Legislative Council.

Wednesday, 3rd August, 1949.

CONTENTS.

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

BILL—BEES ACT AMENDMENT.

Introduced by the Honorary Minister for Agriculture and read a first time.

BILL—COAL MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [4.39]: This Bill, I assume, is to correct a situation that was not envisaged when the parent Act was passed. It will enable a person to be transferred and to qualify himself as a manager of a coal mine, if he holds a certificate of competency for metalliferous mining. The Coal Mines Regulation Act provides that there shall be three types of certificates of competency, and they are as follows :—

(a) First class certificates, that is to say, certificates of fitness to be manager ; and

(b) Second class certificates, that is to say, certificates of fitness to be under manager or overman ; and

(c) Third class certificates, that is to say, certificates of fitness to be a deputy.

In each case the parent Act insists that the person concerned shall have had at least five years' practical experience underground on the coal face before he can be granted a certificate of competency.

The Minister for Mines : Not five years on the coal face but in a coalmine, and that period includes 12 months in the face.

Hon. W. J. MANN : The Coal Mines Regulation Act sets out that no person shall be granted a certificate of competency unless he shall have had practical underground experience in coalmines for at least five years, this including at least 12 months at or in the coal face as either a miner or a shiftman. That is the position. The object of the Bill is to enable a person, who is qualified in auriferous mining, to go to a coalfield and, provided he is prepared to put in 12 months instead of five years as I have indicated, he may be granted a certificate of competency that will enable him to fill a managerial position in a coalmine.

Because successive Governments and those charged with the administration of mining matters have neglected to ensure that there shall be some means by which coalminers and others desirous of taking up executive positions in the industry shall be trained in a manner similar to that provided in the School of Mines on the Goldfields for the goldmining industry, the position has arisen that it is now well-nigh impossible, so I am informed, to secure competent coalmining managers. I was told that men have been brought out from the Old Country and have been tried in such positions. It was found, however, that although they were quite successful in their homeland according to the methods adopted there and the type of country where mining operations were carried out; they were unsuitable for the industry here. I understand that in the Eastern States the same position has arisen and the experience there is that extreme difficulty is found in securing the services of competent persons as coalmining engineers.

Amalgamated Collieries Ltd. has appointed a man, whose name was mentioned by the Chief Secretary yesterday, in whom the company has considerable confidence and would be glad in due course to offer him a position as manager. It will be agreed that if a man holds a first class certificate of competency applying to the goldmining industry, it would be hardly reasonable to expect him to work for five years in a coalmine before his services could be availed of in the coalmining industry. For that reason I can see little to object to in the Bill. The only point that must be watched and the only objection that was voiced when I discussed this matter today with

some persons who are ex-coalminers, one of whom held a managerial position for some years, is that care should be taken that a man actually worked for 12 months underground and was not just employed on or about a mine in order to complete the necessary period under the Act.

I was advised in a friendly way that if anything of that sort were permitted and in due course a man was appointed to control one of the coalmines, it might be found that the miners would be rather hostile because the individual who had been appointed to a managerial position had not actually worked in the mine. If the precedure is faithfully followed, I do not think any objection could be offered to the proposition. I trust the Government or the Mines Department will take up the question of training young men so that they may qualify themselves for appointment to executive positions in the industry in future. It may be that the Government and the coalmining proprietaries could act in concert in taking that step. To my way of thinking, it would be both wise and commendable if some encouragement were offered to men who sought to qualify themselves ultimately to take senior positions in the coalmining industry. I support the second reading of the Bill.

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—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

Received from the Assembly and read a first time.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on 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—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on 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—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT (No. 2).

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on 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—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [4.59] in moving the second reading said: This is a small Bill which provides for the division of irrigation districts into sub-areas. This will enable different rates to be levied in each sub-area. Section 40 of the principal Act provides that the sections of the Water Boards Act, 1904, relating to the making, levying, payment and recovery of rates shall apply to irrigation rates made and levied under the parent Act. Section 92 of the Water Boards Act authorises the levying of separate and varying rates in sub-areas, each sub-area being treated on its merits.

The Bill has been prompted by the inequitable circumstances prevailing in the three Harvey irrigation districts. Under the Act, as it is at present, all expenditure on works constructed in any irrigation district must be charged against that district and, plus interest, is a liability of that district to the Treasury. This is anomalous

as it means charging the entire cost of the Stirling Dam to Harvey No. 3 district, although portion of the benefits of the dam are enjoyed in the other two districts. Other anomalies arise. The Harvey Weir, which also receives water from the Stirling Dam, supplies all three districts, and in many cases the supply channels in one district convey water to another district.

The capital cost of these works can be charged only to the district in which the works are constructed, and under the Act different rates cannot be charged within a district. At present Harvey No. 1 district, which is the most developed of the three irrigation districts, is rated to the extent of 7s. 6d. per acre on the whole of the irrigable land, while No. 2 and No. 3 districts are rated at 7s. 6d. per acre on one-third of the acreage of irrigable land, this being the extent to which water can be supplied. Under Section 40 of the Act the rates charged should be sufficient to meet interest, sinking fund, maintenance, management and control of the irrigation works in a district.

Adequate rates to meet such responsibilities could not be charged to No. 3 district as this would prove an overbearing burden on the ratepayers of that district owing to the heavy capital expenditure involved in the Stirling Dam. It is hoped that in the early future irrigation benefits in No. 2 district will be extended to two-thirds of the irrigable blocks, and this lends emphasis to the necessity of being able to impose differential ratings. The area that can be irrigated in No. 3 district is limited compared with the other two districts, which again proves the case for differential ratings.

If the Bill is passed, the three districts will be amalgamated into one, power to do this being in the Act, and the one district then will be divided into sub-areas and rates charged according to the incidence of benefits in the respective localities. This is the most equitable proposal for the benefit of ratepayers generally. It is not intended to increase rates; and in any case this could be done without an amendment of the Act. It is quite probable, if the Bill be passed, that the rating variations will be introduced in the two other irrigation schemes of Collie and Waroona.

I hope I have made the position plain. It is quite anomalous. If members inspect the Stirling Dam and the Harvey Weir they will realise the enormous expenditure that has been incurred. As South-West members know, not a great lot of irrigation work can be done there on account of the hilly and poorer land. The measure is most desirable to overcome the anomalies. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [5.7]: I think the Bill is all right. It is rather complicated, and really is a machinery measure for the Government. It is proposed, in effect, to spread the cost. Today, as the Minister said, if works are constructed in an area, charges in relation to it are imposed on the people in that area. The measure seeks to spread the cost to those who are, perhaps, more able to meet it. The channels from the latest dam constructed—the Stirling Dam—go through hilly country, and are most extensive. If any member drives to Bunbury he will see that the channel crosses the road six or seven times. It is all concreted. If the area, which has not a large amount of irrigable land, had to meet these charges, they would be just too much for it. It would be difficult to explain the details of the Bill because it is so complicated. The charges for the construction of dams are most complicated.

Hon. Sir Charles Latham: Is not the headwork made a national charge?

Hon. L. CRAIG: The capital cost is not charged, but the maintenance is a charge on the settler, and in some areas it is very high. The maintenance of channels is a tremendous charge.

Hon. Sir Charles Latham: Not where they are concreted.

Hon. L. CRAIG: No, but the cost of concreting is great.

Hon. Sir Charles Latham: But that is not maintenance.

Hon. L. CRAIG: The channel construction, as the Minister knows better than I do, is a charge against the area, but the dam is not.

Hon. Sir Charles Latham: Not the main ones.

Hon. L. CRAIG: I think the main ones are, too.

The Honorary Minister for Agriculture: So do I.

Hon. L. CRAIG: I think the Honorary Minister is right, and so I shall stick to him.

Hon. Sir Charles Latham: You do not know.

Hon. L. CRAIG: I know a lot more than does the hon. member. I live in the heart of the irrigable areas. The rating is most complicated. Under the original Act the settlers were rated on one-third of the irrigable area of their farms. In certain areas, so that everybody shall be compelled to make full use of the convenience, the farmer is rated on one-third of the whole farm, if irrigable. What the Bill proposes to do is to spread the charges over the whole of the areas, and to declare areas where the charges will be so much, and others where the charges will be less, irrespective of the capital expenditure and the maintenance. I do not think there is anything wrong with the Bill. The House can safely pass it.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [5.9] in moving the second reading said: This is another small Bill. It proposes to continue the principal Act for a further two years. As members know, that measure was passed in 1931, when conditions were very bad indeed, in order to save the farmers from bankruptcy. I am quite sure Sir Charles Latham will not criticise this Bill, because he had quite a lot to do with the original measure. Numerous farmers were granted stay orders under the Act to protect them against their creditors, thus enabling them to stave off the undesirable alternative of bankruptcy.

With the passing, in 1935, of the Rural Relief Fund Act, many farmers were able to participate in the money provided for their relief by the Commonwealth Government, and thus allow their stay orders to lapse. While the Rural Relief Fund Act remains in operation, it will be necessary to continue the Farmers' Debts Adjustment Act, as advances under the Rural Relief Fund Act can be made only to farmers under the operation of a stay order which can be made, of course, under either Act. I will give a few figures about this in a moment.

Members will recollect that in 1947 the Rural Relief Fund Act was amended to provide that if farmers repaid 20 per cent. of their liabilities they would get the balance of their indebtedness written off. Although the response has not been up to expectations, 803 farmers have refunded £53,091, in round figures, since the amendment, and £217,000 has been written off. At present, £116,208 stands in the credit of the Rural Relief Fund, and £1,172,672 is owing to the fund. Of the latter figure, it is estimated that between £150,000 and £200,000 will be recovered.

The money in the fund will be of great value if farmers ever again fall on hard times. I hope they will not, but one never knows. I think it is desirable to extend the Act for two years, anyhow, and then see how things are. It may be necessary to extend it for a further two years. Very little expenditure is incurred in administering the Act. There is a board consisting of three or four members, all of whom are public servants, with the exception of Mr. H. K. Maley, and he receives only £150 a year.

Hon. Sir Charles Latham: Is he the only outside member left?

The HONORARY MINISTER FOR AGRICULTURE: Yes. The others are public servants. It is desirable that the life of this measure should be extended. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.12] in moving the second reading said: The Bill is to increase the amount to be paid to a widow on the death of her husband, who dies intestate. At the present time the law is that when a man dies in such circumstances the widow gets the first £500, and his relatives half the balance, and the widow the other half. Where there are children, the widow gets the first £500 and one-third of the balance. We are not concerned in the Bill with the balance, but that the widow should get the first £1,000 instead of £500. It is deemed advisable that the widow should have the first £1,000 instead

of the present amount in view of the fact that the value of money has decreased so much. I feel sure that members will have no objection to this amendment of the law.

Hon. Sir Charles Latham: It applies to the husbands as well.

The CHIEF SECRETARY: Yes. If a wife dies intestate then, of course, the husband will get £1,000 instead of £500. The measure does not apply where either party makes a will. I commend it to members and move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair: the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 14:

Hon. Sir CHARLES LATHAM: I say, as I did when the Bill was originally brought down in another place, that I would like to see some discretion given to a judge. I have known of instances where a husband or a wife has deserted the family for many years, and automatically now he or she can claim against the estate to the extent of £1,000. In the case I quoted in another place, the woman had left home when the children were very young, and she had stayed completely away for 20 years. When the husband died intestate she, unfortunately for the family, came along and was entitled to the first £500 although she had done nothing at all towards caring for the family.

I admit that the remedy is that any man or woman who has an estate of any size should provide for these contingencies by making a will. It is certainly easy enough to draw up one nowadays by approaching any one of the trustee companies. Furthermore, we have an official trustee available in a State department. But there is a drawback in this type of legislation in that persons not really entitled to have the money are granted it by statute.

As the Minister has pointed out, when this legislation was first enacted the value of £500 was totally different from what it is today and therefore there is that justification for making the alteration. However, I still think that if we want to amend this legislation in future the relatives should have some discretionary power to apply to a judge in court for a ruling as to whether the remaining spouse is entitled to any money under this statute.

The CHIEF SECRETARY: The Bill provides for a party who has money but does not make provision for its disposal after he dies. If he does not do that, the law as it stands means that the widow or widower gets the first £500 and the balance over and above that amount is divided in certain proportions among the children and herself or himself. If this law did not exist I think it would be found that the widow or widower might be completely overlooked and the children would get all the benefits. I am not sure about that.

Under the Bill the surviving spouse gets a certain amount. I do not see how we can provide for the carelessness of a man or woman who fails to make a will, by handing the money to the people who should get it, or by asking a judge to adjudicate. This Bill applies to the first £1,000 only. If the deceased had been wealthy the first £1,000 goes to his widow and the balance proportionately to his next of kin and his widow.

Hon. Sir Charles Latham: And if only a house is left, it goes to the widow or widower and leaves the family without anything irrespective of whether or not they had assisted the widow or widower in any way!

The CHIEF SECRETARY: Quite so, but we cannot help that. This is the best law the State is able to devise.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.20] in moving the second reading said: The intention of the Bill is to amend Section 113 of the Water Boards Act, 1904–1947, which reads—

> A Water Board may, with the approval of the Governor borrow money—
>
> (i) for the construction of works for the storage, distribution and supply of water;
>
> (ii) for payment of the cost of works constructed by the Minister, or charged to the Water Board under Section 110;
>
> (iii) to discharge the principal money of any loan to or any other indebtedness of the Water Board;

(iv) for any other purpose approved by the Governor.

Members will observe that although the Act empowers the Governor to authorise water boards to obtain money, there is no provision in the Act for him to cancel such authority. The situation may arise where the Governor may approve of a loan for a specific work. Subsequently, the necessity for such work might disappear, but the Governor cannot withdraw his approval for the raising of the loan. That approval stands for all time and the board, if it felt so disposed, could raise the money and spend it for some other purpose. Quite recently a water board obtained the Governor's approval to raise a loan for a certain object. Later it asked that that part of the project be excluded and other works substituted. To achieve this purpose it was necessary for the Governor to issue another approval to cover the amended scheme. As there is no power in the Act to cancel the first approval, the water board now holds two approvals to obtain loan money for the one project.

The Bill, if passed, will remove any such anomaly by giving the Governor power to grant a license unconditionally, or subject to conditions he may care to impose, such as time limits within which loans must be raised, and the work commenced and completed, such time limits to be extended if the Governor thinks fit. This protects the lender also. Authority is given for the Governor to cancel his approval if a water board does not comply with the conditions of the approval. In the case of a cancellation after a loan has been raised and work commenced, the unexpended balance of the loan shall be used only as ordered by the Governor. It will be seen that the Bill does not provide for any new departure from the existing laws but only permits rectification of what has been found wanting although the powers contained therein were always presumed to have been adequate. It was thought that the Governor could cancel his authority, but it has now been discovered that he cannot ; and this is merely to make clear what was always thought to be the law. I move—

That the Bill be now read a second time.

On motion by Hon. A. L. Loton, debate adjourned.

House adjourned at 5.22 p.m.

Legislative Assembly.

Wednesday, 3rd August, 1949.

CONTENTS.

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

QUESTIONS.

WHEAT.

(a) As to Receiving Bins, Yarramony-Eastwards.

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

Provided the necessary materials are available, is it intended to complete before the end of 1950 the seven bulk-wheat receiving bins to be constructed along the Yarramony-eastwards route?

The MINISTER replied:

Yes.

(b) As to Cartage by Road.

Hon. J. T. TONKIN asked the Minister for Lands:

(1) What quantity of wheat is stored at the following places, respectively—Hyden, Wickepin, Jitarning, Kulin, Kondinin, Gnarming and Karlgarin?

(2) From which of these places is wheat being transported by road?