Legislative Council,

Tuesday, 18th November, 1919.

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

ELECTION RETURN—METROPOLITAN PROVINCE.

The Clerk announced the return of a writ issued for the election of a member for the Metropolitan Province, showing that Arthur Lovekin had been elected.

The Hon. A. Lovekin took the oath and subscribed the roll.

QUESTION—RAILWAY COAL, PREVENTION OF FIRES.

Hon. H. CARSON asked the Minister for Education: 1, Is it the intention of the Government to use Newcastle coal during summer months in the agricultural districts? 2, If so, when will they begin the use of it?

The MINISTER FOR EDUCATION replied: 1, Yes, to such an extent as safety demands. 2, Newcastle coal is now being used in certain districts.

BILLS (3)—THIRD READING.

1, Perth Mint Act Amendment.
2, Inebriates Act Amendment.
3, Licensing Act Amendment Continuance.

Passed.

BILL—DROVING ACT AMENDMENT.

In Committee.

Resumed from 15th October.

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

Clause 2—Amendment of Section 3:

The CHAIRMAN: This clause has been amended by the striking out of "twenty" in line 2.

The MINISTER FOR EDUCATION: I have an amendment on the Notice Paper, but to carry it into effect it would be necessary to go back over that portion of the clause already dealt with. Progress would be expedited if the clause were now formally passed; then later I will have it recommitted for the purpose of dealing with the whole of it.

Clause put and passed.

Clauses 3, 4, 5—agreed to.

Clause 6—Amendment of Section 10:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 3 the words "reasonable distance" be struck out, and "two miles when not travelling on a stock route, or at the leaseholder's last gate when travelling on a stock route" be inserted in lieu.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move a further amendment—

That after "shall" in line 4 the following be inserted:—"and by adding a proviso, as follows:—'Provided that the yard shall be in the direction the stock are travelling, and in the case of stock travelling on a stock route the yard is provided by the lessee at the last gate on his run.'"

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

Clauses 7, 8—agreed to.

Clause 9—Amendment of Section 16:

The MINISTER FOR EDUCATION: In accordance with the recommendation of the select committee, I should like to move that the clause be struck out.

The CHAIRMAN: The hon. member will vote against it.

Clause put and negatived.

Clause 10—Amendment of Section 17:

The MINISTER FOR EDUCATION: My last remarks apply to this also.

Clause put and negatived.

Clause 11—New sections:

Hon. J. J. HOLMES: On the Notice Paper appears an amendment in the name of Sir Edward Wittenoom, who has asked me to move it in his absence. I move an amendment—

That the proviso be struck out, and the following inserted in lieu:—"Provided that this section shall not apply—(a) where stock is being driven to a destination which cannot be reached by such stock route; (b) where the drover has obtained the written permission of the owner or manager of the run to leave the stock route; but in every case the drover shall drive the stock on the stock route to the nearest point thereon to his ultimate destination."

Hon. V. HAMERSLEY: I do not quite understand the amendment, which is very similar in its wording to the proviso in the clause.

Hon. J. J. HOLMES: The amendment means that the drover must follow the stock route as long as possible and must then pass

by the shortest route to his destination. The clause allows the drover to leave the stock route, practically whenever he thinks fit.

The MINISTER FOR EDUCATION: These two paragraphs have been submitted to the chief inspector of stock, who points out that he had included them in his own suggested amendments and that they have been approved by the Pastoralists' Association. They are held to be essential.

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

Clauses 12 to 15—agreed to.

New clause—Amendment of Section 15:

Hon. J. A. GREIG: I move an amendment—

That the following be inserted to stand as Clause 9:—"Section fifteen of the principal Act is hereby amended by adding a subsection as follows:—'(4) The owner or lessee of a run into which any travelling stock enter shall keep the route clear of his own stock after receiving such notice as aforesaid while the travelling stock are crossing the run.'"

This amendment is a recommendation of the select committee who inquired into the Bill. Section 15 of the principal Act reads—

(1) No drover shall allow any travelling stock to (a) enter any enclosed run; or (b) approach within 10 miles of the homestead or head station on any run; or (c) approach within 10 miles of the headquarters of any person in charge of stock on any part of any run, unless he first gives the occupier or manager of such run, or the person in charge as aforesaid, as the case may be, not less than 18 hours', nor more than three days', written notice of his intention to cross or enter such run. (2) Such notice shall specify by what route and on what day and time the stock are to cross or enter the run, and may be served by being left at the homestead, head station, or headquarters respectively. (3) No such notice shall be necessary in the case of stock bona fide used for saddle, packing, or draught, nor where stock, not exceeding in the whole seven in number, are in charge of a drover.

The squatters who gave evidence before the select committee were quite agreeable that the owner of the run should be responsible for keeping the stock route clear.

New clause put and passed.

New clause—Application of Act to South-West Division:

Hon. J. A. GREIG: I move an amendment—

That the following be inserted to stand as Clause 13:—"A section is hereby inserted in the principal Act as Section 21, as follows:—'21. (1) This Act, except section fifteen thereof, shall not apply within the South-West Division of the State as defined by the Land Act, 1898, except when travelling stock are required to cross land held under pastoral lease.

(2) In the application of section fifteen to the South-West division of the State paragraphs (b) and (c) of subsection (1) thereof shall not apply, and the words "twelve hours" shall be read in lieu of "eighteen hours," and the section shall be subject to a proviso as follows:—Provided that it shall not be necessary for notice to be given if the stock are driven over a main road fenced on both sides thereof.'"

Hon. J. J. Holmes: Are these amendments approved of by the select committee?

Hon. J. A. GREIG: Yes.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Minister for Education, Bill recommitted for the purpose of further considering Clause 2.

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

Clause 2—Amendment of Section 3:

The MINISTER FOR EDUCATION: I move an amendment—

That the words "substituting the word 'twenty' for the word 'forty'" be struck out, and the words "omitting the words 'taken or driven or about to be taken or'" inserted in lieu.

The object of the amendment is to make it clear that the clause applies to stock driven, and not to stock conveyed by boat or rail.

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

Bill again reported with a further amendment.

BILL—FRUIT CASES.

In Committee.

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

Clause 1—Short title and commencement:

Hon. A. SANDERSON: On a point of procedure, I am not clear as to when the report of the select committee on this Bill is going to be taken into consideration.

The CHAIRMAN: There are no amendments to the Bill on the Notice Paper, and it is quite competent for the hon. member to move amendments as the various clauses come up.

The MINISTER FOR EDUCATION: I have no doubt that Mr. Sanderson, as chairman of the select committee who inquired into the Bill, is prepared to move amendments to the clauses in which he requires them. An advance copy of the report has been considered by the Agricultural Department; and the department, for reasons which I shall state, are not prepared to accept the recommendations of the select com-

mittee. I take it that the only course will be for the hon. member to move his amendments as we come to the various clauses.

Hon. A. SANDERSON: By way of personal explanation, and speaking, as I believe, for all my colleagues on the select committee, I desire to say that we have prepared no amendments, at all events not as a committee. I do not know whether that is curious or irregular, but it is the fact. I personally have waived my opposition to this Bill on the question of principle, leaving it to any member to move any amendments he likes on the Bill.

Clause put and passed.

Clause 2—Interpretation:

Hon. J. NICHOLSON: When I heard the report of the select committee read the other day, I understood that the report was to be printed and circulated. I have not had an opportunity yet of perusing the report; and I have not placed any amendments on the Notice Paper, as I was waiting to see whether they would be anticipated by the select committee. I hope, therefore, that the Minister for Education will allow progress to be reported even at this early stage.

The MINISTER FOR EDUCATION: If hon. members know what they want, I shall be only too pleased to comply with their wishes. We are now considering Clause 2. If there is anything wrong with that clause, let hon. members state what is wrong, and we will discuss it. It seems to me rather an unusual request that I should report progress for no particular reason.

Hon. H. MILLINGTON: A select committee having been asked to report on this Bill, is it not the usual course that the select committee's report should be taken into consideration while the Bill is in Committee? Is it not competent for us to discuss the report unless we come to some clause in connection with which we can, in some ingenious way, refer to the report? It seems to me peculiar that after so much trouble has been taken to hear evidence and prepare a report, the Committee cannot refer to the report.

The CHAIRMAN: I must ask hon. members to adhere strictly to the clause under discussion. If they desire other procedure, they must move to report progress.

Hon. A. SANDERSON: I intend to move an amendment to Clause 2 which will enable the Committee to decide, if not the whole question of the Bill, at all events the most important part of it. It will also enable the Committee to discuss the question of the report, because the whole matter turns on this—are we going to put the size of the case in the Bill, or are we going to leave it to regulation? So far as the industry is concerned, if we put it in the schedule, it will settle the question. So far as my personal attitude to the Bill and the position of the Bill are concerned, I waive both. Nothing that I have heard in the evidence has convinced me that this is a good Bill, but that is a matter of comparative unimportance. Many people, however, desire that this question should be settled, and therefore I waive my own judgment on the matter and say, "Very well, the question to be decided is, either put the schedule in the Bill or leave the matter to be determined by regulation." I received a letter only a little while ago—I regret that Mr. Clarke is the only one of my colleagues on the select committee to whom I have had an opportunity of showing it. It is from the Orchardists' League. They are most anxious that the size of the case shall be determined by regulation. This is the resolution that they carried, "That this meeting of the executive of the W.A. Orchardists' League affirms its previous desire, and resolution of its conference, for standard cases, such standard to be fixed by regulation." That is to say, that every member who supported the resolution at the Orchardists' League would vote against my amendment. That would hand the whole matter over to the Agricultural Department. Hon. members will see that a great majority of the witnesses examined by the select committee were in favour of putting the size in the Bill, but in order to be quite fair to the department and the parties interested in the matter, it is necessary to say that the chairman of the Orchardists' League, Mr. Harper, was not in favour of the schedule being put in the Bill. He stood by his own people and asked that is should be left to regulation.

The MINISTER FOR EDUCATION: The proposed amendment will test the question at issue between the select committee and the attitude taken up by the department. Hon. members will readily agree that it is not without diffidence that I take up the attitude of opposing the recommendations made by the select committee which met to inquire into this matter. I do not intend to ask hon. members to vote on this question until they have had an opportunity of seeing the evidence and the schedule to which the hon. member's amendment refers, but I think it will assist hon. members in arriving at a proper conclusion if I tell them why it is that the department cannot see their way clear to adopt the suggestions of the select committee. The report of the select committee makes some reference to the South Australian Act, and mentions that the standard case should be set out in the Bill as in the South Australian Act. I have made inquiries and I find that in an Act passed in South Australia—I think in 1915—a schedule in that Act set out the size of the cases, but much more recently than that—last year I believe—we received from South Australia a copy of their regulations, and in those regulations the sizes of cases were prescribed. All the other States provide for the size of cases by regulation. There is a liability of the regulations in the other States being altered at any time. What would be the position of the West Australian grower if the size of the case in this State were prescribed by Act of Parliament and that size could only be altered by the process of getting a

Bill through Parliament. It might take a couple of years to get such a Bill through Parliament, and if one of the other States amended their regulation our growers would find themselves in a difficult position. The growers here have arrived at different conclusions as to what the sizes of the cases might be. It has been represented to me that the recommendation for the inclusion of the size of the case in the Bill comes only from the dealers. The report of the select committee states that this course is recommended by Benjamin Mercer, Frank Simper, and Arthur Keene—all dealers. The contention is advanced that the Bill is required for the protection of the grower and the consumer. Mr. Sanderson has told us that this morning he was circularised by an organisation representing the growers, and that they had unanimously carried a resolution protesting against putting the sizes of the cases in the Bill, and urging that the size should be provided for by regulation.

Hon. J. Cornell: All your arguments up to date are for the exporter.

Hon. J. Duffell: And it is the exporter we want to assist.

The MINISTER FOR EDUCATION: The recommendation submitted by Mr. Sanderson comes from the opponents of the Bill, because they know that if it is put in the Bill the Government will not proceed with it. I am further informed that no representatives of the fruit growers were examined on this question by the select committee.

Hon. A. Sanderson: That is not so.

The MINISTER FOR EDUCATION: I am told that one representative of the fruitgrowers was invited to attend and that he waited about for four hours without in the end being examined. I do not propose to ask hon. members to proceed further without reading the evidence. It is well that members should be seized with the departmental view of the question.

Hon. A. SANDERSON: The statements made by the leader of the House demand immediate attention. I am speaking not only for myself, but for the other members of the select committee, and I voice their opinion when I inform hon. members that the select committee decided to examine a representative of the different interests in this matter. We took the selling agent, the packer, the Agricultural Department, the sawmiller, and the grower. If a representative fruit grower was kept waiting here I cannot help it. There might have been a dozen of them present for all I know. I never asked them to come, and I do not know who authorised them to attend here. We had some little difficulty in getting a representative fruit grower, but we were able to get a representative of the Orchardists' League in the person of Mr. Walter Harper, who is fully qualified to speak, not only as an orchardist, but as a representative of the league. It is only fair that hon. members should know this. I asked Mr. Harper how many fruit growers there were in this country. He said he did not know. I said, "I can tell you; there are 2,400, according to statistics." I asked him if that number was correct and he agreed that it was approximately correct. Then I asked how many of the 2,400 were represented by the league and he could not tell me. A member of the league has since informed me that this body represents about 300 growers. All I can say is the select committee did their utmost to obtain the best representation of the fruitgrowing industry. I am attempting on this occasion to take up a semi-judicial attitude and to explain the position of affairs as disclosed to the committee. The leader of the House made a rather clever debating point, but one hardly befitting the dry light we wish to bring to bear on this question. He said that if the size were stipulated in the Bill instead of in a regulation, we would be likely to shut off our trade with the Eastern States. What difference does it make either to this State or to this amendment what the Eastern States are doing, or whether they have the size stipulated in Act or regulation? It does not make the slightest difference. I admit I do not think it will make much difference whether the size is stated in the Act or in a regulation, but the committee do not quite agree with me on that point. The Minister's statement is misleading, though not intentionally, because he is really speaking for the Department of Agriculture. The trouble is the Department of Agriculture do not know now whether the size in South Australia is stated in the Act or in a regulation.

The Minister for Education: I know they have it in a regulation.

Hon. A. SANDERSON: It is in their Act; we have seen it. Whatever the regulations in South Australia, Victoria, or New South Wales might be, if we are going to send oranges there, we must conform to their regulations irrespective of whether we have a standard size set forth in an Act or in a regulation, If we have a regulation, we must in fairness to the sawmillers—and the State sawmills are interested in this—give those supplying cases reasonable notice to get rid of their surplus stock. The Honorary Minister suggested that 12 months would be fair notice. The suggestion of the Minister for Education that, if a change were made in the East, we could make a change to-morrow is entirely misleading because the Minister and witnesses and members here all know that it is impossible to change a regulation at five minutes' notice when we have in stock probably thousands of cases which would have to be thrown on the scrap heap.

Hon. J. Cornell: If put on the scrap heap, the grower would pay for them.

The Minister for Education: Under regulations, they could be given time.

Hon. A. SANDERSON: That brings me back to the view I have held all along that the fruit industry would have been better if the Department of Agriculture had never

been brought into existence. This Bill will hand the business over to the department to do as they think fit with it. Regarding the export trade as against the home trade, one of the proposals is that the consumer as well as the grower should be protected. I agree with that. If members look at the evidence of Mr. Simper on the question of regulation versus the Act—I am sorry the evidence is not before us—they will find that he had no hesitation in saying that, if the matter was to be handed over to the Department of Agriculture, he would prefer to have no Bill at all.

The Minister for Education: He would prefer no Bill at all in any case.

Hon. A. SANDERSON: The Minister is under a misapprehension. Mr. Simper was emphatic in advocating a standard case, but he wanted it set out in the Bill. Members will realise the absurdity of the whole performance. If we want a standard case, why not put it in black and white in the Bill? That is a reasonable attitude. If some extraordinary circumstances quite unforeseen and unlikely did arise, the Minister with a stroke of the pen could give the growers permission to export to Melbourne and Sydney. The Minister has given merely the departmental point of view. This matter if of great importance to the community and any reasonable arguments should not be lightly brushed aside. I can only express my regret that I had not time to circularise members of the select committee in regard to the resolution which has been mentioned, as I realise they were entitled to have it before the discussion came on.

Hon. H. MILLINGTON: The select committe took the view that they were appointed to decide whether it was desirable to have a standard case for certain fruits and, if so, what the size should be. We have conducted our inquiry on these lines and it is a matter for regret that Mr. Sanderson, in moving that the recommendation be adopted, should show that he is an anarchist and does not believe in regulating the size of cases. This is a remarkable position. It will give members an idea of the difficulties we have had to contend with. I was under the impression that we were to examine men who knew all branches of the retail and wholesale trade, as well as growers, in order to find out their opinions based on experience and knowledge, and that we should then base our recommendations on the evidence. Mr. Sanderson has to admit that this has been done. The recommendations do not represent an opinion gathered at street corners. When members see the evidence, they will find that the whole of the witnesses examined agreed that there should be a standard case, but they did not succeed in convincing Mr. Sanderson.

Hon. A. Sanderson: Hear, hear! That is so.

Hon. H. MILLINGTON: The question then arose whether the standard should be set out in the Bill. We were given a copy of the South Australian Act.

The Minister for Education: Dated 1915.

Hon. H. MILLINGTON: I do not know whether it was the latest, but the standard was set out in that Act. We are not recommending a caricature of a case. The case recommended by the select committee is in general use and will be accepted in any market to which we are likely to export fruit in the Commonwealth or in the Old Country. All the evidence of men dealing in fruit goes to show this is so. Then we had to decide whether it was advisable to recommend that the size should be stipulated by regulation or included in the Act. Although the evidence was not unanimous, the greater proportion of the witnesses considered it would be advisable to state the size in the Bill rather than throw themselves on the mercy of the Department of Agriculture and the select committee recommended accordingly. Whatever the view of Mr. Sanderson or of the leader of the House echoing the opinion of the Department of Agriculture, this recommendation is based on the evidence, and I shall do my best to see that the findings in the select committee's report are given effect to. The Minister for Education very early in the debate has voiced a rather ingenious belief that those who recommended a standard case do not want any such thing, but asked us to include it in the measure simply to kill the Bill. This is rather specious argument. Those who desired the size of the standard case to be set out in the Bill were most enthusiastic about it. Unlike members of the select committee, they did not have to be dragged along to the meetings. They considered that this would be an advantage in their business. The leader of the House suggests that they came along to fool the committee. The recommendations of the committee are based on evidence and not on imagination, as the criticism of the leader of the House has been. He says we have not examined the fruitgrowers. Not only have we done that but, in conformity with our policy, we have examined a representative of the fruitgrowers, one who spoke officially on their behalf. Why does not the leader of the House make a little more sure of his facts before stating such a thing? We examined, amongst others, Mr. W. Harper. I presume he represents the fruitgrowers.

The Minister for Education: He opposed the idea of putting it in the Bill.

Hon. H. MILLINGTON: But the Minister for Education stated we had not examined them. These fruitgrowers are certainly very conservative. If they have any knowledge they economise it, and it is difficult to get any information from them. If a mistake is made then it is due to the fact that the fruitgrowers did not avail themselves of an opportunity to let us know their ideas on the subject. The committee endeavoured to get men representative of the various phases of the industry. We have had the evidence and have based our report and recommendations upon that evidence. On the question of regulation versus placing this in an Act, after arriving at the conclu-

sion that a standard case was desired by the majority of those concerned, we were prepared to take the responsibility of saying that instead of throwing upon someone else the onus of saying that there should be a standard case, we deemed it advisable to place it in the Bill. Our object in adding that was that those who were affected would know what they were getting, and would not have it left to the department to do by regulation that which might not suit the people concerned in the industry. The department do not seem any more sure of their ideas than do the Government in this respect, but those associated with the business are in the main satisfied that this proposal should be carried out. The Minister for Education also says that if this was done by regulation it would be a simple matter to alter it. That is not so. We sought to determine the notice necessary to be given to those interested in the event of our bringing in a standard fruit case. Witnesses considered that at least 12 months' notice should be given before any alteration was made. Does the leader of the House try to make us believe that by regulation the size of a fruit case can be altered in five minutes? Before it can be altered 12 months' notice, at all events, would have to be given.

The Minister for Education: Absolute nonsense.

Hon. H. MILLINGTON: The manager of the State Saw Mills and others were emphatic in that regard. The season's orders are usually given well in advance. How would the department get on if the various mills had been given the season's orders, and the Agricultural Department altered the size by regulation? It is idle to say that this matter, if dealt with by regulation can be altered frequently. If anything like that is anticipated, let us not attempt to standardise the cases at all. This is not a subject to be tinkered with every few months on the agitation of some particular section of the industry. With reference to the South Australian Act and regulations, we have a standard case in this Bill. There will be innumerable regulations. One of the clauses says "Fruit to be sold in standard cases," and gives a long list of the things which would not come into the regulations. If a standard case were adopted regulations could provide the kind of fruit which would not come within the scope of the standard case. It might be that the South Australian Act provides for the standardisation of fruit cases for certain fruits and that others are provided for by regulation. If, however, the department do not know what has taken place in the other States, we should be very careful before putting into their hands a matter of this sort. I can well understand the hesitancy on the part of growers not to hand this over to the department. The report is based upon the evidence and it is entitled to respect. Otherwise the whole business of appointing a select committee is a farce.

Hon. J. J. HOLMES: I understand the leader of the House is prepared to report progress on this Bill. I gather that we are on very dangerous ground if we attempt to fix the size of a case, either by regulation or by Act of Parliament. The Honorary Minister told us that the combined fruitgrowers of Australia in conference in Tasmania had failed to agree on the point, and the Committee of this House ridiculed the idea that the Government should, by regulation, and on the advice of their officers, fix what the combined conference could not fix. Now we have a select committee of four members, who admit that they do not know anything about the matter, proposing to include the size of the case in the Bill. The only way to get over the difficulty is to sell the fruit by weight. The size of the fruit which goes into a case depends upon the quantity that is put into a case. More small fruit will go into a case than large fruit. I desire more information as to how the select committee arrive at the conclusion that this was the only case that could be agreed upon for all time, and that it should go into the Bill. The consumers are the best judges as to what they should get in a case. On the question of regulations and their effect upon the timber mills, if we pass this Bill, I presume it will be illegal to export or use any case other than that set out in this measure, and that all the timber that has been cut already will be obsolete. The Bill will have to be held over for 12 months.

Hon. J. A. Greig: That is already provided for.

Hon. E. M. CLARKE: Inasmuch as the evidence which was taken by the committee is not before members, I say it is only fair that the question should be held over until they have had an opportunity of perusing it. My idea is, in accordance with that of those who advocated it, that this should be done by regulation. Nothing will convince the growers more quickly than to let them have a try at it. I cannot agree with the decision of the other members of the select committee. I shall vote that the Bill remain as it is.

[The President resumed the Chair.]

Progress reported.

BILL—PURE SEEDS.

In Committee.

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

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. A. SANDERSON: I move an amendment—

That Subclause 3 be struck out.

If the object of the Bill is to see that pure seeds are grown and sown in this country, why should it not apply to the growers? The

grower of the seed is specially exempted from the operation of the measure, which seems an extraordinary proposition, and I hope the Committee will not agree to it. With regard to a sale by one farmer to another, the same thing applies. If I buy seed from a seed merchant the whole of this drastic provision comes into operation. If I buy from a farmer, it does not apply.

The MINISTER FOR EDUCATION: I trust the Committee will not agree to the amendment. Mr. Sanderson has referred to "this drastic Bill" and apparently he wants to make it still more drastic. The exceptions proposed to be struck out are legitimate and are entirely in accord with the spirit of the Bill. The object of the Bill is to ensure that purchasers shall have information which will enable them to assess the value of the seed. The seed merchant will be able to look after himself perfectly well. Regarding sales from farmer to farmer, the purchaser knows very well the conditions under which the seed is grown. I see no objection to leaving the subclause in the Bill. The exceptions are legitimate and proper.

Hon. R. J. LYNN: I quite agree with Mr. Sanderson. It appears that if this subclause remains in, it will not be necessary for any grower to give any warranty to a seed merchant purchasing his seed. The Bill will thus become operative only against imported seeds.

The MINISTER FOR EDUCATION: The hon. member is quite in error. This seed will come under the provisions of the Act when it is being retailed. All the seed will come under the provisions of the Act then.

Hon. G. J. G. W. MILES: I am inclined to support Mr. Sanderson in his contention. This appears to me to be another scheme to protect the primary producer. The Government seems out all the time to protect one man against the rest of the community.

Hon. J. W. KIRWAN: What is sauce for the goose should be sauce for the gander. Why should we exclude the grower from the provisions of the Bill when they particularly apply to the seed merchant?

Hon. H. CARSON: I am surprised at the arguments of some hon. members. The seed merchant is an expert and will know what he is buying from the grower. He will see that he gets nothing that is shoddy or inferior. It is the general public that the Bill is designed to protect. I will support the clause as it stands.

Hon. J. J. HOLMES: If we make these exceptions where is the necessity for the Bill at all? If a merchant is buying only the best article, then there is nothing but the best article on the market to be retailed. I think the grower should certainly come under the operations of the Bill. As for the farmer, we have evidence every day in the week that he is quite capable of looking after himself.

Hon. H. CARSON: In reply to Mr. Holmes; there is a great deal of seed imported, and the importer does not always know the quality of that seed.

Hon. J. A. GREIG: Hon. members have missed the point that this Bill is aiming at. Merchants often have a large stock of seed on hand. Take turnip seed, for instance. If that is kept for four or five years, it will not germinate. I sowed some old turnip seed last year and I do not think one per cent. germinated. This Bill is brought in to protect the buyers against old seed. The seed merchant has methods for testing the seed and finding out its germinating powers. There is no danger of the seedsmen buying old seed from the grower as the latter is not in the position to hold his seed for four or five years. It is immaterial whether the clause is left in or struck out. I have looked carefully through the Bill, and cannot see in it anything injurious to any section of the community.

Hon. J. J. HOLMES: Mr. Greig, a practical man, has told us that he bought seed which would not germinate. I think the subclause should be struck out.

Hon. J. DUFFELL: The Honorary Minister on the second reading told us how a Sydney merchant bought some Yorkshire bog grass from a New Zealand firm, and found that it contained a considerable percentage of foreign seeds. That was purchased from the grower, whom the subclause proposes to exempt. The argument used by the Honorary Minister is one of the strongest that could be found in support of the amendment.

Hon. E. M. CLARKE: The maker of an article—in this case the grower—is responsible to the purchaser that the article is good and sound. The merchant or distributer will have to get from the grower a certificate that the seed is sound. If the distributer holds it so long that it is in danger of deteriorating, he will have to guarantee the purchaser that it is still good. It is preposterous to exempt only the grower.

Hon. J. A. GREIG: Mr. Clarke has overlooked the fact that the seed merchant has machinery for cleaning the seed. He buys a mixture from the grower and cleans it thoroughly after purchasing it. If the amendment be passed it will compel the grower to purchase cleaning machinery for himself, and so will put up the cost of the seed.

Hon. E. ROSE: I will support the amendment. I do not see why the grower should be exempt. Although the machinery mentioned by Mr. Greig can clean seed, it cannot renew seed that has deteriorated.

Hon. V. HAMERSLEY: If the amendment is carried, the Bill might as well be defeated. The Bill is largely for the protection of those people who have flower and vegetable gardens. It is no uncommon experience to sow what one regards as seed, and reap merely a lot of rubbish. The ordinary grower cannot distinguish between similar seeds. Generally speaking, when defective seed is sold it is with the full know-

ledge of the seed merchant. It is easy for one seed merchant to put on the market seed to the value of 3s. or 4s. a pound——

The CHAIRMAN: We are discussing the proposition as from the grower to the seed merchant, or to another grower. Only the amendment is open for discussion.

Hon. V. HAMERSLEY: When a farmer purchases seed from the merchant he assumes that the merchant deals only in honest seeds.

Mr. Duffell: What about the seed he himself sells to the merchant?

Hon. V. HAMERSLEY: The seed merchant will probably purchase an expensive seed and mix with it a lot of cheap seed.

The CHAIRMAN: The hon. member is out of order in discussing that phase of the question. We are discussing only seed being sold by the grower to another grower, or to a merchant.

Hon. V. HAMERSLEY: Like hundreds of others, I have purchased seed from merchants only to discover that it will not germinate. That has not been my experience when purchasing from another farmer. As a rule the farmer in this State does not trade in seeds other than cereals. It is not difficult for the seed merchant to decide the germinating quality of seed within three or four days. He invariably tests his seed before purchasing, whereas the farmer does not. The farmer expects honest seed, although he does not get it. A great deal of irritation will be caused to the growers of seeds if the amendment is carried.

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

Ayes	12
Noes	6
Majority for ..	6

AYES.

Hon. E. M. Clarke	Hon. G. W. Miles
Hon. J. Cunningham	Hon. H. Millington
Hon. J. Duffell	Hon. E. Rose
Hon. J. J. Holmes	Hon. A. Sanderson
Hon. J. W. Kirwan	Hon. A. J. H. Saw
Hon. R. J. Lynn	Hon. J. Nicholson
	(*Teller.*)

NOES.

Hon. H. Carson	Hon. V. Hamersley
Hon. H. P. Colebatch	Hon. J. W. Hickey
Hon. J. A. Greig	Hon. R. G. Ardagh
	(*Teller.*)

Amendment thus passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause as amended agreed to.

Clause 2—Officers:

Hon. A. SANDERSON: I move an amendment—

That the words "Every inspector under the Plant Diseases Act, 1914, shall, without further appointment, be deemed to be appointed an officer under and for the purposes of this Act" be struck out.

I regard the inspectors under this measure as people of considerable importance, who would be entrusted with very extensive powers. Therefore it is advisable to have their appointments quite distinct from the Plant Diseases Act or any other Act. Under the interpretation clause "Botanist" means "A botanist of the Department of Agriculture, or other officer of the department, appointed to examine seeds for the purpose of this Act." From the last report of the Agricultural Department it appears that we have no botanist, because the report says—"Botanical and pathological. This work is carried out by the agricultural chemist." The report goes on to say that the agricultural chemist is "ably assisted by Mr. Herbert." I always avoid criticising any civil servant in such a discussion as this. It is much better to keep to the Bill. Let the inspectors for this measure be specifically appointed. On reference to Clause 6 hon. members will see that these inspectors will have very important functions. As regards the testing of seeds, it is not only advisable but essential that the experiments should be carried out by persons in whom the seedsmen and the public can have complete confidence.

The MINISTER FOR EDUCATION: The only effect of the amendment will be to cause the additional expense of re-gazetting the appointments of the inspectors, without any corresponding benefit. Obviously, there can be no more suitable inspectors under this Bill than the inspectors under the Plant Diseases Act.

Hon. J. DUFFELL: The Minister's explanation is not satisfactory. A number of the inspectors appointed under the Plant Diseases Act would be altogether incapable of fulfilling the duties of inspectors under this measure. In order that suitable inspectors for this measure may be selected from the inspectors already appointed under the Plant Diseases Act, the small expense of re-gazetting is quite justifiable.

Hon. A. SANDERSON: The amendment is apparently of secondary importance, but I am treating this Bill seriously. If we are to have the Bill, let us put it in such order that the seedsmen and others interested will be able to follow the thing right through. One of the first things I would tell the seedsmen, with whom I am in touch over this measure, would be, "You must get hold of the names of the officers appointed to inspect seeds, because a great deal will depend, as regards your defence and the defence of the public, on who the inspectors are." The expense of re-gazetting is an absurd objection to raise to the amendment. With a view to emphasising the importance of knowing who the inspectors are, let me refer to a regulation dealing with potatoes, which was laid on the Table this afternoon. I can trace the present price of £40 per ton for potatoes back to the regulations of the Agricultural Department. The regulation to

which I now refer will prove to hon. members the importance of having the names of inspectors published in the "Government Gazette."

Hon. J. J. Holmes: But does anybody see the "Government Gazette"?

Hon. A. SANDERSON: I do not wish to be drawn aside. The regulation I refer to alters a proclamation which was made in June of 1916 by deleting the words "the property of the Department of Agriculture."

The Minister for Education: What has that to do with this clause?

Hon. A. SANDERSON: I will show that very clearly. No one can understand that paper which was laid on the Table of the House; and under this clause we shall be handing over to the department the absolute control of these matters. My desire is that under this Pure Seeds Bill the seedsmen and the public shall be able to follow up matters for themselves. One of the first steps necessary to that end is to ascertain who are the inspectors appointed under the measure.

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

Clause 4—Minimum percentages of pure germinable seeds:

Hon. A. SANDERSON: There is quite sufficient protection given to the public in the other clauses of the Bill if they are carried out. This paragraph would prove of great hardship to the seedsmen. I move an amendment—

That paragraph (b) be struck out.

The MINISTER FOR EDUCATION: I hope the Committee will not agree to strike out the paragraph. If it is struck out the value of the Bill will be seriously interfered with. The same provision is found in the Victorian and other Acts and it is a very necessary one. It would be detrimental to the agricultural industry if the seed vendors could distribute noxious weeds or other foreign ingredients throughout the State, and if the paragraph is taken out any vendor will be at liberty to include in seeds sold as many foreign ingredients, including noxious weeds, as he pleases.

Hon. A. SANDERSON: If we are going to retain this paragraph, we shall handicap the local dealers in seeds, and place them at a disadvantage as compared with the dealers in Melbourne and Sydney. Does the leader of the House tell us that any regulation can stop a packet of seeds coming from Melbourne or Sydney into this State?

The Minister for Education: The same provision is in force in the other States.

Hon. A. SANDERSON: I am under the impression that matters of this kind in Sydney or Melbourne are given very little consideration, that in fact the legislatures in those States pass these things in order to get rid of them. We seem to be prepared to do the same thing. The local seedsmen have explained that if we have a clause like this in the Bill it will handicap them as against the seedsmen in Sydney or Melbourne, over whom we shall have no control.

Hon. J. J. HOLMES: The clause is very desirable and should be retained. There is nothing that will compensate any man for having noxious weeds spread broadcast over his holding.

Amendment put and negatived.

Hon. E. ROSE: Will the Minister explain the meaning of paragraph (d) which refers to the country of origin and provides that the invoice "may" also state the maximum percentage of pure seeds, etc. Should not the word "may" be "shall"?

The MINISTER FOR EDUCATION: The word "may" is the correct one in that case. It is intended as an alternative course. The invoice may state the maximum percentage and proportion. If the hon. member will read Subclause (3) he will see that it provides that if the particulars mentioned in the paragraph are not stated, it will be assumed that certain things have been done.

Hon. A. SANDERSON: There is a reference to germinable seeds and hard seeds. Will the Minister explain the meaning of "hard seeds."

The Minister for Education: It means what it says.

Hon. A. SANDERSON: Of course it means what it says. But what does it say? We all know that there are seeds that have to be put in boiling water before they will germinate. Of course, if the leader of the House does not know, it is no reflection on him.

The MINISTER FOR EDUCATION: The object of the Bill is to let the purchaser know what he is buying. Hard seeds are seeds that are hard to germinate.

Hon. J. J. Holmes: Seeds that will not germinate.

The MINISTER FOR EDUCATION: It does not follow that they will not germinate, but they may be hard to germinate, and it is considered that the purchaser should know what percentage of these seeds is being supplied.

Hon. A. SANDERSON: It will be a reflection on us if we pass this without understanding what it means. We know that some seeds are harder than others. I think this means a seed that has a hard shell.

The Minister for Education: Quite so.

Hon. A. SANDERSON: But a seed with a hard shell might be easy to germinate. To pass a paragraph which we do not understand would indeed be unsatisfactory.

Hon. J. J. HOLMES: I fail to see the necessity for the provision. If the vendor certifies that 75 per cent. is pure germinable seed, it follows that the remainder is hard seed.

The MINISTER FOR EDUCATION: In the 75 per cent. of germinable seed, there might be hard seed. Hard seed is seed which is hard to germinate. If the maximum of pure seed was stated to be 80 per cent., it might include 20 per cent. of hard seed. The purchaser would then know that

he had 60 per cent. of seed which would be easy to germinate and would have to take his chance as to the 20 per cent. of hard seed. The remaining 20 per cent. would represent foreign seed.

Hon. J. W. KIRWAN: I cannot throw any light on the question of hard seed. The paragraph implies that hard seed cannot be pure germinable seed.

The Minister for Education: No.

Hon. J. W. KIRWAN: It certainly implies that hard seed cannot be as good as pure germinable seed. All that is necessary is to give the percentage of pure germinable seed.

The MINISTER FOR EDUCATION: Members do not seem to realise that hard seeds are pure germinable seeds. There might be 75 per cent. of pure germinable seeds and 25 per cent. of foreign seeds, but the purchaser is entitled to know the character of the 75 per cent., and the seller is required to state that, of 75 per cent. of pure germinable seed, so much is hard seed and will be difficult to germinate.

Hon. J. J. Holmes: How will the seller arrive at that?

The MINISTER FOR EDUCATION: I do not know. I understand it is the law in other countries and there are methods of arriving at the percentage.

Hon. A. SANDERSON: I move an amendment—

> That the words "In stating the percentage of pure germinable seeds of a prescribed kind, the percentage of hard seeds must also be stated" be struck out.

I do not understand what is meant by hard seeds.

Hon. V. Hamersley: Then why strike it out?

Hon. A. SANDERSON: Because we ought to understand what we are passing.

Hon. V. HAMERSLEY: When a vendor is certifying the percentage of germinable seed, he should be allowed a fair margin. A proportion of the seed may not germinate until a year after it is sown and still it might be seed of the prescribed kind. Paspalum seed frequently germinates a year or two years after it is sown. It would not be fair if an action would lie against a vendor in the event of seed being sown on stony ground. More harm than good might be done by passing the amendment.

The MINISTER FOR EDUCATION: If any member can assure me that the seller cannot determine the percentage of hard seed, I shall feel constrained to consult the department but, lacking any such statement, I must be guided by the department that it is simple for the seller to determine the percentage of hard seed. If the paragraph is omitted, then in the interests of the purchaser we should insert in paragraph (e) the words "not including hard seeds," because the purchaser should know the proportion of readily germinable seeds he is getting. As the clause stands, the purchaser will obtain full information, and what possible objection can there be to giving the purchaser all possible information?

Hon. J. J. HOLMES: The Minister intends to give the purchaser the information, but not the protection. I am reminded of the parable of the sower who went forth to sow. Some seed fell on stony ground, some among tares, and some was devoured by the fowls of the air. The vendor could say that the germinable seeds had been devoured by the fowls of the air. I cannot see how we can define this sort of thing by Act of Parliament.

Hon. E. ROSE: It would be a safeguard and a great assistance to the farmer if he knew the percentage of germinable seed. If he knew that only 50 or 60 per cent. of rape or such like small seed would germinate, he would give a heavier sowing. The farmer should be assisted in this way particularly at the present.

Hon. R. J. LYNN: The Minister's definition makes the clause very clear and affords the protection which Mr. Holmes desires. The clause says the maximum percentage shall include the percentage of hard seeds. This clause affords that protection which Mr. Holmes asks for. There is a maximum percentage guaranteed under warranty, and the additional information with respect to hard seeds will be of value to the man who purchases that hard seed, because he will know the percentage that he may expect.

Hon. J. W. KIRWAN: The chief difficulty about the clause is as to the exact meaning of the words "hard seeds."

The Minister for Education: It means hard.

Hon. J. W. KIRWAN: Is that a recognised technical term?

The Minister for Education: Yes.

Hon. J. W. KIRWAN: The question was asked as to what hard seeds were, and it was quite a time before any definition was given. It would help to elucidate this Bill if some definition was given by the department to be inserted in the interpretation clauses.

The Minister for Education: Hard seed means a seed that is hard.

Hon. J. W. KIRWAN: The definition given by the leader of the House was that it was hard to germinate.

The MINISTER FOR EDUCATION: I did not give any such definition. The only definition of hard seeds is seeds that are hard. It is a fact that these hard seeds are hard to germinate. I do not know that a satisfactory definition of the word "hard" would be found in any dictionary, except that it means hard.

Hon. A. SANDERSON: We cannot understand this matter. I would strike out the clause altogether and re-commit it on the explanation afforded by the department. If the explanation of the leader of the House is accepted let us take three or four common

seeds and let him tell us whether they are hard seeds in the sense that he understands them to be hard. Is a bean a hard seed?

The Minister for Education: It may be a hard or a soft one.

Hon. A. SANDERSON: Are peas and maize hard seeds?

The Minister for Education: There may be a certain percentage of hard seeds in each packet.

Hon. A. SANDERSON: I will not pursue the subject any further. To protect myself I am going to vote in favour of striking out these two lines.

Amendment put and negatived.

Hon. A. SANDERSON: I call special attention to the words "notwithstanding any agreement to the contrary," as contained in subclause 2. These should be struck out in order to protect everyone, and bring everyone under a fair system. The seed grower and the farmer are both interested in this question. To say that people who are dealing on terms of equality in the matter shall not be able to say what they consider are the important points in any contract or agreement is bad, from the point of view of the public and of the individual. I would give anyone permission to contract himself out of this Bill by accepting seed without a guarantee on the assurance of the vendor that the seed was what he required. If this permission is not given it will injure the consumer and the producer, as they have been injured in the past over the potato business. The Department of Agriculture have come to their senses and withdrawn altogether from the potato business. Let them not have a clause like this, which will compel us to come under the Bill. I move an amendment—

That in Subclause 2 the words "notwithstanding any agreement to the contrary" be struck out.

The MINISTER FOR EDUCATION: It is not desirable to allow people to contract themselves out of this Bill. The intention is that the purchaser from the retailer shall have protection and should not be allowed to contract himself out of the Act. I hope the Committee will not agree to the amendment.

Hon. E. ROSE: I would leave the clause as it stands. What is the use of the Bill if these words are struck out? The seedsman would be able to draw up his own agreement and sell his seeds as he thought best.

The Minister for Education: Quite so.

Amendment put and negatived.

Clause put and passed.

Clause 6—Power to submit samples of seeds for examination:

Hon. A. SANDERSON: People interested in the matter might be prepared to take the considered opinion of a high officer of the department, and although our botanist is a chemist apparently that is the nearest we can get to the position. We ought to confine the decision in this matter to the botanist mentioned in the clause, instead of allowing it to be settled by any inspector. If we are to have a test, the making of such test should be restricted to the botanist of the Agricultural Department.

The Minister for Education: That would be a matter of amending the interpretation.

Hon. A. SANDERSON: Exactly.

Clause put and passed.

Clauses 7 to 21—agreed to.

New clause:

Hon. A. SANDERSON: I move an amendment—

That the following new clause be added to stand as Clause 21:—"The provisions of this Act shall apply to the Crown and to all State trading concerns."

Objection may be taken to the actual wording of this. It is a question whether the provisions of this Act shall apply to the Crown and to all State trading concerns. I wish to bring the State trading concerns on terms of equality with those conducted by other sections of the community. If the State is sending out seed from the various Government experimental farms, they should be prepared to take the same responsibility on their shoulders as seed merchants and other persons. That seems to me to be a reasonable attitude to take up. If necessary let the Government import any kind of seed into the State and let them sell it to the public at the cheapest possible rate and with the guarantee of the Government behind it. The difficulty at present of getting maize, beans, peas, etc., is considerable owing to the enormous demand existing on the Continent of Europe. If the policy of the country is to have State trading, it would be very sensible for the Government to make large purchases of seed abroad and land them in this country. But if they are going to do this, they should be brought under the same Act as other persons. I sincerely trust that the Committee will pass this amendment and help to put the matter on a good basis.

The MINISTER FOR EDUCATION: It would be most unusual to apply an Act of this kind to the Crown. Seeds are sold by the Government experimental farms. They are not State trading concerns. It is their object to improve the quality of the seed. I think it would be very undesirable to apply this Act to the Government.

Hon. J. W. KIRWAN: I think the Government should be asked to take a dose of their own medicine. I agree with Mr. Sanderson. Surely the law the Government wishes to apply to private individuals should be applied to the Government. I am surprised at the leader of the House offering any objection. If the hon. member calls for a division I shall support him.

Hon. E. ROSE: I support the amendment moved by Mr. Sanderson. We have our State farms which are disposing of seed, and the purchasers should have the same guarantee as from private individuals. I do not see why the State trading concerns should be included.

The MINISTER FOR EDUCATION: I can understand that seedsmen would take up this attitude but if purchasers of seed from the Government experimental farms take up such an attitude I do not think we will take the responsibility. These farms are carried on at considerable expense, and if this expense is going to be increased, I do not think we will sell the seed.

Hon. A. SANDERSON: I am glad we have had that statement from the leader of the House. We can picture the feelings of the ordinary honest seed merchant, when the Government complain when they are given, as Mr. Kirwan has said, a dose of their own medicine. I am quite willing to withdraw the reference to State trading concerns in deference to my friends. I want to test it on a clear issue, the opinion of the Committee. Put this proposal in operation fairly with no exemption for seedsmen or the Crown or anyone else. I have devoted a great deal of attention to the improvement of seed and the helping of production. This is an important question at the present time when the cost of living is so great. Do not let anybody tell me that I am opposed to pure seed, and that I want to see the seedsmen robbing the public. I want to see the best of seed sold but there is an important principle at stake, which should be applied all round. With all the care, money, and skilled attention that the State farms can get they are afraid to come under the operation of this Bill. What then is the position of the ordinary trader in seeds?

Hon. E. M. CLARKE: I am sorry I cannot support the idea of the Government importing seeds, particularly seed potatoes. I think ordinary business men can import seeds a great deal better than the Government can. There are men who understand the business from A to Z and they are the men who should conduct it.

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

Ayes	8
Noes	11
Majority against	3

AYES.

Hon. J. Cornell	Hon. E. Rose
Hon. J. Cunningham	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. R. J. Lynn
Hon. J. W. Kirwan	(*Teller.*)
Hon. H. Millington	

NOES.

Hon. R. G. Ardagh	Hon. C. McKenzie
Hon. E. M. Clarke	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. J. Mills
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. J. Nicholson
Hon. A. Lovekin	(*Teller.*)

New clause thus negatived.

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

BILL—PRICES REGULATION.

Second Reading.

Debate resumed from 13th November.

Hon. H. MILLINGTON (North-East) [8.47]: I desire to support the second reading. I intend, not to deal elaborately with statistics, but merely to offer a few general remarks. From what I can gather there will not be any great opposition to the second reading, although I do not know what may happen in Committee. The Bill proposes to confer certain powers to regulate prices. This, I think, has sufficient justification; there is no need to enter any special plea on this score. There appears to be a general demand on the part of the public for some machinery whereby prices of commodities and necessaries of life shall be regulated. Exception has been taken to this system of regulating prices. It has been stated that it is an undue interference with the present method of regulating prices. Mr. Holmes would support the Bill if he could find any profiteers in Western Australia——

Hon. J. J. Holmes: No. Sir Edward Witenoom said that.

Hon. H. MILLINGTON: Yes, it was my mistake. I think we can claim Sir Edward's vote. As for Mr. Holmes, when he started out to find those making undue profits, he set off hot foot after the small thieves, leaving the large ones unnoticed. Also he said the workers, more than any other class, were responsible for profiteering. I am not going to waste time dealing with such a statement, for mere statement it is. The workers to-day are under a price fixing regulation. In this State the prices of the commodity which the workers have to sell have been fixed already.

Hon. G. J. G. W. Miles: The minimum price.

Hon. H. MILLINGTON: Which, unfortunately, becomes the maximum in almost every instance. Thousands of men in the gold mining industry have had their wages fixed by arbitration, which means that before they could get their present wage they had to go before the court and show justification for an increase, had to submit evidence dealing with their private affairs, the manner in which they live and their wives and children are clothed and fed. They had to do this to convince the court that there was justification for an increase. The principle in the Bill is that when those in the commercial world wish to raise prices they shall go before an independent court, to be constituted under the Bill, and show justification for the proposed increase. Can Mr. Holmes or any other member take exception to this? Seeing that, on the one hand, the price of what the worker has to sell is already fixed, why take exception to having the affair of the other party inquired into, since, to a great extent, the wages of the worker are determined by the prices of the

necessaries of life? Those of strong individualistic tendencies object to the big commercial interests being interfered with in any way. So far they have had a pretty free hand. I do not think the general community is satisfied that in every instance in which prices have been increased during the last four or five years there has been justification. Those dealing in necessary commodities say that in every instance the increase has been justified. All we ask is that an independent board shall be permitted to inquire. This will remove what, presumably, Mr. Holmes and others consider a ground of suspicion. If it is a ground of suspicion, why this objection to a little inquiry into the manner in which prices are raised. I do not think for a moment the Bill is going to alter the position very much. I look upon it merely as a palliative, something that for the time being will save the face of the Government. They will be able to say, "We did our utmost to provide machinery to regulate prices;" and they will get out of the real responsibility, just as the Federal Government did when they had the power to regulate prices. If the Government are not determined that the measure, when enacted, shall be enforced, they are not going to do much good by placing it on the statute-book. Undoubtedly power is here given to regulate prices, but it appears to me to be at the discretion of the Minister, first as to what are prescribed areas, and secondly what direction is given to the Commissioners when appointed. If the Government are in earnest over the matter and determined to give it a fair deal, the Bill may do some good. But the fact remains that in the Federal sphere of price fixing no determined effort was made to use the power provided in the War Precautions Act. Again, there is this point to be considered—and this is why I will vote for the second reading: In the Federal arena there is a policy to amend the Constitution in order to give the Federal Government power to deal with the question of price fixing, to regulate commerce and so forth. There is a doubt as to what power the Federal Government will have, even if the amendments to the Constitution are made. There is also the assertion that at present the States have certain powers which, even with the alteration of the Constitution, the Federal Government will not have. Therefore, if there is an earnest desire on the part of the people of Australia to give this proposed regulation of prices a fair deal, and if the Federal Government take such powers as they can under the amendment of the Federal Constitution, and if the various States also take power to regulate foodstuffs, then surely when the demand comes, as it undoubtedly will, for the protection of the various Governments in regard to this matter, it will not be said, as it is to-day and has been for some time past, "The Government have no power to do this." I want to see the Governments, Federal and State, given the power so that when the demand comes we shall see whether they are really in earnest in respect to this matter. I do not dispute the assertion that to an extent, sometimes almost entirely, the controlling factors in the regulation of prices are quite outside the scope of any State Act, indeed, in some instances outside the control of even Federal legislation. Probably it would be impossible, by means of a measure of this description, to control certain articles even if there were concerted action on the part of the whole Empire. But that is no reason why we should not make an attempt to deal with those things that do come within the jurisdiction of the State. From that point of view I say the Bill is necessary and may help to a certain extent, although I have not much hope of it, to ameliorate the existing condition of affairs. I have no intention of wearying hon. members with statistics. The whole position has been very plainly set forth in the debate in another place, if hon. members care to refer to the report, and also in this Chamber. On the second reading I merely wish to say that I support the measure. However, there are one or two phases of the Bill to which I desire to refer before it reaches the Committee stage. In the first place, I approve of the appointment of three commissioners. Nothing that I have heard in this Chamber so far has been in opposition to that.

Hon. J. J. Holmes: One Commissioner is enough.

Hon. H. MILLINGTON: I approve of three. As regards Subclause (2) of Clause 11, I consider that where the seller of a given article has been convicted of an offence under this measure, restitution to the person overcharged should automatically follow upon the conviction. Instead of that course, the Bill proposes that the person overcharged shall incur trouble and risk, and also waste of time, in bringing the matter before a court before he can recover the amount overcharged. However, that is a minor matter. I am not sure that Clause 20 does not make a slight differentiation between the corporation and the private individual. Under Subclause (2) of Clause 20—

> Every offence against this Act committed by an incorporated company shall be deemed to have been also committed by each director and managing officer of the company, unless it is proved that such offence was committed without his knowledge or consent.

Now Subclause (1) of the same clause provides that —

> Any person guilty of an offence against this Act shall on conviction be liable, if a corporation, to a fine not exceeding five hundred pounds, and if any other person, to imprisonment with or without hard labour for a period not exceeding one year, or to a fine not exceeding two hundred pounds, or both.

I want to know, is a director of a company to be held responsible in the same way as an individual under Subclause (1), or is a

differentiation to be made between the two? Does the clause mean that a director of a company guilty of an offence under the measure would be liable to imprisonment in the same way as another individual?

The PRESIDENT: I would remind hon. members that these minor matters of detail relating to clauses are more properly discussable in Committee. The asking of questions in the course of a second reading debate is not strictly in order.

Hon. H. MILLINGTON: I am sorry that I have offended against the Standing Orders, but I am not sure that I shall be here during the Committee stage and I wish to be enlightened on these points. While supporting the Bill, I am under no illusions as to what it is going to effect. Any Government or any people who think that under the existing system of commerce and finance it is possible to effect much by coming in at the tail-end to regulate prices will very soon discover that they are striving after what is impossible.

Hon. J. J. Holmes: Why waste money on the Commissioners, then?

Hon. M. MILLINGTON: That is exactly what has made me suspicious. Men of business knowledge are constantly orating against the principle of price fixing, simply because they themselves are experts in that matter. They object to the State coming in and doing what they hold to be their function. They do not want any inquiry into the manner and method of fixing prices. That is probably what the leader of this House had in mind when he spoke of unfounded suspicions. There certainly is a suspicion, whether unfounded or otherwise, that something else besides the law of supply and demand is controlling prices at present. On the whole question of profiteering we are, I maintain, concerned not so much with the amount of profit that is made as with the power of large combinations to control trade and commerce. That is the real difficulty. To my mind the profits are really a secondary consideration. And that is why at this stage price-fixing is not going to effect all that the people expect from it. At the same time I believe that the commission to be appointed under this Bill will have the effect of exposing some of the existing methods of price-fixing. I feel that it is better for the State to do the regulating of prices that is done in this State, or to exercise some supervision over the activities of private persons in that respect. The Bill will be productive of some good if the Government are determined to administer it in the interests of the general community. If, on the other hand, the Government show weakness and allow themselves to be dictated to by the representatives of capital and big commercial interests, the measure will become all but a dead letter. That, incidentally, is one of my reasons for favouring three commissioners, with whom I believe there will be more publicity given. Publicity in itself, as mentioned by Dr. Saw, will have a good effect. Indeed, I would favour the addition to this Bill of a clause making it a penal offence for any person, firm, or company to raise any price until after the evidence in justification of such increase has been published in the "Government Gazette." Provision is made for the publication in the "Gazette" of the Commission's proceedings. The toiler to-day has to show more than justification before he can obtain an increase in the price of the only commodity he has to sell, and, similarly, those controlling the prices of commodities which the worker has to purchase with his wages should be compelled to produce evidence justifying any given increase. The trouble at the present time is that without even a "By your leave" a combination of commercial men can every now and then raise prices entirely wtihout hindrance. We did have a price-fixing measure operating in this State during the early period of the war. I do not think the people of Western Australia realised the full effect of that legislation, for the simple reason that its operation did not receive much publicity. I remember a case at Meekatharra, where the local tradespeople requested permission to raise prices all round. After hearing evidence, the Commission refused that request. The general community hardly realised what that refusal meant. After all said and done, when a price-fixing measure is in operation, some justification must be shown before a rise in prices is permitted. For that reason alone, this Bill is justified, if it is only to act as a commercial policeman. It must do a certain amount of good in the regulation of prices for that very reason. However, such a measure as this does not represent the ideas of my party as to the proper means of overcoming the profiteering difficulty. We have in view an entirely different method—a method which has already been adopted in some States, and especially in one State: That method is the taking over by the Government of monopolies; and this, according to the reports of independent officials, is undoubtedly the better way. If we are really going to deal with the problems facing us in this period of reconstruction, as it has been termed, we shall have to do something more than merely tinker with price-fixing regulations. If the Government really intend a restriction on prices for the benefit of the masses of the people, a restriction that will curtail the powers of vested interests, commercial and financial, steps will have to be taken towards assuming control of the bigger things that matter in the commercial, industrial, and financial world. I shall not at this juncture enter upon discussion of that subject, but shall merely say that effective action involves a need for proceeding on the lines I have indicated. I regard the Bill as in the nature of grasping at a straw during these times of desperate stress. I trust that whereas in times past the Government have not shown themselves very anxious to inter-

fere with the ordinary course of trade, the people themselves will see, when this Bill has been placed upon the statute-book, that at least some effort is made to better the existing conditions and to give the community a fairer deal than they are now getting. I could give several instances in which the former State price-fixing Commission could have acted and undoubtedly could have done good work. However, I shall not deal with those cases this evening. Although price-fixing is largely a Federal matter, the fact remains that in the opinion of the general public the State also should have power to deal with the matter. I recognise that I am supporting the Bill in a half-hearted manner. I hope the people of Western Autsralia do not think that a price-fixing measure is going to alter the present system very much. However, if we do not tackle the problem of altering that system, Western Australia, instead of advancing as it should do, will find itself on the retrograde. This is all we can hope from the present National Government, be it Federal or State, and perforce we have to accept it. I am not going to be one to stand in the road of their putting their policy into effect, because although the Labour Government in times gone by had to resort to this on the understanding that it was merely a palliative, now again as it is only a palliative that we are being given I am going to accept it and support the measure.

Hon. J. CORNELL (South) [9.17]: In offering a few remarks on the second reading of this Bill, I hardly know where to begin and I hardly know how to vote. I had an elaborate bunch of notes prepared, but owing to the stress arising out of the recent turmoil I lost them. Therefore this House has something to be thankful for.

Hon. H. Carson: Hear, hear!

Hon. J. CORNELL: I say at the outset that it seems somewhat of a contradiction on the part of the Legislature or somewhat of a satire, that in 1914 a measure almost identical with this was passed, and in the following year this Chamber refused to re-enact it and that, after several years of war, we propose to re-enact a similar measure. I desire to compliment the leader of the House on his remarks in introducing the Bill. He was one of those who was against the re-enactment of a similar measure in 1915 and in introducing the present Bill he put up an extremely good case. I am prepared to extend some consideration to the leader of the House, as it has been extended by Mr. Panton, and I may add that I shall always be prepared to allow any man to change his opinion, but in doing that I hope the change will be of a utilitarian character and not of a character in the opposite direction. I cannot understand Mr. Millington and Mr. Panton—I am sorry the latter is not here—in the attitude they have adopted in connection with this Bill, or the line of reasoning they have pursued. If I understand the position correctly, recent conferences of the Labour party held in this State were almost unanimous in regard to the introduction of such a measure as this, and so unanimous were they that it was arranged that a series of public meetings be held throughout the State in the direction of urging upon the Government the necessity for introducing such legislation. We are told by gentlemen who are qualified to speak, that they are supporting the Bill as a palliative purely and simply, and that they are not much concerned whether it becomes law or not. From the agitation that has taken place, I am satisfied that this is the reason why the Bill has been introduced. Had it not been for the agitation the present Government would not have put it right in the forefront of their policy, which was declared in the Governor's Speech, and in which Speech the pressing need for this piece of legislation was stressed. But, in spite of the pressure which was brought to bear on the Government from certain quarters, and despite the terse remarks contained in the Governor's Speech about the urgency for this legislation, we find that the Bill is not introduced until three or four months after Parliament has commenced its labours. A policy of procrastination has been adopted so far as the Government are concerned. The Bill should have been introduced and should have been in operation long before this. There is a section of our public men who are a greater menace to us than the extremists who are referred to as Bolsheviks and I.W.Ws., and I am sorry to say that that element is asserting itself with regard to the passage of this Bill; that is, those who think by procrastination and by not doing anything, they can get back to pre-war conditions and that everything will right itself. There are two places for that class of gentry, the Zoo and the Museum. The procrastination and the waiting for the return of things as they were is responsible for the agitation that has been going on, and which will continue to go on for some time to come. I claim that the Bill will accomplish little. I am satisfied that the whole scope of the Bill will cover only such commodities as are produced in this country, and will not reach articles which are produced in other countries and which come to this State. I join with Mr. Millington and say that those can only be dealt with by Federal enactment and administration. However, if it is limited to that extent and the Commission do the work which it is expected they will do, there will be some justification for the introduction of the measure. If the measure cannot do anything in the way of fixing prices it may let us know to what extent prices have been put on articles in other States, and which articles have been afterwards exported to this State. The Bill, to my mind, as it now stands, if it becomes law, will be useless, from three aspects: The first is the motive which has prompted the Government to introduce it, that of urgency, and the exigencies of the present position demanding it. Or it is that

the Government's desire is only to introduce it and not administer it with the utmost rigour, in order that it may be claimed that every effort was put forward to make it effective, but that it proved inoperative? The other aspect is that of the commissioners. If I remember rightly, the sole charge levelled against the administration of the Control of Trade in War Time Act was not levelled at the Act but was levelled at the commissioners who administered it. I will give the leader of the House credit for not having preferred any charges against those commissioners. But if members will reflect over the period of five years which has elapsed since the previous commissioners were appointed, I venture to say that they will agree that it would not be possible even to-day to select three men better qualified to administer the Act of 1914. The Government saw fit to promote the then chairman of the board from his position on the Tender Board to that of Public Service Commissioner. Mr. Rae, one of the other commissioners, was selected by the Federal Government to represent them as their price-fixing commissioner in this State, while in regard to Mr. Bath, I do not think anyone in this House will suggest the possibility of imputing any improper motive to him. I am satisfied that if the Bill before us now is passed as it stands and commissioners are appointed on the same lines as was done in 1914, the charges which were then levelled against the commissioners will again be levelled at the new commissioners. The present position warrants the passing of this piece of legislation, and while it cannot do anything in the way of fixing prices, the general community and the Government will learn how the system of price-fixing goes on in this State. No honest man will offer any objection to that. Honesty will bear inquiry and close scrutiny at any time. If the Bill does nothing else it will discover a few rogues whom we thought to be honest men. If the Bill is to give satisfaction, that satisfaction can only be obtained by appointing as commissioner a man against whom a finger cannot be raised. Such a man should be a judge of the Supreme Court, or if it should be necessary to appoint three commissioners, the chairman of the commission should be a judge of the Supreme Court. In that capacity he would be above suspicion, and would not have to consider that any act of his might be likely to prejudicially affect his position or his opportunities for promotion. In New South Wales, price-fixing is entrusted to a judge of the Supreme Court. In South Australia Professor Jethro Brown is commissioner. In England they have a man who holds a position equivalent to that of a judge. This House will make an egregious mistake if it agrees to the appointment of three commissioners on the same basis as those we had previously. It is proposed that the measure shall remain in operation for one year and shall come up for renewal every 12 months. The leader of the House said it can be taken as an instalment of what is to come in the new era. I accept the position that such a measure is necessary not only for a year but, owing to the conditions accentuated by the war, it will be necessary practically for all time. If we appoint three commissioners who are not judges of the Supreme Court, the first thing which will occur to them will be that this measure may not be in operation in a year's time and they might not be commissioners in a year's time. This will destroy the utility of the whole measure. I am probably pleading with members who are with me in sentiment but who will be missing when the time comes to vote. Owing to Federal machinery and to circumstances over which we have no control, we in Western Australia are somewhat circumscribed. The powers under this Bill should not be curtailed either by having a commission which will not be satisfactory or by limiting the operation of the Bill. It would be infinitely better to strike out the clause limiting the operation of the measure and pass it as a permanent piece of legislation; then we would ensure to the commissioners some continuity of the measure and of their office. I have yet to learn that any Act of Parliament, drastic in its effects and inimical to any section of the community, will not cause the community to rise up in sufficient numbers to get that piece of legislation repealed. In Committee I intend to test the feeling of the House on these essential points. If the commissioner were a judge of the Supreme Court, he would have the power to order that the whole or any part of the proceedings should be open to the public. This Bill does not propose that publicity shall be given to the proceedings. In the Arbitration Court, in the court dealing with workers' compensation, in the Criminal Court and in the Divorce Court, the judge has this discretion; yet when it comes to a piece of legislation dealing with price fixing, we are told the procedings must take place behind closed doors. Surely we have not degenerated to that extent. Any honest trader would not offer any objection whatsoever to his affairs being made public at the discretion of the commissioner. I shall record my vote in favour of the passing of the second reading.

Hon. J. CUNNINGHAM (North-East) [9.36]: I intend to support the Bill. I regret the delay which has taken place in connection with the introduction of the Bill since it was outlined in the Governor's Speech. With other members, I realise that this measure is not going to bring about the betterment of prices which a great number of people believe it will do. It is not my intention to reel off figures to prove to the House that profiteering has taken place in Western Australia during the last three or four years. It will be sufficient to refer members, who desire to secure figures and special instances of profiteering, to the reports of the Interstate Commission. It may be pointed out that the Interstate Commission has not dealt with any firm or person trading in Western Australia, but I think

it will be recognised that the inquiries of the Commission covered a large number of articles which are imported into this State for general use amongst the people. It is sufficient for me, in supporting this Bill, to leave it to the commissioners to point out, not only to the Minister in charge of the measure but to the people of the State, any evidence of profiteering here. It might be well to refer to the existence and causes of industrial unrest. Mr. Holmes referred to the demands of the workers for higher wages and said that if they could not get all they asked for, they went out on strike. It is remarkable that it does not occur to Mr. Holmes that one of the great reasons for the discontent amongst the workers is the fact that abnormal prices are ruling throughout the country at the present time. To any sensible man it must be apparent that, where an increase in the cost of living takes place without a corresponding increase in the rate of wages, this in itself will cause a great amount of discontent. While this is going on, the amount of money the worker receives for wages will not purchase anything like the quantity of commodities that the same money would purchase previously, which means a reduction in the standard of the living of the worker. When a reduction in the standard of the living of the worker is brought about by decreasing the quantities of the necessaries of life going into his home, due to an increase in the price of the articles, it can only be expected that we shall have discontent amongst the workers. The same thing applies throughout the Commonwealth and, as a matter of fact, throughout the world. The Government of Western Australia are not the only Government who are faced with a problem of high prices and profiteering. Our newspapers almost daily have reports of what is being done in other countries. Only to-day there was published a report of what is taking place in France and the action of the Government to control the cost of living. The purpose of this Bill is to control the cost of living. I am not one who is prepared to say that this Bill will be a useless piece of legislation. I believe it will effect some improvement and will check to some extent the legalised robbery which has been going on in the past. Whilst on the subject of industrial unrest, it might be as well to point out that when cases are being heard in the Arbitration Court, evidence has to be tendered to show the cost of living. Nearly every award is based on the cost of living and, when the award is delivered, it usually extends over a period of 12 months to three years. After the award is delivered, however, an increase takes place in the cost of living, because various commodities necessary to sustain life are increased in price; and thus the very basis on which the award was framed is completely changed. The worker has to go on during the period of the award, say, 12 months or two or three years, on the rate of wage which has been fixed on the cost of living as at the time the award was given. We should do something in the direction of amending our Arbitration Act with a view to making the awards variable, and in keeping with the increased cost of living.

Hon. J. Ewing: What about a reduction?

Hon. J. CUNNINGHAM: There has been no reduction in the cost of living for quite a number of years.

Hon. J. Ewing: There will be.

Hon. J. Cornell: You and I will be dead when that happens.

Hon. J. CUNNINGHAM: The workers realise that if a reduction can be brought about in the cost of living, say, one of 10, 15, or 20 per cent., this represents an increase in their wages. That decrease in the cost of living means that the amount of money that is paid to them will produce from 10 to 20 per cent., as the case may be, more in the way of goods after that decrease has taken place. If Parliament is desirous of doing something in the direction of minimising industrial unrest, it should take into consideration an amendment of the Arbitration Act, and provide in it for the variation of awards in accordance with the prices of those commodities that are necessary to enable the workers to live. Mr. Holmes spoke about the slowing down policy of the workers, but I am sure he is not a close student of Mr. Knibbs, the Commonwealth Statistician. Had he been one, he would have found that the output per head of the workers employed in Australia is greater to-day than at any time in the history of the Commonwealth. He made no reference to any particular case and his remarks were only of a general nature. When, however, an attack is made upon the workers of the State by any hon. member, instances should be given of where this slow-down policy has been put into operation; these have not been forthcoming. It is an easy thing to say the workers are slowing down and are not returning a full measure of work for the money they receive. Unless specific instances are given, it is so much waste of time on my part to refute the statements which have been made. On this occasion, however, I cannot let these remarks go by without doing something to refute them. I will refer the hon. member to Knibbs' figures, from which he will find that the production of wealth per head of the workmen employed in Australia is greater to-day than ever in the history of this country. With regard to the question of a decrease in the cost of living —and I take it that is the prime object of the Bill—something should be done in the direction of reducing the cost of living, by control being exercised over the distribution of the various articles of food and necessary commodities that are required by the people. It has been pointed out before that one can go into any street in the metropolitan area, or in any town in the State and find not only milk carts travelling over one another's tracks, milk carts run by separate individuals, or firms, but also butchers' carts, grocers' carts, and even

clothiers' carts running out from the big stores. There is no need for this waste, and the matter should be taken in hand at once. A suggestion was made in connection with the distribution of milk that a central depot should be established and areas selected for those trading in milk, with a view to cutting out all this waste of energy.

Hon. J. Cornell: Cut out a little of the waste in newspapers.

Hon. J. J. Holmes: Cut out a lot of the workers, too.

Hon. J. CUNNINGHAM: And cut out a lot of the captains of industry. If we are serious in our endeavours to bring about a reduction in the cost of living, with a view to bettering the conditions of the people, we should not cease at the passage through Parliament of this Bill. I wish to bring about a better feeling amongst the people throughout the State. It is the increased cost of living and the remarks of employers in connection with the slow-down policy of the worker, and also the stand-off attitude of the employers generally throughout Western Australia that are responsible for the great amount—if it can be called so—of industrial unrest to-day. I will vote for the second reading of the Billl.

On motion by Hon. J. Ewing debate adjourned.

BILL—POSTPONED DEBTS.

Second Reading.

The MINISTER FOR EDUCATION (*Hon. H. P. Colebatch—East*) [9.50] in moving the second reading said: This is a brief Bill, somewhat technical in character but really simple in its application. The remedies for the creditor for the recovery of an ordinary debt or mortgage for interest are barred by the Statutes of Limitations unless proceedings are commenced within six years of the debt becoming due. By proclamation under the Postponement of Debts Act, 1914, the payment of debts of assisted settlers under the Industries Assistance Act has been postponed from time to time in view of the scheme for liquidating these debts out of the proceeds of the settlers' crops. By regulation under the Commonwealth War Precautions Act of 1914 the remedies of mortgagees for interest and of landlords for rent have also been suspended. I think it will be obvious that time should not run against creditors who by this proclamation under our own Act, and by the regulations under the Commonwealth Act, have for the time being been deprived of a legal remedy. That is to say, that should they have occasion to sue for their debts after this proclamation or regulations have ceased to have effect, any time that may have elapsed while this proclamation and these regulations were in force should not count against them under the Statutes of Limitations. This Bill does not continue the Postponement of Debts Act. That Act will continue until the end of the present year. All that the Bill does is to say that where a proclamation is issued under that Act, or regulations issued under the Federal War Precautions Act suspending the payment of debts, the time of such suspension shall not run against the creditor under the Statutes of Limitations. Subclause (2) of Clause 2 of the Bill is intended to overcome a difficulty which might arise. The validity of the proclamations under the Postponement of Debts Act has from time to time been questioned. It is not the purpose of this Bill to interfere with that at all. These proclamations may be valid or not. Whether they are valid or not will not be affected by this Bill, or if they are not valid this Bill will not interfere with them. But what the Bill does is to assume that for the purpose of the Bill they should be considered valid. That is to say, if the debtor wishes to set up a reason why the Statutes of Limitations should continue to run, although the creditor assumes that payment was postponed under the proclamation, he shall not be entitled to do so. The creditor, having been prevented from recovering the debt because he regarded the proclamation as valid, shall not also be put to a disadvantage by that time being allowed to run against him in connection with the Statutes of Limitations. The provision is very simple and a very necessary one. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. Kingsmill in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Suspension of Statutes of Limitations:

Hon. J. A. GREIG: If a man owed a debt for two years before war broke out and has been protected for the last four or five years, when this Bill goes through will the creditor have another four years to run in which he may take proceedings to recover the debt?

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.0 p.m.