

Legislative Council.

Thursday, 31st October, 1940.

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

AUDITOR GENERAL'S REPORT

The PRESIDENT: I have received from the Auditor General a copy of his report on the Treasurer's Statement of the Public Accounts for the financial year ended the 30th June, 1940. I place the paper on the Table.

QUESTION—RAILWAYS, STARVING STOCK.

Hon. A. THOMSON asked the Chief Secretary: What are the charges and conditions being imposed by the Government upon owners of starving stock who are compelled to use the railways to transfer such stock to other areas for agistment?

The CHIEF SECRETARY replied: Each case is treated on its merits by the Freight Relief Committee appointed by the Government.

QUESTION—NEWCASTLE COAL.

Hon. W. R. HALL asked the Chief Secretary: What is the cost per ton of Newcastle coal at Kalgoolie—(a) via the port of Fremantle; and (b) via the port of Esperance?

The CHIEF SECRETARY replied: For railway purposes—(a) 70s. (b) 70s. 7½d.

MOTION—AGRICULTURAL PRODUCTS ACT.

To Disallow Regulations.

Debate resumed from the 29th October on the following motion by Hon. A. Thomson (South-East):—

That the regulations made under the Agricultural Products Act, 1929, as published in

the "Government Gazette" of the 6th September, 1940, and laid on the Table of the House on the 10th September, 1940, be and are hereby disallowed.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.38]: Under the regulations as they now exist, the candling and grading of eggs applies to export eggs only, while under the regulations which the hon. member desires to disallow, all eggs which are for consumption, whether in Western Australia or elsewhere, would be brought under the candling and grading requirements. I am informed by the Agricultural Department that the necessity for these regulations arises from the fact that it has been found impossible to guarantee consumers receiving the quality of eggs for which they pay. That arises mainly from the further fact that large numbers of so-called country eggs are disposed of not only in the metropolitan area and on the goldfields but throughout the State. The department, in its desire to ensure that the quality of eggs sold to consumers shall be in accordance with the quality advertised or stated, has been forced to the conclusion that the only way in which this end can be satisfactorily achieved is by means of candling and grading. Mr. Thomson, in introducing the motion, quoted somewhat extensively from a letter which he had received from a storekeeper. Indeed, the whole of his arguments appear to be based upon statements contained in that letter. I have no doubt that the letter adequately expresses that particular storekeeper's point of view.

Hon. A. Thomson: I could read other letters too.

The CHIEF SECRETARY: I must suggest, however, that the letter does not express the point of view of either producers or consumers. In most cases the local storekeeper will not sell large quantities of eggs and the equipment for handling and grading eggs is inexpensive. It is something the storekeeper can instal cheaply. Where the quantity of eggs to be sold is—as I have suggested—small, the storekeeper would not experience much difficulty in complying with the regulations. At the same time, it is not the intention of the department to police these regulations in the smaller country districts. The department believes that, with the introduction of this method, it will gradually appeal to persons dealing in eggs

in country districts, and both producer and storekeeper will come to regard the method as desirable. There is no intention to create another department nor to charge a fee for registration, as was suggested by Mr. Thomson. No fee will be charged for the registration of the so-called approved floor, nor for the registration of a person as a candler and grader. From that point of view, therefore, there is no strength in the argument of the hon. member that the regulations will cause expense to the storekeeper.

Hon. A. Thomson: I am worrying not about the storekeeper, but the producer.

The CHIEF SECRETARY: The department's contention is that when this method becomes universal, the producer will receive a higher return for his eggs.

Hon. A. Thomson: That is why I suggested confining the application of the regulations to the metropolitan area. They could be tried out there.

The CHIEF SECRETARY: If the regulations will benefit the producer in the way I suggest, I feel sure they will be welcomed, especially now that I have intimated it is not the department's intention rigidly to police the regulations in country districts. The department informed me that if one storekeeper, more progressive than others, is prepared to instal a candling and grading plant, it will not be long before every other storekeeper will follow his example, because the storekeeper with the equipment will be able to obtain a higher price for better quality eggs and the producer will naturally share in that advantage. As a matter of fact, it can truthfully be said that eggs themselves will police the regulations, because once a consumer knows that he can rely on eggs which have been candled and graded, he will demand them in future.

Hon. G. W. Miles: What is candling? Does it preserve the eggs?

Hon. A. Thomson: The egg is held up to a candle and the candler looks through the egg.

Hon. J. J. Holmes: The egg might be all right when it is inspected, but three weeks afterwards it would be stale.

The CHIEF SECRETARY: That is so. The egg will be branded and the brand will be a guarantee that the person buying it will get an egg according to the description appearing on it.

Hon. J. J. Holmes: Will the date of the candling be stamped on the egg?

The CHIEF SECRETARY: I cannot say offhand, but it could easily be added. I am rather surprised to learn that expert candlers engaged by exporters can examine from 400 to 700 dozen eggs per day. When Mr. Thomson was speaking to the motion he said that 400 to 700 eggs per day could be inspected.

Hon. A. Thomson: I meant 400 to 700 dozen. I made a mistake.

The CHIEF SECRETARY: That is what the hon. member is reported to have said. That large number is an indication to the storekeeper that he could put the eggs he sells through the process in a few minutes.

Hon. J. J. Holmes: A date must be put on the eggs.

Hon. J. M. Macfarlane: A cipher, I take it.

The CHIEF SECRETARY: There would be an indication. Mr. Thomson also referred to the fact that 40 years ago he was engaged in a cash store in Victoria and even at that time he was called upon by his employer to candle eggs sold in the store. I suggest to the hon. member that if it was possible for him to put eggs through the process 40 years ago, there would be no difficulty in putting eggs through the process to-day, more especially as the storekeepers would have better equipment, which can be provided at little expense.

Hon. A. Thomson: Except that 40 years ago there were no approved candlers or approved premises.

The CHIEF SECRETARY: I will deal with that point in a moment. All that is required is an electric light globe, although it is not essential even to have that. The light is placed in a container which allows of its being focussed on to the egg. The candler holds the egg in front of the light and can see whether it is good, bad or indifferent. The egg is then classified.

Hon. J. J. Holmes: I hope none of the eggs Mr. Thomson candled 40 years ago are still for sale!

The CHIEF SECRETARY: I have made some inquiries from the departmental expert and know much more about eggs to-day than I did yesterday.

Hon. A. Thomson: Mr. Watts and I had a discussion with him, too.

The CHIEF SECRETARY: And the position was fully explained to Mr. Thomson and Mr. Watts. They were informed that it was not the intention of the department to create difficulties for storekeepers and egg producers. The department has gone so far as to promise to send officers into country districts in order to teach shop assistants this method of candling and grading, should the storekeeper desire them to be taught. I am informed the tuition necessary is of short duration; the process can be learnt in a few minutes.

Hon. H. S. W. Parker: Mr. Thomson said that he did candling when he was in his early teens.

The CHIEF SECRETARY: Mr. Thomson also said that difficulties would arise with regard to the registration of employees as approved candlers, but that is not so. Under this modern method, I am informed, the candling discloses all sorts of things, a list of which has been supplied to me.

Hon. G. W. Mites: Chickens have been found in some eggs, I believe.

The CHIEF SECRETARY: Yes. The list includes blood spots, cracks, air bubbles, lumps of decayed ovary, worms. I have quite a lot of information, but I do not propose to read it all. As I said, since I started to delve into the question of the need for candling, I have learnt quite a lot. To-day I was given a worm found in an egg; it was 4 inches long, and I am informed that that is no uncommon thing. This worm was discovered by the method of candling. If eggs can go into consumption containing impurities of that sort—

Hon. C. F. Baxter: It is wrong to say that is a common thing; it is far from common.

The CHIEF SECRETARY: I said I was informed that this was no uncommon thing.

Hon. C. F. Baxter: Well, that is wrong.

Hon. J. Nicholson: Say it occurs occasionally.

The CHIEF SECRETARY: I can only say what I am informed.

Hon. C. F. Baxter: During about four years of export, a worm has been found in only one egg.

The CHIEF SECRETARY: The hon. member must be wrong in making that statement. I was supplied with the information this morning, and since then this worm has been found.

Hon. J. Nicholson: Hold it up to the candle so that we may see it.

The CHIEF SECRETARY: There is need for examining all eggs. I have shown that there will be no grave disability attached to the enforcement of the regulations and therefore they should not be disallowed. There will be no cost worth speaking of. As a matter of fact the smaller storekeeper who has the equipment could candle the eggs as they were delivered, and this would occupy his time to only a trifling extent.

Hon. L. Craig: What about sales of eggs by farmers to employees? Would they be exempt?

The CHIEF SECRETARY: I think sales of that kind would always be made regardless of any regulations that might be proclaimed.

Hon. A. Thomson: But the sellers would be liable to prosecution.

The CHIEF SECRETARY: I do not think that such sales could be prevented. The fact that a farmer might have regular customers for two or three dozen eggs would scarcely trouble the department; in fact the department would scarcely know who the customers were.

Hon. J. J. Holmes: Then it does not matter whether the farmer gets a worm or not?

The CHIEF SECRETARY: When the consuming public recognises the value of candling, it will be careful to purchase only such eggs as have been tested in this way. The intention of the department is to police the regulations as far as possible in the metropolitan area and on the goldfields—the more thickly populated parts of the State. It is believed that the eggs themselves will eventually police the regulations.

Hon. A. Thomson: I would raise no objection if you placed that limitation in the regulations, but you have made them State-wide.

The CHIEF SECRETARY: To draw a line of demarcation between one district and another is very difficult. I can only give the hon. member the assurance that I have received from the department. First of all, there is no intention of enforcing the regulations except in the thickly populated parts. The regulations do not provide for any charge for registering premises or candlers. Registration is required so that the department might have an exact knowledge of

the people who are handling eggs. As I have already pointed out, the department is prepared to send an officer into the country to teach the storekeeper or his employees the method of candling eggs.

Hon. A. Thomson: Would he go out to the farms as well?

The CHIEF SECRETARY: If the producers so desired I believe the department would help them in the same way.

Hon. A. Thomson: I am not worrying so much about the storekeepers.

The CHIEF SECRETARY: I thought the hon. member was.

Hon. A. Thomson: The Minister gathered that impression from the department and it is not correct.

The CHIEF SECRETARY: I gathered it from the letter quoted by the hon. member when moving the motion. He based his arguments upon various parts of the letter. I think I have shown that the time necessary to apply this method is not a vital factor. Even if a storekeeper had to candle a case of eggs it would not be a serious matter. I believe that eggs are packed in containers of 12 dozen.

Hon. J. M. Macfarlane: Twelve dozen and 25 dozen.

The CHIEF SECRETARY: When one candler can do from 400 to 700 dozen eggs per day no hardship will be inflicted upon a storekeeper or an employee if he has to candle 25 dozen. There seems to be little strength in the argument of the hon. member. The eggs sold direct from farms to the public constitute a very small proportion of the total sales in the State and I do not think they would be worth bothering about from the department's point of view. The eggs that are supplied direct to storekeepers constitute only a comparatively small proportion of the total sales in the State. When a farmer is in a position to dispose of 12 dozen or 25 dozen eggs a week he does not now send them to the storekeeper; he sends them to the metropolitan area and thereby gets the benefit of the higher price. I believe that that statement is correct. Mr. Thomson said the regulations would impose a hardship upon the storekeeper and penalise the farmer, but I consider there is quite a lot of logic in the arguments of the department, and that if it is good enough to insist upon the candling of eggs for export, surely eggs intended for local consumption should be tested by the same method, more especially

as the department does not intend to police the regulations strictly in the smaller country centres. I must oppose the motion, and I hope that in the interests of the consumers as well as of the producers of eggs, the regulations will not be disallowed.

HON. J. CORNELL (South) [4.59]: I feel inclined to vote for the motion. Less than a fortnight ago I visited Salmon Gums, which is a long way from Perth, and was surprised to learn of the large number of eggs handled by the local storekeeper. The quantity was about 100 dozen per fortnight. Those eggs came from a section of the community in the district and were that section's only source of income. All the eggs were sent to Norseman and sold in the town. I was given to understand that the demand there is greater than the supply, and what I would like to know is whether it would be necessary to stamp all those eggs or only those that were sold at Salmon Gums. I do not believe that the storekeeper would be able to sell many in Salmon Gums because there are so few people there to-day. Those people, if they wanted eggs, would buy them direct from the farmer's wife. Then would the storekeeper be compelled to brand all those eggs before he sent them to Norseman? If he was, it would amount to a farce. It is absurd that in a case such as that, when the demand far exceeds the supply, it should be necessary to brand eggs.

The Chief Secretary: Branding is the only indication that the egg is true to sample.

Hon. J. CORNELL: Why must an egg be branded to prove that it is good when the demand exceeds the supply? The egg itself will demonstrate what Columbus found out, that it can stand on its own end. The storekeeper in the instance to which I have referred will have those eggs in his possession for at the most two or three days. As to the price, the farmer will get what the local storekeeper will give him.

Hon. A. Thomson: Eggs are 6d. a dozen in the country at the present time.

Hon. J. CORNELL: The hardy pioneers and prospectors in the early days of the goldfields and men like Sir Hal Colebatch, Mr. Miles and Mr. Welsh, who remember the goldfields forty odd years ago, will recall that where eggs were concerned nothing was left to chance, and the slogan in those days, before bacon and eggs or steak and eggs were ordered, was that the eggs must be turned. To-day we are going to say eggs must be branded for the benefit of

the chap who eats them. That is what it amounts to. We are to give him a guarantee that he is getting a good egg. The farmer, however, will not receive what he should for the product. He merely gets what the storekeeper is prepared to give him, and in some instances he is paid as low as 3d. a dozen. The man down here has a market in which to sell the eggs, but the unfortunate man in the country has no market at all. Going back to the establishment of the Industries Assistance Board, we will find that the argument then was that the production of eggs and similar side-lines was the only source of revenue for the women on the farms.

Hon. A. Thomson: The same thing applies to-day.

Hon. J. CORNELL: That was as far back as 1915. It was this House, which misguided individuals have referred to as the "House of Daddery," that inserted the provision in the Industries Assistance Act. Now we are going to impose a further burden on a deserving section of the community. I am not speaking for the metropolitan area; I am speaking on behalf of a section of the people who are going to be penalised if this regulation is carried. Confine it to the metropolitan area and let the community in the country look after itself. I will support the disallowance of the regulation.

On motion by Hon. J. M. Macfarlane, debate adjourned.

BILL—CIVIL DEFENCE (EMERGENCY POWERS).

Received from the Assembly and read a first time.

BILL—ROAD CLOSURE.

Read a third time, and *passed*.

BILL—BILLS OF SALE ACT AMENDMENT.

In Committee.

Clause 1—agreed to.

Clause 2—Insertion of new Section 29A:

Hon. H. S. W. PARKER: I move an amendment—

That in line 1 of proposed new Section 29A, after the word "security," the words "for a sum not exceeding £50" be inserted.

The amendment would mean that the bill of sale would not be below £50 and therefore the Bill would not affect any such transaction.

Hon. E. M. HEENAN: I hope members will not agree to the amendment, the effect of which would be to defeat the main purpose of the Bill. The intention is to protect household furniture and personal effects. I have no objection to the amendment of which Mr. Nicholson has given notice, but if we specify a limit, as Mr. Parker does in his amendment, we shall certainly defeat the object of the Bill.

Hon. J. NICHOLSON: I take it the desire is to protect the interests of the small householder rather than the individual who may engage in a transaction running into large figures. My amendment will exclude from the operations of the Bill the men engaged in business.

Hon. J. J. Holmes: And the sponsor of the Bill has indicated that he will accept your amendment.

Hon. J. NICHOLSON: Yes, but I do not think Mr. Parker's amendment would defeat the object of the Bill because the intention is to afford protection to those engaged in small transactions. That is all Mr. Parker's amendment deals with.

Hon. G. FRASER: The object of the Bill is to protect household furniture and effects, irrespective of what amount may be involved in the transaction. Everyone should be granted protection to that extent.

Hon. Sir HAL COLEBATCH: I hope the Committee will not accept the amendment. If such a provision were embodied in the Bills of Sale Act, it would be used deliberately to evade the provisions of the legislation. For instance, a bill of sale would be made out for £51 and the person desiring to secure the money would be told that he could not obtain accommodation if he did not accept that condition. The amendment would not make any difference whatever even in large transactions, because the parties concerned would know that the last £20 or so affecting the household property was protected.

Hon. H. S. W. PARKER: I am afraid the full effect of the Bill is not quite appreciated. Assuming there is a bill of sale over a hotel and the property has to be sold up. Difficulties will arise regarding certain items that may have been selected

for disposal, which should not be seized. Then again the question of value would arise. It would not be necessary to sell household furniture or effects to the value set out in the Bill; the mere fact that the goods had been seized would constitute an offence and render the person concerned liable to a penalty. I understood the object of the Bill was to protect unfortunate persons against themselves and that it did not concern men engaged in transactions on a large scale. Another extraordinary point arises; portraits are to be exempt. A man may have a valuable painting, not necessarily a family portrait, but this legislation will cover such a valuable oil painting if it is a portrait. Mr. Nicholson's amendment goes far enough in one sense, but does not overcome the difficulty regarding the seizure of furniture. I regard the Bill as dangerous.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That the following proviso be added to proposed new Section 29A:—

“Provided that nothing in this section contained shall apply to any bill of sale granted by any person or company engaged in any business or trade and who or which has in his or its possession goods or chattels of the class or description hereinbefore mentioned and which goods or chattels are held for the purpose of such business or trade.”

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

Title—agreed to.

Bill reported with an amendment.

BILL—SALE OF LAND (VENDORS' OBLIGATIONS).

Second Reading.

HON. G. FRASER (West) [5.25] in moving the second reading said: The debate this afternoon has so far been rather varied, and has been suggestive of a paddy's market. We have had talk about beds and bedding, tools of trade, and eggs. My Bill seeks to cover the bad egg, the two-legged one who walks around and is interested in the sale of land. One must pause in wonder when, at this stage, one considers so many Parliaments have met and so many Acts have been placed on the statute-book to afford

protection to people in various directions, and yet one of the most common forms of transaction, that relating to the sale of land, furnishes so many openings for the defrauding of the people.

Hon. J. J. Holmes: Your Government has been in power for a long time!

Hon. G. FRASER: The matter concerns not only the present Government but a succession of Governments of varying political creeds. Let us say the matter has been overlooked. There are various means by which land is disposed of, and the form I seek to deal with relates to contracts of sale. We all appreciate the fact that various Acts have been passed in which provision is made for the protection of people who buy land. The average person who buys under contract of sale considers he is protected by law and, as that is not altogether so, the Bill is before members with the object of providing against that weakness. The average individual who desires to purchase a home or land usually goes to a land and estate agent to ascertain whether he has any properties for sale. Generally he can be accommodated, and mostly the purchase is made by way of a deposit, with provision for the payment of so much per week over a term of years. The agent concerned draws up what is known as a contract of sale which appeals to the purchaser as ample for his protection with the result that the latter is in a state of false security. I have with me a copy of the usual type of contract of sale that is drawn up. Members should appreciate the fact that people who buy property in these circumstances are not so well versed in legal knowledge as they are. Such purchasers are ordinary people who go to reputable firms to secure a property. The contract of sale that is drawn up is a lengthy document covering all phases of the transaction. Both parties sign the contract and their signatures are witnessed. Then the document is taken to the Treasury Buildings and the fees on the basis of £1 per £100 of the amount involved is assessed at the Stamp Office, and the document duly stamped. Usually there is a duplicate copy on which a 5s. stamp is also placed. The original is given to the vendor and the copy is retained by the purchaser. The latter considers he has completed his objective and that he has a legal document that affords him every protection. It does nothing of the kind. Generally speaking, no one, apart from the

purchaser and those associated with the actual sale, has any knowledge that the transaction has taken place. I know the legal members of the Chamber will say that a person can protect himself by lodging a caveat, but people who purchase properties under contract of sale are not always legally-minded and the average citizen knows nothing about caveats. People consider that a document prepared and stamped at the Treasury secures the property to them. Often, however, they are disillusioned. When during the debate attention is drawn to what has occurred in the past many people who have purchased land under contract of sale will have their eyes opened and will take steps to protect themselves. By means of this Bill I seek to overcome the difficulty created by the ignorance of the average person regarding the laws available to him as a protection when purchasing property.

The document I have in mind is typical of contracts of sale used in property transactions. I do not propose to mention numerous cases but intend to draw attention to one or two. One of these contracts of sale was drawn up in 1928. A person went to a reputable firm in the metropolitan area, a firm which has been established for as long as I can remember. She said "I want to purchase a property at a fairly reasonable price. I will pay £50 deposit." The agent said "We have just the property to suit you. The price is £500." Eventually an agreement was drawn up for the purchase of the property at £50 deposit and £1 a week. Only a couple of weeks ago after the purchaser had been paying £1 a week for 12 years and had spent approximately £150 improving the property a man knocked at her door and said he would like to look over the property. She asked him why and he said "Because I own it." She laughed and said, "I have been paying for the property for 12 years," to which he replied, "That does not matter; I own it." She applied to the agent for the vendor but could obtain no satisfaction and consequently came to see me, being very worried at having paid for the property £700, representing £500 purchase price and interest at 8 per cent. I searched the Titles Office and found that a few days after she had paid the deposit and a contract of sale had been drawn up,

the vendor mortgaged the property for a certain sum. That mortgage remained on the property until 1935, when it was discharged. In 1936 a fresh mortgage was taken out for £350. On the title deeds were also two warrants for other debts owing by the original vendor. All of those transactions had been carried out without the knowledge of the person who purchased the property under contract of sale in 1928.

Hon. J. Nicholson: And no caveat was lodged?

Hon. G. FRASER: The average individual knows nothing about caveats. When he goes to a reputable firm and a document like this is prepared and stamped at the Treasury, he has an idea that he is secure.

Hon. A. Thomson: He naturally thinks he is dealing with an honest firm.

Hon. G. FRASER: Exactly. The person to whom I referred has paid £700 in 12 years for a property bought under contract of sale. The case is not actually finished and while there is a possibility of saving something from the wreck it looks at the moment as though the purchaser has not very much hope.

Hon. H. S. W. Parker: Did the agent draw up the agreement?

Hon. G. FRASER: I presume so. I know the reason for the question. If a land agent prepares such a document and charges for it, he commits an offence against the Legal Practitioners Act.

Hon. H. S. W. Parker: You said the firm was a reputable one; that was the reason I asked the question.

Hon. G. FRASER: Yes. Similar work is done by all land agents. I do not know whether they charge or not. If they do not make a direct charge, thus laying themselves open to prosecution under the Legal Practitioners Act, they have probably other means of being paid for the work, perhaps including the cost in the commission charged on the transaction.

Hon. J. Nicholson: Was the money paid to the agent or the person purporting to be the vendor?

Hon. G. FRASER: The person who sold the property was the vendor and the agent.

Hon. J. Nicholson: The vendor could be sued.

Hon. G. FRASER: If a vendor happens to be not worth powder and shot, there is not much protection for the purchaser of

a property. Mr. Parker probably knows hundreds of cases of that description. I know a worse one than that which I have mentioned. The owner mortgaged the property for £600.

Hon. H. S. W. Parker: What about the Land Agents Act? That gives protection.

Hon. G. FRASER: It does not. Few Acts in Australia protect a contract of sale. It is one of those forgotten things.

Hon. H. S. W. Parker: In this instance the purchaser is protected.

Hon. G. FRASER: I fail to see it and quite a number of others do.

Hon. J. J. Holmes: What protection do you propose to give through the Bill?

Hon. G. FRASER: I am coming to that. In the second case to which I referred, the property was represented to be worth £1200. A mortgage of £600 was raised on it and immediately the money had been raised the person sold the property under contract of sale to someone else for £800, thus raising £1,400 on a property that was supposed to be worth £1,200. Worse was to follow, for the property was eventually found to be worth only £600. I mentioned those cases to show how contracts of sale are being abused. No doubt most hon. members will be aware of many other instances. I want to prevent that kind of thing and I propose to do so by making it compulsory for a vendor when selling a property under a contract of sale to notify the purchaser if the property is mortgaged.

Hon. J. Cornell: That is fair.

Hon. G. FRASER: Further, if there is no mortgage on a property at the time the contract of sale is drawn up and the vendor desires later on to raise a mortgage on it, he will, if the Bill is passed, have to secure the permission of the purchaser unless a caveat protecting the rights of the purchaser has been lodged by the purchaser and the transaction is subject to the caveat. I realise that the vendor also must have some protection. In many instances a purchaser is notified of the existence of a mortgage and is still agreeable to buy the property. Later, the mortgagee may desire the mortgage to be redeemed and the mortgagor will be desirous of redeeming it. For that purpose he will want to raise a fresh mortgage to pay off the original mortgagee. Under the Bill, that will be possible if he secures the permission of the purchaser. If the purchaser refuses to allow the vendor

to raise a fresh mortgage, the vendor will be able to appeal to the court to give a decision on the facts.

Hon. J. Nicholson: Has the hon. member thought of a simpler method, namely, providing that no land agent shall be entitled to complete any contract of sale unless it has first been perused and approved by a qualified solicitor on behalf of the purchaser?

Hon. G. FRASER: I will agree that if all transactions of this description were supervised by lawyers, there would not be so many abuses, but I am not introducing a Bill to bring business to the lawyers. They can get business for themselves.

Hon. J. Nicholson: I was merely suggesting an easy method of overcoming the difficulty.

Hon. G. FRASER: In addition to overcoming the difficulty, I desire this business to be done at the cheapest possible rate and a contract of sale is the most reasonable way of conducting such transactions provided a certain protection is afforded the purchaser. I appeal to hon. members to study the measure which I consider provides the desired protection. There is no similar Act in Australia. Queensland has legislation dealing with the subject, but it does not go far enough. Under the Queensland measure the vendor, when he has sold land under a contract of sale and raises a mortgage on the property, must notify the purchaser. Unfortunately the damage is done once the mortgage is raised. This Bill provides that the vendor shall notify the purchaser before raising a mortgage. I think the measure will operate very smoothly and I hope that, in order to protect thousands of people who buy land under this system, hon. members will support it.

I gave attention to Mr. Nicholson's suggestion that an amendment should be made to the Land Agents Act to deal with this matter, but unfortunately others besides land agents transact this type of business. Solicitors do this kind of work and there are bad eggs amongst them.

Hon. J. Nicholson: I am sorry to hear that.

Hon. J. Cornell: Some of them have to go inside occasionally.

Hon. G. FRASER: That is so. I want people to be protected not only against unscrupulous land agents and vendors, but

also against bad solicitors. Having carefully considered all phases of the subject, I decided that the introduction of a Bill was necessary to protect purchasers under contract of sale. I move—

That the Bill be now read a second time.

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

BILL—OPTOMETRISTS.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.44] in moving the second reading said: This is a measure by which it is proposed to control the practice of optometry and thereby give some guarantee of the efficiency of those engaged in the profession. It provides for their registration and stipulates that after six months from the commencement of the Act an unregistered person will not be permitted to practise. Similar legislation is in existence in all States of the Commonwealth, and reports indicate that the resultant control is beneficial to the profession and the public. The necessity for a Bill of this description is apparent when it is realised that any person without any training or knowledge of optometry can set himself up as an optometrist. Such people can cause incalculable harm to the eyes of their clients as they are not qualified to detect conditions which demand medical attention. A qualified optometrist would observe an existing ailment, and refer his client to an oculist for the necessary attention.

Hon. J. Cornell: I notice you are up to date in your pronunciation.

THE CHIEF SECRETARY: You, Mr. President, in reading the message conveying this Bill from another place, pronounced the word "optometrist" with emphasis on the "e," whereas the common method of pronouncing it is with the emphasis on the "o." I am sure that you, Sir, would be correct in your pronunciation, but to make certain I find from investigation that your pronunciation is the English one, whereas the common pronunciation is the American. Members will, of course, make their own choice, but I will follow the lead you, Mr. President, have given.

This is the only one of the States wherein registration is not compulsory by law, and it is desired, therefore, to bring it into line

with all other States in the Commonwealth. The late recognition of some conditions which require medical attention may mean the loss of sight, or even the loss of an eye. At present there are no laws to prevent anyone setting himself up as an optometrist. There are many instances of this being done, and, as I have just indicated, this can only lead to harmful results for those who are unfortunate enough to receive incompetent attention.

The lack of control in this State has brought about a position whereby an incompetent person can begin business as an optometrist by canvassing either for himself, or for some other unreliable and unqualified optometrist. By doing this, the person canvassing from door to door sooner or later gains a certain knowledge by which he considers himself sufficiently competent to start business on his own behalf, and so the ranks of unqualified persons who practise optometry on the unsuspecting public have increased in number.

Hon. J. Cornell: A Bill similar to this was lost in this House 21 years ago.

THE CHIEF SECRETARY: All the more need for the introduction and passing of this one.

Hon. J. J. Holmes: What provision is made for dealing with those persons who are practising now?

THE CHIEF SECRETARY: The hon. member will be supplied with all the information he desires. The fitting of spectacles in a proper manner should be the responsibility of a qualified person, one having a thorough knowledge of the science. This is most apparent when it is borne in mind that spectacles fitted to the prescription of an oculist are the result of a careful examination by him, and any inaccuracy on the part of an optometrist can spoil the effectiveness of a prescription. This Bill, therefore, proposes to remedy the existing position and ensure the competence of optometrists who will be registered under the Act, which is, in effect, a safeguard for the eyes of the people of this State. None of its provisions will affect the rights or privileges of any medical practitioner, or any person engaged in the actual craft or occupation of lens grinding or of spectacle making, such as is carried on by wholesale houses. The Bill does not prohibit the sale of glasses by chain stores, and other places.

It is proposed that a board comprising seven members and called "The Optometrists Registration Board," shall be established. The board will be appointed by the Governor for a period of three years. Six of its members must be deemed to be competent optometrists, and the other a member of the teaching staff of the physics department of the University of Western Australia. It is provided that registration can be effected where any person, over the age of 21 years, within six months after the commencement of the Act, produces satisfactory evidence that he has been continuously and bona fide engaged in the practice of optometry in Australia for not less than five years, or where any person has been practising for not less than three years and can pass a reasonable practical test of his competency. Persons producing satisfactory evidence of registration in other parts of the world can also be registered.

A registered person will be entitled to practise optometry, and to dispense prescriptions made out by an oculist. If, however, anyone is not registered after the expiration of six months from the commencement of the Act, he will not be allowed to practise. It is provided, too, that after the expiry period referred to, any firm desiring to carry on the practice of optometry will be required to have a registered optometrist continuously in charge of the premises, or any part of the premises used for that purpose. The Bill sets out that a registered member may be suspended from the privileges conferred by registration, and that his name may be removed from the register. A suspended member, or any aggrieved person whom the board refuses to register, may lodge an appeal to a Judge of the Supreme Court. Necessary precautions have been taken by which it will be possible to prevent the utilisation of drugs for the measurement of the powers of vision, or the treating of affections of the eye, as that would be a breach of the Medical Act. Penalties for any infringement of the Act are provided for, and the funds of the board will be subject to an audit by the Auditor General.

I have briefly outlined the main provisions of the Bill, the passing of which will mean that optometrists will have to undergo a number of restrictions in the practice of their profession. It must be borne in mind, however, that this will bring about organised

training and control, which will ensure that registered persons are fully capable of giving reliable and competent service to the public. There is also the fact that the attainment of a recognised professional status will attract the better type of educated persons to the study of the science. I have already stated that legislation in regard to optometrists is in existence in all other States of the Commonwealth. It is worthy of note, too, that compulsory registration has to be effected in every State of America, and in most States in Canada.

Hon. J. Cornell: I know there is a similar Act on the statute-book in Queensland.

The CHIEF SECRETARY: Yes. The lack of legislation in this State has been a distinct disability to competent optometrists who are practising here, and who may desire to transfer their business to the Eastern States. In this regard, it has been argued for a long time that uniformity in legislation between the States is most desirable. If a competent optometrist from Western Australia desires to practise the profession in any of the Eastern States, he finds that, before he can do so, he is obliged to work for somebody else and then qualify for registration by examination. On the other hand, there is nothing to prevent a person coming from the Eastern States to practise here whether he be qualified or not. Members will agree that this state of affairs is a distinct disadvantage to optometrists in this State, and that reciprocity between all States of the Commonwealth is most essential.

Members of the profession in this State have been endeavouring, year after year, to obtain legislation of the nature proposed in this Bill. As Mr. Cornell says, no less than 21 years ago a Bill similar to this was introduced, but was not agreed to by Parliament. Viewing the position as I have outlined it, I contend that it is preferable to have the control provided for. Those dealing with such a delicate organ as the eye should be at least competent to do so. I am confident that, in the passing of this Bill, we will have gone yet another step forward in this State towards putting right what is an obvious wrong to the public, and to those optometrists who desire to protect themselves against incompetency in the science of their profession. Most professions to-day work under legislation of a

somewhat similar character to this. In view of the information supplied to me concerning this measure, I feel sure that, if it be passed, it will be a means of safeguarding the public in the matter of the treatment of the eye, which is a most important thing to so many people. I also feel sure that it will lead to an improvement in the standing of the profession, which is something to which we should give every encouragement. If by means of this Bill we can improve the position for the public and for those who are practising the profession, it is something we should all be prepared to do. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—MONEY LENDERS ACT AMENDMENT.

Second Reading.

HON. E. M. HEENAN (North-East) [5.58] in moving the second reading said: The Money Lenders Act became law in 1912, and has since been twice amended, once in 1913 and again in 1937. The Act as it stands goes a long way towards regulating the business of money lending and protecting the interests of those who, through force of circumstances, are compelled to borrow money. Experience has shown that the Act contains certain weaknesses which enable unscrupulous individuals to impose on their less fortunate fellows. A money lender is defined in Section 3 of the parent Act as follows:—

The expression "money lender" in this Act shall include every person (whether an individual, a firm, a society, or a corporate body) whose business is that of money lending, or who advertises or announces himself, or holds himself out in any way, as carrying on that business, or who lends money at a rate of interest exceeding twelve-and-a-half pounds per centum per annum.

The definition does not include any licensed pawnbroker, friendly society, building society, any body corporate, and certain other bodies corporate, incorporated companies, and so on. The importance of the definition lies in the circumstance that any person who lends money at a rate of over 12½ per cent. per annum interest has to register himself as a money lender. Section

3 of the Act, however, does not limit the rate of interest which a money lender can charge. The Bill provides that anyone lending money at a rate over 12½ per cent. must register and pay a fee, and of course he is supervised. The weakness, in my opinion, is that no limit is placed on the rate of interest that can be charged. Section 4 of the Act does to some extent protect individuals, because it provides that if a person takes proceedings for recovery of money lent the court may take into consideration the whole transaction and if it deems the terms to be harsh or unconscionable it may re-open the transaction and fix a rate of interest which it deems equitable. That certainly is an excellent provision, but experience has shown that people who borrow money and are charged an unfair or exorbitant rate of interest, instead of seeking the protection which the Act now gives them avoid the publicity which court proceedings entail and simply do their best to pay up. Section 10 of the Act also makes it illegal to charge compound interest. That, too, is a fair provision; but there is a weakness in it also, because at the present time, if a person who has borrowed money fails to pay an instalment of interest, the money lender can charge interest on that unpaid instalment.

Hon. L. Craig: Is not that charging compound interest?

Hon. E. M. HEENAN: Strictly speaking, not; but there is so little difference that it does not matter. Those, I submit, are the weaknesses of the Act as it stands. The principal weakness, in my opinion, is that no maximum rate of interest is provided, and that a money lender can charge 50 or 100 per cent., or even more if he so desires.

Hon. J. M. Macfarlane: He may need to do that in certain circumstances.

Hon. E. M. HEENAN: I cannot imagine any circumstances which would warrant his charging 100 per cent. Now, in order to remedy that situation the Bill provides that the maximum rate of interest on loans exceeding £10 shall be 20 per cent. Anyone lending more than £10 will be restricted to 20 per cent. interest—in my opinion a very liberal figure, and one which in most circumstances would be too high. I realise that we have to be careful with a measure like this, because although sometimes harsh statements are made about money lenders, they do fulfil a useful purpose. It is in the

interests of many people to be able to go along and borrow £5 or £10 when in dire trouble. I also realise that 20 per cent. charged on an amount of, say, £2 or £3 or £4 over a short period is not attractive for the money lender. If a special rate of interest were not provided for such cases, the effect would be to make it impossible for poor people to borrow those small amounts as occasion required them to do so. Members will observe that the Bill has a schedule attached to it, and that the schedule deals with interest on amounts under £10. It provides that if the money is repayable in one month or less, 60 per cent. interest may be charged; if repayable in more than one month but less than two months, 54 per cent. may be charged; and the rate gradually becomes lower as the period lengthens. I have here a schedule which explains the results. It means that if £5 is borrowed for one month, the money lender will be able to charge 5s. interest, which is at the rate of 60 per cent. For two months the rate of interest will be 9s.; for three months, 11s.; for four months, 12s.; for five months, 13s. 4d., and for six months, 14s. For a loan of £10 those interest payments would be doubled.

Hon. V. Hamersley: Those interest figures represent the amount for the full period of the loan?

Hon. E. M. HEENAN: Yes. The advantage of such a schedule is that fixed rates will be charged. All money lenders will be restricted to those rates. Anyone borrowing money cannot be imposed on as in many cases borrowers have been in the past. There is only one other clause of the Bill which I should mention, Clause 2, which provides that Section 3 of the Act is to be amended by substituting the word "ten" for the words "twelve and a-half." The amendment means that any person or body lending money and charging interest in excess of 10 per cent. will come within the scope of the existing Act. That Act is now restricted to persons charging interest in excess of 12½ per cent. The Bill provides that money lenders charging in excess of 10 per cent. must register. It means that many more persons will have to register than at the present time.

Hon. J. Cornell: Why these alterations after 28 years? Money is dearer now.

Hon. E. M. HEENAN: The Money Lenders Act is a good measure. Members who look through the Act as it stands will realise that it contains many safeguards for the public. Widening its scope, will, in my opinion, be to the advantage of all concerned. Those are the main provisions of the measure, and I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

House adjourned at 6.12 p.m.

Legislative Assembly,

Thursday, 31st October, 1940.

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

AUDITOR GENERAL'S REPORT.

Mr. SPEAKER: I have received from the Auditor General a copy of his report on the Treasurer's Statement of the Public Accounts for the financial year ended the 30th June, 1940. It will be laid on the Table of the House.

QUESTION—PETROL RATIONING.

As to Protecting Traders' Interests.

Mr. LAMBERT asked the Premier: In view of the adverse effect of petrol rationing on the businesses of service stations and motor repair depots, is it the intention of the Government to introduce legislation so that they and other businesses affected,