

Legislative Council.

Wednesday, 29th September, 1948.

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

QUESTION.

MANGANESE ORE.

As to Port of Shipment.

Hon. H. K. WATSON (for Hon. H. A. C. Daffen) asked the Honorary Minister for Agriculture:

(1) Is the Minister aware that in the Trade and Finance columns of "The West Australian" of the 22nd September, there appeared a statement that manganese ore is being railed from Meekatharra to Fremantle at the rate of 1,000 tons per month?

(2) Does it not appear obvious that a larger quantity per month could be railed to the natural port of Geraldton and so save not only train miles but traffic congestion and rollingstock?

(3) Will the Minister endeavour to have this arrangement altered so as to divert delivery of the ore to Geraldton for shipment?

The HONORARY MINISTER replied:

(1) Yes.

(2) Yes, but as the Commissioner of Railways is a common carrier, delivery must be made to the point selected by the consignor.

(3) Alternative freight rates to Geraldton and Fremantle were quoted, but the contractor has notified the department that initial shipments must be made through Fremantle.

BILLS (2)—FIRST READING.

- 1, Friendly Societies Act Amendment.
- 2, Margarine Act Amendment.

Introduced by the Honorary Minister for Agriculture.

LEAVE OF ABSENCE.

On motion by Hon. R. M. Forrest, leave of absence for six consecutive sittings granted to Hon. F. R. Welsh (North) on the ground of ill-health.

BILLS (3)—THIRD READING.

- 1, Licensing Act Amendment.
Transmitted to the Assembly.
- 2, Hospitals Act Amendment.
- 3, Railway (Brown Hill Loop Kalgoorlie-Gnumballa Lake) Discontinuance.
Passed.

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.44] in moving the second reading said: The passing by the Commonwealth Parliament of the Pharmaceutical Benefits Act, 1947, is the reason for the introduction of this Bill. Following representations by certain interested parties, the Solicitor General was asked for an opinion as to whether a person who was an "approved pharmaceutical chemist" within the meaning of the Pharmaceutical Benefits Act was disqualified as a member of the Western Australian Parliament.

As members are aware, under the Commonwealth free medicine scheme, the prescription is taken to the chemist and the Commonwealth pays him for the medicine so supplied. It then becomes a question as to whether the chemist's position is an office of profit within the meaning of the Constitution Act. That question was submitted to the Solicitor General who gave considerable thought to it and he furnished a lengthy opinion on the subject, in the course of which he said—

Having in view the fact that English law has always construed the phrase "office of profit under the Crown" widely where the construction is favourable to ensuring that members of Parliament do not come under the control of the Crown and do not impair their independence, I think it quite possible that an approved chemist might hold an office of profit under the Crown for the purposes of Sections 37 and 38 of our Constitution Acts Amendment Act, 1899.

Briefly, the Solicitor General considers that there is a decided possibility that chemists approved under the Commonwealth Act would be holding an office of profit under the Crown. In the opinion that he has submitted he has pointed out that "under the Pharmaceutical Benefits Act the granting of approval of a chemist has the effect of creating a statutory relationship between the person approved and the Commonwealth, as well as between him and members of the public. He is bound to supply pharmaceutical benefits to the public, without charge, and by so doing he becomes entitled to payment by the Commonwealth. The amount payable is determined by the Governor-General in Council by regulation. The chemist is subject to supervision by the Director-General whose approval may be suspended or revoked, for good cause shown.

An English judicial ruling is to the effect that a person appointed as a chemist to a town council held an office or place of profit in the gift of the council and had a contract or employment therewith although his only emolument had been profit on 4d. worth of oil supplied to the council's fire brigade. Legal opinion in Victoria has held that chemists in that State who were approved under the Commonwealth Act, are disqualified from sitting in the Victorian Parliament. A similar opinion affects members of the Federal Parliament.

It may be argued that the term "Crown" in this State's legislation should apply only

to the Crown in right of Western Australia. Legal opinion is that the term is wide enough to cover the Crown in all its aspects and extends to the Crown in the right of the Commonwealth. In the circumstances, the Bill is introduced to put the matter beyond doubt and to permit chemists and medical practitioners to enter the Parliament of Western Australia even though they have been approved under the Pharmaceutical Benefits Act. I move—

That the Bill be now read a second time.

Question put.

The PRESIDENT: It is necessary that the Bill be passed by an absolute majority of the members of the Council. I shall divide the House.

Division taken.

The PRESIDENT: There being no dissentient vote and an absolute majority of members being present, I declare the second reading carried.

Question thus passed.

Bill read a second time.

... Committee.

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

BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.52] in moving the second reading said: This Bill is a bardy annual. The parent Act was introduced in 1915 for the purpose of enabling advances to be made to farmers who suffered in the severe drought of 1913-14. The legislation has been continued each year for a period of 12 months. Obviously, it is necessary to continue the Act for some time in order that future advances may be made under it and that the existing securities may be protected. It is now proposed to continue the Act for a period of five years, instead of 12 months. At present, £18,061 principal, together with £1,156 interest, is owing to the Government, while during the past year advances of £13,313 were made under the Act.

Hon. A. L. Loto: What is the number of the persons to whom the advances were made?

THE CHIEF SECRETARY: I am afraid I have not those particulars. It is feared that it will be necessary to make advances under the Act to some farmers during the ensuing five years and therefore it is deemed advisable to extend the legislation for that period. I move—

That the Bill be now read a second time.

On motion by Hon. A. Thomson, debate adjourned.

BILL—WHEAT POOL ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. A. LOGAN (Central) [4.54]: There is nothing very much in this Bill. Prior to the war, the voluntary wheat pool accumulated certain small percentages which could not be distributed to the farmers. A very considerable sum of money was thus accumulated, probably £130,000. It has been lying idle and this Bill will enable it to be invested, so that it may earn interest pending the time when it will be distributed, and the money will be increased to that extent. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair: the Honorary Minister for Agriculture in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 15 (5) (e):

HON. A. THOMSON: Can the Minister inform the Committee what the position of those farmers is who have sold their farms or retired from business, but who still have an interest in the money that has been accumulated? Portion of the money actually belongs to them.

HON. L. CRAIG: It belongs to all the wheat farmers.

HON. A. THOMSON: Many of the farmers I have mentioned feel that they

should be entitled to share in the accumulation.

HON. L. CRAIG: Mr. Thomson has raised a most interesting and important point. I understand, however, that it is not proposed to distribute these accumulations, which, as Mr. Logan pointed out, have been built up from small margins which could not be distributed to the farmers. The money was put in a reserve fund. This clause will give the trustees of the fund power to invest the accumulations in securities other than those approved for trust investment. The trustees are committed to certain gilt-edged investments of very low-earning capacity. The Bill gives them the right to invest in anything they like, such as shares—or racehorses if they so desire. Members might say that is not very sound, but it must be remembered that a trustee retires each year and is re-appointed by the Wheat-growers' Council. That is a big safeguard.

The very choice people of the wheatgrowing industry are elected. Today the trustees are Messrs. Teasdale, Bath, Russell and one other, and they are men of the highest integrity. They are looking for investments which will yield a little better than Commonwealth bonds. I am not sure that they have not in mind the purchase of a hostel or some similar property in Perth for the use of wheat farmers. It is proposed that there shall not be a distribution of cash, but that the fund will be used so as to benefit the wheatgrowers and the industry for all time. If this sum were spread amongst everyone who contributed to the wheat pool, each individual would probably get about 2s. 6d.

HON. A. L. Loto: Have you any idea of the exact amount in hand at the moment?

HON. L. CRAIG: No, but it is a large sum which has been accumulating since 1932. Neither it, nor the income has been spent.

THE HONORARY MINISTER FOR AGRICULTURE: It was never intended that the people who put wheat into the pool would participate in these fractions. They are very small, like the totalisator fractions. I do not agree with Mr. Craig that the trustees could invest the money on racehorses.

HON. L. CRAIG: That was an exaggeration!

The HONORARY MINISTER FOR AGRICULTURE: The clause states that the trustees may turn the money to account. I do not think that putting it on a race-horse would be turning it to account.

Hon. G. Fraser: It might be.

The HONORARY MINISTER FOR AGRICULTURE: At the moment the trustees merely have the power to amalgamate all the funds. I suppose they put the money in the bank and get about two per cent. interest. This measure gives further power. It provides that they may invest any moneys in the purchase of real estate with power to sell, transfer, improve, manage, develop, exchange, let, mortgage, or otherwise dispose of, deal with, or turn to account. It is desirable that this power be given to the trustees who are, as Mr. Craig has said, men of irreproachable character. The wheat growers never expected to get any cash from this fund, but the farmers, generally, will derive a benefit. There is £130,000 in the fund, and it is proposed to buy a property which, if it is not purchased soon, will be bought by someone else.

Hon. A. THOMSON: I do not doubt the integrity of the trustees, but this Bill will empower them to retain the whole of the money. I know individual farmers who have discussed the disposal plans in connection with the money that has accumulated in the purchase of wool. They maintain they should receive any surplus in cash. If we pass this measure we may establish a precedent that will re-act against the woolgrowers to a greater extent than might be imagined. Farmers who have retired should be entitled to receive their share of the accumulated funds.

I suggest to the Minister that he should not press for the passing of the Bill, but should discuss the matter with the Wheat Pool to find out whether consideration has been given to distributing portion of the money. The farmers still carrying on are the ones who will receive the benefit from this fund. It is not of much use to people who have been wheatgrowing for 30 years and are now retired. An occasional £25 would be very useful to them. I appeal to the Minister not to pass the Bill, but to discuss the point I have raised.

The HONORARY MINISTER FOR AGRICULTURE: I cannot agree to Mr. Thomson's suggestion. I do not know how

the trustees could arrive at the amount that a man who was retired would be entitled to. These fractions have been going on for years and they are so small that it would be hard to say that Mr. Jones should get £25, Mr. Smith £15, and so on. I do not know that an account of the fractions has been kept. They just go into the fund. I do not believe any farmer expects to get anything from them. I do not expect to get anything, and I do not know anyone who does. The amount has been spread among about 12,000 farmers since 1932. It would be impossible to allocate the money.

Hon. L. A. LOGAN: I think Mr. Thomson is a little off the track in mentioning wool. When we signed the contract to deliver wheat to the voluntary pool, it was an understood condition that any undistributed margins would go into a fund, the purpose of which is outlined in the Bill. It was never intended that they would benefit the wheatgrowers individually, but as a whole throughout the State.

Hon. A. THOMSON: The proceeds of the Wheat Pool in the early days belonged to the whole of the farming community. The Minister says it would be impossible to arrive at a decision in connection with this matter. I am getting rather tired of being told that it is absolutely impossible to supply information that is sought. A person who has contributed for a number of years has a right to his interest in the fund. The Honorary Minister says he has not heard of anybody who expects to receive anything from the fund.

The Honorary Minister for Agriculture: I said I had not heard of anybody who had asked for the money.

Hon. A. THOMSON: I could introduce the Honorary Minister to at least three persons at present residing in Katanning who have done so. They raised the point with me, but they were dealing particularly with wool. I am not going to force a division, but I have asked a plain question.

Hon. G. W. Miles: The Minister could report progress and give you time to look into the matter.

Hon. A. THOMSON: That is what I am suggesting. Certain people are entitled to know the position. At least I have cleared my conscience in connection with those who discussed the point with me.

The HONORARY MINISTER FOR AGRICULTURE: The point raised by Mr. Thomson is very interesting. If we delay the Bill, I know that we could not obtain any information from the trustees. Whether we oppose the Bill or otherwise, the trustees have the requisite power now. If anything could be done I would not mind holding the Bill over for a fortnight, but I cannot see that any good purpose would be served by so doing.

Hon. L. CRAIG: If the Bill is passed it will not affect the position. The measure is instigated by the wheatgrowers themselves and they have appointed a council which, in turn, has appointed trustees who have power to do anything. I believe the wheatgrowing industry is worth a good many millions to this State, but will the returns come back to the growers under the special agreement between the Australian and British Governments, which provides that on the sale of wheat to countries outside the Empire, the proceeds shall be distributed equally between the wheatgrowers?

Hon. A. Thomson: I suppose you know that the Commonwealth Government proposes to use that money in another direction.

Hon. L. CRAIG: That was suggested, but I do not know whether it has any authority to do that. This is an entirely different matter altogether. That money has been earning interest and has probably doubled its value.

Hon. G. W. Miles: What is going to happen to this money eventually?

Hon. L. CRAIG: It will be spent for the benefit of the industry generally. The trustees have that power. There are four trustees and it is entirely in the hands of the wheatgrowers themselves as to what shall be done with the money. With these small fractions, they have said: "You take them and do what you can with them." If we do not pass the Bill, it will mean that the money will have to be put into other kinds of investments. The Bill is only extending the scope as to what they shall do with the money.

Hon. H. K. WATSON: As Mr. Craig has explained, the Bill is to extend the scope of the investment of these fractions which have accumulated and which cannot be distributed to the farmers themselves.

Having regard to the source from which these moneys came, perhaps a more appropriate method of disbursing the money would be to utilise it for research work, through the University, on experimental farms, rather than to spend it on bricks and mortar.

Hon. L. Craig: They have made advances to the University already.

Hon. H. K. WATSON: Yes, but I have made that suggestion inasmuch as there is a substantial amount held and the advances could be increased, if the trustees have that power.

The Honorary Minister for Agriculture: They have very little power except to put the money in the bank and make ordinary trustee investments.

Hon. H. K. WATSON: That is just my point, and the money is accumulating all the time. Therefore, the Minister might consider Mr. Thomson's suggestion and report progress.

The HONORARY MINISTER FOR AGRICULTURE: One suggestion has been made that these fractions be put into the bulk handling system. I have made some rough calculations. Presuming there are 12,000 wheatgrowers and that this money has doubled itself, taking the full amount, it would work out to 13s. 4d. a year for each wheatgrower. If the fund has not doubled itself, the wheatgrower, on the average, is being deprived of 6s. 8d. a year. How is it to be ascertained who is who and who has put in 6s. 8d. or a lesser amount?

Hon. E. H. GRAY: I think the suggestion made by Mr. Watson is excellent, and deserves consideration. What is wanted in Western Australia is more research into wheatgrowing and I think we could well follow the example of New Zealand and New South Wales. In New Zealand they have set up a wheat institute. I think the money could be utilised to build a wheat institute in this State and thus bring the farmers and flour millers together. An amending Bill could be brought down to give the trustees power to make a grant to the University for the establishment of the wheat institute.

Hon. L. Craig: They have already done that.

Hon. E. H. GRAY: The Honorary Minister has said that they have no power under the Act. I suggest that progress be reported.

The HONORARY MINISTER FOR AGRICULTURE: I do not want to give a lecture as to what has been done in wheat research in Western Australia. Mr. Gray wants to spend some money on research in connection with the grading of wheat.

Hon. E. H. Gray: Yes, that is right.

The HONORARY MINISTER FOR AGRICULTURE: I have a full report on the grading of wheat which I propose to give to Mr. Gray.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—GOLD BUYERS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [5.26]: I interpret the Bill as an intention on the part of the Government still further to restrict illicit gold dealing. In my opinion, some of the clauses are all right but others are quite severe. However, as they have been dealt with by other speakers I do not propose to go over them again as we will have the opportunity to consider them more closely in the Committee stage. The Government has not realised the position that will be created by the Bill which, if allowed to remain, will not only inflict considerable hardship on certain traders but will send quite an appreciable amount of business out of the State.

The Bill proposes to prohibit the re-making and re-modelling of family jewellery or heirloom jewellery, which, although out of date, may have to the owner some sentimental association with the past. In the early Goldfields days, it was quite common for a man to have gold made into the old-fashioned watch chain, and many a man has been known to say:—"This represents the first piece of gold I ever found." These trinkets have remained in the family for many years in some instances, but today the

wearing of watch chains is unfashionable and the practice is out of date.

Hon. H. Hearn: You could fasten your gold pass on to it.

Hon. W. J. MANN: In an old box in my home there lies a watch chain with a considerable amount of gold in it that I once thought was a beautiful piece of jewellery. I might very easily decide that I would like that gold manufactured into something for my grandson, but if the Bill is passed that would not be possible. Sub-paragraph (3) of paragraph (e) of Clause 12 reads—

(3) No gold or wrought gold, except that purchased from His Majesty's Mint or any bank, shall be used in manufacture.

That means that if gold were taken to a manufacturing jeweller he would be bound to say, "I am sorry, it is wrought gold and I cannot take your order. The only course open to you is to send it to the Eastern States, where there is no such law, have it manufactured and returned to you."

Personally, I have experienced considerable interest in following up the proposals in the Bill. I have learnt that the fashion for women to wear very thin wedding rings grew somewhat out of the utilisation of old gold. Years ago wedding rings were broad bands of gold, but the time came when the fashion changed, as they were considered to be too large and too heavy. One of the earliest cases was where a grandmother left a heavy gold wedding ring to her granddaughter with a request that some day she might be able to wear it. The ring was capable of being cut into two to make a couple of wedding rings, and as there were two sisters, they are today wearing the same gold in their wedding rings as the grandmother wore. I feel sure that the Government has no intention of preventing that sort of thing.

If, in its eagerness, the Government desires to ensure that no gold other than that obtained from the Mint is used, there is a danger of imposing a prohibition on the manufacturing jeweller. The objection to allowing jewellers to remodel and refashion old jewellery is that stolen articles may be so altered as later to be beyond recognition. I have been assured that there is little to worry about on this score, because the cost of remodelling, including sales tax, would preclude the resale of the altered jewellery.

at a profit to the owner. I have been further advised that all jewellers receive a list of stolen jewellery, and that any piece submitted to a jeweller can be readily identified from the description supplied.

There is another matter I should like to mention, although it has no direct bearing on the Bill. I learn that manufacturing jewellers are not anxious to use gold from our Mint for manufacturing purposes. They prefer to buy it from metallurgists, and as we have no big metallurgists in this State, they send to the Eastern States for a portion of their requirements. When I inquired why—I was on a visit to the Mint with the Chief Secretary—I was told that, although its purity is undoubted, it is not as easily worked as is gold refined by metallurgists. For this reason, I have been informed, our Mint gold, when rolled, is liable to crack.

An illustration was given me of a gold cup that is competed for in this State every year. It was manufactured by a certain firm which, in attempting to use Western Australian gold, found it necessary to make the cup four times over before it was satisfactory to the maker, simply because there was some difference in the handling and the refining of the gold. Although it was of the same purity, there was something in it that made it more difficult to work. Consequently, Eastern States gold is utilised. I have an amendment on the notice paper to meet the position and I feel sure that the Government will not oppose it, especially as the provision in the Bill would deprive our manufacturing jewellers of a considerable amount of work. I understand that there is a good deal of trading in gold that has been lying in the homes of citizens.

There is another aspect that again has no bearing on the Bill but might well be mentioned. I have been informed that there is practically no trade in this State in cultured pearls. We have a law to prevent the sale of cultured pearls in the State and, consequently, all the cultured pearls worn here had to be procured from the Eastern States. I have also been assured that it is quite a common thing for Eastern States firms to circularise people here, particularly young folk, offering them cultured pearls with gold clasps, etc. Because of our law against cultured pearls, that trade is denied to our State. Clause 12, if passed in its present form, will inflict an

even greater injustice and will deprive men of work. I am sure there is no desire to have that happen. In Committee I propose to move to strike out the words, "or wrought gold" and insert a proposed new subsection to cover the position.

HON. J. M. A. CUNNINGHAM (South) [5.39]: I am strongly opposed to many of the provisions of this proposed legislation. I understand that the existing Act gives the authorities almost unique power in the matter of suppressing gold stealing and that the statute is quite wide enough to facilitate adequate policing. This can be borne out by the results that have been obtained under the Act. The man at the head of the Gold Stealing Detection Staff is one who is absolutely incorruptible, and if the existing law permitted him to control the gold stealing that was going on, I consider that the Act is in every way sufficient to enable gold stealing to be suppressed.

Hon. E. M. Heenan: There have been very few acquittals under the Act.

Hon. J. M. A. CUNNINGHAM: That is so. The Act, with two or three others, has the distinction of departing from the generally accepted form of British justice. It embodies what I understand is the French method under which a man is considered guilty until he proves his innocence. Mr. Mann has just given the House a hypothetical case of a person in possession of gold left to him as an heirloom and of his being liable under the provision proposed in the Bill. There is a case directly known to me. In the early days of the Goldfields, a man obtained gold from his first show, smelted it himself and left it to his sons with the intention that they should have it turned into wedding rings when they married. One quarter of the original quantity is still in the possession of that man and, under the Bill, he would be liable to be charged as a criminal. That is not a hypothetical case; I know the man personally.

To give another instance: It is proposed to include the words, "has had gold in his possession." To include such words would be dangerous. The existing Act is open to very grave abuse. The fact that there has not been any known case of abuse by the authorities speaks well for the men responsible for the suppression of gold stealing on

the fields. This, however, may not always be the case, and the proposed amendment to the law will widen the chance of abuse creeping in and of an innocent man being prosecuted.

Let me quote a case that is not at all far fetched. On the Goldfields there are many large backyards belonging to adjoining properties under joint ownership. A man got up early one morning to cut wood and, in an extra burst of energy, cut more than usual and, in doing so, unearthed a considerable parcel of gold-bearing matter. That man sweated for four or five hours during the day wondering what he should do. He contacted a member of the Police Force who was a friend and was told to forget about his discovery and let things ride. He did so.

At eight o'clock that night he received a visit from the authorities and was asked to point out where the gold was. When the party went outside, the gold had disappeared. That man had gold on his premises, had control of it, it was in his possession and he knew of it. During the best part of 12 hours, he could have been made a victim of evil witness and put inside, and what defence would he have had? None whatever, because the gold had been in his possession, although when a search was made, it could not be found. The provision to insert the words "has had gold in his possession" is superfluous and dangerous and should not be agreed to. The case I have just quoted is particularly well known to me because I was that man.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.44]: The fears that have been expressed about the Bill, I consider, are rather remote. All that the measure proposes is to give the police power to ask a person to explain how he became possessed of gold-bearing matter. As there have been very clever lawyers on the Goldfields in the past, they have raised various technical questions which have proved there are flaws in the Act. All this Bill purports to do is to remove those flaws.

Hon. E. M. Heenan: There is only one flaw.

The CHIEF SECRETARY: I would like to remind members that it is difficult to prove where gold ore or telluride in a per-

son's possession came from. The only person who knows is the one who actually took it from the mine. We know that telluride comes only from certain mines, but we cannot say from which particular mine it came. So it is impossible to say who is the true owner of stolen gold-bearing material. The law was tightened up following the passing of the Illicit Diamond Buying Act of South Africa, the Pearlring Act of Western Australia and the old English law, which has been incorporated in the Police Act of Western Australia since 1892, relating to the possession of property suspected of having been stolen.

That last-mentioned law is, I regret to say, used almost daily, and certainly weekly, at Fremantle where people are charged with being in possession of goods suspected of having been stolen, the onus being placed on them to explain how the goods came into their possession. It became necessary to pass the Gold Buyers Act because it was not possible to say that gold had been stolen as the ownership could not be proved. It was a very common practice on the Goldfields for a great quantity of gold-bearing ore to be stolen and it was necessary to tighten up the Act. Not long ago there was a very clever gentleman who was in possession of some gold, and before they could satisfy themselves that it had been stolen, the police had to go away and make further inquiries. When, as a result of those inquiries, they came back to arrest the man, they found that he had disposed of the gold-bearing material. That shows that the police do act reasonably and correctly.

We have seen cases reported in the paper in which people have disposed of gold-bearing material which has thus not been in their possession when the police went to them. But the police were able to prove that it had been in their possession. Under this measure, if the police can prove that, and the people concerned cannot satisfactorily explain how they obtained possession, they will be liable. With regard to the case mentioned by Mr. Cunningham, I am sure that his friend would have been able to explain how he became possessed of the gold.

Members: It was he himself.

The CHIEF SECRETARY: I am sure that with his honest expression the magistrate would believe what he said—even if the police did not.

Hon. A. L. Loton: Why should he be arraigned before a magistrate?

The CHIEF SECRETARY: I regret that some people are apparently not well versed in the quasi-criminal laws and the criminal laws. Unfortunately a great many people are brought before magistrates and charged with offences of which they are subsequently found to be not guilty. That is the system under which we work. There is nothing whatever to prevent any one of us, as we walk out of this House tonight, being charged with murder and taken off to prison and kept there without bail being allowed. However, the police do not do that sort of thing unless they have some reasonably solid ground for their action.

The police behave in a reasonable manner. If they did not, I am sure that my life as Minister for Police would be unbearable. I think we can say that all Governments are careful to see that the police do act reasonably. It has been said that under the present law there have been very few acquittals. Does that not show that the police have acted reasonably? There has been no suggestion that anybody has been found guilty of being in possession of stolen gold who was not guilty. There have been many appeals, but they have usually been on technical grounds.

Hon. J. M. A. Cunningham: Does that not prove the effectiveness of the present law?

The CHIEF SECRETARY: No, because the police cannot act in many cases, such as that of the man who was known to have been in possession of stolen gold but did not have it when the police came along. This provision is in the Victorian Act and has not caused any injustice. Wrought gold includes gold which has been rolled out into a sheet, such as the jewellers use; and even a lump of smelted gold which has had a pin attached to convert it to a brooch. It is thus open to dishonest jewellers roughly to convert a bar of stolen gold into such items and so evade the Act. This is known to have been done and the police have been unable to act. I agree with Mr. Mann that an amendment is essential to cover the points he has raised.

Hon. G. Bennetts: Many people are wearing brooches that they have had for many years.

The CHIEF SECRETARY: How many have been arrested for it? It is so perfectly obvious that such trinkets have been honestly acquired.

Hon. W. R. Hall: Made out of alluvial gold.

Hon. G. Bennetts: A lot of them are not.

The CHIEF SECRETARY: I do not know. I have not been fortunate enough to have any. I have been expecting somebody to query the use of the words "has had in his possession." It may be said that the police, knowing that a man had some of these things in his possession ten years ago, will say, "Very well; now we will be able to have him up." I would point out that such people have to come before a jury or a justice of the peace. I think we can take it that, generally speaking, specially on the Goldfields, jewellers are very reasonable people and understand gold-stealing matters.

If a case is taken before a justice of the peace, no evidence can be given to convict a person of such an offence if it was committed at any period beyond six months prior to the date of the charge, so evidence of possession of stolen gold could not date back beyond that period. There will be no question of the police going back over the years, because the law would not permit that to be done. There is on record the case of McArthur v. McGee, where the police saw McGee with gold but did not have sufficient evidence to arrest him. An hour or so later they did obtain enough evidence to prove that the gold was illicit, but when they went back to him, he had disposed of it. So the police are not suspicious without reason.

There was a similar case in which a man called Tracey was involved. In both instances the offenders went scot-free through the ability of the Kalgoorlie legal practitioners. The principle that a man is innocent until he is proved guilty is one that must be preserved as far as possible. At the same time, we cannot allow guilty people to go free through mere technicalities. In all customs and revenue prosecutions under both the Commonwealth and the State Acts, it is provided that the person who is the subject of a charge must give an account of how he came by the goods in his possession.

The Police Act provides that if a person is charged with being in unlawful possession of any goods reasonably suspected of having been stolen, he must render an account of how he obtained them. In the same way, if a man has gold-bearing ore in his possession, which arouses suspicion, he should be expected to explain how he obtained it. Take the gentlemen, to whom Mr. Cunningham referred, who was chopping wood. Surely if the police did not believe him, the magistrate would.

Hon. G. Fraser: It is a tall story to believe, all the same.

The CHIEF SECRETARY: I do not know. Mr. Heenan will remember what was called "Sheriff's case" in which a man was charged with being in the unlawful possession of stolen goods. He gave an explanation which was not contradicted by the police; and since it had not been contradicted, the Chief Justice of Victoria said that the man had given a reasonable excuse and therefore could not be convicted. So all a person has to do is to give a reasonable excuse. Of course, if a man offers an excuse and the police are able to prove that it is not the truth, he is likely to be found guilty; but if he gives a reasonable excuse, the duty of the magistrate is to acquit him. So the common law protects people in that way. I trust that the Bill will be passed.

Question put and passed.

Bill read a second time.

In Committee

Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clauses 1 to 11—agreed to.

Clause 12—Amendment of Section 27:

Hon. W. J. MANN: I move an amendment—

That in line 1 of proposed new Subsection (3) the words "or wrought gold" be struck out.

The object is to make way for a new subsection reading, "No wrought gold except that contained in any article, the property of any customer, received by a manufacturing jeweller or other manufacturer of gold, for the purposes of alteration or re-fashioning, shall be used in manufacture." The term "manufacturing of gold" is one

recognised and used in the trade, and is already contained in another part of the Bill.

The HONORARY MINISTER FOR AGRICULTURE: I have no objection to the amendment.

Amendment put and passed.

Hon. H. TUCKEY: I move an amendment—

That in line 3 of proposed new Subsection (3) after the word "bank" the words "or any licensed metallurgist with premises in Western Australia" be inserted.

If the amendment is not agreed to, a firm that has operated in this State for approximately 20 years and has supplied jewellers with gold alloys, will have to close down. I believe this firm should be protected as, if it is put out of business, the alloys required will have to come from the Eastern States. If the firm lost this part of its business, it would be unable to carry on, and that would be disadvantageous to the manufacturing jewellers of this State, as the only other sources of supply of these alloys are two Eastern States firms which do business with this State by post, without any direct representation here.

The CHIEF SECRETARY: I am not sure whether there are any licensed metallurgists, and I think the words "any licensed goldbuyer" could be substituted.

The HONORARY MINISTER FOR AGRICULTURE: As the amendment did not appear on the notice paper, I am unable at present to say whether I can agree to it or not, and I would ask Mr. Tuckey to have the amendment made in another place.

Hon. H. Tuckey: I do not think it will affect Goldfields members, and I believe they will support the amendment.

Hon. G. FRASER: I think the Honorary Minister should accept the amendment, and, if necessary after making inquiries, he could have it struck out in another place.

The HONORARY MINISTER FOR AGRICULTURE: I am agreeable to that.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 3 of proposed new Subsection (4) after the word "Force" a comma be inserted.

Hon. E. M. Heenan: What do those words mean?

The CHIEF SECRETARY: A police officer who is of the rank of inspector, or higher. It would not apply to a sergeant or constable.

Hon. Sir Charles Latham: The Police Act lays down that an officer is a constable.

The CHIEF SECRETARY: No, under that Act an officer is a commissioned officer; an inspector, for instance.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That a new subsection, to stand as Subsection (4), be inserted as follows:—

“No wrought gold, except that contained in any article, the property of any customer, received by a manufacturing jeweller or other manufacturer of gold, for the purposes of alteration or re-fashioning, shall be used in manufacture.”

Hon. G. FRASER: Does that proposed new subsection mean that if a manufacturing jeweller took a job he could use no gold other than that contained in the article on which he was to do the job?

Hon. W. J. Mann: Just the gold that was brought to him.

Hon. G. FRASER: I can see a disability there, as the gold brought to him might not be sufficient, and, without other gold, he would be unable to do the job.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. FRASER: My interpretation is that if we carry Mr. Mann's amendment as it stands it will preclude a manufacturing jeweller from using any other gold to complete a job brought to him by any person. If Mr. Mann were to delete the words “except that contained in any article” from his amendment and then make some provision to link it up with proposed new Subsection (3), the difficulty would be overcome.

Hon. W. J. MANN: I thank Mr. Fraser for pointing out what might easily occur. The amendment was drawn up by the people concerned and I presume they have discussed every aspect of it. I suggest that we pass the amendment in its present form and I will communicate with the people

concerned and if necessary move that the Bill be re-committed on the third reading.

Hon. G. FRASER: In view of the explanation given by Mr. Mann, I am prepared to accept the amendment as it stands.

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

Clauses 13 to 16—agreed to.

Clause 17—Amendment of Section 36:

Hon. G. BENNETTS: I move an amendment—

That in line 1 of paragraph (b) after the word “had” the words “to his knowledge” be inserted.

In all other types of offences there must be some proof of the knowledge of guilt.

The CHIEF SECRETARY: In almost all cases where a man is charged with gold stealing his plea is that he did not know the gold was there. One mine manager was found with a bar of gold alongside him on his bench and he stated “I did not know it was gold.” Of course, no-one believed him and he was duly convicted. He appealed but still no-one believed him and I understand he received a term of imprisonment. The amendment, if passed, would mean that in future we will not be able to convict anybody of gold stealing, and I suggest that if members want gold stealing to flourish, they have only to agree to the amendment. If members want to protect honest citizens, they will reject the amendment.

Hon. E. M. HEENAN: I agree with the Chief Secretary that we should do nothing to weaken the existing Act which has functioned satisfactorily. It deals with a difficult problem and it is only right that exceptional powers should be given to the police to prevent gold stealing. If Mr. Bennetts' amendment were to be carried it would undoubtedly have the effect of making it difficult for the police to secure convictions. If people steal anything at all it is only right that they should be found guilty and I intend to oppose the amendment. I direct members' attention to the definition of wrought gold. Up to the present time we have amended the definition of gold to embrace gold matter and that strengthens the Act and rectifies a technical weakness as the Minister pointed out. I urge the Committee to agree that that is as far as we should go. To the provision embodied in Section 36 it is proposed to add the

words, "gold matter or wrought gold." I have no objection to the inclusion of "gold matter," but to include a reference to "wrought gold" is to go far beyond what is necessary or advisable. If we were to do that, it would make it extremely difficult for a person, when questioned by a policeman, to satisfy the officer that he had come by the article reasonably.

I have no objection to the extreme powers already embodied in the Act being granted to the police, because stringent steps must be taken to cope with gold stealing. On the other hand, I would certainly object to the legislation enabling a policeman to question me as to how I came by my gold watch-chain or rings or the jewellery possessed by my wife. That is what it will mean if we include the words "wrought gold". I do not know why the gold stealing detection staff desires those words embodied in the Act, and I certainly hope the Committee will not agree to it. As Mr. Boylen pointed out last night, it would be a simple matter for someone with a grievance to lay a complaint, and then when the policeman searched the premises of the individual against whom the complaint had been laid, for him to find, say, some gold rings that the individual might not know were in his possession and would have difficulty in explaining away.

Hon. G. Bennetts: As the clause stands, the police need only find a stone in a man's yard.

Hon. E. M. HEENAN: I do not desire to weaken the existing law at all. We have in charge of this work in Kalgoorlie an officer who is absolutely above suspicion and has administered the existing Act well. It is rarely that a man he charges is acquitted. In the circumstances, I do not see why such a radical extension of the Act is required. Another most important amendment affects the question of possession. Under the existing law, in all cases of unlawful possession it must be proved that the gold was in the accused person's possession. It is proposed in the Bill to add the words, "or has had." In order to secure a conviction now the police must prove that the gold was actually in the accused's possession. Should a man have had in his possession illicit gold, but had got rid of it last week, he would be outside the law. That would seem to be a pity but in our desire to punish the guilty, we must see to it that we protect the innocent.

If a person were charged with having had gold in his possession six months ago, how difficult it would be for him to prove that it was not so! I think Section 36, with the addition of the reference to "gold matter" will go quite far enough, but to make it retrospective in any sense would be quite wrong. Inspector McLernon is doing a wonderful job, and anyone at Kalgoorlie will agree that goldstealing has been practically cleaned up. That being so, I hope that the provision in the Bill, to which I have drawn particular attention, will not be agreed to. We should not allow a clause to be included in legislation on the statute book that might create injustices and prejudice innocent people. The present administration of the Act is above corruption, and I appeal to the Committee not to weaken the Act in any way.

I shall tell the Committee a story to illustrate my meaning. I know all about it because I acted as solicitor for the man concerned. It relates to a young man who some years ago was working on one of the big mines at Kalgoorlie. He had saved £200 or £300 and had a friend who had a promising prospecting show. That friend induced the man I will refer to as Mr. X to leave the mines and go into partnership with him. Mr. X gave up his job and went into partnership with his friend, but after six months they were broke. At that time employment on the mines was hard to get. He could not secure his old job again, and so he took to buying gold. Having worked on the mines he knew some of the ramifications of that class of business.

Hon. L. Craig: You mean he bought illicit gold?

Hon. E. M. HEENAN: Yes, he started buying illicit gold and he was breaking the law. He was approached one afternoon by a man whom he did not know but who used the name of one of his friends as a means of introduction. The man said, "I have got some fairly rich stone. Will you buy it?" Mr. X said, "Yes, I will buy it. Come to my room at half-past seven tonight, bring it with you and I will buy it." The man went to Mr. X's room with the parcel of stone and Mr. X said to him, "I will give you 30s. for it." The man said, "That is all right. You can have it." Mr. X said, "Just wait a while." He took the parcel and went out to the

back where he hid it. He then returned to the man who was waiting for him in his bedroom. Mr. X paid him 30s. and the man went away.

A remarkable thing then happened. Inside five minutes a police officer came into Mr. X's room and said, "Have you got any gold or any gold-bearing material here?" The man said he had not. I suppose members can imagine what Mr. X was thinking. Most certainly he was thanking his lucky stars at the moment because he had hidden the parcel outside. The police officer then said, "Well, I am going to search your premises." The constable then went over to Mr. X's bed, as though he knew just where to go. He lifted the pillow and there was a handful of rich stone. Members will appreciate what had happened. A pimp had been employed and the pimp had been outwitted, because Mr. X had gone outside and hidden the stuff in the backyard. The pimp had to do his job, so he planted the stuff under the pillow.

Mr. X was convicted, deservedly so, I suppose. I feel convinced that men have been wrongly convicted under the Act, although I must admit that probably very few have been wrongly convicted.

The CHIEF SECRETARY: On a point of order, Mr. Chairman, is not Mr. Heenan moving to strike out the words "all wrought gold" in lines 1 and 2 of paragraph (a) of the clause under consideration?

The CHAIRMAN: Mr. Heenan has not moved an amendment. He said that he would vote against the clause; but if Mr. Bennetts is prepared to withdraw his amendment, then I can accept an amendment by Mr. Heenan.

Amendment, by leave, withdrawn.

Hon. E. M. HEENAN: I move an amendment—

That in lines 1 and 2 of paragraph (a) the words "or wrought gold" be struck out.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The reason why these words were inserted was that certain people, who deal in stolen gold, make it into sheets, and this is the ordinary form in which the Mint sells it as wrought gold. It is very simple to dispose of such gold to jewellers as wrought gold. All the clause intends is that

any person who is in possession of that type of gold may be asked to explain where he got it. If he cannot, he must take the consequences. Mr. Heenan mentioned that he might be liable to arrest if he were walking down the street with a gold watch and chain.

The Act provides, however, that wrought gold means "gold and gold alloy which, on view, has apparently been worked or manufactured for trade purposes." I point out, however, that any person is liable to be arrested for being in unlawful possession of stolen property if the police have reason to believe that it is stolen. So the police would only arrest a man with a gold watch and chain that they had reason to believe had been stolen. There would be grave danger to the administration of the Act if the amendment were agreed to.

Hon. J. M. A. Cunningham: Is not the intention of the law to protect innocent people rather than punish guilty people?

The CHIEF SECRETARY: That is so. Unfortunately, gold stealing has reached such a magnitude as to make it necessary to alter the law to deal with gold stealers who are operating not in Kalgoorlie, but elsewhere. They are the men who are in a better position to be in possession of wrought gold.

Amendment put and a division taken with the following result:—

Ayes	..	..	15
Noes	..	..	11

Majority for 4

AYES.	
Hon. O. F. Baxter	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. R. J. Boylen	Hon. W. J. Mann
Hon. J. M. Cunningham	Hon. H. L. Roche
Hon. H. A. C. Daffen	Hon. A. Thomson
Hon. E. M. Davies	Hon. H. Tuckey
Hon. G. Fraser	Hon. E. H. Gray
Hon. W. R. Hall	(Teller.)
NOES.	
Hon. L. Craig	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. L. A. Logan	(Teller.)

Amendment thus passed.

The CHIEF SECRETARY: It is now necessary, the amendment having been agreed to, to insert the word "or" before the words "gold matter." However, this is a consequential amendment.

The CHAIRMAN: Yes.

Hon. G. BENNETTS: I move an amendment—

That in line 1 of paragraph (b) after the word "had" the words "to his knowledge" be inserted.

I have already explained my amendment. There is no doubt that the Act is being administered by one of the most honest and fairest men on the Goldfields, but nevertheless he is not likely to be in control for all time. Unscrupulous men might at times be appointed to that position. Something might be put into a man's backyard, if some unprincipled person had a set against him, but with my amendment that man would have a reasonable chance.

The CHIEF SECRETARY: In reply to what Mr. Heenan said earlier, the man he mentioned would still have been convicted if this proposed law had been in existence, because he did have stolen gold in his possession. No-one suggests that a pimp should frame anyone. That is wrong. But the man had some stolen gold, and knew he had it. He had paid 30s. for it.

Hon. R. J. Boylen: Not the gold under his pillow.

The CHIEF SECRETARY: That is so. He was a straight-out gold thief, and Mr. Heenan says he was. But he was convicted on wrong facts. Surely we should put the law in order so that a man is convicted on correct facts.

Hon. R. J. Boylen: The gold could have been put into his bed without his having bought it.

The CHIEF SECRETARY: He could not have paid 30s. without knowing it. Mr. Bennetts is asking us to make the police prove that he knew it was stolen gold.

Hon. J. M. A. Cunningham: One or two evil people could convict a man by stating they had sold him gold.

The CHIEF SECRETARY: That can be done in connection with any crime in the calendar. Here we say, "You must satisfy the magistrate that you came by it lawfully."

Hon. G. Fraser: You are reversing the law.

The CHIEF SECRETARY: Yes, and it has worked remarkably well with a very efficient goldstealing detection staff under

Inspector McLernon. Now we are asked to clip his wings.

Hon. E. M. HEENAN: I am opposed to the amendment. We should not weaken the existing position. I only mentioned the case of Mr. X to illustrate the state of affairs in Kalgoorlie before Inspector McLernon went there. Inspector McLernon would not come at that sort of thing, but he will not always be there. I agree that the prosecution should prove guilty knowledge in an ordinary case of stealing, but it is not reasonable in connection with goldstealing.

Amendment put and negatived.

Hon. E. M. HEENAN: I move an amendment—

That paragraph (b) be struck out.

The Chief Secretary: If you leave paragraph (b), I will agree to (c).

Hon. E. M. HEENAN: At the present time, for a man to be charged, he must be in possession of gold or gold matter. If he had it yesterday or five minutes ago or six months ago, no charge lies against him. It is difficult enough for him to explain away the possession of something that he is caught redhanded with, and it is right that he should give an explanation, but, to my mind, he would be terribly prejudiced if he were charged with having gold in his possession in April last, or May or June. The existing Act has had the effect of cleaning up goldstealing. No guilty person escapes. The lawyers have exploited all the technical points so that they have been cleared up from time to time. The point in connection with gold matter, that we have already amended, clears up one slight weakness in the Act.

The CHIEF SECRETARY: It would be very dangerous to amend this. I remind members that if a man is charged with having had gold in his possession on a certain date, the police have to prove he had it. If they say, "It was in a bag in your backyard on such and such a date," they have to bring it to his notice and prove it was there. All he is asked to do is to say how he came by it.

Hon. G. FRASER: If we pass this amendment, it might be the forerunner of amendments to the law covering ordinary stealing cases. I do not see why we should give different treatment to those who com-

mit offences under the Gold Buyers Act compared with those who commit them under other Acts. Further, we are told by the Chief Secretary and Mr. Heenan that this legislation is working very well. It is so successful that the gold receivers, etc., who were working on the Goldfields have now been dispersed. If that is so, the job has been well done. I was on the Goldfields a few weeks ago and a remarkable tribute was paid to the gold detection staff by various business men. When I asked how things were, they said, "They are pretty bad. Since the police have got down on the gold stealers, business has slumped." The people do not frequent the hotels on week days. If we find next year that these amendments have not achieved what is required, we can again give consideration to the measure.

Hon. E. M. HEENAN: The Act was passed in 1921 and has, therefore, operated for 27 years. We are now asked to agree to this most radical amendment. Is it not possible that a person might be charged with something that occurred five or six months ago, and that his wife or some most material person, who could prove his innocence, might have died in the meantime? What I want to stress is how difficult it is to prove that something happened or did not happen in the past, and it is conceivable that material witnesses have gone away or died. We Goldfields members feel our responsibility to the community. I take it the Bill has been brought forward on the advice of Inspector McLernon, but we are responsible men and represent the whole of the community. Members will see that we are fairly unanimous in our point of view and people who do not live on the Goldfields might have some difficulty in realising the actual state of affairs. I urge members not to vote idly on this measure, and if in doubt to leave the Act as it is at present. It is operating so effectively that rarely anyone escapes from its meshes. The Minister has not told us of any guilty person that has got away with it.

The Chief Secretary: Pardon me; I did.

Hon. E. M. HEENAN: We are worried about it because this is a departure from the status quo.

Hon. J. M. A. CUNNINGHAM: I would like to support the many remarks made

pointing out the adequacy of the law as it stands today in regard to illicit gold stealing. If the law has been good enough for the present, gold stealing staff to put up such a record as they have in obtaining convictions, then why do they want this wider power? The Minister has just mentioned that in the event of a case being launched it is for the police to prove that the defendant has had the goldbearing material in his possession. I might have been under a misapprehension. I understood that under this legislation it was for the defendant to prove his innocence.

Hon. G. Fraser: If they charge a person on a certain day, they must prove that he had it in his possession.

Hon. J. M. A. CUNNINGHAM: Yes. I want the police to prove the case. This looks as if it is an instance where the police have missed the boat and want a law to cover themselves. The present Act is sufficiently adequate to obtain convictions in almost every case.

The CHIEF SECRETARY: I have pointed out two cases where the men dropped the gold out of a car and were therefore not in possession of it when the police went up and questioned them. The clause is to overcome a purely technical point. The police do not seek these convictions because they know they cannot get one when a man is not in possession of the gold.

Hon. E. M. Heenan: Hard luck cases make bad law.

The CHIEF SECRETARY: These are not hard luck cases.

Amendment put and a division taken with the following result:—

Ayes	..	..	..	15
Noes	..	..	..	11

Majority for .. 4

AYES.

Hon. G. F. Baxter	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. J. G. Hindle
Hon. R. J. Boylen	Hon. A. J. Loton
Hon. J. M. Cunningham	Hon. W. J. Mann
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. A. Thomson
Hon. E. H. Gray	Hon. H. Tuckey
Hon. W. R. Hall	(Teller.)

NOES.

Hon. L. Craig	Hon. H. S. W. Parker
Hon. H. A. C. Daffen	Hon. O. H. Simpson
Hon. R. M. Forrest	Hon. H. K. Watson
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. H. Hearns	Hon. G. W. Miles
Hon. L. A. Logan	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Progress reported.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—FISHERIES ACT AMENDMENT (CONTINUANCE).

Returned from the Assembly without amendment.

BILL—NEW TRACTORS, MOTOR VEHICLES AND FENCING MATERIALS CONTROL.

Second Reading.

Debate resumed from the previous day.

HON. H. HEARN (Metropolitan) [8.43]: I feel very concerned that the Government should see fit to bring down a Bill of this description. It seeks to control new tractors, motor vehicles and fencing materials but, in my opinion, it does more than that. I believe it cuts right across the policy of the Liberal Party. In recent days I consider we have been very close to wandering off the main track of our own ideals. The Honorary Minister, when introducing the Bill, made it very clear that it was a great sorrow to him to have to introduce a Bill extending controls and that he was looking forward eagerly to the time when all these controls would be unnecessary.

But are they necessary? Quite recently we have extended controls in other directions and I can quite understand the dilemma of Mr. Fraser when he said that he did not quite know what the policy of this Government was with regard to controls. I was influenced by the belief that the Government, in seeking continuance of controls under the previous measures, was moving towards de-control, but the Bill now before us is of quite a different character. It seeks to enlarge the vicious circle of control, and, on that account, I am definitely opposed to it.

Mention was made by the Minister of a desire by the Farmers' Union to have this measure passed. That, I believe, should be one of its pious hopes. But I wonder whether other sections of the community feel the same towards this Bill as does the Farm-

ers' Union. While it might be true that a majority of the executive of the Farmers' Union desires this legislation, it is not by any means clear that the whole of the farmers of the State are of that opinion.

Hon. G. Bennetts: The smaller farmers are.

Hon. H. HEARN: A friend of mine recently travelled through some of the farming areas and, in chatting on this question with 36 farmers, found that only one desired control. For the information of the Honorary Minister, I wish to say that one prominent member of the Farmers' Union executive opposed the idea of control of this sort.

Hon. E. M. Davies: He must have been in the minority.

Hon. H. HEARN: I was quite conscious of the fact that the Minister was making out a very good case for the Farmers' Union, but I cannot help feeling that he spoke very slightly concerning private enterprise and the distributors. I admit that he softened it by saying that there might be lack of judgment and that they would be acting with the best intentions, but that does not alter the fact that private enterprise, so far as the Minister is concerned in this case, was at least "on the outer." Once again, I wish to affirm my belief in private enterprise. I am not sure that some of the controls we have already extended to the Government are for the best. I have in mind, speaking of housing, the fact that in Tasmania the question of controls is not a vital issue.

Yesterday Mr. Roche made some observations that astounded me, and today I checked up on some of the figures he gave concerning tractors. Members will recall that he quoted the importations of tractors during a period of three years—some brought into this country under the lend-lease agreement. He said that in 1944-45, 7,786 tractors were imported into the Commonwealth—

Hon. H. L. Roche: I said 7,031.

Hon. H. HEARN: Then I will say approximately that number, and that of the total 603 came to Western Australia. In 1945-46, approximately 5,898 were imported into the Commonwealth and 648 came to this State. In 1946-47, approximately 3,438 were imported into the Commonwealth and Western Australia received approximately 667. Included in the total for the first year he quoted were 2,000 tractors

of 12-horsepower which were imported specially for vegetable growers and, owing to the fact that they were not suitable for Western Australia, they were kept in the Eastern States. That is also true to a great extent of 1945-46 because, of approximately 5,898 imported, tractors to the number of 1,500 were of the same type.

I honestly believe that the sooner we give back to industry and to commerce its correct job, the better it will be for the country generally. I heard quite a lot of interjections when other speakers mentioned the question of goodwill in business. I do not suggest that that goodwill is anything altruistic. It is the law of preservation to the business man and obviously any man who has to distribute such scarce commodities as tractors would at least have an eye to the future, bearing in mind that this Indian summer may last one or two years but the time will come when he has to legislate for the business of a lifetime. So there is nothing altruistic about the action of distributors, but for the goodwill and for the very future of his business, he must act fairly.

Tractor distributors have arranged, in the event of this control passing out of the hands of the Government, to have a central depot where they can at least check up to ensure against any duplication of applications, and I suggest to the Honorary Minister that possibly in the figures he gave—I believe he admitted it—he did not allow for duplication of applications lodged with the Government authority.

Hon. G. Bennetts: The distribution, then, would be under control?

Hon. H. HEARN: It would be controlled by the people who know the business, people who would be anxious to ensure that there was fair play.

Hon. G. Fraser: What about decontrol?

Hon. H. HEARN: That will come later. The set-up in Victoria ultimately agreed to is embodied in two paragraphs of a letter I have received as follows:—

That the Victorian members of this association agree to honour permits already issued by the Machinery Control Section of the Department of Agriculture.

That first preference in the allocation of tractors will be given to ex-Servicemen who are being rehabilitated under governmental schemes and to Government and associated bodies de-

veloping areas for this purpose. Other ex-Servicemen will be given preference, all things being equal.

Those paragraphs set out the basis of a very fair distribution to special people such as returned servicemen and governmental authorities. I feel that if we in Western Australia go in for control of tractors, we shall be making a retrograde move because, as Mr. Fraser reminded us, we should be looking to decontrol.

I cannot understand the governmental attitude to the all-important question of motorcars. We all know what a terrific disadvantage the average person has suffered through the control of motorcars by the Commonwealth authority. Now, in the wisdom of the Commonwealth, the time has arrived when cars of a certain horse power should be released from control, but we in our wisdom, we who profess to have a free-enterprise Government, say "No, we shall continue control." I wonder what sort of a story we shall tell the people when the next general election arrives.

Hon. G. Fraser: The same as was told at the last election.

Hon. H. HEARN: I cannot see that we are consistent. As regards motorcar distribution, excluding cars of the smaller horse power, I wish to refer to a question mentioned by Mr. Watson yesterday. The figures I am about to quote were given to me at my request, and they can be verified and authenticated by any member who cares to investigate them. We have to bear in mind that the basis of rationing is the taking of a key year and this particular firm has taken such a year. I shall read a few notes supplied to me so that our friends from Kalgoorlie may see just what is happening under this so-called fair scheme of governmental rationing of cars.

Hon. W. R. Hall: We already know.

Hon. H. HEARN: I am beginning to feel that we, after six or seven years of governmental control, are reaching the belief that that is the correct method of living and that we are losing faith in the individual freedom and the spirit of enterprise that made Australia what it is today. The notes state—

This is further to my telephone conversation with you this morning regarding the fact that Kalgoorlie and the Eastern Goldfields are receiving very scant consideration as far as the

issuing of permits to purchase new automobiles is concerned.

Figures kept by us, which are available for the perusal of any bona-fide party, show that during the two years 1938 and 1939, Kalgoorlie took 7.1 per cent. of the total automobiles distributed by us throughout Western Australia. Under the present method of permit allocations, however, the percentage received by Kalgoorlie since new automobiles became again available is only 2.05 per cent. This is in direct contradiction to the picture which applies to agricultural areas where deliveries under permit have greatly exceeded the normal proportion which should apply to those districts.

Hon. H. L. Roche: Would those figures include Boulder?

Hon. H. HEARN: Yes; Kalgoorlie and Boulder in normal times are the largest purchasers of cars outside the metropolitan area.

Hon. G. Bennetts: May I see those notes?

Hon. H. HEARN: The hon. member is welcome to see them in confidence and check them. To continue—

Let me also quote the following figures to help show how very much out of proportion the situation has become. During the two years 1938 and 1939, the following automobiles were delivered by us into the areas shown:—

Kalgoorlie 90. Katanning 83. Manjimup 42.

Since new automobiles have been available under the permit system, our deliveries into those areas have been:—

Kalgoorlie 26. Katanning 71. Manjimup 35.

The above figures are merely an abstract from very elaborate records kept by us.

So I say that governmental control of motor-cars has not been quite the success that we are led to believe.

I now pass to the matter of fencing materials. I listened with interest to Mr. Roche and felt very sorry for him when he admitted that he did not know where the wire was going. Today I made inquiries with a view to getting information so that I could fill the vacuum, which he evidently was not able to do.

Hon. A. L. Loton: The Minister was not able to do so, either.

Hon. H. HEARN: For the benefit of Mr. Roche, I want to give some facts and figures concerning the distribution of fencing materials in his province, of which, members will recall, he said he had never seen a roll.

Hon. H. L. Roche: Of fencing wire.

Hon. H. HEARN: I have here an account of some deliveries that have taken place recently to certain areas. It is a copy of a letter from a certain firm, and relates to information supplied following a telephone conversation. It concerns deliveries of wire and wire netting to the South-Eastern district from Narrogin to Albany. The letter reads—

We have taken out the deliveries for the past three months and also for three months of 1947. These work out at approximately 50 tons of wire and 1,600 rolls of netting supplied to the following towns:—Albany, Young's Siding, Redmond, Narrikup, Mt. Barker, Kendenup, Tenderden, Cranbrook, Tambellup, Broome Hill, Katanning, Wagin, Piesseville, Highbury, Narrogin.

In addition, on the same basis we estimate that approximately 30 tons of wire and 473 rolls of netting went into sidings and towns on eastern branch lines. These represent information taken from invoices that are traceable and they represent less than half of the total invoices. Much of the material that was supplied to distributors against invoices is not traceable and it is very probable that a considerable portion of these went into this area.

Apart from this, our company supplies considerable quantities of wire to the Cyclone company for the manufacture of "ringlock" fencing and from information received we know that substantial quantities of this went into the districts concerned during the past two years.

I think that Mr. Roche has now some picture of what is happening in his constituency.

Hon. H. L. Roche: It would still be interesting to find them.

Hon. H. HEARN: They are the facts. I would like to refer now to the question of the ability of private enterprise to deal with a difficult situation. I do remember with gratitude the very kind remarks of the Honorary Minister when introducing this Bill, and the tribute he paid to the officers who have controlled the tractor industry in this State on behalf of the Commonwealth. I think it would be just as well to remind the Honorary Minister that Mr. Linton is a product of private enterprise, loaned to the Commonwealth Government by McKay Massey Harris. I think that if we look into all these questions we will find that today Governments are trying to swing along with the assistance of the brains of private enterprise; and yet, knowing all this, they tell us that they cannot really see that industry should be allowed to look after itself. That

is wrong. It is against Liberal principles and I feel sure that unless we alter our course the public of Western Australia will tell us so at the next election.

Hon. G. Bennetts: They will not endorse you at the next election.

Hon. H. HEARN: Before concluding, I would like to refer to the question of vehicles other than motorcars. Of course, I believe that the Honorary Minister will give us some information; but why are not omnibuses mentioned? I have my own ideas, but I would like to know why we are going to have these controls. It appears to me that private enterprise has still a lot to fear from this Government; and because of that I am protesting, since I believe that we should sail under our true colours and not under false ones. I oppose the Bill.

HON. E. M. DAVIES (West) [9.5]: After listening to the remarks of various speakers, I am beginning to wonder who is governing this State—whether it is the Government or the distributors of motor vehicles. I am actuated in my support of the Bill by the fact that control is desired by the farming community and the tractor is one of the tools of trade which farmers need to carry on their industry. These men have been asked by the Governments of the State and the Commonwealth to produce to their utmost for the purpose of supplying the market in Great Britain. I believe they have attempted to do that. They are now suggesting that in order that they may continue to do so, they should have first preference in obtaining whatever agricultural machinery comes into this State.

Hon. L. Craig: This Bill will not give them one more tractor.

Hon. E. M. DAVIES: From the opinions I have heard expressed by those associated with the farming industry, I am led to believe that it will. Apart from that, I have listened to what Mr. Hearn has said about its being contrary to the Liberal policy that the Government should at this stage endeavour to control certain machinery used in farming. The Government made many promises during the election, but has found that it has not been able to give effect to some of them—and this may be one.

During the referendum campaign the Government said that it wanted State control and not Federal control; but it appears to

me from the remarks of Mr. Hearn that it is not State control that is wanted at all, but control by the distributors of tractors and automobiles. Experience has shown us that in the case of timber, which has not been controlled up to a value of £50, people who have required only a small quantity in order to effect repairs to their homes have not been able to secure it. I venture to say that the reason is that the merchants, who have been controlling timber, have decided that it shall go to those who are building in a big way such as contractors.

Hon. A. Thomson: I do not think that is quite correct.

Hon. E. M. DAVIES: My veracity is equal to that of Mr. Thomson.

Hon. A. Thomson: I still doubt the truth of the statement.

Hon. E. M. DAVIES: Regarding the distribution of tractors, Mr. Watson said that control was contrary to Government policy; but the Government has introduced the Bill and it must have some knowledge of the farming industry and its requirements. If this control were contrary to its policy, it would not have introduced the measure. The farming community is entitled to receive preference in the purchase of agricultural machinery, fencing wire and wire netting, which have been in short supply during the past few years. If rabbits are to be kept down—farmers need fencing wire and wire netting to enable them to achieve this—then they should have the materials supplied to them.

Hon. A. Thomson: You had better get the coalminers in New South Wales to work harder.

Hon. E. M. DAVIES: I suggest that Mr. Thomson go to New South Wales and see what influence he has over there. I feel it is my duty to support the Bill, inasmuch as the Government would not have introduced it if that course had been regarded as unnecessary. I am also actuated in my desire to support the measure by the fact that those who represent the farming industry claim that there should be some control over tractors at least for another 12 months.

HON. C. H. SIMPSON (Central) [9.11]: I have listened with a great deal of interest to speeches for and against this Bill. The measure is designed to control tractors, motor vehicles and fencing materials until

the 31st December next year. In other words, the Government in its wisdom has considered the position and has decided that to cover the change-over it is necessary to have some measure of control—a transitional, stop-gap measure—until the position clears itself. I do not think anyone has spoken more severely about restrictions and controls than I have; but I consider that within the principle of freedom and private enterprise there is room for exceptions under certain exceptional conditions, which I suggest would be first of all conditions of acute scarcity and a degree of national emergency or importance—all of which apply to the three commodities mentioned in the Bill.

It is my intention to say a few words with regard to tractors. So far as motor vehicles and fencing wire are concerned, I shall preserve an open mind until I have heard the completed arguments for and against. The province I represent contains a fairly high proportion of rural men, and over the last few weeks I have made a point of ascertaining the opinions of those who are directly concerned—that is, tractor users. Some of them are not very fussy whether controls are continued or not. Others are rather anxious that controls should be continued for a while until the supply becomes freer. The point is that those who are anxious to have controls continued are those who are badly in need of tractors; and that is just what the Government has in mind in desiring that these controls should continue for a little while.

The position regarding wheel tractors is likely to clear itself within a measurable time. When the Bill, if it is passed, comes up for reconsideration, we should be in a much better position to know how we stand with reference to wheel tractors than we are at present. But the situation as regards caterpillar tractors is very different. So far as I know, these are imported only from America. When the war ended, the output of American tractors was so controlled that 85 per cent. was earmarked for home consumption. Of the remaining 15 per cent. half was allocated to UNRA. The remaining half—7½ per cent. of the total production—was allocated to the rest of the world, and Australia got its share of that quota. Since then the dollar position has grown worse and the admission of crawler type tractors from America is now gov-

erned entirely by dollar needs. While it is perhaps not competent for us to suggest that the Commonwealth should ease the position by floating a loan in America, it is true that there is great need for crawler type tractors to do the work that the wheel type cannot do. If crawler type tractors were available now, as they were before the war, I think we would find a much greater proportion of the orders would be lodged in favour of that type than is the case at present, because men simply do not bother to order the crawler type, knowing that the position is hopeless.

As to motorears, I was interested in the figures given by Mr. Hearn in relation to sales to the Goldfields pre-war and since new cars have again been available. It was suggested that a greater proportion of new vehicles was being made available now to agricultural areas. I do not think there is any doubt about that, and I believe the principle to be sound, as one of the governing factors has been that the need for a vehicle is largely determined by the question of whether a man is a producer or otherwise. Another factor must be taken into account. Before the war the prices received by the primary producer for his products were low and he could not afford a new vehicle. Many such cars were old and almost worn out.

As is well known, commodity prices are now better and it is only natural that the producers should take the opportunity of replacing their old vehicles while they have the chance to do so and their financial position is so much improved. I hope members in considering the measure will take into account the fact that the Government, in introducing the legislation, has had all the facts before it, has gone into the pros and cons and has decided that it is necessary to continue these controls for a limited time. When the legislation comes up for consideration next year, I may take quite a different view from that which I now hold. In the meantime, I believe the Government should have some measure of support in implementing its programme. I support the second reading.

HON. C. F. BAXTER (East) [9.20]: This Bill has been well debated and the opinions expressed have varied greatly. I have had as much experience as has any other member

of this House of the control of tractors since that control commenced. There are those who say that tractors should be de-controlled and that it should be left to the merchants to handle their own business. From the merchants' standpoint I think it would be wise, not only with tractors but in the distribution of other articles in short supply, to leave it to a Government department. The merchants would not then have the odium attached to distributing wire netting, wire, tractors and other articles that are in short supply. I have yet to meet a person who has found fault with the distribution of tractors.

Hon. L. Craig: Or with farm machinery, which is not controlled.

Hon. C. F. BAXTER: If the hon. member, who comes from the dairy centres, were to visit parts of my province he would hear tales different from that. I can speak bitterly on that subject from my own experience. We are very fortunate in having loaned to us a man from one of the trading concerns to do this work. Naturally the Government would look for someone who understood the business. A civil servant, connected with other matters all his life, could not be expected successfully to deal with a situation such as this, and we have been exceptionally fortunate in having the services of the gentleman who has been in charge.

There are many ways of looking at the distribution of tractors. Mr. Hearn was adamant in blaming the policy of the Government for what has happened, but to-night with the arguments he used he answered his own case. He said that for the future of his business a distributor must consider his clients. Certainly that would be the view of the average business man, and that was Mr. Fraser's contention last night, with regard to goodwill. Who are the clients that the business man must consider in the light of future business? Not the unfortunate man who has very little business to give the distributor.

Hon. L. A. Logan: Not the man who will buy one tractor only.

Hon. G. Bennetts: The man who can pay cash.

Hon. C. F. BAXTER: They are not the people who will receive consideration such as Mr. Hearn mentioned. The men who will receive that consideration are the good

clients who will have important business in the future. That is only human nature, and it is evident in every line of commerce.

Hon. J. A. Dimmitt: As a merchant you have a very poor opinion of your fellow merchants.

Hon. C. F. BAXTER: Nothing of the kind. It is not many years since Mr. Dimmitt was connected with commerce.

Hon. J. A. Dimmitt: I still am.

Hon. C. F. BAXTER: The hon member is not still distributing, but in any case he would give the greatest consideration to his most important clients, and he cannot get away from that fact. It is no use saying that I have a poor opinion of other distributors. No matter who is concerned, the personal equation counts every time and those who have the biggest volume of business to offer will receive the greatest consideration. A merchant must work on that principle. Westralian Farmers Limited are tractor distributors. A farmer with an exceptionally good wool clip could tell that firm he wanted a tractor and they might reply that there were a lot of applicants ahead of him. He could then say, "If I do not get a tractor, you do not get my business." That would place any distributor in a difficult position, and it must be realised that they want to avoid being forced into an awkward situation.

It seems that the merchants are keen on having control over the few tractors that are coming forward, and yet they are content with the present mode of distribution. If that is so, why do they wish to bring trouble on their own shoulders? I believe they want control of the business in order to suit their best clients. This House would be failing in its duty to the producers, who cultivate the wealth that is exported and on which the country depends to find the money for outside purchases and the interest on money borrowed in the past, if it did not agree to this control. It would be a retrograde step if this House were not to agree to that part of the measure dealing with the control of tractors.

I do not know that it would not be better to leave the control of wire and wire netting in the hands of the merchants, but for three days of each week I have been in the tractor department with reference to tractor releases, and I say that tractors

should be controlled. I have taken up many cases where men have had tractors too small for the work they had to do. They have been allocated tractors on the understanding that they would allow the department to recommend buyers for the smaller machines that they wished to replace. That would not work out with private distributors, who would not go to all that trouble. I urge the House to agree to the measure. We should not lose sight of the fact that tractors must be controlled in order that those most deserving may be able to obtain them.

HON. H. A. C. DAFFEN (Central) [9.28]: I propose to support the Bill. If it had not included the control of motor vehicles and fencing wire, I think there would have been little opposition to it. I have recently had opportunity of inquiring of many farmers their attitude towards tractor control. While I have met many who had not an opinion either way, many others were in favour of the control, particularly those who desired to secure tractors. I did not meet one who was opposed to the control.

One of the main reasons for the desire to continue the control is the confidence that the farmers have come to feel in the present Controller, Mr. Linton. They have complete confidence in his ability to size up each case and decide it on its merits. It would not do if the tractor distributors the slightest harm if the control were continued for another year.

Hon. J. A. Dimmitt: Not continued, re-instated.

Hon. H. A. C. DAFFEN: That is not altogether correct because at present it is still being continued, even if without authority. The purpose was to continue tractor control as we knew it and it is in the interests of the farmers that it should be continued. Like many other people at present I am opposed to controls in principle, but I think in this case an exception is warranted. The matter of policy which was being discussed just now, is one which is not often brought up in this House. I do not hesitate to say that in my view the Liberal policy is an overall policy for the good of everybody and, while it might sound at the moment as though I am speaking against

the interests of supporters of the Liberal Party, I think, at the present time, there are some 20 or 30 tractor distributors on the one hand and some thousands of farmers, who may be affected, on the other. A fair assessment of the position is that the farmers' interests in this case should prevail and that is the sole reason why I am expressing myself in these terms.

I intend to vote for the second reading of the Bill hoping that the portion relating to motorears, and perhaps fencing materials, will be amended or altered. I do not see any particular harm in continuing the control of motorears where it has already been undertaken by the Commonwealth, but I take it the idea is to carry on only for a period if the Commonwealth relinquishes control. Of course, there is no certainty that the Commonwealth is going to do that. Regarding other vehicles, which may be brought under control, such as trucks over one ton capacity and small motorears, I am very much against it and I trust that we may be able to have that particular provision deleted from the Bill.

With regard to fencing materials, including wire netting, I find I am still unable to make up my mind. The system which has been followed for so long with regard to this commodity is that farmers have been given to understand that they receive their orders according to priority of application and perhaps that may be the best course to follow if the Government takes over control. I will listen with interest to the Minister's reply when he deals with that aspect and I intend to support the Bill.

HON. L. A. LOGAN (Central) [9.33]: I rise to support the second reading of the Bill. I do so because as a representative of a rather large agricultural area, I feel I should support the interests of my people. We have received a letter from 12 merchants in the city asking us to oppose the control but the agents of these merchants in the country are asking for it to be supported. In that case somebody must be out of gear with somebody else. Not only the outside agents, but the farmers themselves are in support of the control.

In the course of his speech, Mr. Hearn mentioned that some farmers stated they did not want control. I am not surprised at that. Apparently those particular

farmers have tractors and want others in the near future. If tractors are controlled such men will not have any chance of getting them but if the distribution is thrown back on the merchants, these farmers would have a good chance of being able to secure further tractors. That is why they do not want control. The men who have been battling along and still want tractors are quite prepared to leave it in the hands of Mr. Linton. I admit that in the past Mr. Linton may have made a few mistakes, but he has done an excellent job. Mr. Hearn also mentioned that control is opposed to Liberal policy and the policy of the Government. I consider it more to the honour of the Government if having made a mistake it can go back and rectify that error.

Hon. H. Hearn: It will.

Hon. L. A. LOGAN: The Government's policy today is that it will release control when and where possible, and at the present time it is not advisable to release the control of tractors or of motor vehicles. In my opinion the figures given by Mr. Hearn prove that the control of the motor industry has been of benefit to the country areas, which is as it should be. In the city there are trams, buses, railways and everything else to provide transport, but country people must rely on motor transport only. I venture to say that if the control had been lifted, probably less than half of those motor vehicles would have gone to the country and this would have meant a loss of production.

Fencing wire, which has not been controlled, is distributed by three different methods, the first of which is by priority. The trouble there is that a man may have been waiting for three years for his wire and maybe he is on the top of the priority list, yet when the wire comes along—if it is under control—he may not get it. I know a man who last year had seven miles of his best fencing destroyed by fire but under the present system of allocation he cannot get a priority. The second system is by allocation. A man may have an application with a firm for a dozen rolls of wire but if a dozen rolls arrive, the merchant distributes one each to the first twelve on the list. The point about that is that one man may have been waiting for three years and another man may have been waiting for three months. Irrespective of need, the man who has been waiting for only three

months is supplied as quickly as the man who has been waiting for three years. The third system is by preference to clients, and there is no need to mention very much about that.

The supply of agricultural machinery, which has not been under control, has been far from satisfactory as far as the farmers are concerned and I consider the Government has acted wisely in endeavouring to control the distribution for at least 12 months. I have spoken against controls and regulations wherever I thought necessary, but every case must be considered on its merits. I believe the only thing we can do is to back the Government up because it is endeavouring to do a good job. I support the second reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon G. B. Wood—East—in reply) [9.37]: I find myself in the position of having very little to reply to as only four members have spoken against the Bill. I have never known a Bill to create so much energy and venom—that may not be quite the word—but, in my opinion, after 13 years in this House, I cannot ever remember a second reading speech being the subject of so much interruption by interjections. I counted the interjections during my speech and 54 of them were recorded by "Hansard."

Hon. J. A. Dimmitt: You did your share.

The HONORARY MINISTER FOR AGRICULTURE: And there were many more interjections which "Hansard" could not record. I mention that to show how the whips must have cracked over city members.

Hon. H. K. Watson: You have had the whips cracking today.

The HONORARY MINISTER FOR AGRICULTURE: No, I have not. This Bill was introduced by the Government without reference to anybody.

Hon. H. L. Roche: The big business interests do not like it.

The HONORARY MINISTER FOR AGRICULTURE: After the introduction of the Bill was made public I received a communication from the Farmers' Union telling me what that body thought about it as the subject had been discussed at an

executive meeting a month or two before. Since then members have received a long letter from the union which I do not propose to read. However, I received a letter from the Narrembeen Road Board which is as follows:—

At the last meeting of the board a resolution was passed commending you for taking over control of fencing wire.

The board requests you to give consideration for a high priority for supplies of wire to settlers in the eastern district, who are suffering from the depredations of emus.

When writing that letter, the board did not realise that there was such a place as the Legislative Council and they did not know that I have not, as yet, the desired control over fencing wire. Members know that I have frequently mentioned the position of farmers who are suffering from the depredations of emus, and I say definitely that these farmers have not had a fair go from the merchants.

Hon. L. Craig: And if there is control, they will?

The HONORARY MINISTER FOR AGRICULTURE: I did not get much consideration on the second reading, but I hope that this time my remarks will be uninterrupted. I do not intend to speak at any length because I know the Bill will be passed as very few arguments have been put up against it. Most of those arguments, in fact all of them, were against control and against the policy of the Government. During the policy speech of the present Government and during the speeches on the recent Referendum, I did not hear one suggestion that all controls would be lifted. We definitely said that we would use price control, and if possible take over certain controls from the Commonwealth.

Hon. G. Bennetts: You said it in such a way that the people believed you.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Dimmitt said that when he spoke at the recent Legislative Council elections he was against all controls. That is his business.

Hon. J. A. Dimmitt: No.

The HONORARY MINISTER FOR AGRICULTURE: I said it is not Government policy, particularly at this stage, to lift all controls.

Hon. J. A. Dimmitt: I did not say that, and "Hansard" can prove it.

The HONORARY MINISTER FOR AGRICULTURE: I thought the hon. member did. Mr. Dimmitt said that he was disappointed to hear the slighting references made by the Honorary Minister to the distributors of tractors and their country agents. Mr. Hearn talked about my blatant references. That is not true. I made no slighting references at all about anybody and I intend to read a few extracts of what I did say so that members may judge for themselves. I said—

At the moment they are not controlled and the Government appreciates the action of distributors in honouring what has been done.

The reference there is to the fact that the distributors are honouring the control as if it were still imposed. Again I said—

I do not for one moment think that distributors would be willingly unfair but I do not think they are in a position to exercise control.

Further on I said this—

I do not believe that the principals of firms would countenance that sort of thing, but the business is done through their sales managers. I also stated—

I do not think the distributors as a whole—that is to say the principals—would be out to do anything but a fair thing, but the principals of these businesses do not attend to these matters. They are left to other people. I am not going to say they are all dishonest or careless. I do not suggest that for a moment. But it is only natural that their friends will receive a better deal than other people.

Mr. Baxter elaborated on that statement, and that is still my opinion. I made no reflection on the distributors or their agents and said they had done the best they could. Mr. Dimmitt said—

I am sorry that I apparently have not made it clear that these firms have a very high standard of ethics.

I interjected by saying—

We admit that.

Mr. Dimmitt then went on to say—

Quite apart from the observation of ethical standards, it pays the firms to do so.

I again interjected—

No-one said anything to the contrary.

The happiest relations exist between the Agricultural Department, myself and the firms, and I am not going to have anybody in this House making a suggestion that these

happy relationships will not continue. Some firms supply the Agricultural Department with machinery and I have been happy to assist some of them in regard to the supply of materials and other things.

I am stating that because some of the firms may read the remarks of Mr. Dimmitt and Mr. Hearn, but I think I have proved my case. Mr. Dimmitt said that there was little evidence of complaints about the distribution of wire. Mr. Dimmitt does not know as much about the position as I do. There have been numerous complaints. Mr. Hearn referred to the wire that went to Mr. Roche's province. I do not say that that was not so—but did the right people get it? Mr. Hearn did not tell the full story, but only part of it. I have some facts and figures about that, and I know who got the wire.

Hon. J. A. Dimmitt: You know who has been getting it during the last five months.

The HONORARY MINISTER FOR AGRICULTURE: Who got it?

Hon. J. A. Dimmitt: The Government of Western Australia.

The HONORARY MINISTER FOR AGRICULTURE: For whom did it get the wire? Was it not for the soldiers? Are not returned soldiers entitled to the wire?

Hon. J. A. Dimmitt: Of course they are, but I wanted to remind you who got the wire.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Watson said that the distribution was on the basis of priority of orders and not on the ground of need at all. Because a man happened to have placed an order three years ago, should he get the wire before a new settler in the emu country or where the rabbits are thickest? I claim that all such cases should be judged according to the needs of the settlers concerned.

Hon. A. L. Loton: You know the percentage that the Government got.

The HONORARY MINISTER FOR AGRICULTURE: Mention was made about Mr. Chamberlain and the tractors that would be available. I know Mr. Chamberlain and often go to his factory. Mr. Chamberlain has informed me when we will get tractors, and I do not think we will obtain any before the end of the year. After that, we may be getting so many each day and most decidedly the Government should take control of the position until it is un-

necessary for that to be done. I had intended saying a lot more in reply to the debate, but as the hour is so late I shall refrain from doing so.

I feel I must refer to some remarks by Sir Charles Latham. I am sorry he is not present, but I shall draw his attention to the report in "Hansard" of what I propose to say. Sir Charles suggested that the Minister should not be allowed to delegate his powers to someone else. What position would the Minister be in if he were not able to delegate his powers to some official? From my office window I can see a stream of people going down to interview Mr. Linton with the object of getting tractors. I would not like that stream to be diverted to my office. In the circumstances, I certainly trust that when the Bill is passed the Minister will be able to delegate his powers, as suggested, and that the officer to whom the powers will be so delegated shall be in full control, without need for reference to the Minister. A man has come to me and asked me to order Mr. Linton to provide him with a tractor, but I have replied that I would not do so; that Mr. Linton had all the facts and I had not.

Then again, Sir Charles Latham also said there was no provision in the Bill for the appropriation of money for the payment of the salaries of the officers concerned. No such provision is required in the Bill because the necessary appropriation is already in the hands of the Agricultural Department for the payment in question. As a matter of fact, the only extra expense involved will be half the salary paid to Mr. Linton. The most amazing statement made by Sir Charles was that this House intended to allow the Minister to have so much power. He suggested that the Minister would take power away from Parliament itself and asked why it should not be done by regulation. That was an amazing suggestion by Sir Charles Latham. We have heard a lot recently about government by regulation. Why should not the House put in the Bill what they want the Minister to do, and place a maximum upon his powers?

Hon. L. A. Logan: That is where we want it.

The HONORARY MINISTER FOR AGRICULTURE: The maximum powers that the Minister can wield should be pro-

vided in the Bill. Whether the Minister would find it necessary to wield those powers, I do not know. Why not adopt the course I suggest? As a matter of fact, I intend to agree to some of the amendments that appear on the notice paper, and there are plenty of them. For instance, I intend to agree that the control of motor-cars of under 12 horse power shall not be brought within the scope of the Bill. That was not intended; it was done by order of the Minister. As members will observe, there are a great number of amendments, but one important one was overlooked. The Title has not been touched. It was not intended that the Government should exercise some of the controls referred to. Cabinet, for instance, came to its decision with regard to wire netting. We do not intend to exercise control in that respect unless it should be found absolutely necessary.

When I spoke before, I told the House that the closest collaboration and co-operation had existed between the Government, the Controller and the distributors. There have been definite undertakings honoured between them, and I have given an assurance that there will be a conference between the Attorney General, the distributors and myself to discuss all these matters. I urge the House to incorporate in the Bill the highest powers that they desire the Minister to wield. As I mentioned before, I shall agree to some of the amendments proposed, but I shall have to oppose others. Surely it is better to deal with these matters as I suggest rather than do it by regulation. Nothing could be fairer, and every member knows that is so.

I was sorry to hear the slighting references to the Government by Mr. Hearn. In fact, I am surprised he sought the endorsement of the Liberal Party when he stood for election. He knew what the Government was and he had had 12 months' experience of it prior to his election to this Chamber. I am sick and tired of hearing these city members lay down the law. Is it to be 12 merchants that will prevail as against 12,000 farmers? Are those 12 to govern the country?

Hon. E. M. Davies: And control it.

The HONORARY MINISTER FOR AGRICULTURE: Are 12 distributors, through their representatives in this House,

to be in power as against the representatives of 12,000 farmers? I claim that surely the representatives of that number of farmers should have some say. As I said during my second reading speech, if I thought that this measure would prevent distributors from effecting the sale of one tractor, or if it interfered with their business, I would not be enthusiastic about the legislation. It will certainly not bring one additional tractor here, nor will it prevent the sale of a tractor.

Hon. W. J. Mann: The distributors cannot sell what they have not got.

The HONORARY MINISTER FOR AGRICULTURE: Of course not. The argument raised was silly. We heard Mr. Dimmitt speak about goodwill. Today good will is represented by dividends, and profits constitute goodwill as well. The other day a man came to me and said he wanted to get a tractor from Mr. Linton. He said that if he could not get one, he would not cut 2,000 tons of hay. He said that if he did not get the tractor from Mr. Linton, he would go down and see the manager of the distributing firm. If that sort of thing is going to happen, what chance has the man at Mukinbudin who also wants a tractor? I would not blame the firm if it made the tractor available. What position would the manager of that firm be in if he deprived the shareholders of the profits to be derived from 2,000 tons of hay that would be handled if the tractor were made available? It might mean £2,000 or £3,000 to the firm.

I do not know that any business manager would like to be placed in the position of having to say to his directors or shareholders, "I lost that man's trade because I did not give him a tractor." As Mr. Baxter said, it is only natural that the manager would look after his firm's interests. Probably, if I were in his position, I would let the man have the tractor. Members would act that way if they were in a similar position themselves. To say that, is not to make a slighting reference to merchants; it is just a matter of business. The trouble is that the unfortunate man who has not the hay to cut or wants a tractor and cannot pay cash for it, will not be in a position to get one. I shall say no more at this stage because I will have a further oppor-

tunity when the Bill is considered in Committee.

Question put and a division taken with the following result:—

Ayes	17
Noes	10

Majority for	..	7
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AYES.

Hon. O. F. Baxter	Hon. A. L. Loton
Hon. G. Bennetts	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. A. Thomson
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. R. J. Boylen
Hon. L. A. Logan	(Teller.)

NOES.

Hon. L. Craig	Hon. J. G. Hislop
Hon. J. M. Cunningham	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. H. Tuckey
Hon. W. R. Hall	Hon. H. K. Watson
Hon. H. Hearns	Hon. J. A. Dimmitt
	(Teller.)

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Transition:

Hon. H. K. WATSON: I shall vote against the clause. Members have been given no indication as to what are the orders and regulations that are mentioned. The Minister has assured the House that the Bill is more in the nature of an enabling measure and that the Government, at its discretion, will institute controls. If the clause is passed, however, one order—and there may be more—which will be automatically adopted and have the force of law, is the order relating to tractors. I ask the Minister not to press the clause, because immediately this measure is assented to the Minister can, either by regulation or order, institute such controls as he may consider necessary.

The HONORARY MINISTER FOR AGRICULTURE: I am surprised that Mr. Watson should desire this clause to be struck out. I consulted the Solicitor General on the matter and this is what he has advised me upon the effect of the deletion of Clauses 4 and 5—

If these clauses are deleted there will be no ratification of the allocation of tractors and vehicles during the interim period of when the Commonwealth Government relinquished control and the date, if the Bill is agreed to, when the State makes the first order.

Furthermore, the action taken by the officers concerned, in allocating vehicles, will be open to challenge and could quite conceivably be the subject of a lawsuit. There would be no authority to pay these officers the salary they are entitled to, as they have carried on under Ministerial instruction which the Government, unless the action is subsequently approved by appropriate Statute, has no power to do. Admittedly the Government could make an ex gratia payment to recoup the officers' salary but that would not overcome the legal difficulty.

The important point, however, if these clauses are not agreed to, is this: It would leave the door wide open for abuse, distributors could ante-date sales and say that the vehicle was sold during the interim period, and if there was no legal control during this period there would be no obligation to apprise the controlling officer of vehicles which had been allotted.

Regarding "orders," there is no difference between controlling the allocation of a tractor or the building of a home. The provisions of the Bill are on all fours with the practice embodied under the Federal Act, except that the provisions of the Bill will be administered in this State by a State Minister, who should have some discretionary powers in such a simple matter without the need for evolving cumbersome regulations, and after all he is responsible to Parliament.

I submit the clause should remain. The point is covered entirely by Clause 7. I have already indicated that I will agree to some amendments; but in view of the Solicitor General's ruling and the invidious position in which distributors and others would be placed, the Committee should pass the clause.

Hon. H. K. WATSON: What the Minister has just said does not square with the assurance he gave to members that the passage of the Bill would not of itself bring controls into existence.

The HONORARY MINISTER FOR AGRICULTURE: Does any member think the Government would do something which Parliament says it should not do? The Minister may not exercise all the powers vested in him under the Bill. I am rather sorry I did not bring with me a Cabinet minute which definitely sets out what we intended not to do. If the Committee so de-

sires, it can hamstring the Minister by the Bill.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Interpretation:

Hon. H. K. WATSON: I move an amendment—

That in the definition of "motor vehicle" the words "includes a motor car, motor omnibus, motor wagon, omnibus, trailer and semi-trailer as respectively defined in the Second Schedule to the Traffic Act, 1919-1947," be struck out and the words "means a motor car of over twelve horsepower or a motor truck of a capacity not exceeding one ton" inserted in lieu.

If the amendment is agreed to, it means that the Bill would give control over motor vehicles of the same class as are at present controlled today under the Commonwealth regulations. I dealt with the point at length when speaking to the second reading and shall not repeat what I then said.

The HONORARY MINISTER FOR AGRICULTURE: I agree to the amendment.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That the definition of "order" be struck out.

The amendment really hinges on an amendment of which Mr. Hearn has given notice. He desires in Clause 7 to substitute "regulations" for "orders." Could the Committee treat my amendment as consequential on the way in which Clause 7 is decided?

The HONORARY MINISTER FOR AGRICULTURE: If Mr. Hearn's amendment is carried, we should recommit the Bill, to consider the word "order" in Clause 6.

The CHAIRMAN: We cannot go back without recommitment.

Hon. H. K. WATSON: I think the Minister's suggestion is a good one, and I ask leave to withdraw my amendment for the time being.

Amendment, by leave, withdrawn.

Hon. H. K. WATSON: I move an amendment—

That at the end of the definition of "tractor" the following words be added:—"but

does not include a tractor imported or manufactured for industrial use or a tractor of sixty horsepower or over."

The implication in paragraph (3) of the First Schedule is that the regulation is confined to agricultural tractors. Mr. Hall said last night that tractors are used for other than agricultural purposes. Road boards in the country districts and the metropolitan area use them, and, in addition, the heavy crawler tractor of more than 60 horsepower is essentially an industrial unit. There is no reason why industrial tractors should be included.

The HONORARY MINISTER FOR AGRICULTURE: I oppose the amendment. Most of the debate has centred around agricultural tractors, but many of them are required for clearing in connection with soldier settlement. There should, therefore, be some direction over those tractors. They are now controlled by the Public Works Department, and not by Mr. Linton. For 12 months it is desirable that all tractors should be subject to a degree of control. Last night Mr. Hall said that some road boards could not get enough tractors. The fact remains that the machines are not available. All road boards should be agreeable to allowing tractors to be used to clear land in order to settle soldiers.

Hon. L. CRAIG: I hope the amendment will be agreed to. If it is not, agriculture is not going to get many crawler tractors.

The Honorary Minister for Agriculture. I do not expect it to.

Hon. H. L. Roche: It will not get them, anyhow.

Hon. L. CRAIG: The Public Works Department is controlling them today, and it is now demanding the smaller types. The timber industry and other industrial concerns will get all the crawler tractors. Efforts are being made to see that all the crawler type tractors coming to Australia shall be of the larger sort. It is claimed that the farming community should be satisfied with wheel tractors.

Hon. A. L. Loton: They are not suitable for some areas.

Hon. L. CRAIG: That is the point. The agricultural industry will not get crawler tractors as long as they are under control.

Hon. H. L. ROCHE: It is most important that the heavy type crawler tractors should be retained under control. They have been controlled until just recently. Mr. Craig's suggestion is that a Government department would get the lot.

Hon. L. Craig: I did not say that.

Hon. H. L. ROCHE: I do not know who else would get them. The hon. member said the farmers would not. Quite a number of private individuals have heavy crawler tractors, and they are using them as bulldozers. A very limited number of these machines is likely to come into the country in the next 12 months. It is vital in the heavily timbered areas that plant of this kind be made available to the farmers for the clearing of land and dam sinking. The day has passed when we can get men to take on clearing under the old methods. It has to be done by machinery. If the control is lifted, individual farmers, or syndicates of farmers, will not get one of these £4,000 or £5,000 machines because they would buy only one in a lifetime. Firms such as Millars and Bunnings must of necessity have first call if there is no control. It is only commonsense.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 7—Power of Minister to make orders:

Hon. H. HEARN: I move an amendment—

That in lines 1 and 2 of Subclause (1) the words "Subject to Subsections (5) and (6) of this section, the Minister may, by order, make provision for" be struck out and the words, "The Governor may make regulations providing for" inserted in lieu.

The idea is to give Parliament a chance to allow or disallow any work done by the Minister under the measure.

The HONORARY MINISTER FOR AGRICULTURE: Under the Bill the Governor may make regulations to give effect to it. I was surprised at the support given by Mr. Hearn and Sir Charles Latham to government by regulation. Surely we have heard enough about the Government wanting to run the show by regulation. Let us deal with the measure now and not have to do it again in a couple of weeks after regulations are placed on the Table. Let us

decide now what the Minister may or may not do.

Hon. H. K. WATSON: I agree with all the Honorary Minister says about government by regulation, but this clause goes one step further to the bad in that it provides for government by orders over which we would have no jurisdiction. The proposal is that instead of giving the Government power to make such orders, it shall make regulations and thereby reserve to members the right of disallowing them if they think fit. I hope the amendment will be agreed to.

The HONORARY MINISTER FOR AGRICULTURE: It is for the Committee to say what the Minister can do.

Hon. H. L. Roche: Not if he makes an order.

The HONORARY MINISTER FOR AGRICULTURE: We can say that there is to be no order in connection with motor-cars under 12 horsepower. If members desire, they can preclude the Minister from making an order as to wire.

Hon. L. A. LOGAN: Only last week we fought tooth and nail the question of government by regulation. We seem now to be somersaulting. I shall stick to the Bill.

The HONORARY MINISTER FOR AGRICULTURE: We have agreed to the inclusion of new tractors. The Committee has defined what the Minister can order to be done. If members want to exclude new fencing materials, they can do so, but I hope they will not. It is in their hands to say what the Minister can order to be done.

Hon. H. L. ROCHE: If the House can define what the Minister can do, it must enumerate all the acts he may do and yet may overlook some that he may not do. I do not want to oppose the Honorary Minister, but if the procedure is to be by way of regulation, at least those regulations must come before the House and to that extent there is some control. This is a principle that has been argued before. If we leave the Bill as printed, the matter will proceed by order of the Minister and the House no longer has any control. I cannot see why the Honorary Minister should be so adamant about the amendment, if I correctly interpret the position. Regulations would be preferable to leaving it so

that the Government will proceed with the work by Order-in-Council.

The HONORARY MINISTER FOR AGRICULTURE: I am afraid that Mr. Roche does not quite understand what the powers of the Minister are. The Bill definitely states what he can do.

Hon. A. THOMSON: I am sorry the Honorary Minister is adamant on this particular point. Under the Bill we are laying down a new order, if I may use the term. We are establishing a principle that in future instead of regulations being provided we are approving of something which, once passed by the House, cannot be altered. If an Act is passed, it is within the province of any private member, if he can get sufficient supporters, to alter it by bringing an amending Bill before the House.

Hon. L. A. Logan: That is government by Parliament and not by regulation.

Hon. A. THOMSON: Yes. If we are going to lay down just exactly what the Minister may do, I am afraid future Bills will be very bulky. If it is done by regulations, at least the House has an opportunity of examining them and if members disapprove of them, they are disallowed. I urge the Honorary Minister to reconsider the amendment. The point is that the Minister has power to delegate his authority to someone who issues an order and we are in effect handing over, or giving away, the rights which we have at the moment. I think the Honorary Minister should reconsider the matter or report progress.

The HONORARY MINISTER FOR AGRICULTURE: There is nothing in the Bill to say that the Minister shall delegate power to someone else to make an order. The Minister makes the order but delegates authority to someone else to carry it out.

Hon. H. K. Watson: Look at Clause 10.

The HONORARY MINISTER FOR AGRICULTURE: I have already told the Committee that if any controls can be removed, it is within the power of the Minister to revoke them, whereas Parliament may not be sitting at the time. Somebody said that the Minister might make orders for all sorts of things but the Bill definitely states what the Minister can do. I have no objection to reporting progress at this stage if members want to get more information about the Bill.

Hon. G. Fraser: They do not want any further information.

The HONORARY MINISTER FOR AGRICULTURE: I should not think they would, but if the Committee wishes to report progress I will be quite happy to do so.

Hon. L. CRAIG: Let us determine what power we have given the Minister. Under the clause the Minister can, by an Order-in-Council, say that certain things shall be controlled. Provision can be made for prohibiting the storage of any vehicles in a garage or warehouse and the distributor immediately becomes the controller. He controls fully the storage, the use and the distribution of such vehicles. It is not a question of distribution at all. That is a minor function. If we are going to allow such extensive powers, it should be done by regulation, so that, if necessary, Parliament can say, "This is an unjust power and we are going to take it away from you." However, if it is left as an order, Parliament will have no power.

The HONORARY MINISTER FOR AGRICULTURE: Mr. Craig says this should be done by regulation. If the Committee wishes, it can take the power out of this Bill now. If members want control by regulation, then they can determine what they want and insert it in the Bill.

Hon. H. K. WATSON: I feel that the Honorary Minister is not fully seized with the point which Mr. Thomson clearly explained with considerable force. The Minister has power to make an order, revoke it, and make a fresh order. Under Clause 10 the Minister has power to delegate his authority to make an order to some officer. It is all very well to say the power is in the Bill as to what the order may provide, but members will see from the First, Second and Third Schedules, the first pro forma orders which it is intended to make.

The Committee should bear in mind that although they are the first pro forma orders, after the Bill has been passed they may be revoked at any time and some fresh orders proclaimed in lieu. Members will see that there is scope in those schedules for provisions which may be dangerous and which may be injurious to a farmer. As to the pledges or mortgages mentioned on page 5 of the Bill, I must confess that if a pledge or a mortgage over a machine does not in-

clude the power to sell, it virtually becomes a worthless pledge or mortgage and that particular provision seems one worthy of consideration. There may be many other points in the remaining schedules which I submit should be put up in the form of regulations for consideration by this House and not in the form of an order entirely beyond the view and jurisdiction of this House.

The HONORARY MINISTER FOR AGRICULTURE: I oppose the amendment. If the House in its wisdom wants regulations, I shall abide by its decision. I do not think it is desirable to have regulations because I think the position is fully covered as it is. Mention has been made of delegation of powers. The Minister cannot do these things without delegating power to effect them.

Amendment put and a division taken with the following result:—

Ayes	10
Noes	13

Majority against ..	3
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AYES.

Hon. J. M. Cunningham	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. W. R. Hall	Hon. A. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. A. L. Loton	Hon. L. Craig

(Teller.)

NOES.

Hon. C. F. Baxter	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. L. A. Logan
Hon. H. A. C. Daffen	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. Tuckey
Hon. G. Fraser	Hon. G. B. Wood
Hon. Sir Frank Gibson	Hon. R. J. Boylen
Hon. E. H. Gray	

(Teller.)

PAIR.

AYE.	NO.
Hon. J. G. Hislop	Hon. H. S. W. Parker

Amendment thus negatived.

Hon. H. HEARN: Bowing to superior numbers, I do not intend to proceed with the remainder of the amendments of which I have given notice.

Hon. R. M. FORREST: I move an amendment—

That in line 3 of paragraph (a), the words "and new fencing materials" be struck out.

I cannot see why the Government should wish to control fencing materials. Early in the war the Commonwealth assumed control, but found that the scheme was unworkable and handed back control to the distributors. Some of the stations in the North

have 500 to 1,000 miles of fencing, and the depreciation in those parts is far greater than in the South. The North is subject to willy-willies, which often destroy hundreds of miles of fencing. Very little fencing material has gone to the North-West in the last few years. If control were instituted by the Government, I think it would get most of the fencing materials and there would be very little left for private people. Why the Government should wish to bring in a new control is beyond my comprehension.

The HONORARY MINISTER FOR AGRICULTURE: I oppose the amendment. I consider that the hon. member really spoke against his proposal when he stated that no material had gone to the North-West. This would indicate that the distributors had not considered those whose needs were greatest. The North-West urgently requires fencing materials and, if they were under control, that part of the State would receive consideration. I do not think that the Government would take all the fencing materials at the expense of private users. Such materials may be required for the research station in Kimberley. We were refused materials for that station, and surely the hon. member would not say that was right. The Government would also need supplies for ex-Servicemen. Cabinet decided that the order would not be exercised unless the distributors failed to do the job satisfactorily. There should be provision for control for at least 12 months.

Hon. L. CRAIG: I support the amendment. The Government would experience tremendous difficulty in dealing with the enormous number of applications for fencing materials. These materials have not been controlled, and the fact of their being included in the Bill has antagonised people more than anything else. I think the distribution has been satisfactory; apparently there has been no substantial complaint. I do not suppose there is a farmer in the State who has not lodged an order for material of some sort. I know of an order for 600 miles of netting, and thousands of miles of fencing materials are required as well as steel posts running into millions. The delivery of these materials is arranged on a priority basis. There is something to be said for that. The business is so huge that no one man, unless he had a large staff, could cope with the applications and con-

sider the needs of the various applicants. The present method of distribution is fair. I myself wanted a huge quantity of netting, and after a year I got five coils for the erection of sheepyards on a station. I am the sole director of the company that sold me the netting, but I did not receive preferential treatment over other customers.

Hon. G. FRASER: I oppose the amendment for the reasons advanced by Mr. Forrest and Mr. Craig. Mr. Forrest told us that his portion of the State has not had any fencing wire for years.

Hon. R. M. Forrest: I said very little.

Hon. G. FRASER: The reason is that the wire has not been controlled. I also oppose the suggestion that the wire should be distributed according to priority. The method to be adopted should be to distribute it to those most in need.

Hon. R. M. Forrest: How would you find that out?

Hon. L. Craig: It is utterly impossible.

Hon. G. FRASER: Would the hon. member suggest that because someone made an application for a house ten years ago he should get it even though some other person were in greater need of it?

Hon. A. Thomson: Yes, why not?

Hon. G. FRASER: If he were living in a house, should he be given preference over someone living on a back verandah or in a caravan?

Hon. A. THOMSON: Could the Minister give the Committee an assurance that if this provision remained in the Bill it would ensure a greater supply of fencing material? What would it cost to import fencing material from Great Britain?

Hon. L. Craig: About four times as much.

Hon. A. THOMSON: What would it cost to import it from Belgium? We imported steel from Belgium before the war. If fencing material is to be controlled, it will mean an increase in the number of persons to be employed in the department. The supply is held up because the coalminers and steelworkers in the Eastern States are not producing as they should be. Even so, there is the difficulty of obtaining shipping space. I hope the Committee will agree to the amendment.

Hon. H. L. ROCHE: I think Mr. Thomson must cherish the illusion that we are depending upon Eastern States manufacturers for wire netting, but we have been entirely dependent for our supplies on the local manufacturers. A question was asked about English and Belgian wire. Some time ago I had English wire quoted at £100 a ton. I do not know what the price of Australian wire is today, but at that time it was about £23 a ton.

Hon. R. M. Forrest: It is more than that.

Hon. H. L. ROCHE: I could not say what it is now. I ordered a limited amount of English wire, and was subsequently told there was none available but that I could have Belgian wire at £120 a ton. That was more than I was prepared to pay. I do not suggest that if this amendment is defeated and the provision remains as printed, any more wire will be produced, but there will be a better check on distribution. To some extent I agree with Mr. Fraser that Mr. Forrest and Mr. Craig made out a strong case in favour of the provision in the Bill. On the face of things, the giving of priority in accordance with the date on which orders are placed cannot work out equitably, because more urgent cases arise subsequently. Under that provision, the man who has had his order in for the longest time receives consideration. I do not think it is the Government's intention to continue this control longer than it must. The Bill itself provides for a period of only 12 months. If the Government is going to build up that big staff of which Mr. Thomson is afraid, it will have to get a move on. I do not think this Government, or any Government, will look forward to renewing these controls, particularly if supplies improve.

The HONORARY MINISTER FOR AGRICULTURE: I cannot see eye to eye with Mr. Craig when he advocates that a man who has had an order in for four or five years should take precedence over a man who happens to be a new settler and has no fencing at all. The man with the greatest need should have priority. I will give an assurance that the Government will not order the control of any wire netting or fencing material if it finds the difficulties are too great and that such control will not do any good, or if it finds that the ex-

pense is too great or the job is too big for it, as has been suggested. I discussed with Mr. Linton the matter of including fencing material. He said it would be a pretty tough job but he would stand up to it. He is a very sick man and I doubt whether he will be the one to exercise the control; though I hope he is. The point is that we want this power in order to exercise it if we deem that step necessary.

Hon. H. TUCKEY: I do not think this control is justified. It would be impossible for any one man to sort out the deserving cases amongst those desiring wire. I do not know a farmer who does not require some. All over the Commonwealth a similar position exists, and I have met many farmers in the other States who have told me that the position is worse there than here. To say the legislation would be required for only one year is silly. It will be many years before we can expect to obtain any great quantity of fencing materials. I venture to say the time will come, unless something is done to speed up production, when farmers will have to sell their stock because their fences will not hold them in. The Honorary Minister spoke of new settlers, but I think we should look after those we have. I agree we need new settlers but it is no good if we cannot give them wire with which to fence their land.

Hon. R. M. FORREST: I hope the Committee will delete the reference to fencing wire. There are 10,000 orders for fencing material and how priorities are to be established I do not know. Mr. Craig's idea is the best; namely, that priority should go to the person who first submitted his order. If a man placed an order three years ago, he is entitled to some wire in preference to a man who has only recently made application. The firms are making a very equitable distribution, and if the present system is departed from, severe injustice will be done to farmers and pastoralists.

Amendment put and a division taken with the following result:—

Ayes	..	..	..	12
Noes	..	..	..	11
				—
Majority for	..	..	..	1
				—

AYES.

Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Cunningham	Hon. G. W. Miles
Hon. H. A. C. Daffen	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. A. Thomson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. H. Tuckey
	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen
Hon. E. M. Heenan	(Teller.)

PAIR.

AYE.	No.
Hon. J. G. Hislop	Hon. H. S. W. Parker

Amendment thus passed.

The CHAIRMAN: I draw attention to Subclause (6). Where new fencing material is referred to in that subclause, it will be consequentially amended.

Clause, as amended, agreed to.

Clauses 8 to 14, First Schedule—agreed to.

Second Schedule:

Hon. H. K. WATSON: I take it the definition of commercial motor vehicle will be consequentially amended in view of the amendment made to the definition of "motor vehicle."

The CHAIRMAN: I think the amendment should be moved. It does not appear to me to be consequential.

Hon. H. K. WATSON: Very well. I move an amendment—

That in line 1 of the definition of "commercial motor vehicle" after the word "vehicle" the words "of a capacity not exceeding one ton" be inserted.

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

Third Schedule:

Hon. H. K. WATSON: I move an amendment—

That in line 1 of the definition of "motor car" after the word "vehicle" the words "of over 12 horsepower" be inserted.

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

Title—agreed to.

Bill reported with amendments and the report adopted.

House adjourned at 11.33 p.m.