Legislative Council

Tuesday, 16th November, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Punishment of Guards and Shunters.

Hon. R. J. BOYLEN asked the Chief Secretary:

(1) How many guards, head shunters and shunters were employed on the W.A. Government Railways in the districts controlled by the District Traffic Superintendents at Geraldton, Northam, Narrogin, Merredin, Bunbury and metropolitan areas during the years ended the 30th June, 1953 and 1954?

(2) With reference to No. (1) how many guards, head shunters and shunters were dismissed, regressed, and/or fined in the respective districts during the years indicated?

(3) What was the total amount of fines in each area in those years?

(4) What percentage of punishments was imposed in each area to the number of employees?

(5) What was the percentage amount of fines to the number employed in each district?

The CHIEF SECRETARY replied:

The answers to these questions are rather long and complicated, and I will lay a copy of the figures on the Table of the House.

Details—

(1.) TRAFFIC BRANCH—GUARDS, HEAD SHUNTERS, SHUNTERS EMPLOYED.

	Metropolitan.		Central.		Eastern.		Southern.		South-West.		Northern.	
	Year ending 30th June.		Year ending 30th June.		Year ending 30th June.		Year ending 30th June.		Year ending 30th June.		Year ending 30th June.	
	1953.	1954.	1953.	1954.	1953.	1954.	1953.	1954.	1953.	1954.	1953.	1954.
Guards	169	167	63	63	70	72	73	74	82	81	29	30
Head Shunters	56	56	9	9	9	9	11	11	18	18	4	5
Shunters	102	102	14	14	14	14	16	16	41	55	8	8
(2.) PUNISHMENTS.												
Guards—												
Dismissed	....	1	....	....	....	....	....	....	....	....	....	....
Regressed	....	....	....	....	....	....	....	....	....	....	....	....
Fined	12	21	17	22	20	35	22	17	10	15	6	8
Head Shunters—												
Dismissed	....	....	....	....	....	....	....	....	....	....	....	....
Regressed	1	....	....	....	....	....	....	....	....	....	....	....
Fined	7	5	4	11	5	4	5	10	4	5	....	5
Shunters—												
Dismissed	2	1	1	....	....	....	....	1	1	1	1	....
Regressed	....	1	....	....	1	....	....	....	....	....	....	....
Fined	6	5	....	2	8	2	1	3	1	4	5	7

(3.) TOTAL FINES

£18½ | £27½ | £16 | £32 | £23½ | £40½ | £24 | £24½ | £17½ | £19½ | £10½ | £19½

(4.) PERCENTAGE OF PUNISHMENT TO THE NUMBER OF EMPLOYEES

8·56 | 10·46 | 25·58 | 40·69 | 36·55 | 43·15 | 28 | 31 | 11·34 | 16·23 | 29·26 | 46·51

(5.) PERCENTAGE AMOUNT OF FINES TO THE NUMBER EMPLOYED

7·64 | 9·53 | 24·41 | 40·69 | 35·48 | 43·15 | 28 | 30 | 10·63 | 15·58 | 26·82 | 46·51

(b) As to Long Service Leave for Guards.

Hon. R. J. BOYLEN asked the Chief Secretary:

(1) How many railway guards who are stationed at Merredin, Bunbury, Narrogin and Collie are due for long service leave?

(2) What are the names of the guards in each depot?

(3) On what date did long service leave for each guard become due?

(4) What was the date of the last guard to clear long service leave in each depot?

(5) When is it expected that this long service leave in respect to these guards will be cleared?

The CHIEF SECRETARY replied:

The same remarks apply to the answer to this question as applied to the previous one, and I shall lay the figures on the Table of the House.

Details—

1. GUARDS DUE FOR LONG SERVICE LEAVE.

Merredin (8).		*Bunbury* (8).		*Narrogin* (Nil).		*Collie* (8).	
2 and 3. Name.	L.S.L. Due.	Name.	L.S.L. Due.	Name.	L.S.L. Due.	Name.	L.S.L. Due.
Chadwick, C.	14–10–52	Pearce, F.	11–4–54	....	....	Host, A.	27–4–53
Smith, A. E.	18–3–53	Crews, C. F.	26–1–53	....	....	Paynter, J. F.	21–5–54
Hunt, F. P.	28–2–53	Hughes, C. W.	1–7–54	....	....	McLean, W. R.	5–5–54
Dunning, A. F.	10–9–51	Wansbrough, L.	12–6–53	....	....	Smith, W. A., 20905	20–5–49
McShera, D.	25–8–51	Sheedy, J.	1–10–54	....	....	Walton, J.	2–4–54
Withnell, H.	19–6–53	Bryant, E. O.	26–4–53	....	....	Hill, L. E., 20893	30–8–49
Watson, W. S.	30–7–51	Smith, R. D.	7–7–52	....	....	Bridges, H. J. C.	15–4–53
Walsh, C. W.	15–5–54	Wood, N. D.	26–6–54	....	....	Pulford, R.	15–3–54

4. DATE LAST GUARD CLEARED L.S.L.

Suggett, H., 6–7–53 to 5–10–53	James, T. W., 18–10–53 to 17–1–54.	Vinicombe, J. C., 4–10–54 to 3–1–55	James, J. D., 24–8–53 to 23–11–53

5. ANTICIPATED DATE OF CLEARANCE OF L.S.L.

December, 1955	December, 1955	....	December, 1955

BILL—ARGENTINE ANT.

Third Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [4.35]: I move—

That the Bill be now read a third time.

I want to make an explanation on the clauses that concern rating. I have obtained information which I wish to impart to members interested. Several were rather dubious as to how the rating would be applied. The contribution is not payable in the case of property rateable under the Vermin Act, 1919. Section 103 of this Act provides that a vermin rate not exceeding one penny in the £ unimproved capital value for pastoral holdings or one halfpenny in the £ unimproved capital value of other holdings shall be fixed by the Agriculture Protection Board each year. I might mention that only areas of 10 acres and over pay the vermin tax.

Hon. L. Craig: They would be exempt under this Bill.

The MINISTER FOR THE NORTH-WEST: Yes. The vermin rate declared for other holdings for the current year is 15/32nds. of a penny in the £ of unimproved value. Owners of any holding in excess of ten acres are liable for this vermin rate, which is collected by the Taxation Department on behalf of the Agriculture Protection Board. It will be seen therefore that the fears expressed by Mr. Jones and Mr. Craig are groundless, and that all farms and properties of over 10 acres will not be subject to additional tax. The proposed contribution to the Argentine Ant Act fund by the Protection Board of an amount up to £4,000 annually will provide a subscription from those who pay vermin rates.

With regard to the penalty provided in Clause 7, the apparent severity of which was queried, it is pointed out that this is a standard method of drafting. Section 29 of the Interpretation Act provides that penalties expressed in this manner are the maximum. Furthermore, if no penalty is provided, Section 137 of the Criminal Code applies, which provides that where a person fails to do what he is required, and no other method of penalty is provided, the offender shall be liable to 12 months' imprisonment. That point was raised by Mr. Jones in connection with the penalty for town clerks who do not fulfil the requirements of the committee, and that is in respect to rating and so on. He thought the penalty was rather severe, but I would point out that this is not so. The £50 is the maximum. The conviction can be a caution, or a fine of from £1 up to £50.

Another point was raised by Mr. Lavery relating to movable articles which might be harbouring ants. That provision has been included so that the committee will have power to move litter or any other material lying around the property of any person, and which might be harbouring ants. Those remarks answer the queries that have been raised.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

BILLS (3)—THIRD READING.

1, Loan, £14,808,000.

2, Motor Vehicle (Third Party Insurance) Act Amendment.
Passed.

3, Pharmacy and Poisons Act Amendment.
Transmitted to the Assembly.

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Report of Committee adopted.

BILL—CORNEAL AND TISSUE GRAFTING.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.43] in moving the second reading said: Within recent years advances in medical knowledge and surgical techniques have opened a new field for curative medicine by making possible the grafting of tissues from one person on to another. I understand that the widely-known blood transfusion is actually a tissue graft.

More recently it has been found possible to remove the cornea of the eye which, as members know, is that part of the front of the eye covering the coloured portion or iris and the pupil, and to transplant it on to a patient with disease or malformation of the cornea, in order to improve his vision. In other cases, the gland known as the suprarenal gland has been grafted, and, more recently, grafts have been made of sections of arteries.

I have been informed that there are possibilities in the future of the grafting of other tissues. In addition, it has been found that a cornea or other tissue removed from a recently deceased person can be used. This is subject, however, to the removal of the cornea or tissue within a matter of hours of death.

The reasons for the bringing down of this Bill are, firstly, apart from statute, a person may not by will or otherwise, legally dispose of his body after death, and any directions which he may have given during his life are not binding after his death on his representatives; and, secondly, because Section 214 of the Criminal Code, which relates historically to times when corpses were a source of revenue by sale for early medical research, precludes improper interference with dead human bodies.

The Bill is adapted from the Corneal Grafting Act, 1952, of the United Kingdom, with alterations to include the grafting of other tissues. If the Bill be passed, the Government will not be involved in appropriation of revenue, or be responsible for any administrative matters. I understand that similar legislation is contemplated in the other States of the Commonwealth.

The measure seeks to authorise the party lawfully in possession of the body of a deceased person to permit the removal of the eyes or other tissue from the body for use for any purpose concerned with the healing of disease, provided that the deceased has expressed a request to this effect in writing at any time, or during his last illness, orally, in the presence of at least two witnesses, and has not cancelled the request.

The expression "party lawfully in possession of the body" is that used in the United Kingdom measure because, according to the annotations at page 556 in the 1952 volume of "Halsbury's Statutes of England," the only decided case on the question is that an executor is in lawful possession of the body of the deceased testator.

The deceased person, however, may have left no will and so, of course, there would be no executor; or, even though the deceased left a will in which he appointed an executor, the executor may have renounced. I am advised that, though it seems clear that some person other than an executor may in the circumstances of a particular case be in lawful possession of a body, the law on the subject is unfortunately in a somewhat undeveloped state.

From a consideration of the provisions of the British Act, it is submitted that the person lawfully in possession of a body is the person on whom falls the duty of disposing of the body, or the person in whose care or charge the deceased was prior to death. Presumably in the case of a death in a house, the person authorised would be the nearest relative, such as husband, wife, or parent.

Because of those difficulties, I am informed, it would be extremely unwise, if not indeed impossible, to attempt to define who is lawfully in possession of a body, and to exhaust all possible combinations of circumstances. The same expression is used in Sections 9 and 10 of the Anatomy Act of 1930, where no attempt at definition was made, doubtless because of the difficulties. I have referred at some length to these matters in order that members may be quite clear why the expression is used in the Bill.

The measure goes on to provide that the party lawfully in possession of the body may only give the necessary authority provided the spouse of the deceased person, or if there is no spouse, the next of kin, gives written permission to do so. The same regard for the wishes of the deceased and of his surviving spouse or relative has a counterpart in Sections 9 and 10 of the Anatomy Act. The Bill contains a provision that, even where the necessary authority is given, the removal of the eyes or other tissue may be effected only by a registered medical practitioner, who must be sure that life is extinct.

Another provision precludes the giving of the necessary authority where an inquest on the body is likely to be held unless the coroner grants his consent to the authority being given. Where an inquiry into the cause of death was pending, it would obviously be necessary that the condition of the body should not be altered by the removal of eyes or other tissues before examination. As an example, the coroner might consider that removal of the eyes would not prejudice an examination of the contents of the stomach. He would then be able to consent to the removal of the eyes.

Under Section 12 of the Anatomy Act, a body may not be removed from the place of death for anatomical examination until a certificate of death has been issued, and therefore the consent of the coroner is not involved. A similar provision is omitted from this Bill because the usefulness of eyes and tissues for therapeutic purposes depends upon removal shortly after death.

Care has been taken to include in the Bill a provision that, although an undertaker may have possession of a body for the purpose of its interment or cremation, he is not the person who is authorised to give the necessary authority for the removal of the eyes or other tissue. A similar protection is incorporated in Section 9 of the Anatomy Act.

In the case of a death in a hospital, the hospital authorities can give the necessary authorisation. There is a similar provision in the United Kingdom Corneal Grafting Act. This would apply where a person makes a request during his last illness in the presence of at least two witnesses, and covers the necessity of removal of the eyes or other tissue soon after death.

As I have said, the provisions of the United Kingdom measure have been adopted in this Bill in order to achieve uniformity. However, difficulty might arise if the hospital authority were agreeable to give the necessary power, but the "person lawfully in possession of the body" were not. It is considered the United Kingdom measure contemplates that, in those circumstances, the hospital authority would refrain from giving the necessary power; and, in any case, would be most discreet in exercising it and would do so, possibly, only in cases where the deceased had had no visits or inquiries from an interested spouse or relative. The importance of speedy removal, after death, of the required eyes or tissue must be borne in mind.

The Bill provides that its provisions shall not render unlawful any dealing with a body or part of a body, if lawful, irrespective of the Bill. This contemplates, for example, examinations which are lawful under the Anatomy Act, and post mortem examinations lawfully conducted to ascertain the cause of death. I move—

> That the Bill be now read a second time.

HON. J. G. HISLOP (Metropolitan) [4.52]: I take this opportunity of speaking because, with the end of the session ahead of us, I do not think the passing of this measure should be delayed. A Bill of this type is necessary; and I, and those members of the profession who are deeply concerned in this matter, will be glad to give every assistance within our power to formulate a Bill which will meet the requirements, which, frankly, this Bill will not.

There are many aspects of the matter which must be considered; and had the Bill been brought down earlier in the session, I would have moved, at the appropriate stage, that it be referred to a select committee. What I propose now, however, is that if the Bill is held over for a few days after I have spoken, I and members of the profession who take part in tissue-grafting, will draw up amendments workable in the interests of the sick.

I cannot understand why some of the wording of the Anatomy Act has been altered in this measure. The Anatomy Act in this State has never worked, and could never work, while the relatives were allowed to override the wishes expressed by a person during his or her lifetime. As the Chief Secretary has pointed out, none of us has the right to will his body without the assent of our relatives having been expressed after our death.

Hon. C. H. Simpson: Does that mean that if you wanted to leave some part of your body to some disabled person you could not do so?

Hon. J. G. HISLOP: One could not do it without the consent of one's relatives being expressed after one's death. Under the Anatomy Act a person cannot leave his or her body to a medical school for dissection, for the study of anatomy, unless with the consent of the relatives.

Hon. Sir Charles Latham: That amendment was placed in the Act in this House.

Hon. J. G. HISLOP: And it may be removed in this House. Section 10 of the Anatomy Act reads—

> . . . unless the deceased person's surviving husband or wife or nearest known relative, or any one or more of

such person's nearest known relative being of kin in the same degree, requires the body to be interred or cremated without such examination.

That means that it must be the nearest relative who objects under the Anatomy Act; but the Bill refers to "the surviving spouse or any surviving relative of the deceased," which means that before any tissues could be removed for such purposes every one of the known relatives of the deceased individual would have to agree to what was to be done, or at least any one of them could object to its being done. If this measure is to operate satisfactorily to the benefit of those who have lost sight, for instance, we must give the person the inalienable right during his lifetime to say that after his death his eyes may be used for this purpose.

I noticed in the Press last week that none of the churches objects to the removal of portions of the body for such purposes, and I cannot see who we would offend in this way. Were it once an established custom, I believe there would be more people willing to leave their eyes and other tissues for the purpose of this legislation. In the past, individuals who were medically minded, and felt that the study of anatomy should be encouraged, have decided to leave their bodies for dissection; yet we have been met, even while the individual concerned was still alive, by a statement that while he or she might sign such a document, it would not be worth anything after death. The result of that sort of thing is that the study of anatomy could be held up should a medical school be established here.

The Bill in its present form contains some other curiosities of wording. No authority is given under it to anyone in regard to where the removal of the tissues shall take place. In the Anatomy Act we find the following—

> It shall be unlawful for any person to take or remove from a body of any deceased person any portion or specimen part thereof before such body is received into an authorised school of anatomy, or to take or remove, except for burial or cremation, any portion or specimen part of a body, from an authorised school of anatomy or to have in his possession, any portion or specimen part of a body which has been taken or removed in contravention of this section: provided that this section shall not apply to a licensed person approved by the Commissioner.

Unless the Bill is completely to override that Act, it must provide for where such work can be done, as to be of any use the eyes must be removed from a body within 12 hours of death; and certainly the sooner they are removed, the better. They are then taken for examination and are cultured for infection. When it is certain that they are free from infection and are sterile, I understand that after freezing, and so on, on the third day the cornea can be transplanted to the eye of a living person. That means that eyes cannot be kept in banks, but must be used within a reasonable time after removal.

I understand that in the bigger centres where this work is proceeding there is kept a list of persons waiting the transplantation of a cornea. When the eye is removed from a person and is thoroughly prepared, the operation of transplantation takes place, not later than the third day. Therefore it is necessary that authority be given under this measure to the medical practitioner who will remove the eyes to do so in the hospital in which the individual dies, if necessary. If the individual dies at home, the body should be taken to a place where the eyes can be removed; and there again we are up against the Anatomy Act. That difficulty must also be overcome in this Bill.

There is another aspect that must be considered, in that the removal of certain tissues must be performed even more rapidly than the removal of eyes. In many of the big cities, where traffic accidents frequently occur, arteries are being more freely used to replace those damaged in a person who has met with an accident. However, in this instance, the arteries have to be removed within a matter of hours of the death of the individual concerned. The arteries must be matured, but not degenerated; and those which are most suitable are obtained from young persons. Further, the individual from whom the arteries are obtained must not have died following a long illness; otherwise the arteries would have deteriorated. As a result, those individuals who have met sudden deaths are the most suitable cases from which to obtain an artery for transfer to another human being. Arteries can be stored in banks. After an artery is removed it is rapidly frozen to a very low temperature and kept until required.

This Bill needs a good deal of redrafting. Firstly, it should make quite clear the authority which is to grant the necessary power to the medical practitioner who will remove the arteries at a time and under conditions when they will be useful. Authority will also have to be given for the maintenance of an arterial bank, so that when arteries are removed shortly after death, they can be rapidly frozen and maintained in the bank to ensure their usefulness. The most suitable place for such a bank for the preservation of these tissues is a general hospital such as the Royal Perth or the Fremantle Hospital; or, in time, as the city grows, some of our major hospitals.

In such a case, it seems to me that the superintendent of the hospital might well be authorised to maintain a bank and to

obtain the authority of the coroner soon after the sudden death of a patient to remove portion of the tissues; because, in all these cases, the post mortem will be conducted by the coroner, and therefore the difficulties could be overcome. To repeat my offer in this regard, I am quite willing to call together the members of the medical profession who are interested in this subject, and attempt to present to the House a Bill which we think will meet the general needs. Without prolonging the discussion, I will certainly vote for the second reading of this Bill, but I feel that a measure which will eventually prove to be useful will be extremely different from this one.

I will now refer to one or two peculiarities in the wording of the Bill. In the first clause members may have noticed that the wording is different from that contained in the Anatomy Act. Section 10 of that Act reads—

> Subject to this Act if any person, either in writing at any time during his life or verbally in the presence of two or more witnesses during the illness whereof he dies, directs . . . . . .

In the Bill the wording is completely changed because it reads—

> If any person, either in writing at any time, or orally in the presence of two or more witnesses during his last illness . . . . . .

It does not seem to me to be reasonable to have a difference in wording between the two pieces of legislation. If one wanted to raise an argument, the Bill could be interpreted as applying only to a person who has expressed a request in writing or orally during his last illness, that his eyes or other tissues be used for therapeutic purposes after his death. However, under the provision contained in the Anatomy Act, any man, during his lifetime, can make such a request either in writing or verbally.

The Bill is also opposed to the Anatomy Act by the wording contained in Subclause (5) of Clause 2, which reads as follows:—

> No authority shall be given under this section in respect of the body of a deceased person by a person entrusted by another person with the body for the purpose only of its interment or cremation.

The word "person" is used so frequently in that subclause that one has to turn to the Anatomy Act, where one finds the use of the word "undertaker." It seems to me that the "person entrusted by another person" as mentioned in the Bill, is none other than the undertaker referred to in the Anatomy Act. Another difficult provision is Subclause (6) of Clause 2, which reads—

> In the case of a body lying in hospital, any authority under this section may be given on behalf of the person having control and management of the hospital by any officer or person designated in that behalf by the first mentioned person.

Surely that wording must conform to the meaning and purpose of the entire Bill itself.

Whilst I am keen to see a measure of this type passed through this House, I consider that so much redrafting is necessary that it would almost look like a new Bill if that were done and it were represented. However, if the Bill, as printed, is the one the Government desires, I have no hesitation in saying that it will not work. But I again repeat my offer to introduce a Bill that will be effective.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—STOCK DISEASES ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—FAUNA PROTECTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th October.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.11]: This Bill was introduced to clarify the Act and to simplify its administration. Except for some queries raised by various members, it has met with general approval in the second reading stage.

In answer to one of the queries raised by Mr. Henning, I would point out, in regard to the necessity for vesting greater powers in the honorary wardens, that it is most desirable to permit these wardens immediate right of entry in those instances where they reasonably believe that an offence is being committed or is about to be committed. It is considered that the granting of such powers is necessary to enable the wardens to carry out the provisions of the Act. Most of our fauna is extremely mobile. The animals show no inclination for Crown land in preference to private property, and therefore move about as much on the latter as on the former. Therefore, it is necessary for wardens to be able to enter upon both private and Crown land.

Replying to the point raised about natives being permitted to sell the skins of kangaroos killed for food, the proposed amendment reads, "The Chief Warden of Fauna may issue a certificate," etc. The object of the amendment is to make legal what is actually being done in practice, without taking away the discretionary powers to refuse a certificate if it were proved beyond reasonable doubt that this benefit was being abused. Therefore, it is not a question of the natives selling the

skins; it is merely to legalise, in effect, the issue or cancellation of a permit by the chief warden, according to the circumstances. He would still have power to permit a native to sell the hide of an animal that had been killed for food, or he could cancel an existing permit if the occasion demanded it. As the hon. member has stated, the provision would be difficult to police; but apparently this practice is quite common, and the principle behind the amendment is to legalise such an act in some respects.

With reference to proof of exemption resting upon the defendant, I would point out that that provision was inserted by the Crown Law Department to simplify the Act. The advice obtained from that department is that this onus on the defendant to prove the exemption is already in effect under the provisions of Section 72 of the Justices Act, which reads—

> If the complainant in any case of a simple offence or other matter negatives any exemption, exception, proviso, or condition contained in the Act on which the same is framed, it shall not be necessary for the complainant to prove such negative, but the defendant shall be called upon to prove the affirmative thereof in his defence.

The amendment simply provides that if a person claims exemption because he possesses a licence, he will be required to substantiate in some manner or other—such as by the production of the licence—that he was actually exempted. The Crown Law Department advises that this provision is commonplace under those Acts which provide for the issue of licences, the reason being that it is much easier for a person to produce his licence in court than for the department to produce its records of the licences issued to prove that the defendant was not licenced. It is often said that, in law, it is impossible to prove the negative. This question of the onus of proof was raised, I think, by Mr. Logan; and after studying the Bill, I am sure that the hon. member will now agree that the sole object of the amendment is to prove that a person is exempted.

The provision for the awarding of damages of up to £50 to a person assaulted was also referred to by Mr. Logan. The intention of the amendment to Section 25 is to permit the justice or magistrate to award damages to the person assaulted after he has been convicted under the same section. It is understood that this is a common provision.

Hon. L. A. Logan: He can be charged twice.

The MINISTER FOR THE NORTH-WEST: I am doubtful whether that is so. I believe there is some other law which would cover that point. I have not been given that information. It is merely provided that where somebody assaults a warden in the course of his duty, the warden can be awarded personal damages up to £50, which sounds quite reasonable. The offender could certainly be charged with the offence and then be required to pay under a claim for damages, or the magistrate could award personal damages.

Hon. L. A. Logan: Would the officer charge the man under the Act and then take civil action against him?

The MINISTER FOR THE NORTH-WEST: I could not answer that directly.

Hon. L. A. Logan: It is charging the same man twice with the one offence.

The MINISTER FOR THE NORTH-WEST: He can be charged with committing an offence against the Act and then he could be charged with common assault. That would be two different charges. This only occurs where a person obstructs an officer who is making some inquiry. A person could assault the warden in such circumstances, and the officer could be knocked about in the course of doing his duty. The Bill makes provision for a magistrate or justice to award personal damages to the warden up to £50. I do not think there is any danger of anybody being charged twice with the one offence. There would be two distinct offences—one against the Act, and one of assault.

The right to dispose of illegal devices was also questioned by Mr. Logan. It must be pointed out that some devices become illegal only when they are used for a certain purpose. For instance, spotlights and certain types of guns, when used for duck shooting, are illegal devices, but they could quite legally be used for some other purpose, such as fox hunting. It is considered, therefore, that the chief warden should have the right, subject to the approval of the Minister, to dispose of these articles, rather than destroy them. Duck traps, which could be said to be permanently illegal, could be broken up before disposal.

The amendment to Section 27 (B) was designed to cover the articles mentioned in Section 27 (A)—that is, illegal devices or fauna the owner of which could not be found. Section 28 (1) of the principal Act already covers other things seized. The removal of the word "illegal" as proposed by Mr. Logan would render the section useless and would still leave no means of disposing of unclaimed illegal devices.

I think they were the only points raised in connection with the Bill, except that Mr. Logan said he was very pleased to know that the royalty on kangaroo skins could be lifted in any district now that the Minister was able to prescribe. That, of course, will be something of great benefit in the northern and pastoral areas where kangaroos have become a menace. They are also becoming a menace in the southern areas, especially east of the Great Southern; and it is a good thing that, instead

of their being protected, as they were, it is now possible to treat them as vermin, which they are; and the royalty has been lifted in order to encourage people to shoot them.

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—SUPPLY (No. 2), £15,000,000.

Second Reading.

Debate resumed from the 10th November.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.25]: I desire to thank members for the part they have played in the debate. Speaking from memory, I think that this Supply Bill has been in the House longer than any other up to date. Members dealt with several matters during the debate, and I hope to touch on most of the subjects referred to.

Attention was drawn by Mr. Simpson to the fact that the Commonwealth made a substantial contribution of approximately £19,000,000 to the finances of the State. This, of course, is quite correct. The Commonwealth is the sole income taxing authority, and has to make taxation reimbursements to all the States. I would emphasise that Western Australia is not singled out for any preferential treatment in regard to taxation reimbursement, and, except for Tasmania, receives the lowest grant from the Commonwealth.

The pattern being followed in regard to taxation reimbursement is the same as when the hon. member's party controlled the Treasury bench. When it was his duty to pilot the Supply Bill through the Council, he did not raise any comments on the Commonwealth tax reimbursements to this State. The increase in revenue is approximately in the same proportion as that received by the McLarty-Watts Government, whose revenue jumped from £15,000,000 in 1946-47 to £34,000,000 in 1951-52. It is expected that revenue will increase this financial year fom public utilities on account of—

> Railways: 30 per cent. increase in fares and freights.
>
> Metropolitan Water Supply: large expansion in metropolitan area; supply to oil refinery; and revision of valuations.

The increase in revenue was mentioned by Mr. Simpson. I am pleased to say that an increase has occurred practically every year since responsible government; for when a State is growing and expanding, it necessarily follows that revenue must increase. To offset this, so also must expenditure increase, as the State is called upon to provide many additional facilities, such as schools, water supplies, electricity, transport, etc. Similar circumstances were in evidence during the McLarty-Watts Government's term of office.

The contribution to this State's revenue by way of taxation reimbursement is the proportion due to the State; and no preferential treatment is extended to Western Australia, which receives only the proportion it is entitled to in the distribution with the other States of the Commonwealth. The Disabilities Grant to Western Australia is a reducing one. I would like to remind the House that the McLarty-Watts Government had the privilege of receiving the biggest grant ever paid to this State—that is, £8,200,000. This year the grant will be over £750,000 less.

Attention was drawn by Mr. Simpson to the sudden big increase in our imports. This is due to the equipment, etc. coming into the State for the oil refinery, cement works, steel works, etc. When these works are completed, it is probable that the imports will appreciably drop.

Mention was made of a tendency of the present Government to spend too much loan money in the metropolitan area to the detriment of the country areas. Investigation will show that this Labour Government has no cause to be ashamed of its record in this regard, and it is making generous provision for country areas in the way of water supply, schools, harbours, land settlement, agriculture, electricity, forests, and mining, etc. Its record bears more than favourable comparison with that of the previous Government.

The necessity for the proposed Narrows bridge was doubted by Mr. Simpson. All I can say is that his view is out of line with all other opinions; and, by the time the bridge is completed, the traffic position in the metropolitan area will be very acute. In fact, in another part of his speech the hon. member said he was greatly concerned about it.

Whilst condemning the Government for spending too much money in the metropolitan area, the hon. member submitted in his speech a scheme to put our railways between West Perth and East Perth up in the air. I venture to say such a scheme would take the greater portion of our allocation of loan money over a period of years and increase enormously the demand for steel, which is already scarce and costly. When it was completed, what would be achieved? Parking space for cars, and huge increased capitalisation against the railways, with the result that the annual operating loss would be considerably increased, and therefore there would be need for further increases in fares and freights. Now that Mr. Simpson is in opposition, he mentions many things that

this Government should do with its finances; but he had three years as a Minister in a Government which failed to do the things he now suggests the present Government should undertake.

A proposal that the State reduce its charges under the Stamp Act was submitted by Mr. Watson. I do not know whether he made similar suggestions to the previous Government to whose party he belonged. If so, his suggestions apparently left his party leaders unconvinced, as no effort was made by them to amend the Stamp Act. Stamp duties bring into the revenue of this State over £1,000,000 per annum, and this method of raising revenue is an essential part of the revenue system of all Australian States. As all members know, Western Australia is a claimant State, and in consequence has to impose taxation of at least equal severity to that of the other States if it wishes to avoid a penalty on its disabilities grant by the Commonwealth Grants Commission.

Other members spoke on various subjects, all of which I will have referred to the proper sources. The main subject, as can be expected at the present time, was the water shortage worry. The fickleness of this winter's rain has accentuated what has always been a problem of the first magnitude. Loan funds are not elastic, however, and moneys must be made available for other projects. The Government is fully aware of the grave position in many places, and all that is humanly possible will be done.

A question was asked by Mr. Logan about the possibility of the Government's boring for water in the light lands between Mingenew and Mullewa. I understand the hon. member has written to the Minister for Lands in this connection. Mr. Logan stated that the residents of the area had been promised that Mr. Frizzell, supervisor of the Public Works Department, would visit the district to seek suitable spots for water. This is not quite correct. The Mullewa Road Board was advised on the 11th January, 1954, that Mr. Frizzell was absent from work owing to an accident, but if the board would supply further details, it would be advised when Mr. Frizzell could be available to give advice.

The board was told no boring plant could be made available, as the plant was in constant use at Wicherina. The board does not appear to have provided these further particulars. We often get complaints; and although we ask those who complain to supply particulars, they do not do so. They forget all about it, and then they blame the other party. However, as a result of Mr. Logan's letter to the Minister for Lands, the Under Secretary for Works has asked the Under Secretary for Mines whether a geologist can be made available to go to the area concerned and advise people regarding boring work. If this can be done, the Public Works Department can consider following this up on the practical side by boring.

I am told that as the search for underground water in many parts of the State has proved fruitless, it would be useless, and possibly a great waste of money, to undertake extensive boring without technical geological advice. In fact, in its normal activities, the Public Works Department also seeks geological advice from the Mines Department. Whether a geologist can be made available at once I do not know, as the geologists appear fully occupied with mining and oil work.

Opinions were expressed by Mr. Logan on the starting-price betting problem. He now knows that in another place a Bill for the control of betting has been introduced; and, in due course, I hope he will be able to give the House his opinion of the Bill.

I will present to the Treasurer, Dr. Hislop's remarks regarding assistance, through the Grants Commission, for a medical school, and I thank the hon. member for his offer of help in submitting a claim to the commission.

A question was asked by Mr. Griffith as to whether increases in water rates in the metropolitan area would cease in the near future. I am afraid that it would be difficult to give an assurance in this regard. The whole thing revolves on a question of departmental expenditure. If this increases, it may be necessary to obtain further revenue to balance the situation.

The hon. member mentioned that the annual valuations of all metropolitan properties had been increased. This is not strictly correct. Some are still under review, but it is anticipated these will be increased in the near future. For the hon. member's information, I would tell him that the Water Supply Department does not base all its valuations on those of the local authorities. Under the Act the department can accept a local authority's values or use its own.

The values of the Perth and Fremantle City Councils are followed because of the great deal of work the department would have to do to assess its own values in these districts, and the fact that these authorities review their assessments periodically. The Cottesloe Council's values were used last year, but next year the department will more than likely assess the values there. Elsewhere the department uses its own values.

The contention of Mr. Griffith that an increase of water allowance, caused by a reassessment of values, was not conducive to the conservation of water, was agreed to by Mr. Baxter. In this connection the department points out that when water is scarce or conditions are unfavourable, conservation is carried out by restricting the quantity that may be used.

Attention was drawn by Mr. Baxter to the possibility of drawing water from Happy Valley for use at Brookton. I am informed that the Public Works Department is already making investigations in this connection, but that there is no money allocated for any work there during the current financial year.

The hon. member also drew attention to the condition of the Kellerberrin school, and asked whether any action could be taken regarding a new school. I have made inquiries at the Education Department, and find that no early action is contemplated regarding Kellerberrin. I am informed that the condition of the school is known, but that more urgent cases in the country have been and are being attended to. However, the needs of Kellerberrin have not been lost sight of, and it will have its turn in due course.

During his remarks, Mr. Baxter stated that schools in country districts were being neglected, and he thought that the Director of Education had overlooked the need for decent schools in the country. I am told by the Education Department that the expenditure in the country compares favourably with that in the metropolitan area, and that the requirements of country schools are not lost sight of.

It was said by Mr. Davies that when assessments of estates were made by the Taxation Department on behalf of the Commissioner of Stamps the valuations often exceeded those prepared on behalf of the estate. The hon. member wondered how the Taxation Department arrived at its values. The Commissioner of Stamps advises me he refers all estates to the Taxation Department for valuation. These values, if disputed by the executors, are returned to the department for reconsideration. If the executor is still displeased, he can appeal to the court.

Incidentally, I understand the Taxation Department's valuers, who are sworn valuers, do not visit every property. They often base their values on their knowledge of the district and of local transactions, as well as on information possessed by the department. However, if their values are disputed, it is understood they make a personal inspection of the property concerned.

I have not been able to obtain replies to all the matters ventilated in the debate. However, I am having these examined and, where possible, will later advise the members concerned. On this occasion I have adopted the procedure that I have followed at other times: I have sent members' speeches to the departments concerned so that they can supply me with the information that is required. If I have missed replying to any points that members have brought forward, and that they are anxious about, I shall pass the information on to them immediately I get it from the departments involved.

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—TRAFFIC ACT AMENDMENT (No. 2).

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 11 amended:

Hon. A. R. JONES: When speaking to the second reading, I asked the Minister if he would get certain information and supply it to members. Before we go further with this clause, I would like him to give some explanation about it; if not, I must oppose it.

The CHIEF SECRETARY: I am sorry that I have not been able to get the information for the hon. member.

Clause postponed.

Clauses 3 and 4—agreed to.

Clause 5—Section 46A amended:

Hon. A. R. JONES: I move an amendment—

> That after the word "amended" in line 2, page 3, the following be inserted:—
>
> (a) by adding after the word 'implement" in the last line of the first paragraph the words "except an implement used or to be used in agricultural or horticultural pursuits while such implement is being driven, used or towed, during the hours between sunrise and sunset, on any road in a district or sub-district outside the metropolitan area from a place in such district or sub-district to another place in the same or an adjoining district or sub-district; provided that the implement while being so driven, used or towed carries, bears or has attached thereto such signs, notices or markings as are or may from time to time be prescribed in respect of overwidth vehicles permitted under this section to be licensed, driven, used or towed on any roads; and
>
> (b)

This matter has been fully debated previously, and members will see that my amendment is self-explanatory. It sets

out the hours during which the implement may be driven, used or towed, and the area in which it can be so used. It also sets out that the signs, notices or markings prescribed for overwidth vehicles must also be attached, and I hope that members will support it.

The CHIEF SECRETARY: As Mr. Jones has said, we have debated this before, and I shall not go over the same ground. But, as I said previously when opposing this provision, I cannot see any reason, nor have I been given any, as to why it should be passed. Why should farmers be given a privilege that is not allowed to other road users? Farmers have had to write to the Commissioner of Police for permission to move overwidth vehicles on the road; and, by this measure, we will permit them to apply to the local authority for approval. I do not see that that imposes any great hardship. The only difference between Mr. Jones's amendment and the provision in the Bill is that farmers will not have to apply to the local authority. What hardship is there in anybody obtaining the permission of the local authority? It is no use members saying it will cause farmers inconvenience, because they visit town at least every week.

Hon. L. C. Diver: You are quite wrong.

The CHIEF SECRETARY: I have been in the country: I have not been a city slicker all my life. Even in the busiest times of the year, country people visit the towns.

Hon. C. H. Simpson: That might not be during office hours.

The CHIEF SECRETARY: That can be overcome. Even if a farmer lived 50 miles from his local authority, he would have little difficulty in obtaining the required permission. He would not be wanting it in a hurry. Before he starts harvesting a farmer knows on what days he will be towing his vehicles along the road.

Hon. L. C. Diver: How would a farmer know?

The CHIEF SECRETARY: He knows that next week, or the week after, he will be harvesting.

Hon. L. C. Diver: That is different from saying that he knows what day he will be sowing.

The CHIEF SECRETARY: I do not mean the exact day. If I said it, I meant within a week or so. The farmer will be able to go to the local authority and say, "During such-and-such a period I will be using my machines, and I want to get permission to use them on the roads." And permission will be granted.

Hon. N. E. Baxter: Then what is the use of a permit?

The CHIEF SECRETARY: The local authority will know the period during which the roads will be used, and it will inform the farmer of the precautions that must be taken. We cannot deal lightly with traffic problems. There are too many accidents in the State.

Hon. L. C. Diver: With this sort of farm vehicle?

The CHIEF SECRETARY: With all sorts of vehicles.

Hon. L. C. Diver: Give us the statistics.

The CHIEF SECRETARY: I have no statistics.

Hon. N. E. Baxter: There are no statistics covering that class of vehicle.

The CHIEF SECRETARY: I am speaking only in general terms. There are many factors that contribute to the high accident rate in this State. It is very worrying, and every precaution must be taken. Those who use the roads should abide by a standard, and I hope the amendment will be defeated.

Hon. L. C. DIVER: The Chief Secretary said that the Bill as it stands would mean no hardship to the farmers of this State. But there are approximately 130 local authorities in Western Australia, and there are hundreds of townships and villages throughout the agricultural areas. When the Chief Secretary said that farmers visit the towns regularly, he did not take into account the fact that in many instances farmers would go to townships in which the local authority concerned had no office. If the measure as it stands were passed, farmers would, in many instances, have to make special trips to their local authority's office, because some farmers have no telephones installed.

The Bill will also thrust upon local authorities the responsibility for writing out permits, which will amount to several thousands per annum. There are approximately 9,000 wheat farmers in this State, as well as many others who engage in agricultural pursuits. Each wheat farmer would have to make at least two applications a year.

I would like to know what record will be kept by the local authority and what use it will be. Will it be a matter of ringing the secretary of the local authority and saying one wants a permit to take one's machine from one paddock to another? It appears to me that the Chief Secretary is trying to create doubt where no doubt should exist. I do not see why we should not continue as we have done for many years in the farming areas. The authorities could spend their time better in policing vehicles that travel on the highways without lights; those which are certain death-traps to the public. We read of these accidents week after week. The farmer is seldom involved in an accident as a result of moving his machinery, and

he should not be asked to secure a permit every time he wants to move such machinery.

Hon. N. E. BAXTER: I trust the Committee will agree to the amendment, as the situation is very well covered by it; it is certainly more fully covered than in the original Act. The permit system is only a matter of red tape. No matter how many permits are issued, they will not stop accidents. The main thing to be considered is the right time of travel when vision is good. There should be some introduction of warning signs so that other traffic will know when there is an overwidth vehicle present. Permits are designed to make things a bit more awkward; they do no good to the farmer, to the local authority, or to the Commissioner of Police. I can remember only one instance of an accident caused by machinery being towed on roads; and I have travelled fairly extensively in the farming areas and have lived there all my life. I have never heard of an accident in the country areas that resulted in death. I support the amendment.

Hon. H. L. ROCHE: If the Minister had been better acquainted with the circumstances Mr. Jones had in mind, he would not have put up such a stupid answer to the amendment. Let us consider its purpose. What purpose will the permit system serve? If permits are issued for one month or 12 months, will they prevent accidents? Will the department gain anything by having a record of the number of permits issued to men who shift a harvester from one paddock to another? Will that enable people to improve the conditions of traffic in this State, and will it minimise accidents? The Committee is being asked to spend time on a matter on which the Minister in charge of the department should have been ready to give an explanation.

I wonder whether those advising the Minister have considered places, like the Lakes district, which are situated nearly 45 miles from the nearest road board centre, which some of the residents would not see once in three months. The traffic in those areas is not heavy, and there would be no danger if the people shifted their machinery every day. What is the purpose in asking people like that to obtain a permit every time they move machinery across the road? These machines do not constitute a menace from the point of view of speed; other people who use the road would probably be far more speedy, and cause more accidents than a farmer would when moving his machinery.

The Minister's advisers should devote themselves to other aspects of traffic control. They should appreciate the fact that this amendment is only a commonsense proposal to make the Bill workable, and not to impose a useless restriction on people when it is not necessary. The Minister asked why the farmer or agriculturist should be allowed something which other people are not allowed.

The Act already provides that if a property is divided by a road the farmer shall not have to license his tractor or machinery, or apply for a permit to cross the road to go to another paddock. He is permitted to take a tractor along the road if it is licensed. The licence fee means exactly nothing, because when he takes out a licence it only means that he pays a third-party cover. All we ask is that the implement towed behind a licensed vehicle shall not be subject to a permit.

The permit is of no use at all. Under the Bill, if a person wished to shift ten pieces of machinery, he would have to apply for ten permits. That is ridiculous. If a man desires to transport a vehicle to an adjoining district he will have to apply for a permit; that is all we want. When Mr. Ackland desired to transport a vehicle from Wongan Hills to York, he applied for a permit; and, strangely enough, it was suggested that the nighttime would be the best time to carry out the job.

Hon. J. J. GARRIGAN: I support Mr. Jones's amendment. The province I represent is a very large one. I would point out that farmers do not shift their machinery unnecessarily, and they are very careful when doing so. They would naturally not shift it without good purpose, for the more they do so, the more it is knocked about. It is only on rare occasions that they use the main highways, and over the years I have not heard of many accidents caused by farmers shifting their machinery. Another point is that farming is a seasonal occupation. I support the amendment.

Hon. C. W. D. BARKER: I have not changed my mind on this matter. I intend to support the amendment. It should not be necessary for a farmer to apply for a permit when he moves his machinery, particularly when he is taking it from one side of the road to the other. The farmer usually uses the by-ways and lesser lanes, and consequently very few accidents occur. I only remember having met with one accident myself. I had been used to a team; and, while driving a tractor, I hit the gate because I forgot to say "Whoa!"

The CHIEF SECRETARY: One would think I was trying to put something new into the Act. Let us analyse what I propose to do. The question of permits has been mentioned, but I am not worrying about permits. All I am doing is loosening up the present Act. I am not putting anything new into it. No member had thought about this matter until I brought in my amendment.

Hon. C. H. Simpson: Mr. Jones introduced the Bill.

The CHIEF SECRETARY: Only after I moved in that direction.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: During the debate on this clause, some members gave the impression that I was attempting to impose a restriction on farmers, which had not been imposed previously. The present Act provides that a farmer or other person desiring to move overwidth implements must apply to the Commissioner of Police for permission. The commissioner then makes his recommendation to the Minister.

Hon. L. C. Diver: How long has that been in the Act?

The CHIEF SECRETARY: For some years.

Hon. L. C. Diver: How many applications have been received by the Commissioner of Police?

The CHIEF SECRETARY: Amendments to the Act in recent years brought farming machinery under its provisions. What I am attempting to do is to ease the operation of the Act. At the moment, farmers desiring to move overwidth vehicles must apply to the Commissioner of Police. The Bill seeks to take the power away from him and vest it in the Minister, who can then authorise local authorities to issue permits. If the clause is not agreed to, the present law providing for application to be made to the Commissioner of Police will remain in force. The tone of the debate suggests that the clause does not go far enough in easing the position, but it is as far as the Government is prepared to go so as to avoid danger of overwidth vehicles to other road users. The amendment goes too far.

Hon. N. E. Baxter: Do you think that permits will stop accidents?

The CHIEF SECRETARY: Of course not! But restrictions can be imposed with a view to avoiding accidents.

Hon. N. E. Baxter: Does not the amendment do that?

The CHIEF SECRETARY: According to the argument of Messrs. Diver, Roche and Baxter, there is no value in issuing a permit for an overwidth load.

Hon. L. C. Diver: You referred to agricultural machinery as well.

The CHIEF SECRETARY: I cannot see the difference between an overwidth agricultural implement or an overwidth load. Both constitute a danger on the roads. Mr. Diver stated that there are some 9,000 farmers with overwidth implements. They might all use the roads at some time or other. For that reason, it is desired to impose some restrictions. The figure given by Mr. Diver lends support to my argument. Although I am not contending that those 9,000 farmers would all use the road at the one time, there is a great danger from such a terrific number of potential users. The question we have to decide is whether an overwidth load should be permitted on a road without a permit.

Hon. C. H. Henning: Would the issuing of permits make the road any safer?

The CHIEF SECRETARY: No; but it would give local authorities some idea of movements in their districts. If persons living in the country are not required to obtain permits, then neither should persons living anywhere else have to do so.

Hon. L. C. Diver: What satisfaction would local authorities get from such information?

The CHIEF SECRETARY: No satisfaction; but the necessity to obtain permits would help to keep the road safer.

Hon. N. E. Baxter: I agree that a permit may be necessary in the case of extreme overwidth loads or convoys, such as was the case when machinery was sent to Exmouth Gulf.

The CHIEF SECRETARY: I cannot see any difference. When travelling on country roads, one frequently meets with something more dangerous that an overwidth vehicle, and that is when one vehicle tows an overwidth implement. Irrespective of its nature, when a load is overwidth, it is dangerous. I see no reason why any section of the community should be exempt from the restriction relating to overwidth vehicles. The clause will make it easier for farmers desiring to move their implements, and the only difference between the clause and the amendment is that the latter goes further.

Hon. C. H. Henning: Would a permit be required for a tractor or for each individual implement towed?

The CHIEF SECRETARY: A permit is required for a particular journey, irrespective of the number of implements towed.

Hon. Sir Charles Latham: It is amazing that no accident has occurred as a result of farming machinery being towed.

The CHIEF SECRETARY: I quoted an instance where one implement towed on a country road proved to be more dangerous than an ordinary overwidth load, and it was necessary to send an escort to pilot the implement along the road.

Hon. L. Craig: Last week I passed an overwidth vehicle with an escort. It was a truck carrying a bulldozer.

The CHIEF SECRETARY: I ask members to give serious consideration to the clause. No one has a better knowledge of the precautions to be taken in a district than the local authority.

Hon. L. A. LOGAN: The fundamental difference between the amendment before us and the clause is this: Under the clause all overwidth vehicles must be issued with

a permit; whereas, under the amendment, only overwidth loads which require a police escort need a permit. If every farmer must obtain a permit to cart an overwidth implement on the road, there will be insufficient police escorts available. It is agreed that permission must be obtained for an overwidth vehicle to travel on main roads, so that other road users may be notified. But it would be impossible to apply this to every farmer who desires to move overwidth implements on roads.

It was pointed out by the Chief Secretary that the provision relating to permits has been in the Act for a long while; but have the Country Party members been satisfied with it? When the regulations were laid on the Table of the House, Mr. Thomson moved for their disallowance; and, later, Mr. Jones introduced a Bill, long before the present measure came before us. It was not until Mr. Jones introduced his Bill that the Chief Secretary announced that a Bill to amend the Traffic Act would be brought down by him. He seems to have the fundamentals mixed up. One fundamental is the necessary precaution to be taken to avoid danger on roads. The other is the impossibility of all farmers obtaining police escort for overwidth loads. Another reason why farmers have not taken action before is that they have not worried about obtaining permits.

The CHIEF SECRETARY: The hon. member said my fundamentals were mixed, but I would point that he is a bit mixed. Firstly, an escort is provided only for very wide vehicles. For 99 per cent. of the permits issued, no escort is provided. Regarding the provision in the Act, I repeat that no Country Party member made a move to alter it until I declared my intention of introducing a Bill. In that regard the hon. member is mixed. He stated that Mr. Jones introduced his Bill first, but I would stress again that it appeared after the regulations were laid on the Table. It was then that Mr. Jones moved to disallow the regulations; and during the course of that debate, I mentioned that I intended to introduce a Bill to deal with this matter. Then Mr. Jones came in with his Bill.

Hon. L. A. Logan: You are wrong again.

The CHIEF SECRETARY: Some people cannot be convinced.

Hon. F. R. H. Lavery: You will have to agree with the Minister that that was the position.

Hon. L. A. Logan: It is not so.

The CHIEF SECRETARY: The records of Parliament will show that what I have said is true. The regulations were placed on the table of the House; a move to disallow them was then made; and, during the debate, I announced that a Bill dealing with this Act would shortly be introduced. As a matter of fact, I had the Bill drawn up and awaiting Cabinet approval. When the motion for the disallowance of the regulations, was moved, I informed members that I intended to take action in this matter. Subsequently, Mr. Jones introduced his Bill. So the hon. member's fundamentals are mixed up, not mine. He should make sure of his facts before speaking as he has done.

Hon. L. A. LOGAN: The request for this alteration came from local authorities long before the Minister tabled the regulations.

The Chief Secretary: That has nothing to do with what you were saying.

Hon. L. A. LOGAN: It has.

The CHAIRMAN: The hon. member should confine his remarks to the amendment.

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

Clause 6—agreed to.

Clause 7—Third Schedule amended:

Hon. A. R. JONES: I asked the Minister to obtain further information on this clause. When speaking on the second reading, I pointed out that a trailer carrying five tons and pulled by a tractor would be subject to a licence fee of £8, and the tractor £23, a total of £31. A tractor with a trailer of 10 tons capacity would carry a licence fee of £16, and the trailer £48, a total of £64. I wondered whether the licence fee for a truck capable of carrying a similar load would be any less. If so, the tractor licence fee should be reduced.

The CHIEF SECRETARY: I have not been supplied with the information; and, in order to obtain it, I ask that progress be reported.

Progress reported.

BILL—MILK ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [7.50]: Members have claimed that there is not much enthusiasm for the Bill, but there is quite a lot of enthusiasm for it. It originated out of a desire by the Farmers' Union to have a representative of the producers appointed to the board. Cabinet agreed. In another place, the measure was amended to provide for the appointment of a representative of the consumers and for this representative to be a woman.

There is quite solid support for the appointment of a woman to the board emanating as it has done from women's organisations—the National Council of Women, the Women's Parliament, the

Country Women's Association and others —the members of which are very anxious that one of their sex should be appointed to represent the consumers. I suppose that nobody knows more about the quality of milk from the consumer's point of view than do the women, who run the homes and have the responsibility of ensuring that their families are provided with good, wholesome food at a reasonable price, Therefore I see no reason why they should not be entitled to representation on the board just as much as are the producers. Both of these form large sections of the community, the women representing the larger section comprising the consumers.

Hon. J. Murray: Have you had a request to alter the constitution of the board?

The MINISTER FOR THE NORTH-WEST: The amendments originated with the Farmers' Union. If the consumers are not entitled to representation on the board, I suppose that no one in the industry should have representation.

Hon. L. Craig: Would not the chairman look after the interests of the consumers?

The MINISTER FOR THE NORTH-WEST: No more than would any other member of the board. Each of the three is an independent member, and the Act lays down that they must not represent any section of producers or distributors of milk, though it does not say that they shall not represent the consumers. The measure would effect amendments to the Act which those sections claim will make for the better working of the board. Therefore I commend the Bill to the House and trust that it will pass the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 11 amended:

Hon. C. H. HENNING: I move an amendment—

> That the words "substituting for" in line 3, page 2, be struck out and the words "adding after" inserted in lieu.

This would mean that the strength of the board would remain at three. In my opinion, this is the ideal number, particularly in existing conditions. It has proved itself over the last six years, and is the same number as that of similar boards in New South Wales, Victoria and South Australia. This is the vital part of the other amendments that I have placed on the notice paper.

There is nothing to prevent the Minister from appointing a woman to the board as at present constituted provided she is not in any way associated with or interested in the industry. Doubtless all the members of the board represent the consumers just the same as they try to represent the producers, but far more knowledge is required to represent the producers than the consumers.

The MINISTER FOR THE NORTH-WEST: I agree that there is nothing in the Act to prevent a woman being appointed, but this provision would ensure the appointment of a woman to the board.

Hon. C. H. Henning: But that is the Minister's job.

The MINISTER FOR THE NORTH-WEST: The Bill seeks to appoint a woman to the board as the consumers' representative.

Hon. C. H. Simpson: That was not in the Bill as printed, I take it.

The MINISTER FOR THE NORTH-WEST: No; it was inserted by amendment in another place.

Hon. A. R. Jones: Why do you consider it necessary?

Hon. Sir Charles Latham: That was not the Government's intention.

The MINISTER FOR THE NORTH-WEST: No; but since the provision has been included, women's organisations have become interested and now consider they are entitled to representation. I oppose the amendment.

Hon. R. F. HUTCHISON: I see nothing against the appointment of a woman as consumers' representative on the board, as she could render excellent service in that position; and without this provision, there is no hope of a woman getting there. At present some people cannot secure supplies of milk on Sundays and it is not everyone who has a refrigerator. Sometimes the milk supplied is not fit for use by Sunday night, and a woman representative would be able to take up such questions. One cannot buy half a pint of milk now. Three or four years ago I came to Parliament House four or five times, asking that an inspector visit my premises, on this question; but nothing was done. I believe women should be included on all boards pertaining to anything that affects food, health, good housekeeping, and family life generally; and I cannot see how any reasonable man can object to this provision.

Hon. Sir CHARLES LATHAM: The Act has been on the statute book for 22 or 23 years, and has been highly successful for that period. Prior to that the industry was in a precarious, if not desperate, position and producers could not earn a living by milk sales. Why interfere with the board

that has brought about such improvements in the industry? For a long time there was opposition to the sale of milk in bottles; and there are complaints about watered milk today, although it is not usually found in bottles. The distributors who sell milk from cans will still deliver half a pint, or any other quantity.

Hon. R. F. Hutchison: I cannot get half a pint delivered.

Hon. Sir CHARLES LATHAM: I do not think there are any half-pint bottles now.

Hon. R. F. Hutchison: There should be.

Hon. Sir CHARLES LATHAM: There would not be many required. There is not much difference between half a pint and two-thirds of a pint. Perth can claim the most satisfactory milk supply in the Commonwealth, and there are no complaints about it.

Hon. R. F. Hutchison: There are.

Hon. Sir CHARLES LATHAM: When she came here, the hon. member told us she had come to this Chamber to complain. She cannot tell me anything a woman on the board could do which is not being done now. She can obtain half a pint of milk if she gets it from a retailer who uses cans. Are we to agree to every suggestion that is put forward—

The Minister for the North-West: The Farmers' Union asked for this Bill.

Hon. Sir CHARLES LATHAM: It should think back to the 1930-33 period. There was plenty for it to do then but it remained silent. Mr. Stannard, the chairman of the Milk Board, could get a job anywhere owing to his ability to organise an industry. I know all Ministers have an attentive ear, and say "Yes" to everything; but the most sensible Minister is he who knows when to say "No."

The Minister for the North-West: Did you not oblige the Farmers' Union?

Hon. Sir CHARLES LATHAM: I am even less popular with it than some Labour members are, and do not even get its journal, although I have belonged to the organisation since 1912.

The CHAIRMAN: The hon. member must connect his remarks with the amendment.

Hon. Sir CHARLES LATHAM: Will you prevent members interjecting, Mr. Chairman? I am so easily lead astray. The Minister should withdraw the Bill and allow the board to continue as at present. If we put on the board a woman, or someone else who knows nothing of the industry, such a person will want to dabble in all sorts of things and spoil the good work that has been done.

The Minister for the North-West: I know women that are good dairy farmers.

Hon. Sir CHARLES LATHAM: The Minister does? His education has improved considerably since he became a Minister in this Chamber.

The Minister for the North-West: The hon. member just said that women knew nothing about the milk industry.

Hon. Sir CHARLES LATHAM: Does the Minister mean to tell me that a woman who milks cows would be willing to be appointed to that board? She would be more concerned about milking her own cows.

The Minister for the North-West: You said that women knew nothing about it.

Hon. Sir CHARLES LATHAM: I said that if a woman were to be appointed to the board, who would it be? Perhaps it would be a woman from the Women's Parliament, or some other organisation. Let us keep the board as it is. Eventually, if it is found necessary to change its personnel, let us appoint men of the same high standard as those that are serving today. The personnel of that board has not altered for the last 15 years.

The Minister for the North-West: You altered the composition of the board in 1948.

Hon. Sir CHARLES LATHAM: I would not be sure about that.

The Minister for the North-West: Of course it was altered!

Hon. Sir CHARLES LATHAM: If that is so, it would have been done to effect an improvement. I must vote for the amendment, because I have full confidence in the present members of the board.

Hon. A. R. JONES: I must certainly support the amendment. I opposed the second reading because the present board has done an excellent job. As Mr. Henning said, there is nothing to prevent a woman being appointed to the board. The Minister has power to do that, and I would have no objection. However, while we have three men on it who have done everything possible for the welfare of the industry, we should not interfere with them. Therefore, I will vote for the amendment, because that is the intention behind it.

The MINISTER FOR THE NORTH-WEST: I am surprised at Mr. Jones saying he has no objection to a woman on the board, and yet being opposed to the Bill as printed. We are assured that a woman will be appointed according to the provision of the Bill; therefore, he cannot have it both ways. The hon. member should look the other way and say, "I will oppose the amendment and that will make sure a woman is appointed."

Hon. A. R. JONES: The Minister has misunderstood me. I said that I voted against the second reading, and therefore the only thing I can do now is to support the amendment.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. C. H. Henning	Hon. J. McI. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. H. Hearn
Hon. Sir Chas. Latham	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. J. J. Garrigan
Hon. R. F. Hutchison	*(Teller.)*

Pair.

Aye.	No.
Hon. A. F. Griffith	Hon. G. Bennetts

Amendment thus passed.

Hon. C. H. HENNING: I move an amendment—

That the words "four other members" in line 5, page 2, be struck out.

I do not expect the Minister to oppose this amendment, because I am certain that he supports the policy that, in the marketing of primary produce, the full confidence and co-operation of the farmer should be obtained. The amendment has that as its objective, because it will have the effect of a producers' representative being appointed to the board. If such representative is appointed, he will not obstruct the business of the board but will assist in regard to the practical side of the industry. The Farmers' Union, the policy of which I support and of which I am a member, believes that there should be a producers' representative on all boards, and that also is the policy of the Government. For those reasons, I do not see why there should be any difficulty in having this amendment passed.

Amendment put and passed.

Hon. C. H. HENNING: I move an amendment—

That after the word "Act" in line 9, page 2, the words "and one is the representative of consumers of milk, who shall be a woman" be struck out.

As I said before, I have nothing against a woman being appointed to the Milk Board. As the Bill stands, the Minister can appoint a woman if he so desires. He can appoint anybody to a vacant position on the board, provided that such person is in no way connected with the milk industry.

The MINISTER FOR THE NORTH-WEST: On this question we get back to where we started. We are only repeating what has been said in regard to the Minister's power to appoint a woman to the board. However, it is desirable that it shall be a woman who represents the consumers, and these words would ensure that.

Hon. A. R. JONES: If the Minister were given the power of appointing a member to the board, and he had full faith in the members now serving, would he like the duty of dismissing one of them in order to appoint a woman in his stead? As the Bill now reads, there is nothing to prevent the Minister replacing one of the present members with a woman representative. Also, there is nothing to stop a women's organisation approaching the Minister with that view in mind.

Hon. R. F. Hutchison: What! To put a man off?

Hon. A. R. JONES: That is what would happen if the Minister appointed a woman. He would have to decide which member now serving would have to be dismissed. We know that the present board is a well-balanced team that is looking after the affairs of the milk industry very satisfactorily. There is nothing to stop women's organisations, if they have a just claim for a woman to be on the board, from approaching the Minister; and, when a vacancy occurs, there is nothing to prevent the Minister from appointing a woman.

The MINISTER FOR THE NORTH-WEST: The hon. member has said that it will be necessary to dismiss a member of the present board, which is functioning very satisfactorily, in order to appoint a woman. But the same thing has to happen in order to appoint a producer representative to the board.

Hon. Sir Charles Latham: The board has only a three-year appointment, has it not?

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. Sir Charles Latham: Can you not wait until the end of the three years?

The MINISTER FOR THE NORTH-WEST: I think it will be necessary to add an amendment to provide that these representatives shall be appointed when the term of the existing members expires. Mr. Jones has pointed out that in order to put a woman on the board it is necessary to sack somebody. That is necessary in connection with the appointment of a producer representative. If there is no harm in carrying matters as far as that in order to appoint a producer representative, where is the harm in doing the same thing in connection with the appointment of a woman?

Hon. L. CRAIG: The Bill provided for a board of five. The number has been reduced to the original three. The members of the board have been appointed for a fixed term, and nothing we do can alter that term. If the appointment is made for a specific period, that period must elapse before any change can be effected. No

change can be made until the appointments of the present members of the board cease; and then, as the Act will stand at that time, one of the appointees must be a dairyman actively engaged in the industry. The other will be an open appointment. On account of the new appointment one of the present men will have to go, because he is not an active dairyman. Doubt has been expressed whether a producer representative should be put on the board in place of somebody already in the position.

The board has functioned extraordinarily well, and great credit is due to Mr. Stannard who took over the organisation of the milk industry when it was in a chaotic condition. I remember when there was no control of any sort, and milk was being sold in Perth—very bad milk—for as low as 8d. and 9d. per gallon, so great was the competition. Mr. Stannard met with opposition from producers, and consumers, and everybody else; and he had bricks thrown at him from local producers who had dairies at Belmont and elsewhere, and were producing milk under bad conditions. He had to squeeze them out gradually, compensate them, and get milk from country districts where there were better pastures and the product was of better quality. Great credit is due to Mr. Stannard for the establishment of the industry on a better footing, which although not perfect is yet not bad.

However, there are complaints—I feel justifiable complaints—that milk is not as good as it should be. Having come from the country in the last year or two, I have found a tremendous difference in the quality of milk delivered in Perth as compared with that in the country. It is not nearly as good. It lacks a good deal in butterfat, and there have been a number of prosecutions for under-standard milk. The producers are being blamed; and in some cases, I regret to say, rightly blamed. However, they claim that the adulterations do not take place on the farm; and there may be something in that. To protect their own interests, and to prove to the public that the weakness does not occur on the farms, they have asked for representation on the board so that they can stand up to the criticism and have somebody on the board to take action on their behalf.

So there is some justification for their wanting representation. But I do not think there is any justification for more than three people being appointed to the board. The board does not have to make decisions as to quality—everybody knows what quality has to be delivered—but has to see that the regulations are carried out without favour to anybody. There is no purpose in having various sections represented to see that a fair deal is given.

The Minister for the North-West: Then why include a producer representative?

Hon. L. CRAIG: There is no real necessity for that, except that producers are being criticised on the ground that the milk delivered is not of as good a quality as it should be, and the producers want somebody on the board to see whether the criticisms are justified or not.

Hon. J. G. Hislop: Does not a lot of it rise through purchase on a gallonage basis rather than on a fat basis?

Hon. Sir Charles Latham: The Act fixes the fat basis.

Hon. L. CRAIG: Yes; there is a standard, and if the producers fall below that, they are breaking the law.

Hon. J. G. Hislop: But they purchase on a gallonage basis.

Hon. L. CRAIG: It all has to stand up to the fat percentage.

Hon. J. G. Hislop: But they do not get any more if there is a higher fat standard.

Hon. L. CRAIG: No.

Hon. J. G. Hislop: Alter that, and you will alter the whole business.

Hon. L. CRAIG: That is so; but we are not discussing that at the moment. The standard is 3.2. Unless the milk comes up to that standard, the law is being broken.

The Minister for the North-West: We are dealing with the appointment of a consumers' representative to the board.

Hon. L. CRAIG: I say that there is a consumers' representative there now. We have an independent chairman who is an excellent fellow and represents everybody. There is somebody else on the board, and it is for the Minister to determine whether he shall represent any section or not. I take it that the other man or woman would represent the consumers. The amendment is a good one and will satisfy everybody. I am sorry that one of the present members will have to be relieved of his responsibilities when his term lapses.

The MINISTER FOR THE NORTH-WEST: I am rather disappointed that some members do not appear to consider that the consumers should be represented now that the independent board is being broken up, because there is nothing at all to prevent the Minister from appointing another producers' representative. Then there would be a producer majority.

Hon. L. Craig: But the Minister would not do that, would he?

The MINISTER FOR THE NORTH-WEST: I have known some Ministers do some very funny things, especially in respect of the Abattoir Board.

Hon. L. Craig: Not good ones.

The MINISTER FOR THE NORTH-WEST: I am not to say what the Minister controlling the department will do. Once

an independent board of three is broken up, I think that, in fairness, the consumers are entitled to be represented, because they are at the other extreme from the producers.

Hon. H. Hearn: Why break it up?

The MINISTER FOR THE NORTH-WEST: That is what the Council has done so far. What better set-up could there be than a consumers' representative and a producers' representative with, as Mr. Craig pointed out, an independent chairman?

Hon. C. H. HENNING: The Minister put up a good case, but let us go into the matter further. Early this year a deputation from the milk section of the Farmers' Union waited on the Minister with a view to seeking producer representation on this board. The Minister said he would give the matter consideration and did so; and he submitted an amendment to the Act providing for a board of four members, one of whom should be a producers' representative. A board of four is a bad and unmanageable one. The suggestions for a woman to be on the board and for a consumers' representative, have arisen only since the amendment was moved in another place. It is the Minister's prerogative and responsibility to appoint the consumers' representative. The chairman is appointed for seven years, and the other members are appointed for three years. One was appointed for three years and the other for two so that they do not retire together. I do not know when they are to retire. If the Minister wants to put someone else on the board, he should take the responsibility, and we should not force him into doing it.

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

Ayes	15
Noes	11
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. Sir Chas. Latham
Hon. A. R. Jones	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. R. F. Hutchison
Hon. E. M. Heenan	*(Teller.)*

Pair.

Aye.	No.
Hon. A. F. Griffith	Hon. G. Bennetts

Amendment thus passed; the clause, as amended, agreed to.

Clause 3—Section 12 amended:

Hon. C. H. HENNING: I move an amendment—

That paragraph (a), page 3, be struck out.

This is a purely consequential amendment.

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

Title—agreed to.

Bill reported with amendments.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th November.

HON. J. MURRAY (South-West) [8.47]: I have great pleasure in supporting the Bill. My view is that it vindicates all I have said both here and in another place in regard to forestry matters. Before dealing with the Bill, I would like to express surprise at the words used by the Chief Secretary in introducing it, following the evidence that was submitted to the select committee on the Kauri Timber Co. Bill; following the material placed before a Royal Commission, and also the material placed on the files in the department by the previous Minister for Forests; and following the froth and bubble of criticism one way and another of the department last year. We find, even considering all that, that the Chief Secretary, when introducing the measure, had this to say—

> There is such a long-standing spirit of goodwill and co-operation between the department and the sawmillers that there should be no genuine fear as to misuse of the powers.

Having expressed surprise, I go further and express much greater surprise at the complacency with which the sawmillers have accepted the amendments. My opinion is that despite the assurance of the Minister, the associated sawmillers will, in the years ahead, find that the amendments proposed in Clause 6 of the Bill, can and will be used to limit their production. To stress my surprise at the complacency of the sawmillers, I shall read the first and last paragraphs of a letter to the department—

> At a meeting of the council of this association held this afternoon, members expressed satisfaction with your explanation of the main intention of the amendments to the Forests Act, 1918, namely the future security of the State forests and the industry generally on a long-term planning basis.

That is the first paragraph; the last one states—

> After hearing the Hon. Minister's speech on the second reading of the Bill and your assurances, and after a full discussion at our meeting, members of this association raise no objections to the proposed amendments.

Because of the importance with which I view the amendments to Section 33, I propose to deal with them and also with Clause 9 rather comprehensively. The Minister, when introducing the Bill, said—

> A perusal of the Bill will reveal that no drastic alterations are requested, or any attempt made to alter the basis of the Forests Department administration. The amendments are sought in the light of experience, and what the Forests Department feels is necessary to facilitate its work and its negotiations with those who operate in the forests.

Whilst I agree that no attempt is made to alter the basis of the Forests Department administration I must dissociate myself from the suggestion that no drastic alterations are requested. I repeat that I am supporting the measure because, as members know, I have held the opinion which I have expressed on many occasions, that, rather than attempt to whittle down the powers of the Conservator of Forests, this House and another place should do everything possible to give him almost dictatorial powers in controlling this valuable State asset. At the same time I point out that in the Bill, drastic alterations are proposed; and if those people who look on complacently when amendments of this nature are introduced, say they are going to accept them, it is not a bit of use for them in a few years' time to expect that I and other members shall listen carefully to the views they express at that late stage.

Now let me deal with the Bill itself. Many amendments are of no consequence; but one deals with a position that was in force when Mr. Lane Poole was Conservator of Forests and it was included in the original Act so that it would apply to a man who was already in the position of conservator. The section could have been repealed many years ago when Mr. Kessell took over from Mr. Lane Poole. This opportunity has been taken to repeal it.

There is another clause which, although most important, is hardly necessary because, since the department has been in existence, it has been customary to ensure that the Conservator of Forests had all the technical knowledge necessary to enable him to carry out his duties. If the amendment is passed, however, no person may be appointed to the position of conservator unless he has a diploma from a forests school recognised by the Government.

Hon. L. A. Logan: Where are these schools held?

Hon. J. MURRAY: Mostly in Canberra at present, although there are others which a number of our forests officers have attended. Whilst, as I have said, this amendment may be unnecessary, I am pleased to see it included in the legislation; because when there was some froth and bubble in connection with the department, many people—in fact the previous Minister for Forests was one—seemed to hold the view that in this most important department administrative ability was of far greater importance than technical knowledge. Therefore the inclusion of this provision in the measure pleases me; because, to use my own words at the time, technical knowledge has always been recognised in the Forests Department as being of primary importance.

This Bill will also legalise certain acts that have already been performed, and nobody could take exception to that. The conservator has been buying land, erecting houses for departmental employees, and doing other things without statutory authority being provided in the Act. The Government has seen fit to authorise those acts by the inclusion of a clause in this Bill.

Now I will deal with one of those amendments with which I said previously I would deal rather comprehensively; and before drawing attention to my own remarks, I would like to repeat, for the purpose of the records, some of the remarks of the Chief Secretary when introducing this measure. He said—

> The next amendment deals with permits, the most important of which are those for sawmilling. At present the Act states briefly that "The term of a permit shall not exceed 10 years, but may be renewed."

I will skip a little of his speech because I do not intend to quote it in full. He went on to say—

> Moreover, the Act does not at present state who shall renew the permit, or under what terms, conditions and royalties it shall be renewed.

That was one of the important aspects from my point of view. He went on—

> While the department attempts on a permit to provide, if possible, for permanent cutting, it must also be in a position to protect the State's timber assets by bringing royalties and conditions of tenure and operation into relation with changed conditions.

I want members to take particular notice of those words; they were used by the Minister when introducing the Bill. He said—

> It must also be in a position to protect the State's timber assets by bringing royalties and conditions of tenure and operation into relation with changed conditions.

The Minister went on—

> While negotiations have been conducted from time to time by the Conservator of Forests with principals

> of sawmilling companies with a view to redressing anomalies, and some changes have been agreed to, this is a hit-or-miss type of procedure.

Those who listened, or took notice of what I said on this subject, may remember that I pointed out that the greatest bone of contention between the previous Conservator of Forests and the sawmillers was this very thing—it was a hit-or-miss type of procedure. But it worked very well, because eventually a decision was arrived at by arbitration between the sawmillers and the department, and it cut both ways. The clause in the Bill does not provide for the same necessity for arbitration. Finally, in regard to this clause, the Minister said—

> In the light of more accurate knowledge now being secured as to available timber on the permit areas, it may be desirable or necessary to amend the areas of permits or the permissible annual cut, to safeguard continuity.

The Minister also said —

> The intention is for the Conservator of Forests to have the right to make such adjustments in respect of terms, conditions and royalties applying to any sawmilling permit as are dictated by the times.

I would like to emphasise that. Having read those words, I am amazed when I think of the complacency with which the sawmilling interests have accepted these amendments. I welcome the amendments; and it looks, on the face of it, as though the Bill will go through as it stands. I believe it will be a good thing, but I do not think the sawmillers will agree with that.

Now I would like to read from "Hansard" vol. 1, 1953, at pages 293 and 294 and also pages 295 and 296. I wish to quote my own remarks when dealing with forestry matters on the Address-in-reply debate. It will illustrate clearly why I am drawing attention to all these matters to which the associated sawmillers may object. At the time I was quoting from the report of the select committee into the Kauri Timber Co. Bill. The report read—

> Our immediate need appears to be a thorough stocktaking of our forests position and timber resources, and the bringing into being of a revised plan which would better meet today's circumstances than those which obtained when the Forests Act was planned and passed over 30 years ago. In fact, the appointment of a Royal Commission to inquire into the whole working of the forests plan and the Forests Act is regarded as urgent.

That Royal Commission was appointed later on. The report of the select committee continued—

> We have it on very sound evidence that even with the forests soundly managed, it is anticipated that, at the end of 30 years, the present rate of cut will have to be reduced by about one-half to two-thirds.

I will leave the remarks made by the chairman of the select committee and refer to what I had to say on the matter. It is as follows:—

> Even though the Conservator has endeavoured to put a brake on indiscriminate cutting and indiscriminate setting up of small mills, there will be many heartburnings when the day of the reduced cut comes. In this State we have a State Saw Mills Department which at present is cutting 40 per cent. of the output of timber. When it comes to a decision by the Government as to who will have to go out of existence and who will be able to carry on in this industry, there will be many heartburnings and many people will feel that it is a great pity that more power had not been given to the conservator over the earlier period, and even now, so that a policy of restricted cutting could have been indulged in much sooner.

From those remarks it will be seen that my view has always been that the conservator should have the power to provide for continuity of cutting; and the only way to do that is to arm him with the authority which could restrict the cutting of sawmills that have already started. It is going to be a most difficult question to deal with under the Act as it stands at present. But with the amendment proposed, it will be a very simple procedure indeed. To conclude references of my own in regard to that particular section, I want to read from the bottom of page 295 of the same volume. Again quoting the chairman of the select committee, I had this to say—

> As it is the feeling of all members of the committee that the smaller people in the timber-milling industry have had a raw deal in regard to forest areas, compared with the stronger components of the trade, it is thought that enforcement of permissible intake conditions to a reasonable minimum—

That is almost the exact wording of the new amendment—

> —would make areas available, through forfeiture, to the smaller people in the industry, who, it must be admitted, have not been regarded very favourably by those who control large areas of our forests.

Before moving off that particular provision of the Bill, I again assert that in my view the associated sawmillers, despite the complacency today, will find, without talking about socialisation of the industry, that powers are given to the conservator under this particular clause—if the Minister's explanation of the provision can be taken as correct—to restrict the operations to an extent which would put them out of business.

Certain people already view any reference to socialisation of the industry, or any talk of restriction of sawmilling, as utter nonsense. They say the Forests Department wants an expanding industry so that it can obtain revenue and so on. Let there be no mistake about it; it does not matter two hoots to the Forests Department whether it is State Saw Mills or private enterprise that is cutting. But unless a forests plan can be devised whereby continuity of cutting can be provided, whether it is private enterprise or State Saw Mills, they will still be out of business.

There is another provision in the amending Bill that bristles with dangers to various people. Over a period of years, farming bodies, and the like, have raised the question—and it is still a very prominent question—that the Forests Department is not providing suitable timber to enable it to split posts for farming areas. This provision is put into the Act purely and simply to apply to that sort of area.

Originally the Act permitted the Forests Department to issue licences to cut on State forests or forests reserves for any purpose. It could issue licences for various purposes, including licences to local authorities, for cutting timber for bridges, culverts and the like. It could also issue licences without making it a permit area. So far much of this has not been done, I am informed, but it could be done under the original Act.

A licence could be issued to a small sawmiller, when he has run out of his natural bush, to go in during a period of licence to a State forest, or to a forest reserve, to cut his requirements. But by the wording of this provision the licences issued were to come before the House, because the words "prescribed royalties" were included. Evidently, wherever the word "prescribed" is used, it means by regulation that has to be tabled, saying that the royalty on seed gathering will be such-and-such.

But the new provision proposes to strike out the word "prescribed" and substitute the word "such" royalty. Immediately that alteration is made, there will be no further necessity to bring this matter before the House. The conservator can, of his own right—and he could also under this clause—delegate his powers to his own forest officers to give a licence, and he can fix the royalties.

Hon. A. R. Jones: Cannot an appeal be made to the Minister?

Hon. J. MURRAY: That is a good interjection; and in replying to it, I would like to say that the Minister in another place has suggested that his door is always open. During the introduction of the Bill, I think the Minister here said that the Minister's door was always open. I argued, and I still feel that I am right in doing so. I do not think the original Act ever intended that the conservator should be under the dictation of the Minister. But I will not go into that question.

There were complaints lodged to the Minister under this hit-and-miss provision in relation to what was proposed to be done by interested people. They were vitally interested because they were sawmillers, and they complained to the Minister. What did he do? He did not by any means take it on his own shoulders; he did not have the necessary knowledge. Nor did he set up, as he suggests now, a committee such as they have in Victoria. What he set up was a committee, consisting purely and simply of interested people, to examine a situation that involved themselves. Accordingly I have no faith in, and I do not see the necessity for, appeals to the Minister.

I would like to see a further amendment brought down; and I hope when the associated sawmillers realise that their rights of business are being taken out of their hands, they will endeavour to get somebody to move an amendment to the Act for the setting up of a committee of appeal as visualised in Victoria, where the chairman is a magistrate, and another member is an accountant, and where there is also a representative of the conservator. After such committee was set up, appeals would be made to it, and not to an individual. If that were done, it would remove quite a lot of the danger of that particular provision with which I have been dealing; that which deals with licences only, not with permits.

The next clause I wish to mention is that which I referred to in my opening remarks. It is the clause that intends to make an alteration from three-fifths to nine-tenths as being the sum the conservator will have allocated to him in the future. In my view, this is a very important matter. I welcome the Bill wholeheartedly. To open my remarks on this question, I draw attention to what I said during the Address-in-reply in 1952, reported on page 1006 of "Hansard"—

> When it comes to consideration of reforestation matters, I believe it necessary that the conservator should be

> able to lay down a long-range plan, not only for cutting but for regrowth and the like. No man can devise a long-range plan unless he knows, with some degree of certainty, the source from which the funds to enable the scheme to be carried out are to come. The present Government has been making money available from loan funds—

Loan funds were made available for pine plantation work, and money expended on this is ultimately recouped by the Government. All the revenue derived from the thinning out of growing pine goes to the Treasury and not to the conservator. I continued—

> —but overnight the loan market has dried up; and this year the conservator in all probability, will be told that he must prune his Budget because little money will be available for reforestation purposes.

Further on, I said—

> The Forests Act itself should, in my opinion, be amended to provide that the whole of the revenue from royalties should go to the department and be made available to the conservator to finance his most important tasks, less, of course, the amount paid in salaries, which would have to be reimbursed to the Treasury.

For the benefit of members who are not fully aware of the implications of these amendments to the principal Act, I would point out that in the past all the revenue from forestry was paid to the Treasury. From this was deducted a sum to cover salaries, incidentals, pine conversion—in other words, turning the raw material into use—conservator's salary and auditor's fees. So the Treasury deducted quite a large sum each year from royalties and other sources of revenue derived by the conservator in the course of his business.

The management of the forests is definitely a State matter. It is rather interesting to note that, in 1952, the total revenue paid into the Treasury was £481,000; in 1953, it was £678,000; and in 1954, it was £777,000. In those years the amounts deducted and retained by the Treasury were in 1952, £167,000; in 1953, £261,000, and in 1954, nearly £286,000. Working under the provisions of the existing Act, the following amounts were paid into the special account of the conservator for the management of his business:—In 1952, £314,000; in 1953, nearly £417,000; and in 1954, £491,000. Those were the amounts left after making the deductions for the various items read out previously and from these remaining amounts the conservator got three-fifths each year. In 1952, his emoluments were £188,000; in 1953, £250,000; and in 1954, £295,000, making a total of just over £750,000 in three years.

The Bill seeks to delete the words "three-fifths" and to insert in lieu "nine-tenths," so the Government proposes to go a long way towards meeting my wishes in this regard. I contend that the conservator should be given the balance of the revenue after deductions have been made for the items of salaries, incidentals, pine conversion, conservator's salary, and audit fees. Once these items are reimbursed to the Treasury, I see no reason why any portion of the remainder should be paid into revenue. It could be put to much greater use by the conservator. It might be said that the proportion of nine-tenths would not limit the amount of money to be made available to the conservator. It was suggested that the Government would from time to time make other funds available. That appears to be commendable in principle.

As I stated in 1952, in order to make a long-range plan, a long-range plan of the sources of finance must be devised. Once it is fixed, the cloth can be cut to suit the funds available. If the Government is kindly disposed at any time to increase the allocations, it will be all to the good. To show the difference between the proportion of three-fifths under the present Act and nine-tenths under the Bill, over £750,000 was made available to the conservator under the former; but £1,100,000 would have been made available under the latter, for the period under review, which would have made a considerable difference to the conservator.

Even at this late stage I would ask the Minister to examine the possibility, before the Bill goes into Committee, of altering the proposed nine-tenths proportion to nineteen-twentieths. This may appear a little odd, but the little extra would be of great help to the conservator. If the Treasurer does not look kindly on this suggestion, I would point out that in 1952, under the nineteen-twentieths arrangement, the Government would have collected £15,000; in 1953, nearly £21,000; and in 1954, £22,000. That is a considerable hand-out to the Treasury in view of the fact that it does nothing to earn the amount. Furthermore, all the other advances by the Treasury for salaries, incidentals, pine conversion and audit fees were deducted from the gross amounts before those figures were arrived at.

With the exception of one clause, the remaining provisions in the Bill have been introduced because of the difference in money values. One amendment seeks to delete a provision already covered by the Constitution Act, so it is not important. I conclude my remarks by joining with the Minister in another place in expressing regret that more members do not take a

greater interest in matters affecting the forestry of this State generally. The Forests Department controls a most important asset of the State; and it is up to each and every one of us to note closely the manner in which the forests are managed. I support the second reading.

HON. L. A. LOGAN (Midland) [9.45]: I do not intend to deal with all the ramifications of the Bill. I consider that Mr. Murray has summarised the effect of the amendments, but I should like to point out to the Minister just what members have to inquire into in order to ascertain the intention of the measure. It is necessary to go through 16 Acts of Parliament in order to ascertain what the 16 amendments in the Bill really mean. These are set out on the first page of the Bill as follows:—

> Forests Act of 1918, Act No. 8 of 1919, as amended by Acts Nos. 31 of 1924, 18 of 1925, 11 of 1926, 9 of 1927, 13 of 1928, 28 of 1930, 41 of 1931, 27 of 1933, 7 of 1934, 9 of 1935, 17 of 1936 and 11 of 1937 and as affected by Acts Nos. 34 of 1920, 22 of 1939 and 42 of 1953.

How can anyone not having an expert knowledge of the industry as Mr. Murray has, be reasonably asked to determine what the amendments mean? It is regrettable that the Act should be in this condition. Surely some consolidation could have been made! I trust that the Minister will give consideration to this matter, and will recommend that when we are dealing with measures of this sort, a consolidation be provided so that we shall have an opportunity to understand what is proposed.

There is another Bill of which the same may be said, though it is not quite so bad; but there, too, it is difficult to work out the effect of the amendments. I hope that the Minister will insist upon his officers doing something to this end. As to the contents of this Bill, all I can do is to rely on the warning issued by Mr. Murray.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

HON. L. A. LOGAN (Midland) [9.48]: This Bill proposes to rectify two anomalies in the existing Act. One of them deals with the rating of pastoral holdings. The Act was amended last year to alter the basis of rating from per hundred acres to the unimproved capital value; but this having been done, it has been found that many local authorities have not details of the unimproved capital value and have been unable to assess land-holders under the Vermin Act.

In an attempt to overcome the difficulty until such time as the Taxation Department is in a position to supply the unimproved capital value figures, the Department of Agriculture in its wisdom has decided to calculate the unimproved capital value at 20 times the rental of the lease. I have endeavoured to work out just what effect this would have on a pastoral holding. Where the rate is based on a maximum of £3 per 1,000 acres, the rating at 9d. in the £ would amount to £50 per 20,000 acres. As this is the maximum figure, it could be cut down by probably 50, 60 or 70 per cent.; and so the pastoralists should not have much to complain about there. In respect of forest areas, an alteration is proposed to make the figure 5s. per acre which, for 1,000 acres at 9d. in the £, would represent £9 7s. 6d. vermin rate. Thus those people are on a very good wicket.

The only other important provision in the Bill is that dealing with a continuing offence when the necessary work for the eradication of pests has been laid down by the Vermin Board and the land-holder has failed to comply with the directions of the board. If there were no deterrent, an offender might get away with it and continue to flout the law as often as he liked. Thus a continuing penalty would ensure that this did not occur. That is as it should be. It would be most unfair if three or four farmers in one locality complied with the directions of the board while one stood out and failed to do so. Those are the main features of the Bill; and, as I see nothing controversial in the provisions, I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. E. M. Daives in the Chair; the Minister for the North-West in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 59 amended:

Hon. H. K. WATSON: Paragraph (b) provides that the unimproved value of land for cutting or removing timber shall be a sum equal to 5s. for every acre of the land. The Forests Act provides that a timber permit may be issued for 100,000 acres, but it is subject to the condition that, say, only 10,000 acres shall be cut in any one year. It is desirable that we should make clear that the rate is levied only on the land that is being effectively used during the year. The paragraph is much the same as the provision in the Road Districts Act for ascertaining

the capital value for the purposes of rating, and there the rate is levied only on the area being used, regardless of the total area. Doubt has been expressed whether the provision as worded gives effect to the intention, and so I have framed amendments to ensure that the rate is limited to the current year's cutting. I move an amendment—

That the words "a subsection" in line 13, page 2, be struck out and the word "subsections" inserted in lieu.

The MINISTER FOR THE NORTH-WEST: The amendments have been considered by the department, and there is no objection to them. They will clarify the law and establish exactly what is intended.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That on page 3 the following new subsection be added:—

(7) Nothing in this Act shall make the holder of any permit issued pursuant to Section thirty-two of the Forests Act, 1918, liable to be rated for any land comprised in any such permit in excess of the area of the defined coupe current at the date of the assessment.

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

Clauses 5 to 9, Title—agreed to.

Bill reported with amendments.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till 7.30 p.m. tomorrow.

Question put and passed.

House adjourned at 10.2 p.m.

Legislative Assembly

Tuesday, 16th November, 1954.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

(a) As to Loss on Suburban Lines.

Hon. A. F. WATTS asked the Minister for Railways:

What was the loss incurred on the metropolitan suburban railways for the year ended the 30th June, 1954?

The MINISTER replied:

The loss incurred on the operation of the metropolitan suburban railways for the year ended the 30th June, 1954, is statistically shown as £1,130,315, but a major portion of this amount represents charges which would be but little affected if the service were discontinued. These charges represent a share of the general costs involved in the operation of all the traffic passing through the metropolitan area, including general superintendence, maintenance of structures, track, signalling, workshops and stores costs and overheads, all of which would be but little reduced by