ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.2]: I move—

That the House at its rising adjourn till Tuesday next.

Question put and passed.

House adjourned at 8.3 p.m.

Legislative Assembly,

Wednesday, 21st September, 1938.

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

QUESTION—SINGAPORE TRADE.

Vegetables and Other Produce.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is he aware that some of the other States, notably New South Wales, are making trial shipments of vegetables and other produce to Singapore with the object of developing trade? 2, Is it intended that initiatory efforts should be launched by the Government to ascertain the position in regard to trade in the Singapore market for products of this State?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, Vegetables and other produce from this State have for some considerable time past been sent to Singapore and other countries in the Far East; in fact, the trade is well established.

QUESTION—MOSQUITO ERADICATION.

As to Responsibility.

Mr. NORTH asked the Minister for Health: 1, Is the responsibility of preventing the spread of disease by vermin and insects brought to our coasts by oversea airliners shared between Federal and State authorities? 2, If so, should not mosquito eradication in the metropolitan area be taken over by the Health Department?

The MINISTER FOR HEALTH replied: 1, No. This is a function purely of the Quarantine Department of the Federal Government at *points of entry* of airliners. 2, No. The metropolis is not affected by the arrival of overseas airliners.

LEGAL PRACTITIONERS ACT SELECT COMMITTEE.

Extension of Time.

On motion by Mr. Sleeman, the time for bringing up the report was extended for three weeks.

MOTION—EDUCATION SYSTEM.

To Inquire by Select Committee.

MR. BOYLE (Avon) [4.35]: I move—

That a select committee be appointed to inquire into the educational facilities afforded by the State, with a view to formulating practicable recommendations for the institution of a more adequate system of education.

My object in moving the motion is not to engage in anything approaching a fishing expedition regarding the operations of the Education Department, nor is it in the nature of finding fault with the education system as it exists, having due regard to the limited finance and facilities at the disposal of the department in carrying out its functions. On the other hand, I wish to pay a tribute to the department particularly in regard to its administrative costs. It may interest members to know that the administrative costs of the Education Department, for which a Vote of £758,300 is provided in the Estimates this year, do not exceed 4 per cent., and that includes the cost of inspections and the purchase of stock, furniture,

and incidentals. The main item of expenditure has relation to salaries, and, from a governmental point of view, the department is ideal in that the amount spent on the purchase of materials is small, whereas employment is provided for 2,231 teachers, of whom 700 are males. It is also interesting to note that the cost of education in Western Australia during the year 1936-37 was £1 10s. 9½d. per head, whereas the interest charges on loans represent an expenditure of £9 per head per annum. That is to say that the State is paying to the moneylenders seven times as much on account of loans to the public than it can afford to pay for the education of our children. We have no difficulty in finding the money with which to pay those interest charges, but those of us who have had to approach the department know how difficult it has been to obtain funds to meet the requirements of our respective electorates. A conference of schoolteachers was held recently in Perth, and was presided over by Mr. Edwin Huck, B.A. I take this opportunity to compliment Mr. Huck on the excellent presidential address he delivered to the conference delegates. He is a man who is evidently endowed with at any rate rudimentary statesmanlike qualities. I shall quote a few extracts from his address. They interested me very much, as I have for many years striven to take the light of learning and the torch of educational progress to the agricultural areas of the State. Mr. Huck said—

> In Australia generally the education votes—the target of all non-thinkers—have not returned even to the pre-depression levels of 1929 . . . The general public does not realise the State-wide shortages in educational facilities. What will be done about the overcrowding of schools in the metropolitan area in 1939—the filling up of central or post-primary schools which are the poor relations of the secondary schools, the deficiencies for handicrafts and the limitations on domestic science and manual training? Real children's libraries are non-existent. New schools are overcrowded on the first day of opening, and some of our central schools are becoming huge institutions of over-organised masses. Technical education is sadly handicapped at a time when the demand for it is increasing. "In no other State is technical education so badly served as in this," says our Minister in his annual report. Over the whole of Australia only 1s. 10d. per head is spent on technical education, with the result that our technical education is inferior to that provided by any other industrial nation. A college built originally for 800 students now is vainly trying to cope with nearly 4,000. So seriously handicapped is technical education in all the States that a conference of Ministers asked the Federal Government for £2,000,000, with at least £136,000 for Western Australia.
>
> A permanent problem is the scattered nature of our rural population, which causes 86 per cent. of our schools to be very small ones of the one or two teacher type. So that the Education Vote of 30s. per head of population is expended at £8 per child in large centres, and at over £20 per child in small schools, with continual complaints about school buildings and the housing of teachers and the lack of highly qualified teachers for the outback.
>
> A most interesting comparison could be made with the United States, where the same necessity has called upon the resources of the Federal Government. There the Federal Constitution never made mention of the word "education"; but a century later grants had come. There the city dwellers have increased to the same percentage (50 per cent.) as in Australia, and an advisory council on education was appointed and carried out a very full year's work. The council included specialists, administrators, economists, business men, politicians and ordinary citizens.

The concluding paragraph is decidedly interesting in view of its application to the condition of affairs in many centres of this State. It is as follows—

> There can be no social force more influential than education to equalise the conditions of men and women and so prevent the class warfare beloved of the communists. For as the Americans phrase it, a child born in a big centre has opportunity plus; one from the beyond opportunity minus.

That contention will be borne out by a reference to the University of Western Australia, which from an educational viewpoint is the pride of the metropolitan area. An examination of the position proves that the University is almost nothing more than a metropolitan institution. It is our proud boast that education in this State is free, from the Kindergarten to the University; but, as was stated in the American saying quoted by Mr. Huck, those from beyond have opportunity minus, and those in the metropolitan centre have opportunity plus. Receiving instruction from the University to-day are 900 students, of whom 600 are drawn from the metropolitan area and 200 from the country. In the country are a hundred teachers who are receiving tuition from the University by a correspondence course; but I am informed that most of those teachers are drawn from the metropolitan area. Therefore University education is applied in the ratio of 700 stu-

dents from the metropolitan area, and 200 from the country. If we consider the population of this State on a percentage basis, with 49 per cent. in the metropolitan area and 51 per cent. in the goldfields and rural districts, we find that 77 per cent. of the students of the University come from the metropolitan area and only 23 per cent. from the goldfields and rural areas. That proves the contention advanced that those having the good fortune to be located within the metropolitan area have a chance of nearly five to one of receiving a professional education and obtaining an advanced training as against the unfortunates who, through economic causes, are compelled to reside on the goldfields or in the country areas. Members on the Country Party benches would be neglectful of their duty if they did not raise some protest against a system of education that allows the children of those whom they represent only one chance in five of participating in that free education which is our proud boast. One cannot help questioning the fairness of a free University education system that applies only to about 77 per cent. of the population, namely that section living within a radius of 12 miles of the University.

Let us examine the incidence of our education system outside the metropolitan area. In the State are six high schools. Only one of the six high schools is situated in a rural area or a strictly agricultural area, and that is the high school at Northam. The whole of the coastal area is well provided for in this respect. High schools have been established at Albany and Bunbury, there is the Modern School in Perth, and provision has been made at Geraldton for a high school, the erection of which I commend. The high school at Geraldton is making a belated appearance. That, however, does not alter the fact that there is not a post-primary school in the agricultural or timber areas of the State. In effect, the education system of Western Australia practically caters for the children of the metropolitan area alone. That is not to say that no attempt has been made by the Government to take education into the rural areas of the State, but the fact remains that 84 per cent. of the State schools in Western Australia have 80 or fewer pupils attending them.

The University has been well endowed. My object in speaking about the University is not to criticise it or its control, but to draw attention to the need for educational justice for young people living outside the metropolitan area. Sir Winthrop Hackett gave the University an endowment of £220,000. The chemistry block cost £60,000, the biology block £18,000, and the engineering block £8,000 and the agricultural laboratories will cost £14,000. The University buildings to-day are capitalised at £320,000, and are available to only 23 per cent. of the students from agricultural and goldfields areas, compared with 77 per cent. from the metropolitan area. The Government finds £34,500 per annum for this institution. It seems extraordinary, in view of the difficulties with which we are faced, that our education system should be in danger of becoming top-heavy. One of my objects in submitting this motion was to endeavour to have set up a select committee that would inquire into the whole question of education in this State, and evolve some considered plan that would be of equal benefit to every section of the community, and not merely to those who had opportunity plus compared with those who had opportunity minus. The United States has discovered that out of a population of 75,000,000 adults, 36,000,000 have never finished a primary education, and that 3,000,000 citizens in "God's own country" can neither read nor write. I should like to procure from the Federal Census Bureau information as to illiteracy in Western Australia, for I am sure members would be shocked out of their smug complacency if they could realise the lack of educational facilities in this State. I have previously drawn attention to the fact that whole families have been unable to receive education. In order to get a consolidated bus service, by means of which 20 children in the southern portion of my electorate could be taken to school, we had to make an 18 months' effort. A consolidated bus service is also required in the northern portion of my electorate, and we have endeavoured for nearly 12 months to get this service, but so far without avail. A select committee would lay down the basis of a plan whereby the education system, which is of such vital interest to us all, could be made to apply over a wider area of the State. In Spain only 7 per cent. of the people can read and write, so that 93 per cent. are illiterate. That is one of the causes of the trouble in Spain. I hold no brief for communism, but one cannot help admiring

the Soviet Government, which found similar conditions prevailing in Russia. By means of an improved education system illiteracy in Russia has been reduced from 93 per cent. to less than 10 per cent. I do not care what the politics of a nation are; if it can bring education to its masses it is worthy of respect. In England education is not regarded in the complacent way in which we look at it here. At least 54 per cent. of the cost of national education in the Old Country is provided by the Government, and the balance of the expenditure is raised on the rating value of County Councils. In South Africa the Government is bringing education up to date, and New Zealand is overhauling its system. The average weekly enrolment at Government schools in this State is 57,643 children, and 12,000 children are attending the Catholic primary schools. The number of schools open is 886, or 13 fewer than were open in 1936.

Mr. Cross: Due to so many of the group settlements being closed down.

The Minister for Education: A lot of that is due to consolidation.

Mr. BOYLE: The expenditure on school buildings for 1936-37 was £50,448. I notice from the annual reports of the Director of Education that the system of works being carried out by the Public Works Department is not giving satisfaction. From experience I can say that when the inquirer or a member of Parliament seeks information on this point he is told that the Treasurer must first approve, and when the Treasurer has approved, he is told that the Public Works Department has not yet commenced the undertaking. This is irritating and unnecessary. I am sure that a recommendation from the committee, if appointed, would tend to clear up many of these unsatisfactory features. Mr. Justice Wolff, in his report on Youth Employment and the Apprenticeship System refers to many matters connected with education. He realised the lack of educational facilities in this State. He also realised that certain questions came before youth employment and the apprenticeship system, namely, the foundation that a boy or girl must obtain before being apprenticed or receiving instruction in a technical way. Mr. Justice Wolff said in his report—

> My findings and recommendations are as follows:—That increased attention be given to instruction in the three "R's" and that no boy or girl should be allowed to leave school until he or she has passed an examination as proof of efficiency in these elementary educational studies.

This means that the school age must be raised to 15. What sacred symbol is 14 that it should be chosen as a particular stage in the life of a human being?

Mr. Marshall: Make it 40 if you like.

Mr. BOYLE: When I have spoken on this matter to education authorities and principals of orphanages, I have found them to be universally opposed to an arbitrary age of 14. They have told me it is only from the age of 14 to 15 that a child begins to absorb any real education.

Hon. P. D. Ferguson: That is our own experience, is it not?

Mr. BOYLE: I have in mind one orphanage in the metropolitan area through which 5,000 boys have passed. The principal told me that not one of those 5,000 boys should have gone out into the world to engage in the battle of life at the age at which they left school. They entered the institution at ages between 9 and 12, and were scarcely there for two years before they were thrown out to earn their own living. The principal is told that the boys must go on to farms. The farming industry in its present condition cannot absorb a fractional part of the boys that are available. Some of the lads are learning trades—bricklaying, metal working and carpentry. As soon as they reach the age of 14 the 7s. a week that is paid by the Government disappears, and the institution is not able to maintain them any longer. The result is that the poor children are thrown out to become mere flotsam and jetsam.

Mr. Sleeman: Are they not kept if they are still attending school?

Mr. BOYLE: The institutions are not paid for them.

Mr. Cross: Yes, they are.

Mr. BOYLE: My information is as I have stated.

Mr. Cross: Your information is wrong.

Mr. BOYLE: I would rather trust my source of information than I would the hon. member's. Mr. Wolff in his report went on to say—

> The junior technical school system is not as adequate as it should be. The facilities should be increased in the metropolis and extended in the large country towns. There is a somewhat surprising lack of record of the vocations followed by students from the school. I consider

that greater efforts should be made to obtain increased attendance of students of suitable type at these classes, and that better records should be kept. Agricultural instruction of a pre-vocational nature should be provided in the curricula of both city and country junior schools.

Later, Mr. Wolff said—

The country apprentice is at a distinct disadvantage as regards technical instruction. I consider that this disadvantage could in part be offset by a system of correspondence instruction and that provision should be made for the periodical visit of a lecturer and demonstrator to the larger country centres. Arrangements could and should be made for apprentices to obtain temporary leave of absence from work to visit these centres, and obtain the benefit of the lectures and demonstrations.

Much has been done in this regard in the State of Queensland, where there is a system of travelling workshops which are able to set up at a siding and give a short course of intensive training to students.

The railways in this State could assist a good deal in this direction. Trucks could be fitted up and left at the more important centres for a month or so, while the instructor lectured and demonstrated to students who should come in from outlying centres. This system would no doubt save a good deal of expense in the way of buildings in country centres where great expense is not warranted or might embarrass the State finances.

Mr. Wolff in his report also referred to agricultural education for boys. From my place in this House, on more than one occasion I have referred to the same subject and have pointed out the good use that might be made of research centres as a source of agricultural and higher education. Queensland has adopted an excellent system that could well be followed in Western Australia at very little cost. That State makes provision for the payment of £33 per annum to selected scholars to enable them to attend agricultural schools, and in addition, there is a clothing allowance of £6 a year, as well as a pass to their homes twice a year. Boys are not selected by competitive examination for which I have not very much time. They are selected from the reports that are given by particular headmasters. Thus it will be seen that in Queensland lads are given every opportunity of getting more than the three R's to which Mr. Wolff refers in his report. At the research farm at Merredin, or close to it, there is an excellent school. I have had repeated requests from parents in that district to secure a system of admission for their boys to the research farm on four days a week. On the remaining school days they would attend the Merredin school. There now is an opportunity for the Minister to adopt a statesmanlike policy and experiment with, say, 25 lads from that particular district. He could show to the people in that centre that he was in truth both Minister for Agriculture and Minister for Education. There seems to be general dissatisfaction in the country areas in regard to the educational facilities afforded. The Country Women's Association's last conference bristled with requests to the Government on the subject of educational facilities in the country. That association is neither party nor political, but at the same time it is one of the grandest organisations ever evolved in the country districts.

Mr. Styants: It is an unfortunate title if it is not a political organisation.

Mr. BOYLE: I assure the hon. member that it is not political at all. I can also assure him that members of Parliament are not welcome at the conferences that are held. I volunteered to attend the conference, but I was informed that my absence would be more desirable than my presence. It was really at the suggestion of a committee of the conference that I agreed to attend, and it was a very intelligent committee, too. The rank and file, however, would not have me there, which showed, of course, that the rank and file did not possess that high degree of intelligence displayed by the committee!

One of my objects in bringing forward the motion is to urge the necessity for this State, and the other States as well, to demand from the Federal Government that it should take a fair share of the burden involved in the education of the youth of Australia. The Federal Government controls all the revenue departments and yet it will not devote a shilling towards the cost of educating the children of the Commonwealth. I do not know—I may be wrong—whether the Government of this State has ever approached the Federal Government and made a demand for assistance in the direction suggested. It was mentioned in Mr. Huck's speech that the Premiers at a conference had once made a request for £136,000 to be devoted to education in this State. That, however, appears to have been

merely a pious wish instead of an insistent demand. We would not be asking too much of the Federal Government if we requested that it should subsidise our education vote to the extent of 10s. in the pound.

Mr. North: That applies in America.

Mr. BOYLE: The Harrison-Fletcher Bill introduced in the American House of Representatives in March, 1938, was the result of a conference of Americans from all over the United States. That conference was representative of almost everybody, even business men and the man in the street. It decided that the responsibility rested on the Federal Government to subsidise education in America, and that Government adopted the recommendations put forward. In Australia, Federal Governments have not in the aggregate had a deficit, and if my memory serves me rightly, there is something like £17,500,000 by way of accumulated surpluses. The American Government, however, is standing up at the present time to accumulated deficits of eight thousand million pounds in its central administration. Last year alone that Government had a deficit of £600,000,000, and yet it can afford to subsidise education in every State in America. It can appreciate—as they themselves phrase it—that a child born in a big centre has opportunity plus, and one from the beyond, opportunity minus. This is one of the objects of my motion. We should insist on the Federal Government taking a share of the responsibility of the education of our youth. Immigration has already cost more than I now ask and it is only repeating a platitude to say that the migrant we require is here already. What we must do, however, is to educate him, and give him every chance, not a lopsided chance. I submit the motion for the appointment of a select committee and, as I have already mentioned, my object is not to criticise the administration of the present or any preceding Government: the avowed object is to secure a considered plan for the education of the children of the State, not for one or two years but for a period of years. The motion is submitted with the object of making the opportunity equal for all. One of my constituents has three children and they ride 10 miles to school and 10 miles back again, and from the department they receive an allowance of 3s. 6d. a week, which works out at little more than 6d. a day. Three horses are involved in this and nothing better than that can be done for them. The position is unequalled anywhere, and so I ask the House to agree to the motion from which, I am convinced, nothing but good can result. I am certain that whoever are appointed to the committee will be astounded at the evidence that will be brought forward. I have had offers of evidence since I gave notice of the motion, and those offers have come from all over the wheat belt. We are doing our best to keep people on the farms, but I regret to say that even though some are doing well or are keeping ahead of it, as the result of frugality and hard work, they are coming to the metropolitan area so that their children may receive a decent education. It is our duty to alter that state of affairs and to give the people in the agricultural districts to understand that they are not pariahs. I have discussed this question with parents in far-flung areas, and the paramount thought in their minds is the difficulty of securing education for their children. Lack of education is what it means. The Commissioner of Police in his report for last year stated that he had splendid recruits offering but that in many cases they had to be rejected because their education was not up to the elementary standard in State schools. I took up the matter with him, and was bound to agree with him, having personally recommended excellent recruits—they usually go to the local member to obtain a recommendation, as we all know. I have recommended splendid young men, 6ft. high and physically perfect, and they have been rejected because they could not stand up to the poorest educational requirements. That remark applies to every walk of life in rural areas. Children there are brought up simply to be hewers of wood and drawers of water. Parents will not tolerate that state of things, and therefore I am raising my voice in protest. That is the reason I am addressing the House in rather impassioned tones.

My desire is to bring home to hon. members the necessity for equalising educational opportunities in Western Australia. I appeal to them not to let it be a reproach to any member of the Chamber that children who have practically no one to speak for them unless we do so are deprived of education. Their parents are mostly broken-hearted in that regard. I may say that it

would stagger members to see the pleas on my own personal education file from country parents to secure even the rudiments of education for their children—not University degrees. As I have previously pointed out, it is doubtful whether there is a post-primary school outside the metropolitan area. Perhaps there may be one or two. Take Merredin, a large centre, and Kellerberrin—no post-primary system of education in those towns. They have not even this "poor relation," as Mr. Huck calls it, of the secondary school. Are we to submit to the spectacle of 30,000 children, representing those outside the metropolitan area, being condemned to inefficient education, and in many cases to an entire lack of education? Can any member justify it? Can we put forward the plea of insufficient funds? If we do, we shall be held accountable for our action. I would like to see many things that are voted funds here not voted for if thereby we can make available more money for the education of outback children. It is pitiful to see young men and young women unable to read a book with any degree of ease. I have attended many meetings in my life; as leader of an organisation I averaged 80 meetings a year in the wheatbelt of Western Australia. The educated men and the educated women at those meetings were those who had been brought up mainly in the big centres. The educated people were not the men and women who had pioneered, or had been born in, those areas. At such meetings I have seen extraordinarily intelligent men and women who yet were unable to express themselves. They told me afterwards that they could not. I asked, "Why did you not put your views before the meeting?" The reply was, "We cannot; we have no education." Shall we permit a continuance of that state of affairs? Are we as a representative and deliberative Assembly going to allow about 30,000 of our fine Western Australian children to be deprived of what is an essential in these modern days? If this motion is treated lightly and rejected, then the responsibility will be that of other hon. members—not mine.

On motion by the Minister for Education, debate adjourned.

MOTION—FIREARMS AND GUNS ACT.

To Disallow Regulation.

Order of the Day read for the resumption from the 7th September of the debate on the following motion by Mr. Seward (Pingelly):—

That Regulation 14a under the Firearms and Guns Act, 1931, as published in the "Government Gazette" on the 18th day of February, 1938, and laid on the Table of the House on the 9th August, 1938, be and is hereby disallowed.

Question put and passed.

MOTION—HEALTH ACT.

To Disallow Amendment to Regulations.

Debate resumed from the 7th September on the following motion by Mr. Sampson (Swan):—

That the amended regulation, Schedule B (relating to meat inspection and branding), made under the Health Act, 1911-37, as published in the "Government Gazette" on the 5th August, 1938, and laid upon the Table of the House on the 10th August, 1938, be and is hereby disallowed.

MR. SAMPSON (Swan—in reply) [5.22]: My desire is——

The Minister for Health: This is only flogging a dead horse. The regulation has been disallowed in another place.

Mr. SAMPSON: I desire to reply to some statements made by the Minister for Agriculture and by the Minister for Health in their speeches in opposition to the motion. A good deal of what I claim to be wrong information was submitted by Ministers; but, all said and done, the bulk of it had really nothing to do with the subject under discussion; it related to phases of the question against which no opposition has been raised. The Minister for Health, in particular, refrained from making any reply to a deputation which waited upon his predecessor very early in the year to urge that all slaughter houses should be registered, that they should be approved by inspectors, and that all meat should be inspected and branded. It was essentially necessary for the Minister to give a reply, but he failed to do so. I regret his failure, because after all those who waited on the former Minister for Health were representatives of the people in that they were members of a road board.

The Minister for Health: I did not meet any deputation.

Mr. SAMPSON: Not the present Minister; I know that. However, we had no reply when the present Minister for Health spoke so far as that deputation was concerned.

When the Minister rose to speak on so important a matter as this, the deputation which waited on his predecessor should have been given some reply. The same remark applies to the Minister for Agriculture. That Minister likewise carefully avoided giving any reply with regard to the deputation which waited upon him on the 13th January of this year. On that occasion there was a deputation comprising representatives of the Gosnells, Canning and Armadale-Kelmscott Road Boards; and it was stated then that those road boards were anxious that there should not be an extension of the abattoirs area, but that they would welcome the establishment of registered slaughter houses and the appointment of qualified inspectors to pass all meat before it went into consumption. That was a highly important request, and the deputation stated it was understood that all meat from animals slaughtered in the districts mentioned was inspected at the carcase meat department of the metropolitan markets before being offered for sale.

The Minister for Health: You are introducing a lot of new matter.

Mr. SAMPSON: This relates to a deputation which waited on the Minister for Agriculture, and the Minister should have replied, particularly as the points to which I am making reference were the reasons which animated the deputation in waiting on him. Unquestionably I drew attention to the matter in my remarks. If the Minister for Agriculture did not reply to the deputation, it is incorrect for the Minister for Health to say that I am introducing new matter. I claim that no new matter is being introduced. This matter is old matter. It is the basis of the object for which this movement was initiated.

Mr. SPEAKER: The hon. member had better proceed with his reply and not argue whether he is out of order or not. When he gets out of order I shall tell him so.

Mr. SAMPSON: I am very much obliged to you, Mr. Speaker. I shall endeavour, as always, to keep within the Standing Orders and in replying not to introduce any new matter. There was no response on behalf of the former Minister for Health regarding that phase. Mr. C. Cross, M.L.A., supported the wishes of the deputation.

Mr. Patrick: That settles it.

Mr. SAMPSON: Mr. Cross said that he hoped the Minister would not come to a decision detrimental to the interests of the small men, that there was only one slaughter house in the district, and that this man did not do a great amount of killing.

Mr. SPEAKER: I am afraid the hon. member is dealing with the deputation. That has no relation to the subject matter which he introduced when moving the motion. He cannot bring in new matter now. I hope the hon. member will not persevere with it.

Mr. SAMPSON: I certainly do not desire to introduce any new matter, Sir. That would be unfair to Ministers. All I want is fair treatment. The Minister for Agriculture was thanked for receiving the deputation and for his promise to give earnest consideration to the deputation's views. What was the result of his consideration of those views? A tirade of abuse, more or less, or rather more than less, when the responsible Minister spoke in this House. No reply was given to the deputation.

Mr. SPEAKER: The hon. member does not realise that the Minister was not called upon to reply to representations made by a deputation. The Minister replied to the case submitted by the hon. member on his motion. In his reply now the hon. member must not introduce new matter, and I suggest to him that he is definitely doing so. I suggest also that he do not persevere.

Mr. SAMPSON: Very good, Mr. Speaker. May I say that when the Minister for Agriculture replied—speaking in a literal sense, as it were—he put up numerous men of straw and then with great vigour knocked them down, knocked them sideways, and pushed them out of the argument. One phase that was certainly emphasised and repeated was in regard to the shocking state of affairs relative to the killing of beasts in the area.

The Minister for Agriculture: In the slaughter houses you wish us to license.

Mr. SAMPSON: I must reply to a statement that does not run parallel with facts. That deputation asked for nothing of the sort.

The Minister for Agriculture: I would like to quote from "Hansard."

Mr. SAMPSON: The Minister may quote me. He quoted from every known authority in the world, including inspectors galore, and portrayed a state of affairs that would make anyone's blood run cold and bring about a state of nausea. There were

slaughter houses galore, beasts were being killed near pigsties, and so on.

Mr. Patrick: Has the consumption of meat fallen?

Mr. SAMPSON: I do not know. What the Minister said may be true. If so, his colleague, the Minister for Health, should have taken steps to stop that sort of thing.

The Minister for Health: That is the purpose of this regulation.

Mr. SAMPSON: Is it?

The Minister for Health: Yes.

Mr. SAMPSON: The Department of Health was requested to take the same action that the deputation asked the Minister for Agriculture to take. What happened? We have had this very loathsome story told to us, as though we were advocating something that was inimical to the health of the community. Nothing of the sort was ever done. No one can truthfully say that any member speaking in support of the motion advocated that the public health should not receive first consideration. The foul and shocking condition of some slaughter-houses was pointed out, as was also the manner in which some people conducted slaughtering. I am prepared to agree that that may be true. I do not know whether it is or not. I know the members of the deputation told the Minister they were very dissatisfied, and I know also that the Minister promised them a reply. He did not, however, give them a reply. We do not require an angel from Heaven to tell us that a slaughter-house is unpleasant and repellent. From what the Minister said, however, one would imagine that a slaughter-house, properly conducted, is a home of romance, where sentiment, love and kindness and all that sort of thing prevail.

The Minister for Health: We got close to that.

Mr. SAMPSON: God forbid! The Minister knows it is not so. When the Minister made the statement, it sounded convincing, but he knows, as do members and I, that for the moment he forgot the facts.

The Minister for Health: What are the facts?

Mr. SAMPSON: The facts are diametrically opposed to the Minister's statement.

The Minister for Health: I did not make a statement, strange to say.

Mr. SAMPSON: Those are some of the points of the alleged reply of the Minister. He replied to something that no member of the deputation, no member of this House, or anyone else ever put up, namely, that we should disregard the health of the people and help dealers and others who have no object other than to make money out of improper conditions in substitute slaughter-houses. The Minister said that the conditions under which cattle were killed at those slaughter-houses were unsatisfactory, and should not be permitted. If the conditions are as stated by the Minister, I thoroughly agree with him.

The Minister for Health: Then why do you propose that these regulations should be disallowed?

Mr. SAMPSON: Because there is a different way to do it.

The Minister for Health: I understand.

Mr. SAMPSON: The way to do it is not by imposing this heavy burden upon the small producers. By the way, the Minister insisted that I said there were 3,000 producers.

Mr. Cross: He did not say that.

Mr. SAMPSON: Who?

Mr. Cross: The Minister.

Mr. SAMPSON: The hon. member should not go over to the opposition. I had better not say any more about the deputation; the hon. member was present and knows what was said. The Minister said that in some cases the only facility was a gambrel suspended from the limb of a tree. I do not want such conditions. I want a slaughter-house conducted under such conditions that it would receive the approval of the Minister and be registered. The Minister knows that.

Mr. Hegney: You are slaughtering these regulations now.

Mr. SAMPSON: The member for Middle Swan (Mr. Hegney) is, I am sure, standing up for what is right from the health point of view. It is of no use the Minister, by virtue of these slaughtering statements, putting a new trail across what has been said.

The Minister for Health: It is not a new trail, nor is it a red herring, such as you are now dragging across the trail.

Mr. SAMPSON: I say again that those who desire a new order did what they considered should be done. They should not be charged with doing something they have not done. Not one of the public men—members of road boards—who waited on the Minister ever suggested that he should do any of the

things that the Minister said were being done. I hope I am not doing wrong in quoting the exact words of the chairman of one of the boards. He said—

> Give the local authorities the right to put into force all the restrictions you propose, and we will see that they are carried out.

In spite of this, the Minister, with an appearance of the utmost innocence, as though dealing with the matter in a fair way, asserts time after time that I am not anxious about the health of the people.

The Minister for Health: You have a peculiar way of showing it; that is all I can say.

Mr. SAMPSON: As I have said, the producers concerned desire the appointment of a health inspector in each of the districts, so that he might be present to examine the beasts when they are slaughtered, and brand the meat of which he approves. I have referred to the reports with which the Minister regaled the House. Those reports were submitted by earnest and energetic inspectors; but one does not need to be an inspector to be able to report that a slaughter-house is an unpleasant place. I doubt whether the Minister has given much thought to that phase, because, as I have said, the subject is not one about which other than an unattractive story can be told. The Minister sought to prove that there were not 3,000 producers. I never said there were. It was the Minister for Agriculture who stated that I did.

The Minister for Agriculture: I must ask the hon. member to withdraw that statement. He knows it is wrong.

Mr. SAMPSON: I certainly am under the impression the Minister said that. In view of his explanation, I am pleased to withdraw the remark.

Hon. P. D. Ferguson: I think the Minister said 4,000.

Mr. SAMPSON: I do not think that number was mentioned. Whatever the number, if only five or 50, what difference does it make? Should not they receive consideration? Is it only numbers that count? Because those producers are only in a small way, are they to be thrown, metaphorically speaking, to the wolves? Whether the number be 300 or 30 or five is not of great moment. They are citizens of the State and deserve and should receive fair treatment. Then we were told that if one of these producers desired to slaughter cattle, he had to get into touch with an inspector and secure his approval. That may be a concession, but the method is unsatisfactory to a man living, say, at Serpentine. He has either to attend at the Agricultural Department or write to the department for a permit, and some time afterwards may receive it, if it does not go astray in the post. He is put to a great deal of inconvenience.

The Minister for Health: He will not even have to do that if these regulations are disallowed.

Mr. SAMPSON: The Minister for Health is, I hope, concerned about the health of the people, and I trust he is not trying to trip me on some technical point which he knows I cannot answer.

The Minister for Health: That is the regulation.

Mr. SAMPSON: I know that. Why? Because of the opposition raised by the action of two departments in doing something which previously was not done, and in respect of which no opportunity for disallowance was given.

The Minister for Agriculture: You know you are only beating the air.

Mr. SAMPSON: I allowed the Minister to do that the other night. I am keeping to facts, which the Minister did not do the other night.

The Minister for Agriculture: I must ask the hon. member to withdraw that statement.

Mr. SAMPSON: I withdraw, Mr. Speaker. As the Minister knows, I do not stand for slaughter-houses of poor type. He implied it, if he did not say so.

The Minister for Health: Why proceed with this motion when the regulation has been disallowed in another place?

Mr. SAMPSON: This motion was brought forward in this House. Certain statements were made and I am replying to some of them.

Mr. Doney: Quite right, too.

Mr. Sleeman: If this House does not disallow the regulation, we shall be fifty-fifty.

Mr. SAMPSON: In my opinion, it is quite clear something has been done that was not done in the correct way, hence the widespread dissatisfaction—dissatisfaction that could have been avoided if the method previously adopted had been followed. These regulations should be disallowed as an indi-

cation that the method followed by the Minister concerned was not right, although no doubt he acted upon the advice of his department. I leave the matter in the hands of members.

Question put and negatived.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 14th September.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill-Ivanhoe) [5.45]: This Bill, introduced by the member for Swan, deals with legislation of a somewhat technical and involved character, and seeks to amend an Act containing very extensive provisions relating to the conduct of companies in this State. This legislation is so important that it should be made the subject of very earnest consideration by members, and any amendment brought forward should be amply justified by the member sponsoring it. I say, with all due deference to the member for Swan, that he, in his second reading speech, did not justify many of the provisions of the Bill, and I say that with due recognition of the fact that most of the provisions have been taken from the Imperial Act. Still, it does not follow that we would be wise or justified in taking pieces out of another Act and inserting them in our statute, particularly in legislation dealing with company promotion and the control of companies generally.

Hon. P. D. Ferguson: But you did that last night.

Mr. Sampson: Those other Acts are acknowledged in the marginal notes.

The MINISTER FOR JUSTICE: I appreciate that fact. This is an attempt to take from a comprehensive piece of legislation, in which all the provisions are related one to the other and form a composite whole, certain provisions only and introduce them into the law of this State. The memorandum to the Bill would lead one to believe that the measure is concerned only with the prospectuses of foreign companies. That, however, applies only to Clauses 3 and 4. The balance of the Bill relates to companies whether foreign or locally promoted. The main objection I have to the Bill—and this objection I share with the member for Nedlands—is that to pass it would simply be tinkering with the Companies Act.

Mr. Sampson: The member for Nedlands supported the Bill.

The MINISTER FOR JUSTICE: But when the member for Nedlands spoke he indicated that to pass this Bill would simply be tinkering with the Act. He appreciates the necessity for comprehensive amendments, and feels, as I feel, that this type of legislation should not be introduced by a private member. Such an Act is of too great importance to be tinkered with by a private member. Extensive investigation and consideration are required to draft, consider and pass legislation which, though it might be to some extent in accordance with the Imperial law, will also conform to local requirements and conditions. I am not suggesting that the proposed amendments are entirely unworthy, but they are insignificant compared with the far-reaching amendments that have been urged from time to time as being necessary. The member for Nedlands indicated how old the Act is. It was passed in 1893, and was copied from the English Act of 1869. The amendments proposed in the Bill are taken from the English Act of 1929, and thus an attempt is being made to graft these amendments upon what we might regard as a somewhat obsolete statute.

For many years the Governments of the various States of the Commonwealth have been considering amendments to their companies legislation. At different times the question of companies legislation has been discussed at Premiers' Conferences. Those discussions were held with a view to endeavouring to secure a certain amount of uniformity in the companies laws throughout the Commonwealth. In accordance with the desire for uniformity expressed from time to time at Premiers' Conferences, the Commonwealth Government ultimately agreed to draft a uniform measure as a basis for adoption by the States, because it is within the powers of the Commonwealth to legislate for companies if it so desires. The proposal of the Commonwealth met with the approval of the Premiers to the extent that the proposed Bill was drafted, and copies were submitted to the State Governments. One State Government and another, however, after receiving the draft Bill, came to the conclusion that, owing to the differing conditions and to the need for considering

certain local requirements, it would be better from their point of view to introduce legislation somewhat in accordance with the Imperial law but adapted to local needs and conditions. In pursuance of this idea, the Government of New South Wales consolidated and amended its companies legislation, and I believe similar action was taken in Queensland and in South Australia. In a great degree the amendments that have been made in those States are in conformity with the English Act. Many of the provisions incorporated in that consolidating and amending legislation have been taken from the English Act of 1929.

For some time the Government of this State has had under consideration the consolidating and amending of the Companies Act. Such time as the Crown Law officers have had at their disposal during the past couple of years has been devoted to that work. Our Companies Act is not only out of date, but is also complicated by the fact that there have been many amendments, as well as amendments to the amendments, which makes the starting point for preparing a consolidating measure somewhat confusing. The ex-Solicitor-General, Mr. Sayer, prepared an unofficial compilation of the Companies Act in order to facilitate an understanding of its provisions, but while that compilation is very handy for reference purposes, it is not otherwise recognised. Some members might think that this unofficial compilation could have been made an official compilation under the provisions of the Statutes Compilation Act, but that measure is somewhat unwieldy and antiquated. When included in our statutes in the first place, it was taken from New Zealand, which, in turn, had copied the English Act. I think this House passed the Statutes Compilation Act in 1912, but New Zealand has long since amended the provisions of its Act and made the compilation of Acts much more simple. On the other hand, the Amendments Incorporation Act which may be invoked for the purpose of simplifying various Acts such as the Companies Act and its amendments, makes no provision for the re-numbering of the various sections and so it is limited to providing effective machinery for the proper incorporation of amendments contained in amending Acts in amended or consolidated measures. That was one of the difficulties with which we were faced in bringing down a consolidating and amending Bill to deal with the Companies Act. From time to time various organisations such as the Chamber of Commerce and the several Institutes of Accountants in Western Australia have submitted proposals for amendments to the Companies Act, and those proposals have received consideration. The consolidation and amendment of the Companies Act represents a momentous task, one that cannot be effectively considered and dealt with in a year or two. Despite the lack of diffidence on the part of the member for Swan (Mr. Sampson) in proposing to amend the Companies Act, I can justly make that assertion. The most earnest consideration must be given to the provisions of the Companies Act and the effect of amendments that may be suggested.

Mr. Patrick: Last year a select committee dealt with one phase of the Act.

The MINISTER FOR JUSTICE: It dealt with considerations somewhat outside the scope of the Companies Act.

Hon. C. G. Latham: Not at all. They came within the provisions of the Act.

The MINISTER FOR JUSTICE: I do not think so.

Hon. C. G. Latham: Then why has not your Government done something?

The MINISTER FOR JUSTICE: That select committee dealt with matters affecting a security investment company.

Mr. Patrick: And recommended a comprehensive amendment to the Companies Act.

The MINISTER FOR JUSTICE: That may be so. If the hon. member is referring to a select committee that inquired into the affairs of a certain security investment company, I assure him that anything necessary to meet objections that may be raised to operations of security investment companies, can best be dealt with by legislation apart from the Companies Act.

Mr. Hughes: Why does the Minister say that?

The MINISTER FOR JUSTICE: That phase has been dealt with in other countries by legislation covering that particular type of business. It has been dealt with by that means in New Zealand as well as in other parts of the world. In Victoria a consolidating and amending Bill was introduced in 1936, and it incorporated provisions taken from the Imperial Act. That Bill was not passed, and another similar measure was

introduced in 1937 but has not yet become law. I do not know whether Parliament is at the moment still dealing with the Bill.

Mr. Lambert: The Victorian Act has been amended considerably.

The MINISTER FOR JUSTICE: But the Bill has not yet become law. I understand it contains 638 clauses and consideration of the measure has not yet been finalised. There were two Ministers in charge of the Bill in the Legislative Assembly.

Hon. C. G. Latham: But that applies to all Bills in the Victorian Parliament.

The MINISTER FOR JUSTICE: I did not know that; I thought that the fact of two Ministers being in charge of the one Bill was probably because of its comprehensive nature. Prior to the introduction of that legislation in Victoria, Mr. Justice Cussen was engaged for several years in preparing drafts of proposed amendments to the Companies Act with the object of bringing it into conformity with the English law, and also of meeting the requirements of local conditions. The Bill that was subsequently introduced differed in some respects from the Cussen draft, because various subsequent committees conducted inquiries and in the end the Cussen draft became somewhat out of date.

Mr. Patrick: Was the attempt to amend the Victorian legislation made after the lapses of sharebrokers?

The MINISTER FOR JUSTICE: I do not know.

Mr. Patrick: I think it was.

The MINISTER FOR JUSTICE: I know that the latest efforts were made more recently but I do not think the proposal to amend the Act followed upon the failure of sharebrokers' businesses, because the legislation was introduced prior to those sharebrokers going into liquidation. The Bill did include some of the Cussen draft amendments that were brought up to date and also one or two provisions from the English Act, which Mr. Justice Cussen had omitted. The measure also incorporated provisions recommended by the Law Department, by inspectors appointed under the Companies Special Investigation Act of 1934, the joint committee of the Australian Institute of Secretaries and various institutes of accountants, the Stock Exchange, the Melbourne Chamber of Commerce, the Law Institute and the Registrar General. The Bill also contained a number of provisions that were of a technical description. This resulted from a perusal of the various Acts operating in the other States. This will give members some indication of the magnitude of the task involved in amending the Companies Act. From time to time we have been asked when we intend to introduce amending legislation for that purpose. For many years the necessity for amending and consolidating the Act has been stressed.

Hon. C. G. Latham: Why do you not do it?

The MINISTER FOR JUSTICE: Previous Governments have not done so.

Hon. C. G. Latham: Previous Governments did not introduce amendments to the Constitution Act, such as you have done.

Hon. P. D. Ferguson: They did not have four or five years to look over the measure.

The MINISTER FOR JUSTICE: Previous Governments may have been confronted with the same problem as the present Government. They may have realised the comprehensive nature of the task and the difficulty to be faced by Crown Law officers in giving the necessary time to carry out the investigations involved.

Hon. P. D. Ferguson: Then you agree it is time there was a change.

The MINISTER FOR JUSTICE: Of course, I agree it is time we had a consolidated and amended Act.

Hon. P. D. Ferguson: I refer to the necessity for a change of Government.

The MINISTER FOR JUSTICE: What did the hon. member's Government do?

Hon. P. D. Ferguson: It did not have four or five years within which to give attention to this matter.

The MINISTER FOR JUSTICE: I trust the fate of the present Government will not depend upon whether it does or does not introduce a Bill to consolidate and amend the Companies Act.

Hon. C. G. Latham: I can assure the Minister it will not.

The MINISTER FOR JUSTICE: I accept the hon. member's assurance; I am rather inclined to think the same way about it. Other States have dealt with this matter largely along the lines of the Imperial legislation, with modifications to suit local requirements. As against the urge for the amendment of the Act, I have been advised by persons qualified to express authoritative opinions that it would be far better to await information arising out of the experience of other States such as South Australia, New

South Wales and Queensland with regard to their amended Acts before attempting to do anything in this State.

Hon. C. G. Latham: The amended Act has been operating in New South Wales for over three years.

The MINISTER FOR JUSTICE: That is not a very long period.

Hon. C. G. Latham: According to your argument such Acts may become obsolete.

The MINISTER FOR JUSTICE: In Great Britain the Act has been operating since 1929.

Hon. C. G. Latham: And has been amended since then.

The MINISTER FOR JUSTICE: I do not think it has been amended in any important particulars. The Bill now before members provides that it shall be unlawful to issue any prospectus in Western Australia with respect to shares in a foreign company unless the certificate of the company is first delivered to the Registrar of Companies, and a prospectus is issued stating that a copy has been delivered to the Registrar, that the prospectus is dated, and that the company otherwise complies with the provisions of the principal Act.

Hon. C. G. Latham: That is a very reasonable proposal.

The MINISTER FOR JUSTICE: I will deal with that as I go on. The Bill also makes it unlawful to issue in Western Australia a form of application for shares in a foreign company unless the prospectus of the company is attached.

Mr. Lambert: Of course the Bill itself is out of order.

The MINISTER FOR JUSTICE: The object of that provision is to ensure that foreign companies will have to disclose to the public the purpose for which they were formed and other information that will not actually prevent them from carrying on fraudulent types of business, but will make it easier to prove fraud should any action be taken against them.

Mr. Lambert: What is the object of that?

The MINISTER FOR JUSTICE: I think there was objection to legislation passed in South Australia concerning foreign companies.

Mr. Lambert: You cannot deal with foreign companies.

The MINISTER FOR JUSTICE: It was suggested that such legislation had a detrimental effect on the interests of the State.

Hon. C. G. Latham: I read something like that this morning.

Sitting suspended from 6.16 to 7.30 p.m.

The MINISTER FOR JUSTICE: Before tea I was speaking of the provisions of the Bill relating to the requirements proposed to be imposed upon foreign companies in connection with the issue of prospectuses. Under the Western Australian Companies Act, 1893, it is not necessary for any company to issue a prospectus. Before the passage of the English Act in 1929, it was common in the Old Country for people to float companies without issuing prospectuses. They relied upon what they called "making a market" to obtain subscriptions for shares. At present in this State it is not necessary for a company to issue a prospectus, but Section 222 provides that any prospectus issued shall include certain details. The section requires that every prospectus of a company or intended company and every notice inviting persons to subscribe for shares in any company or intended company shall specify the dates and names of the parties to any contract entered into by the company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice. The section does not impose very arduous conditions. What I consider to be necessary in regard to the principal Act is an amendment that will make provision for local companies similar to those applying to foreign companies.

One of the clauses of the Bill proposes an amendment that is taken from the English Act. It differs from the English provision, however, in a vital point. In the Bill appear the words "by virtue of this Act"; in the English Act, instead of those words, the following appear:—"by virtue of Section 38 of this Act." Section 38 of the English Act deals specifically with prospectuses of local companies. Admittedly, that is somewhat similar to another clause in this amending Bill, and it may be preferable to insert in the provisions of the Bill, instead of the words "by virtue of this Act," the phrase "by virtue of Section 6 of this Act." The purpose of the Bill and the amendment of the Companies Act in general is to make fraudulent operations much more difficult, and to afford adequate protection for the public. I think, however, that few foreign companies

invite public subscriptions for shares in Western Australia. The shares of most of those companies seeking registration are already fully subscribed. Possibly, if a company did seek public subscriptions for shares, we would be entitled to look upon it with a degree of suspicion.

Hon. C. G. Latham: What about the Primary Producers' Bank, for instance?

The MINISTER FOR JUSTICE: I do not know anything about that. I am not saying that there are not any companies of that description. I would not assert that on all occasions we would be justified in viewing with suspicion a foreign company seeking public subscriptions in Western Australia.

Hon. C. G. Latham: I agree with that.

The MINISTER FOR JUSTICE: At the same time, we might be justified in making inquiries in such an event, because usually foreign companies seeking registration here have already had their shares fully subscribed in the State in which they were incorporated. The principal objection to the measure, however, is that a foreign company could easily evade the provisions of the Bill. Those provisions cannot operate to prevent a foreign company circularising investors through the post with a view to obtaining public subscriptions.

Hon. C. G. Latham: People are not so easily victimised by an appeal through the post as they are as the result of a house-to-house canvass.

The MINISTER FOR JUSTICE: That may be so. The point is that there is nothing in the Bill to prevent foreign companies seeking subscriptions through the post.

Mr. Patrick: That sort of thing is done through the post from outside Australia all the time.

The MINISTER FOR JUSTICE: There is nothing in this particular measure to prevent that sort of thing. Even if the Bill were passed, it would be possible for a foreign company to incorporate in Western Australia a subsidiary holding company, and that subsidiary holding company would be so registered in this State. Any invitation it made to the public for subscriptions would be governed by the provisions relating to local companies. Therefore a foreign company, even if this legislation were passed, could evade its provisions because such a holding company would not come within the scope of those provisions.

Another clause in the Bill provides that a prospectus, in addition to the other requirements, shall contain information as to the objects of the company, the instrument constituting or defining the constitution of the company; the enactments or provisions having the force of an enactment by or under which the incorporation of the company was effected, an address in Western Australia where the said instrument, enactments or provisions or copies thereof can be inspected, the date on which and the country or State in which the company was incorporated, and whether the company has established a place of business in Western Australia, and if so the address of its principal office in Western Australia. There are also other provisions, one relating to the publication of a prospectus in a newspaper, and another to prevent contracting out of this particular provision. The clause exempts the director from liability if he can prove that he was not cognisant of the offence or that there was an honest mistake regarding facts on his part, or that the matter contained in the prospectus was immaterial.

Some of the provisions are new to Western Australian law. Under the Act a director is responsible only if he knowingly issues a prospectus which does not contain the particulars provided for in Section 222. But the difficulty has always been to prove that a director knew that false statements were made. Under the Act a director is excused unless it is proved that he had reasonable ground to believe that the statement was untrue or was not a fair representation of the position. The provision in the Bill that seeks to alter the phraseology of the existing Act will not make very much difference, but other subclauses to this particular clause require consideration. I understand that I cannot on the second reading, mention the clause to which I am referring. I wish I could do so because I consider that we should be able to refer to the provisions of a Bill more specifically. The clause, however, certainly has some objectionable features. One is that the prospectus has to include the objects of a company. The objects of a company are embodied in the memorandum of association, and it is usual for a company to make those objects somewhat extensive, to include in them the many activities in which it does not propose to

engage initially. This is done because, before an alteration can be effected in a memorandum of association, application has to be made to the court. That involves a certain amount of expense which a company wishes to avoid. If the objects of a company are to be included in the prospectus, the prospectus will be rendered much more voluminous. The clause also provides that the enactment under which the incorporation of the company was effected should be included in the prospectus. If this means that the whole of the Act must be included in the prospectus, then that prospectus will be still more voluminous. It would be much better if the provision in the Bill were such as to impose upon a company the necessity for putting in the prospectus only the title of the enactment under which it is incorporated. Other provisions in the Bill refer to letters and reports required by the principal Act, but there is very little in the principal Act to which these provisions could relate. The English Act, on the contrary, contains material, in Sections 34-38, which goes much further than does Section 222 of our Act. It would seem that, unless Section 222 of our Act was brought into line with Sections 34-38 of the English Act, the matters referred to would be of little value. These points indicate that it is not desirable to attempt to amend our company legislation in this fashion. Provision is made in the Bill that there shall be no share-hawking, that is, on the part of anyone passing from house to house offering shares for sale. This refers both to foreign and local companies. The memorandum of the Bill would seem to indicate that the whole of the measure refers only to foreign companies, but here it brings in local companies in connection with share-hawking. There may be some legal difference of opinion in connection with the provisions that we already have in the Purchasers' Protection Act against share-hawking. Some legal authorities are of opinion that it refers only to shares in land. Others are of opinion that it refers to any kind of shares. It is clear to me that it refers to any kind of shares, if reference is made to the definition of "shares" in the Purchasers' Protection Act. A provision similar to this in connection with share-hawking appears in the Act passed in New Zealand. In that country there is a judicial decision to the effect that the wording of the section applies only to the systematic visiting of houses, and does not prevent an appointment with a prospective buyer by telephone or any other means that may be employed to get into touch with the occupants of the house. To overcome that difficulty in New South Wales, a similar section has been inserted in the Act of that State. This includes, in addition to the provision appearing in the Bill before the House, the words "whether by appointment or otherwise," and deals satisfactorily with the question of share-hawking. It is provided in the Bill that it shall be unlawful for an offer to be made in writing for the sale of shares unless the offer is accompanied by a signed statement containing certain particulars as set out out in the measure. The clause in question applies to both local and foreign companies. I think I am right in saying that brokers generally are excluded by the Bill from this particular provision. There may be need for the application of this provision to both foreign and local companies, but, if this need exists, it is all the more obvious that our legislation should not be dealt with in this piecemeal fashion in an attempt to bring it into conformity with the English Act, but should be amended more extensively with respect to local as well as foreign companies. Another provision in the Bill is identical with Section 38 of the English Act. This is not preceded, as it is in the English Act, by sections dealing with the contents of prospectuses issued by local companies, so that it differs from the English legislation in that respect. The Bill contains a clause dealing with the contents of prospectuses. Section 222 of the Companies Act contains only a very meagre provision on this question, and Section 38 of the English Act depends on four previous sections. It would be out of place to have Section 38 of the English Act brought into the Western Australian Act unless the interdependent sections of the English Act were also included. The Bill proposes that a company that does not issue a prospectus, or that has issued one but has not proceeded to allot the shares offered for subscription by the public, shall do certain things. When a company does not issue a prospectus, it will be required to issue a statement in the form of the schedule of the Bill, and this must be signed and delivered to the Registrar of Companies. The

registration of a prospectus by the registrar does not put the seal of authenticity upon the contents of the prospectus.

Hon. C. G. Latham: He would have no opportunity to check the details.

The MINISTER FOR JUSTICE: No attempt is made to check them. The prospectus is registered for what it is worth. Certain obligations are placed upon the promoters and directors concerning statements appearing in the prospectus, and remedial measures may be taken by people who have been misled by false statements appearing in prospectuses. They can take action for the cancellation of any contract they have entered into in connection with applications for shares. Generally speaking, the small investor cannot afford to take action, because of the legal costs involved, and usually, too, a company that is not of straw will operate successfully.

Mr. Lambert: There is no legal necessity to register a prospectus in this State.

The MINISTER FOR JUSTICE: I have already said so, and am talking about the company that does register its prospectus. Companies that mislead shareholders and deceive them through false statements in their prospectuses usually fail altogether. When a person makes an attempt to recover any money he may have invested in the company, he generally finds that neither the promoters nor the directors have any means at their disposal. They are not worth powder and shot; consequently no action is taken against them. The protective measures included in the Companies Act are, therefore, of very little value to people. This necessity for issuing a prospectus, or, failing a prospectus, a statement in accordance with the schedule of the Bill, applies to both foreign and local companies. The requirements of the schedule of the Bill are much more stringent than are the requirements contained in Section 222 of the Companies Act relating to requirements in connection with prospectuses. If a local company decides not to issue a prospectus, but to issue instead a document or statement, it will be necessary for it to conform to the schedule of the Bill, which imposes conditions that are much more stringent than exist in the case of a company that does issue a prospectus. Another objection to the Bill, as well as to this particular provision and also to another clause, is that there is no exemption from the provisions of the Bill in respect to private companies. That deficiency has already been mentioned by the member for Katanning (Mr. Watts) when speaking on the measure. Under the English Act, private companies are exempt from the necessity of issuing either a prospectus or a statement.

Mr. Lambert: There is no need for them to do that here.

The MINISTER FOR JUSTICE: No, but this Bill would impose such a need. If the hon. member will read its provisions before making a speech, he will find that this is so. It seems absurd and anomalous that a private company that is often merely a business concern of a family nature, or a combination of five or a few more persons banded together for business reasons, without any intention to offer shares to the public, should be compelled to issue either a statement or a prospectus such as is proposed in the Bill. There is no reason why such a company should be forced to disclose in a public register either the nature of its business or its objects, or other matters that come within the requirements of the delivery of a prospectus. As the English Act exempts private companies, I think our local legislation should do likewise. I do not pretend to know all there is to know about company law, and I think I am right in saying that not many men do know all about it. It is a most difficult and involved business. I think, however, I have sufficiently indicated that it is undesirable to attempt to amend the existing legislation in this fashion. In this I feel I have the support of the member for Nedlands (Hon. N. Keenan), who should be an authority on the matter with his long experience as a member of the legal fraternity.

Hon. C. G. Latham: He is supporting the Bill.

The MINISTER FOR JUSTICE: I do not know that he is.

Mr. Stubbs: He said so.

The MINISTER FOR JUSTICE: He rather damned it with faint praise. There may be a necessity for some kind of legislation, but this is not the way in which to introduce it. Probably, by taking sections out of the English Act, as this Bill proposes to do, without linking them up with interdependent sections also contained in the English Act, a certain amount of chaos will be caused, where at present there is, at any

rate, comparative order. Personally I do not consider it would be wise to pass the Bill at this juncture. Security investment companies have already been referred to, and nearly all members of the House have had a good deal of correspondence on the subject of those companies. It is known that they can be dealt with, if it is necessary to deal with them, under other legislation. But some of those companies are quite sound, honourable, and worthy of support. Some that I know of in New South Wales have paid good dividends to their shareholders. Because it is a security company it must not be thought that such a company is not sound and unworthy of support.

Hon. C. G. Latham: No one has said otherwise.

The MINISTER FOR JUSTICE: I know of one company that was floated in New South Wales during the depression, and in 1932 paid 2 per cent. dividend to its shareholders. Later it increased its dividends until they ultimately reached 6 per cent. The companies that the investment concern was dealing in were at the time of the depression returning very small dividends, and it must be conceded therefore that the investment company did quite well to pay its shareholders 2 per cent. in the depression period. Members must not consider that this kind of legislation is the way in which we should deal with the objectionable features of security and investment companies if those companies exploit investors and deprive them of their hard-earned savings. I ask the House seriously to consider whether the mover of the Bill is justified in expecting the support of members. When dealing with this type of legislation we should have sound argument in support of its provisions.

MR. LAMBERT (Yilgarn-Coolgardie) [8.4]: The member for Swan (Mr. Sampson) who introduced the Bill, can be commended though not because he has shown that he has any special knowledge of company law. It is true, as the Minister has said, that there is necessity for amending the Companies Act. To-day, under that Act, it is possible to register a company and a person has unbridled license in that direction. In fact, under the Companies Act one can do almost anything lawfully from pitch-and-toss to manslaughter. That is just how the Companies Act stands to-day. There are 249 sections in it and it can immediately be overridden by Table A. Almost anything under God's sun can be done under Table A, and that is saying a lot. Any provisions that the member for Swan may desire to make to control the selling of shares at the back door, in the kitchen or through the medium of a newspaper—even if that newspaper be controlled most decently by the hon. member—will have no effect whatever. The 249 sections of the Act are definitely inoperative, as the member for Nedlands (Hon. N. Keenan) and the member for West Perth (Mr. McDonald) will admit. One can apply to the Registrar of Companies for permission to register a company. A memorandum that sets out the objects of the company can be lodged, and with it the articles of the company, and then one can proceed to adopt Table A of the Act. Then the applicant for registration can divorce himself from any or all of the provisions of Table A. Really I should not prolong the debate on the Bill, because the provisions it contains are not worth discussing.

Mr. Thorn: Why not read Table A?

Mr. LAMBERT: It would be worth the hon. member's while to read that table. To illustrate the fallacy of the existing Act, five people can each subscribe for one share in a company, and that company can then be registered as a limited liability company. Anybody can walk into the office of the Registrar of Companies to-morrow morning and register a company with a capital of £1,000,000. Five persons subscribing for one share each and paying for the registration of the company only, can register a company with that amount of capital: and there need not be a shilling subscribed.

Hon. C. G. Latham: And the proprietor gets half a million pounds' worth of credit.

Mr. LAMBERT: If he registered Politicians Limited, or Sampson Limited, or Lambert Limited in this State, the moment he had the company registered he could go into the street as, say, Sampson Limited and get £100,000 worth of credit. That is the fallacy of our Companies Act of to-day. The member for Nedlands (Hon. N. Keenan) and the member for West Perth (Mr. McDonald) know full well that that is the actual position. With this knowledge before us, what is the good of the member for Swan having a flirtation with the Companies Act? Surely the hon. mem-

ber must know that there is no great diversity between such a promoter and a man who walks along to the front door of a residence and offers shares. What difference is there between such a promoter and a newspaper proprietor who accepts the advertisement of a bogus company? Is there any difference? If so, why is not the difference presented to this House? Can the member for Swan see any difference between a person who legitimately believes that a company has merit and is prepared to go from door to door representing those merits, and the man who accepts prospectus advertisements from bogus companies and accepts money in payment for such advertisements? There is no difference whatever. The member for Mt. Magnet (Hon. M. F. Troy) may see a difference, but that hon. member, with his elastic conscience, can always see differences, can always apply a microscope to discern virtues in his friends and faults in his enemies. I am not much concerned about that, but I am concerned about the provisions of our Companies Act. That Act leaves the door wide open. I believe that the time has arrived, not for allowing laymen to attempt to tinker with the company law, but for getting authoritative advice as to its amendment, even if the advice should cost a considerable sum of money. I would say that £10,000 spent in procuring the best advice would be well spent for the purpose of tightening up our company law. I do not want to overtire members on this subject. I only wish to ask them to take a skirmishing look at Table A of the Companies Act. In respect of matrimony, divorce is easy; but if one could divorce oneself as easily as one can get away from Table A of the Companies Act, I suppose we would all be single men.

I do hope that the member for Swan, having brought the measure forward and focused the attention of Parliament and the public upon the need for tightening up our company law, will see fit to withdraw the Bill. It seems to me that although he has some knowledge of company law, a great deal has escaped him. For that he is not blameable. The Act as it stands is not worth the paper it is printed upon.

Mr. Needham: And the amending Bill is worth less.

Mr. LAMBERT: The amending Bill has not a single virtue. It is like sentencing a man to a year's imprisonment in Fremantle gaol and giving him the key of the gaol. What would be thought if a judge sentenced a man to two years' imprisonment and at the same time said, "Here is the key of the gaol; get out when you like"? To-day under our Companies Act one has the key to divorce oneself from every provision of the Act. Anything one does wrong can be provided for in the articles. If one appoints a director when registering the company and the director goes abroad for five or ten years, one can appoint an alternate director, and he can do all the things and acts that an ordinary director can do under the Companies Act. Thus the law gives unbridled license. I do not wish to mention names of companies; but I know of four or five companies operating in this State, some of them representing considerable capital. What they can do is absolutely stupendous. In fact, they can do anything. I can take along a memorandum to Tom Jones and Bill Smith and Jack Brown and say, "Sign this, will you?" Five persons are enough to sign the memorandum and articles of association and form a company. I can walk to the office of the Registrar of Companies to-morrow morning and request him to register a company with a capital of £1,000,000. He would take a cheque and give a receipt, and then tell me to go to the Stamp Office and get the memorandum and articles stamped. I want to illustrate the point. I can set myself up as a company with a capital of £1,000,000, and yet not one shilling of capital need be subscribed. I can then go to merchants who will supply this company having a capital of £1,000,000 with goods to the value of £50,000 or £100,000. Yet I would be immune from the penalties of the law. That is the position to-day under our Companies Act. I appreciate the action of the member for Swan in introducing this Bill, but would say to him that the proper course is to amend our Companies Act along lines different from those which he proposes. I cannot see much difference between advertising shares for sale in a newspaper and hawking them from door to door. I do not see very much virtue in either course. We should amend our Companies Act along the lines of the Victorian Act. In that State, the prospectus of a proposed company must be submitted to the Attorney General. True particulars must be given of

the financial proposals of the company and of the nature of the business that the company proposes to carry on. The amount of money which the public is asked to subscribe must also be stated. The prospects of the company must be set out. These particulars are submitted to the Attorney General, who in turn sends them to the Auditor General. The Auditor General issues a certificate as to the economic prospects of the company, while the Attorney General issues a certificate to say that the provisions of the Companies Act have been complied with. Then, and then only, can the prospectus be registered.

Mr. Patrick: What Act are you speaking of?

Mr. LAMBERT: The Victorian Act.

Mr. Patrick: I thought the Minister said there was no Victorian Companies Act.

Mr. LAMBERT: After the prospectus has been certified by the Attorney General and the Auditor General, the promoters of the company have the right to issue it. In such a case, it does not matter much whether the shares are sold in the street or sold per medium of an advertisement in a newspaper. Our Companies Act contains no such provision as those I have mentioned. Our company law is scandalous and shameful and should be amended to bring it into conformity with modern requirements. Members may talk about canvassers hawking shares, but that has nothing to do with the matter. Our Act needs a complete overhaul by competent draftsmen. In fact, the whole matter should be the subject of an investigation by persons who thoroughly understand company law. Some people are optimistic about the prospects of companies. I myself have been so. Some people are well-intentioned; others are badly intentioned, but, under our Companies Act, a person can do almost anything from pitch-and-toss to manslaughter, and do it legitimately, with no one to say him nay. With all due respect to the member for Swan, pettifogging amendments of the Companies Act will not achieve his object, which is to tighten up our law. If I may be permitted to repeat myself, the authorities at the Supreme Court should take the best features from the Companies Acts all over the world and frame an entirely new measure. The Minister for Justice quoted the English Companies Act. That also has its imperfections. The Victorian Companies Act is as nearly perfect as is possible to get such a measure. To attain perfection is impossible.

The Minister for Justice: Are you referring to the 1928 Act?

Mr. LAMBERT: Yes.

The Minister for Justice: The Victorian Parliament is now considering the 1937 Act.

Mr. LAMBERT: That may be. Because the Victorian Parliament passed legislation in 1928, that is not to say that the members of the Victorian Parliament, who have nothing else to do, may not pass further legislation in 1938. We shall always have legislation, unfortunately; that is the bugbear of Australia. We should try to bring down sound legislation, so that unscrupulous people may not register companies, start business without a shilling of capital, and yet be immune from the law. I could quote many instances in this State of people, possessed of no money, who have registered companies.

Another instance occurs to my mind. A man who owned freehold property in Murray street not so many years ago registered a company. He bought the property for £27,000 or £28,000. After the company was registered, he leased the land to his own company for £4,000 per annum. His bank then said, "It looks a good proposition. You bought the property for £28,000 and have leased it to So-and-so Limited for £4,000 a year." The man then got credit from some of the biggest merchants in Australia to the extent of about £48,000. The company, his own child, then went into liquidation. He then turned round and said, "I am the owner of the property and I come in first for my rental of £4,000 per annum." That is what a business man in this city did only a few years ago. I can quote countless other instances, but I think I have given members sufficient information. While the member for Swan must be praised for his desire to tighten up, in some respects, the provisions of an Act that is obsolete. I see no merit in the Bill. I hope, however, that the Government will regard the bringing up to date of our company law as urgent and imperative, and so stop the unscrupulous practices that can be carried on under the law as it exists to-day.

On motion by Mr. Hegney, debate adjourned.

BILL—ALSATIAN DOG ACT AMENDMENT.

In Committee.

Bill passed though Committee without debate, reported without amendment, and the report adopted.

BILL—MARKETING OF ONIONS.

Second Reading.

Debate resumed from the 14th September.

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne) [8.33]: I was very interested in the case submitted by the member for South Fremantle (Mr. Fox) on behalf of the onion-growers of the State, and particularly those resident within his electorate. The hon. member gave a very clear statement of the difficulties confronting those who are at present producing vegetables for sale. He quoted instances to illustrate the depressed condition of the industry, and suggested that quotas should be applied to the production of vegetables. Grave difficulties are involved in the application of a quota to production of any kind, but the obstacles to the fixing of a quota for perishable commodities that vary so much in kind and in quality are almost insuperable.

Mr. Thorn: You have to be prepared to dump the surplus.

The MINISTER FOR AGRICULTURE: The surplus must be either processed, exported or destroyed.

Mr. Thorn: That is correct.

The MINISTER FOR AGRICULTURE: The present condition of the market for those that produce vegetables of all kinds is not very favourable, and the main cause is over-production. There is no doubt that with the advent of spraying or irrigation plants, and the development of better methods of production, we have been able in this State to exceed the requirements for perishable commodities of the city proper and of the country districts. An attempt has been made during past years to export many of these perishable commodities to not far distant countries. Those efforts have met with a measure of success in respect to the export of surplus commodities that can be stored or cooled previous to and during the period of transit. The introduction of irrigation plants, by obviating reliance upon spasmodic rainfall, has increased production not by 100 per cent. but by 1,000 per cent. That fact, combined with the fact that greater numbers have been attracted to the industry in recent years, has contributed very largely to the over-production that has taken place in this State. We know that there have been times when men engaged in producing vegetables for the metropolitan market have made large sums of money. Instances are on record of individuals having made more than a comfortable living. They obtained sufficient to enable them to retire. At the same time others in the industry have failed. The major problem is over-production. To illustrate that point, I would mention that on one market day last week one grower took 600 dozen cauliflowers to the metropolitan market. The member for South Fremantle, in submitting his case to the House, stated that it was deplorable that prices were depressed to such an extent that cauliflowers were worth only 2d. each. In view of the position at the market last week, it is remarkable that any sales were effected. After all, the value of a commodity depends upon the state of the market, which is dependent upon the needs of the consumers. We had the spectacle last week of one grower taking to market 600 dozen cauliflowers. That is one kind of vegetable only, and there are dozens of growers producing dozens of different kinds of vegetables.

Mr. Fox: I wonder what wages were paid by the grower that produced those cauliflowers.

The MINISTER FOR AGRICULTURE: I agree entirely with the hon. member that it is regrettable that those people could not receive more for their labour. No one could quarrel with that point of view, but is not the question one of economics within the industry rather than one that can be solved by a Bill of this type?

Hon. C. G. Latham: How can the industry be controlled unless legislation is introduced for that purpose?

The MINISTER FOR AGRICULTURE: Let us analyse the Bill in order to discover what sort of control the Bill would provide in instances of that kind. As mentioned by the member for Toodyay (Mr. Thorn) by interjection just now, in the case of perishable commodities it is very difficult to deal with the surplus. That is exactly the position when we come to apply a marketing

scheme to such commodities. To regulate the marketing of such commodities is almost impossible when there is no scope for dealing with the surplus. If it is not possible to store or export during a period of glut, the difficulties I have mentioned become almost insurmountable if these vegetables cannot be processed or dealt with in the way I have indicated. There is not an instance of commodities of a perishable nature having been successfully handled under any form of marketing legislation where attempts have been made to control such classes of commodities. It is not so much a question of giving the growers control and power over the sale and distribution of their commodity, or a question of giving them monopoly control, as it is a question of the application of the law of supply and demand. That law is not repealable. Always is it present with us, and always in the end it governs the production and successful sale of any commodity. Let us consider the aspect of storage. The hon. member who introduced the Bill, and those who supported him, have contended that someone has benefited from the storing of onions produced in the State to the detriment of the actual grower. I have made many inquiries along these lines, and can find no one who is desirous of buying locally-produced onions and storing them for any period with the object of receiving a profit out of the business transaction, or some compensation for the storage. The reason for this is that the varieties we grow, and the conditions under which we grow them, do not make for the production of an onion that is famed for its keeping qualities. We must recognise facts and admit them. The locally-produced onion is not suitable for storage for any length of time. Some people who endeavoured to speculate in this class of produce have lost considerable sums of money. Whilst it is contended that someone has had too much for the service of storage and regulating the supply to the market, no case has been made out by the hon. member in proof that that is so. On the other hand, very much evidence can be brought forward to the effect that there are grave risks associated with the handling and storing for subsequent distribution of such a commodity. As the local commodity is not suitable for storage, and is sold only in very small quantities, it must provide the retailer with a very fair margin of profit so that he may make good the losses he sustains in retailing the commodity. Onions are not sold to the consuming public in cwts. or half-cwts.; they are sold in pounds, and the losses suffered by those who retail them are in many cases, with the local article, very considerable. When we consider that this State grows, during the whole of the seasonal operations, only a sufficient supply of onions to last four or five months, it will be seen that the desire expressed in the Bill can hardly be attained. This is a commodity of which 2,700 tons to 3,000 tons represent the maximum consumption within the State; very seldom are a thousand tons produced within the State. We, therefore, have one crop a year which represents an under-production for the requirements of the State by 60 per cent. Even if we endeavoured to produce the whole of the State's requirements, we could not store the onions and ration the market over the whole of the 12 months. That must be admitted and recognised.

Mr. Hill: Could we not grow a variety that would keep?

The MINISTER FOR AGRICULTURE: That has been tried. All those engaged in the industry submit that the very fact of endeavouring to grow onions out of season by irrigation methods militates against their storage quality. We must recognise that whilst onions are grown in the proper season, carefully harvested, graded and stored, although we know of instances where they have been kept for more than two months, on the average the successful storage of this commodity, and its safe storage, extend over a few weeks only. When we realise that imported onions are brought here, kept and regulated on the market for periods of four or five months, we can see that we are facing a grave difficulty not only with respect to producing the total requirements of the State, even if the onions are produced within the growing period, but we have the ever present difficulty of producing at a price, in season and out of season, that will successfully compete with the onions that are produced in any other State and are of definite keeping quality. If the Bill became law, and a price was fixed for the commodity, and an excess over our requirements was produced during the season, it would be incumbent upon the board to store that excess. In the storing of the excess the board would very likely be involved in heavy losses. Even if it

were possible to store for the whole period when it is safe to store the locally-grown article, we would still be short by many months' supply of the quantity required for consumption. Since storage requires such a big margin of profit, quite a lot of capital would be needed for the control and financing of that storage. Although our production last year, which was one of the best years we have had for a long time, came to 1,091 tons from 121½ acres, we need during a whole year a quantity approaching 3,000 tons. The figures of imports from the Eastern States are very interesting, especially when they are compared with our production figures. During the last ten years our total area under production has varied from 56 acres to 121 acres, and the average yield per acre has been about nine tons. Imports during that period have varied from 1,500 tons to 2,866 tons and the average price for the imported article has been about £9 a ton. The price varies considerably and rises immediately our production ceases. During the months in which our onions are marketed, Victorian grown onions are often despatched to Western Australia and marketed at a profit. An additional £3 per ton is required to cover freight and other charges in order to make such a venture profitable. Therefore, while our onions are on the market, very small quantities of the Victorian article are imported, and such as are received are mostly stored for subsequent sale. Our consumption varies considerably, but it averages about 2,800 tons per annum, and the value of the supplies necessary to meet local requirements has been computed at about £32,000. Our harvesting months are between November and February. Prior to November some of the white varieties are marketed with the tops cut off, but that class of onion must be consumed immediately. Members can see that type of onion in the metropolitan area to-day. In the spread from September to February we have, practically speaking, our normal season in which our onion crop is harvested in this State. If we could imagine that, by means of irrigation, onions could be grown during the summer, we could extend the growing period: nevertheless we would still be faced with a shortage for some months, irrespective of the possibility of 3,000 tons being produced locally during the year. The capacity for storage is such that the business would be extremely risky for private individuals, a board or anyone connected with the industry to undertake. In the utilisation of the 121 acres under onions, 109 growers are concerned. That is the total number of people producing onions in Western Australia, and it includes station people. One is producing onions at Hall's Creek and another at Esperance. Some are doing so in the Great Southern district, and one at Nabawa. The area under onions varies from a quarter of an acre to six acres. An interesting point is that no single individual in Western Australia is making his living solely from the growing of onions. That phase of industry is merely an adjunct to the normal gardening and vegetable growing operations. It is part of that industry. Of the total of 109 individuals growing onions, 63 are operating in the Spearwood and Coogee districts of the South Fremantle electorate. Some are operating in the Armadale district, but the rest are scattered throughout the whole State. I have already indicated that local prices to a very large extent depend upon Melbourne parity. That position obtains even through our own growing season. If onions are fetching £4 or £5 a ton in Melbourne, there is no possibility, even during our marketing period, of growers receiving much more than £7 or £8 a ton for their product.

Hon. P. D. Ferguson: They can expect to get only the ordinary price plus freight charges.

The MINISTER FOR AGRICULTURE: That is the only margin they can expect. The price must include freight and handling charges incidental to the delivery of onions from Melbourne to Western Australia. The proposed board could not control imports. That is specifically mentioned, so there is an exemption in respect of all interstate trade. Even if that were not mentioned in the Bill, the board still could not control onions as between the States.

Hon. P. D. Ferguson: Why not, once the onions arrived here?

The MINISTER FOR AGRICULTURE: The board is to have power to acquire onions produced by growers, irrespective of whether the grower cultivates a dozen plants or more. All locally produced onions can become the property of the board, but onions under the heading of interstate trading are

not to be affected. That is specifically mentioned in the Bill.

Hon. P. D. Ferguson: That is a weakness.

The MINISTER FOR AGRICULTURE: That may be so. There are many weaknesses in the Bill. Before analysing them, seeing that the Melbourne board has been mentioned, I shall give the House some information regarding the operations of that body.

Mr. Thorn: It does not make good reading.

The MINISTER FOR AGRICULTURE: No, it makes bad reading. During the course of the debate, one member said that, having the evidence, example and experience of the Melbourne board to guide us, we could avoid mistakes and do much better. I want to be quite fair in quoting the figures I shall place before members. Inasmuch as our production is relatively small compared with the Victorian output, we cannot fairly make a comparison between overhead expenses as they affect the Victorian board and what is likely to be our experience in Western Australia. A full-time board would not be required to control the whole of our onion industry. So small is it that one person could do so. I do not wish the House to think that I infer our expenses would be comparable with those experienced in Victoria. I shall quote from "The Fruit World and Market Grower," which is the official organ of the Market Gardeners and Fruit Growers' Society of Victoria. The paper is of 38 years' standing and recognised throughout Australia as an authoritative organ. Some of our country newspapers in Western Australia quote extracts from the journal and are glad to republish many of the arguments that appear in it in support of the interests of producers. In the issue of the 5th January, reference is made to the problems of the Victorian Onion Board and to the heavy overhead expenses incurred. This is what the paper says—

> According to figures quoted in the Legislative Council by Mr. Chandler, in reply to questions, the Onion Board has been a costly business for growers. Included in the expenses incurred from March 26, 1936, to December 3, 1937, are seen: Staff salaries (secretary, accountant and manager), £2,001; office expenses, £883; board members' fees and expenses, £2,749; printing, stationery, £1,028; miscellaneous, £355, and interest to bank, £2,397.
>
> It was said that during the 1936-37 season the board handled 44,855 tons of onions, advanced payments amounting to £222,305, sold 23,939 tons of onions realising £174,718 plus £1,145 owing for sales effected.
>
> Picking over cost £7,895, and approximately 11,000 tons had to be discarded owing to deterioration and natural decay; 10,000 tons remained unsold, of which 2,000 tons were in good condition at the time of the report.

I have since had advice from Melbourne that those 10,000 tons remained unsold and had to be discarded, in addition to the 11,000 tons previously discarded.

> No levy was collected during the season under report, and the board owed £63,322 to the lending authority.

That is for the 1936-37 operations. In the issue of the 5th February, a month later than the issue I have already quoted, it is mentioned that arrangements were completed for financing the 1938 crop. The paper reports—

> Arrangements have been completed for financing the 1938 onion crop (provided 95 per cent. of the onion crop is under the control of the board). Unless this percentage is forthcoming, the Onion Marketing Board perceives difficulty in maintaining the present prices, i.e., approximately £3 4s. per ton to merchants at Spencer-street station for Western District "Globes."
>
> The Minister for Agriculture (Mr. Hogan) has addressed meetings of onion growers upon the desirability of sending all their produce through the Marketing Board this year. There were 6,686 acres under crop, and the estimated yield was 53,395 tons, against 49,000 tons last year. Victoria could only consume from 25,000 to 30,000 tons.

In a much later issue, that of the 5th July, we find that the growers are in such a dilemma, and so dissatisfied, that at a meeting of the Vegetable Growers' Association of Victoria they asked the Minister to call a poll to determine whether the board should carry on or be disbanded. The report of that meeting reads—

> At the June committee meeting of the Vegetable Growers' Association of Victoria the secretary reported that a petition signed by growers from all the onion-growing centres had been lodged with the Minister for Agriculture, asking that a poll be taken to determine whether the Onion Board and Pool should carry on or be disbanded. The Act says that the Board shall be in power for not less than two years, and after the expiration of this time a poll may be taken if a petition signed by the requisite number of onion-growers is lodged with the Minister for Agriculture . . .
>
> The required qualification to be on the roll is that the grower shall have planted two acres

of onions in the previous season, and the Minister has stated that if the petition is in order, a poll will be taken; it will then be up to the onion-growers to record their vote in whichever way they think will be most beneficial to them.

On the surface, the pool does not look very attractive, for last season the board's operations resulted in a loss of £60,000, for which amount they are indebted to the Commonwealth Bank, and this season, up to the time of writing, growers are receiving only £1 7s. 6d. per ton for the onions they have delivered to the pool.

That is the experience up to date of the Onion Board of Victoria. The whole of the articles are available to hon. members. They deal exhaustively with the position in which the Onion Board of Victoria finds itself, and the position in which the unfortunate growers find themselves, and also with the experiences that growers have had during the last two or three years. If we are to be guided by Victorian experience, which has been brought about to a great extent by overproduction, we need to be extremely careful about passing the Bill in anything like its present form, or passing it at all. We have to remember that where there is such simplicity of production as enables a few thousand growers to produce 50,000 tons, without being able to market 21,000 tons of those 50,000, legislation of this kind is not likely to benefit the people in the industry here to-day.

During this last week I have confirmed the actual position of the Victorian Onion Board. I find that the board has agreed with the Commonwealth Bank to pay off £15,000 annually of the money owing by it. A very responsible gentleman in the Victorian Government has told me it is not possible for the board to do it this year at least. He views the position with grave concern, not only because of the likelihood of the board's being unable to function but also because of the effect this would have on the Act under which the board was constituted, and which involves many other primary products in Victoria. The indications are that we must be extremely careful in setting up a board to control a perishable product where it is not possible to deal with a surplus. If, on the other hand, there is not a surplus but under-production for the State's requirements in a commodity that cannot be stored, what advantage shall we confer on our growers if we encourage onions to come in from another State and bring a much higher net return to the grower than he would get in his own State of production? So the matter is not very simple. Analysing the Bill we find many faults in it, even if the commodity were one which could be dealt with by this type of legislation. I asked the Ministers for Agriculture of Queensland and Victoria, Mr. Bulcock and Mr. Hogan respectively, when they were recently in this State, whether they, in view of their ardent support of marketing legislation, would support a Bill under which the Minister had no power of veto. They said that it would be the last thing they would think of; that they would neither introduce nor support any Bill dealing with the marketing of any commodity unless the Minister had the power of veto. This Bill contains no power of veto.

Mr. Fox: There is nothing to prevent us from putting it in.

The MINISTER FOR AGRICULTURE: Whether it is the intention to amend the Bill I do not know, but there is no power of veto in it. Further, there is no specification of what shall constitute a grower. It may be that a man who grows a thousand onion plants to-day will be a grower under the Bill.

Mr. Fox: That can be provided for.

The MINISTER FOR AGRICULTURE: The Bill merely says—

> "Grower" means a person by whom or on whose behalf onions are actually grown or produced for sale . . .

I have endeavoured to give other indications of why the Bill could not operate successfully. If those qualified to vote for the constitution of the board are to be growers producing onions from areas of a quarter of an acre upwards, there are only 109 such growers. So we reach this position, that a man who produces a thousand onion plants in his backyard will certainly have to be qualified, because the situation would be absolutely impossible if 109 people, including those who grow onions on stations, were to have the right to vote for the board to be constituted under the Bill. The Victorian limit is two acres, as mentioned in the Press article I read a little while ago.

The constitution of the board leaves much to be desired. The number of elected members shall be three, all of whom shall be growers. Two members shall be nominated by the Governor. No provision is made in this Bill, such as is made in the Dried Fruits Act, as to the qualifications of elec-

tors or voters for members of the board. That is a very important matter. If we give the control of such a board to three producers, who will be representing a total of 109, even allowing for the small acreage I have mentioned, we shall be putting in the hands of the members of the board tremendous authority; and, as I have said, we would not have the power of veto. True, the Bill gives authority to fix a price. The member for South Fremantle (Mr. Fox) was very fair in his statement of the case for the Bill. In all good faith, he submitted to the House that it was not desired to fix a price; but, even so, the authority is given to fix a price.

Mr. Boyle: My word, it is.

The MINISTER FOR AGRICULTURE: The board would have power to sell, or arrange for the sale of onions delivered to the board.

Mr. Cross: And fix the grade, too.

The MINISTER FOR AGRICULTURE: If the board has power to sell, it has power also to fix a price.

Hon. P. D. Ferguson: Would not the importation of Victorian onions prevent an exorbitant price being fixed?

Mr. Fox: There is not a Bill that a lawyer cannot interpret in half-a-dozen ways.

The MINISTER FOR AGRICULTURE: I submit to the hon. member that what I have said is a fact.

Mr. Fox: I have been told by the draftsman that that is not so.

The MINISTER FOR AGRICULTURE: The board will have power to sell: the board may or may not sell; but if it decides to sell, it will sell to the best advantage. The Bill empowers the board to acquire onions.

Mr. Hegney: As onions will not keep for a lengthy period, the board would be forced to sell.

The MINISTER FOR AGRICULTURE: I submit that to give a board of this nature power to fix a price for its commodity is wrong, whether that price be fair or not. I submit it is wrong for 65 growers in one district to determine the price that consumers shall pay for onions. To give the board such power is unfair. The growers are producing only 40 per cent. of the State's requirements, and yet this Bill proposes to confer that great power on the board. Members must bear in mind that the highest price that can be obtained for onions in this State will be £3 per ton above Melbourne parity. I submit the board would not be effective; it would be an incubus on the industry and would do no more for the growers than keep the price of onions consistent with the demand for them.

HON. P. D. FERGUSON (Irwin-Moore) [9.14]: I shall support the second reading, because the principle underlying it coincides with the policy of the Country Party respecting the marketing of primary products. I must admit that the opposition of the Minister for Agriculture to the measure is a disappointment to me. The figures he quoted of the operations of the Onion Board in Victoria are somewhat startling. It does not follow, however, that because one case of apparent failure has been made out, every other organising board will be a failure also. Numerous instances could be given of the successful organised marketing of primary commodities, but the Minister has not told us anything about them. The production of onions in this State conceivably might be 100 per cent. greater than the consumptive capacity of the State, and in that case the surplus would either have to be exported or destroyed. Because there was no demand for onions in other States, Victoria was forced to destroy 20,000 tons last year. The only method of dealing with such a surplus would be to dump it. It is difficult to understand why a board should incur the enormous expense that the Victorian Board apparently did incur. Surely, the simpler way would have been to destroy 40 per cent. or 50 per cent. of the inferior production and market the better quality onions at a price which the Victorian consumers were prepared to pay. Apparently, however, those steps were not taken. That is a matter for regret and is a bad advertisement for boards controlling the marketing of perishable commodities. As I have said, however, numerous instances can be given where the operations of such boards in Australia have been attended with unqualified success, so it is not fair to condemn organised marketing of commodities because of the failure of one board. Had the Government realised its responsibility to the primary producers of this State, it would have introduced a measure that would have obviated the necessity for a private member undertaking that task. There is a genuine demand by the primary producers of the State for a general marketing measure, a

measure under which the producers of any primary commodity could have that commodity brought under the control of a statutory board, charged with the responsibility of organising the marketing of it. A general marketing measure would have obviated piecemeal attempts to deal with the problem, such as the present attempt. As the Government thought it advisable in the past to introduce legislation of this description, one finds it difficult to understand the tardiness of the Government in these days, when the demand for this type of legislation is infinitely greater than it was in days gone by. In 1925, the present Government, through the Minister for Lands, introduced a Bill under which it would have been possible to organise the marketing of any commodity. Unfortunately, that legislation was defeated in another place, but that is no reason, in my opinion, why the Government should not have attempted to re-introduce it. The fact that a particular measure was defeated in another place is no reason for the Government falling down on its job and refusing to re-introduce a measure that appealed to the members of this Chamber. As a matter of fact, that is not the attitude the Government has adopted in respect of other measures. For instance, the defeat of the State Insurance Office Bill in another place did not prevent the Government from re-introducing that measure time and again. The same remark applies to the Bill for the alteration of the Legislative Council franchise. Because that measure was defeated in another place, the Government was not deterred from re-introducing it. The same applies to the abolition of plural voting for municipalities. The Government continues to re-introduce these measures, notwithstanding their defeat in another place. If this policy of the organised marketing of our primary products was good in 1925, it is still good. In fact, there is a great deal more justification for this legislation to-day than existed in 1925. In 1926 the Government, through the present Minister for Lands, introduced a measure to organise the marketing of our dried fruits, and that measure has been a huge success. Later, the Government introduced a measure to organise the marketing of dairy produce, and nobody would deny that that legislation has been worth hundreds of thousands of pounds to the dairy producers of this State. Since that time, Bills have been introduced by the present Government to provide for the continuance of those and similar measures, including the Metropolitan Milk Act. The Government has thus been seized with the necessity for something being done to assist those who are up against the difficult problem of marketing the commodities I have specified. I commend the member for South Fremantle for having introduced the Bill. I feel sure he introduced it because he found the Government was not willing to do so.

Amongst other things, the Bill provides that, when requested to do so by 50 onion growers, the Government may take a poll of the growers to decide whether a board shall be constituted and be given the power to control the organisation of the marketing of onions. If more than three-fifths of the votes polled are in favour, the Governor may constitute the board and may appoint a day for the election by the growers of the elective members of that board. This is a provision, notwithstanding what the Minister for Agriculture has said, that appeals to me, and I believe it will appeal to the majority of members of this House. In addition to the grower representatives who are elected to the board, two other members are to be appointed by the Governor, one of whom shall have had mercantile and commercial experience. A board constituted on those lines must be a representative board, and one in which all sections of the community will have confidence. There would be very little risk of a board so constituted doing anything to which grave exception would be taken either by the producers of the community or by the consumers. The whole situation is controlled largely by the fact that Victoria has always available a surplus of onions that can be dumped in this State in the event of any board or body of producers attempting to insist upon an exorbitant price for that commodity in this State. I notice that a grower, in order to be entitled to a vote for the election of the producer representatives on the control board, must be of the age of 21 years. I suggest to the sponsor of the Bill that it would be wise for him to agree that a man entitled to vote should have another qualification, namely, the right to enrolment on the Legislative Assembly rolls of this State. No one who does not possess that qualification

should be entitled to record a vote for an elective member of any board that has control over the marketing of an important foodstuff.

Mr. Sleeman: What did you say the qualification should be?

Hon. P. D. FERGUSON: The man should be entitled to enrolment on the Legislative Assembly rolls.

Mr. Sleeman: You are not asking for a property qualification?

Hon. P. D. FERGUSON: No.

The Minister for Agriculture: He should be a naturalised British subject.

Hon. P. D. FERGUSON: The Bill does not say so.

The Minister for Agriculture: It should say so.

Hon. P. D. FERGUSON: The expenses of taking the initial poll for an election of the first board are to be borne by the signatories to the petition to the Governor, but this must be refunded out of the income of the board when established. I suppose there was no other method of getting around the Constitution in this matter, in view of the Bill having been introduced by a private member. Apart from an appropriation recommended by the Governor, no provision could be made for the initial expense involved in the election of a board. It is only right that, after a board is constituted, those seeking its establishment on behalf of the onion growers should be reimbursed for any expense entailed.

The main provision of the Bill is the power of the board to acquire the property in all onions produced in the State. The Bill provides that by a proclamation issued by the Governor all the onions produced on or from the date specified therein shall be divested from the growers and become vested in and the absolute property of the board. An amendment to that particular portion of the Bill will, in my opinion, be necessary in order to give the board control over onions that are imported. For any board to attempt to control the marketing of a commodity in this State, and yet have no control over a similar commodity introduced from outside the State, would be futile. It is remarkable that the sponsor of the Bill has overlooked that important matter, but I hope it will be possible later to rectify the omission. If there is any virtue in the organisation of the marketing of a commodity such as onions, it is in the power of the board to meet the consumptive demand of the people of the State. Although we know that onions produced in Western Australia are not noted for their keeping qualities, there has been a willingness on the part of the scientists of Australia, and particularly those associated with the C.S.I.R., to render more and more assistance towards the discovery of some method by which perishable commodities may be kept for a longer period, and a greater inclination to show to producers generally methods by which they may improve the quality of any particular commodity. Therefore it is quite likely that in time —and I hope before long—we shall be producing onions of better keeping qualities. The Minister for Agriculture told us that onions were produced from Hall's Creek to Esperance. If we can produce onions over so wide an area, we ought to be able to produce them all the year round and to supply all our requirements.

The Minister for Agriculture: They are all grown in the one season.

Hon. P. D. FERGUSON: I would be surprised to learn that the Hall's Creek onion matured at the same time as did the Esperance onion.

The Minister for Agriculture: It does. Onions cannot be grown in the summer.

Hon. P. D. FERGUSON: I cannot contradict the Minister. As he is generally wrong, I am not prepared to admit he is right now. In course of time our producers will, I believe, direct their energies to the solution of this problem, which is not incapable of being solved. The Bill provides that members of the board may receive such reasonable remuneration and expenses as the Governor may decide. Members of that body will not have the opportunity to fix their own remuneration. Evidently that power must exist in the case of the board in Victoria. Judging by the figures that were read by the Minister, the board there has cost the industry quite a lot. I do not anticipate anything like that will happen in Western Australia. Several boards control the marketing of commodities in this State, and nothing approaching that has ever occurred. I venture to say that no one who would be elected to the board, or who would be appointed by the Governor, would be unwilling to give his services at the very minimum of remunera-

tion, almost for his actual out-of-pocket expenses. The Minister need have no fear on that score. An important provision of the Bill is the power given for the taking of a vote amongst the growers engaged in the production of onions on a request by 50 growers who desire the dissolution of the board. Although this may be a necessary power, I fail to see why a bare majority of the growers should have the right to cause the board to be dissolved perhaps in opposition to the wishes of a very large minority. In another part of the Bill provision is made for a three-fifths majority vote before the board can be established. If a three-fifths majority of the votes of growers is required to bring the board into existence, surely it is fair and equitable to provide for a similar majority before the board can be abolished. If a three-fifths majority is necessary to bring the board into being, it is inequitable that a bare majority, say 51 per cent., should be able, after the board has become established and perhaps done good work, to put it out of existence. The whole of the work of the board would go for nought because a bare majority of the growers would be against its further continuance. I hope the provision in the Bill for the annulment of certain contracts of sale will be amended. This seems to be harsh, although at first glance it would appear necessary to checkmate those who by specious or bogus contracts endeavour to circumvent the decisions of the board. It may even be essential to give the board power to annul any contracts that in its opinion are not bona fide. It is largely because of that I consider the board should have control over all the onions in the State, whether locally produced or imported. The Bill really means the creation of a compulsory pool.

The Minister for Agriculture: There is only one way in which to bring that about, and that is not provided in this Bill.

Hon. P. D. FERGUSON: I do not see why that should not be brought about under the Bill. It can be amended. The measure as it is now does not provide for that.

The Minister for Agriculture: No matter what the Bill provided for, it would mean a mutual arrangement between the board and another party to give the board a monopoly.

Hon. P. D. FERGUSON: Once 100 tons of onions came into the State from Victoria the property in them could be vested in the board, just as would be the case if the onions had been produced at Spearwood. The ton of imported onions would have to be treated by the board as if it represented a similar quantity produced within the State. If some of those onions had to be dumped, the owners would have to share in the subsequent loss. At present the fortunate marketer of onions secures the cream of the market, while the other man has to put up with the losses. We know that has happened in many instances to producers participating in the co-operative movement. The only way to obviate such a thing is to give the board the sole control over the marketing of this particular commodity. Plenty of evidence is forthcoming that boards of a similar character have done good work, not only in this State, but in other parts of Australia. Seeing that Western Australia produces only about 40 per cent. of the State's requirements, here is an excellent opportunity to try out the principles of organised marketing. This is the first occasion when we have had to deal with a commodity that can be described as perishable. The success that has attended the efforts of boards elected by the producers, such as in the case of dried fruits, can be repeated in this instance, although onions admittedly are more perishable than are dried fruits. While the Bill is not ideal from my point of view, and a few amendments should be made in Committee, it deserves the support of every member who wishes in some small way to help the producers of onions out of the difficult situation in which they find themselves. A small section of our producers is engaged in the industry, a section that is rendering good service to Western Australia. I could wish that section were considerably larger. I believe it is capable of extension, and that more wealth would be produced by those engaged in the industry under a system of organised marketing. I am also of opinion that quite a respectable Act can be built on the foundations constituted by this Bill, and I trust that it will receive the support of the House.

On motion by Mr. Marshall, debate adjourned.

BILL—JURY ACT AMENDMENT.

In Committee.

Resumed from the 14th September. Mr. Sampson in the Chair; Mrs. Cardell-Oliver in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 3 to which Mr. Sleeman had moved an amendment to strike out the words:—"who has the property qualification required of a male juror under the preceding subsection."

Mr. NEEDHAM: I support the amendment.

Point of Order.

Mrs. Cardell-Oliver: On a point of order, I would like a ruling as to whether the amendment is in order. I claim it is outside the scope of the Bill, which does not seek to amend the property qualification in the Jury Act.

The CHAIRMAN: In my opinion, the amendment is in order.

Dissent from Chairman's Ruling.

Mrs. Cardell-Oliver: Then I must dissent from your ruling.

[*The Speaker took the Chair.*]

The Chairman having stated the dissent,

Mr. Speaker: Does the member for Subiaco desire further to discuss the matter?

Mrs. Cardell-Oliver: No. You, Sir, have my protest before you in writing, and that explains why I dissent from the Chairman's ruling. I think that is quite sufficient.

Mr. Sleeman: I apologise to the member for Swan for his having been called upon to take the Chair when a question such as this was likely to arise. I assure him that I cordially agree with his ruling.

Mr. Marshall: And congratulate him, too.

Mr. Sleeman: The member for Swan has not had much experience in the Chair, and it was perhaps a little unfair to ask him to assume the Chair this evening. I claim that in ruling the amendment in order he has correctly interpreted the Standing Orders. I hope your decision, Mr. Speaker, will be to uphold his attitude. The amendment does not constitute a negative, and it is relevant to the Bill. It is not foreign to the subject-matter of the Bill.

Mr. Marshall: I support the ruling. The member for Subiaco bases her disagreement on the suggestion that the amendment is outside the scope of the Bill. Can you, Sir, by any stretch of your imagination agree with the member for Subiaco that to strike out the very words which she put into her Bill is an amendment outside the scope of the measure?

Mrs. Cardell-Oliver: Yes. The amendment alters the meaning.

Mr. Marshall: That has nothing whatever to do with the scope of the Bill. Had the hon. member based her argument on the alteration of the sense of the Bill, then her ground of objection would have been debatable. But that is not the ground which the hon. member submitted. She submitted that the proposed amendment was outside the scope of the Bill. If the amendment is outside the scope of the Bill, then the Bill is outside the scope of the order of leave. One could not imagine a more ridiculous contention than that a member can submit a Bill to this Chamber, get the order of leave, introduce the Bill, which is composed of certain words, and then, when another member moves to strike out certain words of the Bill, argue that the amendment is outside the scope of the Bill. If the proposed amendment is stated to be outside the Title of the Bill, that is a different matter, and one which can be argued.

Hon. C. G. Latham: By striking out the words, we put a different construction on the clause; we differentiate between the male juror and the female juror in respect of the franchise. The member for Subiaco has introduced the Bill in order to give to certain women the same right to sit on juries as men have. The Bill does not interfere at all with the property qualification. The amendment moved by the member for Fremantle proposes to vary the franchise as between male and female jurors. Therefore I contend that the ruling of the Deputy Chairman of Committees is wrong, inasmuch as the amendment does not alter the franchise and the Bill does not provide for that alteration. I may be wrong in my interpretation, but each of us is entitled to his own opinion. Clause 8 provides for exemptions from service on juries.

The Minister for Mines: Is not that differentiation?

Hon. C. G. Latham: No.

Mr. Marshall: A male has not to notify.

Hon. C. G. Latham: I am not speaking about the franchise. Section 5 of the Jury Act, 1898, reads—

> Every man (except as hereinafter excepted) between the ages of twenty-one years and sixty years residing within the said Colony and who shall have within the Colony, either in his own name or in trust for him, real estate of the value of fifty pounds sterling, clear of all incumbrances, or a clear estate of the value of one hundred and fifty pounds sterling or upwards, shall be qualified and liable to serve as a common juror in all civil and criminal proceedings and on any inquisition in the said Colony within a radius of thirty-six miles from his residence.

That section provides a property qualification. If the amendment of the member for Fremantle is allowed to be moved, jury women might not have that property qualification, and therefore there would be differentiation between the sexes. But that is not the intention of the Bill before the Chamber.

Mr. Marshall: We are not troubled about the intention. We are troubled about the ruling.

Hon. C. G. Latham: The trouble is that the hon. member is not interested in the intention of the Bill. If we give attention to what the Bill intends, we can determine whether the Deputy Chairman of Committees was right or was wrong. I contend he was wrong, inasmuch as the amendment differentiates between the male juror and the female juror. If the member for Subiaco had desired differentiation, she would have provided for it.

The Minister for Lands: I could not follow the argument of the Leader of the Opposition. He bases his argument on the attempted differentiation between man and woman. That may be correct; but the question before the Chamber is not the differentiation but whether Parliament has a right to do anything it likes, provided it is relevant to the subject under discussion. It does not matter how foolish the amendment may be: Parliament can do as it likes. Provided the amendment is relevant to the order of leave and the subject-matter of the Bill, there can be no objection to it.

Hon. C. G. Latham: It would be quite different if the hon. member were sitting on this side of the Chamber. I know of some of his rulings.

The Minister for Lands: I discuss the matter as I view it. I have no party or personal feeling at all about it. The amendment proposes to delete the property qualification for women jurors. If the amendment is carried, the male juror must have a property qualification but the woman juror will have none. That may be foolish, or may be anything. Clause 3 provides that Section 5 of the principal Act shall be amended by adding the following sub-section—

> Subject to the provisions of Section 8 any woman between the ages of twenty-one years and sixty years being a natural born or naturalised subject of His Majesty residing in Western Australia and being of good fame and character who has the property qualification required of a male juror under the preceding subsection and who notifies in writing addressed to the Resident or Police Magistrate of the district in which she resides that she desires to serve as a juror, shall be qualified and liable to serve as a common juror in all civil and criminal proceedings and on any inquisition within a radius of thirty-six miles from her residence.

Clause 3 says, "Subject to the provisions of Section 8." What is Section 8? It provides exemptions. It says, subject to that only, and nothing else, any woman between the ages of twenty-one years and sixty years, and so on, shall be qualified and liable to serve as a common juror, and so forth. And that is all it says. In what way shall we be out of order? Whether we are out of order or not, Parliament can do this, if it pleases. That is the position. I can see no objection, although there may be one.

Mr. McDonald: I think the hon. member has some grounds for disagreeing with the ruling of the Deputy Chairman. After all, the parent Act contains two principles. One is that the persons who may be jurors are confined to males, and the other is that jurors shall have a certain property qualification. The scope of the Bill is that the first principle shall be dealt with, namely, the persons who may be jurors shall include women as well as men. The Bill deals with the principle of what persons may be jurors and it accepts the second principle of the parent Act, namely, that every juror must have a certain property qualification. So the scope of the Bill is to deal not with the property qualification, which is laid down by the parent Act to apply to all jurors, but to deal with the discrimination between the male and female sexes which was accepted in the parent Act. This amendment proposes to do something outside the intention and scope of the Bill, namely, to affect the

second or property qualification principle and to introduce the anomalous position under which one juror is required to have a property qualification and the other is not.

Mr. Marshall: Do not you think Parliament has the right to amend the Bill?

Mr. McDonald: Not in this instance. If Parliament desires to amend the property qualification in the parent Act, the hon. member can bring down a Jury Bill (No. 2) providing that some jurors are required to have a property qualification and others need not have it; but this Bill is confined to removing the disqualification of women from serving on juries. It leaves the property qualification out. That is the position.

The Minister for Mines: If there is to be an argument, we may as well all be in it. In the first place, the question arises whether the Committee has the right to amend a clause by striking out certain words. Standing Order 178 provides—

> A question having been proposed may be amended—

The clause has been amended—

> by leaving out certain words only; by leaving out certain words in order to insert or add other words; or by inserting or adding words.

That is the way in which amendments may be moved in Committee.

Hon. C. G. Latham: That is not disputed.

The Minister for Mines: That is the only point, in my opinion, before the Chair.

Mr. Marshall: Of course it is.

The Minister for Mines: The member for Fremantle moved to strike out certain words. According to the notice paper, the member for Fremantle gave notice of his intention to move the following amendment to Clause 2 of the Bill:—

> Delete all words after "character," in line 21 of page 1, down to and including the word "subsection" in line 2 of page 2.

That is all that was before the Committee, though the hon. member may have intimated that he intended to insert something in lieu of the words struck out.

Mr. Hegney: Even had he done so, that would not matter.

Member: He need not insert anything at all.

The Minister for Mines: That is the only point before the Committee.

Hon. C. G. Latham: And by striking out those words, he alters the franchise.

The Minister for Mines: I agree, but that is another matter. Personally, I have very grave doubts whether the franchise is altered. Section 5 of the parent Act provides—

> Every man (except as hereinafter excepted) between the ages of twenty-one years and sixty years residing within the said Colony, and who shall have within the Colony, either in his own name or in trust for him, real estate to the value of fifty pounds sterling or upwards, shall be qualified and liable to serve as a common juror . . .

Hon. C. G. Latham: Read what the member for Fremantle proposes to strike out.

The Minister for Mines: I will read what I like.

Hon. C. G. Latham: But then you would, of course, connect it up.

The Minister for Mines: Clause 3 of the Bill provides—

> Section five of the principal Act is amended by adding a subsection as follows:— . . .

All the Bill proposes to do is to add a subsection to Section 5 of the parent Act. Is that correct?

Hon. C. G. Latham: Yes.

The Minister for Mines: If the words proposed to be struck out by the member for Fremantle are struck out, the subsection would read—

> Subject to the provisions of Section eight any woman between the ages of twenty-one and sixty years being a natural born or naturalised subject of His Majesty residing in Western Australia and being of good fame and character and who notifies in writing addressed to the Resident or Police Magistrate of the district in which she resides that she desires to serve as a juror, shall be qualified . . .

In my opinion, if the subsection is added to the parent Act with the words struck out, the only difference will be that a woman will have to make application in writing in order to get her name placed on the roll. The proposed subsection does not mention the property qualification. I would like to hear the member for West Perth on that point, although I admit it is not in the argument for the moment. Whether the words are left in the subsection or not, in my opinion it will be necessary for a woman juror to have the property qualification. The question before the Chair is whether certain words may be struck out, and I think the Standing Order is quite clear on that point.

Mr. Marshall: If the words cannot be struck out, then Parliament is powerless to do anything.

Mr. Speaker: I submit to members the fact that the member for Subiaco notified me that she questioned whether the amendment was in order. I went into this matter closely and I mentioned it to the member for Fremantle, who of course had given notice of the amendment. I am not called upon to deal with the subject matter of the Bill, though a good deal of the discussion has been around the subject matter of the Bill rather than about the point at issue. I endeavoured to find something in our Standing Orders, that would assist me, but was unsuccessful. Of course amendments can be made but amendments may be or may not be in order. Our Standing Orders give us the privilege of moving amendments, but they do not give examples of amendments that are in order and those that are not in order. To obtain such assistance I turned to "May." Ever since I have been in Parliament I have limited my reading to "May." I have always taken "May" as being the most reliable authority. Consequently, not being able to secure assistance from our Standing Orders in the matter under discussion, I turned to "May." In the 13th edition at pages 404 and 405, "May" deals exhaustively with the making of amendments in order and not in order. I have chosen four that are emphasised, and I submit that those four are fatal to the ruling of the Deputy Chairman. No. 1 says—

An amendment must be consistent with the context of the Bill.

Now the context of the Bill is to extend the privilege of acting as jurors to women with property, that is women who express a desire to serve. That is indisputable. Context can be taken as "fixing the meaning" of the Bill. The meaning is made very definite in the clause of the Bill that is under discussion. The amendment is inconsistent in that it proposes to extend the privilege to all women. In questioning the right of the member for Fremantle to move the amendment, the member for Subiaco stated that the amendment was outside the scope of the Bill. The word she should have used, and which I take it she intended to use, was "beyond" the scope of the Bill. That is the word "May" uses. The context of the clause is to limit the number of women who may act as jurors. The amendment is to delete the limit and change in that regard the context of the clause. The next point is the scope of th Bill. "May" says—

Amendments are out of order if they ar irrelevant to the Bill or beyond the scope o the Bill or the clause under consideration.

The scope of the Bill very clearly and ver definitely circumscribes its provisions a being applicable to only a section of women The amendment seeks to extend the scope o the clause and the Bill to embrace al women, and in my judgment, there can b no two opinions that the scope of the Bil is to limit it to women with property an the amendment is to extend it. Therefor the scope of the amendment is beyond th scope of the clause under discussion and o the Bill. "May" again states that "a amendment which is equivalent to a negativ of the Bill" is not admissible.

Mr. Marshall interjected.

Mr. Speaker: The hon. member mus keep order. If he does not respect me, h should respect the position I occupy. I as him to show respect for the Chair eve though he may have no respect for me per sonally. The next point made by "May" concerns an amendment that is equivalen to a negative of the Bill or the clause unde consideration. The amendment we are dis cussing is equivalent to a negative of th Bill in that it proposes to remove the pro perty qualification and therefore to negativ the Bill's intention of making the holdin of property the basis of qualification t serve.

The next example that I abstracted fron "May" as having direct bearing on th matter under discussion is this—

The Chairman stated that though the Com mittee had full power to amend, even to th extent of nullifying the provisions of the Bill they could not insert a clause which reverse the principle which the Bill, as read a secon time, sought to affirm.

The second reading of the Bill definitel affirmed the principle of extending th privilege of serving on juries to wome with property.

The Premier: No, to women.

Mr. Speaker: To women with property The clause is very definite that the right t serve on a jury shall be definitely limite to those holding property. Therefore, th second reading of the Bill confirmed tha principle most definitely. Clause 2 i definitely the Bill. There is nothing else Consequently the second reading plainl affirmed the principle of extending the privi

lege to women of property. The amendment deletes the principle of the right to serve provided the possession of property is proved, and suggests that the principle of the property right shall be reversed to the right of adult age. Having extracted those points from "May" and given a good deal of thought to the question, I came to the conclusion that if the amendment were questioned it should be ruled out of order. As the Acting Chairman of Committees ruled that the amendment is in order and the House determined to submit the question to me, as Speaker, I now reverse that decision and state that in my judgment, for the reasons I have outlined, the amendment is not permissible.

Dissent from Speaker's Ruling.

Mr. Sleeman: I move—

That the House dissent from the Speaker's ruling.

Much as I dislike having to disagree with your ruling, Mr. Speaker, I think it is my duty to the House and to the Committee of the House to do so. An important principle is at stake. If this ruling is allowed to stand, I warn members that in future it will come back at them tenfold. This particular question is raised in connection with many Bills. I cannot agree, however, that there is a particle of logic in your ruling, Mr. Speaker. You started by saying that the amendment was a negative. As a matter of fact, there was no negative about it. The clause provides—

Subject to the provisions of Section 8, any woman between the ages of 21 years and 60 years being a natural-born or naturalised subject of His Majesty residing in Western Australia and being of good fame and character who has the property qualification required of a male juror under the preceding subsection and who notifies in writing addressed to the resident or police magistrate of the district in which she resides that she desires to serve as a juror, shall be qualified and liable to serve as a common juror in all civil and criminal proceedings and on any inquisition within a radius of 36 miles from her residence.

If it had been a direct negative, we would have moved to strike out the portion dealing with women sitting on juries, as well as the property qualification. We did not do that. The member for Subiaco, by her Bill, provides that women shall serve on juries so long as they possess certain qualifications. We did not move a negative. We said we would go part of the way; we would agree that women should serve on juries, but would not agree that they should have a property qualification. It therefore was, very distinctly, not a negative in any shape or form. It merely means striking out a certain portion of the clause. Then we come to Standing Order 277—

Any amendment may be made to a clause provided the same be relevant to the subject matter of the Bill—

I defy any member to say that the amendment before the Committee was not relevant to the subject matter of the Bill. It certainly was very relevant.

or pursuant to any instruction, and be otherwise in conformity with the rules and orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

I tell you, Mr. Speaker, that it is possible to go outside the Title of the Bill so long as, having gone outside the Title, you alter the Title. I cannot understand your ruling. You quoted "May." I have referred to "May." It is very handy in an argument.

Amendments may be made in every part of the Bill, whether in the Preamble, the clauses, or the schedule; clauses may be omitted, and new clauses and schedules added: though no amendments can be moved to the granting or enacting words of Bills for granting aids or supplies to the Crown, or to the enacting words of other Bills. Those words are part of the framework of the Bill and are never submitted to the Committee. An amendment must be coherent—

I submit that the amendment was coherent.

and consistent with the context of the Bill,—

I claim that it was consistent with the context of the Bill.

and when a proposed amendment had been so amended as to form an incoherent question, the Chairman stated that if no further amendment were proposed he should proceed with the question which next arose upon the clause.

The Deputy Chairman was satisfied that it was not an incoherent question, and I think his ruling was correct.

Amendments cannot be moved which are based on schedules or other provisions, the terms of which have not been placed before the Committee. Amendments are out of order if they are irrelevant to the Bill or beyond its scope; governed by or dependent upon amendments already negatived; inconsistent with or contradictory to the Bill as agreed to by the Committee.

I claim that your ruling, Mr. Speaker, is wrong. The amendment is not outside the scope of the Bill. It is provided that we can go outside the scope of the Bill and

alter the Title afterwards. I warn members that this ruling is likely to stand. I hope they will not be led away by the merits or demerits of the amendment. Some members may think the amendment is a foolish one. With that I do not agree. Members must not be led astray by the merits or demerits of the amendment, for if so this ruling will be served up to them for many years ahead. The Speaker told me how he was going to rule on this matter, and I informed him that I did not agree with his view. This is the place in which to test your ruling, Mr. Speaker. I hope the House will not agree with it.

Mr. Marshall: In all my long Parliamentary life I have never had the sad experience of listening to such an irregular ruling. I warn members on both sides of the House that the decision will have a boomerang effect and will come back upon us with full force. I also warn members not to encourage such a decision. We have had a bitter experience with certain rulings that have been given. With each and every ruling a precedent is set up, and on such precedents further rulings similar to this one will be given. In arriving at your decision, Sir, you said that the Standing Orders of this House did not provide for the case under review.

Mr. Speaker: I did not say that.

Mr. Marshall: Yes. If the Standing Orders did provide for it, you had no right to resort to "May" and give a decision based on "May." You can only resort to "May" when the Standing Orders of the Chamber are silent. If, Sir, your contention is that you have to resort to "May" for your information, then the Standing Orders do not make the requisite provision. You can only resort to authorities when the position is not covered by the Standing Orders of this Chamber. If the Standing Orders do not provide for an amendment to delete words, either in the clause of a Bill or a motion that has been moved, to strike out words or to add words, and do not give the member for Fremantle the right to do what he has done this evening, I do not know what they do provide. To suggest that this Chamber cannot move an amendment of the character moved by the member for Fremantle is, in effect, to say that each and every Bill that passes the second reading stage cannot be amended. You yourself have said that when the second reading of a Bill has been sanctioned, no amendments whatever can be made to it.

Mr. Speaker: I did not say that.

Mr. Marshall: That was the substance of your ruling.

Hon. C. G. Latham: The Speaker was dealing with principles.

Mr. Marshall: Principles indeed! After the hon. member's speech in support of the ruling, he talks of principle. He is denying to Parliament the right to enforce principles. To think that the highest tribunal in the land cannot, after a Bill has passed the second reading stage, amend it because it is alleged that this will interfere with the context of the measure as it passed the second reading! I contend you have no right to resort to "May" when our own Standing Orders provide all that is necessary for the conduct of the business of this Chamber. There is ample scope in accordance with our Standing Orders to move amendments, even to the extent suggested by the member for Fremantle. We can move amendments that may appear to be outside the Title of the Bill, so long as they are within the scope of the order of leave. Subsequently the Title can be extended to cover the amendments. Although we have that right, you, Mr. Speaker, told us we could not strike words out of the Bill.

Mr. Speaker: I did not say that.

Mr. Marshall: Your ruling implied that, because the member for Fremantle moved to strike out certain words and your ruling would deny him that privilege. If that is not so, then the amendment must be in order. Into what position is this Chamber drifting? The powers conferred on the House are to be restricted. If your ruling is upheld, I doubt whether we can move any amendment in future. We shall have to defeat the Bill at the second reading stage or let it go through intact. In flat contradiction of your ruling, it may be mentioned that in 1924 a similar amendment was moved on three occasions.

Mr. Sleeman: The Bill was recommitted three times.

Mr. Marshall: And the then Speaker could not forbid that course without resorting to the unconstitutional method of calling "May" to his aid when our own Standing Orders amply covered the situation. I warn members that it is all very well to

adopt a certain attitude when sitting in Opposition and to back up colleagues, though they be right or wrong. It may be regarded as loyalty, but it will re-act upon them. None knows better than the Leader of the Opposition what this will lead to. Should he ever occupy the Treasury bench he will know the extent to which we will go, with the Speaker's ruling to support our action. I could continue to block the passage of any Bill with the advantage of the present ruling.

Mr. Sleeman: We will have a ripping time.

Mr. Marshall: Yes, and the grounds upon which we shall act will be furnished by the Speaker's ruling. Talk about freedom of speech and freedom of Parliament! Could anyone conceive that we would be so restricted in our rights as a Legislature as this ruling suggests? We merely desire to amend a Bill in conformity with the Title in a manner relevant to the subject matter which, briefly, is that women may become jurors with the qualifications set out. The member for Subiaco says that they must be property owners; we desire to say that they need not be property owners. Surely that is relevant to the Bill. The women of Subiaco will know all about this in due course. At the moment the principle embodied in the amendment does not worry me. I respectfully suggest that we should set aside your ruling, Mr. Speaker, so that we may retain the rights and privileges of the Chamber as provided by our Standing Orders.

Hon. C. G. Latham: I did not desire to participate any further in the discussion, because I agree with Mr. Speaker's ruling, but I cannot allow the member for Murchison to charge me with supporting that ruling merely because the Bill has been introduced by a member of the Opposition.

Mr. Marshall: There is no doubt about that.

Hon. C. G. Latham: I do not know of any occasion on which I have adopted a biassed attitude on any such question. I have indicated why I disagreed with the ruling of the Deputy-Chairman of Committees. There have been times when I refrained from challenging a ruling by a Speaker because I did not desire it to become a ruling of the House. A Speaker is liable to make mistakes, but I did not desire Parliament to make a mistake, and therefore I have not challenged rulings at times when I thought they should have been contested. Members should not gain the impression that this is the last word in relation to this particular law. Despite the ruling under discussion, there is nothing to prevent the introduction of another amending Bill to make other provisions so long as they keep within the scope of the Bill.

The Premier: If we pass this we cannot amend it.

Hon. C. G. Latham: Yes, we can.

The Premier: No fear!

Hon. C. G. Latham: I adhere to my statement that another Bill can be brought down to delete the property qualification of a juror. I could quote my authority for that statement, but that is not the matter at present under discussion. I consider Mr. Speaker's ruling was correct. The Standing Orders do not give him a clear interpretation such as the House requires. They do not say whether the amendment before the House is relevant to the Bill. How could they? That is a matter for the Speaker to decide. In the past in such circumstances this House has always observed the rulings set forth in "May."

Mr. McDonald: I have listened to the outburst by the member for Murchison who has just left the Chamber. He followed his usual course of furnishing one quarter argument and three-quarters preaching. Of the latter we are getting rather tired. Perhaps other members share my view.

Mr. Thorn: Too right we do!

Mr. McDonald: I hope the House will not be led astray by the hon. member's prophecies of disaster, because of Mr. Speaker's ruling. The member for Murchison has been very active from time to time in taking exception to amendments whenever he could, and did not see any chance of disaster regarding the proceedings of Parliament arising from previous rulings by Speakers. Other Speakers have ruled and no disasters have occurred. In my period in this Chamber I do not think I have ever disagreed with a Speaker's ruling, for I have felt that the House should in general uphold the Speaker's rulings. This case is, to my mind, a case where "May" can very properly be consulted. The mere statement in the Standing Orders as to whether an amendment may or may not be dealt with is by no means clear, and this is a case where "May" can very seriously and very properly be

consulted. Your ruling, Sir, may be a matter of opinion, and a ruling as to which opinions may differ. However, it has a foundation in the best authority, and I propose to support it.

The Minister for Lands: I do not propose to raise any objection, Mr. Speaker, to your consulting "May." I think it is a proper proceeding in the circumstances. I wish I could agree with the ruling. If it is to be taken as a precedent for the future, then this House will be hamstrung and coffined and confined, and it will be difficult for members to move amendments at all. I tried to reason this matter out on the lines which appealed to you, but I am afraid I cannot do it. The authority which you have quoted states—

An amendment must be coherent . . .

There is no doubt about that.

and consistent with the context of the Bill.

The context of the Bill is the constitution of the Bill, the whole Bill. The amendment is not inconsistent. It is not opposed to any clause in the Bill. Therefore it is coherent and consistent with the context of the Bill. That is very definite. Then the authority quoted states—

Amendments are out of order if they are irrelevant to the Bill.

Nobody can say this amendment is irrelevant to the Bill. It is so much relevant that it is part of the Bill. It does not lead to any new principle. The authority further states that amendments are out of order if "offered at a wrong place in the Bill." This amendment is not offered at a wrong place. The authority says that amendments are out of order if "inconsistent with, or contrary to, the Bill as agreed to by the Committee." The amendment is not that. An amendment cannot be "tendered to the Committee in a spirit of mockery." That is not the case. Nor is the amendment a negative of the Bill. The Bill proposes to give women the opportunity to sit on juries. A woman may sit on a jury when the House decides that she need not have the property qualification, or that she need have it; and she need not apply, or she need. You quoted a passage in which "May" states "that, though the Committee had full power to amend, even to the extent of nullifying, the provisions of a Bill, they could not insert a clause which reversed the principle which the Bill, as read a second time, sought to affirm." The principle of the Bill is still the right of women to sit on a jury. I have not the slightest doubt, Mr. Speaker, that you gave this matter the fairest consideration; but I cannot bring myself to agree with your ruling. If this amendment is not in order, then no amendment in this House has ever been in order. If I may say it, Sir, I think you have been too conscientious about the matter. I would never have taken such an attitude myself, as I read the interpretation in "May." The amendment is not inconsistent with the Bill. It is not beyond the scope of the Bill. It is not irrelevant to the Bill. It is not outside the context of the Bill. It is all within the Bill. And the context of the Bill has not any reference to the Bill, but is the whole Bill; and this amendment is relevant to the whole Bill. The amendment merely strikes out of the Bill some remarks to the effect that a woman shall have a property qualification. I cannot see eye to eye with you in this case, Mr. Speaker. I should never have acted as you have done, and therefore I must disagree with your ruling.

Mr. McDonald: The member for Subiaco informs me that she would like to withdraw the point of order. May I say that on her behalf?

The Premier: There is no ruling to be made, then.

Mr. McDonald: The member for Subiaco desires to withdraw the point of order which she took. I presume I may make that announcement on her behalf.

Mr. Sleeman: Before I reply to the member for West Perth, may I point out, Mr. Speaker, that you have already ruled that the Deputy Chairman's ruling is out of order. If that stands, it carries on. It will be handed down that on a certain date the Speaker upheld the contention of the member for Subiaco and disagreed with the action of the Deputy Chairman of Committees. If the member for Subiaco withdraws her objection, you must also withdraw your objection to the ruling given by the member for Swan. Otherwise your objection will go down in the records as a ruling.

Mrs. Cardell-Oliver: The reason why I would like to withdraw my objection is this: I have great confidence in the Speaker, whoever he may be. It does not matter to which party a Speaker belongs.

Mr. Sleeman: We all agree with that.

Mrs. Cardell-Oliver: But I feel that we are casting a slur upon a man whom we have

put into a supreme position of dignity, and I should hate to see any member of this Chamber——

Mr. Sleeman: On a point of order. I want the member for Subiaco to be called on to withdraw the statement that the action taken has cast a slur on the Speaker. No one, Sir, admires you more than I do, or has a greater respect for your office than I have; but when I think a ruling is wrong, it is my duty to Parliament and the country to express my opinion.

Mr. Speaker: I think that we have to appreciate the position.

Mr. Sleeman: I want a withdrawal from the member for Subiaco.

Mrs. Cardell-Oliver: I withdraw. The member for Fremantle did not quite understand what I meant to say. Probably I did not say it correctly. I meant to say that we were casting a slur upon the Speaker's decision.

Mr. Sleeman: It is not a slur.

Mrs. Cardell-Oliver: It is.

Mr. Speaker: At this stage I think it would not be correct for the hon. member to try to withdraw the motion. As the member for Fremantle points out, the question has been raised and debated, and the Speaker has given his decision. The question before the House is not the original question: it is that the House dissent from the Speaker's ruling. Therefore, the member for Subiaco is not in charge of the subject matter of the question debated, nor is she in any way in charge of the motion.

Mr. Tonkin: Before you Sir, reply, I desire to make a few remarks. In a situation such as this, of course with moves and counter moves, one is in grave danger of being blinded by science. Without referring to "May," I would like to put forward a layman's view of the matter. I think the Leader of the Opposition and the member for West Perth have, with more gallantry than logic, upheld your contention, Mr. Speaker. The amendment before the House is an amendment to the Jury Act, an Act which provides that jurors shall be male persons. The amendment seeks to provide that there shall be female jurors and sets out what qualifications female jurors shall have. Are we to be told that we must accept a proposition put forward by the member for Subiaco that we must have female jurors with certain qualifications and under certain conditions, or that we must not have female jurors at all? If an attempt is to be made to have female jurors as well as male jurors, then this House is competent to decide under what conditions we shall have female jurors and what their qualifications shall be. The member for Fremantle seeks by his amendment to lay down qualifications for female jurors, and I think he is perfectly entitled to do so. Therefore, although I very much dislike doing so, I feel I must support the member for Fremantle and vote against your ruling.

Mr. Speaker: Fortunately, I took the precaution to reduce my ruling to writing and I read it. Therefore, it is no use members trying to misrepresent what I said. I studied Standing Order 277, which is the relevant one.

The Premier: What about Standing Order 178?

Mr. Speaker: We are dealing with the consideration of a Bill in Committee, after the second reading. Standing Order 178, the Premier will notice, does not deal with this matter. I know amendments are permissible. The Standing Orders make that quite clear, but they also make clear that there are certain limitations. For instance, Standing Order 277 provides that under certain conditions an instruction must be obtained from the House in regard to the making of amendments. Members know full well that they cannot amend certain legislation so as to increase the liability of the Government, and so it goes on. Amendments can be made, but they must be in order. As regards this particular amendment, Standing Order 277, which is the relevant Standing Order, does not help me in an analysis as to whether the amendment is in order. Where the Standing Order is not clear, just as where it is silent, we must turn to the other authority. The Standing Order did not make the position clear to me and so I turned, as I have already stated, to "May." I read "May" very carefully and extracted the portion dealing with amendments that were not in order. "May" sets out a list of amendments that cannot be made, but that list does not apply to the particular amendment which I had to take into consideration. Therefore, I took four points: (1) Whether the amendment was in any way inconsistent with the context—I have already dealt with that: (2) Whether the amendment was beyond the scope of the Bill—not outside the scope;

(3) Whether the amendment was a negative of the Bill; and (4) The question of the principle of the Bill. I took those four points as being directly relevant to the subject matter of the amendment. Could the amendment be made in view of "May's" direction? I am still firmly of the opinion, after careful consideration, that hon. members will realise it is just as necessary for the Speaker to make sure that amendments are not expanded or extended beyond what is permissible, as it is for the Speaker to be sure that members exercise their full rights in making amendments. Amendments can be made, there is no limit. In some circumstances, however, such as this amendment, there are limitations; and, as I say, "May" gives the direction that guided and influenced me in coming to my decision.

Motion (dissent) put, and a division taken with the following result:—

Ayes	24
Noes	14
Majority for	10

AYES.

Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. Styants
Mr. Lambert	Mr. Tonkin
Mr. Leahy	Mr. Troy
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson
	(*Teller.*)

NOES.

Mr. Boyle	Mr. Shearn
Mrs. Cardell-Oliver	Mr. Thorn
Mr. Hill	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Willcock
Mr. North	Mr. Doney
	(*Teller.*)

PAIRS.

AYES.	NOES.
Mr. Collier	Mr. Keenan
Mr. Hawke	Mr. Stubbs

Motion thus passed.

Committee Resumed.

Progress reported.

House adjourned at 11.3 p.m.

Legislative Assembly.

Thursday, 22nd September, 1938.

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

BILLS (3)—RETURNED.

1, University Building.

2, Pensioners (Rates Exemption) Act Amendment.

3, Mullewa Road Board Loan Rate.

Without amendment.

QUESTIONS (2)—STATE SHIPPING SERVICE.

Flour Freights to the Near East.

Hon. C. G. LATHAM asked the Minister representing the Chief Secretary: 1, On what date did the State Shipping Service and the several other shipping companies concerned enter into an agreement to increase freight charges in respect of flour consigned to principal ports in the Near East? 2, By whom was the agreement signed on behalf of the State and the respective companies? 3, By what amount were such freight charges increased? 4, Was any consideration offered to millers to compensate for the increased charges imposed?

The MINISTER FOR RAILWAYS replied: 1, The Near East flour freight agreement was completed on the 27th May, 1938. 2, (a) By the State Shipping Service on behalf of the State, after the Solicitor General had been consulted and also Cabinet approved thereof. (b) By Alfred Holt & Company. (c) By the Royal Packet Navigation Co. Ltd. (d) By Burns Philp & Co., Ltd. 3, Freight rates to main ports were not increased but the 5s. per ton rebate was