining Class A reserve for recreation purposes. We have no objection to this but because the area was previously dedicated by Act of Parliament to another specific purpose, it is necessary to remove the dedication and for the land to be reserved for recreation purposes. Members who are acquainted with the area adjacent to the Claremont Town Hall will know the land to which I refer.

The third reserve dealt with is in Northam. I refer to Norseman Town Lot 49, which is shown on the plan. That was originally granted to trustees for the purpose of a mechanics' institute. The present trustees have requested the Dundas Road Board to take over the trusteeship. Owing to the lack of interest of the members of the original institute, the building on the area is in a bad state of repair and is considered to be unfit for occupation. The road board is desirous of repairing the building and of making it suitable and attractive for use for recreation purposes and as a library. Legislative action is necessary to remove it from the trusteeship of the original mechanics' institute and to vest it in the road board. The Bill provides for the reserve being set apart for a hall site, library, and local government purposes and to be vested in the road board under the provisions of the Land Act for this purpose.

The next reserve dealt with is in the town of Bunbury. I refer to lots 226 and 336 to 339 inclusive, as shown on the lithograph No. 4. In this case it was found that one of the lots—No. 226—had been included in a previous Reserves Bill in error. The desire is for it to be re-vested in the Crown and set aside for public buildings. That was the original purpose to which the area was devoted.

In another clause in the Bill will be found reference to a lot in the district of the member for Beverley (Mr. Mann). This is Corrigin lot 33. It was suggested many years ago that this should be set aside for a Soldiers' Memorial hall. In more recent

years the Corrigin Road Board has erected a very big structure upon which it has spent £1,000, with the result that the soldiers' hall has been absolutely neglected. There is a debt of £200 on the hall and the trustees are seeking power to sell the property so that the debt can be liquidated. The local branch of the R.S.L. has supported the request and has also included in it that the surplus be handed over to them. An agreement has been reached whereby the surplus available will be paid into the Aged Sailors and Soldiers' Relief Fund. The purpose of the clause is to enable the trustees to sell the land freed from the trust and after the debt has been discharged to pay the balance as a grant to the fund referred to.

The next two clauses deal with Geraldton and refer to areas that were a part of the educational endowment land and the municipal endowment land. The Geraldton municipality desires to truncate the corners of several blocks. That will be clearly shown on the plan. It is necessary, however, that the part surveyed be excised to allow for this truncation. They have therefore to be dealt with in the Reserves Bill.

Hon. C. G. Latham: I do not think it is necessary, all the same.

The MINISTER FOR LANDS: It is necessary and provision has been made accordingly. The next reserve dealt with in the Bill is a portion of the University site at Crawley which abuts on the river frontage. The whole of the land abutting on the river frontage and adjoining the University ground is set apart as a Class A reserve for recreation. The University authorities have no road access along this frontage. It is desired that they should be given this access, and, to enable a road to be provided for and constructed upon this area, we propose to resume a certain part so that a portion of this Class A reserve may be dedicated as part of the Riverside Drive in this locality. The Main Roads Department has undertaken the construction of the road, and all the authorities interested are in accord with the proposal.

In the next clause will be found an area referred to in the town of Wagin. A small portion was set apart for a water supply and park lands in the town. The Wagin Municipal Council desires to utilise part of that area for recreation purposes, and the construction of tennis courts. Part of that area will be dealt with in the Roads Closure Bill, because a road will be closed to enable the local authorities to complete their plans. Parliamentary authority is required to change the area from a recreation reserve and to permit of the excision of the portion required. A bowling green has been laid out on the adjoining block. Since the areas are not required for any other purpose, it is considered desirable to excise them and alter the titles to permit of the desired activity of the Wagin Council.

There is a reference in the Bill to an area in Subiaco held by the Subiaco Municipality in trust for municipal endowment. The Workers' Homes Board desires to acquire the area coloured blue on lithograph No. 9, in order that it may be dedicated under the leasehold provisions of the Workers' Homes Act, and the Subiaco Municipal Council has requested that the land be dealt with and surrendered for that purpose. The purpose of the surrender is that the Workers' Homes Board and the Subiaco Council may equally share the cost of roads and footpaths in the area. Parliamentary sanction is necessary for the council to surrender this area to the Crown for this purpose.

The other clause in the Bill deals with an area at Cottesloe. This has been occupied by the Independent Order of Oddfellows for a long period. The area was dedicated to the Oddfellows in 1904, and a home was erected there in 1905 for the maintenance and education of children who were orphans of members of the order. The sum of £6,500 was spent on buildings, and £27,000 has been spent on maintenance, the education of children, and in the upkeep of the home since that time. In recent years, the number of children attending the home—the orphans of oddfellows—has diminished considerably, and at present only five children remain. A tremendous capital is represented, and although no assistance other than the grant of the land has been given by the Government, the society has spent considerable sums in the maintenance of the institution. At its request, the Government has given consideration to granting it permission to sell the property and invest the money for a somewhat similar purpose to that for which the home was originally built. The society has conferred with officers of the Government, and the matter has been submitted to the Government Actuary, who is in charge of the regulations governing such institutions and their activities. A very strong recom-

mendation has been made to the Government to permit the Oddfellows to sell the home, and conditionally earmark the money received from the sale for benevolent purposes, and to assist in the keeping of orphans and widows of members of the Oddfellows. The land has been valued recently at about £1,600. The report of the Registrar of Friendly Societies is such that he wholeheartedly endorses the proposal that as the present system of supporting the orphans is uneconomical, it would be better to invest the money as indicated in the Bill. It will be noticed that 75 per cent. of the proceeds of the sale will be devoted to assisting orphans, or part orphans, of members of the society, and that the remaining 25 per cent. shall be paid into a fund for the Grand Lodge to assist aged members. In this clause will be found not only provision to enable the society to sell the property, but conditions are set out dealing with the manner in which the money shall be invested and the proceeds handled. There is nothing contentious in the Bill. All of the reserves dealt with have been throughout the year inquired into so that we have reached the stage where Parliamentary sanction is needed to make further action possible in the interests of those for whom the reserves are being excised, or in connection with which they shall revert to the Crown for other purposes.

On motion by Mr. Thorn, debate adjourned.

House adjourned at 10.37 p.m.

Legislative Council,

Tuesday, 28th November, 1939.

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

BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

Introduced by the Chief Secretary and read a first time.

BILLS (3)—THIRD READING.

1, Traffic Act Amendment (No. 1).

2, State Government Insurance Office Act Amendment.

Returned to the Assembly with amendments.

3, Road Districts Act Amendment (No. 2).

Transmitted to the Assembly.

BILL—LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd November.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [4.43]: There is no need for me to spend a great deal of time replying to the debate on this Bill. A few questions were asked, however, and to the more important of them I should like to reply, and particularly to those asked by Mr. Thomson. The hon. members raised the question of private surveyors being employed to carry out certain surveys which might be necessary to enable portions of land to be excised. I think I replied to him by interjection that the department does employ private surveyors from time to time. I