themselves than they had in the past. Hitherto they have not known what period of time would be allowed them, or when they would be put off their blocks. The sooner this matter is attended to, the better. As I said in opening, it is not necessary to make long speeches on this short amending Bill.

Question put and passed.

Bill read a second time.

House adjourned at 9.53 p.m.

Legislative Council,

Tuesday, 25th September, 1928.

	Page
Question: Wine Industry	871
Motion: Food and Drugs, to disallow regulation ...	872
Bills: Education, 3R.	872
Navigation Act Amendment, 3R.	872
Forests Act Amendment, 2R.	872
Industries Assistance Act Continuance, 1R. ...	876
Electoral Act Amendment, 2R.	876
Whaling, 2R.	883
Fertilisers, 2R.	889
Dried Fruits Act Amendment, 2R.	891

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

QUESTION—WINE INDUSTRY.

Interstate Competition.

Hon. C. F. BAXTER asked the Chief Secretary: 1, Are the Government desirous of fostering the local wine industry, seeing that it is an important adjunct to the operations of settlers who grow grapes mainly for purposes other than wine-making? 2, Are the Government aware that the advances made to settlers on vineyards are imperilled through the refusal to grant wine licenses to Western Australian wine-makers? 3, Is there any officer empowered to report on wine being of a proper standard, and if so, has such officer power to condemn under-standard wine? 4, How many wine licenses are there in the Perth metropolitan district? 5, How many gallons of Western Australian wines are sold annually through existing wine licenses? 6, How many gallons of Eastern States' wines are sold annually by virtue of existing wine licenses? 7, Are there any restrictions under these licenses upon sales of Western Australian wines, as against imported wines, or vice versa? 8, Do the Government recognise that there are insufficient wine licenses in central positions to cope with the requirements of the business? 9, Do the Government realise that Eastern States wine producers are financing licensees in this State, and insisting on preference being given to the sale of their Eastern productions? If so, does not this constitute a breach of the Commonwealth Constitution Act? 10, As the grading of wine licenses here is this State's prerogative, are the Government prepared to restrict the sales in such a way that neither this State nor the Eastern States can obtain by this, or any other means, preference in the trade in respect of wine licenses?

The CHIEF SECRETARY replied: 1, Many statements have already been made announcing the Government's policy and frequent conferences have been held to endeavour to find ways and means of assisting the industry. 2, Whatever restrictions are placed on the sale of Western Australian wine are imposed by the licensees. 3, Yes, both under the Licensing Act and the Health Act. Liquor not complying with the proper standard is subject to the order of the court. 4, 46. 5 and 6, We have no information as to country of origin. Although we have no figures as to the quantities of wines sold annually by metropolitan wine licensees, the value approximately is—Western Australian wines, £7,360; imported wines, £38,090. The figures also disclose that in the majority of cases the wine licensees are selling a proportion of Western Australian wines. 7, No, the license is for sale of Australian wine. 8, This is a matter for the Licensing Magistrates. 9, Yes; but this is not a breach of the Commonwealth Constitution Act. 10, The matter is now being considered.

MOTION—FOOD AND DRUGS.

To Disallow Regulation.

Debate resumed from the 12th September on the following motion by Hon. J. Nicholson (Metropolitan):—

That Regulation No. 72 of the Food and Drug Regulations, 1929, made on the advice of the Food Standards Advisory Committee, published in the "Government Gazette" of the 17th August, 1928, and laid on the Table of this House on the 4th instant, is hereby disallowed.

THE HONORARY MINISTER Hon. W. H. Kitson—West) [4.35]: Since the last discussion on this motion, conferences have taken place between representatives of the department and other parties concerned. I do not now propose to offer any opposition to the disallowance of Regulation No. 72. The parties have come to an agreement, and I propose to substitute another regulation as soon as possible after Regulation No. 72 has been disallowed.

Question put and passed.

BILLS (2)—THIRD READING.

1. Education.
2. Navigation Act Amendement.

Transmitted to the Assembly.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th September.

HON. H. SEDDON (North-East) [4.38]: Regarding the Bill before us, I consider the innovation that has been introduced this year merits the very serious consideration of the House. During previous years, when the Bill has been considered, this House has rightly considered that each year its provisions should come up for revision.

Hon. H. Stewart: It is time that it stopped.

Hon. H. SEDDON: This year there has been introduced into the Bill, an amendment by which, instead of providing £5,000 to be set aside for the reforestation of sandalwood, the three-fifths of the revenue derived from sandalwood are to be taken into Consolidated Revenue. I am inclined to think that when the Bill was first introduced in 1924, the departure then made was unwise. We must recognise that it was the intention when the Forests Act of 1918 was passed to provide an adequate fund in order to place our forests on a sound basis. It is realised in forestry circles that it is advisable to hasten slowly regarding forest plans. As time passes, the demand for funds to carry on such a policy steadily increases and in consequence a provision that is adequate in the first place, becomes insufficient in the course of time to carry out those plans to maturity. A forest policy is essentially one that must be spread over a long period, and for that reason, it is desirable that funds raised in the early part of the period by means of forest revenue, shall be conserved in order that later on that money may be made available for carrying out the plan to completion. Consequently, I think the wiser policy to adopt would have been, instead of diverting the money to Consolidated Revenue, to provide that it should be placed in a trust fund to accumulate, and to earn interest, and so provide money later on to carry out the forest plan. Had that course been adopted, the money would still have been available to the Government for the carrying out of such work as loan funds can be devoted to, and the Government would have received the benefit of the money in that way without taking the funds for revenue purposes. There is the further argument to be advanced that we have to recognise that the large revenue received from sandalwood was more or less in the nature of a windfall. When the 1918 Act was passed, it was never contemplated that we would receive such a large sum of money from the sandalwood trade. It was only when the sandalwood regulations were put into operation and the trade developed, that the large revenue was available. Consequently that argument can be applied in this instance. We should conserve our funds in the interests of the industry, by placing the money in trust instead of allowing it to go into Consolidated Revenue. I would like to deal briefly with the progress of the reforestation of sandalwood, which was referred to by the Minister in the course of his remarks. When the propagation of sandalwood was first considered, it was recognised by the forest officers that we were breaking new ground. So far as I know, no steps were previously taken anywhere to provide for the growth of sandalwood by artificial means. The departmental officials wisely recognised that they had to embark upon a lot of research work, and results have disclosed difficulties that were

not contemplated. Ideas that they thought at the outset would lead to success have resulted, more or less, in lack of success. Now the officials are reconsidering their preconceived ideas regarding the planting of sandalwood, in order to assure that there shall be successful germination. For instance, the first plantations on the goldfields were laid in the gullies where there was heavier soil. The opinion was held that if the seeds were planted in the gullies, the amount of moisture available would be greater than if the plantations had been laid out in more exposed positions. Unfortunately the seasons on the goldfields for some years past have been such that anticipations were not realised, and it was found that the germination of the seeds in the gullies was very bad indeed. On the other hand, experiments made on the lighter class of country proved more successful, and now the idea is held that better results will be achieved by planting on the more open, lighter class of land than in the gullies. The question was raised as to the life of sandalwood, and the time a sandalwood tree takes to arrive at maturity. After consulting with the departmental officials, I find that they hold the opinion that the district in which the sandalwood is growing has a great deal to do with the time it takes to reach maturity. For instance, it is held that in the coastal districts the sandalwood shrub should become a matured tree in 25 years.

Hon. J. R. Brown: But the sandalwood grown there is not so good. It has not the oil in it.

Hon. H. SEDDON: That is so; the oil content of the coastal sandalwood is not so concentrated as in that grown in the dry areas. It is held that in the wheat districts it takes 40 years for sandalwood to come to maturity, while on the goldfields it is estimated that 100 years is not too long in which to expect the tree to attain maturity. From the standpoint of the regrowth of sandalwood it will be readily recognised that once the question of striking the shrubs has been solved, it will be necessary to undertake planting on a very large scale. There is also the question of the ratio between the expenditure and the revenue of the forestry fund to be considered. According to the report, last year £86,129 was added to the forestry fund while an amount of £72,645 was expended. We have not before us the report for the present year, but I understand that from the experience of the past we are rapidly approaching the time when the amount added to the forestry fund will be more than equalled by the amount expended. For that reason there is need for caution and certainly need for maintaining the principle that this House has adopted of reserving to the forestry fund the grant of £5,000 to be devoted to the extension of sandalwood planting. Another problem has arisen in connection with the goldfields plants. It has been found that not only the sandalwood but other shrub life on the goldfields has suffered severely from the attacks of rabbits. It has been said that there has been practically no new growth of such plants for the last 20 years, that the whole of the top feed available is on old plants, and that the problem in future will be a severe one because there are no young plants to take the place of the older ones, owing to the rabbits eating off the young growth as soon as it comes out of the ground. That is a serious state of affairs.

Hon. J. R. Brown: I think it is exaggerated.

Hon. H. SEDDON: I have taken the opinion of forestry officers and they support that view. It is a question that should be investigated, and it should be borne in mind when we are estimating the finance required by the Forests Department. It certainly indicates the need for an extensive programme of netting—which seems to be one of the best means for keeping the rabbit menace more or less under control—supplemented by fumigation and extermination.

Hon. Sir Edward Wittenoom: At the end of 100 years, would it pay for the expense of production?

Hon. H. SEDDON: The problem will arise in another 30 or 40 years when the present top feed has been exhausted, and there is no young stuff to take its place. That will be a serious problem for the pastoralist, and it should be considered by the Forests Department.

Hon. Sir Edward Wittenoom: I was referring to sandalwood.

Hon. H. SEDDON: Sandalwood is naturally a parasite plant, and its existence is controlled by the fact that the hosts on which it lives are being exterminated. Consequently any probability of sandalwood surviving will be out of the question because sandalwood can live only as a parasite on the host plants and those host plants are being exterminated by the depredations of rabbits. I understand from the remarks of the Minister that 302,000 acres have been

reserved on the goldfields for sandalwood purposes. From the evidence placed before us by the department there is urgent need for an extensive programme of netting those reserves, and of protecting the younger growth from the depredations of rabbits. It is my intention, in Committee, to move an amendment to provide that the conditions arranged for under the 1924 and 1927 Acts be continued, and that a further sum of £5,000 be added to the sandalwood fund in order that the programme may be continued. With that reservation, I support the second reading of the Bill.

HON. H. STEWART (South-East) [4.50]: I am opposed to this effort on the part of the Government to obtain under the Forests Act more revenue for general purposes, and I am heartily in accord with the view expressed by Mr. Seddon. His action to maintain the position under the amending Act of 1924 will receive my support. That alteration in the forest policy, made at my instance in the first place, has been continued from year to year, and the proposal was to make it permanent. Some of us took exception to its being made permanent, and it has been renewed from year to year.

Hon. G. W. Miles: Why should it be renewed from year to year? Why not make it definitely available for forestry purposes?

Hon. H. STEWART: I shall deal with that question. I have it on the authority of delegates to the Empire Forestry Conference, which started its sessions in this State and is now sitting in the Eastern States, that the experiments of planting softwoods in Western Australia have been so satisfactory that there is no reason why the work should not be greatly extended. It is well known that the supplies of forest products, not only timber for building and other purposes but also material for the pulp industry, will be greatly in demand in future. The forestry position gives cause for considerable alarm. In New Zealand much afforestation has been carried out with satisfactory results. It having been shown that the planting of softwoods in this State gives promise of successful results, it is eminently desirable that the revenue available to the department should be utilised to proceed with the work. I should like to go further than Mr. Seddon has suggested. I should like at this stage to issue a warning to the Government that this House wishes to see the status quo prior to 1924 reverted to, and that three-fifths of the net revenue derived from forestry, whether from sandalwood or anything else, be made available for the development of forestry within the State. I have every reason to believe that such a policy would pay. There is the vexed question of unemployment that has been tackled in various places, but here it has been tackled only in theory. What has been done to deal with the increased number of people out of work in the various States during the winter period? In Victoria the country road boards have relieved the situation definitely by adopting a policy of road construction, establishing camps and making special arrangements for the employment of additional labour on road work during the winter season. The Migration and Development Commission has reported on the problem, but what has it done beyond appealing to all sections of the people to exhibit a community spirit and do what they can? New Zealand has gone in extensively, not for experimental planting, but for the planting of softwoods on the basis of 1,000-acre plots per year. This work provides seasonal employment after the agricultural work has been finished. It would provide work in this State when unemployment was at its worst, when clearing was no longer available, when seeding had been finished and when there was a surplus of labour offering. This money would be available and, without imposing any drain on the community or requiring any appeal to municipalities and private employers to relieve the position, could be utilised to employ men at planting out seedlings in the plantations. That would be definitely useful work that in the end could not fail to be profitable. New Zealand has followed this policy over a period of years on the recommendation of its former Conservator of Forests, and the authorities there are perfectly satisfied with the results. It took some time to convince the Minister that the policy should be inaugurated, but after a short space of time it was necessary to hold the Minister back, because he desired to go in extensively for the work. Thus employment is provided during the period when there is a shortage of work. Different rates are paid to single men and married men, the single men receiving 9s. and the married men 12s. per day. Some members may take exception to my mentioning those figures. The actual amounts have nothing to do with my contention. If we can afford to pay more, it is a matter for arrangement. I

merely quote the figures to illustrate the point.

The Honorary Minister: It has not overcome the problem of unemployment in New Zealand.

Hon. H. STEWART: But it must have relieved the difficulty considerably, as a number of men have been absorbed in the work. I fail to see that the Minister's interjection carries much weight. If the provision of such work here had the effect of reducing the number of unemployed, surely it would be of benefit to the State. I am given to understand that if plans were formulated, plantations of 1,000 acres in area could be laid down. The pinus pinaster has proved itself eminently suitable for coastal sands, and the pinus insignis and other varieties are suitable on inland areas. A high authority has informed me that the growth of the pines in the Mundaring area has been simply wonderful, and it can be anticipated if plantations of that kind were established that revenue would be derived from them within 16 years and they would be profitable within 20 years. When we review the position, we must realise that the establishment of such plantations would build up a capital interest of increasing value, while the clearing of and caring for those areas would provide work for the unemployed. In the circumstances I hope that instead of this money going into Consolidated Revenue, efforts will be made during the ensuing year largely to increase the planting, thus providing employment at a time when other industries cannot absorb surplus labour and building up a valuable asset for the State.

HON. J. NICHOLSON (Metropolitan) [5.0]: The two speakers who have preceded me have expressed a view which I feel sure will appeal to many members of this House, and what they have said serves to emphasise the importance and value of making reserves such as we have wisely created under the amending Act of 1924, and under which a certain portion of the revenue derived from sandalwood shall be set aside for the purpose of regeneration in connection with that timber. The Bill will have the effect of practically wiping out that and placing the whole amount to the credit of Consolidated Revenue.

The Honorary Minister: For one year only.

Hon. J. NICHOLSON: It is wise indeed that we did make the stipulation with regard to the one-year period. We see to-day the value of having done that because when one reads the report furnished by the Conservator of Forests—which I have no doubt is in the hands of hon. members, a report that was prepared for the British Empire Forestry Conference—and in which we find references made to sandalwood. I might be permitted to quote this paragraph—

> There are two true sandalwoods found in Western Australia. In the North, santalum lanceolatum grows as a scattered tree in small quantities over a very wide habitat. Its use has been restricted by regulation for oil distillation purposes within the State only. The oil has been used for blending with that of the southern sandalwood in order to bring the optical rotation of the blended oil to British pharmacopoeia standard. The difficulty which has been experienced in securing a few hundred tons annually is an indication of the comparative scarcity of the species in country accessible to the coast.

I am informed that that particular type of sandalwood is of great value indeed, and it is a means of giving employment to people in our State.

Hon. J. R. Brown: Where does it grow?

Hon. J. NICHOLSON: In the North.

Hon. J. R. Brown: The North Pole?

Hon. J. NICHOLSON: I do not believe our jurisdiction as yet extends to the North Pole. Probably Mr. Brown will find an opportunity later on to appeal to the Commonwealth Government to see that the Commonwealth flag is established there.

Hon. J. R. Brown: On a sandalwood heap.

Hon. J. NICHOLSON: At present our utmost limit north should be known to the hon. member because we do not go beyond the confines of Australia. There is another clause in the report which reads—

> The principal sandalwood (santalum spicatum) which has provided a valuable export commodity for very many years, is found through the southern portion of the State, from the 25-inch rainfall belt within 50 miles of Perth to the 8-inch rainfall region of the dry interior. There is some confusion among botanists as to its proper classification, but evidence in favour of its acceptance as a true santalum, with the specific name of S. spicatum, is accumulating.

The report goes on to point out that whilst in earlier years some of the trees were found to reach a height of 25ft. with a diameter of 18 inches, these are no longer obtainable.

Hon. J. R. Brown: They weighed a ton a stick.

Hon. J. NICHOLSON: That would wholly depend upon the size of the tree. It is also pointed out that the tree is becoming more difficult to obtain and we are aware of that by reason of the long distance many of the sandalwood pullers have to travel to find supplies to enable them to get a decent return for their labour. If we can do anything to advance either the regeneration or cultivation of this very important and valuable tree, then every effort possible should be made in that direction. So that that may be done effectively, money is required, and I contend that more money will be needed in the future as the areas available at the present time are cut over. The difficulty in maintaining our supplies and maintaining the market we have established over a long number of years will be affected if we cannot continue to supply this particular article. As Mr. Stewart has pointed out, trouble arises at certain seasons of the year in connection with unemployment. Much could be done to overcome that difficulty by diverting the money obtained from sandalwood instead of taking it into Consolidated Revenue. When presenting the Bill, the Chief Secretary expressed the belief, shared by his colleagues, that much more has been received from this source by way of revenue than was ever anticipated, but that does not lessen the need for greater effort being made to prevent the loss of an industry that has been of such great value to the State. I hope the Minister will see his way to restore the clause as suggested by Mr. Seddon. Subject to that, I shall support the second reading of the Bill.

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

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Received from the Assembly and read a first time.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th September.

HON. E. H. HARRIS (North-East) [5.10]: For the third time an Electoral Act Amendment Bill to make provision for a joint roll, is before us, though not exactly in the form in which we had it on previous occasions. Certain clauses have been deleted, chiefly those to which members of this House took exception in 1927. Clauses were previously inserted, as is done when a matter is taken to the Arbitration Court in connection with a claim that is lodged, and when many things are asked for that it is known will not be granted. Thus, when a tight corner is reached, one can afford to give away something that does not matter. In the Bill before us, most of the objectionable things have been eliminated, and it will not be possible now for the Government to give away much more. Formerly it was proposed to give extensive powers to the Minister. These powers it is now proposed to give to the Chief Electoral Officer. Such powers as the enrolment of boundary riders and others who would not have to comply with the Act have been deleted, whilst persons dependent on relief from the State and those subject to be sentenced and as well as those who are recipients of State charity, are not referred to in the Bill before us. The very basis of our political existence is that we shall have clean rolls, and it behoves every member of the legislature to look closely into the Electoral Act. I am surprised to find that so few members have given this subject attention with a view of safeguarding their interests as regards enrolment. The greater number of the amendments proposed in the Bill are not applicable to the members of the Legislative Council. As the Chief Secretary has said, this is a non-party measure. I rather severely criticised the Bill that was before us on the previous occasion, but any criticism I may have to offer at the present time will not be along similar lines. I am in perfect accord with the principle of one roll, if it is practicable. When the Bill was before us last, I went to some pains to show that with the boundaries as at present existing between the Federal and State Departments, it would be impracticable to put a joint roll into operation. It was realised also that it would not be practicable when the Chief Secretary made his speech in reply. Then, when the Bill went into Committee, hon. members will recollect what took place. It was then emphasised that it was impracticable to put the proposals into operation. Certainly the proposals applied to 36 of the 50 electorates, but they could not be made to apply to the

others. Speaking in another place the Minister in charge of the Bill there said that our system of joint rolls would be almost ineffective if the Federal and State boundaries were not co-terminous. I agree with that statement and I ask, how is it to be effected? The Minister went on to say—

> It is provided that in regard to any place which is a subdivision of a division the Governor General may issue an Order-in-Council rendering the boundaries co-terminus where they are within a Federal division.

That is so. By a proclamation, that could be done to-day. But we have the divisional boundary between, say, the Perth and the Fremantle divisions, in which a person may live, and the whole of it is in the Subiaco electorate. To comply with the Bill before us, I cannot see how it is practicable to put it into operation until such time as we have a redistribution of seats and the Federal Government have taken a census and made an alteration of their boundaries. That will take us until 1932 before the overlapping of the 14 electorates that we now have can be corrected. We certainly could limit the scope of the Bill, provided the State and Commonwealth Governments were agreeable, to about 36 electoral districts. But I question very much whether, even if the State Government agreed, the Commonwealth would maintain the rolls of the State, taking only a portion of them. It has been said by the Chief Secretary that joint rolls are in operation in South Australia, Victoria and Tasmania. That is so. But the difficulties did not confront them that are before us to-day. South Australia has a group system under which there is returned to the Assembly from an area three or five members, and that area fits in with the Commonwealth division of the State. Then the divisional returning officer is also the registrar for precisely the same area. That would not apply in Western Australia. We have 36 areas which are alike, leaving 14 that are not. The Federal district returning officers for Fremantle and Perth both have a portion of the Subiaco State electorate in the territories under their supervision. Subdivide it as we may, there will have to be two registrars covering the one area. In South Australia the Legislative Council qualification is termed "household franchise." Members will remember when we had the Bill before us to amend the Constitution. It was practically copied from the South Australian Act, and was defeated by an overwhelming majority in this House. But there they have the province area covering the three or five members of the Assembly, and that is the exact area that covers the boundary of the Commonwealth division. In Tasmania there are five divisions, each returning six members. So it is quite a simple matter to have joint rolls in that State. It has been suggested that we shall have a redistribution of seats in Western Australia. Here I might ask, is it the intention of the Government to take our present five Federal divisions and allocate 10 Assembly members for each, which would make 50? That would reduce the Kalgoorlie division, which now has 24 State members, to ten, and it would considerably increase the members representing the metropolitan area, which would also have ten. Of course the Government have not indicated what their proposals are in that direction. But they have pointed out how easy it would be to alter the boundaries so as to make them coincide with those of the Federal Electoral Department, and I suggest that this may be one of the methods that would facilitate that being done. One of the clauses of the Bill makes provision for deleting from the principal Act the section providing for the submission of claims for enrolment. When this was discussed in Committee on a former occasion, it was pointed out that the provision was vital to all concerned. The Chief Secretary stressed the point in his second reading speech, and in Committee he declared it was vital that it should remain. As our Act is drawn at present, we have 14 clear days after a claim has been lodged, during which any person may lodge an objection to the enrolment. In other words, the claim card is in suspense for that period. But not so with the Commonwealth. The provision is made that immediately a claim is lodged, if the registrar is satisfied, he shall enrol the claimant. Although that was defeated in this House by 13 votes to five, the same provision appears in the Bill before us. But on recommittal in another place the Minister amended it somewhat. It still deletes the provision for the 14 days during which one has a right to object to the enrolment of another, thus leaving the two clauses that were formerly

in the Bill, and making a provision by Clause 36a, which reads—

> Subject as hereinafter provided any objection to any name on the roll may be made under the provision of Sections 2 and 3 of Division 4 of Part III. of this Act.

I wish to draw attention particularly to this provision because in our parent Act, under Division 4, that has been deleted, but was reinstated by the amendment. The provisions relating to enrolment and to the powers of a magistrate are still retained as applicable to the Assembly. Notwithstanding that, we also have in the Bill a provision, extending over Clauses 30 to 35, relating to objections. Members will see that provision is made for lodging an objection to an enrolment. With that objection there must be deposited the sum of 5s. Then, under Section 35, the divisional returning officer shall determine the objection forthwith. Whilst we are asked to pass that, provision is already made in the parent Act that one may lodge an objection with the registrar for the sum of half-a-crown, and that the magistrate shall determine the objection after the claim is lodged. I think perhaps this was an oversight when the amendment was effected in another place. The position now is that one can lodge a 5s. objection or lodge a half-crown objection, and shall have it determined by the divisional returning officer for the Commonwealth, or by a magistrate. This clause, should the provision be deleted from the parent Act, lays itself open for the grossest corruption in regard to enrolment. At present one may object to a person's name going on the roll, but the Commonwealth system provides that a person presenting a claim card shall be enrolled forthwith and that the objector may object to his enrolment afterwards, and will be asked to pay 5s., where formerly the fee was 2s. 6d. We know what has happened on previous occasions, and what may happen again. On the day on which the roll closes, some political agent will lodge 200 or 300 claim cards. At present one has the right to inspect them and, if desired, to object to any of them. In future there will be no opportunity for that.

Hon. J. Nicholson: One will be debarred from doing that?

Hon. E. H. HARRIS: Yes. The Commonwealth Act—and our own is to be brought into conformity with it—takes away that safeguard, and the claimant will be added to the roll. Then the objector may object, and if the objection is sustained, the name objected to is not taken off the roll, but is merely starred as a mark of recognition that it is not properly on the roll. So, therefore, if an unqualified person puts in a claim card and is added to the roll, on being successfully objected to his name is not struck off the roll, but is starred, as showing that it is not properly there.

Hon. A. Lovekin: What happens to the 5s.?

Hon. E. H. HARRIS: If the objection is sustained, the 5s. is returned, but if the objection is deemed to be frivolous the objector forfeits the 5s. and has to pay some costs, to be determined by the departmental officer or the magistrate.

Hon. G. Fraser: How does the elector get on if objected to under the State Act?

Hon. E. H. HARRIS: His claim is lodged, and then one has 14 days in which to object. But under the proposed system he will be put on the roll, and objection can be taken afterwards.

Hon. G. Fraser: Under the State system the objection is heard before the expiration of the 14 days?

Hon. E. H. HARRIS: It happened in the Yilgarn electorate at the last election, when 17 men were objected to as not having been in the electorate the specified period. The person who put their names on the roll said he thought the prescribed month was a lunar month, not a calendar month. The magistrate, under the Act, which provides that after the issue of the writ no names shall be taken off the roll, instructed the registrar to have the names so marked that the men would have to make declarations. Take an illustration: The roll closes and you have 18,000 electors in the Canning electorate and 12,000 in the Leederville electorate. There are 50 rolls to be prepared, so they cannot all come out on the one day. Probably there will be a period of two or three weeks between the issue of the last roll and polling day. If a large number of claims are lodged on the last day, and the names are put on the roll, the opposing parties have no opportunity to investigate them to see whether they are valid or not. If we pass this Bill, the Legislative Council will not be affected one iota, but a boomerang effect will be evidenced later on. We are asked to bring our legislation into conformity with the Federal law, so that they may operate together. We then create an anomaly. The objector for the Legislative

Assembly is to be charged 5s., and that for the Council is to be charged 2s. 6d. Fourteen days will be allowed to a person to object in the case of the Legislative Council, but that will not be so in the case of the Assembly. Is it not reasonable to assume, if we agree to that, that we shall be asked to bring the paraphernalia of the legislation relating to enrolments for the Council into conformity with that for the Assembly? I could quote for an hour bad cases that have happened on the goldfields. In 1918 when Mr. Cornell was at the war, and I ran a campaign for both him and Mr. Ardagh, a number of prosecutions were launched. As a result of the investigations, some 500 names were removed from one roll and 600 from another. Persons were induced to sign claim cards as freeholders for blocks, when they were only squatting on mining leases. We have 14 days in which to object to any names. I suggest if we pass the Bill, and we are afterwards asked to make the Legislative Council machinery conform to the Assembly machinery, there will be no argument why we should not do so. Our safeguards will be gone completely. When you, Mr. President, and I were candidates for the Council in 1920, about 300 objections were lodged on the last day relative to electors in the South Province. We had to get to work, combat these, and prove that the persons had the necessary qualifications. If we amend the legislation in the direction indicated, the safeguards we now hold will be gone. I find from the electoral roll that the Chief Secretary is on it as a freeholder for some land at Geraldton, and as a householder for a place in the metropolitan area.

Hon. A. J. H. Saw: He is better off than the Minister for Works.

Hon. G. Fraser: He is all right now.

Hon. E. H. HARRIS: I am pleased to hear he is all right now.

Hon. W. J. Mann: Is he on the roll for two places also?

Hon. E. H. HARRIS: I do not know. Under the altered system, if I put in a claim card that I was a freeholder where the Chief Secretary lives, and a freeholder for the place where he does not live, anyone interested in that roll would have 14 days in which to see whether I was qualified or not to be put on the roll. If we alter the system, nothing can prevent me from being put on the roll.

Hon. J. Nicholson: And an election may take place.

Hon. E. H. HARRIS: I can be objected to after I am on the roll, the objection may be sustained, and my name may be taken off. On the other hand, I may get past the objection. That happened at Yilgarn. If the magistrate does not hear the objection up to the day when the writ is issued, a star is put against my name. I may then have gone to a postal vote officer, and put my postal vote in. A postal vote can be challenged until doomsday. The person will be on the roll and the postal vote is taken as bona fide evidence, and the vote is recorded. One may have all the courts of disputed returns afterwards one may like to get. So long as one's vote is in the box, it is all right. A candidate may be defeated by six postal votes, and thus meet his downfall by that means. I wish to show members the necessity for safeguarding the position by the section that has been taken out of the principal Act.

Hon. G. Fraser: In the Federal Act it works all right.

Hon. E. H. HARRIS: If the hon. member would look up the poll at the last elections he would find that in the case of six electorates there was not a difference of 50 votes. In one of the boxes in my division there was a difference of seven votes. There are five divisions in Western Australia for the House of Representatives. The electors therefore speak in thousands, whereas in some of the State electorates they speak only in a few hundreds. There are 50 electorates for the Legislative Assembly, and thus it becomes an entirely different proposition. If people make inquiries at the Commonwealth electoral office concerning claim cards they will be confronted with a section in the Electoral Act that was embodied in the Bill brought down in 1927 in another place. This declares that the validity of any enrolment shall not be questioned. If the officials get into an argument with any person, they point to that section, and that is the end of the matter. An attempt was made in another place to insert that section into the local legislation, but the Government wisely took it out. In the case of the Commonwealth we are dealing with five divisions, but in the case of the Assembly we are dealing with 50 electorates.

Hon. G. Fraser: The principle is the same.

Hon. E. H. HARRIS: In practice it is entirely different, as the hon. member would know if he had conducted many campaigns.

Hon. G. Fraser: I have been in as many elections as the hon. member.

Hon. E. H. HARRIS: The hon. member may have forgotten that point.

Hon. G. Fraser: No.

Hon. E. H. HARRIS: The Commonwealth officials would rather deal with five members who wanted information about enrolments than they would want to deal with 50. The Chief Secretary said that the advantage of a Commonwealth and State electoral system would be that all the essentials would be fully preserved. This means that the State chief electoral officer and the Commonwealth electoral officer would be acting in conjunction and do all that was requisite. I submit that under the arrangement the State chief electoral officer will not have nearly sufficient power vested in him, especially if we pass this Bill. Under Clause 38 every registrar shall act and be under the control of the Chief Electoral Officer of the State. The State Chief Electoral Officer may inspect all rolls, books, and documents kept by any registrar for the purpose of the Act, and satisfy himself that the duties imposed upon the registrar are being properly carried out. That sounds all right. We now want to look carefully at the Act and the agreement. Under the Federal Act the Chief Electoral Officer for the Commonwealth is in full control. There is a chief electoral officer for each State, divisional returning officers for the respective divisions, and registrars who will be the men appointed as State officers under the joint agreement. Under Section 9 of the Commonwealth Electoral Act, 1918-28, the asssistant State returning officers are "subject to the control of the divisional returning officer." Wherever we look in this Act we find the words, "Subject to the control of the divisional returning officer." That is the Federal officer. All our officers would act under the direction of the Chief Electoral Officer. I am indebted to the Commonwealth officer for a copy of the joint instructions relative to the Commonwealth and the South Australian House of Assembly electoral registrars appointed to keep special divisional rolls. That is in accordance with the agreement made between the Commonwealth Government and South Australia. These state that, "Subject to the provisions of the Commonwealth Electoral Act, the Electoral Acts of South Australia, the Commonwealth electoral regulations, and regulations relating to joint electoral rolls, these instructions, or such amendments thereof as may be issued for his guidance, the registrar will be under the immediate control of the divisional returning officer, from whom he will receive his supplies, and to whom he shall refer in all cases of doubt." Say we make an agreement with the Commonwealth. Their officer, who receives a salary from the Commonwealth Government, takes his instructions from his superior officer, whilst that officer will take instructions or directions from the State Chief Electoral Officer——

Hon. C. F. Baxter: How does that work out?

Hon. E. H. HARRIS: The hon. member may work it out for himself. We may find that the Commonwealth will prevail. That brings me to a point that crossed my mind yesterday with reference to the industrial laws of the Commonwealth. A little while ago the High Court gave a decision in which it pointed out that where there was a State and Federal award, and they were inconsistent with one another, to the extent of the inconsistency the Federal award prevailed. It impressed itself upon my mind in connection with the Commonwealth Electoral Act and the State Electoral Act working in conjunction. Would not the same question arise, if the two Acts were in conflict? Would not the Federal Act prevail?

Hon. A. Lovekin: Section 109 of the Constitution provides that it shall.

Hon. E. H. HARRIS: I do not know which section it is, but it has been quoted in a court case with which I happened to be associated. When the point was raised, we discovered that we were out of court. If some elector took a case into court, declaring that he was on the roll and that this was prima facie evidence of his being entitled to record a vote, this section of the Constitution Act might be raised as a technical point, and then we might discover that we did not possess the power we thought we had.

Hon. A. Lovekin: It is perfectly clear under the Constitution. Those are the very words.

Hon. E. H. HARRIS: The Chief Secretary said—

> Everything appertaining to the preparation of the rolls shall be done by the Commonwealth. I say that the conduct of an election shall be by the State officials.

That would be all right, but if a case arose involving the validity of an enrolment, the Federal law, I venture to believe, would prevail.

Hon. J. Cornell: It could not be otherwise.

Hon. E. H. HARRIS: Hon. members can see for themselves where that would lead us. I wish to refer to some anomalies existing even now. Our penalties are not uniform with those of the Federal law. The Bill alters them so as to bring them into line, but in doing so creates an anomaly as regards the Legislative Council. In connection with the Assembly, the penalty for any breach is to be £10, whereas our principal Act provides a penalty of £200 or imprisonment for 12 months. Thus the registrar keeping the Legislative Council roll is liable to a fine of £200 or 12 months' imprisonment if he does not attend to his work, whereas the same person for a breach of the law relating to the Legislative Assembly roll can only be fined £10. Another anomaly is created by the proposed amendment in the electoral law requiring a deposit of 5s., whereas it was formerly 2s. 6d. I should like to direct the attention of hon. members to Clause 38, which reads—

> The principal Act is hereby amended as follows:—
>
> (1) Section 4 is amended by inserting the following words:—"'Subdistrict' includes a subdivision of a district, and 'subdivision' includes a subdistrict."

Our parent Act has the following definition of a district:—

> "District" means an electoral district for the election of a member of the Assembly.

There is the following definition of a subdistrict:—

> A portion of a district the boundaries of which have been defined under the provisions of Section 99.

And Section 99 provides that the Minister may by notice in the "Government Gazette" establish sub-districts and fix their boundaries and so forth. This Bill contains the following definition of a subdivision, on page 2:—

> "Subdivision" means subdivision of a district.

Let me here explain that whilst Western Australia has 50 electoral districts and the Minister has power to divide them into subdistricts, that has never yet been done. The matter was looked into closely before, when we were considering the measure under which the boundaries could not be made co-terminous. We could get over some of our difficulties if the districts were subdivided into subdistricts so named as to fit in with Federal subdivisions. I have looked into the matter closely, and for the life of me cannot ascertain why the provision is there and what it means. I hope the Chief Secretary will be able to explain the matter. Clause 38 seeks to amend the principal Act. Now, the interpretation clause defines "subdivision" as "subdivision of a district." Therefore an electoral district may be divided into subdistricts and subdivisions. A subdistrict includes a subdivision, add a subdivision includes a subdistrict. What is the reason for the amendment? What is it intended to convey? I am utterly unable to discover. When the corresponding Bill was in Committee last session, I drew attention to certain cases in which the measure could not possibly work. One registrar is supposed to register a man upon receipt of a claim, and then the man is enrolled for the Assembly and for the Federal Parliament. Where a boundary runs through the centre of one of our district electorates and a man lives in a portion appearing on either side of a boundary, it is not practicable to give effect to the interpretation, at all events until 1932, when possibly effect may be given to it. I will quote an instance or two. The last one that came under my notice is a place called Ballidu, which is in the State districts of Irwin, Moore and Toodyay. Federally, it is in the division of Kalgoorlie and the division of Swan. If a man lives for half a month on one side of the road and then crosses over to the other side, thereby changing from the Federal district of, say, Swan to Kalgoorlie, or from the State district of, say, Irwin to Toodyay, any claim that he submits would be out of order.

Hon. J. Cornell: He would have a vote for both.

Hon. E. H. HARRIS: No. It might happen that his name would be inserted on the Commonwealth roll under the section which declares that no claim shall be challenged, or he might be enrolled and have his name starred. When I was conferring with the Commonwealth Chief Electoral Officer, Mr. Way, that gentleman was good enough to give me a copy of the instructions; and from a South Australian legislator I obtained a copy of the claim cards used in South Australia for Commonwealth

and State. I have the card before me, and it reads—

To the Electoral Registrar for the Subdivision of....., Commonwealth Division of....., State Assembly district of ..... (1) I am an inhabitant of Australia, and have lived continuously (a) in Australia for six months, and (b) in South Australia for at least three months. (If the claimant has not lived for at least three months continuously in South Australia, he must strike out paragraph b.)

Our card under this measure must be almost a replica of the South Australian card. The person I have in mind, who lives in an electorate and removes within a month, must, under both State and Federal legislation, put in a claim card within three weeks. But if he has not lived for a full month in the place for which he claims, he is not entitled to enrolment there. The Commonwealth officials, however, will put such an applicant on the roll, and this notwithstanding that the applicant strikes out the portion relating to Western Australia, showing that he does not claim in respect of the State roll. The consequence will be that his name will appear on the Federal roll, but not on the State roll until he submits another claim card. In all those instances the claimant will have to lodge two cards.

Hon. J. Cornell: It leads to confusion.

Hon. E. H. HARRIS: Our idea is to remove the confusion that exists in the public mind owing to the present need for two claim cards. Everybody now knows that two cards have to be put in. In the circumstances I have mentioned, a number—true, a limited number—will have to put in two claim cards.

The Honorary Minister: How many do you think that will affect?

Hon. E. H. HARRIS: I cannot gauge the percentage.

The Honorary Minister: It may affect only half a dozen.

Hon. E. H. HARRIS: Let me direct the Honorary Minister's attention to a new clause which has been inserted in the Bill since it was last before us, Clause 22a—

The names of all persons enrolled on the roll for any district pursuant to claims for enrolment or transfer of enrolment received within 14 days prior to the date of the issue of a writ for an Assembly election shall, on the issue of a writ, be marked on the roll for the district in the prescribed manner, and for the purpose of the election such persons shall be deemed not to be enrolled.

If some person lodged 100 claim cards 13 days before the issue of the writ, all those 100 names would go on the Federal electoral roll, all being starred as not on the State roll. In the case of every one of those names it would be necessary to lodge a fresh claim card in respect of the State roll. I do not see how that obstacle can be overcome. I have digressed somewhat, but I wanted to adduce those illustrations, in order to show that it would be impracticable to put his arrangement into operation. A person residing in portion of the Federal division of Fremantle, say in the vicinity of the Shenton Park hotel in Nicholson-road, which is in the Subiaco State electorate, and who decided to move to Derby-road nearby, would discover himself to have moved into the Federal division of Perth. If he lived a fortnight or three weeks in one place and then removed to the other, and thereupon lodged a claim card, the whole of the area in question being within the State electorate of Subiaco, he would be entitled to enrolment for Subiaco, but not for any Federal subdivision, because he would not have resided there for the specified period. Let me give another instance to show the difficulties that arise. Portion of the boundary line between the Guildford and Canning Assembly districts runs along Caledonian-avenue, Maylands. A person who, having lived on the north side of the avenue for a period of less than a month, then removed to the opposite side for the remainder of the month, would not be entitled to enrolment for either the Guildford or the Canning electorate. Apparently, however, he could be enrolled for the Maylands subdivision of the Federal division of Perth, because this embraces both sides of Caledonian-avenue.

Hon. J. Cornell: The effect of Clause 22a would be that no Assembly roll would be published until after the issue of the writ.

Hon. E. H. HARRIS: That is so. It means that any person who is on the roll has to remain on the roll. It alters facilities so that persons need not go to the polling booth and make declarations: they can make declarations by way of postal votes. The declaration made in the booth, however, is the one that can be challenged as to the right to vote. On the other hand, if an elector puts in a postal vote, it is counted. That is the difference. I could recapitulate some further cases which I enumerated last year, relating to the district of Leederville.

That district is part and parcel of the Federal Perth and Fremantle divisions. I shall not enumerate further cases, but mention the matter in order that the Chief Secretary, when replying, may endeavour to answer them. Personally, I do not think he can do so; I do not think there is any answer to them. Perhaps the Chief Secretary will be able to show that it is practicable to put that provision into operation. Although I realise that it would not be in conformity with the Title of the Bill as it stands now, I wish the Government, when they set out to provide a Bill to authorise the compilation of joint rolls, had included another amendment that would have enabled electors to record their votes in other than the districts for which they were enrolled, as is done under the Commonwealth legislation. If that were done, it would save electors from having to incur considerable expense on account of transport and under other headings, in order that they might travel to a centre where they were entitled to vote. Had the State followed the Commonwealth in that regard, the change would have been a vast improvement, and would have been much appreciated by many electors.

Hon. V. Hamersley: Is no provision made for that?

Hon. E. H. HARRIS: No. There are many amendments that should be made to the Electoral Act, but owing to the Title of the Bill, members are not given an opportunity to move them. The amendments I have in mind are not controversial, but are such that all members would willingly support. The question arises as to what will happen with the Bill. Should it meet with the same fate as a somewhat similar measure did on the last occasion, I hope, as the Chief Secretary said at the end of the debate last session, we shall not lose two or three weeks of valuable time in going over the whole ground as we formerly did. No good purpose will be served by repeating that experience this session. Unless the Chief Secretary can show us that the difficulties confronting us can be overcome, no good will accrue from a lengthy debate. One of the principal difficulties, in my opinion, is the vital clause relating to the period within which objection can be taken to enrolment. We should have 14 days within which to take that action, but should we insert an amendment to that effect, will the Commonwealth Government undertake to hold the enrolments in abeyance for that period before inserting names on the roll? I have had a talk with the Commonwealth Chief Electoral Officer, and I doubt if that can be done. It has been suggested that if we refer the Bill to a select committee, we may elucidate some of the matters that were before us on a former occasion. I question whether, apart from the Chief Electoral Officers for the Commonwealth and the State and, perhaps, one or two other officials, we could gather any information from witnesses, further than that we have in our possession now. There is one other thing only to do. If the Chief Secretary finds he cannot meet the requirements of this Chamber, having regard to what was done and the divisions taken last year—I say that with due regard to what happened in this Chamber, because I do not think members will stultify themselves in view of the voting last year when the divisions on important matters were 13 or 15 to five—then I suggest to him that he withdraw the Bill. I shall reserve my decision as to whether I shall support the second reading of the Bill or vote against it, until I have had an opportunity of hearing the Chief Secretary speak in reply to the debate.

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

BILL—WHALING.

Second Reading.

Debate resumed from the 4th September.

HON. G. W. MILES (North) [6.5]: I wish to thank the Honorary Minister for having postponed the further consideration of the Bill to enable me to discuss it with those interested in the whaling industry. I also thank him for the proposed amendments he intends to place upon the Notice Paper. At the outset, I am doubtful as to the necessity for the Bill being introduced at this stage. In my opinion, the Title of the Bill is hardly in order, for the Bill should be termed "a Bill for an Act to amend the Fisheries Act, 1905-21."

Hon. J. Cornell: Or "for an Act to operate outside territorial waters."

Hon. G. W. MILES: I understand it was suggested in 1921 that a similar Bill should be introduced. It would be interesting to know the reason why such a measure was not brought forward at a much earlier

stage. I have reason to believe that the Government in power in 1921 thought it wise not to interfere with the whaling industry. As the Honorary Minister pointed out, whaling has been carried on off the shores of Western Australia since the early days. Of recent years, several companies have been operating, and most of them have failed. I think that furnishes the explanation why no legislation was introduced in 1921. We must be careful when passing legislation that will interfere with the industry. The Honorary Minister indicated that it was proposed to impose a royalty in respect of all whales fished off the coast, whether within the three mile limit or outside of it. I have no hesitation in saying that if restrictive legislation of that type is passed, there is a very good chance of the whaling industry here ceasing to exist. Clause 3, including the amendment suggested by the Honorary Minister, provides that the Minister may grant a whaling license that will give a general right to engage in whaling and whaling business within a prescribed area in Western Australia and the territorial waters of the State, and, further, that no person shall so engage in Western Australia or in the territorial waters referred to except pursuant to a license authorising him so to do granted under this legislation, or under Section 30 of the Fisheries Act, 1905-13. Up to the present, whaling here has been carried on under licenses issued under the Fisheries Act and one of the terms of the license is the right of the Government to grant licenses up to a period of 14 years. Clause 4 of the Bill, however, reads—

> Every application for a license under this Act shall be made during the currency of the calendar year in which the license is to have effect, or in the month of December preceding that year, and every such license which shall be granted shall have effect for and during that year or the unexpired portion thereof, and no longer.

If Clause 4 is passed, it will kill the whaling industry. It is necessary to incur an expenditure of from £50,000 to £100,000 in order to engage in whaling operations off the coast. No company or number of persons will put money into an industry if we are to give the Government the right to cancel a license by giving a year's notice. Of course, if a company does not carry out the conditions of its license, the Government have the power now to cancel the license, but such a clause as that which I have read should find no place in the Bill. Companies that have operated in the past have mostly failed, and the last company to fail lost £24,000. The existing company took over that company's rights, and during the first two years no profits were made. During the last two years, the company made enough to pay off the liabilities of the old company. There are 250 odd shareholders who subscribed over £50,000 in cash and invested the money in the whaling industry, and if anything should happen to disturb the arrangements they have with the present company, those people will not receive the return they have been expecting to get at last from the industry. I am given to understand that if the Bill is agreed to, there is a good chance of the company ceasing to operate. The Honorary Minister has given us his assurance that the legislation will not hamper the present company, and I believe he is sincere when he says he does not desire the legislation to have that effect. At the same time, we must consider the position carefully before we agree to pass the Bill.

The Honorary Minister: Clause 4 will not affect the license held by the company.

Hon. G. W. MILES: No, but the company's license expires in 1930. It is necessary to get fresh capital to enable the company to carry on, and it is essential that a renewal of the license be granted. The company could not wait until the last year of the currency of the license before it was known that the license would be renewed. Security of tenure is essential.

Hon. J. J. Holmes: A license for one year is no good to the company.

The Honorary Minister: The amendment I have indicated to you will deal with that point.

Hon. G. W. MILES: I do not know that the amendment will cover that position; I do not think it does. The Government will still have the power that I refer to, and even with the Honorary Minister's amendment, the license granted will be one from year to year. In view of the provision in the Fisheries Act for the granting of a license for a period of 14 years, the strongest exception to the clause in the Bill is taken by those engaged in the whaling industry. While that clause remains and licenses have to be renewed each year, it is maintained by those interested in the company that no person would agree to invest

capital in the whaling industry in the absence of security of tenure.

Hon. A. Lovekin: What is the object of the Bill—revenue, or the control of the industry?

Hon. Sir Edward Wittenoom: There is no industry yet.

Hon. A. Lovekin: I cannot see what the Bill is wanted for.

Hon. Sir Edward Wittenoom: They are trying to establish the industry.

Hon G. W. MILES: The Norwegians are recognised as the best fishers engaged in the whaling industry in these days.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. W. MILES: To Clause 5 of the Bill the Minister proposes to submit an amendment giving power to transfer a license to the liquidator of a whaling company. That will meet the request of a deputation that waited on him. Clause 8 provides for royalty on whales and the Minister said it was proposed to fix the royalty by regulation. Time and again the opinion has been expressed in this House, and by a majority of the members, I believe, that we do not want any further legislation by regulation. If the Government wish to obtain revenue from the industry, a schedule should be attached to the Bill setting out exactly what royalty it is proposed to charge. The suggestion of the Minister that the royalty should be £1 per whale is unscientific. Whales differ in size just as trees differ in height and girth. The Forests Department fixes the royalty on the cubical contents of the tree, and I think the Minister should agree to fix the royalty on whales at so much per barrel of oil obtained. There would be no difficulty in checking the quantity of oil obtained during the season because the quantity for export has to be declared. I understand that 40-gallon barrels are used for whale oil, and a royalty of 8d. per barrel on last season's take would give the Government a revenue of £1,000, which was the amount indicated by the Minister. I suggest that a schedule be added to the Bill fixing the royalty at 8d. per barrel. To show the disabilities under which whaling companies operate, there was 80 tons of oil on hand when the liquidator took over. That was taken from Point Cloates to Carnarvon, transhipped to Fremantle, and transhipped again to Liverpool. On arrival there it realised £1,658; the charges amounted to £1,165, leaving a net profit of £493. The Fremantle harbour and transhipping charges amounted to £36 3s. 8d. To operate the industry successfully, it is necessary to have bulk steamers in which the oil can be exported direct from the whaling grounds to the markets of the world. Clause 10 provides that the Government may make regulations for the purposes of the Act. Paragraph (c) provides for "such rules as the Governor may think necessary or proper to be observed in and for the conduct and control of whaling and whaling business in all respects, or for keeping any vessels, boats, or premises used in connection with whaling or whaling business in a sanitary and cleanly condition." The people interested in whaling take strong exception to empowering any fisheries inspector to board their ships and decide whether they are in a sanitary condition.

Hon. J. Nicholson: Does that apply to any one of the big steamers calling at Fremantle?

The Honorary Minister: The mail steamers are not trading on the coast.

Hon. J. Nicholson: Well, one of our coastal steamers?

Hon. J. J. Holmes: Would it apply to a State steamer?

Hon. G. W. MILES: I object to whaling vessels being brought under that provision.

The Honorary Minister: What are you afraid of?

Hon. G. W. MILES: It is not necessary to have an inspector to go on board those vessels and tell the captain whether the ship is kept in a sanitary condition. Under the Factories Act there is power to inspect shore structures, and further provision to that effect is made in the licenses under which a whaling company operates, but I do not see why the authorities should want to interfere with the conditions on board ship.

Hon. J. Nicholson: Under what flag do those vessels ply?

Hon. J. Cornell: The Jolly Roger!

Hon. G. W. MILES: The Norwegian flag, I believe. Such restrictions are likely to interfere with the business and we must be careful not to pass legislation that will injure the industry. Reverting to the amount of royalty, there was a proposal recently to start the shark fishing industry on the North-West coast, and I believe the Government are anxious that it should be done, but as soon as people put their money into an industry and provide work, the Gov-

ernment wish to tax it. I suppose there will be a tax on sharks if that industry is started.

Hon. J. Cornell: They should apply the tax to St. George's-terrace sharks.

Hon. G. W. MILES: Yes. Such industries involve the Government in no expense and I certainly think the sharks and the whales belong as much to the people of the world as to us. Regarding the value of the whaling industry to the State, the one company is paying about £30,000 a year in wages. Of the 150 men employed ashore and on the boats 100 are Australians working under Australian conditions according to an arrangement with the Australian Workers' Union. I should like to quote a paragraph in the license to show how the workers have been protected. Paragraph 8 reads—

> No wage less than the minimum wage payable under any arbitration court award (Federal or State) or any industrial award applicable to Government employees in the district within which the license is operative, or the nearest district thereto within which Government employees are engaged, shall be paid to employees employed in pursuance of the license within any portion of the area covered by the license which is subject to the laws of the State of Western Australia.

Other clauses read—

> Similar conditions shall be observed in connection with employees employed upon any vessel used in connection with the business of the licensees, and such other conditions stipulated by the said industrial awards, unless otherwise agreed to by the industrial union or union whose members are employed, shall apply.
>
> Should there be any dispute as to wages and conditions of employment, such dispute shall be submitted to the registrar of the court of arbitration, whose decision shall be final and binding on the parties.
>
> Should the registrar of the court of arbitration be unable to deal with such dispute, the parties concerned shall appoint an arbitrator, and should these parties fail to agree to an arbitrator, the Government shall appoint the arbitrator, whose decision shall be final and binding.

Thus the workers are well protected. Another clause in the Bill deals with the killing of female whales.

Hon. J. R. Brown: How can the whalers tell whether they are females?

Hon. G. W. MILES: In the interests of the industry the whalers do not kill the females unless they are compelled to do so. If we submit to this sort of legislation we shall presently be asked to pass a law to prohibit the killing of ewes or of cows on the ground that the killing of females will interfere with the increase of stock. It is absurd to introduce such restrictions. It is an interesting fact that the whalers do not kill the females, except perhaps at the end of the season. It may be that the operations have entailed an outlay of £100,000 for the season, and if there has been a poor catch they might kill a few females to make up the quantity. Whalers the world over recognise the importance of refraining from killing the female whales. In other parts of the world there is no such legislation. The Minister spoke of the conditions in the Ross Sea whaling industry. He said the royalty charged was 2s. 6d. per gallon after 20,000 barrels had been obtained. I think that was an error; it should have been 2s. 6d. per barrel. The total value of the commodity is 2s. 6d. per gallon. The whalers operating in the Ross Sea have to pay no license fee, no income tax, no Customs duties and no harbour dues. On this coast all these charges have to be met. The one company operating here has paid as much as £1,500 in income tax; it has to pay harbour dues, and it pays £30,000 a year in wages. We do not want to injure operations of that kind. Of the 150 men employed 40 are Norwegians, and they are employed in manning the whaling steamers. It is recognised that Norwegians understand whaling better than the men of any other race. On the English coast Norwegians are employed to man the ships. Australians are engaged under agreement with the Australian Workers' Union and are paid the basic wage plus tropical allowance fixed under the Arbitration Act, in addition to which each man receives a bonus on the production of oil and guano. The bonus last year amounted to £47 per man. Unfortunately the immediate effect of the Bill has been that the manager of the company, Captain Bull, who is regarded as a leading expert on practical whaling, has recommended his company to cease operations this year. That information has been supplied to me. We must not do anything to drive the industry off the coast. If we pass hampering legislation the company may employ factory ships such as are employed in the Ross Sea that can handle the whales outside the 3-mile limit and thus the State would run the risk

of losing the whole industry. I oppose the second reading of the Bill.

HON. J. CORNELL (South) [7.45]: This is a Bill the Council can well reject. If I understand the position correctly, the people who are now engaged in the whaling industry, have put a considerable amount of capital into it and the individuals who have embarked on the enterprise are the type that we could with profit attract to our shores, not only to conduct the business of whaling on our coast, but to migrate to Australia and become part and parcel of the community. The people who have invested their capital in the business have made whaling an industry on the coast. Others who preceded them failed to do that. The people now engaged in whaling are conforming to the laws and customs of the State, are paying income tax, paying Australian workmen, paying Customs duties on the goods they use, and paying harbour dues and all the other legitimate charges associated with their work. Now it is suggested we should pass a Bill to give the Government power by regulation to tax what? To tax something that belongs to the waters of the world, not necessarily the territorial waters of Western Australia.

The Honorary Minister: To which tax the company have no objection.

Hon. J. CORNELL: We propose to tax something that is not a product of this country or of any other country. The whale is a migratory mammal that is the property of all, and it will be safe to say that not ten per cent. of the whales caught by the company operating on our coast are caught in our territorial waters. It is suggested we should tax this company on the product that it catches outside our territorial waters and which is brought into the territorial waters for commercial purposes. It is quite feasible to assume that if the company chose, they could evade our laws and do the necessary work on some island or on a vessel anchored outside the territorial limits of Western Australia. Thus it would not be possible to tax them. Immediately individuals display enterprise, foresight and brains in the establishment of an industry, where others have failed, Governments proceed at once to impose taxation. That is not reasonable. There is a limit to these things and now we propose to go to the dizzy limit. It is a retrograde step to suggest legislation of this kind. Moreover, why does not the Minister propose in the Bill something specific, something that would give members an idea of the extent of the taxation intended? Of course we know that this House has not the power to initiate such legislation, but it is suggested that we should tax an industry that has brought capital to the State, an industry that is employing our own people and conforming to all our laws, and we are asked to give the Governor power by regulation to tax the company's products. I am against that. I am against the imposition of taxation of any description by regulation, and I oppose it just as I would oppose any suggestion made to impose an income tax by means of a regulation. If the Government consider that the product of the whaling industry should be taxed, the House should be given an opportunity to consider the incidence of that tax. If Parliament fixed a royalty, then that royalty should only be altered by Parliament.

The Honorary Minister: Any regulation framed will have to be laid on the Table of the House.

Hon. J. CORNELL: And as it would come within the purview of the Interpretation Act it could be disallowed. Assume, for the sake of argument, that the Bill is passed and a regulation fixing the royalty is laid on the Table of the House on the Ross Sea basis of 2s. 6d. per barrel, the House, having considered all the circumstances, concludes that the tax is not fair and is a burden on the industry. What becomes then of the royalty imposed by regulation? We would have an Act to restrict the industry in certain respects, but there would be no machinery by which to impose a royalty.

Hon. G. W. Miles: I did not advocate a tax on the Ross Sea basis.

Hon. J. CORNELL: No; I used that merely as an argument. It is futile for the Minister to say that the regulations would be laid on the Table because if the House considered the regulation unfair, it would promptly disallow the regulation. If the Government desire to tax the industry, there is only one way in which that should be done and that is to ask Parliament to fix a tax, just as Parliament is asked to impose a tax on incomes. To impose a royalty by means of a regulation is not right. I intend to vote against the second reading of the Bill because I think the little revenue that this suggested tax will bring in will not save the State from bankruptcy. Moreover, the tax is liable to have a far-reaching effect on enterprising people in other parts of the world who might be prepared to come

here to establish industries. As Mr. Miles has pointed out, a company was formed recently to engage in shark fishing. Assume again that that industry becomes an established fact and a paying concern, the Government will very probably proceed straight away to tax them. We should encourage people from other countries to invest their capital in the establishment of industries in Western Australia, and so long as they conform to our conditions, pay the correct rate of wages, pay income tax and all legitimate charges associated with the work on which they are engaged, we should be satisfied. It would be just as logical if we taxed a particular brand of chocolate made by Plaistowes. That is how I view it. I am totally against a royalty tax being imposed on any industry and particularly an industry that is dealing with a product, an inherent right to which we can not lay claim any more than can the man from Timbuctoo. I intend to vote against the second reading of the Bill.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [7.53]: To my mind the whaling industry in Australian waters should be encouraged rather than discouraged by imposing taxation in this suggested form. Hon. members are aware that for a number of years attempts have been made in Western Australia to form companies to carry on whaling operations, but without success. Some little time ago I happened to be speaking to a gentleman who had put a considerable amount of capital into one of these companies and he informed me that there was absolutely no money in it. He said that the trouble was that the boats went out and harpooned whales and that by the time the whales reached the works, the sharks had eaten two-thirds of them. Later on the land sharks got the other third and there was nothing left for the shareholders. That sort of thing has been going on for some time. Several companies have attempted to carry on operations but the shareholders lost everything. I put £500 into one of these concerns, but very soon afterwards I got hold of some information that led me to withdraw it again immediately. I intend to vote against the second reading of the Bill.

HON. J. J. HOLMES (North) [7.55]: I intend to oppose the second reading of the Bill. I listened to the Minister when he introduced the Bill, but I heard from him no reference whatever to the Bill itself. He gave us the history of whaling from time immemorial to the present day. If "Hansard" could be produced, it would be found that the Minister did not make a single reference to the Bill except in reply to an interjection from an hon. member who asked what the royalty would be and the Minister replied that it would be £1. There was no reference to the necessity for the Bill, in fact no reference to the Bill whatever.

The Honorary Minister: Are you sure you are correct?

Hon. J. J. HOLMES: Yes: I listened carefully.

The Honorary Minister: You had better read "Hansard" again.

Hon. J. J. HOLMES: The Minister told us all the classes of whales and related what happened to the whaling industry on our coast 40 odd years ago. He might also have told us about John Boyle O'Reilly, who was smuggled away from this State to America in a whaling ship, and also about the whaling ship "Kalalpha" that took the convicts away. There was nothing in the Minister's speech as to the necessity for the Bill. What is the Bill put up for? I should say it is put up merely to fill in. The Government appear to have met Parliament this session without having any business ready, so they have run around and fixed up a few Bills, including the Whaling Bill, which is just put in to fill up. I do not think we ought to waste time over Bills like this. Why is this industry attacked? Because there is a possibility of its meeting with some success. I have a report here which I believe to be authentic and which shows that one man has floated three whaling companies. One was floated in 1912 and subsequently withdrawn. The second had its head station at Albany, and the shareholders managed to get back 51 per cent. of their capital. The third company had a capital of £100,000, and finished up in debt to the tune of £24,000. I understand the present company have taken over what was left by that third company, and that out of their profits they are trying to get back the money for the Western Australian shareholders who put the capital into the earlier venture. Then why the Bill? We are told that the company get 1,000 whales per annum. That means £1,000 in royalty. I can see in the Bill some nice little billets for about six

men. I do not know anything about their political views. But I can see these boats coming in at night with whales that have to be counted and inspected. There will require to be at least three inspectors, for not any one of them will work for more than eight hours a day. There will be three inspectors to count the whales and attend to other duties, to say nothing about an inspector to go on board the ship. The man who counts the whales, probably will belong to the clerk's union, while the man who inspects the ship will belong to another union. It will be his duty to go on board the ship and examine her and see that she is clean. How is a whaling ship to be kept clean? Could anything more unreasonable be imagined? That is an interference with the Merchants' Shipping Act, where all these things are set forth. The Bill, so far as I can see, is attacking a company that is trying to get on to its feet. The only object I can discover in the Bill is to provide billets for the unemployed. One of these inspectors will have to go on board the ship and make himself objectionable to the captain—this, possibly, by a person who does not know one end of a ship from another. It is all going to harass and annoy those people trying to work up the industry. I understand the lease has two years to run. The Bill provides that in future the lease shall be from year to year.

The Honorary Minister: No.

Hon. J. J. HOLMES: The Minister, when speaking, should have told us all about it.

The Honorary Minister: Certain provisions of the Fisheries Act have been suggested in conjunction with this.

Hon. J. J. HOLMES: Then you propose to give them a lease of 14 years?

The Honorary Minister: We never had any desire to do other.

Hon. J. J. HOLMES: Then why have we a Bill that provides for a lease of only one year?

The Honorary Minister: I am referring it to the people concerned, and they are quite satisfied with our intention.

Hon. J. J. HOLMES: Then are you going to give a monopoly to this company? If this company is to get a 14-year lease, why should any other company have to be content with a lease of only one year's duration? I can quite understand this company being satisfied with such a proposition as that. If one company can get a 14-year lease, another company should be granted the same. Under the Fisheries Act the inspectors are permanently employed, but if we are to start appointing inspectors for every job in the whaling industry, I do not think £1,000 will go far towards paying their salaries. However, the Bill will have the effect of harassing those in the industry. Then I find that somebody is going to decide how many boats are to be employed. Thus it is provided in the Bill that the Governor may by regulation limit the number of vessels or boats to be employed. Surely these whales, as Mr. Cornell said, belong to anybody and everybody. If there is on our coast a company engaged in the capture of whales, surely the question of how many they are to catch in a year should be left to their discretion. If they can catch 2,000 instead of 1,000, why should they not be allowed to do so? Yet it is proposed to limit the number of boats they are to use. Everything is to be done by regulation. Nothing is in the Bill. The royalty, the number of boats and the number of inspectors, all are to be fixed by regulation. As I have said, I think the Bill is put up merely to fill in, and I will vote against it.

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

BILL—FERTILISERS.

Second Reading.

Debate resumed from the 18th September.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [8.10]: I have been in touch with those people who are directly concerned in the Bill, and I am pleased to say that with very few exceptions they are satisfied with the measure and regard it as a good thing. The Bill provides for the registration of all fertilisers, including the name, brand and composition thereof, and provides, further, that the contents of the fertiliser shall be clearly stated and shown on the invoice given to the purchaser. That is really the crux of the whole Bill. There is nothing wrong with that. The Bill protects the primary producer against fraud and the unscrupulous sellers of inferior fertilisers. It is in the interests, not only of the primary producer, but of the State as

a whole. It provides for the registration of all fertiliser and also for an annual fee. Some objection has been taken to the £5 fee for each registration up to the first 20, and 5s. fee for each registration above 20. That appears to me to be rather a high rate. In South Australia the registration fee is 5s. for each registration, with a minimum charge of £5—a very different proposition from that in the Bill, which is altogether too high. I hope that when in Committee the Chief Secretary will agree to a reduction in those fees. Clause 19 makes it an offence for a person to sell a fertiliser not in conformity with the prescribed standard. The Minister that moved the second reading in another place said it was not intended to fix standards. I trust that he was right, for if an attempt is made to fix standards, it will interfere considerably with the manufacturing companies.

Hon. H. J. Yelland: That refers to the standard which the manufacturer fixes himself when he registers the brand.

Hon. H. A. STEPHENSON: It does not do anything of the kind. Under Clause 37, the Governor is to have power to make regulations and fix standards. I agree with the hon. member insofar as the composition of the fertiliser when registered having to be given. The Bill does to a certain extent provide for a standard, but that is not what is meant by Clause 19, or paragraph (g) of Clause 37. In Committee I will endeavour to have the word "standard" deleted, and some other word substituted. If we substituted the words "minimum grade" for the word "standard" in Clause 19, they would fit the Bill, and if the same thing were done in paragraph (g) of Clause 37 it would bring them both into line. At present there is a conflict between the two clauses. I do not think standards are necessary. The effect of the provision that those who register have to give the full particulars of each registration is to a certain extent creating a standard. In addition to giving the composition in each case, every seller of a fertiliser has to specify on the invoice the composition of the ingredients contained in the particular fertiliser. If we substituted the words "minimum grade," this would overcome the difficulty. That would prevent anything below that minimum grade from being sold. If I can get these amendments through, I think the Bill will meet the position. I support the measure, firstly from the point of view of farmers and primary producers generally, secondly from the point of view of merchants and distributors, and thirdly as one who is at present engaged in the manufacture of fertilisers.

HON. H. J. YELLAND (East) [8.17]: I support the Bill. The necessity for this measure has for a long time been recognised. It has been associated with the foodstuffs Bill, and the dual legislation has led to a certain amount of confusion. The distribution of fertilisers has become so important that there is necessity for a Bill of this kind so that we may know where we stand. The measure is clear and concise, and meets the case. It shows that there was an able mind behind it. I wish to refer to one or two minor points, but before doing so would remark that it is essential that Australia should jealously guard its fertilisers by legislation. In Australia we have in our phosphatic manures the highest standard in the world. In some parts of America the standard is down to about 17 per cent. It may be wise for me to describe the reasons for the differentiation in percentages. In Western Australia our standard is 22 per cent. In South Australia it is about 48 per cent., and yet they are one and the same superphosphate. The same thing applies as between the United States and Great Britain. Great Britain describes her percentages on the same lines as South Australia does. Western Australia and Victoria describe theirs on lines similar to those of the United States, that is, on the smaller percentages. The reason for that is that when the percentage of basic phosphate is made the unit of percentage, we have a greater percentage of that substance than when the measurement is made in forms of phosphoric acid contents in the basic phosphate. The two are easily adjusted by multiplying the percentage of phosphoric acid content by 2.18 which gives us the percentage of basic phosphate. Our phosphates here, 22 per cent., will correspond with the phosphates in South Australia and in Great Britain, 48 per cent. In the United States the percentage of phosphates is sometimes as low as 17 per cent., and in some cases lower still. I have read of phosphates on the higher method of calculation being down to 37 per cent. in Great Britain, this being equivalent to 17 per cent. of phosphoric acid. When we have in Australia such a

high percentage, one of the finest samples of superphosphates distributed amongst the farmers in the world, it is well for us jealously to guard that standard and to maintain it in its entirety. One or two points in the Bill I am particularly glad to see. One is contained in Clause 23, which provides that the inspectors may have the right to take samples in transit. Clause 28 says that any sample which may be taken except one taken in course of transit shall be drawn from at least 10 per cent. of the packages of the total quantity of fertiliser from which it is drawn. In all cases where the sample has to be taken, it must be taken from 10 per cent. of the packages of the bulk from which the samples were taken, except in the case of those in transit.

Hon. H. A. Stephenson: And not from the factory?

Hon. H. J. YELLAND: It may be taken in the factory where the fertiliser is held for sale, or where it is bagged and kept ready for sale.

Hon. G. W. Miles: Would it not be better for the producer if a higher grade of fertiliser were sold?

Hon. H. J. YELLAND: Certainly. If we could introduce a still higher grade, it would reduce freights, and make for cheaper distribution and handling. There is, however, a certain percentage of foreign matter required to keep down the excessive moisture. A higher grade of fertiliser may contain too much moisture, may clog the machinery and create difficulty in distribution. There are chemical conditions which are against these high percentages. To get a high percentage of water soluble phosphate, it is necessary to treat the whole of it with sulphuric acid. That means a certain amount of liquid being added to it, which creates difficulty in drying, and further difficulty in running through the machinery.

Hon. H. A. Stephenson: We cannot go too high.

Hon. H. J. YELLAND: There is a limit beyond which we cannot go. In the Bill, there is provision, in Clause 22, for an inspector to go on a farm and take samples. I do not think any trouble is likely to arise in that connection, for the farmers would give the inspector every assistance. I question the wisdom of taking samples there when the superphosphate has been held upon the farm. Another wise precaution has been placed in the Bill in that it provides for the fertiliser being true to name. I regret to say there have been cases in which rock phosphate has been substituted for bone phosphate. Any measure that prevents that demands our support. I congratulate the Government upon bringing forward this Bill, and upon the high standard exhibited in assembling the various matters dealt with.

Question put and passed.

Bill read a second time.

BILL—DRIED FRUITS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.30] in moving the second reading said: In 1926 this House passed a Dried Fruits Bill. Experience has proved that additional powers are needed to make the measure effective, and amendments are introduced in this measure to remedy the defects. The position of the dried fruits industry is such that the price obtainable for export will not enable those engaged in the industry to obtain sufficient remuneration to maintain the Australian standard of living. This is due to the fact, I am informed, that much of the dried fruit on the world's market is produced with low-priced labour. In some years the price obtained in London leaves a very small margin of profit above the cost of production; in other years, this margin disappears. This will probably be the case during the present season. The Californian growers are this year placing on the London market between 300,000 and 400,000 tons of sultanas which are being sold at 39s. 6d. per cwt. The price does not give the grower quite half the cost of production. As against this, even the lowest grade of Australian sultanas need to be sold at 50s. per cwt. to realise the cost of production, while the higher grades require to obtain from 55s. to 65s. to make them pay. The dumping of such huge quantities on the British market by Americans is due to a price-cutting war between the co-operative and proprietary packing sheds of California, each trying to force their own particular product on the market. One of the reasons why the Californian sultana packers can sell the product of their growers at such low figures as they do in Canada and Britain, is the fact that they go in largely for mass production, em-

ploying a quantity of low-priced labour, mostly Armenians. That control of the industry in Western Australia is essential, is shown by the figures denoting production and consumption. Western Australia produces 1,600 tons, but can only consume 819 tons. per annum, practically half of the yearly crop. The excess half necessarily has to be exported; there is nothing else to do with it. If this proportion of the crop were acquired by dried fruit dealers of the State at even a nominal price, it would be a bad business speculation. Necessary insurance, cost of storage, and loss by deterioration would change the asset into a liability. Prior to control it was the custom for some growers more inclined to be ruthless than others, to gather their crop before it was really ripe, force on the drying process, and rush to Perth with samples and dispose of the whole of their year's product in the State market. The other growers who allowed their fruit to mature, and who dried it properly, came much later into the State market, and in many cases found the market fully supplied, and consequently were unable to sell their product. There was no alternative then, but for them to export the whole of their crop, necessarily receiving much lower financial returns. It was recognised generally that the position was inequitable and unfair. It could not, however, be altered, because there was no power to compel every grower to bear his fair share of the burden of export. Hence arose, here as in other States, an agitation for compulsory control of the industry, which fortunately for the growers ended in the passage of a Dried Fruits Bill through both Houses of Parliament. It is admitted that the price obtained for local consumption is a remunerative one and if each of the growers secured his share of the local market the position would not be discouraging. Without organisation and without control it would be impossible for all engaged in the industry to obtain a fair share of the local market. With the object of bringing about this condition of affairs the Dried Fruits Act was introduced. It gives to growers control of this industry and ensures that each grower shall have his proportionate share of the whole market. Similar measures were introduced in the States of Victoria and South Australia, and last year in New South Wales. Experience has proved that the powers given to them were not explicit enough, and in consequence the aims of the different States were thwarted by a grower and agent named James, resident in Berri, South Australia. Mr. James refused to comply with the orders of the board, and this resulted in litigation in the High Court. To a certain extent the court upheld the action of this agent. The majority decision of members of the High Court was that no State authority—i.e., no State board—could prevent a dealer in dried fruits from sending fruit from one State to another, according to Section 92 of the Commonwealth Constitution. They also came to the conclusion that Mr. James had not definitely proved that the fruit seized by the South Australian Board was the identifiable fruit which was the subject of his contract with certain firms in New South Wales. The judgment was in favour of James, but it was a victory in which the victor suffered as much as, if not more than, the vanquished. James established the fact that a State board could not prevent interstate trade in dried fruits, but he did not secure a farthing damages. He had to pay heavy law costs, and accept for the fruit seized the price which the South Australian board thought fit to accept when selling his fruit. The action, however, had the effect of causing the boards to realise the imperative necessity of the Federal Parliament passing a Dried Fruits Bill which would enable that Parliament to delegate to State boards the power which the High Court held the Federal Government possessed; i.e., of regulating, not preventing, interstate trade, under Section 92 of the Commonwealth Constitution. As the result of strong representations made, the Federal Dried Fruits Act came into existence. The High Court having held that this trade between the various States could not be prevented but could be regulated, the Federal Government, in accordance with that decision, introduced a Bill which ultimately became law, and which will prove helpful to all engaged in the dried fruit industry. The Federal Act provides, inter alia—

(a) That these dried fruits shall not be carried from a place in one State into or through another State to a place in Australia beyond the State in which carriage begins unless a license has been issued under the Act permitting such carriage.

(b) For the license to be issued subject to conditions.

(c) For the imposition of a penalty of £100 or imprisonment for six months for infringement of the section of the Act providing for the issue of a license.

(d) For dried fruits which have been or are in process of being carried in contravention of the Act to be forfeited to the King.

(e) For certain regulations to be made under the Act including—1, The conditions (which may include conditions as to the export from Australia of dried fruits by or on behalf of the person applying for a license) upon which licenses may be issued. 2, Penalties for any offence against or contravention of the regulations, or any conditions of the license.

The Federal Parliament, in agreeing that licenses should be granted for interstate trade, insisted that the Federal Minister should be the final arbiter as to the amount of bank guarantee or form of security which the owner-licensee should provide, in order to obtain licence. Prior to the passing of the Federal Act, Clause 17 of the Dried Fruits Act of this State was non-effective, as was shown in the James case. It is now effective, and the amendments of our legislation here proposed are really machinery clauses designed to facilitate the better working of the Act. It is now effective because of the action taken by the Commonwealth Government. There is now in existence machinery, provided by the Commonwealth, to enable the Acts of the various States to be effectively administered, conditionally upon their being amended to bring them into harmony with Commonwealth legislation. I shall now explain the various clauses of the Bill. By Clause 2, paragraphs (a), (b) and (c), the definition of "dealer" has been widened to cover "buyer." It has been found that some growers are also dealers and it seems unreasonable to prohibit these people from carrying out what has always been their means of living. The inclusion of buying as well as selling facilitates the working of the Act as it is sometimes easier to prove buying from other than shopkeepers than to prove selling only. In the existing Act a person is not regarded as a dealer unless he sells more than two tons of dried fruit in a year. In order to evade the Act it has been the practice of some buyers to divide up the parcel of two tons or more, into one ton lots or lesser quantities than two tons, thereby avoiding the need to register as a dealer; and it is therefore considered advisable that the quantity should be one ton.

Hon. J. Nicholson: I remember there was a good deal of discussion over that clause, as to the two tons.

The CHIEF SECRETARY: I think there was. Paragraph (d) of Clause 2 gives power to prevent the sale of grapes that are in process of drying. This is not provided for now. In a few instances it happened that when grapes were just about ripe, though not properly ripe, they were sold. They had not become dried, and consequently they did not come under the provisions of the Act. This proposed amendment will remedy that defect. Paragraph (e) has for its object to cover the operations of barter. Some growers endeavour to defeat the Act by engaging extensively in barter, instead of selling in the ordinary way; and by that means they have got over the Act. So long as they exchanged their product for any class of goods, it was all right. Paragraph (e) is intended to meet that evasion. Clause 3 makes the board a body corporate. The Minister, I may mention, has only the power of veto. The object of Clause 3 is to give perpetuity of succession to the board, the same as in the case of road boards. At present, if an election takes place, an entirely new set of men may be selected, and they may appoint a new secretary, who may be entirely new to the work of the board; and even then they are not bound by the acts of their predecessors. Clause 3 provides perpetual action under a common seal, the actions of the board to bind their successors. Clause 4 is designed only to give the Board power to act on the provisions made in the Commonwealth Act as it at present exists, or may be amended later on. Clause 5 adds a sub-section to the principal Act. The Federal Act, as recently passed, has given power to Dried Fruits Boards to regulate interstate trade, and the provision here is to prevent any interference with interstate trade except as provided by the Commonwealth Act. Clause 6 amends Section 18 of the principal Act. This refers to the returns, which have to be filled in by the growers. The amendment is imperative in order that the Board may obtain information that will give it power to decide the quota of dried fruit that is to be exported from the State, and also the quantity that is to be sold locally. The returns, under this amendment, will show what the grower estimates to produce in the then current year, as well as the quantity produced in the year immediately preceding. Clause 7 is complementary to the previous one. The Act is now defective in that respect. Additional provisions have been inserted that will tighten up the operation of that clause. Regarding Clause 8, the old Act gave any-

one power to trade for one month without the necessity of registering, and unscrupulous persons could thus nullify the decision of Parliament. The new clause is designed to prevent this by reducing the period during which any dealer may trade without registering, and insisting that such trading without registering is illegal unless the dealer does register within two weeks.

Hon. J. Nicholson: You attach a fairly heavy penalty to the clause—£500.

Hon. J. R. Brown: The lawyers will cut into that!

The CHIEF SECRETARY: With respect to Clause 9, the section of the old Act dealing with this matter—Section 21—was not clear, and consequently there was litigation and a decision was given against the Board as the Court considered that the section was ambiguous. It is therefore proposed to amend the section by deleting certain words and adding others. Under Clause 10, Section 22 of the Act has been remodelled by the Parliamentary Draftsman to make the purpose of the Act clearer. In addition to the remodelling, there is a provision that "the Board may in its discretion refuse or grant any application for registration." That is rather a drastic provision, but it is considered necessary. This has been inserted in order to get over the position in the past, which compelled the board automatically to register dealers whether they considered them suitable or not. The Board has had experience with persons who defied the Board and refused to carry out its policy and consequently the administration of the Act has been very difficult in certain instances. A case occurred where a person obtained the signatures of a number of growers on a form, by which he purported to purchase the whole of the crop of each grower, and to export it to the Eastern States to be sold in the Australian market. The dates placed on the contracts showed that they were ostensibly made two days before the Act came into existence, and when it was practically certain it would become law. A case occurred later where a packer advertised in the daily Press a means of evading a regulation issued by the Board and invited growers to take advantage of the method he proposed, stating they could find out particulars by ringing up 'Phone No. ——.

Hon. J. Nicholson: Was he a lawyer?

The CHIEF SECRETARY: No. Regarding Clause 12, litigation has proved that Section 25 of the old Act was not clear, and in order to prevent any further action at law, it is proposed to delete certain words. With reference to Clause 13, Section 26 of the old Act has also been proved in practice to be ambiguous, and it is proposed to delete certain words and add others. It has been found that the Board is likely to incur serious losses, unless it is definitely stated when the price to be paid the grower is to be determined. This obviously should be when the fruit is sold and not when the fruit is first acquired. There is sometimes a difference in the price when the fruit is acquired and when it is sold, and when it is greater at the time of acquisition, the Board is likely to receive claims for the price at that date and, in consequence, to suffer serious loss.

Hon. J. Nicholson: Will you not require to make that restropective?

The CHIEF SECRETARY: I do not think it is intended to make it retrospective. Hon. members will realise that very often there is a difference between the price at the time the dried fruit was taken over and the price paid when the fruit was offered for sale. This alteration embodied in Clause 14 is consequential upon Clause 3, which has for its object the making of the Board a corporate body. Clause 15 deals with machinery provisions, giving further power to make regulations in order to ensure efficiency.

Hon. J. Nicholson: Is there no safeguarding clause against personal liability such as is in the old Act?

The CHIEF SECRETARY: I cannot say; I have the Act here. Regarding Clause 16, at the present time the power of the Board to take proceedings against an offender is limited under the Summary Jurisdiction Act to six months after the date of the offence. It has been found, in connection with dealing in dried fruits, that many months may elapse before the offence is discovered and thus the object of the Act may be nullified. In order to give the Board some necessary and greater latitude, it is proposed to increase the time from six to twelve months during which the Board may take proceedings. I move—

That the Bill be now read a second time.

On motion by Hon. H. J. Yelland, debate adjourned.

House adjourned at 8.53 p.m.