is required to be on his licensed premises. This will prevent him from employing a dummy to carry on the business. I move an amendment—

That a new subclause, to stand as Subclause (8), be added as follows:—

A bookmaker shall not be absent from the registered premises in respect of which he holds a license while open for business on more than twenty-eight days in any one year without written permission of the Board.

Mr. YATES: I would like the member for Mt. Lawley to make it 28 consecutive days because the premises might be open for only three days in each week and that would permit the bookmaker to be absent for four or five months. Twenty-eight consecutive days would mean that he could be absent for only one month.

Mr. HEAL: I want the Minister to clean up one point. If this amendment is agreed to, will it mean that a bookmaker on the course will not be able to have registered premises off the course?

Hon. A. V. R. Abbott: That has been passed already.

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

Clause 10—agreed to.

Progress reported.

House adjourned at 12.58 a.m. (Thursday).

Legislative Council

Thursday, 18th November, 1954.

CONTENTS.

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

QUESTION.

RADIO INTERFERENCE.

As to Legislation for Suppression.

Hon. L. C. DIVER (without notice) asked the Chief Secretary:

(1) Has the Minister received any complaints from local authorities or other bodies in rural areas concerning interference to wireless reception, which is due to the fact that no legislation exists to make the fitting of suppressors on electrical machinery and equipment compulsory?

(2) If the answer to No. (1) is in the affirmative, will the Minister advise whether he proposes to introduce the desired legislation this session?

(3) If the answer is no, will the Minister take steps to introduce the legislation required during this session?

The CHIEF SECRETARY replied:

I thank the hon. member for supplying me with a copy of these questions he has asked without notice. The replies are as follows:—

(1) and (2) No, I have not received any complaints. I have made inquiries at the Local Government Department, and it also has received no complaints in regard to this matter.

(3) No, because we would need to have some information on the matter and also give some attention to the drafting of the proposed legislation; and it is hoped that the session will finish within the next few weeks. Therefore, it would be impossible to introduce such legislation before the end of the session.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Introduced by Hon. H. L. Roche and read a first time.

BILLS (4)—THIRD READING.

1, Milk Act Amendment.

2, Vermin Act Amendment.
Returned to the Assembly with amendments.

3, Stock Diseases Act Amendment.

4, Marketing of Eggs Act Amendment.

Passed.

BILL—ARGENTINE ANT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

BILL—NATIVE WELFARE.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [4.40]: I listened carefully to the remarks of those who spoke during the debate, and I was pleased to hear members indicate their preparedness to support the second reading of the Bill. I do not propose to reply at very great length as matters on which we are not in agreement can be discussed in Committee. However, several points require correction or elucidation, and I will give these attention.

An example was given by Mr. Simpson of a native orphan boy educated at McDonald House. He stated that in such a case the lad could not apply for citizenship rights until he was 21 years of age, but that the commissioner could grant him exemption, which would mean much the same thing. This is not strictly correct. The commissioner does not grant exemption. The power rests with the Minister who may, in some instances, act on the recommendation of the commissioner.

I would advise the hon. member that exemption does not mean the same thing as citizenship rights. It merely exempts a native from the restrictive provisions of the Native Administration Act; but he is still a native within the meaning of the Act, and can still receive benefits provided by it. He is also subject to certain punitive measures provided for offences such as supplying liquor, obtaining liquor, etc., if he comes within the definition of an aboriginal native under the Licensing Act. He is also not absolved from the penalties imposed by Section 10, which controls leprosy restrictions. Citizenship, on the other hand, divorces him completely from the Act and places him legally on the same basis as whites.

The statement by Mr. Simpson that the Bill, among other things, proposes to ease restrictions on leprous natives, is wrong. This is not so, as leprous natives will be kept in strict detention when their condition is detected.

The proposal to make it unlawful, instead of an offence against the Act, for any person other than a native or an authorised person to be on a reserve or a native camp, did not meet with the approval of Mr. Jones. This alteration was suggested by the Crown Law Department as being more appropriate for police and court purposes.

Many members appear to be somewhat confused as to what constitutes a reserve as compared with a native camp. The desire is to retain reserves because they are the only places where natives are given inviolable sanctuary. They are essential to the needs of natives because, unless such areas were reserved for them as camping places, they would be trespassing on the property of someone or other, with obvious results.

Native camps, on the other hand, for the purpose of Section 40 of the principal Act, are not located on native reserves, and must therefore be on private property or Crown land set aside for some other purpose. In many cases they are located on the property of an owner who would be committing an offence under the Act if he were within five chains of the camp. The location of native camps is generally unknown for administrative purposes and may frequently be changed; whereas reserves are on fixed locations advertised by proclamation.

I was asked by Mr. Jones to make sure that the proposed repeal of Section 24 would not adversely affect natives not sufficiently literate to enter into agreements. I have been advised that experience has proved that agreements have a limiting effect on the employment of natives. Most of their contractual work is carried out by mutual arrangement with the farmer, and neither is interested in a written agreement, which would have to be drawn up, witnessed and authorised before being effectve. I am told that for at least the last six years no written agreements have been known of; and that there appears little, if any, danger of the type of native who works under verbal contract these days being "taken down" by anyone. By this I mean that the Native Affairs Department has no knowledge of any written agreements.

The proposed repeal of Section 41, which gives a protector power to order natives to remove their camps or not to camp within or near the limits of a town or municipality was not favoured by Mr. Jones. He mentioned that at Moora the assistance of the protector had been necessary to remove a camp I have been told that this is not correct and that the facts are that the protector (Mr. McLarty) strenuously opposed the action, which was taken under the Health Act at the instigation of the local authority and its health inspector. Natives received written notice to shift their camp within 14 days under pain of its demolition. They did so and transferred to the Moora reserve without fuss or bother.

A native group living in the Willagee Park area, in the Fremantle district, recently received similar notice from the Melville Road Board after an inspection by the board's health inspector; and some months back the local authority demolished the Swanbourne native camp—owned by one, William Bodney—by bulldozing it out of existence.

Some doubt was expressed by Mr. Logan as to the wisdom of giving natives freedom below the 20th parallel, even though

they would be subject to examination under the Health Act. In reply to this I would say that natives living below the 20th parallel are not and never have been affected by the health requirements in Section 10 of the Act relating to the spread of leprosy. They are free to move about anywhere in the State below the 20th parallel, the line of demarcation for lepers.

The hon. member stated, in regard to the workers' compensation proposal, that there would be a lot of work required in sorting out the dependants of any native entitled to compensation. The answer to this is that dependants benefit from workers' compensation only in cases of total disablement, death, etc.; and it is not the Workers' Compensation Board, but the Department of Native Affairs, which will have the job of sorting out who is who. On several occasions in recent years the department has been required to accept cash payments from the compensation board and undertake the duty and responsibility of distributing them to dependants.

The officers of the department did not appreciate Mr. Logan's assertion that the department has referred to citizenship rights as a "dog collar licence" for which it would be degrading for natives to apply. The officers state this is not true, and is a reflection on them. It is suggested that the hon. member credit natives, particularly the near whites, with the ability to form their own opinions and apply their own discretion to legislative matters which they do not care for.

It was stated by Mr. Baxter that Clause 13 contained a proviso enabling the commissioner to issue a permit to a native to travel below the 20th parallel. This is not quite correct, as the authority enables the Minister, not the commissioner, to issue the permit.

The hon. member stated that the proposed deletion of certain words by Clause 10 would take away from the Governor the power to appoint a deputy commissioner of native affairs and would pass that power to the commissioner himself. This is not correct. Clause 10 merely authorises the commissioner to delegate all or any of his powers to other officers of the department whether he is present in the State or otherwise.

The power to appoint a deputy commissioner now rests—as is the case with most other similar appointments—with the Public Service Commissioner, under the Public Service Act. Among other things, this variation permits the Public Service Commissioner to appoint a deputy commissioner as acting commissioner during the absence of the commissioner. This would entitle the deputy commissioner to higher duties allowance, and it would ensure the smooth functioning of the department, which would otherwise be hampered because of the commissioner's absence.

The Commissioner of Native Affairs has no power to nominate who his deputy should be, or even to appoint a cadet patrol officer or a junior clerk; this is the prerogative of the Public Service Commissioner.

It was stated by Mr. Baxter that he could see no reason for deleting Subsections (2), (3) and (4) of Section 61 which deal with "court matters." I would advise the hon. member that Subsection (1) was left in to prevent a native making an admission of guilt before his trial. Subsections (2), (3) and (4) were taken out because they were not necessary. A court already has the power to reject a plea of guilty if it so desires, and it does so.

Another reason—and it is one of departmental administration—is that these subsections serve as an adequate protection for the native only when it is possible for a native welfare officer to be present. There are only 10 such officers spread over the whole State, and they are frequently absent on patrol at the time of hearing and many miles away from the place where the court is held. Consequently, it has been the practice for the department to be represented by a police officer acting as a protector, and it is recognised by the police themselves that the dual capacity of prosecutor-protector, which so often applies, places them in a most embarrassing and invidious position. This is a matter which is not only anomalous in practice but also expressly forbidden by law.

Another objection by Mr. Baxter was to the proposal to repeal Section 63 which provides for natives to be summarily tried by a stipendiary, police or resident magistrate. The reason for this is that in some places, such as the Kimberleys, two justices—and sometimes only one justice—constitute a court of summary jurisdiction. A native charged with assaulting a white man can be dealt with in such a court, but where a native assaults another native, the native charged must languish in gaol over an indefinite period until a magistrate, who may be hundreds of miles away, is able to proceed to the place where the offence was committed to hear the case. It is not unusual in remote areas like Hall's Creek for native witnesses also to be held in custody awaiting the arrival of the magistrate.

Regarding the proposal in Clause 15 to delete Section 13 of the principal Act, Mr. Baxter thought that the protection given in that section should be retained. This authorises the Minister to have any native removed to or kept within the boundaries of a reserve, institution or hospital. Mr. Baxter considered that the Minister should be allowed to retain and exercise these powers on special occasions. No Minister since Sir Ross McDonald has been desirous of using the power vested

in him under this section, and it has not, in fact, been used for any purpose during the past four years. Sir Ross McDonald held the view that such action taken by a Minister could have embarrassing results if a native or a person acting on a native's behalf took habeas corpus action in a court of law.

The same hon. member was most emphatic that a publican could not supply liquor to an exempted native—only to one with citizenship rights. Under Section 50 of the Native Administration Act, the position of the exempted native is clear and definite. He is exempted from that provision and does not commit an offence by receiving liquor; nor does a licensee commit an offence by supplying him with liquor. Under the Licensing Act, however, the position of an exempted native is obscure. The Licensing Act defines an "aboriginal native" as being a person of full aboriginal blood or a half-caste or the child of a half-caste who habitually associates with aboriginal natives. The position is quite clear under the Native Administration Act but not under the Licensing Act. Before the passing of the Natives (Citizenship Rights) Act, many exempted natives were entitled to enter hotels and be served.

Thus, in some circumstances, the licensee could commit an offence by supplying an exempted native with liquor, but in others he would not; the matter depends entirely upon the view and judgment of a court hearing an action brought before it under the Licensing Act. A licensee would commit an offence if he supplied a native who was living in a native camp, but if he was an exempted native not living in a native camp, he would be entitled to be served.

Hon. N. E. Baxter: How would a licensee know?

The MINISTER FOR THE NORTH-WEST: I cannot say, but I suppose he would ask the usual question as to where the man lived.

We were told by Mr. Diver that, when dealing with the welfare of natives, it would be as well to consider what the reaction of members of the Police Force would be to this legislation. The Bill is a measure designed to promote the welfare of natives, and it is repugnant to its purpose and intention that it should be used for police purposes. Offences referred to by the hon. member, such as, liquor, violence, fighting, etc., can and should be dealt with under other and more appropriate legislation.

Quite a number of queries were raised by members who spoke yesterday. Unfortunately there has not been time to secure all the information desired in order to reply to them. However, there are a few observations I should like to make. Mr. Thomson complained about the department's having received a communication from the Gnowangerup Road Board, and of the inaction of the department. The board's letter bears the date of the 10th November; and as today is only the 18th, there has not been much time in which action could be taken. The officer in the district was informed of the position before the letter reached the department, though not in official phraseology. He made an inspection and reported to the department, and evidently the department has not lost sight of the matter. Mr. Roche mentioned that the Bill proposed to alter the title of the Act.

The purpose is to name the Act appropriately in the light of the functions of the department. Away back in the last century the Constitution Act laid down that a certain sum should be set aside and spent on the education, clothing and general well-being of natives, and to protect them from fraud, and so on. Right from the first ordinances of the colony, the emphasis of the law has been on attempting to uplift, educate and clothe the natives, and bring them from their primitive state to a civilised condition.

That has been the intention of all the native legislation passed since the establishment of the colony. Of course, it has been amended from time to time, and the name of the department has been changed on occasions. Officers of the department now consider that welfare work among the natives is and will be the most important function of the department; and for that reason, this change in the title of the Act has been advocated. I see nothing wrong with it, nor did the hon. member—

Hon. N. E. Baxter: It would be all to the good if we could change the natives as easily as the name of the Act.

The MINISTER FOR THE NORTH-WEST: That is so. There appears to be prevalent among members a feeling that is out-dated and out-moded. They remember the native as he was 20 or more years ago; but, as I said when introducing the Bill, there has been a marked improvement; and now, not 100 per cent. or even 50 per cent., but a large percentage of the natives—

Hon. Sir Charles Latham: Not a majority of them.

The MINISTER FOR THE NORTH-WEST: I do not claim that. I say a large percentage of them are now capable of living as decent citizens, and do so. The object of the measure is to remove some of the restrictions which could become offensive to those natives.

Hon. N. E. Baxter: Restrictions and protective provisions.

The MINISTER FOR THE NORTH-WEST: They needed protection when they were infants, or when they were in their primitive state; but today a number of our natives no longer require protection. I know what the protection they were given was. Mr. Henning read from a book by an ex-Commissioner of Native Affairs, and I know the protection they were given under that regime. They were frequently chained by the ankles—in a climate so hot that I could not hold the chain in my hands for more than a minute—and were put to work under those conditions. That sort of thing happened as late as 1925. We know the good work the department did. It did not do much for the natives—

Hon. Sir Charles Latham: All that was stopped without amending the Act.

The MINISTER FOR THE NORTH-WEST: This is the first real attempt to do something on a big scale for the natives and by "this" I mean the Department of Native Affairs as it is now. I speak with 30-odd years' experience in this regard.

Hon. N. E. Baxter: The measure will not make much difference unless action is taken.

The MINISTER FOR THE NORTH-WEST: I am pointing out that the Act is out of date and requires modernising, to bring it up to the standard to which the natives have been brought. There are far out, and in the Kimberleys, still some full-blooded natives living under primitive conditions. It is estimated that there are 6,000 of them living practically as animals, beyond the confines of civilisation.

Hon. N. E. Baxter: And the protection is to be taken from them.

The MINISTER FOR THE NORTH-WEST: Protection by restriction will never get them anywhere. They will never lose the protection of the department and its officers. To say that a law, simply because it states that it will protect the natives, will do more good than if it is not there, is ridiculous. After all, there is always the common law, from which the natives are not exempt any more than is any coloured person who passes through Fremantle on an overseas vessel; and there is no restriction on him.

Hon. N. E. Baxter: Yes, there is.

The MINISTER FOR THE NORTH-WEST: No, he can move about as freely as he likes.

Hon. N. E. Baxter: But he cannot remain here.

The MINISTER FOR THE NORTH-WEST: Not after his vessel leaves; but while he is here, he can enjoy the same freedom as can any other citizen. Our natives are the only people in Australia, and one of the few races in the British Empire, that are restricted. I do not say all the restrictions should be lifted, because I know that not the whole of the aboriginal population has reached a stage where that could be done. But many of them have reached a standard where they should be able to enjoy their freedom.

Hon. N. E. Baxter: Can they not get it by obtaining citizenship rights?

The MINISTER FOR THE NORTH-WEST: Of course! But I am afraid that a majority of members in this Chamber do not think the natives should have even those rights.

Hon. N. E. Baxter: If they have reached the right stage they can get citizenship rights.

The MINISTER FOR THE NORTH-WEST: Would the hon. member like to have had to wait until he was 21 years of age before being given freedom to go where he wished without a policeman asking what he was doing there? A couple of years ago in Victoria all restrictions were lifted from aborigines so far as liquor was concerned.

Hon. C. H. Simpson: There is a very small native population there.

The MINISTER FOR THE NORTH-WEST: Gallup polls are taken of a very small number of people in a community. There are few aborigines in the metropolitan area of Perth, for instance, but the restrictions are not lifted from them. A cross section of the natives in Victoria was taken to see the effect of the lifting of the liquor restrictions. The cross section was taken of unattached, homeless natives—those living under conditions such as apply to the great majority of the natives in the southern parts of this State. It was more or less a Gallup poll, and of the 19 men involved, five were heavy drinkers; five drank only on pay nights and special occasions; five were moderate drinkers; and four were total abstainers. That was not a high proportion of heavy drinkers. I believe that four total abstainers out of 20 people would be a high proportion to find among the adults of our community.

Hon. L. Craig: Five heavy drinkers out of 19 is also a high percentage, and another five probably drank all their pay on pay nights.

The MINISTER FOR THE NORTH-WEST: Is a man who has three or four whiskies every day a heavy drinker?

Hon. L. Craig: I think he is.

The MINISTER FOR THE NORTH-WEST: If we took 19 adults at random in Perth, we might have difficulty in finding four total abstainers among them. I do not know what the percentage among members of Parliament would be, but it would not be much higher than that.

The PRESIDENT: I think the hon. member had better return to the Bill.

The MINISTER FOR THE NORTH-WEST: Does not the Bill deal with the liquor question?

The PRESIDENT: Not in relation to members of Parliament.

The MINISTER FOR THE NORTH-WEST: Then if I am out of order, I will put that report away, although it contains some enlightening information as to the capability of natives to handle their liquor. Mr. Simpson said that during the past 12 months there had been 412 convictions against natives for breaches of the liquor laws, according to the police report.

Hon. C. H. Simpson: The number was 453.

The MINISTER FOR THE NORTH-WEST: It was 412 according to the report of the department, and it is interesting to segregate the figures. Of that number of convictions, 268 were for drunkenness, 135 for receiving liquor, five for soliciting liquor and four for being on licensed premises. We see that 144 persons were not prosecuted for being drunk or under the influence of liquor, but merely for having received it; and that is not an offence for any other section of the community. If I gave a bottle of beer to a person under the age of 21 years, who was not an aboriginal, I could be prosecuted for doing so; but the person who received the liquor could not be prosecuted. Here the offences are boosted because somebody received liquor. He might merely have had a bottle of beer in his hand, but is up for an offence. Accordingly the situation is not as bad as the figures indicate.

The real drunkenness charges number 268; the balance of 144 are for merely being in possession of or receiving liquor; or for soliciting or being on licensed premises. It is interesting to see where the offences occur.

It has been said in this House that it is in the country where this problem is the greatest; where the drink question causes a lot of trouble; and where, of course, it could become much worse if natives could get liquor more easily. Of those 412 charges we find that 285 were laid in Perth; the bulk of the offences took place here. We know the type of offender; and the offences will be repeated; I am sure about that. When reading the daily Press we see the same names in the Police Court news day after day. We find that the number of charges in Narrogin was 32; while at the other extreme, Carnarvon, they numbered 25; Broome had 18; Katanning, 17; and Albany, 4. Most of the others had an average of one. Bunbury and Roebourne had one each and Kalgoorlie and Williams, two each.

Hon. Sir Charles Latham: To what period does that refer?

The MINISTER FOR THE NORTH-WEST: The 12 months ended last June.

Hon. Sir Charles Latham: Only one case in Bunbury?

The MINISTER FOR THE NORTH-WEST: That is so.

Hon. Sir Charles Latham: Then I must have seen the only one, and it was a woman.

The MINISTER FOR THE NORTH-WEST: I am referring to liquor offences.

Hon. Sir Charles Latham: The charge I refer to was one of drunkenness.

The MINISTER FOR THE NORTH-WEST: The hon. member has had the honour of witnessing the only case in Bunbury. It is interesting to note that at Beverley there was not one offence. So when we examine the prosecutions against natives, either under the Licensing Act or the Native Administration Act, for being in possession of liquor, we find they are not so serious after all; they are not as serious as they appear when the figure is given in bulk.

I do not think there are any other remarks that were made by members with which I have not dealt. If there are, I am unable to deal with them at the moment; because, as I have already explained, the information was not presented to me in time. The Bill will be a Committee one judging from the number of amendments on the notice paper. Members have complained about Bills coming here containing a number of amendments—and they have referred particularly to this measure—but they now wish to add to the confusion by placing another 30 or so amendments on the notice paper.

It is pleasing to note, however, that, on this occasion, the House is going to take a much greater interest in the legislation affecting natives. I am sure that after members have gone through the Bill, clause by clause, and have heard arguments for and against the propositions, some considerable concessions will be made to the natives in respect of laws which have over the years been so restrictive to them. The object of the Department of Native Affairs is not to be a restrictive and police department, but a welfare department; and that, after all, is its duty. It is one of the tasks of the Police Department and the Health Department, to look after the affairs of the natives when they go outside the law or when they become sick. I commend the Bill to the House and trust members will be tolerant with some of the provisions that have been submitted.

Question put and passed.

Bill read a second time.

BILL—TRAFFIC ACT AMENDMENT. (No. 2).

In Committee.

Resumed from the 16th November. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 7 — Third Schedule amended (partly considered):

The CHIEF SECRETARY: Progress was reported in order to enable me to supply certain details in relation to tractors and the fees governing them. I did give some information when introducing the Bill, but I will now proceed to submit additional facts.

Page 70 of the parent Act deals, in the main, with the matters mentioned in Clause 7. By the Second Schedule to the Traffic Act, a road tractor is described as a vehicle which is a tractive unit designed for hauling a trailer or semi-trailer. The ordinary tractor, including those used on farms, is not covered by this definition, and so licences have been assessed under the heading— "for a locomotive or traction engine" as set out in lines 38—46 of page 70 of the parent Act. If the fees specified in lines 38—46 were applied in full, the well-known Chamberlain tractor, weighing 3 tons 17 cwt. or 3 tons 19 cwt. would require a licensing fee of £24; whilst under the provisions of paragraph (d) of Clause 7 of the Bill the fee would only be £16. The Fordson tractor weighing 3 tons would, under the parent Act, be subject to a licensing fee of £12; and under the proposals in the Bill, the licensing fee would be the same. For a tractor with a weight of 8 tons, a fee of £96 is required by the Act; whilst, under the Bill, a fee of only £32 would be payable.

I would like to clearly emphasise that very few farm tractors exceed 4 tons in weight, and it is only the other machines described under the heading of "tractor"—such as graders, bulldozers, etc.—that carry heavy weights. As these are not used to any great extent on roads, they would all be included in the maximum fee in the Bill of £50 per annum. It has been pointed out previously that so long as farm tractors are used on the farm, or for the purpose of travelling around from farm to farm, they are entitled to a free licence, provided they are not used for hire or reward.

Unfortunately, the number of farmers who go to the trouble of licensing their vehicles is indeed limited, with the result that every time an unlicensed farm tractor is taken on to the road it is an uninsured vehicle. When an uninsured vehicle is towing an overwidth implement, the danger is greatly increased. The fee for third party insurance cover on a farm tractor is 5s. per annum only; and why farmers will not go to the trouble of obtaining a free licence and paying the annual premium of 5s. to obtain insurance cover is hard to understand.

If, however, a farmer uses his tractor for hauling a trailer to transport produce to the siding, or for carting farm requirements from the siding to the farm, a licence fee at full rates will be required if he has any other vehicle licensed at half rates. I understand that in practice, however, it is found that farmers rarely use a tractor for towing a trailer for this purpose, the work generally being done by a heavy truck. Other provisions in Clause 7 of the Bill are merely machinery. Paragraph (a) dealing with fees for caravans is merely to incorporate in the Act a provision which is already in the regulations so that all fees can be shown together. I think that answers the point concerning tractors which was raised by Mr. Jones.

Hon. A. R. JONES: I thank the Chief Secretary for the explanation and the information he has given, but I would point out that while at present there are not a great number of tractors used for hauling a trailer to transport goods from the siding to the farm and from the farm to the siding, the practice has arisen of farmers building bins on trailers, and in years to come there will be a lot of instances of tractors being hitched to trailers. I raise the point to endeavour to find out whether, say, the haulage of five tons of goods is going to be dearer than the licensing of a truck to do the same work. The Minister has told us that it will be. The matter will not worry us very much in the coming year, and I suggest we leave the clause as it is; and if there is need for an amendment, we can bring the matter forward next year.

The Chief Secretary: We will not fail you when the occasion arises.

Clause put and passed.

Postponed Clause 2—Section 11 amended:

Hon. A. R. JONES: I asked the Chief Secretary whether he would make some inquiries as to what constituted a farm or property under this clause. Another point concerns a partnership. There may be only one property but two partners operating on it. Would they both be entitled to a licence at half rate, or would only one of them have the concession?

The CHIEF SECRETARY: I have some information on the point raised by Mr. Jones, but I do not think he will consider it very satisfactory. Mr. Logan also referred to this matter. He said that while he might agree that there was a request from local authorities for the restriction of concessional licences to one for each farm, he could assure members that this was not a request by the farmers, and that they were very much opposed to it.

The facts are that the request for the restriction to one concessional licence only for each farm or other holding was carried by a unanimous resolution at the general biennial conference of the Road Board Association of Western Australia. All country road boards are affiliated with the Road Board Association. I would ask members to listen carefully to my next remarks. There are 955 members of road boards outside the metropolitan traffic area. Of these 955 members, 729, or 76 per cent., are either farmers or pastoralists; while no fewer than 31 of the country road boards are composed entirely of farmers or farmers and pastoralists. Yet the hon. member said that this was not a request from the farmers, and that they were very much opposed to it.

Hon. L. C. Diver: It is still a fact.

The CHIEF SECRETARY: One gives members absolute figures which cannot be denied, and yet one is told, "It is still a fact!"

Hon. L. C. Diver: So it is.

The CHIEF SECRETARY: That is where the request came from.

Hon. L. C. Diver: How many of those people to whom you referred are businessmen in country towns?

The CHIEF SECRETARY: I repeat that there are 955 members of road boards outside the metropolitan traffic area. Of those, 729, or 76 per cent., are either farmers or pastoralists; while no fewer than 31 of the country road boards are composed entirely of farmers or farmers and pastoralists.

Hon. L. C. Diver: Out of 16,000 farmers.

The CHIEF SECRETARY: It is therefore apparent that the request for the restriction of concessional licences to one licence to each property must have had the support of the farming representatives on the country road boards. I have here a list of the road boards that are comprised entirely of farmers or farmers and pastoralists. Those boards are—

> Albany, Capel, Cranbrook, Cunderdin, Irwin, Gingin, Goomalling, Kulin, Mingenew, Narembeen, Nullagine, Perenjori, Upper Chapman, Victoria Plains, West Arthur, York, Broomehill, Carnamah, Cuballing, Dandaragan, Dumbleyung, Geraldton-Greenough, Koorda, Kununoppin-Trayning, Murchison, Narrogin, Nungarin, Three Springs, Upper Gascoyne, Wagin, Westonia.

Those boards are composed entirely of farmers, or of farmers and pastoralists, and the decision of the Road Board Association on this matter was unanimous. Does not the hon. member agree that the men on the boards to which I have referred are men who would be looking after the interests of the farmers all the time; and that if this request were something that would be to the detriment of the farmers, a few at least would have raised their voices when the matter was discussed by the association? But the request was unanimous.

Hon. L. C. Diver: I have been at a lot of those meetings, and I understand it all.

The CHIEF SECRETARY: The hon. member may do so; but I can only speak on the actual figures I have before me, and from the knowledge that this request was unanimous. Reverting to the matter of concessional licences, it is important to realise that the restriction to one concessional licence for each farm or other holding refers only to vehicles that are used outside the farm, and, in the main, for the transporting of produce from the farm to the siding. In regard to any vehicle used solely on a farm or pastoral holding, and not on any road otherwise than passing between parts of the property separated by a road, or for any locomotive or traction engine or other machine or vehicle used solely for ploughing, reaping, threshing, etc., licences will still be granted free of charge. A fee would have to be paid for any machine drawn or driven over roads from farm to farm for use for hire or reward.

From this it can be seen that my advice to members that the restriction of one licence to each farm would not prevent a farmer from having a concessional licence for each vehicle used exclusively on his farm, is correct. I would like the Committee to understand that position clearly.

Hon. A. R. Jones: If the vehicle were used on the road, a full licence would be required.

The CHIEF SECRETARY: Yes; it must be covered with third party insurance. The restriction of a concessional licence to one vehicle for each farm applies to the farm or holding itself. It has been suggested that where there are lessees, share farmers and partnerships, dummying could take place in order to obtain more than one concessional licence. A clear study of the provisions of the amendment, however, will show that the provision is applicable to the farm or land, but not to any person or persons. Therefore, once one concessional licence had been granted in respect of a farm or other holding, no further licences would be available, irrespective of how many partners or share farmers might be concerned in the particular land.

Hon. A. R. Jones: Does that apply to commercial vehicles only?

The CHIEF SECRETARY: Yes; there is one concessional licence to each farm for the vehicle using the road. Vehicles used exclusively on the farm are not

counted. The provision in the Bill has been referred to Crown Law; and whilst it is considered that under certain circumstances it might be difficult to define a "farm" or "holding" in such a way as to avoid all complications, it is agreed that the clear intention is that the proposed clause shall limit the concession to one for each farm or holding, irrespective of whether there are one or more persons carrying on the business of farming on that particular farm. I might say that the interpretation that has been placed on "holding or other land" in the past has been that it includes the holdings of pastoralists, orchardists, poultry farmers, etc.

While the importance of the farming industry is fully recognised, there are other important industries that are also vital to the economy of the State. One such is the goldmining industry, and while a prospector may obtain a licence at half rates, all vehicles used in connection with goldmining must pay rates at full fees. Similarly, all vehicles used in the production of coal, timber, and allied products must also pay full fees.

I think that that provides the definition sought by Mr. Jones. A 10-acre farm would get a concessional licence, the same as one of 40,000 acres. I would like now to read a letter which I received only this week from the Farmers' Union concerning permits for moving overwidth vehicles. It reads as follows:—

> In your last letter to us on this matter (dated 23rd July) you were good enough to advise us that our submissions to you would be kept in mind in the drafting of the amendment to the Traffic Act.
>
> The season during which the shifting of big farm implements is necessary, is again at hand, and I was instructed by our General Executive at its meeting last week to ask you that until the Act is amended the issue of the required permits be authorised by regulation.
>
> We should like you to give this request early consideration and to let us know what can be done in respect to it.

I have drawn attention to that letter because, through the action of Country Party members in disallowing the regulation affecting it, farmers must now write to the Commissioner of Police. The Farmers' Union now wants to have done what was done several months ago but was undone by this Chamber.

Hon. H. K. Watson: Not by this Chamber.

Hon. A. R. JONES: The information given by the Chief Secretary clarifies the point that the officers of the Crown Law Department are bigger muddlers than we thought. A person, although he may have ten farms, is restricted to one licence at the reduced fee. Only one concession licence will apply to a property whether it be share-farmed or owned by a partnership. I feel that the local authorities will deprive themselves of several hundred pounds of revenue if the amendment is carried. A farmer will license only the vehicle which will cart his produce to the siding, or bring goods from the siding to the farm. If he has property on the opposite side of the road, he will put a gate there so that he will not have to license any other vehicles. On my farm, four vehicles are licensed; and we can reduce that number by two, one of which will be at the concession rate and the other at the full rate. This provision will mean that farmers will license only one vehicle.

The Minister for the North-West: They will not be able to take the others off the farms.

Hon. A. R. JONES: No; but they can drive them across the road to another part of the farm.

The Minister for the North-West: They will not be able to take them to the town.

Hon. A. R. JONES: That is so. The only time the other vehicles would go off the farm would be when there was a fire. During the summer months, a farmer might have a vehicle with a tank of water and fire-fighting equipment on it, and it might be necessary for that vehicle to go down the road for fire-fighting purposes. The farmer would take out the insurance cover and, if he went down the road to fight a fire, would rely on the decency of the local authority not to prosecute. It is possible that in these circumstances a farmer might not attempt to attend a fire.

Even though this provision was put up by the Road Board Association, members should consider it very carefully. A big reduction in revenue will occur to the association, and chaos will result because people will not be licensing their vehicles. This provision is all right for the person with a small property and only one vehicle. The Minister mentioned a vehicle, but I do not know whether he meant a commercial vehicle. The position might be that I, as the owner of my property, could have my car licensed at the conccession rate, whereas the people working the farm would have to pay the full licence; but I do not think that is what is meant. I wish to move an amendment—

> That the words to be added after the word "siding" in line 4 be struck out.

The CHAIRMAN: I point out to the hon. member that the amendment he desires to move is not very clear.

Hon. A. R. JONES: Very well. I ask that the clause be defeated.

Hon. H. L. ROCHE: I do not think the Minister's advisers realise that the average farm truck would travel no more than 2,000 or 3,000 miles a year on roads.

Hon. H. K. Watson: I only do 3,000 miles a year in my car.

Hon. H. L. ROCHE: The hon. member has plenty of bus services. I do not know why he needs a car. The only exception would be the man who is starting farm operations, or who is not too well off and has only a truck. Most farmers have a car as well as a truck or trucks, and they would not go to town in a truck for pleasure or ordinary business. Farmers' trucks are not comparable, in their use on the road, with those of coalmines, goldmines, or prospectors. I keep a truck which, during the summer, does nothing else but remain in the shed, with tanks of water and fire-fighting equipment on it. If that truck is not licensed, there is no third-party insurance. That risk is too great for me to take. I suppose that truck does not do 200 miles a year on a made road, but it has to be licensed so that we get insurance protection.

I am not sure what the position would be if a farm employee suffered an accident while driving an unlicensed truck on the farm. The clause, if agreed to, will impose an additional load on the farmer, which is entirely unwarranted. The Road Board Association may have asked for this. I have no illusions in that regard. Too many road boards are inclined to follow and accept the advice of their paid officers, whose salaries are adjusted in accordance with the revenue they collect. As a result I can quite imagine that they are all in favour of this additional revenue.

Hon. C. H. HENNING: I want to know why the farmer has been made the object of discrimination in this clause.

The Chief Secretary: He has not.

Hon. C. H. HENNING: The bona fide prospector is mentioned. Oil companies prospecting for oil will have 20 or 30 vehicles, and under this provision they are entitled to be licensed for half fee. A sandalwood-cutter might have more than one vehicle, and so might a kangaroo-shooter. Why pick out the farmer? I have heard the question of the adjustment of secretaries' salaries debated by various road boards and other bodies. I admit that the road boards, but only the road boards, have favoured the curtailment of this concession. All the other organisations, some of which are not composed of farmers, maintained that the concession should continue. I myself believe that it should. It was given in the first place because of the heavy increase in licence fees—in 1930, I think.

Hon. L. Craig: In the depression times.

Hon. C. H. HENNING: It was found that road transport was beginning to affect the railways; and, in order to discourage road transport, truck licence fees were greatly increased. It was, however, decided that it was not fair to impose these charges on people who did not do a great mileage with their vehicles, and so this concession was granted. Vehicles used for seasonal occupations are not constantly on the roads and therefore do not cause damage. I shall vote against the clause.

Hon. L. C. DIVER: I also shall vote against the clause. There are many husbands and wives who own different pieces of land, and although they might not be working under a partnership agreement, they would be working the two properties as one. It would not take families long to realise the effect of this provision and they would each have their own vehicle. After all the hue and cry over this clause has died down, it will be of little avail to the local authorities if it is passed, and the position will be the same as it is today. If local authorities want finance, the same individuals will find it, either through a rating system or by a licensing system. This clause will disrupt the whole set-up of farming properties as they exist today. I think it is better to leave things alone, and I ask members to vote against the clause.

Hon. A. R. JONES: When the subject of concessional licenses was discussed many years ago, the farmers' organisation put up a proposition to the Government to reduce, if not eliminate, the sales tax on petrol for vehicles used on farms, farming engines and the like. It was thought then that this was not a practicable proposition, because it would be too difficult to police; and it was felt that these concessional licences would at least ease the burden in lieu of the petrol tax concession. I hope members will take that into account, because at present the tax on petrol is about 10d. a gallon, and hundreds of gallons are used yearly in farm vehicles and machinery.

Hon. J. G. HISLOP: I do not know anything about this except that I have listened to the debate, and Mr. Jones has told us that if the provision is passed it will mean that the road boards will get less revenue. Mr. Roche and Mr. Diver told us that it will mean a further burden and cost on farmers. I do not see how those two points can be related. There seems to be a considerable difference about the effect of the legislation, and as there does not appear to be any necessity for hurry, I think it would be reasonable to let it stand. That would give us time for thought.

The CHIEF SECRETARY: I hope the decision will be given now, one way or the other. This matter has been debated by road boards and other organisations, and they have made the request for it.

Hon. J. G. Hislop: That is what I say. Why worry about it?

The CHIEF SECRETARY: The request came from the road boards, and I suppose that 75 per cent. of the members of road boards are farmers. It is all very well to say that those organisations are led by the nose by their paid officials. I do not agree that the members of those organisations are weak. I think most of them are shrewd, hard businessmen, and they know what they are doing when they ask us to agree to this. I have heard it said in the past that one can never satisfy a farmer, and I must say that that seems to be so on this occasion. Farmers are given a concession which few others enjoy.

Hon. L. C. Diver: They cannot pass on their costs as other industries do.

The CHIEF SECRETARY: I do not know about that. If a farmer had not much use for a vehicle, he would not put it on the road. If farmers use them, why should they not pay for them? Roads cannot be made by waving a magic wand; finance must be provided, and it can be provided only by those who use our roads.

Hon. L. C. Diver: But they already pay.

The CHIEF SECRETARY: A good deal of the finance used for making roads in country areas—

Hon. A. R. Jones: Comes from the petrol tax.

The CHIEF SECRETARY: Yes. If these people run only a couple of hundred miles a year, as Mr. Roche said, they would not be contributing to the same extent as people in the metropolitan area.

Hon. L. C. Diver: You do not understand it.

Hon. N. E. Baxter: What about the distance run on farms?

The CHIEF SECRETARY: I know all about the finances of local authorities. Recently I saw the figures of one local authority which had a revenue of £7,500 for the year. Of that amount, £6,000 was made up by licence fees and a grant from the petrol tax.

Hon. N. E. Baxter: Where was this?

The CHIEF SECRETARY: At Menzies.

Hon. N. E. Baxter: That is not a farming area.

The CHIEF SECRETARY: The other day I gave figures for Mt. Barker. The revenue there was £29,000, and over £15,000 of it came from traffic fees and petrol tax grant. City people already contribute by way of the petrol tax.

Hon. N. E. Baxter: Oh, yes!

The CHIEF SECRETARY: Now members want a further contribution to be made by granting farmers more than one concessional licence. The road boards have asked for this provision to be agreed to, and I hope members will vote for it.

Hon. L. CRAIG: I support the Minister. I was chairman of a road board for many years, and I know that our board wanted concessional licences abolished. In the dairying areas many well-to-do farmers had only runabouts, and they were used for all purposes—taking the family to the pictures and everything else. There was great dissatisfaction amongst those who had cars with hoods on them and those who did not because concessional fees were granted for runabouts.

Hon. C. H. Henning: Was not that bad administration on the part of the road board in enforcing the Act?

Hon. L. CRAIG: No. On one station property of ours we have four jeeps—each man on the station has his own jeep—and we pay four full licences because we feel that the roads here have to be made, and this is one way of helping to pay for them. In those areas the roads pass through station properties. Roads must be maintained, and we feel that we should pay licences on every vehicle. These are prosperous times, and farmers and squatters are really well-to-do. So I think a concessional fee for one vehicle is sufficient. Vehicles that do not go on the roads are not licensed, except for third-party purposes; and I think the least we can do is to comply with the wishes of the road boards, and confine the concessional licensing to one vehicle.

Clause put and a division called for.

Hon. A. R. Jones: On a point of order, Mr. Chairman, I did not hear a voice for the ayes; and I claim that the motion is lost, because the noes spoke and the ayes did not.

The CHAIRMAN: I think there was one voice.

Hon. A. R. Jones: I did not hear a voice.

The CHAIRMAN: I asked the clerks and they heard a voice. I heard one, too.

The Minister for the North-West: It was very weak.

The Chief Secretary: Put it again so that there will be no argument.

The CHAIRMAN: No; I will not alter my decision.

Division resulted as follows:—

Ayes	9
Noes	12
Majority against	3

Ayes.

Hon. L. Craig	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. R. J. Boylen
Hon. J. G. Hislop	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. H. L. Roche
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. Sir Chas. Latham	Hon. A. F. Griffith
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. J. J. Garrigan	Hon. H. Hearn
Hon. E. M. Davies	Hon. J. Murray
Hon. R. F. Hutchison	Hon. L. A. Logan

Clause thus negatived.

Bill reported with an amendment.

Sitting suspended from 6.18 to 7.30 p.m.

BILL—DRIED FRUITS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [7.32] in moving the second reading said: This Bill contains amendments that have been requested by the Dried Fruits Board to bring the parent Act into line with similar legislation in other States. The producing States of Victoria, New South Wales, South Australia and Western Australia work in unison in the marketing of dried fruits both in regard to grades and controls. For this reason it is desirable for the legislation in these States to be as uniform as possible.

Although the original legislation controlling the dried fruits industry was passed in 1926, it had no permanence until 1947. At this time the introduction of a continuance Bill had been overlooked, and legislation was necessary to validate what had been done during the time the Act had not been in existence. At the same time, the present Act was made a permanent measure, and it has not been amended since.

The board consists of a chairman nominated by the Minister, and four representatives elected by the growers. The growers finance the operations of the board by a contribution, and the Act provides that this shall not exceed one-sixteenth of a penny per pound on the quantity of dried fruit produced during the preceding year or, in the case of a new grower, on the estimated production for the current year.

In addition to general powers for the disposal and marketing of dried fruit, the board may also give direction as to the disposal of any season's dried fruit crop; but it must notify each grower or dealer affected. The Bill proposes that the owner or occupier of a packing shed shall also be notified. The reason for this is that growers deliver only to packing sheds, and dealers either import from other States or purchase from packing sheds; and the board considers that it will function more efficiently if the packing shed is notified of its determinations in regard to the disposal of the crop.

At present, once a grower is registered, no renewal is necessary, so that there is great difficulty in keeping accurate records. The board has therefore requested that provision be made for it to be notified in the event of a property being sold, leased or otherwise disposed of. The Bill contains such a provision and will greatly assist the board in maintaining up-to-date records.

The same applies in regard to dealers, and the board desires that they be required to register annually. At present, a dealer registers once; and, under the regulations, pays a fee of £1 1s. The Bill provides for annual registration and the board proposes to charge £1 1s. each year, if the measure is passed. This will also enable the board to keep its records up to date.

So that affected persons will have plenty of notice, it is proposed that the measure, if passed, will operate from a date to be proclaimed. After the date fixed by proclamation, all existing dealers' registrations will be cancelled, and 14 days will be given to effect new registration, which will then expire on the 31st December in each year.

The final amendment deals with the section covering regulations. It is proposed to widen the powers to make regulations for the inspection of dried fruit, and for this purpose a new subsection has been taken from the Victorian Act. As I have said, the amendments, which have been requested by a board on which growers predominate, will bring the Act into closer line with similar legislation in other States. I move—

> That the Bill be now read a second time.

HON. N. E. BAXTER (Central) [7.38]: I support the Bill. I believe it will do a great deal towards assisting the board and the growers of dried fruits in this State. At present, dried-fruit growers are not having an easy time in making a living from their products. Most of them are battlers, and anything we can do to assist them to facilitate the handling of dried fruits should be done. There is not a great deal in the Bill; and as the Minister has explained clearly its provisions, I ask the House to support it.

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

BILL—DENTISTS ACT AMENDMENT.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Section 46 amended:

Hon. J. G. HISLOP: During the second reading of the Bill, I referred to the need for dentists to form a library, and suggested that they might co-operate with members of the medical profession in this regard, and so reduce the costs per head to the dentists. I have since had a chat with Professor Sutherland of the Perth Dental Hospital, and he said that that might be somewhat difficult, but that the dental hospital itself had a library, and he could not see any reason why that should be duplicated by the Dental Board subscribing to the formation of another one.

I understand that there are about 200-odd dentists in the State; and Professor Sutherland said that if the dentists were to contribute £100 a year towards the maintenance of a library at the dental hospital, it would make it much more efficient. He felt that if the contributions to the dental hospital were to continue, the matter of providing a library for the dentists would be made much more simple. As I have said before, I cannot see that there is any use in constantly duplicating such things as libraries, because they can be expensive and inefficient unless they reach a certain standard. I feel certain that the Royal Perth Hospital will eventually extend further along Wellington-st. and absorb the dental hospital, and so the incorporation of the two libraries could be achieved without any difficulty.

The dentists are supposed to have agreed to a licence fee of £6 6s. A medico pays only £3 3s. for a licence to practise, and members will recall that that fee was fixed after most of the men practising at that time had paid one fee and had been granted a licence for life. We agreed that it should be made into an annual licence fee. It would appear from this clause that the amount of the fee is creeping up. I do not think there is any need for the dentists' licence fee to be so high.

There is another aspect, and I have received a letter from a retired dentist emphasising the point I wish to make. Periodically, men from both professions retire, but continue to render service in some distant part of the State where they might be residing, or in conditions existing whilst they are on holidays; and, unless they are licensed, they contravene the Act. For a retired dentist to pay a fee of £6 6s. merely for the sake of rendering his services occasionally to the people in his district, is rather severe. The dentist who wrote to me is retired, and he has a number of cottages at a seaside resort; and every now and again he makes his services available if somebody is in difficulty.

I suggest to the Chief Secretary that in view of what I have said about libraries, he might accept an amendment to reduce the fee of £6 6s. to £3 3s. That would mean that, if the dentists cotributed towards the present library at the dental hospital to the extent of £100, that sum would be adequate, and would add another 25 per cent. to what they are now paying as a fee to meet the expenses of their board. It would also mean that there would be no need to alter the clause, because retired dentists would be quite willing to pay that fee to maintain themselves as practising dentists should they want to offer their services at any time.

Therefore, I ask the Chief Secretary to agree to an amendment to reduce the fee of £6 6s. to £3 3s. and the fee of dental assistants from £3 3s. to £2 2s. I am certain that will meet the position adequately. The clause relating to Section 46 is carelessly worded. It would be easier to say that the fees shall not exceed a certain amount. I would ask the Chief Secretary to reconsider this clause and agree to the smaller amounts of £3 3s. and £2 2s. respectively.

The CHIEF SECRETARY: The proposed amendment is rather drastic. The increased fees have been arrived at after careful consideration, because revenue is required to pay the expenses of the board and to conduct prosecutions against the illegal practice of dentistry by unqualified practitioners. I am told that prosecutions cost far more than the board obtains in costs and fines. In a recent case the board obtained £11 in fines and costs, as against the actual cost of the case to the board of a sum in the region of £60. For those reasons the fee was increased to £6 6s., and I cannot voluntarily accept the proposed amendment.

I have referred the question of the amalgamation of libraries to the authorities. Amalgamation is not possible at present because the dental library is the property of the University. It is visualised that when the medical school is established in this State there will be no difficulty about this amalgamation.

Hon. H. K. Watson: Where is it proposed to house the dental library?

Hon. J. G. Hislop: I understand it is at present adjacent to the dental hospital.

The CHIEF SECRETARY: The authorities were rather taken with the idea of the amalgamation, and they will be supplying me with further information which I shall impart to the House during the third reading. There is one clause which permits the board to reduce the fees payable by dentists who have retired from practice. Dr. Hislop raised the point that although a dentist may have retired, he would be regarded as practising if he carried out the jobs mentioned. If the board had power to reduce the fees, then cases like the ones mentioned would be treated very leniently by it.

Hon. J. G. HISLOP: If a dentist went out of practice for five years, and then decided to resume practice, he would, under the existing Act, be charged a fee of £2 2s. for each year so long as the total fee did not exceed £10 10s. Power is now given to the board to reinstate a dentist on the payment of the current licence fee; but no authority is given to the board to reduce the fee of a dentist who has retired, but who wishes to remain on the register. A number of retired doctors are doing the same thing and the medical board has reduced their fees. I would be prepared to agree to this clause if the Chief Secretary would refer the Bill to the authorities so that a clause could be added to give the board the power to reduce the fees of a dentist who has retired.

One thing which I cannot reconcile is this: Why should the dentists have to bear the total costs of prosecutions against persons illegally practising dentistry? The prosecutions are launched not for the protection of the dentists or the board, but of the general public, and the dentists ought not to be asked to pay increased fees to protect the public. An allocation of public moneys should be made for this purpose.

Hon. H. K. WATSON: I take it this Bill has been put forward by the dental board after consultation with the dentists. If it is desired to increase the fee to £6 6s. it should not be done without reference to the dental board and the dentists.

The CHIEF SECRETARY: Now that this question has been raised, I shall inquire why the fee should not remain as it is.

Clause put and passed.

Title—agreed to.

Bill reported without amendment.

BILL—LIMITATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th November.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [8.56]: During the debate, Mr. Watson thought it was a pity that the Crown Suits Act and the principal Act both existed, and he suggested that their provisions should be merged in one Act. He postulated the case of a person having to take one action under the two Acts against the State Housing Commission and the Public Works Department.

I would remind the hon. member that the Crown Suits Act, apart from limiting the time in which actions may be taken by a subject against the Crown, serves a more useful purpose in that where formerly no action could lie against the Crown at the suit of the subject, that barrier, over a period of hundreds of years, has gradually been relaxed.

The Crown Suits Act of 1947 gave the subject a right of action against the Crown whether in contract or in tort and to any amount. Section 7 of that Act excludes from the operation of the Act any corporate body or instrumentality of the Crown created by any Act of Parliament.

Since the Crown Suits Act deals with the Crown in right of the Government of Western Australia, it is felt that it should form a code, as it were, for actions against the Crown by the subject, and that it should remain such, so that any limitations imposed on the subject for taking action against the Crown should be rightly found in that Act, and that limitations of actions by subject against subject, and by subject against Crown instrumentalities should be found in the Limitation Act.

The amendment to the Crown Suits Act passed recently liberalised the time in which notice of taking action and the commencing of an action against the Crown must be given. Such times are identical with those mentioned in this Bill.

It should be appreciated that in England there is the Crown Proceedings Act of 1947, which is quite apart from the Law Reform (Limitation of Acts, etc.) Act of 1954.

Because of the existence of both the Crown Suits Act and the Limitation Act as proposed to be amended by this Bill, there would be no requirement to give notice under both Acts nor would the time for taking action be limited by both Acts in the example given by Mr. Watson, namely, in suing an employee of the State Housing Commission or the Public Works Department.

Under the State Housing Act, the commission is a body corporate and a Crown instrumentality, and under Section 4 of the Public Works Act, the Minister for Works is a body corporate capable of suing and being sued. Therefore, in both cases, action would be taken under the Limitation Act and not under both Acts, as suggested by Mr. Watson.

The hon. member also mentioned that certain eminent legal authorities in this State had suggested the Bill might be modelled on the English Limitations Act of 1954 rather than on the English Public Authorities Protection Act of 1893 and on the English Limitation Act of 1939. I can inform the hon. member that the English measure of 1954 to which he referred was closely examined before the Bill was drafted. Incidentally, for his information, the title of the English Act is the Law Reform (Limitation of Actions etc.) Act. This Act repealed only one and portions of two sections of the English Limitation Act, 1939.

When the present Bill was suggested, it was submitted that the English Act was far too generous to plaintiffs in permitting an action to be brought some years after the cause of action arose and without previous notice to the defendant. It was felt that the English Act of 1939 and the New Zealand Limitation Act of 1950 were more applicable to Western Australia and gave adequate protection to the rights of the subject, and yet gave necessary protection when a State instrumentality, etc., was the defendant.

When the Bill was proposed, it was suggested that the feelings of Parliament be first tested on the Crown Suits Act with respect to notice of action and the commencement of actions. If Parliament endorsed the proposals, then they should subsequently be written into the Limitation Act with respect to subjects and Crown instrumentalities, etc. Mr. Watson thought that the words "as soon as practicable after the cause of action accrued" could well be the subject of legal dispute. He suggested that the provision in the English Act of 1954, be adopted, namely, that an action can be commenced at any time within three years and no notice is required.

The expression "as soon as practicable" is used in the English Limitation Act, 1939, and the New Zealand Limitation Act, 1950. The principle of the need for early notice has already been recognised by the Western Australian Parliament in the Motor Vehicle (Third Party Insurance) Act, under which notice of accident must also be given "forthwith." This applies to the Workers' Compensation Act under which notice of accident must be given "as soon as practicable" after the happening, and the action commenced within 12 months.

It has been the Crown Law Department's experience that the notice of action is a very valuable protection to Crown instrumentalities, agencies, etc. Unless early notice of the claim is given, it would in many cases be extremely difficult, if not impossible, for an instrumentality or Crown agency adequately to investigate the claim. For instance, a person may fall off a Government tram and allege that the tram driver was negligent in moving off before the person alighted. Unless early notice of the accident was given so that the department could investigate the claim, interrogate the driver and any witnesses, and if no notice was given and the action was commenced within three years, as the English Act provides, the Government Tramways Department would be in a hopeless position, for even if the driver at the time in question was available, witnesses would be most difficult to trace.

Surely there is no hardship in insisting on the giving of notice as soon as practicable and in commencing action within 12 months! Under these provisions the "plaintiff is not pretty well limited." Moreover, Mr. Watson has missed the point in that the court still has the over-riding power to extend the time for commencing action even when no notice has been given.

The hon. member asked the effect on the State Trading Concerns Act of the definition of "person" in the Bill. State trading concerns come within the ambit of the Bill. In 1932, Mr. Justice Dwyer, as he was then, said:

> Now, in this case the creditor, the State Saw Mills, is a trading concern created to carry on a profit-making business. It is administered by one of the State Ministers as part of his normal ministerial duties; the property it holds belongs to the State and has always so belonged; its funds are provided from time to time out of the Consolidated Revenue and its profits go into Consolidated Revenue. There is no special beneficiary or group of beneficiaries to be advantaged. The benefit from its operations is for the State as a whole and not for any particular class or restricted number of persons, and any loss must be borne similarly.

It is considered, therefore, that a State trading concern, which is a Crown agency, should be in no different position from a Crown instrumentality. The definition of "Crown" in the Crown Suits Act, 1947, is in law clear enough and the actions which were within the ambit of the Act well defined. Such actions would be against the Crown in relation to its exercise of rights over territorial waters, where the Crown is a party to a contract, and in the exercise of its legislative powers, as, for example, the present action by the Midland Railway Co. against the State in respect of mineral rights over the company's land.

Question put and passed.

Bill read a second time.

STANDING ORDERS COMMITTEE.

Consideration of Report.

Report of Standing Orders Committee further considered.

In Committee.

Resumed from the previous day; Hon. C. H. Simpson in the Chair.

The CHAIRMAN: We were considering an amendment to Standing Order 321 to strike out all words after the word "shall" in line 5 and substitute the words "be four." This amendment is one of two recommended to overcome the necessity for having to obtain a unanimous decision on matters referred to a conference between the two Houses. The question is—

> That the recommendation be agreed to.

Hon. H. K. WATSON: This proposed amendment must be considered in conjunction with the next proposal to amend

Standing Order 329. Taken together, the substance of the amendments is that, instead of the present practice of appointing three managers to represent each House at a conference and a unanimous decision being required, there shall be four managers from each House and agreement by six of the eight managers shall be the decision of the conference.

We should give very serious thought to this proposal before approving of it, because I can visualise frequent occurrences when a conference so constituted could completely stultify and overwhelm the desire of this House and of its representatives at the conference. Assume for the purpose of discussion it were a Bill to amend the constitution of this House, dealing with the franchise or some such matter. There would be four managers from another place who might be unanimous, and it could well happen that two of the four managers from the Council would be in agreement with them, even though their views did not represent the majority opinion of this House. Thus the whole value of the conference would be undermined.

Hon. J. G. HISLOP: There are certain difficulties about conferences. One representative might stand out and say "No" to everything and so destroy a measure. This possibility must give considerable food for thought. If it were a question of altering the constitution of this House it is not unlikely that the four managers from another place would be united in their opinion and that the same opinion would be held by the Minister from this House. Consequently, five of the eight managers would be of the same way of thinking and thus it would need the turnover of only one member from the Council for a decision to be reached. If we approve of the increase in the number of managers from three to four, we ought to give much greater consideration to the next amendment and provide that the number required to be in agreement for a decision shall be seven out of the eight. That would do away with one man, by his attitude, destroying a measure and would give protection to both Houses.

With regard to the appointment of conference managers, the practice has been to appoint one member from each of the known political parties in this Chamber. The general rule is to appoint the Minister in charge of the Bill and two other members, and sometimes one of those may be one who has taken an active part in the debate while the other is a member to whom the matter at issue is not one of great moment.

Only last year, I spent considerable time preparing a second schedule for the Workers' Compensation Act, in company with others who have been closely in contact with the Act for years. It was presented to and accepted by this House, and rejected by another place; and yet, because there was one member who always takes an active part in workers' compensation matters representing the party to which I belong, custom was followed and I could not be a member of the conference and therefore could not give it the benefit of the work that had been put into that proposed new second schedule. I think it would be much better if the system were altered and the conference managers were elected—

Hon. H. K. Watson: Not on account of party affiliations but in the light of their knowledge of the subject.

Hon. J. G. HISLOP: Yes. I do not know that this requires an amendment of the Standing Orders, but it could, with advantage, become the practice of this Chamber. If we agree to increase the number of conference managers from each Chamber from three to four, I think we should provide that agreement of seven out of the eight should be required.

Hon. Sir CHARLES LATHAM: I think it is unwise to amend our Standing Orders unnecessarily in this way, as they have stood the passage of time very well indeed. This Chamber has, I believe, a more judicial outlook than has another place, being a House of review, and I appeal to members to leave the position as it is.

Hon. N. E. BAXTER: A conference of managers is generally held on amendments passed by this Chamber; and if we increased the number of managers from each House to four, and then agreed to a decision being reached by six out of the eight, we would load the balance against this Chamber. Where Bills have been defeated in a conference of managers, it has not always been because the managers from this Chamber stuck in their toes; managers from another place have also done that on occasion. It must be remembered that amendments made in this Chamber are decided on in a non-party spirit, and that is to the good of the State. I cannot see that the proposed alteration of our Standing Orders would be of advantage to the State.

Hon. H. L. ROCHE: Almost invariably, when a procedure has become traditional, it is possible to point at what appear to be weaknesses in it, and we have to decide whether the existing method, with whatever imperfections it may have, is not the best available. I oppose the proposition to increase the number of conference managers from three to four as that could lead to the majority wish of this Chamber being disregarded, if not ignored. I think Dr. Hislop's suggestion would strengthen the position.

Bills lost or not proceeded with by the present or previous Governments were not always dealt with in that way because of

the rigid attitude of one member of a conference, so far as one can ascertain, but more because representatives of the Government of the day were not prepared to compromise. I think it would be rarely, if ever, that either Chamber would appoint as one of its conference managers a member known to be adamant on the question at issue. I feel it would be unwise to adopt this recommendation, and that we should maintain the present position.

Hon. L. CRAIG: I think that the proposal of Dr. Hislop may be preferable to the recommendation. More than once there has been a conference of managers at which there has been entire agreement among the managers from another place. Under those circumstances, with four managers from each Chamber, the wish of this Chamber could be ignored. If we did decide to have conferences of eight managers, the seven-to-one majority would prevent the rare occurrence of one man, through stubbornness or stupidity or both, being able to stand out against the other seven.

Hon. W. R. HALL: Owing to the fact that there are several members away this evening, and because this is a most important amendment, which I am sure some of them would like to discuss—as it relates to the Standing Orders of both Houses—I think we should report progress.

Progress reported.

House adjourned at 8.32 p.m.

Legislative Assembly

Thursday, 18th November, 1954.

CONTENTS.

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

PERSONAL EXPLANATION.

Mr. Yates and "The West Australian" Report on Betting Bill.

Mr. YATES: May I make a personal explanation, Mr. Speaker?

Mr. SPEAKER: Yes.

Mr. YATES: As a result of the debate held in this House last night on the Betting Control Bill, there appeared on the front page of "The West Australian" this morning the following heading:—

> "REBEL" M.L.A. STANDS FIRM ON THE BETTING BILL.

The report then went on to state—

> Mr. Yates (L.C.L. South Perth), the "rebel" member of the Opposition, continued to support the Betting Control Bill in the Legislative Assembly last night.

I wish to make it quite clear to members and to the Press that I never have been a rebel in this House and do not have intention of being a rebel in the future.

Hon. J. B. Sleeman: We will bring the reporter before the Bar of the House and try him, will we?

Mr. YATES: I voted on this Bill according to my conscience because it is a non-party measure and I would like to ask if any action could be taken on this matter through you, Mr. Speaker.

Mr. SPEAKER: I must admit that I was rather startled to see the headline in "The West Australian" this morning.

The Minister for Works: Most unfair!

Mr. SPEAKER: It was not only unfair; it was non-factual. It was an attempt to make a sensational headline. In fact, it almost approaches the standard of yellow journalism. If the member for South Perth will hand me his complaint in writing, I will take up the matter with the proprietors of the newspaper and endeavour to have an apology published and given prominence equal to this headline. Had the reporter followed the run of the debate, he would have noticed that it was a non-party Bill and therefore no member could possibly have been termed a rebel.

The Premier: The reporters do not write the headlines.