superannuation scheme whereby wages employees of the council may elect to take up units with a superannuation benefit of 12s. per unit up to a maximum of five units and thus enable a workman on retirement to receive a pension of £3 per week. Such a sum would have no disadvantage to a married man in respect for any pension benefits and it is felt that such a scheme would not only be advantageous to the employee but would tend to stabilise the working force of the council and thus secure in the long run a better working staff.

The amendment also seeks to raise the contributing maximum of salaried officers of the council and thus make available an increase in the maximum pension now fixed at £8 per week to £12 per week, and it will be noted that the contributions from officers for a maximum pension will rise by 50 per cent. in order to achieve the new maximum superannuation benefit.

The second main purpose of the amendment is to enable the council to conform to the steps taken by the State Government to subsidise the superannuation pension of officers now retired. It will be recollected that the State Government scheme was amended in order to subsidise retired officers of the State service because of the lower purchasing value of the pound, and the council's proposal is that superannuation pensions up to £4 per week be increased by 50 per cent., viz. up to £6 per week, and that for officers who receive a pension in excess of £4 per week the amount of pension above £4 per week will be increased by 25 per cent. An example of the effect of such an amendment for a man on a £6 per week pension would be that he would receive for the first £4 of his pension an increase of £2, and for the £2 balance of his pension he would receive 10s. making a total increase of pension of £2 10s. and a total pension of £8 10s. per week.

The provisions of the new Bill still permit wages employees of the Council to remain in the existing scheme on a basis of contribution dependent upon the age to ensure a pension of 12s. 6d. per week on retirement and, for such employees of the Council who elect to remain on this basis and not contribute to the unit scheme, the Council proposes to increase the 12s. 6d. superannuation pension by 50 per cent., being the same ratio as that for salaried officers, making a total pension of 18s. 9d. per week.

I may point out that the Council considers that, although the contribution of wages employees for the pension of 12s. 6d. per week compares with the contribution of similar wages employees in the State Service for an equal benefit, the amount of 12s. 6d. per week as a pension does not provide any incentive for the Council's wages employees to remain in the service of the Council. Neither does the scheme provide the means whereby a wages employee may make an adequate contribution whilst working for a satisfactory pension on retirement and, therefore, the new unit scheme proposed, which will enable workmen to increase their contributions and their pension benefits up to a maximum of £3 per week, should greatly benefit our wages employees.

In conjunction with this Bill, and in order to make it work satisfactorily, there will be laid on the Table of the House, if the measure becomes law, a new City of Perth by-law No. 17 for the superannuation fund. If members wish to have a look at that by-law, I have two copies which I could make available to them. This is a most important Bill as it relates to wages employees and salaried officers of the Perth City Council, and I hope this Chamber will endorse the second reading. I move—

That the Bill be now read a second time.

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

House adjourned at 10.42 p.m.

Legislative Council

Thursday, 14th October, 1954.

CONTENTS.

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

QUESTION.

RAILWAYS.

As to Haulage of Water.

Hon. A. R. JONES asked the Chief Secretary:

In view of the serious water shortage position which exists in country districts, both for human and stock consumption, and for railway locomotive use, can the Minister advise the House—

(1) Is there at the present time any water being hauled by the railways for use by locomotives in outlying districts?

(2) If the answer to No. (1) is "Yes," to what districts is water being hauled?

(3) What is the total number of gallons hauled per week to all places for railway use?

(4) What is the average cost per 1,000 gallons of water so hauled?

(5) What is the estimated maximum quantity of water which will be required weekly for railway use, if there is no replenishment by good rains throughout country districts?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Northern district;
Wongan Hills line;
Great Southern railway;
South West railway (Bridgetown only);
Esperance line.

(3) 713,336 gallons for the week ended the 9th October, 1954.

(4) It would be difficult to arrive at an accurate figure covering cost of water as there are several factors involved, i.e., whether the water was obtained from railway dams or the Goldfields Water Supply Department; the distance hauled; and whether transported by special trains or in tankers attached to ordinary trains.

(5) Although progressive relief is being obtained from the diesel electric locomotives going into service, the rate of delivery is such that any material benefit is not likely to be obtained this summer. In April, 1950, a peak of 2,572,000 gallons per week for locomotive purposes was recorded and under comparable conditions this total could be reached again.

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Mines Regulation Act Amendment Bill (No. 1).

STANDING ORDERS AMENDMENTS.

Message.

The PRESIDENT: I have received a message from His Excellency the Governor notifying approval of the amendments to Standing Orders recently adopted by the Legislative Council.

BILL—DOG ACT AMENDMENT.

Introduced by Hon. C. W. D. Barker and read a first time.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Report of Committee adopted.

BILL—ADMINISTRATION ACT AMENDMENT.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 18 amended:

Hon. H. K. WATSON: The clause proposes to give power to sell or lease land for a period of more than three years without the consent of the beneficiaries, provided the value of the real estate is not more than £500; and provided also that the total value of the estate is less than £2,000. This clause is designed to facilitate the administration of estates and to relieve administrators of the trouble and expense to which they are put today in order to secure the consent of all beneficiaries before they can sell land.

Whilst the principle of the proposal is to be admired, it does not go far enough. Having regard to the limitations in the Bill, I feel it is practically worthless. The Chief Secretary indicated that the question had been discussed with the Chief Justice and the Master of the Supreme Court and they pointed out that Section 18 of the principal Act was designed to protect beneficiaries. He said it was felt the existing figures were adequate and that if, from experience, they were found to be inadequate an amending Bill could be brought down next session. With all due respect to these opinions, I feel that the views I have put forward are valid and should commend themselves to the Committee.

The experience of recent years indicates that there are not many estates of a value of less than £2,000; and there are not many portions of real estate which are worth not more than £500. A quarter-acre block in practically any suburb would fetch in the vicinity of that amount. This provision would not apply to any property that was improved by having on it even the smallest cottage. Section 18 has been in the Act since, probably, before 1900, when real estate virtually constituted the sole or principal asset of a person's estate.

Today a person may leave a very valuable estate apart from real estate. Under the Act, an administrator cannot, without the consent of the beneficiaries or an order of the court, sell any land at all even if it is worth only £100. On the other hand if the estate consists of shares worth £250,000 there is nothing to prevent the administrator disposing of the lot without the consent of the beneficiaries or an order of the court. The Act contains no limitations in regard to shares or other property.

Hon. N. E. Baxter: I think that is a good argument for bringing shares under control.

Hon. H. K. WATSON: No. An administrator is amenable at all times to the rules of the court. He must act reasonably, and if he acts in breach of trust, or negligently, he can be brought to account for his actions.

Hon. E. M. Heenan: He is handling other people's property

Hon. H. K. WATSON: That is so, but subject to the conditions I have just mentioned. I suggest that a fair limitation would be land to the value of £2,000 in an estate of not more than £5,000. All I want to do is to see the proposal work, and achieve the real purpose for which it has been introduced. I am not wedded to the amounts I have mentioned, and if members think that the figure of £2,000 is too high, they can reduce it to £1,500, or £1,000. I move an amendment—

> That the words "five hundred" in line 16, page 2, be struck out, and the words "two thousand" inserted in lieu.

The CHIEF SECRETARY: This does not appear to be such a vital question, but the Bill was introduced because it was suggested by the Chief Justice. After Mr. Watson spoke to the second reading, I had his remarks sent to the Chief Justice and he, after reading them, again emphasised the fact that he thought the amounts stipulated in the Bill should be agreed to at this stage. Also, the master of the Supreme Court agreed with the Chief Justice. We have reached the position where we have official experts saying that certain figures should be agreed to, and the unofficial expert, Mr. Watson, suggesting others. I leave it to the Committee to judge whether the unofficial or the official figures should be accepted.

Hon. A. F. Griffith: Did the Chief Justice give any reasons?

The CHIEF SECRETARY: No, except that he thought that these were the limits to which we should go.

Hon. A. F. Griffith: Did he give any reasons for saying that they should be the limits?

The CHIEF SECRETARY: From the beneficiaries' point of view, I suppose.

Hon. A. F. Griffith: We have had a clear exposition from Mr. Watson concerning present-day values.

The CHIEF SECRETARY: As the hon. member knows, Mr. Watson is a "wholehogger." He needs a brake set on him every now and again. As a matter of fact, he was not definite about the figures himself and suggested members might like to water them down.

Hon. H. K. Watson: That is so.

Hon. H. Hearn: It shows how reasonable he is.

The CHIEF SECRETARY: I have given members the considered opinion of the Chief Justice after having had a further look at Mr. Watson's suggestions.

Hon. E. M. HEENAN: I think members should be very careful in handling this matter and be guided by the Chief Secretary's remarks. We must remember that administrators are individuals or corporations appointed by the court to handle other people's estates. It is a big responsibility and there are many temptations. If an individual—say an uncle—is appointed as an administrator and there is a family of children, it is only right and proper that the administrator should not be able to sell the real estate willy-nilly. That is why the law has never given administrators power to sell real estate without getting consent. If there is a widow and two or three children, and they all agree to sell certain property, that is all right.

Hon. H. K. Watson: Two or three children under age?

Hon. E. M. HEENAN: In that case they apply to the court, and there is nothing difficult about it.

Hon. H. K. Watson: The Minister for Justice pointed out that that costs £20.

Hon. E. M. HEENAN: There is no arbitrary figure; if consent has to be obtained from people in America or England it is a costly business. Generally speaking the sum of £20 would be fairly high. Mr. Watson has not correctly interpreted the amendments being made by the Bill. Amendment (a) proposes to allow administrators to sell real estate to the value of £500, even though the rest of the estate can be worth anything. Secondly, where the real estate comprises part of an estate which is not worth more than £2,000, he can still sell it. That means that if real estate is worth about £1,900, and the furniture makes up the balance of £100, the real estate can be sold.

Hon. H. K. Watson: In that case why is (a) necessary?

Hon. E. M. HEENAN: It is necessary where real estate is worth £500 and the rest of the estate is worth more than the £2,000. This is a departure which I think is a good move but I can understand the Chief Justice urging that we should not go too far in one step.

Hon. H. Hearn: Is that the interpretation which the Chief Secretary puts upon it? I would like to hear him.

Hon. E. M. HEENAN: I have sufficient confidence in myself to have no doubt about the interpretation.

Hon. A. F. GRIFFITH: I take it that where real estate is valued at not more than £500, the balance of the estate can be valued at any figure. But where the estate is valued at the gross figure of £2,000, real estate could comprise all but £1 of it and still be sold.

Hon. E. M. Heenan: That is so.

Hon. A. F. GRIFFITH: Then I cannot see the reason for (a).

Hon. H. Hearn: It makes it a £2,000 limit.

Hon. E. M. Heenan: In one case it limits the whole of the estate to £2,000, and in the other case there is no limitation.

Hon. A. F. GRIFFITH: Then let us take a hypothetical case and say the estate is worth £1,000,000, of which real estate comprises a figure of £500. In such a case the administrator is entitled to dispose of the real estate.

Hon. E. M. Heenan: Yes.

Hon. A. F. GRIFFITH: On the other hand, there could be an estate worth £2,000, comprising £1 in the bank and the remainder real estate. In that case, too, the administrator would be entitled to sell.

Hon. E. M. Heenan: Yes.

Hon. A. F. GRIFFITH: I cannot see the force of the £500 limit, and I would like some more information. I cannot see Mr. Heenan's argument that the limit is not £2,000, so far as real estate is concerned. There might, in such a case, be a beneficiary having a small amount of money in the bank and owning a block of land worth £1,900 or £1,950.

Hon. L. Craig: Which is a common occurrence.

Hon. A. F. GRIFFITH: He might not want to dispose of it.

Hon. E. M. Heenan: He could object.

Hon. A. F. GRIFFITH: I still cannot see the difference in the value in paragraphs (a) and (b). I think paragraph (a) becomes paragraph (b).

Hon. E. M. HEENAN: I did not draft the Bill and the figures are not mine. But I think the reason for this is that a £2,000 estate is a fairly small one these days. Suppose a person who has a modest house worth £1,700 or £1,800, dies. He may have a small insurance policy, or money in the bank, and the estate anyhow is less than £2,000. The administrator can sell the real estate without going to court, although the provision is that if there are any beneficiaries available, they can object, and the administrator must then go to the court. But paragraph (a) provides that if there is an estate of, say, £3,000 or £4,000 represented by money in the bank and an insurance policy, and the real estate is not worth more than £500, that can be sold.

Hon. A. F. Griffith: Can you explain how paragraph (a) does not become paragraph (b)?

Hon. E. M. HEENAN: As I tried to point out earlier, paragraph (a) could apply where the real estate is worth £5,000, £6,000 or £8,000; paragraph (b) applies only when the whole estate does not exceed £2,000.

Hon. H. K. WATSON: Reading this clause literally, I must agree with the view expressed by Mr. Heenan. At the end of paragraph (a), we have the disjunctive "or" and not the conjunctive "and." After having read it and given it the interpretation placed on it by Mr. Heenan, we reach the extraordinary position that an administrator can sell land worth £1,999—

Hon. H. Hearn: And 10s.

Hon. H. K. WATSON: —if the total estate is worth not more than £2,000. But if the estate is worth £250,000, or more than £2,000, he can sell only the land at a value of £500.

Hon. L. Craig: At a time.

Hon. H. K. WATSON: It does not say "at a time," and we would be straining the words to find that interpretation.

Hon. A. F. Griffith: He assesses it at one time.

Hon. H. K. WATSON: It does not say "at any time" or "from time to time." In my opinion, it would be a sale at £500 and finish. It seems to be anomalous. If the estate is worth £2,000, one can sell land worth £1,900; and yet, if the land is worth £250,000, land worth only £500 can be sold. I think we are entitled to a clearer explanation of what the Bill is intended to cover. If paragraphs (a) and (b) are to be read together, then the views I have expressed are, I suggest, reasonable. But if the administrator of an estate worth £2,000 has the right to sell land to the value of £1,900, the administrator of a larger estate should have the right to sell land of a higher value without the consent of the court.

Hon. A. F. Griffith: It says "which is finally assessed."

Hon. H. K. WATSON: That is so, but that refers to the fact that in probate a tentative assessment is first taken and then a final assessment. In its present state, the clause seems obscure to me.

Hon. L. CRAIG: If we examine the purpose of the Bill, I think we will find that it is merely to save estates expense. That has to be done all the time, especially in small estates where it costs a lot

of money to obtain the permission of the court. In practice, nothing is done without consulting the beneficiaries. I know of many instances, but in none have I found the trustee selling property without the consent of the beneficiaries when they are available. In some cases, the beneficiaries disagree, and a determination must be made by somebody. The beneficiaries might live all over the world and it is too costly to get their permission to sell.

In a small estate of, say, £2,000, where the beneficiaries are not available, and it is desirable that the trustee should clean up the estate, then the duty of the administrator is to clean it up and disperse the assets among the beneficiaries. As a rule, the intention is to quickly turn the assets into cash and distribute the money amongst the beneficiaries, unless the will contains contrary instructions. If somebody dies and leaves a small house and there is more than one beneficiary, the house must be sold and the proceeds distributed among them. The administrator should not have to go to the court, because that costs money, particularly in a small estate. I may have misread the provision, but, in the case of a large estate, I think it means any real estate, that is, land and buildings, not shares. If the administrator wants to sell portion of the estate which is real estate, he should be able to do so to the extent of £500 without consulting anybody. I may be wrong, but I think the trustees should be able to sell at any one time up to £500, and that is sensible.

Hon. H. Hearn: Which clause gives that power?

Hon. L. CRAIG: The clause to which I am referring. It says "any real estate." The Bill represents an attempt to be sensible.

Hon. H. Hearn: That is not what the Chief Secretary gave us.

The Chief Secretary: I did not deal with this phase at all.

Hon. L. CRAIG: The intention of the Chief Justice is to save estates money. Being a wise judge, he has very often told an administrator not to come to him; that he should know his duty and should go out and do it. He feels that it is the administrator's duty to carry out the terms of the will. No objection has been raised outside except on the ground that the amounts are not enough. When trustee companies are concerned, the determination of these matters is fixed by a board of sensible people with wide experience, who consider every angle before a sale takes place. Private companies say the amount ought to be more because they have to deal with sales of land on many occasions and should not have to go to the court. In their opinion, Mr. Watson's amendment is the right one because it would save expense to estates all the time. I think we would be justified in passing this provision and, perhaps, agreeing to the amendment suggested by Mr. Watson.

Hon. Sir CHARLES LATHAM: Section 18 of the Act restricts an administrator from leasing real estate for a longer period than three years or from selling or mortaging it without the written consent of the beneficiaries or an order of the court. I think the intention is to empower an administrator to sell £500 worth of real estate and no more, so long as the estate is worth less than £2,000. I agree with Mr. Watson's interpretation.

Hon. N. E. BAXTER: I consider that if the estate were a small one of £500, the administrator would have power to dispose of it. The reference to a gross value of £2,000 would mean that if the total included real estate to the value of £1,990, the estate would have to be maintained out of the balance of £10. Where there is a large estate, money is required to maintain it.

Hon. A. F. GRIFFITH: If Mr. Craig's interpretation of paragraph (a) is correct, we do not require the paragraph because an administrator could keep on selling £500 worth of real estate at a time. I think the provision is quite clear and that there could not be a number of sales to dispose of £500 worth of real estate at a time.

The CHIEF SECRETARY: I did not expect this small matter to arouse so much discussion. Members are inclined to delve into the Act.

Hon. H. Hearn: Are not you glad that we are prepared to do so?

The CHIEF SECRETARY: Not on this occasion. The only question is whether the amount to be authorised should be £500 or £2,000.

Hon. A. F. Griffith: Do not you consider that is important?

The CHIEF SECRETARY: It is a matter of degree; the rest of the discussion is foreign to the question. The Chief Justice said that the proposal in the Bill would save expense in the administration of comparatively small estates.

Hon. H. K. Watson: We all agree on that.

The CHIEF SECRETARY: Then the whole argument is whether the amount should be £500 or £2,000. I explained on the second reading that the amendments had been suggested by the Chief Justice, who stated that they would deal satisfactorily with certain difficulties in connection with the administration of comparatively small intestate estates. His Honour also said that the proposals would cheapen administration, give better protection to

beneficiaries, most of whom are women and children, and would not affect any direction or wish of the testator.

The whole object is to lighten the financial burden when dealing with estates of low value, and the suggestion is that the amount should be £500 in an estate of £2,000.

Hon. A. F. Griffith: That is not right.

The CHIEF SECRETARY: I have repeated the remarks of the Chief Justice.

Hon. H. Hearn: So you disagree with Mr. Heenan?

The CHIEF SECRETARY: All that we should argue is whether the amounts set out in the Bill are too small. I shall adhere to the advice given by the Chief Justice, in which advice the Master of the Supreme Court has concurred.

Hon. H. K. WATSON: The Chief Secretary has made it clear that the real object of the Bill is to apply to real estate of not more than £500 in an estate of £2,000. This is not the first time a Bill has come before us so worded as not to give effect to the object of the sponsor. If the Chief Secretary is right, I suggest that the point mentioned by Mr. Heenan should be given due consideration. The wording of the Bill does not square with the information given by the Chief Secretary. If, at the end of paragraph (a), the word "and" were used instead of the word "or," the explanation of the Chief Secretary would be correct, but the Bill as worded will not achieve what the Chief Secretary says it will.

We are with the Minister in the opinion that small estates should not be put to the expense of court action entailing an expenditure of up to £20 on an uncontested order and up to £100 on a contested order. I ask that the amount be made £2,000. If Mr. Heenan's explanation is correct, the amount stated in paragraph (a) should be £2,000 because, under paragraph (b), we shall be empowering an administrator to sell land up to £1,900 in value in a £2,000 estate.

Hon. E. M. HEENAN: If members will read the provision carefully, they will not be confused. The Chief Secretary, in his second reading speech, gave sound reasons for the proposal, which have been put forward by the Chief Justice and concurred in by the Master of the Supreme Court. The proposals in the Bill will facilitate the business of dealing with small estates. I feel that if anyone tampers with this measure he will be doing the wrong thing.

Hon. L. CRAIG: If the Chief Secretary's interpretation—that the Bill deals only with estates not exceeding £2,000—is correct, I think we should report progress to decide whether the word "or" should be altered to "and."

Hon. H. K. Watson: The measure would then mean what the Chief Secretary said it meant.

Hon. L. CRAIG: That is so and at the moment I do not think it means that.

Hon. H. K. Watson: I think we must know what we are doing in this regard.

The CHIEF SECRETARY: As my interpretation has been doubted, in order to prove whether I am right or wrong, I will agree to report progress.

Progress reported.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.17] in moving the second reading said: The purpose of this Bill is well known to members. It has been recommended by the Standing Orders Committee and was the subject of a request by this Chamber to the Government to initiate legislation for the implementation of the recommendation. The Bill provides firstly, that should the office of President become vacant while the House is in session, the Chairman of Committees shall fill the position until a President is elected. The second provision is that during the absence of the President for any reason the Chairman of Committees shall act in his stead. These provisions are similar to those in operation in another place, and are considered most desirable.

I would ask members to cast their minds back over the years and realise the necessity for a measure of this nature. It is obviously better to have set out plainly what the position will be should certain events occur, than to assemble, as we have in the past, only to find that we are without a President and have to go through the process of electing someone to that office. I know of no one more fitted to step into the Chair of the President than the Chairman of Committees. By agreeing to this measure we are simply following the procedure of all large organisations, where, if the president is absent the vice-president automatically takes his place. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [3.20]: I think all members will support this measure as it has the support of the Standing Orders Committee. A similar Bill was submitted to the House on a previous occasion. It was passed by this Chamber and sent to another place where, unfortunately, it met with a hostile reception. That does not alter the fact that the provisions of this measure are entirely reasonable and necessary. Although we did not have statutory authority for adopting the practice, when the time arrived, and there was necessity for someone to

assume the prerogatives of President, I think we all agreed that the natural one to assume the responsibility—as far as it could be done without statutory authority—was the Chairman of Committees. We agreed to everything that he suggested or did. I formally support the Leader of the House in relation to this measure and have no doubt that the House will accept it.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Recommittal.

On motion by Hon. J. G. Hislop, Bill recommitted for the further consideration of Clause 2.

In Committee.

Hon. W. R. Hall in the Chair; Hon. F. R. H. Lavery in charge of the Bill.

Clause 2—Section 10 amended:

Hon. J. G. HISLOP: My amendment seeks only to place in the Bill the words designed by the Commissioner of Public Health to ensure that only those who were resident in the State at the time of the commencement of the Act may be able to apply to the board for registration and satisfy it as to their competence in physiotherapy. If agreed to, it will mean that no one other than those who were resident in the State at that time, apart from the three people dealt with in the measure, will be permitted to apply to the board for registration. That will preclude people coming to this State to satisfy the board and thus giving us more physiotherapists registered under Section 10(b). I move an amendment—

> That the amendment made by a previous Committee be amended as follows:—
>
> Insert after paragraph (a) paragraphs as follows:—
>
> (b) inserting after the word "physiotherapy" in lines 3 and 4 of paragraph (b) the words "and was resident";
>
> (c) deleting the word "for" in line four of paragraph (b);
>
> (d) deleting the words "least twenty-four months during the period of three years immediately preceding" in lines 4, 5 and 6 of paragraph (b).

Hon. F. R. H. LAVERY: As was said last night, this amendment is exactly what we were trying to cover originally and therefore I am agreeable to it.

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

Bill again reported with a further amendment.

BILL—HEALTH ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [3.28]: This Bill is the result, to some extent, of the bringing into being of the health section of the welfare State and it provides a good lesson that one cannot alter established customs which have grown up over centuries without a number of concomitant changes being found necessary. The Bill actually seeks to make certain that the drugs, as we know them, or therapeutic substances, as the Bill calls them, which are given to patients suffering from illness, are of a certain standard. Members may recall that either last year or the year before I used this House to ask the Federal Minister for Health, Sir Earle Page, to take steps to set up standards for the drugs being used under the Pharmaceutical Benefits Act. My feeling is that the Commonwealth Government, in introducing its legislation, was somewhat to blame for the need for this measure and that was the reason for my opening remark, that one cannot alter custom without finding other alterations necessary.

One of the things that I criticised in the Pharmaceutical Benefits Act was that chemists were bound to fill the prescription with drugs that cost the least unless the doctor wrote the name of the maker against the drug in the prescription. The result was that, by custom, the medical profession relied on the pharmaceutists, with whom they traded, to protect their own businesses, in that they put into prescriptions only those drugs of which they knew the quality. But when at that time a member of the profession did not put the name of the maker alongside the drug it was the accepted custom that the chemist would prescribe for the doctor drugs of a high standard.

The introduction of the Pharmaceutical Benefits Act meant that if the doctor did not place the name of the maker alongside the drug required, the chemist was compelled to supply the drug which cost the least. In my opinion this led to a number of small firms cropping up throughout Australia that were prepared to make drugs under the provisions of this Pharmaceutical Benefits Act. It is known, quite well and quite widely, that concern was expressed throughout Australia at the standards of these new drugs which were manufactured by some very small drug houses; some were even given the nomenclature of "backyard factories."

When I spoke in this House on that legislation I recorded that notice had been given to the chemists that a drug distributed by a particular firm was not up to standard. Following that, representations from all the States were made to Canberra and at a meeting which has been described by the Chief Secretary, Bills of this nature were suggested. Each State is to introduce a Bill similar to this one which will provide for that for which the Commonwealth has no power to legislate within the State. As I have said, previously one could rely on large, reputable drug firms, some of which had been established for over a century. These were the drug houses with whom the doctors and chemists could trade and the public could rely on their goods, but now, with the introduction of so many small manufacturers who have not the capital and the research organisation of the larger drug houses, a Bill of this type is necessary in order to ensure that the standard of drugs shall be maintained.

These comments, I think, show in brief, the necessity for the introduction of this measure. I can only approve of it because all along one has been concerned to make certain that the standard of drugs, as prescribed under the Pharmaceutical Benefits Act, was kept up to the customary standard of drugs manufactured in the past. On studying the measure one can see in it very little to quarrel about. It proposes to widen the subject of drugs to therapeutic substances. The word "drugs" has thereby considerably widened the field of the committee round which this Bill is formed. Previously it organised itself to inquire only into the manufacture of drugs and pure foods, and mainly into foods because very few drugs were manufactured in this State.

By Clause 6 the words "or a physiologist" are to be inserted into Section 216 of the Act after the word "bacteriologist." In discussing this matter with the Commissioner of Public Health I learned that these words had been inserted in the Bill in a desire to ensure that a physiologist as well as a bacteriologist was appointed to this committee. This was due to the fact that today so many foods are being preserved by the addition of various substances. The foods are being coloured in certain ways and much is being done to make them palatable to the public, not only in appearance, but also in taste. Therefore a physiologist may play a much larger and more important part in the future when dealing with this subject than would a bacteriologist. The bacteriologist was on the committee mainly to ensure that the foods and drugs were not contaminated by pathogenic organisms or by those that would produce disease.

I believe that this committee would be even better constituted if it had amongst its members a practising medico. I realise that the most suitable person to whom I could look to fill the role that I am thinking of on this committee would be a pharmacologist. But it is doubtful whether there is a pure pharmacologist within the State. In his absence I would say that a member of the medical profession, earning his living as a physician, should be appointed as a member of this committee. In my discussion with the Commissioner of Public Health, who realises the importance of this point, I appreciated that much of the work of the committee would be on matters regarding which a physician or a pharmacologist would not be interested. I think it might be wise, therefore, to add a clause by which the committee may, when considering certain therapeutic substances, seek the advice of a pharmacologist or a practising physician.

I say that for this reason: The pharmacologist would know the action of drugs. The physician also would know the effect of drugs upon the human being, and I think he could contribute something well worth while in the functioning of this committee whilst particular therapeutic substances were under discussion. The committee might well become one that could give advice to the central authorities at Canberra, and the unfortunate feature at present about the whole of the health measures, as put into operation today by the Commonwealth Government, is the fact that it is so centrally governed that it is being surrounded with red tape and has not been receiving any advice from the periphery or from the practising members of the profession within the State who are using the scheme for the benefit and care of patients.

As physicians, we see a number of things that could be suggested to the Commonwealth as a basis to improve the scheme, but unless these suggestions go through an official committee such as is proposed in the Bill, I feel from experience that they will not meet with very much response. Admittedly, Sir Earle Page has a committee that advises him, but it seems even more difficult to get past it than past the central department of health itself. There is one clause in the Bill that causes concern to the pharmaceutical profession, and that is Subsection (4) of proposed new Section 241F, which is included in Clause 7. It reads—

> Subject to the provisions of the Pharmacy and Poisons Act, 1910-1952, the provisions of this section do not apply to the preparation of a therapeutic substance by a medical practitioner for use in the treatment of patients, if it is specially prepared with reference to the condition, and for the use of an individual patient, nor to any therapeutic substance which is prepared in the ordinary course of his business by a person registered as a

pharmaceutical chemist under that Act, pursuant to a prescription of a medical practitioner.

Everybody knows that there is still remaining a small section of the public who prefer to go to the pharmacist, in whom they have great confidence as a result of trading with him for a number of years, to ask him to prescribe a remedy for illnesses such as the common cold, indigestion, etc., and it has been the customary practice of the pharmacist to prescribe a bottle of medicine for such individuals. There is nothing wrong with that in the slightest. It has been going on from time immemorial, and has never caused anybody any concern. I do not think the Bill should attempt to alter that established practice.

Again, in discussion with the Commissioner of Public Health, he informed me that this has already been envisaged and it is to be altered in the Bill and that, after discussing the matter with the officers of the Crown Law Department, a clause will be inserted providing that the only therapeutic substances affected by this Bill will be those which have been prescribed by the committee. The result is that the compounding of medicine will not be affected. If a drug house or anybody else decides to set up a factory for the production of a certain drug within the State, and the committee approves of it, such drug or therapeutic substance will be prescribed, but beyond that, the pharmacist will be able to carry on his vocation in the same way as he has in the past.

I am very grateful that that provision will be put into the Bill, because I cannot see any reason why we should depart from the established practice and custom. The rest of the Bill is merely a question of mechanics, and, I think, does not call for any discussion. I have much pleasure in supporting this measure and will vote for the second reading.

On motion by Hon. R. J. Boylen, debate adjourned.

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [3.43] in moving the second reading said: This is a small Bill, the purpose of which is to increase the maximum charges for fruit fly baiting in districts that have adopted the compulsory fruit fly foliage baiting scheme. It may be recalled that a new section—Section 12A—was added to the principal Act in 1946 which permitted the establishment of fruit fly baiting schemes, provided at least 60 per cent. of the owners or occupiers of orchards within a specified district voted in favour of such a scheme at a properly conducted poll.

This section of the Act has also fixed the maximum charges that can be made and these have not been varied since 1949. Since that date, however, the cost of providing the baiting service has risen, due to higher wages and increased cost of materials; hence the necessity for this Bill.

The following districts are now operating baiting schemes:—

South Suburban.
Eastern Hills.
Donnybrook.

At the inception of the scheme, the Commonwealth Government subsidies were £1,000, but for the 1953-54 season it will be necessary to subsidise south suburban £1,500, eastern hills £1,000 and Donnybrook £800. The difference in subsidy is explained by the fact that owing to the large number of commercial orchards at Donnybrook the work can be done more economically while in the south suburban district there is a large number of backyard growers and mixed orchards. It is estimated that with increasing costs this scheme will require £1,750 to £2,000 for the 1944-55 season unless the maximum under the Act is increased, and it is considered essential that the Committee have sufficient finance to carry on. On the 12th June last, a poll was held to determine whether growers wished to continue with the scheme or not, and 90 per cent. of the voters were in favour.

At present the maximum charges are 6s. for every hundred plants and the Bill proposes to raise this figure to 10s. per hundred. Where there are less than 100 plants the present charge must not exceed 1½d. per plant or 1s. for each visit to the orchard, whichever is the greater. Under this measure it is proposed to fix a maximum of 3d. and 1s. 6d. respectively. The Bill provides that no change will be made in the case of backyard orchards comprising six trees or less.

In fixing new maximum charges it does not automatically follow that these amounts will be charged. Charges made in the Donnybrook scheme do not reach the present maximum, and no increase is anticipated in either that district or the eastern hills but as the latter is on the present allowable maximum some increase may be necessary at a later date. The proposed increases will have the result of keeping the Government subsidy to £1,500 while permitting the south suburban scheme to carry on. It is stressed that there is no intention to enforce maximum charges to free the committees of Government subsidies, but there is a desire to keep the subsidies at the £1,500 level.

As regards the south suburban scheme the present charges for a commercial orchard are £2 14s. per 100 plants, and that is on a basis of nine baitings at the maximum rate of 6s. per baiting per 100 plants. The

usual number of baitings over a season is nine, and that number is taken as an average. It is pointed out that these committees are voluntary bodies. The secretary, doing the work in his spare time, could not be expected to cope with the work if varying accounts had to be sent out for the actual number of baitings.

In the case of non-commercial orchards, the south suburban committee has laid down a table of charges in relation to a minimum charge for one plant of 1s. per visit, and taking the average number of baitings as nine this makes a total charge of 9s. per plant over a season.

This charge is increased on individual plants until 99 plants are reached, bearing in mind that the commercial grower pays £2 14s. per 100 plants. In order to maintain an equitable relationship between the amount charged to commercial and to non-commercial orchards, the average charges applied are less than required by the Act. However, as there are 1,052 non-commercial orchards in the south suburban scheme, which would vary enormously in the numbers of trees, a set schedule is necessary to facilitate the work of the committee.

Another amendment in the Bill concerns prosecutions. To initiate action it is at present necessary for the chairman to prove to a court that the defendant's land is within the area of the committee, and this involves producing a copy of the title to the land as proof, and this, of course, incurs considerable expense which is charged to the defendant if he loses his case.

Following consultation with the Crown Law Department, it was decided that the Act should be amended to permit the averment of the chairman in the complaint that the land is within the committee's area, as prima facie proof of such fact. The provision will not affect the necessity of the department having to prove its case, but it will lessen the costs of a defendant and dispense with the necessity of presenting a duplicate certificate of title in order to arrange a prima facie case which may be heard by a magistrate.

This scheme was introduced in 1946 and it has proved to be of great benefit in controlling the fruit fly pest. With the growth of orchards in the south suburban area particularly, it has become necessary to increase the maximum charge which might be levied by a committee in order to carry out the scheme. The real purpose of the Bill is to keep the Government subsidy within a reasonable amount, with a maximum of £1,500. This Bill has been introduced to enable the south suburban committee to increase its charges slightly. As the growers have voted almost unanimously in favour of carrying on the scheme, it seems that it is not unpopular in that area. In fact it is a necessity. I move—

That the Bill be now read a second time.

On motion by Hon. L. C. Diver, debate adjourned.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [3,52]: As the leader of the House has explained, this Bill seeks to bring within the scope of the parent Act the employees of the Transport Board and the State Electricity Commission because some doubt arose as to whether they had the same rights as other Government employees who come within its scope. Members will agree that it is only fair that employees in these two instrumentalities should be covered by the provisions of the Act.

Where other bodies of Government employees can be brought within the scope of the Act, that should be done by proclamation rather than by introducing new Bills. This suggestion is in line with the proposal put forward by Mr. Watson that provision should be made for this eventuality so as to avoid the introduction of many small unnecessary Bills from time to time to bring other bodies of employees under the Act. The right of an employee to appeal against the promotion of another dates back to 1920 when the Public Service Appeal Board was first constituted. It was created after a Public Service strike had occurred. The appeal board was constituted under the Public Service Appeal Board Act.

The Government Employees (Promotions Appeal Board) Act was brought into operation in 1945, and since then it has worked very well on the whole. It has enabled any employee who felt aggrieved, to appeal to a tribunal against the promotion of another. As a rule, after considering all the evidence, the tribunal upholds the promotion, but sometimes when it considers that the evidence is weighted in favour of the appellant, a verdict is given in his favour. In any case, employees are more satisfied when they know that the right of appeal exists. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—HEALTH ACT AMENDMENT (No. 1).

In Committee.

Resumed from the 12th October. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 10—Section 235A added:

The CHAIRMAN: When progress was reported, Mr. Baxter had moved an amendment to the clause to strike out Subsection (4) of proposed new Section 235A.

The CHIEF SECRETARY: We view the deletion of this proposed subsection very seriously. There seems to be some doubt in the minds of members as to whether this provision would debar anyone from being entitled to compensation. All that is intended is to exempt the Crown from payment of compensation. I have had prepared a reply to some of the points made by members. I have discussed this matter with the Commissioner of Public Health and he considers the onus should rest with the manufacturer or importer of foodstuffs to ensure that they are not dangerous to health. Under trade arrangements, societies of food technologists exist, and full advice is given to the trade. The Crown Law Department has indicated that an importer can always claim on the manufacturer.

Despite the observation made by Mr. Baxter that the "manufacturer could say that the importer was not entitled to compensation from him if the health authorities seized and disposed of goods sent to the importer, because the Act said he was not entitled to any compensation," the provisions of the amendment now before the Chamber only indicate that compensation will not be paid by the Crown and does not in any way invalidate the importer's rights at common law against any supplier of unwholesome foodstuffs.

Hon. H. Hearn: Is that Crown Law opinion?

The CHIEF SECRETARY: I believe so. It was submitted to the Crown Law Department. It is not correct to suggest that an importer has no responsibility to see that the foodstuffs he imports are not injurious to health. In the case of the Papuan coconut, the importer was also the manufacturer—the same firm was involved. Because our Act was not up to date, the Crown had to pay between £7,000 and £8,000 to the firm that was responsible.

Hon. A. F. Griffith: The desiccated coconut had got as far as the retailers, too.

The CHIEF SECRETARY: Yes. With the Act as it is at present the firm concerned was compensated by the Crown for the seizure of coconut which was contaminated as a result of its own negligence. Surely members will agree that the community should not be called upon to bear the financial burden involved as a result of negligence by the manufacturer.

Hon. C. H. Simpson: Under common law, there would be recourse.

The CHIEF SECRETARY: I do not know so much. There is evidently a doubt about it, and that is why we want to amend the Bill.

Hon. C. H. Simpson: In the case of negligence, there is always a remedy.

The CHIEF SECRETARY: A good point was made by Mr. Griffith when he asked if the provision would have the effect of ensuring that the importer made certain that he got goods that conformed to the Health Act.

Hon. A. F. Griffith: But the importer may not be responsible.

The CHIEF SECRETARY: That is so, but this will tend to make him take safeguards.

Hon. A. F. Griffith: How can he look inside a sardine tin?

The CHIEF SECRETARY: I am not suggesting he can, but if he intends to deal with a firm he knows nothing about, he can make inquiries to find out whether it is reliable. It should surely be the responsibility of an importer to ensure that imported goods comply with the provisions of State legislation, particularly in regard to health. It is quite wrong to suggest that the State should always pay and let the importer and manufacturers "get away with it" if they, through carelessness, imperil the public health. To do otherwise would encourage unscrupulousness.

Hon. L. A. Logan: Nobody wants that.

The CHIEF SECRETARY: That is what will happen if we strike out this amendment.

Hon. N. E. Baxter: How often has it happened in the past?

The CHIEF SECRETARY: It has happened once too often, to my knowledge. A point has been made that a sample of only 10 per cent. of a consignment is needed before the whole consignment is condemned. The condemnation of a whole consignment as a result of the sampling of 10 per cent. would be done only when the circumstances of manufacture were such that if a proportion was found to be contaminated or dangerous, there was a reasonable presumption that the whole consignment would be in a similar state. This occurred in the case of the coconut.

Mention has been made of the presence of arsenic in sardines. Within the past four years all states of the Commonwealth have been co-operating to achieve uniformity in food standards, and it is unlikely that this will occur again. We are attempting to get uniformity so that if something is condemned in one State, it will be condemned in all States.

I am prepared to agree that, if members so desire, the words "either from the Crown or the Commissioner of Public Health" may be inserted in proposed new Subsection 4 of the amendment to Section

235A, after the word "compensation." This will make it clear that there is no intention to restrict a person's right to compensation at common law, but the compensation, if any, will be payable by the person who supplied the unwholesome foodstuffs, and not by the Government.

Hon. Sir CHARLES LATHAM: That is all we want. I oppose deletion of the proposed subsection. We merely desire a minor amendment to provide that the aggrieved person shall have the right to claim compensation from the person who supplied the goods.

Amendment put and negatived.

The CHIEF SECRETARY: I move an amendment—

> That after the word "compensation" in line 20, page 6, the words "either from the Crown or the Commissioner of Public Health" be inserted.

Hon. A. F. GRIFFITH: I do not know that we need the words "of Public Health." We have the interpretation of "Commissioner" in the Bill.

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

Clause 11—agreed to.

Clause 12—Section 335 amended:

Hon. J. G. HISLOP: I am sorry to know that at the moment the prescribed form is not ready for inspection. I and other members of the profession have no objection to filling in forms so long as they will do some good. But we look as though we may become a race of "form-fillers" if we are not careful.

Hon. N. E. Baxter: We are now.

Hon. J. G. HISLOP: I want to be sure that something will be done as a result of this form. The fact that the National Medical and Health Research Council wants the form filled in does not worry me one bit unless something can be done in this State with the statistics obtained. I have made it my business to find out what forms a doctor has to fill in at King Edward Memorial Hospital. The doctors there have never filled in the forms; that has always been done by the attendant nurse.

Hon. H. K. Watson: Even though the regulation says that the medical practitioner shall fill it in.

Hon. J. G. HISLOP: Yes. I am informed that it takes 20 minutes to fill in the form required by the authorities at K.E.M.H.

Hon. H. K. Watson: And only 20 minutes for the confinement.

Hon. J. G. HISLOP: It takes one person six hours a day to fill in the forms and here we have another form which is required by the Health Department. Admittedly the form that has to be filled in at K.E.M.H. does not cover all the cases that go to other hospitals. But I ask the Health Department whether it is building up an enormous staff and obtaining these statistics for any reason.

The Coronation Gift Fund has now sufficient money to allow the appointment of at least one person and it is possible he may be appointed at K.E.M.H. The number of cases which are recorded there will be properly recorded under his direction and will be sufficient for any statistical work. But if this form is to be filled in all over the State, considerable time will be absorbed by the profession. In the last 24 hours I have given serious thought as to whether I shall ask the Chamber to disallow a regulation in regard to cremation. This regulation has just appeared and concerns a form which has been introduced by the Health Department and which asks for a resume of a patient's history. Two lines only are allowed in which a doctor is expected to give the whole history of the person and in the following lines he is expected to give a statement as to the causes and antecedent causes of death.

Hon. Sir Charles Latham: He may not know it if a person dies suddenly.

Hon. J. G. HISLOP: He cannot be cremated in that case. A post mortem would have to be held. But these forms should be cut down to a minimum. In addition, the form to which I have referred asks for the date of death of the patient and also the hour of death. How can one possibly remember, 48 hours afterwards, the exact hour that a patient died? Also he has to put on the form who were present at the death of the patient. In a hospital like the Mount, only the nurse in charge of the ward would be in a position to give the names of the nurses in attendance. These things are so unessential yet they appear on the form. I hope that if this form is to be filled in it will be used by the Health Department and that no redundant questions will be asked on it.

If some guarantee could be given in that regard I would not mind agreeing to the clause. Unless these forms can be used they should be eliminated. Members do not realise how much time is taken up today, as a result of the Pharmaceutical Benefits Act, in writing out repeat prescriptions for patients. The position is becoming alarming, and before long some hours of each day of every member of the profession will be taken up filling in forms for somebody.

Hon. J. Murray: Maybe the commissioner's salary is based on the number of forms issued.

Hon. J. G. HISLOP: Then his salary would be very high. I want an assurance that if the form is issued it will be used for statistical purposes. Many nurses in our hospitals today are leaving because they

did not enter the profession to fill in forms and they are spending too many hours on such work.

The CHIEF SECRETARY: The hon. member has asked me for an assurance. I would not give that.

Hon. J. G. Hislop: I know you would not.

The CHIEF SECRETARY: I say that because it does not happen to be one of my departments and I do not know to what use the form will be put. But I am concerned with the statistical department and provided we are given the information we will make use of it because we want all the information we can get on these questions. However, I will give an assurance that the hon. member's remarks will be sent to the right quarter in the hope that they will bear fruit. I realise that people object to filling in these forms, but unless we have them, how can anybody know what happens? It may be possible to have miniature forms instead of the larger ones.

Hon. J. G. Hislop: We will criticise it when it comes here in regulation form.

The CHIEF SECRETARY: That is the hon. member's opportunity. If he finds fault with it he can do something about it then. I would like to see the number of forms cut down but I do not see how else we can get the information.

Hon. J. G. Hislop: Just ask the department to see that there is no duplication of the forms that have to be filled in now.

Clause put and passed.

Clause 13—Section 362A added:

Hon. H. HEARN: I shall vote against this clause because it gives to the health authorities the right to prosecute manufacturers and processers of food up to a period of 12 months instead of the customary six months. Of course in that regard the powers were taken from Section 51 of the Justices Act. Those engaged in the manufacture of food—and there are many food technologists in this State—are interested in seeing that they give a service to the public and that the prestige of their firms remains unimpaired. We are arriving at the happy position today where most of our foodstuffs are being preserved locally.

In talking about this the other night the Chief Secretary said that he felt the extra period would be of benefit from the point of view of protecting retailers. We feel that the only people to be studied are the members of the public. Retailers of foodstuffs should be able to organise their supplies so that they do not have to keep in stock for any considerable period a large quantity of processed food. The commissioner, through his inspectors, can seize a quantity of canned goods because one or two of the tins are not up to standard. Conceivably he can hold those cases for 12 months before implementing a prosecution, if this amendment is agreed to.

It is customary in the food manufacturing industry in this State for travellers to go round and solicit business for their respective establishments and in doing so, if they see that a retailer has in stock goods which are more than three months, and in some cases a maximum of six months old, they have no hesitation in insisting on their return. They can find out the age of certain foodstuffs because in this State the firms use a code or serial number. These firms are jealous of their reputation, and we say that the commissioner, in the period allowed under the Justices Act, has time to prepare a case and prosecute a manufacturer.

I hope members will vote against the clause so that the period will remain as it has been for many years, namely, six months. I want to know from the Chief Secretary why the Health Department requires a period of 12 months to initiate a prosecution.

The CHIEF SECRETARY: I can only give the department's view on this matter and no doubt the hon. member will blow, or attempt to blow the argument to smithereens.

Hon. H. K. Watson: He has, very successfully.

The CHIEF SECRETARY: The department says that the Justices Act allows only six months.

Hon. H. Hearn: That should be enough.

The CHIEF SECRETARY: The hon. member mentioned travellers asking that certain goods be returned: but such goods might be in a storeroom out the back and not be seen.

Hon. H. Hearn: But why extend the period to 12 months?

The CHIEF SECRETARY: The department says that where packed goods are concerned, this limiting period may be impracticable. A retailer who has purchased packed goods from a wholesaler or manufacturer may not discover an offence within six months and so he could not take action. For this reason the Bill seeks to permit complaints to be made up to 12 months after the offence has been committed. Supposing what the hon. member says is correct and they do call back these goods in three months or four months, then if they are not called back after six months, the hon. member would say that because the retailer has not taken action during that time, he should suffer.

Hon. H. Hearn: Supposing it goes on for 15 months. The same thing applies. There must be a determination somewhere.

The CHIEF SECRETARY: We admit that, and the department has apparently had some experience and thinks that the six-month period is not sufficient. The department feels that 12 months should operate. That is all there is to it. If goods have gone bad after six months, the retailer has to foot the bill; if they have gone bad before that time the manufacturer will do so. The department now feels that 12 months is desirable. The Committee must decide whether the retailer should be protected up to 12 months or whether the period should remain as at present at six months.

Hon. H. K. Watson: This is not a question of protecting the retailer.

The CHIEF SECRETARY: He could take action to protect himself against loss.

Hon. H. K. Watson: The prosecution would be instituted by the Health Department, not by the individual.

Hon. H. Hearn: Do you want to protect the retailer or the public? The public are the only people that matter in this.

The CHIEF SECRETARY: It protects the public and the retailer.

Hon. H. Hearn: Why this consideration for the retailer?

The CHIEF SECRETARY: The department suggests that the period is too short and that a longer period should be employed.

Hon. Sir CHARLES LATHAM: I cannot follow the reasoning of the Chief Secretary. This applies to the whole Act which covers a multitude of matters. In the past we have used the Justices Act, and surely that is sufficient. If members will refer to Section 362 of that Act, they will find that the provision there is adequate. That Act provides a six-month period. Let us take the Minister himself as an example. He may receive a summons 10 months after he has done something, quite innocently.

Hon. H. K. Watson: Shifting rubbish for instance!

Hon. Sir CHARLES LATHAM: Six months might have been all right in the old days, when correspondence took so long to arrive from the North; and this affects the North as well as here. With air mail and other transport, even six months is too long. I would support the Minister if he amended it to three months. An inspector could very easily see something done, and not take action till 10 or 11 months afterwards.

The Chief Secretary: That may apply to the hon. member in the way he is stating his case.

Hon. Sir CHARLES LATHAM: I doubt if I could remember what took place on a particular day three months ago. The Minister might put himself on a pedestal and say it could not happen to him.

The Chief Secretary: You misunderstand me. I referred to the case you were putting up about the inspector waiting 10 months.

Hon. Sir CHARLES LATHAM: Of course that is exaggeration, but when it comes to a prosecution, it applies to everything, and not merely to hospitals or the cleaning up of rubbish or to seeing that foods are pure. There is no Act with such a wide cover as the Health Act. A period of six months is quite long enough. The Justices Act is quite a good one and is well administered.

Hon. H. HEARN: In the interests of the public this term should not be extended. The only people concerned are the public who consume the goods. I now speak from the point of view of the food people who today have built up such a big business in this State. A six-month period will assist these people to ensure that retailers are not over-stocked. That is one of their main difficulties. If the retailer can go on, and the term is extended, what will happen? We should leave well alone and leave it to these people who are doing a good job. The retailers should be disciplined, and I cannot understand the Chief Secretary's consideration for them. They are the distributors, and the manufacturers are having to foot the bill. Let us take the case of the country storekeeper who buys a special brand of processed flour and stores it in a galvanised iron shed and after a period of 11 months has elapsed, he finds weevils in it. Is it fair then that the onus should be placed on the manufacturer, and the goods returned?

Clause put and negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 4.40 p.m.