

ported to alter the constitution of the Legislative Council and the Legislative Assembly, and therefore it required a special certificate to the effect that the Bill had passed its second and third readings by an absolute majority of the total number of the members of the Legislative Assembly. As the Bill contained no such certificate the Council, under the terms of Standing Order No. 180, was precluded from proceeding with the Bill.

Hon. P. Collier: They are Solons, are not they?

House adjourned at 12.9 a.m. (Thursday).

Legislative Council,

Thursday, 16th November, 1922.

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

QUESTION—MACHINERY INSPECTION.

Hon. E. H. HARRIS asked the Minister for Education: 1, Has the motion, carried in the Legislative Council on the 8th November, 1922, disallowing amended machinery inspection regulations and the making of fresh regulations, the clear meaning of which was placed on the motion by the Minister for Education when he objected to the cutting down of the revenues of the Inspection of Machinery Department by 30 per cent., been interpreted by that department to mean an instruction to reduce every fee enumerated in the disallowed regulations by not less than 30 per cent.? 2, Will the amended rates be retrospective from the original date of the proclamation of the regulations, i.e., 3rd July, 1922, or the date of the amended regulations, i.e., 19th September, 1922? 3, Will the Minister provide that when the regulations have been finally agreed to, they shall be framed into schedules, and by an amending Bill be added to "The Inspection of Machinery Act, 1921," and passed during this session of Parliament?

The MINISTER FOR EDUCATION replied: 1, So far as is practicable effect will be given to the resolution of the Council in this matter. 2, No. 3, No.

QUESTION—CLOSER SETTLEMENT BILL.

Message to the Assembly.

Hon. J. DUFFELL (without notice) asked the Minister for Education: 1, Is the message sent from this House to another place relating to the fate of the Closer Settlement Bill in accordance with the usual procedure of this Chamber, and was it sent along as the result of the resolution carried in this Chamber? 2, Are the reasons given in the message the reasons why that Bill was rejected by this Chamber?

The MINISTER FOR EDUCATION replied: I have nothing to do with the sending of such messages to another place, and so I do not know that my opinion on the question is of any value.

Hon. J. DUFFELL: It is usually when anything is done in this Chamber for the Minister to move that it be transmitted by message to another place. But the message which has been sent to another place in this instance was out of order, because it does not give the real reasons.

The PRESIDENT: The hon. member cannot make a speech. He has asked his question, and the Minister has replied to it.

Hon. J. DUFFELL: Well, my reply to the Minister is that when anything is done in this Chamber, it is usual for him to move that it be transmitted by message to the Assembly and its concurrence desired therein.

The MINISTER FOR EDUCATION: There are occasions when it is my duty to move that a message be sent to another place. But many messages are sent to another place without a motion from me. I know nothing whatever about the message in this instance. It has nothing to do with me. I did not move that any message be sent. The President is the person who controls our procedure, and his opinion on the point may be of value.

Hon. J. DUFFELL: Well, I ask your ruling, Mr. President, as to whether the message I have referred to is in order; whether it is in order when a Bill is rejected by this Chamber to send a message to another place?

The PRESIDENT: Yes, I think the message was quite in order. I signed it.

LEAVE OF ABSENCE.

On motion by Hon. J. Ewing, leave of absence for six consecutive sittings granted to Hon. F. E. S. Willmott (South-West) on the ground of urgent private business.

BILL—PENSIONERS (RATES EXEMPTION).

Report of Committee adopted.

BILL—PEARLING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.39] in moving the second reading said: This is a comparatively small and very simple measure, but of great importance to an industry which for some time past has been carried on under grave difficulties. I do not desire that the House should hurriedly deal with the measure, but I ask hon. members to give it as early consideration as possible; because the date for the issue of new licenses is the 1st December, and so it will be of material advantage if the Bill is passed in time to allow it to be given application before the 1st December. Its two main objects are, first, to endeavour to prevent dummying in connection with the pearling industry, and, secondly, to prevent the production in Western Australia of culture pearls. It is considered that both these things are of vital importance to the industry, and I am quite sure members for the North Province, particularly Mr. Holmes, who for years past has taken a deep interest in this question, will substantiate what I have said in that regard. If we are to improve this industry we must get rid of dummying and prevent the culture of pearls. Dummying it has been alleged—I know not with what authority—exists in respect of 50 per cent. of the Broome boats. I should think it was an exaggerated statement, but I suppose there is no doubt that dummying is carried on pretty extensively. Many attempts have been made to cope with the evil, but naturally it is done secretly and carefully and so it is very difficult of detection. The Bill proposes to get at it through the diver and the diver's tender. The diver is, I understand, usually an interested party in the dummying. The position is that under the main Act no license other than a diver's or pearl dealer's license shall be granted transferred or renewed to any person not a natural-born or naturalised British subject. Section 25 of the Act requires the applicant for a license for a ship to satisfy the officer that no alien is the owner of the ship or entitled to any share or interest in the ship.

Hon. J. Duffell: Does that apply to Japanese?

THE MINISTER FOR EDUCATION: It refers to all persons who are not born or naturalised British subjects. It is not directed specially against Japanese or anybody else.

Hon. J. Duffell: Can a Japanese get a license?

THE MINISTER FOR EDUCATION: Yes, as a diver or as a pearl dealer or, if the Bill be carried, as a diver's tender; a Japanese or any other person not being a British subject may get a license, but only in those capacities. The Bill proposes to reach this evil of dummying by a closer control of divers and divers' tenders, and with that object it is provided that licenses for the divers and the diver's tender shall be issued three times

in every year. Instead of giving an annual license, the proposal is to give a license for each of the three periods. There is no additional impost in that regard, because the charges set out in the schedule reduce the fees for divers and divers' tenders' licenses to 6s. 8d. for the period, which corresponds with £1 for the year. It is thought that by the shorter period of license there will be a more effective control over divers and divers' tenders. I do not suppose that even by this means dummying will be entirely suppressed, but it seems to me that the provision must have a good effect. Subclause 3 of Clause 7 provides—

If any unqualified person shall have or acquire, by contract or arrangement with any owner of any ship or with any servant or agent of such owner, the right to share in the results or proceeds of any pearling in which the ship is or shall be used or employed, such and the like consequences, shall ensue, and such and the like proceedings may be taken as if such person had acquired an interest in the ship.

The most important clause in this connection is No. 7, which amends Section 31 of the existing Act. Section 31 provides—

(1) If any unqualified person acquires an interest, either legal or beneficial, in any ship engaged in pearling by sale, charge, lease, hire, transfer or otherwise howsoever, then and in such case the license issued to such ship shall forthwith become null and void, and any two justices of the peace may on the complaint of any inspector make a declaratory order to that effect.

That is, apparently, the only penalty for dummying. That is all that can happen, the loss of the license. Now it is proposed to increase very materially the severity of the penalty, as another means of stopping dummying, and these words are added to Section 31 by Clause 7—

And the ship shall be forfeited to His Majesty, and may on such complaint as aforesaid be condemned by any two justices accordingly.

It is considered that a heavy penalty of that kind should not be imposed without giving the person upon whom it is imposed a right of appeal; and consequently, Clause 27 provides a new section in the Act reading—

All proceedings before justices under this Act shall be regulated by the provisions of the Justices Act, 1902-1920, and any decision given in any such proceeding shall be subject to appeal as provided in that Act.

So that we provide first of all for the licensing three times in every year of the diver and the diver's tender, and we increase the penalty for dummying to the extent of the forfeiture to His Majesty of the boat; but, having done those things, we provide an appeal against each of these penalties. Now we come to the matter of culture pearls. Probably hon. members know a good deal of what has happened in this regard.

Hon. J. Duffell: We know only what we have seen in the Press.

The MINISTER FOR EDUCATION: In 1921 a portion of Roebuck Bay, Broome, was declared a pearshell area, and an exclusive license was granted in respect of it to Mr. A. C. Gregory for a period of five years from the 1st January, 1921. The license did not specifically give authority to cultivate culture pearls, but I think it only fair to Mr. Gregory to say that when he applied for the license he made it quite clear that that was what he was going to do. I do not think Mr. Gregory can be charged with misleading the Government in any way. There was no provision under the Act under which such a license could be granted to him. Similarly, there was nothing in the Act to prevent him from doing what he contemplated. He was granted an exclusive license accordingly, the Act being entirely silent on the question of culture pearls and neither permitting the granting of a license to carry on that business nor saying that nobody should be allowed to carry it on. There was a storm of protest in Broome on account of this being put into operation, and the contention set up was that it would destroy the market for Broome pearls. The Western Australian waters produce a very large proportion of the world's pearshell—something between 70 and 80 per cent. I believe—and also a very large proportion of the annual supply of pearls. Many thousands of pounds' worth of pearls are taken here annually. It is obvious that if, by permitting the culture of pearls, the value of the Western Australian pearl should be destroyed, a great injury would be done to the industry. The Japanese have been cultivating these pearls for a very long time, and have brought the art to such a pitch of perfection that, I understand, at the present time there is only one definite method of deciding whether a pearl is a culture pearl or a real pearl; that is, a pearl cultivated by the latest and most approved Japanese method. The only system of determining the point is to break the pearl.

Hon. A. Lovekin: Will not the X-rays tell it?

The MINISTER FOR EDUCATION: No. That is where the whole point comes in. Under the X-ray it could be determined what waters the pearl came from. The effect is that if by examination under the X-ray it is shown that a pearl came from Japanese waters, it may be a genuine pearl or a culture pearl, and its value is based accordingly on its being a doubtful article. But if the culture pearl is prohibited in our own waters, and the X-ray examination discloses that a pearl is from these waters, then the pearl will be accepted in the market as genuine, and its value will stand accordingly. Some months ago I had an opportunity of discussing this matter exhaustively with one of the leading pearl merchants in the Commonwealth, and that was the explanation he gave me. He showed me a work published in England which bore out that contention. So that

the position is that if culture pearls are permitted in our waters, the time must soon come when our pearls will be regarded as of doubtful value.

Hon. J. Mills: How long does it take to grow these culture pearls?

The MINISTER FOR EDUCATION: A considerable time; possibly years. I am not sure. At present there is nothing in our Act to prohibit the treatment of the pearl oyster in such a way as to develop the culture pearl. I understand that the process consists in the insertion in the oyster of a bead of pearl shell, thus creating a blister. At the present time blisters are bought in the hope that when the outer covering is removed a pearl of value will be disclosed—and this, I understand, is another strong reason for forbidding the culture of pearls. If we allow pearl culture to operate, then the blister, having been artificially created, will be of very little value indeed; and there again the market will be destroyed. No one having a pearl shell with a blister which looks tempting to a buyer will be able to get much for it if the buyer is in doubt as to whether it is a blister artificially produced. By prohibiting pearl culture, we shall cause the value of the pearl blister to remain. There was a case in Broome quite recently of a pearl shell with a blister being imported from somewhere else, and being sold in Broome. It was found that that blister had been artificially created. Those engaged in the pearling industry are, I believe, quite unanimous on this point, with the exception, possibly, of the gentleman who intended to start the pearl culture industry. I must in fairness to him repeat that he did not conceal his object in any way. He was granted the license after stating what was his object. Another object of the Bill is to provide for what is known as the limited pearl dealer's license. At present only dealers north of the 27th parallel of south latitude are required to pay fees. That parallel runs just south of Shark Bay, and south of that line no license is required. It is contended that pearls unlawfully acquired are more readily disposed of by reason of being sold south of Shark Bay to people who do not require to hold any license. Therefore it is considered that all dealers in pearls should be licensed. It is recognised that dealers here in the south, as compared with dealers in the north, will handle pearls only to a small extent; and therefore the fee for the limited pearl dealers is fixed at only £5, as against the £50 which is the fee charged in the North. The limited license entitles the holder to operate only south of the 27th parallel of south latitude. At present banks hold pearl dealers' licenses. A bank in Broome, for instance, will have a license, and the manager will operate on account of the bank. Under this Bill it will be competent for a bank in Perth to take out a limited license to operate here in the South, but that license would not authorise an agency of the bank to operate in Broome. If the bank wanted to operate

in the two places, the two licenses would have to be taken out. It might happen that a person holding the license one year does not desire to renew it for the next year, and that at the time his license expires he has in his possession pearls legitimately acquired. The Bill makes provision for his disposing of those pearls within four months of the expiration of his license. Of course if he takes the pearls out of the country, we have no jurisdiction. The value of the pearling industry to the State has not been so great during the past five years as it had been previously, or as we may reasonably expect it to be in the future. But even in those five years of the industry's greatest difficulty, it has been a valuable industry to Western Australia. On the average, during those five years 279 vessels have been engaged in the trade, of a total tonnage of 3,516; the white employees numbered 158, and the Asiatic employees 1,854; the shell raised has totalled 1,542 tons, and its value, at the relatively low prices which have been prevailing, was £217,947, whilst the value of the pearls has been £53,534. Those figures are per annum, and they apply to five years which were very difficult years in the history of the industry, especially in regard to pearls, years during which the world's market for pearls, Paris, was for a long time closed. The importation of pearls into France was entirely prohibited for a long time. However, even during those five years the value of the industry has been a quarter of a million per annum. The value of the boats and equipment employed in the industry is £137,759. In order to tide the pearlery over their difficult times, the Government have repeatedly, commencing I think in 1918, guaranteed advances by way of enabling the pearlery to hold stocks. I previously gave in this House some details showing the extent to which the Government guarantees had increased the price of the pearl shell. In two or three instances the Government guaranteed a certain amount. Directly they made the guarantee, the shell buyers advanced their price. By that means the industry certainly was helped to a great extent. In 1919 the maximum advance was £180 per ton. It was the same in 1920. In 1921 the amount was reduced to £107 on Broome and Cossack shell. On Shark Bay shell, which is quite a different article, there were a few advances at £10 per ton. Up to 31st December, 1919, the shell on which advances were made was cleared at satisfactory prices, and all the advances were repaid. Of the 1920 and 1921 shell a considerable quantity still remains unsold. The price in London and New York at present is £160 a ton, and a little has been sold at Broome for as much as £160. So that taking those prices, and the £407 guaranteed by the Government, it seems certain that although there may be a slight loss in one or two cases, the guarantee will be met practically all round, and the industry will not cost the Government any considerable sum. Those are the main principles of the Bill and I repeat that it will

be of considerable assistance to the industry if the Bill goes through.

Hon. A. Lovekin: Have you any information as to how the X-ray apparatus determines the origin of the pearl?

The MINISTER FOR EDUCATION: No, I read about it in a technical journal whilst I was in Adelaide a few months ago. I could not explain it to the House.

Hon. J. A. Greig: What is it proposed to do with Gregory's license? Will he still enjoy his license for the purposes contemplated by the present Act?

The MINISTER FOR EDUCATION: He will be prohibited from using the area he holds for the purpose of cultivating pearls.

Hon. G. W. Miles: But he may cultivate shell?

The MINISTER FOR EDUCATION: Yes. The existing provisions have been used for the purpose only of cultivating shell. The Act has been entirely silent on the matter of the artificial cultivation of pearls.

Hon. J. A. Greig: Has he been put to much expense?

The MINISTER FOR EDUCATION: He has abandoned the project and all treated pearls have been removed from the water.

Hon. J. A. Greig: Has he been paid any compensation?

The MINISTER FOR EDUCATION: Not that I know of. I move —

That the Bill be now read a second time.

Hon. J. J. HOLMES (North) [5.5]: I wish to say only a few words on the second reading of this Bill. I commend the Minister for having submitted it, though I regret the delay which has taken place in getting the Bill along to this House. The urgency connected with the matter has been explained by the Minister. He told us that the new licenses and the new fees will come into operation almost immediately, and the Bill should become an Act before the 1st December. I therefore trust members will deal with the measure as promptly as possible so that it may be got through quickly. Pearling is one of the important industries in the North of the State, and being in that part of Western Australia which we desire to develop it should receive every encouragement. The industry has been of considerable importance to the State, and the town of Broome, as we know, has been built up entirely as the result of it. Unfortunately during the past five or six years the industry has suffered to some extent. We know that pearls are a luxury, and that during the war period there was not much demand for luxuries of the description of pearls. I take this opportunity of thanking the Government for the assistance they have given to the industry at a period when probably it would have gone out had that assistance not been forthcoming. That help was opportune and saved the industry from disaster, and so far as can be judged now, the result of that assistance will be indirectly

a gain to the Government, or directly a comparatively small loss. The provisions contained in the Bill in connection with dummying are necessary.

Hon. J. A. Greig: What do you mean by dummying?

Hon. J. J. HOLMES: The use by coloured men of boats supposed to belong to white owners. A white man instead of using a boat himself, puts in a coloured man to run the industry and perhaps will share the profit with him.

Hon. J. A. Greig: What is wrong about that?

Hon. J. J. HOLMES: There is this wrong with it. The Commonwealth permit the coloured men to come to our shores for a specific purpose, and the right to withdraw that permission can be exercised at any time. If we are going to allow the coloured men to control that portion of the industry which is supposed to be in the hands of the white people, we may expect the Commonwealth to refuse to allow the coloured people to go on? Then if we take the coloured men out of the industry, it will go by the board, because up to the present time it is quite clear that only the coloured men are able to carry on diving operations.

Hon. H. Stewart: They did try to make it a white labour industry.

Hon. J. J. HOLMES: Yes. We got over that difficulty and the white people assumed control of that portion of the industry above the water, while the coloured people were permitted to be employed below the water. If we are going to allow the coloured men to take the place of the white men what may we expect? At the present time there are 10 coloured men to one white man.

The Minister for Education: More than that.

Hon. J. J. HOLMES: Reduce the number of white men and we shall run the risk of the Commonwealth saying that the industry has got into the hands of the coloured people, and they will refuse to grant any further permits. On the subject of pearl culture, the Minister has said that the percentage of high class shell produced at Broome constitutes about four-fifths of the world's supply of high class shell. I understand that the difficulty in other parts of the world regarding the cultivation of the pearl is that it is not possible to get the lustre which characterises the Broome pearl and shell. The Broome shell is high class on account of its lustre, and when we come to the pearl itself, we find that the lustre of this also cannot be equalled anywhere. It is that that makes it such a valuable product. Even with the high class shell which is obtained at Broome, fishing for the shell itself does not pay. It is the profit on the pearls that keeps the industry going. Of course we know that the community in places like Broome are invariably speculative, and they hang on there for years in the hope of getting shell with perhaps a pearl of the value of £10,000. This is what

encourages the pearlers to go on in the hope that sooner or later they may strike something of more than ordinary value. I wish to say a few words with regard to the lease granted to Captain Gregory. I have seen the papers in connection with this matter, and it is clear to me that whilst Capt. Gregory made it apparent to the Government what he intended to do, the lease did not grant him what he applied for.

The Minister for Education: There was no provision under which it was possible to grant what he wanted.

Hon. J. J. HOLMES: That does not come into the question just now. Capt. Gregory certainly applied for permission to cultivate shell and pearls, and when he started to cultivate pearls the Department stepped in and prevented him. Attention was drawn to the fact that there was a proviso in the lease he held that the Minister could for any reason whatever and at any time cancel the license. I do not know that much harm has been done. There is one other matter to which I wish to refer and it is in connection with the limited pearl dealer's license. There is no doubt about Broome being a community of speculators, and if one has to live there for a number of years, he wants to be able to get out with something more than ordinary remuneration. The first time I spent 10 days in Broome I was given a send-off on the eve of my departure, and in making a few remarks to pearlers I said, "If ever I come to Broome to embark upon the industry I want to be clear on one point, and it is that I would be my own shell opener." One pearler said in reply to that "There is a better scheme, Mr. Holmes." I asked what it was and he said "Open the other fellow's shell." We know that pearls are brought to Perth in somebody's pocket and that it is not possible to tell from whose boat they came. The limited license provision has been included in the Bill at my request in order that when a man walks into a jeweller's shop and displays a few pearls, he may be asked where they came from. We may not accomplish much but a fair percentage of the people will obey the law, though, no doubt, a small percentage will try to dodge it. If we can prevent illicit dealing in pearls, we shall have accomplished much. Apart from the question of dummying and culture pearls, the Bill is really one for consideration in Committee. I wish to stress the point that the measure is necessary and urgent, and I hope we shall get it through before the 1st December.

Hon. A. Lovekin: Let us go on with it.

Hon. J. MILLS (Central) [5.15]: Unless there is legislation to control the waters of the Northern Territory, Torres Straits, and the adjacent islands where pearling is carried on, I do not think the benefit expected from this Bill is likely to accrue. As Mr. Holmes stated, the objection to the pearl cultivated elsewhere is that it does not contain the lustre of a Broome pearl. I daresay that is correct, but if these pearls can be

cultivated in waters outside Western Australia, the restriction here will not affect it. I do not know that there is any very great objection to a culture pearl. It is not long ago since our currency consisted of gold and silver. To-day it is silver and dirty paper, and yet it answers the purpose. If people like to wear culture pearls, why should they be denied? I do not intend to oppose the Bill, but this is one aspect which might be considered. What is to prevent the culture pearls from being imported into Western Australia? If we prevent the cultivation of pearls here, we should also see that their importation is prevented.

Hon. J. A. GREIG (South-East) [5.17]: I know nothing about pearls or pearl fishing, and I intend to leave the Bill to those who understand the industry, but I hope the Government have satisfied themselves that it can be definitely determined by the X-ray treatment what waters pearls really come from. If it is not possible to distinguish Western Australian from other pearls, we shall be limiting our supply to compete with the culture pearls from other parts. Some people from Broome have told me that it is impossible to tell the difference with the naked eye.

Hon. E. H. Harris: You might not be able to tell the difference between a good and a bad £5 note.

Hon. J. A. GREIG: Quite so. As regards the wearer of pearls, surely it is all the same whether the gem is a cultured one or a Broome pearl. The Bill relates to something which is not very important; it is not a matter affecting the food of the people. Pearls are of about the same value as diamonds, and are of no real worth to the people. Still, we may be abolishing the culture of pearls in this State and limiting our export of pearls, while culture pearls from other parts may glut the market. The question is whether Western Australian pearls can be identified. If they can, this is a good Bill. I hope the Government have attended to this phase of the question.

Hon. J. J. Holmes: The Commonwealth Government are taking the matter up.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.20]: I support the second reading, not because I profess to know anything about pearls, but because the measure endeavours to guard jealously the good name of Western Australia as a producer of pearls. A good deal has been said about dummying. Would that term include a person other than a British subject owning a boat and leasing it to someone else?

The Minister for Education: Such a person could not own a boat.

Hon. J. DUFFELL: Some time ago I was informed that a foreigner owned a boat, and that someone else engaged in Perth had the license.

The Minister for Education: That is what we want to prevent.

Hon. J. J. Holmes: Under this Bill we would forfeit the boat.

Hon. J. DUFFELL: Hitherto it has been admitted that pearls and pearl shell are handled almost entirely by one firm having their headquarters in Paris. They control to a great extent the price obtainable for pearl shell. Whether this is so or not, it might be a good thing to arrange a place in London where buyers could depend upon getting the genuine article. Such a place might be opened in the Agent General's office.

Hon. J. W. Kirwan: What would prevent culture pearls from being imported into Broome and sold in Broome as Broome pearls?

Hon. J. DUFFELL: This Bill would prevent it.

Hon. J. W. Kirwan: But you could carry a dozen pearls in your waistcoat pocket.

Hon. J. DUFFELL: There are people trading in pearls and representing firms in the Eastern States. If this Bill has the effect of keeping the pearl trade pure, and of bringing our pearls prominently before London buyers, it will be an achievement to be proud of.

Hon. A. LOVEKIN (Metropolitan) [5.23]: I know very little about pearls or pearling, but I am prepared to take the recommendation of those who do know, especially the three members representing the North Province. I asked the Minister a question about the X-rays to determine the origin of a pearl and Mr. Greig followed it up somewhat. I asked Dr. Saw if he could explain how it was that the pearl could be determined by the X-rays. He informed me that different waters give different densities to the pearl, and that under the X-rays the difference in the density could be detected. In that way a Broome pearl could be distinguished from a Japanese pearl.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clauses 1 to 25—agreed to.

Clause 26—Insertion of new section in Part V:

Hon. J. J. HOLMES: I move an amendment—

That a new paragraph be added to Sub-clause 1 as follows:—"If any person shall have any culture pearl in his possession, custody or control, he shall be deemed to have such pearl for the purpose of sale or otherwise dealing in same, unless he shall prove to the contrary."

Hon. J. Cornell: That is a drag-net!

Hon. J. J. HOLMES: It will embrace everything, but we should throw the onus on the man who has the culture pearl to prove that he is rightly in the possession of it.

Hon. J. W. Kirwan: What if a man is found wearing a culture pearl?

Hon. J. J. HOLMES: People have worn nuggets, but I do not know that they have been arrested by policemen under the Gold Stealing Act to prove how they came in possession of them.

Hon. E. H. Harris: But it can be done.

Hon. J. J. HOLMES: The fact remains that people have not been hauled to court in those circumstances. There is a loophole, and the amendment will safeguard it so that the onus will be thrown on the individual found in possession of culture pearls to prove that he has not got them for the purpose of sale.

Hon. J. Duffell: Subclause 1 really covers what you deal with in the amendment.

Hon. J. J. HOLMES: That is not so, because the amendment throws the onus of proof on the individual.

Hon. J. W. KIRWAN: I am thoroughly in sympathy with the object Mr. Holmes has in view, but the administration of such a provision might lead to difficulties. Visitors may come to the State wearing pearls.

Hon. G. W. Miles: But they must have them in their possession for sale to come under the amendment.

Hon. J. W. KIRWAN: If the clause were not administered properly, it might lead to difficulties. If means can be devised to prevent the importation or sale of culture pearls, they will have my support.

Hon. J. J. Holmes: This is the first step. I think the Commonwealth will take the next step.

Hon. J. W. KIRWAN: I trust the matter will be taken up by the Commonwealth.

Hon. J. CORNELL: The object sought to be attained by Mr. Holmes could be achieved by eliminating portion of Subclause 1, which would obviate the necessity for the amendment. If the culture pearl is a menace to the industry, it would be better to make it unlawful for anyone to have a culture pearl in his possession. The clause as it stands will cover the position, unless we intend to make it unlawful for anyone to have a culture pearl in his possession.

Hon. J. MILLS: The amendment is too severe. I would like to see the industry of cultivating pearls encouraged in Western Australia. If a person likes to wear pearls and cannot afford to have a £10,000 pearl such as Mr. Holmes referred to, I do not see why he or she should not be allowed to wear a culture pearl. I do not see why we should prevent them being brought into the State or being produced locally. Thousands of girls and men like wearing pearls and why should they not have them, even if they are only culture pearls. The pearling industry is a long way from being what it was in years gone by.

Hon. G. W. Miles: Not at all.

Hon. J. MILLS: Why not encourage the production of culture pearls and thus provide another industry in Western Australia? To stipulate that the onus of proof lies with the person in possession is not fair. Those in authority should prove that the possession is not lawful.

Hon. J. J. HOLMES: A long how has been drawn when it has been contended that people

will be prevented from sending away and getting culture pearls, because they cannot afford the more expensive article. If a policeman arrested a lady who was wearing a culture pearl, she could easily prove that it was not for sale. We had this same sort of talk when the Health Act Amendment Bill was before us and we were told then that policemen were going to grab our wives and daughters and do all sorts of things. The fact remains that nothing has happened. If the amendment does not do any good, at least it will not do any harm.

The MINISTER FOR EDUCATION: I cannot see any objection whatever to the amendment. It will tighten up the clause. I have listened with regret to the slighting references to the pearling industry made by two Country Party members. This industry is one of great importance to the State.

Hon. H. Stewart: Who are these two Country Party members you refer to?

The MINISTER FOR EDUCATION: Mr. Greig and Mr. Mills. They both spoke slightly of the industry. Mr. Greig said it was not of much importance because it dealt with something people could not eat. Man cannot live by bread alone. It is a mistaken idea that the industry at Broome is going down. It will be much bigger in future than it has been in the past. The industry is not only important as providing pearls worth up to £10,000, but it is important for many other purposes.

Hon. J. Mills: Yes, for the employment of coloured labour.

The MINISTER FOR EDUCATION: It is just as well that we should realise that we must encourage industries wherever possible, equally with the wheat growing industry. We have not so many industries that we can neglect our duty in that respect.

Hon. J. Mills: We grew wheat for white people.

The MINISTER FOR EDUCATION: The purpose of the Bill is to increase the importance and extent of this industry so that it will be more valuable to the white people. It is provided in the Bill that it is an offence to have a culture pearl in one's possession for the purpose of sale. I can readily conceive circumstances in which it would be almost impossible to prove that the culture pearl was in the possession of a person, in circumstances bringing the individual within the scope of the offence mentioned in the measure. Although as a general principle I object to legislation which casts on the defendant the onus of proving his innocence, in this case it is not unreasonable to say that the onus is on him to show that he had not the culture pearls in his possession for the purpose of sale.

Hon. J. J. HOLMES: In support of what the Minister has said, I can assure hon. members, that if anything, there are more boats pearling on our coast to-day than ever before. Only a little while ago I was told at Shark Bay that the shell is so thick on some of the beds that it is depreciating in value in consequence of there being insufficient food for

the oysters. Every year the oysters move in from the deep water to the shallow water. So to say that the industry is fished out is nonsense.

Hon. J. Mills: I did not say that.

Hon. H. STEWART: If anybody has in his possession culture pearls, it will first have to be established that they are culture pearls. I see no risk in the amendment.

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

Clauses 27 to 29—agreed to.

New clause:

Hon. J. CORNELL: I move an amendment—

That the following be added to stand as Clause 3:—"The penalties pecuniary or otherwise set out at the foot of any section or subsection of this Act, or the principal Act, shall indicate that any contravention of the section or subsection respectively, whether by act or omission, shall be an offence against this Act punishable on summary conviction by a penalty not exceeding the penalties mentioned, and not less than one-fifth of such penalties."

If that is good for offenders against the liquor laws, it is equally good for offenders against this law.

Hon. A. LOVEKIN: The Interpretation Act already provides for that.

Hon. J. CORNELL: Well, why repeat it in the Licensing Bill? It gives to the magistrate discretion as to the penalty.

The MINISTER FOR EDUCATION. I suggest to the hon. member that he let the Bill go now, and have it recommitted, in the meantime having the proposed clause drafted in a way that will be suitable. In its present form the clause will not be right, because it is merely putting in a junk of the Interpretation Act.

Hon. J. Cornell: Putting in a chunk of the Licensing Bill!

The MINISTER FOR EDUCATION: All that the hon. member wants is to provide a new penalty. I am opposed to that, because I think it right that the imposition of penalties should be left to the discretion of the bench.

Hon. J. Cornell: Why did you not think that the other night when you voted for this?

The MINISTER FOR EDUCATION: I am of opinion there are certain offences, particularly offences against the Health Act, and the Licensing Act, for which Parliament might very well prescribe the minimum penalty. However, I do not think it necessary to do so in this case.

Hon. A. LOVEKIN: As the Minister has pointed out, the hon. member's clause is part of Section 29 of the Interpretation Act. The hon. member could easily get over it on the report stage by inserting the minimum penalty. All that the hon. member wants to do is to provide a maximum and a minimum penalty. He can do it without repeating

Section 29 of the Interpretation Act, which is already law.

Hon. J. CORNELL: The Minister says there are certain offences against the Health Act, and the Licensing Act, for which Parliament should fix the minimum penalty. But under the Licensing Act, no matter what the offence may be—

The Minister for Education: We are not discussing the Licensing Act.

Hon. J. CORNELL: We are discussing a principle which you have already approved. If the penalty in the Licensing Act be £10, the minimum fine will be £1. If what we have already agreed upon in respect of the Licensing Bill becomes law, the minimum penalty will be £2. If that is the case, why is the provision in the Licensing Act? Why the effort to perpetuate it, and to increase the minimum fine? I will not be a party to legislation of a character that discriminates. The law in this connection should apply to all offenders in this connection.

Hon. A. LOVEKIN: The Licensing Act, from which Mr. Cornell has quoted, was passed in 1911. When the various Licensing Acts come to be consolidated, no doubt Section 6 of the Act of 1911 will be amended to meet the more modern method of drafting introduced by the late Mr. C. C. Kingston, who, instead of using all those words, simply put "Penalty so much."

Hon. J. CORNELL: I have made my protest, and indicated my desire for consistency. If hon. members are prepared to let the matter be governed by the Interpretation Act, I am content.

The Minister for Education: The Interpretation Act provides no minimum.

Hon. J. CORNELL: Then let the new clause stand.

New Clause put, and a division taken with the following result:—

Ayes	..	..	..	..	7
Noes	..	..	..	..	15
Majority against					8

AYES.

Hon. R. G. Ardagh	Hon. J. W. Hickey
Hon. F. A. Baglin	Hon. A. Lovekin
Hon. J. Cornell	Hon. J. Mills
Hon. J. A. Greig	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. J. Nicholson
Hon. V. Hammersley	Hon. G. Potter
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Seddon
Hon. J. W. Kirwan	Hon. H. Stewart
Hon. R. J. Lynn	Hon. A. Burvill
Hon. J. M. Macfarlane	(Teller.)

New Clause thus negatived.

Title—agreed to.

Bill reported with an amendment.

BILL—LIGHT AND AIR ACT AMENDMENT.**Assembly's Message.**

Message from the Assembly received and read, notifying that it had agreed to the modification made by the Council to the Assembly's amendment.

BILLS—(2)—FIRST READING.

- 1, Land Act Amendment.
- 2, Dog Act Amendment.

Received from the Assembly.

House adjourned at 6.10 p.m.

Legislative Assembly,

Thursday, 16th November, 1922.

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

SELECT COMMITTEE—INDUSTRIES ASSISTANCE BOARD.

On motion by Hon. W. C. Angwin, the time for bringing up the report of the select committee was extended for a fortnight.

BILLS (2)—THIRD READING.

- 1, Dog Act Amendment.
- 2, Land Act Amendment.

Transmitted to the Council.

BILL—HOSPITALS.

Second Reading.

Debate resumed from the 31st October.

Hon. W. C. ANGWIN (North-East Fremantle) [4.35]: I am rather surprised that

the Government have introduced this Bill. It is not in accordance with the desire expressed here last session, and I am confident it is not a measure which is desired by the public. The Bill will not have the effect of assisting the hospitals, but will place them in a worse position than they are in at present. Provision is made for an alteration in the system of management. The hospitals to-day, financially, are controlled by Government officials, and there are different kinds of hospital management in various parts of the State. In Perth and Fremantle the hospitals are managed by boards appointed by the Government. There are numerous hospitals which are managed by the district medical officers, or were so managed until quite recently, because the other night we were informed that they are now controlled by the matrons. Then there are hospitals under management committees elected by subscribers. There are different conditions applying to hospitals. In Government hospitals and in the Fremantle and Perth Hospitals, the conditions provide that patients who can afford to pay must pay the fees stipulated by the board. Indigent patients are treated at the expense of the board. In the hospitals managed by committees, some permit contributors to receive free medical attention in return for the amount contributed. This applies chiefly to the hospitals of the goldfields, Kalgoorlie excepted, and also to the hospitals at the timber mills, where contributions are made for the upkeep and management of the hospitals. The Government rarely subsidise, except where they subsidise the district medical officer to a small extent.

Mr. Stubbs: At some hospitals, such as those at Katanning and Narrogin, the people are not asked to pay a penny.

Hon. W. C. ANGWIN: The boards fix the fees at such hospitals and charge the people who are able to pay, but where hospitals are subsidised by the Government, the subsidy is paid for the treatment of indigent cases. I realise that a number of the patients treated in the country may not be residents of the particular districts in which they are treated, and that there is no means of obtaining hospital fees in respect of them.

Mr. Underwood: Do you ever get a fee from those who have been educated?

Hon. W. C. ANGWIN: I am not dealing with education now.

Mr. Underwood: Why not make a special tax for them, too?

Hon. W. C. ANGWIN: The management of our hospitals up to date has been fairly satisfactory. There have not been many complaints. The complaints lodged have come principally from those unable to obtain sufficient funds to carry on the hospitals as they should be carried on. I do not know of any cases where the officers of the Government, the boards or the committees have made complaints with regard to the management or control. The only complaints have been on the score of insufficient funds to carry on