# Legislative Council.

Wednesday, 21st September, 1949.

CONTENTS.



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

## QUESTIONS.

### TIMBER.

*As to Lease to Whittaker Bros.*

Hon. C. F. BAXTER asked the Chief Secretary:

(1) Have Whittaker Bros. acquired a lease of forest land in the Toodyay district?

If so—

(a) What is the area of the lease;

(b) what are the conditions applying to the lease;

(c) what royalties are payable for timber milled?

(2) Have Whittaker Bros. commenced milling?

If so—

What have they paid in royalties?

If not—

When do they intend to commence milling?

The CHIEF SECRETARY replied:

(1) Yes.

(a) 61,800 acres.

(b) To cut and remove jarrah and wandoo log timber for sawmilling. Monthly log intake not to exceed 750 loads in the round. The usual conditions inserted in the standard form of sawmilling permit granted by the Forests Department.

(c) £1 1s. 3d. per load measured in the round.

(2) (a) No.

(b) When arrangements can be made for a satisfactory road of access.

### GOLD PRICE INCREASE.

*As to Expanding Prospecting Scheme.*

Hon. E. M. HEENAN asked the Minister for Mines:

In view of the increased price which is now being paid for gold with the consequent great opportunities offering to the State of Western Australia, does the Minister consider the time now opportune for making the Government Prospecting Scheme more attractive to prospectors by expanding and improving its provisions?

The MINISTER replied:

Owing to the higher value of gold, prospecting should be more attractive to prospectors, and the Government will continue to render assistance considered necessary to expand the industry.

### GOVERNMENT EMPLOYEES.

*As to Retention Beyond Retiring Age.*

Hon. G. FRASER asked the Chief Secretary:

(1) Are the services of any Government employees beyond 65 years of age being retained? If so, how many?

(2) Is this Government policy?

The CHIEF SECRETARY replied:

(1) As a general policy, no, but there are an odd few who, owing to special circumstances, have been allowed to remain, but these are all subject to special approval. If the hon. member desires the exact number it will be necessary for all departments to be approached.

(2) Answered by No. (1).

**BILLS (3)—FIRST READING.**

1, Bread Act Amendment.

2, Pearling Act Amendment.

3, Marketing of Eggs Act Amendment (No. 2).

Introduced by the Chief Secretary.

**BILLS (2)—THIRD READING.**

1, Brands Act Amendment (No. 2).
Transmitted to the Assembly.

2, City of Perth Scheme for Superannuation (Amendments Authorisation) (No. 1).
*Passed.*

**BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT (CONTINUANCE) (No. 2).**

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the Bill be now read a third time.

**HON. H. K. WATSON** (Metropolitan) [4.42]: I am sorry to delay the House on the third reading of the Bill, but I have recently come into possession of certain facts which I feel impelled to bring before the notice of members, particularly for the benefit of those who favour the discontinuance of controls and yet have difficulty in voting against them. First of all, I want to tidy up one statement which was made yesterday by the Chief Secretary with regard to the Building Industry Congress, which was held on the 30th August last. The Minister informed us that the members of that congress spoke with different voices. The fact is that the congress carried the following three resolutions unanimously:—

(1) That no permit be required for homes up to 15 squares.

(2) That no permit be required for any building operation executed with materials which are imported or uncontrolled at present.

(3) That there be no control of material used in residential buildings up to 15 squares.

I may add that these recommendations were substantially in accord with others which I understand were submitted to the Minister for Housing by the Building Advisory Panel—a body consisting, as the Chief Secretary has conceded, of experienced, capable and expert men appointed to advise the Minister. When that panel was informed this morning by the Minister for Housing that, after eight weeks of deliberation over this matter, the mountain had laboured and brought forth a mosquito in the form of a decision to do nothing else but to increase permits for the construction of self-help home from 300 to 1,000 a year, the advisory panel this morning carried a motion expressing its extreme disappointment at the decision of the Minister.

Hon. G. Fraser: Of course they would! Look at the work they lose.

Hon. H. K. WATSON: I should think the more work there was for the building industry, the more homes there would be for the people.

Hon. G. Fraser: You are talking of self-help now.

Hon. H. K. WATSON: I am not.

Hon. R. M. Forrest: Does not Mr. Fraser agree with that?

Hon. H. K. WATSON: There is another consideration. Within the last 12 months a company has been formed, known as the Monier Pipe Company, which has been established at a cost of £15,000 to manufacture a building substances known as monocrete. The treatment that company has received from the State Housing Commission during the year—as it has been explained to me—is almost incredible. In my view, it reflects little credit on the Housing Commission and lends little credence to the Chief Secretary's assurance that the Commission is doing everything that can possibly be accomplished to see that houses are built. The monocrete that the company produces has been tested and proved. It is turned out at the factory in the form of wall slabs, in which the window and door-frames are set in steel. The product is prepared in such a manner that the walls, both internal and external, of the building can be erected in three days.

Hon. E. M. Davies: Are they cavity walls?

Hon. H. K. WATSON: They are practically cavity walls and have been tested and proved to be water proof.

Hon. E. H. Gray: Is not the cost very high?

The Chief Secretary: That is the position.

Hon. H. K. WATSON: I shall deal with the question of costs in a moment. As a matter of fact, the cost is a little more than brick work because of the production costs. The materials used include cement, metal, reinforcements and so on, so naturally the cost of production would be somewhat higher than brick work, just the same as the cost of bricks is somewhat higher than that of timber.

Hon. G. Fraser: If the cost is greater than brick work, who could afford it?

Hon. H. K. WATSON: There are 300 persons at the moment who are anxious to build these homes, so there are 300 for a start.

The Chief Secretary: Where will they get the cement?

Hon. H. K. WATSON: Cement is being supplied at the moment, and there is no reason to believe that it will not continue to be available. As I was explaining, the walls can be erected within three days to plate high. The number of bricks used in the building is about 6,000, as against 23,000 for a brick house of a similar size. Thus if monocrete were used it would represent a saving of 17,000 bricks on each of these comparatively small two-bedroom houses. I suggest that that represents a very substantial saving. In New South Wales 300 houses have been built of monocrete. The Housing Commission in that State has given the company a contract for a further one thousand of these houses.

Hon. E. M. Heenan: Is it the same company?

Hon. H. K. WATSON: Yes, it is an Australia-wide company. In Canberra the Department of Works and Housing has given the company a contract for 300 houses and now the concern has extended its operations to Western Australia. As I mentioned previously, it has erected a factory at the cost of £15,000. Negotiations were entered into with the Housing Commission, which was not prepared to give it a contract except on the basis of the same cost as a brick house.

In order to test the position, the company accepted a contract for 30 houses which it undertook to build at the same price as the Housing Commission was paying for a brick house. Experience has shown the company that by so doing it was losing money and that the cost worked out at higher than the construction of a brick house. It was not very much higher—a matter of approximately £150 on a dwelling costing £1,400—but the company is not in a position to continue to build houses at that particular price. It is prepared, and it has made an offer to the Housing Commission, to build 100 houses, completing them at the rate of two a week for a price of £1,395, plus prime cost items of approximately £60, a total of £1,455.

Hon. J. A. Dimmitt: How many squares in the house?

Hon. H. K. WATSON: Approximately nine-and-a-half; a two-bedroom house, with living room, dining room, kitchen, laundry and bathroom. The difference apparently between the company and the Housing Commission is approximately £150 on that type of house. I say "apparently," because although the Housing Commission requested the company to submit this proposition to it, the latter, after submitting the proposition, has had no further communication from the Commission except a telephone ring from the secretary's secretary, saying that the proposition was unacceptable. It was not until the company read the reply given by the Minister for Housing in another place, as published in the paper this morning, to certain questions asked yesterday, that it had any actual idea why the offer which it had been asked to submit had not been accepted. It seems to me that that is a question well worth looking into. It appears that the opportunity to have two houses erected a week for the Housing Commission, even if the difference in cost is £150 a house, should not be lost.

But there is another angle, which is that the company, not being in a position to obtain contracts from the Housing Commission at a price which will permit it to carry on business without making a loss, has reached a crisis in its own financial affairs today and has had to close down its factories. Here we have a company, which is manufacturing a building material, practically ready to go out of existence after having spent £15,000 and having at the moment 1,000 tons of monocrete on hand. That quantity at the moment is sufficient,

without any further production, to build 50 small homes. As I indicated to Mr. Fraser when he interjected some little time ago, 300 persons have approached the company and are quite willing for it to build their houses at the company's price. The only trouble is that those people have not a permit. That is all they lack. The company is quite prepared to erect the houses for them.

Hon. E. M. Heenan: Does the company build the complete house?

Hon. H. K. WATSON: Yes, or alternatively it is prepared simply to erect the walls. Of the 300 persons I have mentioned, 100 are wanting to build on the self-help principle. An extraordinary position arises here. A person desiring to build on the self-help principle and obtaining a permit to do so, is entitled to use any materials except monocrete. The company is naturally at a loss to understand why. If a person has a self-help permit he is entitled to build in brick, fibrolite, wood, cement brick or any other building material; yet for some reason unknown to the company, he is not allowed to use monocrete. If the House will bear with me for moment, I shall read a letter, dated the 9th September, and addressed to the chairman of the State Housing Commission by the company, asking for a review of this question. It reads—

> The present ruling by the Housing Commission will not allow of monocrete construction to be used in self-help building. This ruling is causing undue delay in the construction of many homes because of the shortage in practically all wall materials, whilst monocrete is immediately available.
>
> The demand from the general public for monocrete to be used in self-help homes has reached such a peak that we request that your present policy be reconsidered, and that permits be granted to applicants who are desirous of building in monocrete under the self-help scheme. The material is so suitable for such a purpose, and is used so widely in New South Wales in this manner, that we consider that you should give it every encouragement. A man desirous of building his own home can have his walls complete with steel door and window frames erected within three days of his completing his foundations, thus relieving bricks and bricklayers for other homes.
>
> With all facilities and large stocks of monocrete at our factory ready waiting erection, the fact that your Commission refuses its use for self-help permit holders seriously retards the housing programme, and defeats in one direction the purpose for which your Commission exists. You allow the use of all other building materials, including denaro bricks, for self-help permit holders, why not monocrete, the manufacture and production of which does not require skilled labour?

The Chief Secretary: Would you let me have that letter?

Hon. H. K. WATSON: Yes. So far, the company has not received a reply. Here is another matter in connection with the same company which again suggests to me—and I think will suggest to the House also—that the Housing Commission is not taking the steps which it ought to take to ensure that building materials of every description are available. Over two years ago—on the 23rd June, 1947—the company addressed a letter to the secretary of the Housing Commission regarding the manufacture of tiles. It pointed out that in New South Wales it had arranged with the State Government, or the State Housing Commission, to establish a number of automatic concrete roofing tile plants, which would produce tiles of the requisite strength and standard. The output per machine for a shift of eight hours was 6,000 tiles.

The company desired to install one or two of these machines in Western Australia which would produce, per unit, tiles for 600 roofs per annum. All that the company requested was that the Housing Commission would guarantee to take half the output of the tiles. Had there been no controls in this State, the company would have been quite prepared to erect the unit unconditionally at a cost of £25,000; but as the Housing Commission had control of buildings, the company not unnaturally was not prepared to expend £25,000 unless it had some security for the orders. In New South Wales the company was given an order for 27,000,000 tiles over five years. The same company asked our Housing Commission, two years ago, to do something on a similar basis in this State, but nothing was done. I understand that today the Housing Commission has again approached the company with a view to the company's putting in the tile plant that it was prepared to establish here two years ago. But that plant has since gone to Canberra.

Anyhow, the company feels it has had a pretty raw deal from the Housing Commission during the last 12 months, and there is no guarantee that it will not be humbugged about in the future as in the past. It seems to me that the treatment it has re-

ceived is extraordinary. The company wants to assist in providing homes in this State, and from the Housing Commission it gets no assistance and encouragement, but frustration. If that experience is a criterion of what occurs to other persons who endeavour to relieve our housing shortage, this Chamber might well consider the appointment of a Select Committee to inquire into the operations of the Housing Commission, and so let us find out for ourselves just what is going on there.

Hon. E. M. Heenan: There was a Royal Commission.

Hon. H. K. WATSON: Yes, but that was two years ago. It appears to me that there is ample scope for members to see for themselves how the Housing Commission is frustrating and clogging home-building, rather than assisting it. Despite what the Chief Secretary said concerning the Minister for Housing, I must confess that, as a result of my negotiations on this question with the Minister for Housing during the last three weeks, he does not seem to know his own mind for two minutes. I was disappointed when I heard the Chief Secretary indicate to us yesterday the limit to which the permit system was being eased—it really is not being eased at all. I say this in conclusion —I do not say it with any pleasure—that while the Minister for Housing led his Party, it remained in the wilderness. I am sorry to say that, as far as I can see, if the Minister remains at his post and continues the controls and regimentation that exist in regard to housing, that will be the surest way for the Party of which he is a member to go into the wilderness at the next elections. If that is so, the Party will have no-one to blame but the Minister for Housing.

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [5.4]: I am surprised and, I might say, disgusted at the remarks of the hon. member who has just sat down. We certainly did hear last night, by interjection, that there was jockeying for the position of housing Minister. Perhaps we have just listened to one of the jockeys.

Hon. H. K. Watson: I seek no place; I seek no power; I seek no position.

The CHIEF SECRETARY: No, but "I do seek publicity."

Hon. H. K. Watson: I do not.

The CHIEF SECRETARY: The hon. member referred to a letter sent by the monocrete company to the State Housing Commission, which contained the following paragraph:—

> The present ruling by the Housing Commission will not allow of monocrete construction to be used in self-help building.

I understood the hon. member to say that no reply had been received. Is that so?

Hon. H. K. Watson: From the State Housing Commission.

The CHIEF SECRETARY: The hon. member has handed me two letters. The one from which I have just quoted is dated the 9th September, 1949. The one that I am about to read is headed, "The State Housing Commission, Perth," and is dated the 14th September, 1949, which is five days later. It is signed by the Minister for Housing, and states—

> Dear Mr. McInerney,—I have the copy of your letter of the 9th instant addressed to the State Housing Commission, and as to which I shall arrange for consideration to be given.

What more could be expected? This is the man who is being abused by the hon. member. The use of monocrete by self-help builders is to be considered by the Housing Commission tomorrow.

Hon. H. L. Roche: There was a question asked yesterday.

The CHIEF SECRETARY: The previous view was that monocrete construction was hardly consistent with the idea of self-help owner-building. Surely we would have thought that the hon. member, who pretends to be a supporter of the Government, would have seen the Minister for Housing; that he would have mentioned this to me; that the monocrete company would have come to me, knowing I have the matter in hand in this House. But no! The company went to the hon. member, who purports to be a supporter of the Government, but who does nothing but stab it in the back. I must say that during my years in Parliament—dating back to 1930—I have not known of another instance such as this. The hon. member cannot find anything right with the Government, or even with the Standing Orders of this House. He wants to run everything himself.

Hon. H. K. Watson: I do not.

The CHIEF SECRETARY: The hon. member does not! Well, we shall see that his wish is gratified. The various matters raised now are obviously not within my knowledge, and I cannot reply to them. I imagine the hon. member knows that. How can I know all about the intricacies of the Housing Commission? But I shall certainly bring the matters he has mentioned before the notice of the Housing Commission. I can do no more; I can do no less. I say again that the Minister for Housing seeks advice of all who can help. I much regret to say that certain confidential information that has been given to him has been divulged in this House.

Again, it was suggested that I said that those present at the Building Industry Congress spoke with different voices. Well, I was there and heard them. I am not going to say that the hon. member is not correct when he tells us that the motions were carried unanimously. They may have been. I can only say how they expressed themselves. I am not saying how they voted. I still maintain that the various sections at that congress expressed different views, ideas and wishes. The Housing Commission has done very well. The Bill is to retain control of building materials. I am pleased to know that we are acting in line with the other States, because in this morning's paper there is a news item from South Australia stating that the South Australian Government intends shortly to introduce legislation covering the use of building materials.

Every State has control of building materials, but still people are most anxious that the controls should be lifted. If they are lifted, there will be, as Mr. Craig pointed out in his second reading speech, practically no houses built at all—there will be factories, industrial establishments, and so on. We must keep control of building materials in order that a fair balance be maintained between dwellings and essential buildings, such as hospitals and schools. I trust that members will pass the third reading.

Question put and passed.

Bill read a third time and *passed*.

## BILL—TRAFFIC ACT AMENDMENT (No. 2).

*Second Reading.*

Debate resumed from the previous day.

**HON. L. A. LOGAN** (Central) [5.11]: I have gone through the Bill and there is nothing in it which calls for much comment. It is merely to bring into line the different periods for the return of number plates. Sometimes it has been 14 days, and at others, 15 and 21. Under the Bill the time will be 15 days. The rest of the measure is consequential, except for the last clause. Although the number of accidents likely to occur to cars or trucks being towed into a garage are few, the provision here is well worth-while. As the Chief Secretary pointed out, if only one happened the unfortunate person who got knocked about would otherwise probably get nothing. The amendment covers a person who may be injured in an unlicensed vehicle. I think it is a wise provision.

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—FISHERIES ACT AMENDMENT.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.16] in moving the second reading said: There are four main purposes of this Bill which provides, amongst other things, for the revision of fishing and fishing boat license fees, and for the obtaining of statistics relating to the fishing industry. It is considered that the law should be made more flexible. The first amendment provides for the making of regulations in regard to the catching of crustacea, the term applying to crayfish, crabs and prawns.

At present regulations may be made for the general control of line and net fishing and it is desirable that this be extended to the taking of crustacea particularly in view of the importance which the export of crayfish is gaining. Crayfishermen are obtaining extremely high prices—1s. per lb. and more—for crayfish caught for

export and their income averages £1,000 per annum each. The great improvement in the crayfishing industry necessitates the Fisheries Department carrying out a costly continuous patrol of the crayfish-bearing areas. Regulations will expedite any future amendment because, as we know, the state of the industry fluctuates. Members might appreciate that there is a considerable industry in the canning of fish which means, of course, more boats and with the industry changing from time to time it may be necessary to amend the conditions and fees accordingly. All regulations will be submitted to and approved by the Fishermen's Advisory Committee before they are presented to the House. They will be gazetted and laid on the Table of the House in the ordinary way.

It will be remembered that Parliament approved last year of the increase of a number of statutory fees, but at that time consideration was not given to those paid under the Fisheries Act. At present it costs £1 per annum to license a fishing boat under 24-feet in length and £2 only for larger boats. It is felt that these fees are inadequate now in view of the high prices fishermen are obtaining, the greater productive capacity of the larger vessels now operating, and the substantially increased cost of supervision and administration. It does not seem equitable that the owners of a large well-equipped vessel of, say, over 24-feet, should pay only the same fee as that for a small boat manned by one or two men. The Fishermen's Advisory Committee, which comprises the Chief Inspector of Fisheries, three professional fishermen and one amateur fisherman, agree that a revision of fees is necessary. It is proposed to repeal Sections 13 to 16 of the Act which provide for the licensing of boats and fishermen together with the fees payable and, in lieu, to prescribe a scale of fees and conditions by regulation.

With regard to fishermen's licenses, there are two types, each costing 10s.: One where fish are caught by any method for sale, and the other where they are netted for domestic purposes, which would apply to an amateur fisherman. The advisory committee agrees that 10s. is a totally inadequate fee for professional fishermen to pay, and that a person catching fish for home consumption only should not have to pay the same fee as a professional. In its efforts to control the fishing grounds and to ensure that they are fished to the greatest advantage so as not to be subject to depletion, it is essential that the Fisheries Department be fully cognisant of the activities of fishermen and of the distribution of their product.

Section 18 of the principal Act provides for the submission of statistical returns by licensed fishermen and persons selling fish, but, in practice, this information has not proved sufficiently comprehensive. In consequence, it is proposed to repeal Section 18 and to insert a new section authorising the Chief Inspector of Fisheries, at the direction of the Minister, to require the furnishing of returns by persons dealing in the taking of fish for sale, the sale of fish at any market or elsewhere; the preserving, curing, smoking, drying or salting of fish; the canning, packing, or bottling of fish, parts of fish or of any fish product intended for human consumption; the preparation of fertilisers from fish, or of any fish product or by-product not intended for human consumption; and the carriage of fish, parts of fish or fish products.

That is required so that a general knowledge of the fishing industry can be obtained. The information gained in this manner will be of inestimable value both to the Fisheries Department and to the Commonwealth Scientific and Industrial Research Organisation, which is carrying out considerable research into the distribution and abundance of fish in Western Australian waters. Section 24 of the Fisheries Act provides penalties for any person having in his possession, selling or consigning for sale, any underweight or undersized fish. Owing to the difficulty that has been experienced in establishing the identity of consignors, it is proposed in the Bill to make both owners and their servants and agents liable for any infringement of this section. The amendment provides that it shall be no defence for any person to prove he was only a servant or agent and that both owner and servant or agent shall be liable. However, the court is given power to suspend for three months the conviction of an agent or a servant to enable the defendant to recover the amount of fine and costs from his employer if the defendant can prove that he was unaware the fish were undersized. I think members will appreciate that there are some extremely

clever people in the fishing industry who consign undersized fish without labels, and in such cases it is very difficult to ascertain who the consignor is.

The Bill provides for the proclamation of certain areas as trout acclimatisation districts wherein trout may be liberated or placed and where fishing for them may take place. In each area trout acclimatisation societies may be registered, the object of which shall be the hatching, rearing, distribution or protection of the fish. The Bill vests the property of all trout in the society. Trout fishing is becoming an increasingly popular sport in Western Australia and is a means of attracting tourist traffic. To effectively control this type of fishing, it is proposed in the Bill to give trout acclimatisation societies the authority, subject to the Minister's consent, to make bylaws specifying the conditions under which trout may be taken and fixing the fees to be payable by fishermen. Should any such bylaws conflict with the provisions of the Act or of the Road Districts Act, the provisions of those Acts shall apply.

At present societies are required by the Act to furnish the Chief Inspector of Fisheries annually, by the 31st January, with a full statement of their operations for the year ended the 31st December, together with a detailed financial statement and audited balance sheet. This information is then included by the Chief Inspector in his annual report which, of course, is presented to this House. The societies have asked that their reports and financial statements be submitted as at the 30th June of each year as this is the end of their financial year, and the Bill proposes to do this. The last amendment provides for the repealing of the Second Schedule to the Act which sets out the common names of Western Australian fish and the minimum lengths at which they may be taken.

As members are probably aware, the vernacular names of fish vary widely throughout Australia. For many years efforts have been made to obtain uniformity, but this was unsuccessful until 1947, when a meeting of Commonwealth and States officers reached agreement on the subject. The Second Schedule of the Act is to be repealed and a new Second Schedule inserted, showing the names agreed on, so far as Western Australian varieties are concerned, also their scientific names, and the minimum lengths at which they may be caught. A few alterations have been made to these lengths. Although such alteration may be done by regulation it was decided that as the schedule was being amended, it should include the latest lengths. In Committee I propose to move a few amendments to correct small errors and misspellings in the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. G. Bennetts, debate adjourned.

## BILL—WORKERS' COMPENSATION ACT AMENDMENT (No. 2).

*Second Reading.*

Debate resumed from the 7th September.

**HON. E. M. HEENAN** (North-East) [5.27]: I am pleased to give this rather brief Bill my support. Members will recall that the Act was substantially amended last year and the Bill is chiefly designed to clear up certain anomalies and shortcomings in the measure which was passed in 1948. It makes one or two additions and provides for the appointment of inspectors to ascertain the correct wages paid to employees.

Apparently, employers have to submit statements of the wages that are paid to their employees over the year and, of course, the premiums are assessed on those amounts. However, there are always some people who try to avoid their obligations and understate the amount paid out in wages. This Bill therefore provides for the appointment of inspectors whose function will be to police that aspect of the Act. They will be able to investigate the books of employers and make inquiries to ensure that when these returns are submitted to the insurance companies, the correct amount of wages is stated. I consider that provision to be necessary because it is only right that employers should pay the correct amount of premium in accordance with the cover they receive. The constitution of the Premiums Committee is the subject of another important amendment. The Act sets up a Premiums Committee,

but the Bill proposes to alter the constitution in a way of which I think members will approve. However, that is largely a matter for discussion in Committee.

The measure of last year, which provided for increased compensation for workers in many instances, came into operation on the 8th April of this year. It was intended to make workers, who were in receipt of weekly payment for injuries when the Act came into force, eligible for the new scale provided in the amending measure. I think every member fully realised that that was the intention, but the wording of Section 4 was somewhat ambiguous and opinions are held that the Act is liable to a contrary interpretation. In other words, the worker who received an injury before the 8th April of this year but who at that date was receiving compensation and whose claim had not been cleared up, might not be entitled to share in the benefit of the new rate.

The Bill proposes to delete Section 4 and substitute a provision that will clear up the doubt. I mention in passing that there still lingers in my mind a doubt as to whether the proposed new Section 4 is complete enough to cover workers mentioned in the Second Schedule. I should be grateful if, before the Bill reaches the Committee stage, the Chief Secretary will give that provision further consideration. I quite approve of the proposed new section because, when we passed the measure last year, it was intended to apply to that class of injured worker.

A somewhat similar amendment is proposed to Section 8. This deals with workers suffering from silicosis and provides that those who were in receipt of or entitled to compensation for silicosis on the 8th April of this year may now enjoy the full benefit of the Act. This amendment is more or less consequential as a result of the doubt that exists regarding the interpretation of Section 4 and I am satisfied that the proposed amendment will remove the doubt. All workers suffering from silicosis, however, will not receive the full amount of compensation of £1,250. Only those who were totally incapacitated qualified for the full amount in the case of redemption, while those who were only partially incapacitated would receive a percentage proportionate to the degree of their incapacitation. There seems to have been some misunderstanding regarding the provisions of the Act affecting miners suffering from silicosis.

Some people were under the impression that such workers would receive the full amount of £1,250 as a matter of course in the same way as previously, when they applied for redemption, they got the full amount of £750. According to my construction, there has been a rather radical alteration in that respect. Another amendment which meets with my approval is that which gives the State Government Insurance Office a monopoly of insurance relating to men employed in the mining industry. The Bill contains a few other consequential amendments and one or two amendments of a minor nature with which I shall not deal at this stage. Speaking in a general way, the Bill will have the effect of improving and clarifying the Act of last year and deserves the full support of the House.

We may expect a resurgence in the mining industry consequent on the excellent news received last Monday about the increased price of gold and it is only right and proper that the Workers' Compensation Act, which so vitally affects the well-being of all classes of workers, but particularly those engaged in the occupation of mining, should be up-to-date. I feel that we have a fairly good Act and that these amendments will improve it.

On motion by Hon. H. Hearn, debate adjourned.

## BILL—LICENSING ACT AMENDMENT (No. 2).

*Second Reading.*

**HON. G. FRASER** (West) [5.40] in moving the second reading said: I hope members will not think that the introduction of this Bill will throw wide open an opportunity for a flow of oratory dealing with the licensing laws, because experience in both Chambers over the years has shown that when any measure dealing with beer or dogs has been mentioned, a fight has usually resulted. This is a small Bill proposing a few amendments which one might describe as being of rather a minor character but which are desired to remedy much inconvenience and remove a responsibility which those concerned have thought for a long time they should not be asked to carry.

Much heart-burning has been caused and one section of workers, the barmaids and barmen, have long had it in mind that an alteration of the law should be made, as they considered they were being dealt with unjustly. No matter how careful or honest these employees may be in forming their opinions and carrying out their duties, the sword was hanging over them all the time. They have agitated for an amendment of the Act and at last action has been taken to remove this grievance.

The first amendment deals with the serving of liquor to a person under the age of 21 years. It is remarkable that, as the law stands, anyone over the age of 18 years may enter a bar and be served with a soft drink, but may not be served with intoxicating liquor. The Act merely prevents such a person from being served with liquor. The position is that, should a barmaid or barman serve liquor to a person apparently under the age of 21 years, she or he is liable to prosecution. The amendment seeks to substitute the word "knowingly" for "apparently," and I think members will appreciate the difference this will make.

There are many considerations involved. Several persons may enter a bar and one of them may order the drinks and hand them to the others, one of whom may be under the age of 21 years. The barmaid or barman may not have seen that person and yet, if a policeman walked in and found one of the party apparently under 21 years of age, the barmaid or barman would be liable to prosecution. During the last 12 months there have been 16 prosecutions, 13 against employees and three against licensees.

As the hotel business is carried on nowadays, a number of persons may enter the lounge and one of them order the drinks and distribute them. The barmaid or barman may not have seen the members of that party, but is held responsible if one of them under the age of 21 years is supplied with liquor. Members will realise how difficult it is in the rush period to judge of the ages of people in the bar or lounge. To do so accurately is almost impossible, and these employees feel that they are being unjustly treated.

One peculiar phase of the Act—and the Bill contains an amendment to deal with it—is that when three or four persons enter a hotel, one of them may hand an intoxicating drink to another under the age of 21 years and not be liable, whereas, if he handed the drink to a minor in the street, he would be liable to prosecution. That is a ridiculous position and the Bill seeks to put things right. My colleague in another place, who was responsible for sponsoring this amending legislation, told me of two or three instances that had actually occurred. One individual had for 18 months to two years visited a hotel on his way home from work, and so far as the licensee knew, he was over 21. It will be realised that a person looks different when dressed in working clothes from what he does when he has had a bath and is clad in other attire. One day this man went to the office of the hotel and said to the licensee, "I want you to come and have a drink." The licensee said, "Why? Are you celebrating something?" The man replied, "Yes, my 21st birthday."

In that case it would have been possible for the licensee or his barman or barmaid to be prosecuted for having served liquor to that person who, in his working clothes, appeared to be over 21, but who if he had stood in court in his best Sunday clothes, would have appeared to be much younger. On another occasion a licensee walked into the saloon bar where there were three or four people. One had gone into the bar for a drink. The licensee knew that some of them were under 21 and put them out of the hotel. But instead of the licensee having walked in on that occasion, a policeman could very well have done so, and the licensee or the barman or barmaid would have been held responsible for committing an offence.

The first provision of the Bill proposes to delete the word "apparently" from Subsection (1) of Section 147 and to insert in lieu the word "knowingly." I do not think anyone would support at any time the deliberate infringement of the law. Nobody would support one who knowingly committed an offence. But the word "apparently," used in this connection, allows too much latitude, particularly in view of varying judgments as to the age of a person. If this amending Bill is agreed to, the provision will be similar to that in the English Act, except that the age in the English legislation is 18. The appropriate section of that Act reads as follows:—

The holder of a justices' on-licence shall not knowingly sell or allow any person to sell, nor shall any servant of his knowingly sell to be consumed on the premises any intoxicating liquor to any person under the age of 18 years; and no person under the age of 18 years shall purchase or attempt to purchase in any licensed premises any intoxicating liquor for his own consumption therein.

The word "knowingly" is twice used in the English provision. I have not compared similar Eastern States Acts.

I referred earlier to a person being able to hand a drink to someone under 21 on licensed premises and yet being exempt from prosecution. If, however, he hands it to someone under 21 years of age on a highway or a road he can be prosecuted. The Bill seeks to set that right and to make any person responsible who supplies liquor to someone under 21, whether on or off licensed premises. Section 149 of the Act reads as follows:—

Any person who, by falsely representing himself to be over the age of twenty-one years obtains or attempts to obtain liquor at any licensed premises commits an offence.

The Bill contains an amendment to delete the words "who by falsely representing himself to be over the age of 21 years" and to substitute the words "under the age of 21 years who." This puts the responsibility on the person concerned; because at the moment, unless he represented himself to be over 21, he would not be committing an offence.

It is only when an individual falsely represents himself to be over 21 that he commits an offence. The amendment makes a person liable to a penalty if, being under 21, he obtains or attempts to obtain liquor. The Bill also provides an alteration in the penalty from £5 to £20. I think that members will be able to judge the situation very well. I will be pleased to hear any comments from them, but I am sure they will be favourably disposed towards the Bill and that they will agree it is high time the Act was amended. I move—

That the Bill be now read a second time.

**HON. E. M. HEENAN** (North-East) [5.52]: I think we shall not have any difficulty in satisfying ourselves that this is a measure we should support. Briefly it proposes to amend Sections 147 and 149 of the principal Act. As the law stands, Section 147 provides that any licensee or servant of the licensee who sells liquor to anyone apparently under the age of 21 is liable. That might have been all right years ago; but now, with the changed circumstances of trading, it places rather an unfair onus on barmaids and barmen.

As Mr. Fraser has pointed out, someone may order a trayful of drinks and take them out to a beer garden, or some other part of licensed premises, without the barman or barmaid seeing where the drinks eventually go. If they go to people under 21, the barmaid or the barman is liable for having supplied the drinks. I think we will all agree that it is unfair for a barman or a barmaid, or even a licensee, to be prosecuted in those circumstances. But that is what could happen as the section stands and, according to Mr. Fraser, it has happened. I know of a few cases on the Goldfields.

The police usually handle these matters in a sensible way. I am sure they could obtain a lot more convictions if they wanted to enforce the law with the utmost rigidity, but I think they interpret it in a commonsense manner. However, the amendment, by inserting the word "knowingly", will make it easier on the barman or the barmaid. If either knowingly supplies liquor to someone under 21, he or she is liable. The onus of proof is much more difficult. In order to get a conviction, it is necessary to prove that the barman, let us say, knowingly supplied liquor to someone under 21. But I think there is a weakness in the Bill. If a person is under 21, it does not matter whether the barman knows he is under 21. If the barman supplies him, that is that. I think Mr. Fraser has weakened his intention by removing the word "apparently."

Hon. Sir Charles Latham: I think so, too.

Hon. E. M. HEENAN: He is in charge of the measure but I think he would be well advised to retain the word "apparently."

Hon. L. Craig: He wants to protect the barman. The amendment does that.

Hon. E. M. HEENAN: No. At present the section says that anyone who sells liquor to a person apparently under the age of 21 years is liable. A man might be 17 but he might look 21, and if the court is satisfied that is the case, there will not be a conviction. We see young fellows of 18, 19 or 20 who are apparently over 21, and in those circumstances a barman selling liquor to

them would not be convicted. Mr. Fraser's amendment will have this effect: That if a man is under 21——

Hon. L. Craig: If the barman knows he is under 21.

Hon. E. M. HEENAN: No, the barman does not have to know he is under 21. The Bill provides that no person shall knowingly sell liquor——

Hon. L. Craig: Knowing he is under 21, surely!

Hon. E. M. HEENAN: The Bill says that a person shall be liable who "knowingly" sells. That is where the word "knowingly" comes in, before the word "sell" in Subsection (1) of Section 147. He does not have to know the man's age at all. If he looks 25 but is only 19 and the barman has knowingly supplied him——

Hon. Sir Charles Latham: I think that wants looking into.

Hon. E. M. HEENAN: I am sure there is no doubt about it. The barman does not have to know the man is under 21. If the barman knowingly supplies him he is liable. Mr. Fraser's point is that if a barman serves a tray of drinks and they go into a parlour or a beer garden to someone under 21, as the section stands that barman is liable. He proposes to insert the word "knowingly" before the word "sell."

Hon. L. Craig: The barman always knowingly sells something to someone all the time. It surely means selling to someone under 21, knowing him to be under 21. I am not arguing. The hon. member knows more about these things than I do.

Hon. E. M. HEENAN: The word "knowingly" precedes the word "sell." The provision reads—"No licensee or servant or agent of a licensee, shall sell, supply, or give.....any liquor.....to any person apparently under the age of 21 years...." The amendment proposes to insert before the word "sell" the word "knowingly" and to delete the word "apparently."

Hon. H. K. Watson: Does not the word "knowingly" govern the rest of that wording?

Hon. E. M. HEENAN: The intention of the measure is all right.

Hon. Sir Charles Latham: But what is the effect of the word "knowingly"?

Hon. E. M. HEENAN: The barman must knowingly sell liquor to someone under the age of 21 years. Let us say that I am 18 years of age and I ask for a schooner of beer and the barman knowingly sells it to me—

Hon. R. M. Forrest: He knows you are over 21?

Hon. E. M. HEENAN: No, I am under 21 and the barman knowingly sells me a schooner of beer—

Hon. Sir Charles Latham: The more you read out that provision the more difficult it is to explain.

Hon. H. Tuckey: A barman might serve a tray of drinks which are then taken to a parlour by some other person, and in that case the barman does not knowingly serve anyone, but if a person under 21 years of age buys a drink at the bar and consumes it, the barman knowingly sells him the drink.

Hon. E. M. HEENAN: The effect of the word "knowingly" is that if someone gets a tray of drinks and takes them out to a parlour and there a person under 21 years of age consumes one of those drinks, the barman is not liable.

Hon. Sir Charles Latham: That is the intention, but does the wording say that?

Hon. E. M. HEENAN: Yes.

Hon. Sir Charles Latham: Is the man who takes the beer out to the parlour liable?

Hon. E. M. HEENAN: No, he is not a licensee or a servant or agent of the licensee. I think we should leave the word "apparently" in the provision in order to achieve what is intended.

**HON. G. BENNETTS** (South) [6.6]: I am continually being asked about the supplying of liquor to young girls in hotels adjoining dance halls. Under this measure, who is liable if the barman serves drinks to some person, over the age of 21 years, who then takes them to a lounge or perhaps a doorway of the hotel and gives them to girls of 15 or 16 years of age? In that case, would the barman or the licensee be prosecuted? I think the licensee should be responsible, as he should know what is going on in his premises and should check up on it. The barman is not in a position

to run round and see who ultimately consumes the drinks that he serves. I do not think he should be prosecuted if, after he has served a drink to a person over 21 years of age, that person takes it away and hands it to someone under that age.

**THE CHIEF SECRETARY** (Hon. H. S. W. Parker—Metropolitan-Suburban) [6.8]: I agree with the objects of the Bill but have some doubt as to whether they will be attained by the present wording. Obviously the word "knowingly" should be included, but if we strike out the word "apparently" there arises the difficulty of proving the age of the person concerned. At present when a licensee or barman is charged with serving liquor to a person under 21 years of age, the police have to prove that such person was present and the barman or licensee was behind the bar and was the individual who supplied the liquor. The person who consumed the liquor is produced and the magistrate may say to the barman or licensee, "Obviously he is not 21 years of age. You are guilty."

The idea of the second amendment is to strike out the word "apparently" so that the prosecution will have to prove that the person consuming the liquor is under 21 years of age. It is commonly thought that a person can give proof of age by producing his birth certificate, but I do not know how one could identify John Smith, as produced in court, with the John Smith mentioned in the birth certificate. There must be someone to support the evidence of that certificate. It is generally the mother or else the doctor or someone else present at the birth. This difficulty could be overcome if the onus were placed on the infant to prove his age.

In the case of such prosecutions the police generally bring along the parents of the minor, who are glad that the youth is to be prevented from drinking. They say "Yes, that is our boy, and he is 18 years old," and the barman generally pleads guilty, even though he served the drink to an adult who subsequently passed it to the youth. It would be almost impossible for the prosecution to prove the date of birth of a person born oversea or even in the Eastern States, and sometimes parents are not willing to come to the court to testify as to the age of their children.

There would be many instances where proof could not be obtained, and even if a youth testified that he was only 18 years of age I do not think the magistrate should accept that, because the boy could not know it for a fact and a case could occur where a youth, over 21 years of age, might testify that he was under age in order to have the barman convicted. The word "apparently" provides a safeguard against that. If we added words such as "the onus of proof shall be on the defendant," that would cover the position.

There is one anomaly that has not been pointed out. On the first offence, where the licensee or his servant or agent is liable for supplying or selling liquor in any quantity, "either alone or mixed with water or any other liquid," that wording, taken in conjunction with the other provisions, would probably mean that there was no offence if the youth took the liquor mixed with water or soda-water, and I do not think that is the intention.

On motion by Hon. C. H. Simpson, debate adjourned.

*House adjourned at 6.14 p.m.*