

Mr. HARRISON: Nabawa wheat was recommended by the director as the best for an early season. The standard crop he recommended was Gluyas, and that is the check crop. Every check crop was distinctly better than the adjoining variety. The Gluyas wheat has a weakness, which is in connection with its straw, but that is more than counterbalanced by the results of this season. I am satisfied that if the farmers have regard to his recommendations and follow his advice generally, they will get the best results from his experiments, thus actually saving considerable capital outlay, energy and time. The State farm has proved these things for the farmers, and if the settlers, who have recently taken up their land, will only realise that it is worth visiting the farm to see what has been done, they will benefit considerably. The settlers between Burracoppin and Southern Cross have a much better chance in these days than had the pioneer settlers of 20 years ago. All this research work, with which Mr. Sutton has been connected, means that latter-day farmers have much better opportunities than were available to earlier settlers. I do not know why we should not get equal results in our sand plain country with the aid of the blue lupin as are secured in the districts surrounding Geraldton. Results in that district have surprised the farmers there. As the result of this plant, the carrying capacity of our sand plain country could be increased considerably. That should be done with the aid of research work.

Mr. O'Loughlen: What about stinking roger? You told me that was a good fodder plant.

The Premier: He did not.

Mr. O'Loughlen: Yes he did. Let him tell the House about it now.

Mr. HARRISON: I am satisfied that that weed has wonderful fattening properties, from the flower to the seed stage. I know a farmer who had a piece of fallow on which was quite a crop of that particular weed. He put on 700 sheep to clean the land, and the crop of oats that succeeded was the finest I have ever seen. I want the Minister to follow this up, because, if the Premier's land settlement policy be not successful, it will mean a long period of heavy depression for the whole of the State.

Mr. O'Loughlen: Do you think we have sufficient competent officers?

Mr. HARRISON: I believe that a Minister of the Crown should be specially detailed to exclusively administer the land settlement policy.

Vote put and passed.

Progress reported.

House adjourned at 10.45 p.m.

## Legislative Council,

Tuesday, 31st October, 1922.

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

### QUESTION—GOLDFIELDS WATER SCHEME PIPES.

Hon. J. W. KIRWAN asked the Minister for Education: 1, Before the Works Department removes goldfields water scheme pipes from auriferous localities suffering from a depression that may be but temporary, does the department consult with the Mines Department as to the future possibilities of boring in the locality? 2, If not, will the Government see that in all such cases the opinion of the Mines Department is first ascertained?

The MINISTER FOR EDUCATION replied: 1, The Mines Department is always consulted. 2, Answered by No. 1.

### MOTION—STANDING ORDERS.

#### Notices of amendments.

Hon. A. LOVEKIN (Metropolitan). [4.36]: 1 move—

That it be an instruction to the Standing Orders Committee to consider the desirability of framing a Standing Order as to the placing of suggested amendments to Bills on the Notice Paper of the House after the second reading has been moved and prior to the Committee stage of the Bill being reached.

We have no Standing Order dealing with the placing of amendments on the Notice Paper. On several occasions the Minister has objected to notices being placed on the Notice Paper before the passing of the second reading. I understand that in another place the Speaker takes no notice of the placing of amendments on the Notice Paper until his attention is called to it, when he rules that notices of amendments cannot go on the Notice Paper until Bills have been read a second time. We have no Standing Order on the point, and when we have no Standing Order we fall back upon the practice of the House of Commons. That practice, it is laid

down in "May," 10th Edition, page 451, is as follows:—

Notices of amendments to a Bill in Committee are not receivable at the Table until the Bill has been read a second time.

I take it that is what you, Sir, would rule if an hon. member attempted to put a notice on the Notice Paper before the Bill had been read a second time. But in some cases it is highly desirable that notices should go on the Notice Paper as early as possible. Last week Mr. Kirwan wanted to put on the Notice Paper an amendment which most of us wished to see. However, we could not see it for five days, because the second reading was not carried until then.

The PRESIDENT: Suppose the second reading were rejected; what then?

Hon. A. LOVEKIN: The placing of amendments on the Notice Paper would have done no harm; on the other hand it might have enabled the second reading to be carried. This practice is established in the House of Commons because there are there nearly 700 members, and one can quite understand how the Notice Paper would be loaded up if members were to take advantage of a Standing Order, if there were one, allowing them to put notices on the Notice Paper at any time. However, this is a small House, smaller than a committee on a Bill in the House of Commons, and no great harm can be done, beyond the cost of a little printing. I do not think we should stick at a few pounds for printing when in other cases we can throw money into the sea to the tune of hundreds of thousands of pounds. The Licensing Bill is a Bill respecting which the sooner we get the amendments on the Notice Paper the better, for it will enable us to proceed much more rapidly.

Hon. J. DUFFELL: Also it will considerably shorten the second reading stage.

Hon. A. LOVEKIN: That is so. However, I am not moving that we be allowed to place amendments on the Notice Paper before the Committee stage is reached, but am moving merely that the Standing Orders Committee shall consider the proposition with a view to the future. In many cases it is highly desirable that we should have amendments on the Notice Paper at the earliest possible moment. There can be no better case in point than that of the amendment which Mr. Kirwan has on the Notice Paper to-day.

The MINISTER FOR EDUCATION (Hon. H. P. COLEBATCH—East) [4.43]: I do not intend to oppose the motion, because I see no objection to the Standing Orders Committee considering the question, but I am personally opposed to the departure intended. The case to which Mr. Lovekin has referred, namely, the notice of motion by Mr. Kirwan, is said to be a striking case in point. Well, why not allow it to remain a case in point? What harm can result if amendments are not put on the Notice Paper until the second reading has been carried? I trust the Standing Orders Committee, when considering this, will con-

sider very carefully the principles involved. The Notice Paper is a notice paper of matters properly before the House. There cannot properly be before the House an amendment to a Bill until the second reading has been carried.

Question put and passed.

#### BILL—COMPANIES ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

#### BILLS (2)—THIRD READING.

1. Geraldton Racecourse.

2. Wyalcatchem-Mt. Marshall (Extension No. 2).

Passed.

#### BILL—MARRIED WOMEN'S PROTECTION.

Report of Committee adopted.

#### BILL—LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from 24th October.

Hon. J. J. HOLMES (North) [4.47]: I support the second reading, not because it is the Bill I should like to see before us, but because it is a distinct improvement upon the existing law. It contains the groundwork of a really good measure, if hon. members will give it the attention I am sure they will. This is looked upon as the important Bill of the session. For various reasons the House may consider it from that standpoint. The liquor trade is an important one and has an important bearing upon the community. I look upon it as a menace to the community, and I think the framers of the Bill and another place consider it in that light. Written all over the pages of the Bill is an attempt to restrict the trade, and endeavour to minimise the evil that arises therefrom. I do not wish to infer that those associated with the trade are a menace. There are many people engaged in it who are just as honourable and straightforward and desirous of doing the right thing as we are. It is in many instances their misfortune that they are connected with it. I hold that, no matter what may be done to minimise the evils of the trade, those who are engaged in it should be compensated to the fullest extent where compensation is considered necessary. The success of this legislation will depend upon two things, public opinion and proper administration. If the existing law had been administered as it should have been, there would have been no necessity for such drastic legislation. No one can suggest that the trade has been properly controlled and administered by the authorities. Until we get

proper administration, I am sure our efforts to improve it by legislation will not be effective. For that reason I welcome the proviso that the trade shall be controlled by a branch of the police force. That will be all right provided the police are allowed to do their duty; sometimes they are not permitted to do so. For the future I hope that they will be given a free hand to carry out the wishes of Parliament. If the trade is not a menace to the community why do we propose to enforce all the restrictions that are contained in this Bill? From my reading of it, it aims at the curtailment of the consumption of liquor. It prohibits altogether the sale of liquor on Sundays. It prohibits the sale of liquor to any person under the age of 21 and to anyone visibly affected by it. The Bill aims at public drinking so that one's friends may see what one is doing. If the trade is not a menace why should the people who frequent wine shops be held up as an example, of what not to do, to the general public? The Bill prohibits young people from being on licensed premises and from being employed thereon. It aims at getting everyone to work at 9 o'clock in the morning in a sober condition. It certainly permits a man to have a drink after he has finished work, and perhaps he is entitled to that privilege. The Royal Commission on the Licensing Bill realised the dangers of the trade. They recommended that the Government should be empowered to borrow money to compensate the trade that is pushed out of business. If it is not a danger, why did this Royal Commission, which inquired fully into the ill effects of the trade, recommend that hotels compulsorily closed in the interests of the community should be compensated? The Minister for Education when introducing the Bill made certain observations which met with my approval. He said the aim was to secure better administration of the trade, and obtain a reasonable revenue from this State-created monopoly. As to the first point he is right, but on the latter point I do not agree that this Bill provides a reasonable revenue. He said the trade was a monopoly privilege, and that those who sold liquor should be made to pay for the privilege. I quite agree with that. If in Committee we can find a way out of this difficulty and secure a greater revenue, the Minister can count upon me as a supporter. He said that the revenue proposed is altogether inadequate. I also agree with that statement. He further remarked that there appeared to be a desired decrease in the consumption of liquor. He added that this was something which would be heartily welcomed. These things all point to the fact that the Government after full consideration have come to the conclusion that the less drink that is consumed by the community the better will it be for the State. The Minister went on to say that anything that could be done to tighten up the law, and make it easy to obtain convictions against persons supplying liquor to intoxicated individuals, should be

done. I agree with that too. Those people who reach the first stage of intoxication should be dealt with in an even more drastic manner than the Bill proposes. The Bill provides for a revenue from the trade of a paltry £55,000. The Commonwealth, which carries none of the burdens carried by the State, derives a revenue of £600,000. The Minister said that under this Bill the State would get 1s. for every 12s. the Commonwealth got. In the past we have been getting 1s. for every 20s. secured by the Commonwealth. One of the principal reasons why the trade has not been conducted as we would wish is lack of administration. The decent publicans have been compelled to fall into line with the indecent publicans, because the latter have been allowed to trade on Sundays and after hours and do all sorts of things which the decent publican does not want to do, but is compelled to do to retain his trade. Can anyone reasonably claim that the liquor consumed in this country has been properly inspected? If we had a better class of liquor sold there would be fewer inebriates and less drunken men tottering on the brink of the grave.

Hon. J. Duffell: It is not worse than in the Eastern States.

Hon. J. J. HOLMES: Two wrongs do not make a right. It does not alter the position. It is the duty of those in charge of the affairs of this country to see that nothing but first-class liquor is sold to and consumed by the public. How can we possibly do that with only one or two inspectors? How can these men be expected to analyse the liquor that is sold throughout the length and breadth of the country? When the publican gets to hear of their visit he cleans up his shelves, and when the officers have gone he restores the same old bottles to their places.

Hon. J. Duffell: Is that any worse than in the Eastern States?

Hon. J. J. HOLMES: Instead of making silly interjections the hon. member should reserve his remarks until his opportunity comes later on.

Hon. J. Duffell: My interjections are not silly. The hon. member is making statements he cannot prove. My interjections are in order. To say that they are silly is not in accordance with the facts, and I demand a withdrawal of the remarks.

The PRESIDENT: The remarks of the hon. member are in order, but his rejoinder was not as polite as it might have been.

Hon. J. J. HOLMES: If the hon. member will leave me alone, I shall be only too pleased to do the same by him. He challenged my statement, but he will have some difficulty in convincing the House that the sale of liquor of a better quality will not have a sobering effect upon the community. The better class of publicans realise that their only hope lies in the cleaning up of the trade. When I say that I mean the clearing out of those undesirable who are associated with it. There must be reform in the matter of the buildings that are utilised for the carrying on of this

trade. I have looked through the Bill and it would appear that these people have been given five years within which to reconstruct their buildings. I hope I am wrong in my conclusion. The provisions of the Bill will enable those persons who have never catered for the public other than through the public bars, to be given that period within which to do something more.

Hon. A. Lovekin: Where does it say that? Member: It is there.

Hon. J. J. HOLMES: I may be wrong, but I think it will be found in the Bill.

Hon. F. A. Baglin: No, the provision is for three years.

Hon. J. J. HOLMES: People who have not made provision for catering for the public other than through the bar, should not be given a license for more than one year. In Committee I will move in the direction of rectifying that position.

Hon. J. Ewing: Cannot the board deal with that?

Hon. J. J. HOLMES: The board cannot deal with the position, if we provide a time limit. Until that time limit expires, people who have evaded their responsibilities in the past will hang on to the last month of the last year before providing the necessary reconstruction of their premises, if we allow them to do so. Then we come to the law as to clubs. If we are to enforce the provisions regarding Sunday trading as outlined in the Bill, there is an absolute necessity to rapidly enforce the law regarding clubs.

Members: Hear, hear!

Hon. J. J. HOLMES: I understand there have been suggestions made that the law as to clubs could be more liberal than it appears in the Bill. Any attempt in that direction will have my most strenuous opposition. I consider clubs, and the members of those institutions should sacrifice something for the sake of the community in order to achieve the greatest good for the greatest number. If we compel hotels to close against Sunday trading, and we are to insist that bona fide travellers shall be those who travel beyond a radius of 20 miles from the G.P.O., or who elsewhere in the State slept 10 miles from the hotel where they seek to obtain liquor, we must rigidly impose legislation against clubs, otherwise we shall find people drifting into clubs who otherwise would not go there. Unless the provisions regarding clubs are rigidly enforced, I am inclined to think the position regarding Sunday trading may be worse in the future than it has been in the past. The clubs have nothing to complain about, for they have had a good run during the last six years. The Leader of the House knows that he was a member of the committee with me—I forget who was the third member—who conferred with a similar committee from another place on the 9 to 9 proposal. When we met that committee, there were two ex-Attorney General's among those representing another place. They both assured us that under the amendments agreed upon, the laws relating to clubs

would be the same as those governing hotels. It was firmly fixed in the minds of the committee that the provision for the hours to be from 9 a.m. to 9 p.m. was to apply to clubs as well as to hotels. Later we found that such was not the case. Therefore, the clubs have had a good run for the past six years, a run which it was never intended they should have. Clubs should remember that fact when there is talk about liberalising the law governing them. I speak as a member of clubs, and I am prepared to make a sacrifice in order that the control over the liquor trade may be effective. Coming back to the revenue aspect of the Bill, which is proposed to be collected from the State monopoly—

Hon. F. A. Baglin: How is it a State monopoly?

Hon. J. J. HOLMES: It is a State monopoly.

Hon. F. A. Baglin: But how do you make that out?

Hon. J. J. HOLMES: The State grants the right to the trade.

Hon. F. A. Baglin: That is not a State monopoly.

Hon. J. J. HOLMES: Anyone can start in any other business how, when and where he likes, but he cannot start an hotel as he pleases.

Hon. F. A. Baglin: That does not represent a State monopoly.

Hon. J. J. HOLMES: Of course it does.

The Minister for Education: Is it a State-created monopoly.

Hon. J. J. HOLMES: That is the same thing.

Hon. F. A. Baglin: It is not.

Hon. F. E. S. Willmott: At any rate, it is a monopoly.

Hon. J. J. HOLMES: That is so.

Hon. J. Cornell: Do you favour making it "open play"?

Hon. J. J. HOLMES: Yes, on one condition and that is that we have a one-clause Bill that will prohibit shouting. I received a certain amount of ridicule when advocating that reform some time ago.

Hon. T. Moore: It failed in London.

Hon. J. J. HOLMES: It is all moonshine for any hon. member to say we cannot enforce anti-shouting. How are we to enforce all the provisions of the Bill, if it is suggested that we cannot enforce a one-clause Bill? The publicans were afraid of that reform. One publican, who was a personal friend of mine, told me as much on one occasion.

Member: He is in the grave to-day. I hope the Bill will be, too.

Hon. J. J. HOLMES: That publican, who had a fine personality, said, standing within 10 yards of my seat in this House, with tears almost in his eyes, "Pass that Bill and you ruin me." I know that to be a fact. This publican went on to say: "There is a big section of the community who will obey the law and that means that if three or four men come into my hotel, their first drink is a good one. It does not pay me, but the other three or four do pay me. While shouting

is allowed, I get the other three or four drinks. If you enforce the Bill for anti-shouting, they will have one drink and get value for their money and I will not be engaged in a profitable trade." I know that contention to be true, for that publican was a conscientious man.

Hon. G. W. Miles: Since that time they have measured the drinks.

Hon. J. J. HOLMES: I do not care; shouting is a vicious practice. I do not mind men who are accustomed to it and can afford it, for probably they will go on, if they like to do so. But, on the other hand, if we can catch the rising generation, and make it a crime to take a young man of 21 years of age into a public bar, branding him with the first stamp of manhood in the shape of a drink, possibly whisky, we will achieve something in the interests of the rising generation.

Member: You will never do it.

Hon. J. J. HOLMES: Unless we do something of that nature, we shall do something to aid the downfall of those young men.

Hon. F. E. S. Willmott: You will have to catch them young. I was bred on beer from the age of five.

Hon. J. Cornell: That is what you had in a teaty bottle!

Hon. F. A. Baglin: What about afternoon teas?

The PRESIDENT: Order! We are not dealing with afternoon teas.

Hon. J. J. HOLMES: Have afternoon teas brought any man tottering to the brink of a drunkard's grave? Do afternoon teas bring our manhood to the lunatic asylums? Have afternoon teas contributed towards our gaols or to our inebriate homes? On the contrary, it is the liquor we are dealing with that has had those effects and which has helped to fill our gaols.

Hon. F. A. Baglin: There are worse evils than liquor.

Hon. J. J. HOLMES: If any hon. member suggests that we cannot enforce a one-clause Bill, that would have been in force now but for the treachery of some people, then how can we expect to enforce the many clauses embodied in the Bill under consideration?

Hon. J. Cornell: Anti-shouting was tried in England and it did not succeed there, despite a shortage of beer.

Hon. J. J. HOLMES: We are doing a lot of things in Australia that possibly hold us up to ridicule, but on the other hand, my proposal is worth trying. Dealing with the revenue to be derived from the trade, I gathered from the remarks of the Leader of the House that the Federal authorities get something between £600,000 and £650,000 a year.

Hon. J. Cornell: Do they admit tea free?

Hon. J. J. HOLMES: As a State we have been receiving between £30,000 and £40,000, and under the Bill it is proposed that we shall receive a little over £50,000.

Hon. J. W. Hickey: How does that compare with the profits made in the State hotels?

Hon. J. J. HOLMES: The hon. member can look up that detail for himself.

Hon. J. W. Hickey: I thought you might have some idea.

Hon. J. J. HOLMES: I will not proceed if hon. members continue to interject all the time. It is not often I trouble the House with speeches of great length, and I do not speak unnecessarily. If we have the red band of the trade brought here—I hope that is not so—

Hon. F. A. Baglin: It may be the black band!

The PRESIDENT: Order! Hon. members will have their opportunity later.

Hon. J. J. HOLMES: When I was so rudely interrupted, I was about to say that if I had power to enforce legislation and to collect revenue I could put up a case which I think would be easy to prove, that the State is entitled to get at least as much as the Federal authorities should be entitled to get from the trade.

Hon. A. Lovekin: Hear, hear!

Hon. J. J. HOLMES: Here is one point on which we might check the Federal authorities. Their present attitude is nothing less than highway robbery when they collect £600,000 from the people of Western Australia, and the State is charged with the cost of the police, the administration of the law, and the maintenance of those, including the children, who suffer from the ill-effects of drink! In those circumstances the State should get as much, if not more, from the trade as the Commonwealth.

Hon. T. Moore: Will they take less if we take more?

Hon. J. J. HOLMES: They will have to do so. That is the point I am making.

Hon. T. Moore: They do not say so.

Hon. J. J. HOLMES: If we wanted £350,000, we would get it and the Commonwealth people would not get their £650,000.

Hon. J. Ewing: They will take it.

Hon. J. J. HOLMES: No, not unless they amend the law for the whole of Australia, because they cannot have one law for Western Australia and another for the rest of the Commonwealth. If we legislated for £350,000 from the trade, the Commonwealth would not get any more than £350,000 because the consumption of liquor would decrease. If we automatically put up our tax, their tax would go down accordingly, and the total would only approximate what the people are paying now.

Hon. J. Ewing: Because the people would not consume as much liquor?

Hon. J. J. HOLMES: That is the point. If we can accomplish that, we shall be doing something in the interests of the community. The Government say that anything that will reduce the consumption of liquor will be heartily welcomed. By that means we can reduce the consumption and sober up the public. If we want to get £350,000, we can get it.

Hon. A. J. H. Saw: Only a millionaire would be able to get a tot under those conditions.

Hon. J. J. HOLMES: In any case, it is a luxury and if people want to indulge in a luxury, they should pay for it.

Hon. F. A. Baglin: It was declared a foodstuff a little while ago by the Prices Regulation Commission.

Hon. J. J. HOLMES: We can have dangerous food as well as dangerous liquor.

Hon. J. Cornell: You can eat too much food, just as you can drink too much liquor.

Hon. J. J. HOLMES: If we increase the tax within the State, the Federal tax will have to drop as well.

Members interjected.

The PRESIDENT: I must ask hon. members to permit Mr. Holmes to speak uninterruptedly. Hon. members will have an opportunity to speak.

Hon. J. J. HOLMES: The Bill should deal liberally with the trade. There should not be any complaint on that score. The public may be extravagant in their tastes, but the revenue from the liquor traffic should go to the State instead of to the Federal authorities, and then the State would have money to adjust some of the reckless extravagance of the Government for the past few years. We might even get a quarter of a million, by which the Government could adjust the finances after providing a large sum for compensation. If we did something along these lines we would put the public back into the position of having to be responsible for the payment on account of their excessive drinking habits.

Hon. G. W. Miles: Would you give this Government another quarter of a million to spend?

Hon. J. J. HOLMES: It does not make any difference what we give the Government, they take what they want just the same. If there is one man in this House who for the last seven years has fought against the Government receiving increased revenue, it is myself, but they get it just the same. When we talk about stopping supplies, it is like a red rag to this Chamber. I gathered from the Minister's remarks that the estimated wholesale price on which the tax will be imposed is in the vicinity of 1¼ millions. I do not think it is an extravagant estimate to say the retail price to the public will be about three millions sterling. Under the Government proposal the public of this State will be spending about £10 per head per annum for every man, woman and child. Under my proposal we shall be asking them to pay another £1. All said and done, the proposal which appears to some members to be so monstrous is quite a reasonable one.

Hon. T. Moore: But they are spending all they can afford now.

Hon. J. J. HOLMES: Instead of paying £10 per head, we shall be asking them to pay £11, and the Government will possibly get an additional £300,000 over and above the £50,000 they are collecting now. The Government could devote £200,000 of this to compensate the publicans and the other £200,000 could be earmarked to liquidate the deficit.

Hon. J. Cornell: Why should the drinkers pay off the deficit?

Hon. J. J. HOLMES: Because they are a tax on the community. I am satisfied that the real reform will come with high priced liquor and high-class liquor. It seems impossible to get away from the payment of high duty to the Commonwealth unless we reduce consumption. I think my suggestion would be an equitable distribution of the money to be derived by way of revenue, bearing in mind that all the charges occasioned by the trade have to be borne by the State, and the people would be penalised to the extent of only an additional £1 per head per annum.

Hon. A. Lovekin: That would make possible a drink to only wealthy men.

Hon. J. Ewing: The poor man would drink less.

Hon. J. J. HOLMES: No one would argue that drink is necessary to the health of the community.

Hon. T. Moore: It is used in hospitals.

Hon. J. Nicholson: Then your £350,000 would disappear.

Hon. J. J. HOLMES: If that were so the police force, gaols, inebriates' home and a thousand and one incidental expenses could be cut out. Reverting to the anti-shouting proposals, we all know that man is a cantankerous, determined sort of creature. One has only to tell him that he cannot have this or that or the other, and in nine cases out of ten a desire will be created for that forbidden thing.

Hon. F. A. Baglin: On a point of order, has anti-shouting anything to do with the Bill and is the hon. member in order in pursuing that argument?

The PRESIDENT: There is nothing about anti-shouting in the Bill. Brief reference might be made to it on the ground that it has something to do with drink, but I ask the hon. member to be as brief as possible unless he intends to move an amendment to that effect.

Hon. J. J. HOLMES: I am restricted by the Standing Orders as regards giving notice of amendments. Am I bound to confine my remarks to the clauses of the Bill? Am I not allowed to refer to amendments which might or might not be moved? What is a second reading speech for, if it is not to make suggestions regarding what might be done in Committee? Why do we hold up amendments until the second reading stage is over? Is it not in order that members might glean some suggestions to enable them to put amendments on the Notice Paper at a later stage? I submit that I am in order in dealing with anti-shouting proposals and I would like your ruling on the question.

The PRESIDENT: Yes, the hon. member may deal briefly with anti-shouting.

Hon. J. J. HOLMES: We are imposing restrictions upon members of the community. We are telling them that they must not drink before nine o'clock in the morning, and that they must not drink after nine o'clock at night.

Hon. T. Moore: Unless they drink at home.

Hon. J. J. HOLMES: They must not drink on Sunday. There are all sorts of restrictions. Unless those restrictions are rigidly enforced, they will not be worth a snap of the fingers. I referred to man as a cantankerous creature who had merely to be forbidden something in order to have a desire created for that forbidden thing. Go back to Adam, who appeared to be perfectly happy in the garden of Eden until someone told him he must not touch the forbidden fruit, and immediately he was told that, a desire for it was created. I would feel inclined to tell people they might drink when, where and how they liked but that, if they wanted to get down to a drunkard's grave, an inebriates home, a lunatic asylum, or the Fremantle Gaol, they must not drag others with them. Foster Fraser said that every Australian wanted a lamp-post to lean up against. The pioneers had no lamp-post to lean up against and they were successful. To-day the people are provided with lamp posts to lean against. If we adopted towards habitual drunkards the attitude that the State, the Church and the temperance party would have nothing to do with them, they would take a pull. The whole crux of the matter lies with the rising generation. We should prevent the men who are saturated with drink pulling the rising generation down to their level. Regarding those who have made up their minds to drink and who make drink their sole object in life, harsh though it may be to say so, the sooner they drink themselves into drunkards' graves, the better it will be for the rising generation and the community generally.

Hon. J. Ewing: Surely there are not many of them.

Hon. J. J. HOLMES: Men who persist in asking others to drink with them, knowing full well that drink is not good for them, are perpetuating the evil.

Hon. J. Cornell: Where is the man who asked for a glass of water?

Hon. J. J. HOLMES: He may be where the hon. member is bound for. The Bill proposes to wipe out local option. I am not prepared to say much in favour of local option. To my knowledge several grave injustices were done after the last local option poll. I regret that there is no provision in this Bill to compensate those people whose premises were closed at the whim of a section of the public. I regret that such premises which were built to comply with the Licensing Act should have been closed without compensation, and closed on a snatch vote of the people. It was not fair.

Hon. A. Lovekin: This Bill remedies that.

Hon. J. J. HOLMES: It makes the position all the more serious. It leaves those unfortunate people, some of whom possibly had their all invested in hotels, high and dry. It is neither fair nor equitable. Now that we have found local option unworkable, the provisions governing the court we propose to create should be extended to meet those few cases of hardship.

Hon. J. Duffell: That is the most sensible remark you have made.

Hon. J. J. HOLMES: I did not know the hon. member was capable of judging between sense and insensibility. The Bill provides for a State-wide poll. That is all which the temperance or prohibition party have left to them. It is a more equitable proposal than local option. The Bill does not provide that a minimum number of electors shall vote in order that the poll shall be effective. When we remember that the temperance and prohibition people have to get three persons out of every five, and that rightly or wrongly they are doing this for what they consider is the benefit of the community—

Hon. F. E. S. Willmott: And their own tea shops.

Hon. J. J. HOLMES: And when we remember that the trade will be fighting for its existence and will have money to fight the battle, I do not think it is asking too much that there shall be no minimum number of electors to vote. If the prohibition party can get three people out of every five who go to the poll to vote with them, there should be no further restriction on them.

Hon. G. W. Miles: It might be another case of a snatch vote.

Hon. J. J. HOLMES: It cannot be. If they can get three out of every five people to vote for prohibition, there should be no further restriction.

Hon. A. Lovekin: But there are more than two sides.

Hon. J. J. HOLMES: We shall hear the other side from the hon. member later on. He will have the opportunity and advantage of following me, but I do not thank him for his interruptions at this stage. If the temperance party, for what they think is the public good, can get three out of five people to vote for prohibition, and if the publicans, fighting for their lives and fighting with all the power behind them, can get only two, we should impose no further restriction. Mr. Kirwan the other day raised the point whether, if we vote prohibition, we can enforce it. If we have prohibition we shall have to control importation; and we cannot do that. The prohibition people in that respect will be left not high and dry, but in the wet. I do not think we can control the importation of liquor. We can only prohibit the sale. In the event of prohibition being enacted in Western Australia, I can quite imagine the transcontinental train being filled up with parcels for personal use. Nearly everybody would be doing the same thing. Possibly the public under that system would get more liquor and cheaper liquor than at present.

Hon. J. Nicholson: And perhaps worse liquor.

Hon. J. J. HOLMES: The State could come in there on the question of inspection. The prohibition people have just one lamp-post to lean against, and that can be knocked away by the Federal people at any time.

Hon. J. Cornell: It is white-anted already.

Hon. J. J. HOLMES: Hon. members will find running throughout the whole of my remarks a desire to treat the trade fairly. I have friends in the trade, but I look upon the liquor business as a menace to the State and the Commonwealth. In my opinion, the only way of dealing with the evil is to treat it on the lines I have suggested. Anyone who casts his memory back 15 or 20 years will have no hesitation in saying that many of his best and brightest friends have gone down through one cause, and one cause only, and that is the liquor which they have been allowed to consume. I do not know whether Dr. Saw will agree with me, but it seems to me that the difference between food and drink might be aptly described in this way: if one is hungry and takes food, one is satisfied; but if one is thirsty and takes alcohol, and continues to take alcohol, then before very long the desire for alcohol is created, and that in many instances is the beginning of the end. I hope the second reading will be carried, and I hope opportunity will be found in Committee to make many very necessary amendments.

On motion by Hon. H. Seddon, debate adjourned.

## BILL—DAIRY INDUSTRY.

### Second Reading.

Debate resumed from the previous sitting.

Hon. F. E. S. WILLMOTT (South-West) [5.25]: As one who makes a certain amount of butter, I have to express the opinion that this Bill will fulfil a very useful function. I do not find in it any clause which will bear oppressively upon the farmer, so long as the Minister in control of the departmental officers who have the carrying out of the measure, will instruct them to use reasonable common sense. In the past regulations have been so rigidly enforced that at one time the dairying industry was almost knocked out of existence here. I refer to the time when every cow bails had to be concreted, and all sorts of expensive alterations, impossible for the ordinary farmer to carry out, were insisted upon. So long as only reasonable cleanliness is enforced, no farmer can object. In days gone by I have seen the stockyards in which the cows were kept standing for many hours, so deep in filth of all sorts that boys had to be sent into the yards on horses to drive the cows into the bails; and when the cows came up for milking they were swimming in filth half way up their sides, and had to be hosed down or have buckets of water thrown over them. Such a state of things should not be allowed; and I hasten to add that I believe nothing of the kind is to be seen in this State to-day.

Hon. J. M. Macfarlane: That case was an extreme one?

Hon. F. E. S. WILLMOTT: Yes. Then there is the other extreme, when regulations are made so oppressive as to put dairy farmers

out of the business. Fortunately the Minister in control at the time I have spoken of listened to reason and instructed the inspectors to use common sense, which is all that can be desired. From interjections I have gathered that some members fear that hardship will be inflicted on the farmer making butter if he is required to brand it as farm butter. I have no objection whatever to branding my own butter as farm butter. The proof of the pudding is in the eating, and that remark applies also to butter. If one consistently puts up a good brand of butter, keeping one grade, it does not matter what one brands it that brand will be asked for, and there will be no trouble in selling it. The trouble comes when the farmer is considerably in debt to the storekeeper, and the latter takes from the farmer second, third, and no grade butter by way of reducing the debit, and that butter is foisted upon the public at the same price as they pay for the good article. The question of overrun I will leave to Mr. Rose, who is intimately connected with the business. In fairness to the butter factories to which I have forwarded cream in the past, I want to say that I have always received a fair deal from them. If this measure is passed, and if regulations under it are enforced by the inspectors with due reasonableness, no hardship will fall upon the butter producers. I should, however, like to see the schedule of fees inserted in the Bill, so that we may know exactly where we are. If we argue the matter out now, there can be no argument afterwards. But it may be that a Minister will come along who will agree to a schedule of fees that in our opinion is extortionate, and then we shall have great trouble in getting the fees reduced. I support the second reading of the Bill, and hope that during the Committee stage the schedule of fees will be inserted.

Hon. T. MOORE (Central) [5.41]: I am not too sure that the Bill is necessary at this stage of the dairying industry of Western Australia. In my opinion the Bill is premature. I realise that Western Australia has great possibilities in the way of dairying, but up to the present there have been very few people here who really understand the art of butter making, or what conditions are required in order that our butter may be brought up to the standard of Eastern States' butter. The Bill really provides nothing except regulations. If certain of those regulations are vigorously enforced, I fear the industry will be hampered instead of assisted. Teachers rather than inspectors are necessary in connection with the dairying industry. Inspectors are not going to assist our dairy farmers to any great extent, if at all. Having been intimately connected with the butter industry, especially in my young days, I know that at its outset in the Eastern States, some 30 years ago, there were very few people who really understood butter making. The Victorian butter industry, in fact, was built up by a butter bounty. The Government of the



day considered it necessary to subsidise those who went in for butter export.

Hon. J. Ewing: That cannot be done here now.

Hon. T. MOORE: Many things can be done here if the country thinks they should be done.

Hon. J. Ewing: But that particular thing cannot be done.

Hon. T. MOORE: The people of this State do not realise the opportunities they have in the way of butter making. Whenever dairying is spoken of, the South-West is brought in; and people in my electorate are beginning to think that the South-West is the only place in the State where butter can be made—an altogether erroneous impression. In latitudes and under conditions similar to those of the central province, some of the best butter of the Eastern States is made; and I hope the cry that butter can only be made in the South-West will be dropped. A butter factory has been started in the Geraldton district, and I want the people of this State to realise that that factory has possibilities and probabilities.

Hon. G. W. Miles: There is a factory going at Wyndham too.

Hon. T. MOORE: In days to come the Geraldton district will have some very fine dairy farms. One of the first essentials is to educate the dairy farmer up to the need for having proper dairy cows. In certain quarters cows have been used for dairying that would not give much butter fat at all, though good in the matter of beef. The industry will never do well unless our dairy farmers start with good milking stock. Much has been said about the possibility of our making butter equal to that of the Eastern States. In that connection our dairy farmers need to be taught the use of the proper fodders for making good butter. At present the practice is to allow the cattle to graze on whatever pastures may be available.

Hon. J. Ewing: The pastures are being improved.

Hon. T. MOORE: I know that, but our dairy farmers are not sufficiently informed concerning pastures to know that butter can be made only on certain pastures, and that for this purpose other pastures are positively injurious. In certain parts of the Eastern States they have so far advanced in the direction of feeding their stock on proper pastures, that it is possible to get along without any preservatives. That may seem rather strange, but it is because they have gone into the question of pastures, and they have succeeded in providing the feed which is required. What we need more than anything else is to regulate the manner in which dairies shall be run. I was born on a dairy farm, and I know how a commencement was made by the pioneers. Instead of putting on inspectors, we should have instructors. There has been a slogan recently that we should purchase the products of the State. But I would remind the Minister for Agriculture that such a slogan is no

good unless we teach the people how correctly to produce the things we require. No attempt has been made to educate the people as to how they should produce, and the Bill before us will not help the industry it is intended to regulate.

Hon. F. E. S. Willmott: It will improve the grade of butter.

Hon. T. MOORE: Teaching only will improve the grade of butter. A good deal has been said with regard to margarine. My opinion is that there should be no reference to margarine in the Bill. Margarine has been described as practically the twin brother of butter, which, of course, it is not.

Hon. F. E. S. Willmott: It is the illegitimate brother.

Hon. T. MOORE: Having been fed on margarine for a couple of years, I assure hon. members that I have no wish to see young Australians brought up on it. If I had my way, there would be no margarine industry. We should set up a standard, and that should be that our children should be reared on the best we can produce. We can produce plenty of the best, and therefore so far as margarine is concerned, I do not think it should be necessary for us to deal with it at all. I hope the time is not far distant when we shall no longer see it. We are told by those connected with the trade that it is better than the margarine which was supplied to the troops. I have tried some of the stuff, and to my mind it is exactly the same. The food supplied must be pure if it is to be of any use. It is my intention to oppose that clause which permits of a certain quantity of colouring matter to be used in the manufacture of this article. I shall do so because margarine is a product which we do not require.

Hon. J. M. MACFARLANE (Metropolitan) [5.50]: Though I have not been able to properly study the Bill, I am prepared to support the second reading. At the same time, I shall reserve to myself the right to move amendments in Committee in the hope of improving some of the clauses. Like the previous speaker, I realise that the time is not opportune for the introduction of a measure of this description to control the dairying industry. Moreover, I regard the Bill before us as likely to be more harmful than helpful. The dairying industry in Western Australia cannot be said to be at the present stage in a "fixed" condition. It is in the transition period, and we are looking forward to building it up. I am afraid of the consequences of a Bill like this, with the regulations which will be framed under it whereby the inspectors will go out and harry rather than help those who are engaged in it. That is not the way to foster any industry, and I am satisfied that it is not the desire of members that this should be done. It is the wish of all to assist in putting the industry on a sound footing. When Mr. Willmott was speaking I interjected that under the Health Act there were strict regulations regarding dairying, and that those regulations were in

existence to-day. What the hon. member told the House is perfectly correct. I know that that is so because I have had experience in different places, and I know that instructions went forward from the Commissioner of Health that dairying for butter making solely could be carried on without enforcing the drastic laws applying to dairy conditions. It was proved that while there were one or two older dairies like those to which the hon. member referred, it was possible to carry on the industry without bails and cement floors and at the same time in a hygienic manner. The Commissioner of Health told me that after investigation he was satisfied that dairying could be carried on without going to a lot of unnecessary expense, if the farmer had his cows so trained that they could be milked on grass plots in different parts of a paddock, and if they were kept away from muck of any description. He said that this would be better than getting the cows into bails and in places which were not always cleansed with lime for the purpose of keeping down bacteria. What I am afraid of now is that, with a Bill such as the one before us passed into law, the chief dairy inspector and the other inspectors who will be under him will go out and immediately throw the Act at the dairy farmers and scare them to such an extent as perhaps to prevent them from proceeding with their business. With regard to wool, the Government employ an expert to go round the various benches where shearing is being carried on, and this officer explains to the farmers present what should and should not be done, and he calls meetings of those interested in wool, and demonstrates for the benefit of the farmers as well as giving advice and answering questions. That is the kind of work the Government should engage in in connection with the dairying industry. We know that there are farmers who know very little about a cow and these are the people whom we should help with advice and instruction, especially in the direction of the class of stock to milk and the system of marketing. Two or three days' instruction could be given a farmer and the instructor could then pass on to another man, and in that way it would not be long before a definite and more satisfactory result would be achieved. But if the conditions are solely to harry the farmers, then I am afraid the result will be harmful to the industry.

Hon. T. Moore: And the chances are the inspector will be a man who does not know much about it.

Hon. J. M. MACFARLANE: It has been said that in Victoria the dairying industry was assisted in the early days by a bonus. That is true. The sum of £330,000 was supplied in connection with butter and £113,000 with regard to cheese. Some scandal arose out of the application of that money, but that was incidental to the disposal of it, and arose out of the fact that the State was without experience. With regard to the districts in which cream can be produced, I agree entirely with Mr. Moore and Mr. Mills, who spoke of the possibilities of the Midland country. Until comparatively

recently, when Geraldton stepped in, I had a supplier of cream at Arrino, a man who started in a small way and who, year after year increased his supply until he was receiving from me cheques from £45 to £85 per month during certain periods of the year. At the first blush most of us would consider a district like Arrino a dry area. I would inform members, however, that climatic conditions count for nothing in the making of butter. To-day we have means of controlling the temperature in regard to cream, so that it does not matter if the cream is produced in the tropics. I may say that during my 20 years' experience in this business I have found the best cream to come from the wheat-growing districts. Unfortunately, those districts have not been properly appreciated from the dairying point of view.

Hon. J. Ewing: The cattle feed on stubble.

Hon. J. M. MACFARLANE: The land in the wheat districts is easily cleared and there is in those areas a good deal of resting country for the stock, and stubble is portion of the feed. Thus, we find that when the cattle in these parts are very often in good condition, the cattle in the South-West are in poor condition. With the approach of the season in March and onward the farmers in the Wheat Belt are able to command the maximum price for butter fat.

Hon. J. Ewing: Why should we not make butter all the year round?

Hon. T. Moore: Why not construct silos?

Hon. J. M. MACFARLANE: We can make first class butter here provided, of course, the cream arrives in good condition. The factories are as well equipped as any of the factories in other parts of Australia. But we have to contend against long distances and a bad train service, and it is easily understood that cream in these circumstances does not arrive in the condition in which it should reach the factory. The farmer does not know how to take care of the cream after separating it, and it is here that he should receive tuition at the hands of an inspector. The railway service is bad, and at this time of the year a service of once or twice a week is not enough. The manner in which the Railway Department attend to the conveyance of cream is really a scandal and it contributes to the making of bad butter at this time of the year. One thing I do not understand in connection with the Bill is the question of grading. It is there I want to give the matter further thought before I whole-heartedly support the Bill. The grading clauses are intended, not so much for farm grading as for factory grading. If the dairy instructor were sent around to farms to give the farmers tuition, there would be less need for the heavy grading which has now to be done. I will support the clause prohibiting the use of colouring matter in margarine, but not because I object to margarine. Margarine came on this market for a definite purpose at a time when butter was frightfully expensive by reason of its being exported to the Old Country, and when we had to put up with the prices created by the vested interests, with the

result that many of our people could not afford to buy butter at all. Everything tended to keep up the price, maritime strikes preventing the importation of butter, and shipping restrictions operating in the same way. At that time margarine was very welcome. When I was in Melbourne as a member of the Food Standard Advisory Board, the butter interests tried to have the colouring taken out of margarine. Inquiries were made at the London Agency, and the High Commissioner, Sir George Reid, reported on expert advice that margarine was sold at from 50 per cent. to 70 per cent. below the cost of butter, and that it had all the food qualities of butter, with few of its defects—meaning that it was sterile, and so was not likely to transmit tuberculosis or other diseases. Also he said the poorer people in England, by buying margarine, were able to get a pound and a half of fat as against one pound in a like quantity of butter, and that therefore he could not support the proposition to injure margarine by abolishing its colouring matter. We had this confirmed by analysis, and so it was agreed that colouring should be permitted to continue in margarine. Nobody has had occasion to complain until recently, when margarine came into competition with Western Australian butter at a figure which affected the sale of the local butter. This is where I turn over to the vested interests, because I recognise that some protection should be given to the dairying industry, and that the elimination of colouring matter from margarine will afford the dairying industry at least some measure of protection.

Hon. A. BURVILL (South-East) [6.5]: At present we are importing about half a million pounds of butter from the Eastern States per annum, but with the development taking place in our butter industry it may be that we shall have to export butter before long. Unless the grade of cream coming into our factories improves, we shall not be able to put up for exportation as good a grade of butter as is coming from the Eastern States. We would be wise to improve the quality of our butter before we actually reach the exporting stage. I agree with Mr. Moore about the butter made in the wheat belt. It is just as important as the butter made in the South-West. Also I agree with Mr. Macfarlane. The two districts could work together very well. At this season of the year the wheat belt can make butter quite equal to that made anywhere else, but at certain seasons there is a shortage of feed in the wheat belt, and that is when the South-West comes into its own. Still, the two producing districts could work in together very well. I do not believe in the one throwing mud at the other. As for the proposed regulations, it has been objected that we require tuition more than regulation. But it must be remembered that a certain class of persons can only be taught by regulation; although they may know how to do a thing well, they will not do it without moral suasion.

Hon. T. Moore: Good cheques will do it. Hon. A. BURVILL: And the Bill, too, will tend to that result. I have known first-class cream come from a farm, while the cream from the adjoining farm, pasturing the same class of cow on similar feed, has reach the factory fermented. Clearly, therefore, the Bill is wanted. There is always a tendency to put too much second-grade cream in with the first-grade cream. That is why I believe in grading. I certainly agree that first-grade cream should be pasteurised.

Hon. J. Mills: Why should not second-class cream also be pasteurised?

Hon. A. BURVILL: There is nothing in the Bill to prevent it. I would support an amendment that second-grade cream also should be pasteurised. Another amendment which I would support is that the scale of fees should be submitted to the State advisory board. This would safeguard the dairy-men and all concerned. All farming butter should be branded. I have known instances of storekeepers selling inferior farm butter as factory butter, and so injuring the factories. First-class farm butter will fetch a price quite as good as, if not better than, that of factory butter. Many people who make farm butter put their names on it, and so I see no harm in branding all farm butter. I agree that we should improve our dairy stock. I understand we shall have before us presently a Bill dealing with that subject. The Bill now before us will certainly tend to improve the quality of cream and of butter.

Hon. E. ROSE (South-West) [6.12]: The time is ripe for the Bill, and I congratulate the Minister for Agriculture on its introduction. At the recent conference of Ministers for Agriculture it was learned that Western Australia and South Australia were the only two States that had not such a Bill. The Bill will have a very beneficial influence on the industry. It has been stated that we are not producing as good butter as is being produced in the Eastern States. When we consider the number of small dairies we have, and the many varieties of grasses upon which the stock are fed, it is not to be wondered at that we have a large variety of creams going into factories. During October and November our butter is equal to anything we have ever imported. At present we are manufacturing butter up to 94 and 96 grade, which is considered very high indeed.

Hon. J. Ewing: That is on account of the pasture.

Hon. E. ROSE: Yes, and because of the larger dairies. We must educate our farmers to provide summer fodders. On the wheat belt, dairying can be carried on for only a couple or three months in each year, whereas if the farmers would go in for silos they would be able to pursue their dairying for a much longer period. We have in the South-West division, from Geraldton south, a huge area suitable for dairying, but until we have experts travelling around to educate the farmers we shall not provide sufficient butter for our own consumption, at all events not during

the lean months of the year. It has been said that before long we shall be exporting, and that the Bill will then be very necessary. I agree with Mr. Macfarlane that we should be most careful as to the inspectors to be appointed, that they should be men of reasonable views, men who will not demand the full pound of flesh and insist upon the farmers equipping and maintaining their dairies up to the last letter of the Bill. For instance, it is not necessary to apply the book-keeping clause to every supplier of cream. It will mean only increased expense. Clerks will have to be maintained for the keeping of the records. It is quite different in a Government factory, for there the accounts are all sent to Perth. In our own factory we have to keep two or three clerks to look to the accounting.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. E. ROSE: Before tea I was speaking about inspectors and was expressing the hope that they would not act too harshly until the time arrived for us to export butter. There are several clauses in the Bill with which I do not agree, but they can be amended in Committee. I take exception to Clause 11 with regard to payment for cream. This states:—

Cream supplied to a dairy produce factory shall, according to the grade of the cream, be paid for on the basis of the butter fat results, estimated in the prescribed manner. Provided that where the value of the butter obtained from the cream exceeds that estimated as aforesaid, such excess shall be credited to the persons who supplied the cream, less the charges to be stated and levied by the manager. Milk supplied to a dairy produce factory for the manufacture of cheese, condensed milk, or dried milk, shall comply with the requirements of such regulations as may be prescribed.

This will strike a death blow at co-operative butter factories. These co-operative societies are paying for cream according to grade and value. The price is fixed by the Butter Factories Association. Whatever profits there are in co-operation are divided amongst the shareholders who are supplying cream. The Bunbury butter factory paid a dividend of six per cent. last year. That is the maximum we are allowed to pay under our articles of association. We also paid a bonus of one penny in the lb. on all cream supplied by shareholders. This clause will prevent such a thing being done in the future. Unless I am satisfied by the Minister that this will not affect co-operative butter factories in the way I have indicated, I hope it will not be passed. A butter factory has been started in Geraldton, and the shareholders will want to get their bonus for supplying cream. Another is being started in Balingup. I do not think farmers there are likely to put up £20 or £40 if they find they are not going to participate in the way of bonuses. Why should a man who is afraid to put up £5 or

£10 for the establishment of a butter factory get the same benefit as people who are willing to put their money in? For 12 years the Bunbury butter factory paid no dividends and was out of pocket. Now we are allowed to pay only six per cent., but in addition we divide bonuses amongst shareholders who supply cream. We should do all we can to encourage co-operation. All of our factories except three are co-operative butter factories, and of these three two are owned by the Government and one is a proprietary concern. The shareholders get a fair price for their butter fat under co-operation, and the price that we charge wholesale for butter is fixed every week by the association. Other clauses will require careful attention, especially that in regard to farm butter. This particular clause says:—

Butter made by a farmer otherwise than in a registered dairy produce factory, under the exemption under the second paragraph of section three of this Act, shall not be sold or kept for sale otherwise than in packages with the words "farm butter" thereon; and in any proceedings for a breach of this subsection an averment in the complaint that the butter so sold or kept for sale was farm butter within the meaning of this subsection shall be deemed to be proved in the absence of proof to the contrary.

The words "farm butter" should be printed on the wrapper of the product in large letters so that people will know what it is without any possibility of mistake. A lot of farm butter is being sold in the various towns of the State as factory butter. If it is plainly marked people will see that it is not butter of that description. With regard to margarine, it is time the law prevented this from being sold as butter. Margarine has been sold at 1s. 8d. and 1s. 10d. a lb., and it costs less than 1s. a lb. to manufacture. It is chiefly made of coconut oil, the coconut being grown by black labour in foreign parts. It is not an animal fat as some people imagine. We should prevent the sale of margarine as butter, and also stop people from putting colouring matter into it. This is done in order to make it look like butter. Some people say we put colouring matter into the butter, but in the South-West the butter is so highly coloured that it does not need to be touched. If we do add any colouring matter it is certainly not intended to disguise the product. Some people are unable to tell the difference between margarine and factory butter. There are thousands of people employed in the dairying industry, but up to the present we are making only very little butter. Very few, on the other hand, are employed in the manufacture of margarine. Over one million pounds weight of margarine was consumed in Western Australia last year, but very few people were employed in its manufacture. We do not want to prevent people from using margarine, but we want to prevent it being sold as

butter. I support the clauses with reference to margarine. The regulations mentioned in the Bill will require to be carefully gone into. The Government would be well advised if they submitted them to the Council of the Butter Factory Association before having them gazetted. The State is ready for a Bill of this description, and I hope it will be carried.

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

# BILL—ATTORNEY GENERAL (VACANCY IN OFFICE).

## Second Reading.

Debate resumed from 26th October.

Hon. J. W. KIRWAN (South) [7.40]: This short Bill has something Gilbertian about it. One of the features that may be described in that way is that portion which makes it retrospective in its incidence. It is most extraordinary that the Minister for Justice, the one man who of all others should be careful to avoid illegalities, is going to have certain acts of his, which it is inferred were illegally committed, rendered valid by this Bill. I trust that he will read himself a severe lecture and see that it does not occur again. It is Gilbertian in another respect, because it proposes to place at the head of the bar a man who is not a lawyer. It reminds one of the opera, "Pinafore," and of the old lines "Stick close to your desk and never go to sea, and you will be the ruler of the Queen's Navvy." This Bill proposes that in future a man may be Attorney General who has no knowledge of the law.

The Minister for Education: Not that at all.

Hon. J. W. KIRWAN: Well, it enables a Minister for Justice to do certain acts which are ordinarily done by an Attorney General, and practically places him in the position of an Attorney General.

The Minister for Education: No.

Hon. J. W. KIRWAN: It does, so far as those acts are concerned. It is difficult to satisfy the Minister as to the exact meaning of these words in the Bill. I am only going by the wording of Clause 2. The marginal note says "Minister for Justice may be appointed to exercise powers of Attorney General."

The Minister for Education: That is the marginal note; it is not the clause.

Hon. J. W. KIRWAN: The marginal note fairly well conveys the meaning of the clause. The clause says:—

Whenever there shall be any vacancy in the office of Attorney General, the Governor may appoint some person to be Minister for Justice for the purposes of this Act, and the Minister so appointed shall have and may exercise all or any of the powers that would be exercisable by an Attorney

General, whether by virtue of any statute or otherwise.

In other words it gives the Minister for Justice all or any of the powers that would be exercisable by the Attorney General. Surely what I have said is a sufficiently accurate description of the exact purport of this Bill, despite the objection the Minister takes to my interpretation. Another objection I have to the Bill is that it endeavours to meet a condition of affairs that is temporary, and in order to meet that temporary state of affairs it places upon the Statute Book an Act that has no limit to its duration.

Hon. E. H. Harris: We can remedy that later on.

Hon. J. W. KIRWAN: I was about to suggest that before the Bill passes through Committee we should limit its duration until, say, the 31st December, 1923. I believe there is no one in Parliament, nor is there any member of the Bar who would raise any objection on personal grounds to the present Leader of the House exercising the duties authorised in the Bill. It is possible to conceive circumstances—it has occurred in other States but not in Western Australia—where someone may be selected who would not be *persona grata* with the Bar. Where possible some member of the Bar should be appointed to the position of Attorney General, for it is more in accordance with the fitness of things. At the present time we require six Ministers to do rather more work than they should be called upon to perform. The powers of Government have been considerably extended during the last few years. There are the State trading concerns, business concerns, the Department of the North-West, and a number of other extensions of governmental work.

Hon. G. W. Miles: They intend to get rid of the trading concerns.

Hon. J. W. KIRWAN: In various directions generally, the work of Ministers has been extending for years past, and I think the number of Ministers should be increased either by the appointment of Ministers who would be honorary in the real sense of the term, or by the appointment of men who would be paid. When the last vacancy arose in the office of Attorney General there were at least three members of Parliament who were lawyers and who were not opponents of the Government in office. It is rather regrettable that one of those members was not selected to carry out the duties of Attorney General, if not otherwise, at any rate in an honorary capacity. If no other member sees fit to move in that direction, I will move to amend the Bill by limiting its duration till the end of next year.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1-6—agreed to.

Hon. E. H. HARRIS: I move an amendment—

That a new clause to stand as Clause 7 be inserted as follows:—"This Act shall remain in force until the 31st day of March, 1924, and no longer."

The amendment will limit the duration of the Bill until after the next election of members of the Legislative Assembly.

The MINISTER FOR EDUCATION: I thank Mr. Kirwan for his reference to myself in connection with the Bill. It is obvious that so far as I am concerned, and also the Government, the amendment cannot possibly embarrass us in any way, but I see no necessity for it. There is no reason why it should not be possible for another Government at any future time, either because it is inconvenient or undesirable from the point of view of the Premier of the day to appoint an Attorney General, to have the same privilege of appointing a Minister for Justice. I will not support the amendment on the ground that it is all right when I am Minister for Justice, but all wrong when someone else might be appointed to that position.

Hon. J. W. Kirwan: We would not expect you to accept it in the circumstances.

The MINISTER FOR EDUCATION: I do not see that the amendment is necessary, and I do not think we should make it mandatory for the Premier to appoint a member of the Bar as Attorney General.

Hon. A. LOVEKIN: I am satisfied with the Bill as it stands without the addition of the new clause. I can see no reason why we should perpetuate the practice of always having a lawyer included in the Government. By such an appointment, one-sixth of the power of the Government has always been in the hands of a lawyer, and as Attorney General that Minister has very little to do, while there is a lot to be done by the other Ministers in connection with the Government of the country. If we always have a Minister for Justice, he has resort to the Crown Law authorities for advice and such a course would be better for the country than to make perpetual the practice of having a lawyer as Attorney General.

Hon. A. J. H. SAW: I do not favour the new clause because I understand it is customary that when a member of the legal profession is appointed as Attorney General he has by virtue of his office certain privileges to appear in the law courts on behalf of the Crown in certain cases. I want to discuss this question on broad principles and entirely free from personalities. Undoubtedly occasions may arise when there may be only one or two lawyers in Parliament and they may not always possess the highest standing their profession or even in Parliament. If a Government is to be restricted to a member of the legal profession for the appointment of such a Minister, certain harm may result to the community and also to justice itself, particularly

in those Government cases where the Attorney General can claim the right to appear on behalf of the Crown. I am under the impression that such has been the custom in this and other Australian States. I can see no reason why a member of the legal profession should be made Minister for Justice any more than if we were to have a Minister for Health, we decreed that only a member of the medical profession, if he happened to be in Parliament, should have that office. There are certain objections to be raised to both courses as regards the medical profession equally with the legal profession. We may find that there are such professional men in Parliament who may be quite suitable for appointment to Ministerial office. On the other hand, there may be in Parliament men not of the highest standing in the professions, and to restrict the choice of the Government in such matters might not be advisable. For these reasons I oppose the amendment.

Hon. J. W. KIRWAN: Members have forgotten the object of the amendment, which will mean that the Bill will operate for the next 18 months.

Hon. T. Moore: Why limit it to that period? Why not make it apply to the end of this month?

Hon. J. W. KIRWAN: I think it is important. The present Government or some other Government may be in power at the end of that period. If they desire to make a Minister for Justice carry out the duties of an Attorney General, it will be a very simple matter to bring forward a Bill similar to the one before members now. Further, it would be quite easy to bring in a Bill to continue the operation of the existing measure. The practice of appointing a member of the Bar to the position of Attorney General or Solicitor General has existed ever since Parliamentary Government has been in operation in Australia, and in connection with the mother of Parliaments in England as well. Although there may be times when it is necessary to depart from that custom, those occasions should be as few as possible. We should observe the the custom which has been found in the light of experience to be a good one. It is a safe custom, and will not lessen the possibility of a man being appointed who would not be *persona grata* with the legal profession. I cannot see any harm in limiting the duration of the measure. I know of no case where the extension of such measures has been refused by Parliament. If necessary, this Bill can be extended in the same way.

Hon. J. J. HOLMES: No doubt valid reasons have been given right through by the Imperial Parliament and the State Parliament for the appointment of one member of the Government who shall be a member of the legal profession. It frequently happens that matters crop up in connection with which the application of a legal mind is required. The absence of that legal mind from the closed walls of Cabinet may be disadvantageous to the State. The insertion of the new

clause will not bring about what Dr. Saw hopes, namely that the Attorney General will be excluded from carrying out the powers in connection with the Government. The Act governing the appointment of Attorney Generals will go on just the same. Should we have an Attorney General in office again, then the present Bill will not prohibit him from carrying out his duties.

The Minister for Education: In such a case, the Bill would have no force at all.

Hon. J. J. HOLMES: I gathered from Dr. Saw that that was his objection.

Hon. A. J. H. Saw: No. I referred to the case of an unsuitable occupant of the position.

Hon. J. J. HOLMES: If an undesirable person should be appointed as Minister for Justice, it might be possible for such a Minister to carry out his duties in a way that would be neither creditable to himself, to the Government, nor to the country, and in such a case we should have the right to veto the powers granted under the Bill.

The MINISTER FOR EDUCATION: Mr. Kirwan suggests that if the amendment were accepted it would be merely a matter of form to continue the Act. If a Government came into power, it could only do so by the will of the people, and in the event of there being no legal man, would he prevent the Government from carrying on?

Hon. J. W. Kirwan: It has happened before and a Minister for Justice has been appointed.

The MINISTER FOR EDUCATION: Quite so, and the same doubt has arisen as to whether the acts of the Minister for Justice were entirely legal. We are advised by the Solicitor General that the Minister for Justice cannot legally do certain things which the law says must be done by the Attorney General.

Hon. J. J. Holmes: We propose to give you that power, but to limit the period.

The MINISTER FOR EDUCATION: What is the use of limiting the duration of the Act? If there is a party in power by the will of the people and it is not desired to appoint a legal man, should the party be debarred from carrying on? I see no good object to be served by limiting the duration.

Hon. J. W. KIRWAN: Why place permanently on the statute-book a measure to provide for a temporary state of affairs? It is a mere temporary state of affairs that has arisen, and there is no justification for making the measure permanent.

Hon. E. H. HARRIS: It was at the instance of Mr. Stewart that I moved the amendment and I am sorry he is not here. The amendment, however, has my support. I understand the Governor has power to appoint certain persons to sign papers, for instance under the Criminal Code, and if this is so, where is the necessity for the Bill? In any case the duration of the measure should be limited.

Hon. A. LOVEKIN: Mr. Kirwan has given the best of reasons against the clause he is

supporting. This measure could only apply during a temporary emergency when there was no Attorney General, and that is what the Bill is for. When a temporary emergency arises, it will be necessary to have this measure to operate.

Hon. J. J. Holmes: If it becomes permanent, we shall not have another Attorney General.

Hon. A. LOVEKIN: Then would the hon. member compel a Government to appoint as Attorney General a man who possibly was not of good standing in the profession?

Hon. J. J. HOLMES: If this Bill is passed, the measure will be in operation and if a suitable person is appointed, the Act can be extended. It will not prevent any Premier from forming a Ministry or from excluding a legal man who may be considered unsuitable. It is monstrous to suggest that the Council would refuse to extend such an Act.

Hon. J. W. KIRWAN: This Bill proposes to enable the Minister for Justice to exercise all or any of the powers exercisable by an Attorney General whether by virtue of any statute or otherwise. Chapter LXII. of the Criminal Code dealing with indictments states that the indictment is to be signed and presented to the court by the Attorney General or some other person appointed in that behalf by the Governor.

Hon. A. Lovekin: Those powers can be exercised by some other person.

Hon. J. J. Holmes: Why pass the Bill at all, then?

Hon. J. W. KIRWAN: The Attorney General can exercise those powers. The powers proposed to be given under this measure are so extensive that no harm can be done by limiting the duration of the Act. When one considers the extensive powers which may be handed over to a layman, it will be realised that the position is much more serious than it at first sight appeared to be.

The MINISTER FOR EDUCATION: If all our Acts were worded in the same terms as the one quoted by Mr. Kirwan, there would be no need for the Bill, because the powers of the Attorney General could be conferred upon some other person appointed in that behalf by the Governor. But there are a large number of Acts in which these words "or some other person" are not included and where the exercise of the powers is restricted to the Attorney General.

Hon. J. J. Holmes: There must have been some reason for it.

The MINISTER FOR EDUCATION: There should be nothing to compel a Government to appoint as Attorney General a member of the bar. Naturally the Government would choose such a man as Attorney General unless there was some strong reason to the contrary.

Hon. J. J. Holmes: Will the proposed amendment have that effect?

The MINISTER FOR EDUCATION: If the Government had not a suitable legal man, they would appoint someone else, and it

would not be for the Council to say whether the appointee was a suitable person or not. Dr. Saw said, and said rightly, that if we have an Attorney General he should be a leader in his profession. Now, a leading barrister might very reasonably take up this attitude: "You want me as Attorney General; very well, but I will not be anything else." If the Attorney General took up such an attitude, it would lead to a very unfair distribution of the work of Ministers. It has happened that a man has acted as Attorney General and has also carried on his private practice, whereas the other Ministers have had to devote the whole of their time to the services of the State. My objection to the amendment is that it suggests the Bill may be all right under the present Government and with the present Minister for Justice, but all wrong with another Government and another Minister for Justice.

New clause put and negatived.

Title—agreed to.

Bill reported without amendment, and the report adopted.

#### BILL—PENSIONERS (RATES EX-EMPTION).

##### Second Reading.

Debate resumed from the 24th October.

Hon. J. M. MACFARLANE (Metropolitan) [8.20]: Having worked out the application of Clause 2 of the Bill, I am not in favour of the measure and shall vote against it. Payment of pensions is controlled by the Federal Government. Under Clause 2 of this Bill only a very small minority of our 7,300 pensioners would derive any benefit. Further, I gather from the Deputy Commissioner of Taxation that there are various reasons which would make the provision a dangerous one from the departmental aspect. About 30 or 40 per cent. of the pensioners are owners of property, and about 15 per cent. make such properties their homes. The distinction between a pensioner who is a property owner and the pensioner who makes his property his home is that if the property is let at any rental value, certain deductions are made from the amount of the Federal pension. Therefore, under this Bill the pensioner would lose, and the Federal Government would once more gain at our expense. The pensioner who has a home is usually in a better position, because he lives with somebody who can look after him. The pensioner who has no home must pay anything up to 5s. per week for a room, and this amount comes off his allowance without any possibility of reconp. Pensioners who are parents would frequently live with their children, whose presence would help them to live more comfortably. Such is not the case with pensioners who have no children and no home. The framer of the Bill should have asked the Federal Government to increase pensions all round. I am quite satisfied the Federal

Government will make deductions under this proposal. Then I ask, why should we do something which will benefit only a very small section of the pensioners? Suppose the Bill passes and a pensioner has the privilege of deferring payment of municipal and water rates. It would not be very long before the younger relatives of an old age pensioner, or the more robust relative of an invalid pensioner, would discover that they could mortgage the pensioner's house and use up its full value, so that upon the death of the pensioner there would be no security whatever for the public body.

Hon. A. Lovekin: The rates would be a first charge, before the mortgage.

Hon. J. M. MACFARLANE: That is not secured in any way by the Bill. A public body would naturally want some security. I must vote against the second reading, and I think the House would be wise in following my example.

Hon. J. EWING (South-West) [8.25]: I shall support the Bill, and if even a small amount of good results from it, I shall be very glad indeed. The objections taken by Mr. Macfarlane are somewhat extraordinary. The hon. member tells us that in the event of the pensioner getting the benefit of this Bill, the Federal Government will immediately reduce the pension—or something to that effect. I can hardly believe that of the Federal Government. Certainly nothing of the kind is contemplated by the Bill. The other difficulty raised by the hon. member could be overcome by making the rates absolutely a first charge on the property, coming before the mortgage.

Hon. E. H. Harris: That will be hard on the man who now holds a mortgage.

Hon. J. EWING: Mr. Macfarlane also said that only 40 per cent. of the pensioners in this State would benefit by the Bill. If this small concession is given to 40 per cent. of the pensioners, let some other means be found of bringing the other 60 per cent. up to the same level. The only purpose of the Bill is to render assistance to those who really need it. The small amount here involved will not be felt by the municipalities. The benefit to the pensioners will be a direct one, and I do not believe advantage will be taken of it by the Federal Government. I should be sorry if any member of the Chamber voted against the Bill. In my own district I have been repeatedly approached by old age pensioners in very bad circumstances. They have properties in which they live, and they have been called upon to pay water rates and a dozen other charges, and they really cannot afford it. With a colleague I have endeavoured to obtain relief in one particular case, but we have been unsuccessful. The case is one of a pensioner who, during the winter of his life, as the mover of the Bill phrased it, has to go on paying charges which are too much for him. The Bill would relieve him of that burden. I hope hon. members will not vote against the small amount of relief pro-



posed to be given to old age and invalid pensioners.

Hon. J. MILLS (Central) [8.27]: Under the Federal law the owning of a house of the value of not more than £310 does not in any way affect the pension. If we can help to make the position a little more comfortable for the pensioners, surely we should do so. I know of hundreds of men who have fought the battle of life in this country, playing their part nobly and well, and who now find themselves in unfortunate circumstances. Let me add that such a position is generally due to their having rendered too generous aid to their fellow men. I certainly support the Bill.

Hon. A. BURVILL (South-East) [8.28]: I oppose the Bill in its present form. As regards old age pensioners, the effect of it can only be to assist a small minority. If the old age pension is to be increased, it should be increased all round; but the increase should not fall on road boards and municipal councils. That should fall on the Federal Government or, failing that, on the State. In no case should it fall on municipal councils and road boards.

Hon. J. Ewing: The amount involved is only very small.

Hon. A. BURVILL: Yes, but many of these public bodies disagree with the Bill. At the same time I acknowledge that some of them agree with it. In Committee I intend to move that "shall be exempt" and "shall be deferred" be altered to "may be exempt" and "may be deferred," so as to make the matter optional with any board or council.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.29]: It seems to me that every member of this House must regard the Bill with the deepest sympathy. I do not believe there is one of us who would not like to do what is suggested. But we are called upon to consider whether what we are doing is just and right. The Federal Government, when they undertook the responsibility of paying pensions, placed a fairly heavy impost upon the States in order to do that. It was the payment of these pensions that was used as an excuse for depriving the States of the whole of their surplus revenues, and not only for the occasion, but for every succeeding year. That was the excuse given for a theft of money from the States, and undoubtedly it was a theft. The Commonwealth took the money from the States contrary to the Constitution, and used it for paying pensions, which was rather a popular matter. If they had used that money for any other purpose there would have been an outcry against the theft. The Federal Government said, "We will take this money instead of returning it to the States and we will apply it to the payment of old age and invalid pensions." The proposal in the Bill is that because the Commonwealth does not pay sufficient old age

pensions, the State Government and the local governing bodies shall subsidise that pension, not to those old-age pensioners mostly in need of it, but to those pensioners who already are a little better off than others. I do not begrudge them that, but it is a question of principle, whether it is equitable for the States and the local governing authorities to subsidise the Commonwealth grant, not to those who are most in need of it, but to those least in need of it. There are one or two other details that are worthy of consideration. It has been suggested that a person, a third party, may hold a mortgage over property, and we are told that that can quite easily be got over by saying that this shall be a first charge against the property. Is that altogether fair, and will it operate in the interests of the pensioner? You will not do him any good if you are going to make his property one on which no one will advance money. It is generally the case in connection with a mortgage that the person who takes the money is required to keep the rates paid. Here we are removing that obligation from him, and we provide that he can pass it on until, when he dies, it shall become a first charge against the mortgage. I do not think we shall be doing the pensioner a good turn by that because any person having money to lend on mortgage will cut out the pensioner. It may be necessary for a pensioner to raise £150 by way of mortgage on his house. Even pensioners have their obligations, and in ordinary circumstances a pensioner could do it, but he could not do it if the man to whom he went to raise the money knew that by a special Act the borrower would be not exempt from the payment of rates, but would, year after year, be permitted to let those rates accumulate as a charge against the property—

Hon. J. Mills: If he wished to.

The MINISTER FOR EDUCATION: The lender would say, "This will enable the man to whom I have lent the money to withhold the payment of his rates and let them pile up against me."

Hon. A. Lovekin: The security would be worth nothing in time.

The MINISTER FOR EDUCATION: We shall be making it impossible for an old-age pensioner who has a home, to raise any money on mortgage. This is a point that I would ask the mover of the Bill to consider before he replies. There are one or two smaller points to which attention might be drawn. This Bill exempts pensioners from the payment of water rates. I do not know whether it is intended that the exemption shall apply to excess water. It should be specified. The pensioner is to be exempted from paying sewerage rates.

Hon. A. Lovekin: Pan charges which the council has to pay.

The MINISTER FOR EDUCATION: Let us see how that would operate. The pensioner living within a sewered area would get off scot-free, but many of them do not live in sewered parts, and they are not exempt

under the Health Act from the payment of sanitary rates; they would have to pay, whereas the man living in a sewered area would escape. We shall not only be relieving them of rates but we shall be calling upon the local authorities to carry out services for them and receive no payment. That too is a point worth considering. Another point is whether we propose to disfranchise the old-age pensioners. As the Act stands at the present time only those who pay rates are entitled to vote. When we consider those things carefully it is to my mind very doubtful whether the Bill will confer much benefit on anyone, and it is clear to me that whatever benefit is conferred will be at the expense of the State and the local authority to help not the most unfortunate of the pensioners but the least unfortunate. I am not opposing the Bill, but I ask the mover to look carefully into these points before the measure goes into Committee.

Hon. T. MOORE (Central) [8.37]: I was hopeful that the Bill would not meet with much opposition. It has, however, met with a good deal. Let me refer to the arguments of the Minister. He stated that if a pensioner wished to raise money on the property that he owned, the person to whom he applied would refuse to make any advance because the owner would be able to allow the rates to accumulate. If I understand the Bill correctly, the moment a pensioner sells his property, he has so much in his possession that the pension he has been drawing ceases.

Hon. A. J. H. Saw: We are talking of a mortgage.

Hon. T. MOORE: The moment a pensioner raises money on his property by way of mortgage the pension authorities immediately find out and they stop payment. I know that is correct.

Hon. J. J. Holmes: He will never be able to mortgage a property if this Bill goes through.

Hon. T. MOORE: If a pensioner wishes to cut off his pension all he has to do is to mortgage his property which may be worth £200. Would a pensioner be likely to do that? No one has any right to introduce such an argument because it deals with a matter that is never likely to happen. Regarding the argument that some of these pensioners are better off than others, I hope that that will not weigh with members.

Hon. J. J. Holmes: Why should it not?

Hon. T. MOORE: I say why should it? We know these old men are not well off and we know too that they have been through the pioneering days of the State. They have made it possible for us to live under tolerably easy conditions. Surely then anything we can do for them at this stage of our existence should not be regarded as too much. I am astonished to think that there should be any opposition on the score that because another section is a bit worse off than they are they therefore should not get any consideration. I ask hon members to look at

the matter from the point of view of the men who have gone through hard and stormy days.

I have a letter from one of the road boards in my district asking me to oppose the Bill, but I assure hon. members that the opinion of that or any other road board is not going to weigh with me, especially when a road board puts up evidence advanced on something written by another local authority. A letter was written by one local body to another where the conditions were altogether different, and in consequence of which the attitude adopted was altogether an erroneous one. I heard an hon. member opposite say that because of the view expressed by some municipal council or road board, it was his intention to oppose the Bill. But let me point out that the particular matter to which exception was taken by the local authorities has been eliminated by another place, and if the local authorities were aware of that fact their opposition would cease. If that is the only reason for the hon. member's opposition he should now be prepared to support the Bill.

Hon. J. J. Holmes: You do not take any notice of road boards; why ask him to take notice of them?

Hon. T. MOORE: I merely informed the hon. member that the cause of the opposition on the part of the local authority has now been removed and that therefore he should support the Bill. There was opposition also to the proposal to exempt pensioners from the payment of water rates. After all, how much water are these pensioners likely to consume? Are they likely to be any great burden on any one part of the State? I do not think so.

Hon. A. Burvill: Why should not the Commonwealth raise the pension?

Hon. T. MOORE: An endeavour was recently made by a section of the Commonwealth Parliament to have the old age pension increased to a decent figure. We know that prior to 1914 the pension was 12s. 6d.; now it is 15s, and that is the maximum a pensioner can get. Those of us who know the value of money should ask what this amount is actually worth. Is it an equitable sum? I ask hon. members to picture these old men as they may be at the present time. Many of them are looking forward to some relief by the passage of this Bill. It does not mean much to us, but to reject it will mean much to them.

Hon. H. SEDDON (North-East) [8.40]: There is a point which it may be as well to emphasise in connection with the Bill and it is the case of the man who is occupying property which is his own. This man has by the exercise of thrift placed himself in the position of being slightly better off than the man who has not exercised that quality, and consequently there should not be a desire to penalise him on that account. The second clause in the Bill provides for what is already being done by some municipalities. I understand they now waive the right to collect rates from old age pensioners. If a slight

amendment were made, whereby the local authority in their discretion might defer the payment of the rates—

Hon. J. J. Holmes: They have that power now.

Hon. H. SEDDON: Defer the payment of the rates or waive them—if that were provided for in the Bill it might possibly prevent imposition on the municipality or road board, by persons inheriting property. The proposals contained in the Bill seem to me to be in the direction of encouraging thrift and from that standpoint I intend to support the Bill.

On motion by Hon. J. W. Kirwan, debate adjourned.

## BILL—ADMINISTRATION ACT AMENDMENT

In Committee.

Hon. J. Ewing in the Chair; Hon. J. Nicholson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Next-of-kin of intestate without issue to include mother:

Hon. J. W. KIRWAN: I move an amendment—

That all words after “leaving” in line 3 be struck out and the following inserted in lieu: “(a) Both a father and mother but no issue, then if the whole or any part of the estate of such intestate would now by law be distributable to the father, the same shall be distributed—(i) where the nett value of the property of the deceased so distributable does not exceed the sum of £1,000, equally to and between the father and mother; (ii) where the nett value of such property exceeds the sum of £1,000, as to the sum of £1,000 equally to and between the father and mother, and also in like proportions as to the residue then left if there are no brothers or sisters or children of deceased brothers or sisters surviving; and where such brothers or sisters or deceased brothers’ or sisters’ children survive, one half of such residue equally to and between the father and mother, and the remaining half equally to and between the brothers and sisters and children of deceased brothers and sisters (such children taking *per stirpes* and not *per capita*); (b) A father only or a mother only but no issue, then the whole or any part of the estate of such intestate to which the intestate’s widower or widow (if any) is not entitled shall be distributed—(i) where the nett value of such property does not exceed the sum of £1,000, to the father or mother as the case may be; (ii) where the nett value of such property exceeds the sum of £1,000, to the father or mother as the case may be, if there are no brothers or sisters or children of deceased brothers or sisters surviving; and where such brothers or sisters or deceased brothers’ or sisters’ children do survive, as to £1,000 and one half of the

residue then left to the father or mother as the case may be, and the remaining half of such residue equally to and between the brothers and sisters and children of deceased brothers and sisters (such children taking *per stirpes* and not *per capita*).”

The amendment provides for the purpose which the framer of the Bill had in view. It provides that if the intestate leaves property up to a thousand pounds, the property shall be equally divided between the mother and father, if both are living. If, however, only the father survives, the father gets the whole, and so too, if the mother alone survives, the whole of the estate goes to her. Thus the father and mother are placed on a basis of equality, which was the original desire of the framer of the Bill. Where the property is over a thousand pounds in value, it shall be equally divided between the father and the mother if both survive, whereas if only one survive, one-half the estate goes to the surviving parent and the other half to the next-of-kin. The amendment deals fully with the position, but if there be any doubt as to any particular point I shall be glad to explain it.

Hon. J. NICHOLSON: The amendment involves consideration of various points of view. Thus we have to consider the dependence of a child on a parent, and sometimes of a parent on a child. In another place certain amendments were proposed aiming at a distribution with the object of attaining a similar result to that aimed at by the amendment.

Hon. A. Lovekin: That was not moved after all. The member who put it on the Notice Paper was not present to move it when the time came.

Hon. J. NICHOLSON: However, the question was fully debated in another place. It is questionable whether we ought to accept the amendment. The Bill was submitted to all the women’s organisations in the State, and all approved of it. Lord Birkenhead’s Act, passed recently in England, contains a section which is identical in effect with Clause 2 as printed. That Act provides that if the intestate leaves both parents, but no issue, then subject to the interests of the surviving husband or wife the residuary share of the estate shall belong to the mother and father equally; while if the intestate leaves one parent only, and no issue, then subject to the interests of the surviving husband or wife the residuary share of the estate shall belong to the mother or father absolutely. Lord Birkenhead’s Act passed through very many hands, and after thorough investigation it was accepted as a wise and equitable method of distribution of the estate of a son or daughter dying intestate, and childless. That being the case, I hope hon. members will pass the clause as printed. It gives us something which is the result of very careful thought, and I should hesitate to introduce a new principle at this stage.

The MINISTER FOR EDUCATION: I will support the amendment. The English Act is quite a new departure, and I see no reason why we should be absolutely bound

by it. In point of small estates, the amendment will not be different from the clause. It will apply only in the rare case of a child leaving a lot of money and no will. We can make up our own minds as to what is fairest in such circumstances. Under the existing Act, if the intestate leaves a mother, she shares alike with the brothers and sisters. The proposed amendment does not make anything like so drastic an alteration in the existing Act as does the clause. It seems to me unfair that the father, if living, should take the lot of the intestate estate, and it is still more unfair that if the father be dead the mother should be called upon to divide the estate equally with half a dozen children. So the existing law is unfair in both respects. The amendment remedies both these instances of unfairness. We are legislating only for rare cases, the case of a child dying and leaving a lot of money but no will. If the Bill is amended in this direction it will not represent so drastic an alteration of the existing practice as the Bill itself does.

Hon. A. J. H. SAW: I support the amendment. It would pass the wit of man to devise a clause that would be equitable in every case in respect to estates under £1,000. The rights of the father and the mother will be fully protected. In the case of large estates, as a rule sums of money are inherited from the father. A man may die leaving a widow and several children. One of the children may die intestate. Under the Bill that child's share will go to the mother, to the exclusion of the brothers and sisters. It would not be equitable, in the event of the mother marrying again, that she should be able to pass that share on to the second family.

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

Title—agreed to.

Bill reported with an amendment.

#### MOTION—MACHINERY INSPECTION REGULATIONS.

To Disallow.

Debate resumed from 24th October on the following motion by Hon. J. Cornell:—

That the whole of the amended regulations of "The Inspection of Machinery Act, 1921," laid upon the Table of the House on the 10th day of October, 1922, be disallowed.

Hon. H. SEDDON (North-East) [9.3] I support the motion. These charges are objected to by many owners of machinery, and a protest has also been received from the Federated Engine Drivers' Association. It has been pointed out that work might possibly be re-allotted whereby officers of the department might be reduced in number. In regard to the inspection of boilers, it is also pointed out that there are officers in the Railway Department doing the same work that

officers of the Machinery Department are doing. This overlapping might be done away with by a co-ordination between the departments affected. In this way economies should be brought about. A certain amount of the inspection of machinery is merely superficial. If an inspection were intended to cover examinations of machinery and tests as to efficiency, I am inclined to think there would not be the same strenuous objection to the charges. When an inspector inspects a boiler he may test it with regard to its efficiency. The amount of knowledge he would be able to disclose to the owner as the result of these tests might show him that the boiler is not doing its work as it should. In the case of steam engines, if an inspector took a diagram showing its efficiency, the result of the inspection might be to disclose to the owner information of considerable value. A friend of mine was called in to attend an engine which was not giving satisfactory results. He found that the man in charge did not know how to take a diagram. When he had taken the diagram he was able to show the owner that owing to the particular way in which the valves had been set there was less efficiency than there ought to have been, and the engine was not working properly. If the officers carried out their duties in this way, there would probably be no objection to the charges. In fact, the owners would commend the department for tightening things up along these lines. It would also lead to the increased efficiency of machinery, and tend to greater economy in regard to the utilisation of power.

Hon. E. H. HARRIS: The charges are merely for the purpose of indicating that machinery is safe.

Hon. H. SEDDON: By the extension of the work along these lines we should achieve results of great value to the State. There are many motors running in an inefficient condition, but they are regarded as safe for the general public. If an inspector were to make tests possibly the owner would be found to be paying more for power than was necessary, and suffering a loss which was reflected in the charges for production. There is certainly room for improvement in this direction. It might be a stronger argument for the infliction of these charges if the scope of the work of the officers of the department was extended in this way. In the circumstances, one is inclined to think that these regulations will lead to an expansion of departments, as is so noticeable in other directions. Consequently, I must raise my voice in protest against these regulations.

On motion by Hon. E. H. Harris, debate adjourned.

*House adjourned at 9.10 p.m.*