munity, namely the mortgagees, but tell them that they are getting too much and have no right to expect the return of the money they lent in 1929. Mr. Piesse gave the Bill his benediction and blessing, but cited instances of benefit and of hardship. I wish he would tell the House how the Act passed in 1931 can logically be continued? That is the whole purpose of the Bill, notwithstanding which Mr. Piesse hopes it will be passed.

Hon. L. Craig: You cannot amend it.

Hon. J. CORNELL: I do not agree with that. I am not an accountant, trustee or executor, nor anything else that gives special qualification to deal with the Bill, but I think the course I have indicated to the House is a more open and straightforward one than the course suggested by Mr. Piesse, namely to continue the state of emergency. I cannot say, "Let us face up to the position," as the Commonwealth said when we all had to face up to the bonds. We should say the altered circumstances mean that for every £100 a man lent in 1929 he can only get £75 now.

The Honorary Minister: You have picked the wrong Bill for that.

Hon. J. CORNELL: The principle applies to all the emergency legislation, to the landlord and the mortgagee equally as another financial measure hits us. The position pointed out by Mr. Holmes was that if we lose control of this Bill and if another comes down restoring all the good things that were taken away from us in 1931, we shall have let this Bill go. If we pass the Bill and send it off to another place, that will be the end of it for us, after which possibly another financial emergency Bill making restoration of the salary cuts may come from another place to us.

The Honorary Minister: You will still carry this Bill.

Hon. J. CORNELL: We shall have carried it—that is the trouble.

Hon. G. Fraser: Can you do anything but carry it?

Hon. J. CORNELL: If we pass this Bill before the other comes down from another place, we shall have finished with this Bill: and if that other Bill coming from another place restores members' salaries to £600 per annum, what are we then going to do about this Bill which still keeps mortgagees under sacrifice, and which we shall have passed?

Hon. G. Fraser: Even if you hang up this Bill you will still carry it.

Hon. J. CORNELL: If it were left to me I would hang this Bill, like Mahomed's coffin, in a state of suspension, until the other Bill came down.

The Honorary Minister: You will still have the other Bill.

Hon. J. Nicholson: But the hon. member wants to see what is in the other Bill before he agrees to this one.

Hon. J. CORNELL: The Bill restoring £600 to members of Parliament may come down here after we have passed this Bill and sent it to another place. I like to think that this House would refuse to accept the £600 per annum if this Bill had already passed. I will oppose the Bill.

On motion by Hon. L. Craig, debate adjourned.

House adjourned at 8.28 p.m.

Legislative Assembly.

Wednesday, 4th September, 1935.

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

QUESTION—EDUCATION, PERTH TECHNICAL SCHOOL.

Mr. NEEDHAM asked the Minister for Education: 1, Do the Government intend to

make provision on this year's Estimates for increased accommodation at the Perth Technical School? 2, If so, to what extent?

The MINISTER FOR AGRICULTURE (for the Minister for Education) replied: 1, The matter is receiving consideration. 2, Answered by No. 1.

QUESTION—WATER SUPPLY, COOLGARDIE-NORSEMAN.

Extension and Goldfields Unemployed.

Hon. J. CUNNINGHAM asked the Minister for Water Supplies: 1, Does he intend to put in hand at an early date work on the Coolgardie-Norseman goldfield water supply extension? 2, If so, will he issue instructions giving preference of employment to goldfields unemployed workers?

The MINISTER FOR WATER SUPPLIES replied: 1, Yes. 2, Consideration will be given to goldfields residents eligible for employment on Government relief works in conjunction with other unemployed workers in the State.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for two weeks granted to Mr. McDonald (West Perth) for the purpose of recuperation of health.

MOTION—SECESSION DELEGATION.

Consideration of Report.

MR. J. MacCALLUM SMITH (North Perth) [4.34]: I move—

That the House take into its consideration the report of the Secession Delegation.

At the outset I desire to assure hon. members that I have no intention of referring to either the merits or the demerits of Secession. I wish to refer briefly to the important report of the Secession delegation which recently visited London for the purpose of presenting the petition to the Imperial Parliament at the request of the Western Australian Parliament. The report of the delegation is no ordinary report. It has been lying on the Table of the House, and I do not doubt that hon. members have made themselves conversant with its contents, and with the position in relation to the petition.

Mr. Marshall: Why do you want to refer to the subject, then?

Mr. J. MacCallum SMITH: If the hon. member will give me an opportunity to express myself—and I have no desire to detain the House——

Mr. SPEAKER: Order! The hon. member will address the Chair.

Mr. J. MacCallum SMITH: I hope hon. members will give due consideration to that highly important report. It is probably the most unique report ever presented to this Chamber. I think I am safe in saying that it is perhaps the most unique report ever presented to any Australian Parliament. I am sure it is not necessary to recall to hon. members the fact that within the space of a couple of years, following several years of agitation for Secession, a referendum of the whole State was taken on the question whether Western Australia should secede from the Federation or not. Hon. members will recollect that the result of the referendum was an overwhelming majority in favour of Secession. The present Government decided that it was right and proper to give effect to the wishes of the people by presenting to the Imperial Parliament a petition praying that Western Australia should be allowed to secede from the Commonwealth. For that purpose a Bill was passed by both Houses of this Parliament, authorising the Government to appoint a delegation to proceed to London to present the petition. The Government selected four delegates—Sir Hal Colebatch, the Agent General for Western Australia; Mr. M. L. Moss, the legal adviser for Western Australia in London and a former Attorney-General of this State; Mr. H. K. Watson, and myself. I would like to take this opportunity to refer to a personal matter, by assuring hon. members that it was a great surprise to me to be asked to proceed on this delegation. I never sought the appointment, and never used any influence whatsoever to get myself appointed. I repeat, it was a great surprise to me when I was invited to become a member of that delegation. Naturally I considered it a very great honour, and I felt it to be my duty to accept the position offered. I assured the Premier that I had no desire to receive any remuneration for my services. Following that, I received from the head of the Government a highly complimentary letter thanking me for my offer, and advising me

that I would be paid the usual travelling expenses allowed under statutory provisions to members of Parliament.

The Premier: Travelling expenses only.

Mr. J. MacCallum SMITH: The usual travelling expenses allowed to any member of Parliament going on such a mission.

The Premier: And no fees.

Mr. J. MacCallum SMITH: I did not ask for any fees, and would not have accepted any if offered. I stipulated that I would go and do the job without any fee or reward.

The Premier: And you have not been paid any fee.

Mr. J. MacCallum SMITH: I did not accept any fee, and would not accept any. I wish to make that explanation in view of remarks made in another House during my absence. In my opinion those remarks were rather uncalled-for, and rather unfair to myself, as well as unfair to the Parliament of this State, because it was under the authority of this Parliament that I was appointed and the appointment was of no personal benefit to me. It has been stated that by going to London I derived personal benefit. I wish to assure the House that I received no personal benefit whatsoever. As a matter of fact, the cost to myself personally was nearly as much as the amount I received from the State. Hon. members who have visited London must know the method of conducting business of this sort at the centre of the Empire. One has to do a tremendous lot of entertaining; otherwise one gets nowhere. Nothing whatever was allowed for entertaining by delegates, yet Mr. Watson and I spent a considerable sum of money in entertaining people who would be likely to have influence in regard to the petition. Besides the entertaining, we had other considerable expenses. For instance, it was in our view necessary to obtain counsel's opinion regarding the method on which we were proceeding. Whilst the Government were generous enough to allow us to engage one counsel, Professor Morgan, we thought we ought to be fortified in our method of proceeding by obtaining the advice of outside counsel; and so we decided to employ Sir William Jowitt, K.C., one of the leading authorities on constitutional law. We asked for his opinion, which he gave, and which Mr. Watson and I paid for out of our own pockets. We followed the same course in regard to Mr. Pritt, another leading King's Counsel, obtaining his opinion and again paying the fee out of our own pockets and not asking the Government to recoup us one penny. I would like to mention that all the King's Counsel in Western Australia, without exception, furnished us with their opinions and were not paid one single penny. It has been rather distasteful to me to make this statement regarding my personal affairs, but I consider that in justice to myself I am entitled to refer to the matter here. When the delegation went away, it was anticipated that we could accomplish our mission within three months. As it happened, it took us quite eleven months. That was no fault of the delegation. We were compelled to remain in London to carry out the mission which we had been sent to perform. Again I wish to say that whilst I derived no personal benefit, I was at considerable loss in my business affairs during my absence from Western Australia. Therefore I hope hon. members will free me from any suggestion of having gone to London in order to derive personal benefit. That, unfortunately, was the opinion expressed by a member of another place; and I think it was most unfair of him to express himself thus during my absence, allowing his personal feeling to find expression in so unfair a manner.

Mr. Hawke: A good argument for the abolition of the Council.

Mr. J. MacCallum SMITH: We are not dealing with that subject at the moment. The hon. member can bring it up when the time comes.

The Premier: Knowing the facts of the case, I thought the expression of that opinion most unfair.

Mr. J. MacCallum SMITH: I thank the Premier. In regard to Mr. Watson, I have no idea what his arrangements with the Government were. I did not ask Mr. Watson, and he did not tell me. However, I will say that whatever the Government paid Mr. Watson, he earned every penny of it. He may have been paid a big fee, but I can assure the House that but for Mr. Watson's good work we would not have achieved exactly what we did. Unfortunately we were not successful in our mission. Some hon. members laugh, apparently seeing something humorous in that remark. However, for the good work we did in London for the benefit of Western Aus-

tralia, from which this State will derive great advantage, Mr. Watson is entitled to most of the credit. He did the whole of the work connected with the drafting of the petition and of the correspondence with Mr. Thomas, Secretary of State for the Dominions, and to the Government. In fact, there was little left for the other members of the delegation to undertake. So well did Mr. Watson carry out his work, and in such a professional way, that he received compliments from everyone who came in contact with him. In point of fact, it was represented to him that his work was so good that he had better settle in London and enter the law, where he would make his mark. However, Mr. Watson is prepared to come back to Western Australia; and I have no doubt that when he arrives he will have something to say. I understand he did make some remarks after the Joint Select Committee of the Imperial Parliament had issued their report.

Mr. Hawke: I would send him to Abyssinia.

Mr. J. MacCallum SMITH: Perhaps he would go there if the hon. member would join him. A great deal has been said about the cost of the delegation. We were put to the expense of employing counsel. The Commonwealth Government briefed Mr. Winfred Greene, a leading K.C. in London, to appear before the Joint Select Committee; and of course Western Australia had to be represented by counsel as well. Accordingly the delegation engaged Professor Morgan, whom some members will know as a leading constitutional lawyer. Professor Morgan very kindly undertook to appear for Western Australia at the reduced fee of 500 guineas. Some hon. members may think that a very high fee, but I assure them that in London it is considered a remarkably low fee. The counsel for the Commonwealth, Mr. Greene, was paid 1,000 guineas, whereas Professor Morgan was paid only 500 guineas. Whatever the cost to me I did not begrudge it, because I felt I was doing something on behalf of the people who had sent me there to represent them. Apart from the misfortune in not having our petition received by the Imperial Parliament, I should like to refer to some of the actual tangible benefits this State has received as a consequence of the visit of the delegation. Take for instance the Customs duty that would have had to be paid on the importation of plant for the East Perth power house. I understand the State will now save over £50,000 on that alone, for the Commonwealth Government have agreed to rebate the Customs duty. The Federal Attorney General the other day rebuked me for suggesting that it was done because of secession, and he pointed out that he had approached a member of the Government of Western Australia and asked him to apply for a rebate of the duty on the plant, assuring him the request would be granted. I leave it to members here to consider whether that is a reasonable proposition; is it likely that a member of the Federal Government would suggest to a member of the State Government that if application were made for a rebate of the Customs duty the application would be granted? As a matter of fact I know from one of the leading officials in our Public Service that prior to the agitation for secession he could hardly get an answer from the Commonwealth to any of his letters, whereas now the Federal authorities are so anxious to please that they reply by telegram to each of his letters. So in that respect the State is now receiving tangible consideration.

Mr. Lambert: But they did that previously.

Mr. J. MacCallum SMITH: Previously to what?

Mr. Lambert: Previously to the delegation.

Mr. J. MacCallum SMITH: But the agitation for secession has been going on for many years. Also you have had a meeting of the Federal Cabinet in Perth, which I am sure would appeal to many members here. I think it can be taken as a gesture that the Federal Government are going to do something to remedy the grievances of Western Australia. I sincerely hope it is so, but I have received so many fruitless promises in the past that I have no longer any faith in them. However, time will tell, and I can only hope the grievances of Western Australia will be remedied. So much for the benefits resulting from the agitation for secession. I understand that all this is somewhat outside the scope of my motion, and I am thankful to the Speaker for having permitted me to make the remarks. Com-

ing to the report of the delegation, most members are aware that the report is on the Table of the House and has appeared in the newspapers, and no doubt many members have made themselves familiar with its contents. If not, I strongly urge every member to read the report. He will there see the difficulties with which we were faced in London.

Hon. W. D. Johnson: You were set an impossible task from the outset.

Mr. J. MacCallum SMITH: I did not care how impossible it was; I was prepared to undertake it and try, and I am only sorry we were not able to get further with it.

The Premier: The point is that you were set a task by a two to one majority of the people of the State.

Hon. W. D. Johnson: The people did not say you were going to send a delegation.

The Premier: We had to do the right thing after that vote.

Mr. J. MacCallum SMITH: However, I went there and did my best, and I am greatly disappointed at the result. I am not the only one who was disappointed, for even in London many people who were not in favour of secession but who realised the difficulties and grievances of Western Australia, expressed themselves as disgusted that the British Parliament did not have the courtesy to receive the petition, even if they did not grant it. If members here have not read the report of the delegation, I would suggest that the Government see fit to print it, so that it could be circulated in the community; for it is rather important and I think everybody in Western Australia should have the opportunity to read it. Although we have been turned down on this occasion, it is certainly not the end of the agitation. Now let me give an account of our stewardship: When we arrived in London we were heartily welcomed by a lot of people who, I regret to say, were totally ignorant of what we were there for. They knew very little about the position and it took a lot of explanation to make them understand the object of our mission to London. However, when they were made aware of our grievances, they gave us their sympathy, and not one of them expressed hostility to secession.

Hon. C. G. Latham: You had a lot of friends in the House of Commons.

Mr. J. MacCallum SMITH: Yes, we had, and in the House of Lords, too. Had we had sufficient time I am sure that eventually we would have succeeded in obtaining what we went for. We saw Mr. J. H. Thomas, the Secretary of State for the Dominions. He received us very nicely—too nicely I thought—and promised to facilitate our work in every way. Unfortunately that promise was given lightly, because it was never fulfilled. He advised us of the procedure and told us the usual thing was to appoint a select committee from each House to consider whether the petitions could or could not be received. We accordingly arranged with members to present the petitions. In the House of Lords the Marquis of Aberdeen undertook to present the one petition. In the House of Commons we had a good friend in Captain Moreing, the son of a gentleman greatly interested in Western Australia. Captain Moreing undertook to present the petition in the House of Commons. I take this opportunity to thank both those gentlemen for the excellent services they rendered to us all the time. Later on it was found that the suggestion for a select committee from each House was really unworkable, because the two select committees might arrive at contradictory decisions; one finding the petition could be received, and the other reaching the contrary conclusion. So it was decided to appoint a joint select committee of both Houses. I understand it was the first time a joint select committee of both Houses of the Imperial Parliament had ever been appointed. This joint select committee was appointed, but not until five months after our arrival. So members will see how we were delayed by the authorities over there. The joint select committee, as the delegation's report shows, sat for three days, held three meetings during which our counsel put our case, and Mr. Greene, the Commonwealth counsel, put the case for the Commonwealth. After those three sittings the joint select committee met in camera, and so we do not know what arguments were used or statements made. But we were not allowed to state our grievances nor call witnesses, for all the committee had to decide was whether it was proper that the petition should be received. To our astonishment the joint select committee reported that whilst it was quite proper for either House to receive the petition, and that the Imperial authority could give us the power to secede—in fact, it was stated that the Imperial Parliament was the only power

that could give us the right to secede—in the interests of constitutional conventions it was not proper that the petition should be received. That came as a great shock to all of us. It was quite contrary to past experience, for there have been many cases in which petitions have been received, even though they have not been granted. However, it was thought at the time that it was of great importance to Western Australia that the petitions should be received in view of all that had been done out here to authorise the proceedings, first of all by a referendum of the people, and then by the decision of the State Parliament in sending Home the delegation. Yet the petition was turned down, and we were told it was not proper to be received.

The Premier: Told that, of course, only by a committee.

Mr. J. MacCallum SMITH: Yes, it has not yet been finalised. This committee only reported that it was not proper for the petition to be received, but either House could still accept or reject that recommendation. Your delegation, of course, protested against this and put in a rather lengthy protest.

Mr. Hawke: Let us take it as read.

Mr. J. MacCallum SMITH: The delegation protested against the finding of the Joint Select Committee in the following terms:—

> The members of the delegation are naturally disappointed with the report of the joint select committee, and have reason to fear that its adoption by Parliament will occasion some resentment in Western Australia. The committee reports that it had no regard whatever for the merits of the case or for the efforts already made by Western Australia to secure relief. The only inference that can be drawn from this is that no matter what injury or injustice has been inflicted on Western Australia, and no matter what the State has done to secure redress, no action can be taken by the Imperial Parliament. In the Case for Secession, the grievances of Western Australia have been set out in detail. The delegation was prepared to substantiate every charge made and to demonstrate that to a large extent the injuries inflicted upon Western Australia were not the natural consequence of her entry into Federation, but the result of abuses of the Commonwealth Constitution by the Federal Government and the Federal Parliament. As to the nature and extent of those injuries, comprehensive reports have been submitted by a number of Royal Commissions and other authoritative bodies—mostly appointed by the Commonwealth Government—and the delegation was prepared to submit proof that the final consequences have been to impoverish many Western Australian industries, to destroy the prosperity and to impede the development of the State.
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> Western Australia was granted a Constitution in 1890 by the Imperial Parliament. In 1900 the Imperial Parliament passed the Commonwealth of Australia Constitution Act, in which the Constitution of Western Australia was specifically preserved. This is acknowledged in the following words, which appear in paragraph 8 of the Committee's report:—
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> > "The establishment of the Commonwealth, in fact, set up, within the geographical limits of Australia, an all-pervading division of powers between the Commonwealth, on the one hand, as a separate and integral national authority covering the whole area of Australia, sovereign within the ambit of its powers, and the States, on the other hand, as political entities within that area, each State sovereign within the ambit of its respective powers. Both Commonwealth and States are equally independent in respect of the powers and functions severally assigned to them."
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> The plea put forward by Western Australia is that, in violation of this Imperial Act, the Commonwealth Parliaments and Governments have destroyed the sovereign powers that were preserved to Western Australia under that Act. The people of Western Australia had felt that they could look to the Imperial Parliament to protect the State's Constitution if the State was able to prove that that Constitution was being destroyed in violation of the Imperial legislation.
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> It is disturbing to find that, in the opinion of the committee, this is not the case. The Imperial Government and Parliament still exercise wide authority over States—an authority that Western Australia has never found irksome. It had been thought that this exercise of authority implied recognition of responsibility at least to the extent of aiding the State in the preservation of its Constitution.
>
> In our opinion, the recommendation of the committee is wrong in precedent and unwise in practice. We most strongly feel that Parliament should not, and we sincerely trust that it will not, adopt the report of the committee, but that Parliament will at least receive the petition and investigate the truth or otherwise of the serious indictments which are contained therein against the Federal Parliament and Government. Otherwise, any future action must be decided upon by the Western Australian people. The Premier has already announced that the people will fight on until justice is secured. His further statement "that the position is intolerable and that, unless there are great changes, the Federation will not last another ten years" merely echoes the widespread dissatisfaction that extends in increasing volume to other States of the Commonwealth.

That is what we wrote to the Secretary of State for the Dominions, and had published.

Hon. C. G. Latham: Did you receive any reply to it?

Mr. J. MacCallum SMITH: No. Several other letters were written to Mr. Thomas, but were not replied to at all. That seems to have been characteristic of Mr. Thomas's

attitude to the delegation. I presume he had no safe ground on which to stand, and thought the best thing was not to write at all. The petition was reported on by the select committee, and although they admitted that they had power to receive the petition and to grant Western Australia the right to secede, yet for constitutional conventions—whatever that may mean; I do not know—they thought it was proper not to receive the petition. The report of the select committee has not been adopted in the House of Commons or in the House of Lords. No fewer than 70 members put in a round robin to the Prime Minister asking him to afford an opportunity to discuss the report, but so far he has refused any such opportunity. What will be the ultimate end I do not know. As the Leader of the Opposition said, we have a great many supporters in the House of Commons, and I am hopeful that some day the matter will be discussed, and it is quite possible that the select committee's report will not be accepted. I do not think I have very much more to say. I consider that this House should pass some motion protesting against the way in which Western Australia has been treated. I believe we have been treated very shabbily, and I base that opinion on the treatment the delegation received during their nine months in England.

Mr. Marshall: If you were in England for nine months, you are a stranger in this State.

Mr. J. MacCallum SMITH: I may have been struck off the roll, for all I know. This is a very important matter and I ask members to treat it seriously. I hope they will discuss the report from all angles. If I can be of any assistance in giving further information, I shall be only too pleased to do so, but I think the report covers all the activities of the delegation. Therefore I again advise members to give the report the fullest consideration.

On motion by Hon. C. G. Latham, debate adjourned.

RETURN—EDUCATION, SCHOOLS' EXCESS WATER.

Debate resumed from the 28th August on the following motion by Hon. N. Keenan (Nedlands):—

That a return be laid on the Table of the House showing—(a) the quantity of excess water (if any) used by each of the State schools subjoined during the years 1932-33, 1933-34, and 1934-35: (1) James Street, (2) South Perth, (3) North Perth, (4) Victoria Park, (5) Subiaco, (6) Nedlands, (7) Maylands, (8) Claremont, (9) Highgate Hill, and (10) Fremantle; (b) the amount charged for such excess water in each case; (c) if paid, by whom was such amount paid?

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne) [5.8]: I have had prepared in the form of a return the information sought by the hon. gentleman, and will lay it on the Table of the House.

Question put and passed.

BILL — FREMANTLE (SKINNER STREET) DISUSED CEMETERY AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 28th August of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Withers in the Chair; Mr. Sleeman in charge of the Bill.

Clause 1—agreed to.

Clause 2—Skinner-street cemetery may be vested in city of Fremantle without necessity of opening graves:

Hon. C. G. LATHAM: When this Bill was before the House on the second reading, I raised a question whether the authorities holding the land had been consulted. After investigation, I have found that the Act of 1909 makes the necessary provision.

Mr. Sleeman: You have forgotten your speech of four years ago.

Hon. C. G. LATHAM: We are apt to forget speeches on minor subjects. I wish the hon. member would forget some of the speeches I have made.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th August.

MR. SEWARD (Pingelly) [5.12]: I congratulate the Minister on having introduced the measure which has been required for a considerable time, in order, as was pointed out by the Deputy Leader of the Country Party, to deal with the evil of sheep-stealing. It is a measure for consideration in Committee rather than on the second reading, but there are one or two matters about which I feel perturbed. One in particular relates to the boundaries within which the Branding Act is to operate. I do not intend to state the boundaries; they are marked on the plan, but I wish specially to mention a particular place, namely Mullewa, which is a large centre for the selling of sheep and which is just within the boundary. I take it that a lot of sheep will travel for sale from outside the boundaries into the area in which the Branding Act will operate.

Mr. Patrick: Nearly all of them.

Mr. SEWARD: Consequently those sheep will not come under the provisions of the Act. They will probably go into the market unbranded or branded irregularly.

The Minister for Agriculture: They must be wool-branded.

Mr. SEWARD: But they will come from country where the Act will not operate.

The Minister for Agriculture: The wool brand will be compulsory in any event.

Mr. SEWARD: I am glad to have that statement. Merredin is another centre just inside the boundary, and naturally a lot of sheep will come from outside districts.

The Minister for Agriculture: It will be compulsory to wool-brand all sheep previous to travelling.

Mr. SEWARD: That will have to be made clear. There is also the question of earmarks for sheep. As is well known, the number of sheep owners is increasing almost daily, and it has become difficult to get a distinctive earmark for sheep. Something should be done to enforce marks according to zones, particularly to prevent adjoining owners, or even owners in the same district, from having almost similar earmarks. A case came under my notice recently in which two owners had two almost similar registered marks. One mark was a clip out of the end of the ear and at the back of the ear, and the other mark was just below the tip of the ear and also at the back. The two brands were very similar. That sort of thing will have to be carefully considered, so that if possible distinctive brands may be used in different zones. I was pleased the member for Irwin-Moore referred to the question of equipping certain police stations with motor cycles in lieu of horses. I spoke to the Commissioner of Police about that, and endeavoured to induce him to replace the horses of mounted constables with motor cycles. In one district I know of, the constable has to work over a radius of 50 miles. It is impossible for him to do some of his journeys on horseback under two or three days, whereas, if he had a motor cycle, he could go the whole length of the district in a few hours. I should like this matter taken up with the Commissioner so that in certain country districts the police officers may be equipped with motor cycles. The change would enable them to carry out their functions more rapidly and more economically. The officers themselves would also play a more useful part in their positions. It may take several days for them to do a journey on a horse that could be done on a motor cycle in a few hours. According to the Bill, a recently shorn sheep means a sheep that has been shorn within a period of three months. That is too long a period during which to hold unbranded sheep on a property. In the agricultural areas it is an absurdly long time, more especially in the case of crossbred sheep. It requires netting of almost mosquito-net mesh to keep cross-breds within the paddocks just after shearing. If they are to be allowed to remain unbranded for three months, anything may happen to them. In the agricultural areas the period ought to be reduced to one of within a week of shearing. Practically everyone in the agricultural areas brands his sheep the night after shearing, and before turning them out. If the branding is not done then, it is certainly done within a week. In Committee I intend to move for one or two amendments, and will wait until we reach that stage before saying anything further. I am pleased the Minister has brought the Bill down. The agricultural areas have been asking for some such legislation for several years. It will do much to assist the police in coping with sheep stealing, a crime that has been going on for a long time.

MR. RODOREDA (Roebourne) [5.20]: The Minister has lucidly explained the provisions of the Bill, which has been drafted with the idea of preventing sheep stealing. It is certainly a step in the right direction, and should go a long way towards achieving the desired end. A good deal of co-operation will be required between the principal owners and breeders of sheep and the police, indeed on the part of everyone concerned. I think everyone who is interested in this matter will welcome this legislation, and will be prepared to help each other to see that it is carried into effect. I support the Bill. I rose to speak only because I have one or two amendments to move in Committee. I should like to explain these beforehand. I am more interested in the branding and the system of branding than anything else, and should like to touch briefly on that question. At present four types of brands may be used. There is the registered brand, which is compulsory; the flock reference brand; the age mark brand that is required under the Act; and there is also the cull mark brand which is proclaimed. I am talking about ear marks. Some of the large owners also wool brand. All the brands are optional except the registered brand, which is compulsory. It is very difficult to pass legislation that suits all parts of this big State. This applies to other things than the Brands Act. What suits the agricultural areas may be unsuitable for the northern areas. At present the main difficulty that breeders of sheep encounter in the pastoral areas is that of having a private reference mark that is readily visible. There is also the fact that if owners brand sheep as culls, they must do so according to the regulations. They have to brand them with a circle in the ear, or the bottle brand, which is a circle stamped on the wool. Immediately a person sees that brand, he knows that the sheep has been culled. I do not see that the cull mark should be any concern of the Government, or why they should compel a sheep breeder or owner permanently to mark his sheep as culls. There may be a line of very good sheep, tip-top animals, but the owner may be changing the strain of blood in his flock, and desire to get rid of those sheep which do not conform to the general average. He therefore culls irrespective of quality. It is very unfair to the owner that such sheep should be permanently marked as culls. I should like to see some provision for marking them with a secret mark. It is not the business of anyone else except that of the man who marks his sheep as culls. I have endeavoured to frame an amendment that will allow a man to use a secret mark that will not interfere with the registered brand. The Bill says that the mark must be on the opposite ear from the registered brand. I am not endeavouring to interfere with the cull mark as prescribed. For the next four or five years many sheep no doubt will bear the cull mark upon them. If a person wants to use a secret mark, he should be allowed to do so, and I want members to agree that if a man wishes to mark his sheep with a class or secret mark, he shall be allowed to do so. Many pastoralists are really stud breeders. They are improving their flocks all the time. They have been doing this until, within the last few years, their sheep have improved so much that they are carrying nearly twice as much wool as heretofore. That has been brought about by an intensive system of culling every year. These owners do not want to be compelled to mark their sheep permanently as culls, as they desire to sell them. They may be tip-top sheep in their own line. They also want a mark which can readily be seen when drafting is going on. When a man is dealing with 50,000 or 60,000 sheep, he must be able to see the marks as the sheep come through the race. The ideas incorporated in my amendments have been suggested to me by one of the most progressive men in the sheep districts. He has had a long experience not only in this State but in other States, in sheep breeding. He is regarded as possessing a thorough knowledge of the industry, and he has made rather a fetish of the branding system. I commend his ideas to members, and support the second reading of the Bill.

THE MINISTER FOR AGRICULTURE (Hon. F. J. S. Wise—Gascoyne—in reply) [5.27]: I am pleased that the Bill has had such a good reception. I should like to remove one or two misconceptions existing in the minds of the member for Irwin-Moore and the member for Pingelly. It is not desired, nor has it been suggested, that sheep shall not be branded with the wool brand until three months after shearing. The legal interpretation of Subclause 1 of Clause 5 is that after every shearing of sheep the owner

shall place his wool brand upon them in the prescribed manner. "After every shearing," where no time is particularly specified, means within what is considered to be a reasonable time following upon shearing. It would mean within, say, 24 hours of shearing.

Hon. P. D. Ferguson: The Bill says three months.

The MINISTER FOR AGRICULTURE: The hon. member has read into the clause something that is not there. In order to clarify the position and conform to the ideas of the hon. member, it is my intention in Committee to move to insert the word "forthwith" immediately before the word "after." That will overcome all the objections on this score. The member for Irwin-Moore desired that the Commissioner of Police should be asked to exercise the utmost supervision over sheep-stealing, and to give his utmost attention to the principles that are being aimed at in the Bill. I would point out that it was only after a conference with the Commissioner of Police that many of the most desirable portions of the Bill were embodied in it. The police are very anxious to co-operate not only with the State departments but with everyone concerned, in the endeavour to stamp out sheep-stealing. In the past the police have not enjoyed the support of the very people who complained most. Their lot has been very difficult in attempting not only to cope with thieving, but to bring the thieves to justice. With regard to the multiplicity of earmarks referred to by Opposition members, that arises only because there is at present a limit to the number of symbols used, and to that extent it can be considered there is a limit to the number of earmarks it is possible to register. The competent use of the marks and symbols makes the number of earmarks possible almost infinite. The departmental officers have under consideration at present a proposal for the use of an additional number of symbols.

Mr. Marshall: Could not they grow some more ears on the sheep?

The MINISTER FOR AGRICULTURE: It is not desired to add to the number of symbols in order to make possible any number of earmarks. The point raised by the member for Roebourne (Mr. Rodoreda) was a good one. It is not for us to impose upon the good sheep-breeder a definite cull mark. The Act provides that a cull mark must be in a certain form. The use of it is not compulsory, but where a careful breeder desires to place on his sheep a mark to be recognised only by him as a class mark, it is hardly fair to inflict upon him some mark that will be recognised by everyone, and thereby brand his sheep as culls although, as culls, they may be better sheep than the best of the sheep owned by his neighbour. It is to get over that difficulty that the member for Roebourne has expressed his intention of moving an amendment when the Bill reaches the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New Section 27A.

The MINISTER FOR AGRICULTURE: I move an amendment—

That at the beginning of proposed new subsection (1) "forthwith" be inserted before the word "after" in line 1.

Amendment put and passed.

Mr. SEWARD: Will the Minister explain the reason for including a definition of "recently shorn"? It seems to me to leave a loop-hole.

The MINISTER FOR AGRICULTURE: In providing that no person shall have in his possession any sheep that had been recently shorn, unless a wool brand had been placed on the sheep, the object has been to clarify the position with regard to the change of ownership. It is considered that within three months of shearing, it is necessary to have a close check on the sheep.

Clause, as amended, agreed to.

Clauses 6 to 10—agreed to.

New clause.

Mr. RODOREDA: I move—

That a new clause, to stand as Clause 3A be inserted as follows:—"3A. Subsection (1) of section six A of the principal Act is hereby repealed and the following substituted:—

(1) In the case of sheep the owner may, in addition to marking the same with the registered brand,—

(a) mark the same with any one of the numerals 1 to 9 inclusive, in arabic figures, either as a woolbrand or firebrand or earmark for flock reference purposes, which mark shall be be registered;

(b) place on that ear of the sheep allocated for an age mark under the

provisions of section twelve any other private reference mark, which shall not be registered."

Paragraph (a) of the proposed new section is the same as that which appears in the Act at present, but paragraph (b) contains a variation. Under the latter paragraph, permission will be given to a breeder or owner to place a private mark on the ear of the sheep without requiring him to register it. That provision will enable breeders to do legally what many are doing illegally now. They place a mark on the ear in such a position as will enable them to see it when the sheep are being run through the race. Parliament should not prevent an owner from doing something for his own convenience, when it does not interfere with the registered brand. I have received the following telegram from a station owner who is interested in this matter. It reads as follows:—

Brands Act.—Existing class and cull marks suitable only small flock and crossbreds. Only natural disability big country. With large flock, class marks and cull marks essential. They should be secret and easy to see at drafting gate. Permanent cull marks should not be government. My cull maidens may be better than purchasers' best sheep. Why condemn them permanently? Point of age ear available and easy to see. Our increase five hundred bales per annum, without any increase numbers of sheep, possible only by using class marks contrary to Act. All Eastern States precedent for secret marks. No known branding fluid will last 12 months this country.

That sets out the position from the breeders' point of view. The amendment will enable them to do legally what, I believe, is being done illegally even on Government experimental farms. I can see no reasonable objection to sheep owners having the right I suggest.

Mr. WELSH: I cannot see any objection to the amendment, particularly as it is possible to use private marks so that they will not interfere with the brands required under the Act. Why should an owner advertise to the world that his sheep is a cull if it is better than his neighbour's best sheep? I think the amendment is required.

The MINISTER FOR AGRICULTURE: I have no objection to the amendment. I had inquiries made and the officer in control of the Brands Act said that it would in no way interfere with the operation of the measure.

Hon. P. D. FERGUSON: The object of this legislation as explained by the Minister, is to defeat the practice of sheep stealing and I am afraid if the amendment as moved by the hon. member goes through as it is worded, much of the beneficial effect intended will be nullified. His amendment will allow the owner of sheep to put any mark he likes on the ear that carries the age mark of the sheep. It is possible by putting any mark the owner thinks fit, the ear may be disfigured in such a way that will absolutely assist in the practice of stealing instead of preventing it. I am with the hon. member in the first portion of his amendment and I hope it will be agreed to, but paragraph (b) is absolutely dangerous. I agree, that the breeder of the sheep, who is in no instance a sheep stealer as far as his own lambs are concerned, should have the privilege of putting this mark on the sheep. But I would like the hon. member to agree to insert at the beginning of the paragraph the words "The breeder may". That would then give the owner of the sheep the privilege of putting on his wool brand as provided in paragraph (a). What I want to do is to prohibit anyone but the breeder from putting on any private mark which he need not register. I desire solely to prevent sheep stealing and not to assist it in any way. I move an amendment—

That the words "The breeder may" be inserted at the beginning of the paragraph.

Mr. RODOREDA: I have no objection to the amendment. I would have worded the new clause differently had I been cognisant of the conditions in the agricultural areas. In the pastoral areas, of course, no one steals sheep except perhaps a few hundred now and again.

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

New clause:

Mr. RODOREDA: I move—

That a new clause to stand as Section 4A be added, as follows:—"Section 12 of the principal Act is hereby amended by striking out the words 'and no mark whatever shall be made thereon' in the tenth and eleventh lines of the subsection, and inserting in lieu of the words struck out the words 'except for any cull mark or any reference mark made on the ear under the provisions of Section 6A.'"

The subsection reads—

In the year 1905 and in every seventh year thereafter the off ear, or the near ear, as the case may be, of all sheep lambed during the year shall be left clean and no mark whatever shall be made thereon.

That is a direct contradiction of Section 6A, and to make it clear and so that there shall be no doubt I propose to insert the words set out in the amendment.

New clause agreed to.

New clause:

Mr. RODOREDA: I move—

That a new clause to stand as Section 4B be added, as follows:—"Section 27 of the principal Act is hereby amended by adding the words 'or a flock reference mark under the provisions of Section 6A' after the word 'cullmark' in the last line of the section."

That section reads—

All earmarks on sheep shall be made by a punch or pliers only, and not otherwise; and no ear of any sheep or any part of any such ear shall be removed, cropped, cut, sliced or split by means of any other instrument than a punch or pliers used to make a registered earmark or a cullmark or an age mark.

New clause agreed to.

Title—agreed to.

Hon. P. D. FERGUSON: I have an amendment to move. I was on my feet before you, Mr. Chairman, put the Title.

The CHAIRMAN: I am afraid I cannot accept the amendment. The hon. member can move it if he likes, but as it is outside the order of leave, it is not admissible.

Bill reported with amendments.

BILL—DROVING ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. P. D. FERGUSON (Irwin-Moore) [5.58]: There is very little I wish to say on this Bill which is drawn on similar lines to the Bill we have just been discussing. In conjunction with that Bill I believe it will have the effect of reducing to a considerable extent the practice that exists today of sheep stealing, even though an hon. member opposite representing a pastoral area stated that sheep stealing does not exist to any extent in those areas, except, perhaps, to the tune of an odd hundred or two. Of course that does not count with them. The Bill provides that the distance stock can be travelled without a waybill, has been reduced from 40 to 15 miles. I am not sure to what extent that is likely to affect people in the pastoral areas, but it seems to me it is a desirable innovation. I do not think it will inflict any great hardship on people who are moving sheep, because if the sheep are to be moved even from one station to another, in most instances they will travel beyond a radius of 15 miles and it is provided in the measure that the waybill shall be issued in triplicate. Prior to the removal of sheep seven days' notice will have to be given. I am afraid that is not quite practical and I am glad to see the Minister proposes to alter that. I hope that the Bill will appeal to members and that, together with the measure we have just dealt with, it will be placed on the statute-book.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1, 2, 3,—agreed to.

Clause 4—Amendment of Section 4, principal Act:

The MINISTER FOR AGRICULTURE: I move an amendment—

That in paragraph (c) the words "seven days at least before the stock is moved" be struck out, and the following inserted in lieu:—"before commencing to move the stock"; also that the proviso at the end of the paragraph be struck out.

Upon further consideration it is thought that until the actual time of despatch or departure of the sheep, it would not be possible to furnish the fullest particulars of the mobs to be lifted nor to give the actual number being taken by the drovers, and this, after all, is the essence of a waybill.

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

Clause 5—Amendment of Section 5, principal Act:

On motions by the Minister for Agriculture, in paragraph (d) "seven days at least before the stock is moved" struck out and "before commencing to move the stock" inserted in lieu, and the proviso at the end of the paragraph struck out.

Clauses 6, 7—agreed to.

Clause 8—Repeal of Section 16, principal Act; new section enacted:

Mr. SEWARD: I would like an assurance from the Minister as to the application of the clause. Sucker lambs represent a big business in Western Australia now; and if sucker lambs are sent to market they will, according to my reading of the clause, have to be branded with a wool brand. That could only be done the night before their despatch. Lambs with fresh wool brands put in a truck would on arrival at their destination be in a mess which would detract considerably from their value.

The MINISTER FOR AGRICULTURE: There can be no objection to the clause, and if a proper branding fluid is used there can be no objection to the application of a registered wool brand. The proper branding fluids dry quickly, and will not spread in the manner indicated by the hon. member. If lambs or any class of sheep are to be excluded from the purview of the clause, the effect will be to destroy its benefit, whether the stock are moved by road, or train, or truck. Many farmers, I fear, are not nearly particular enough as to the type of liquid or fluid or specific they use for branding. Occasionally the material used has a highly deteriorating effect on the wool. People who distribute huge quantities of standard branding fluids assure me that there can be no objection in this particular.

Mr. MANN: I do not agree with the Minister as to the branding of lambs. Lambs conveyed to market by rail or truck are not taken off until the last moment, the object being to prevent wastage. I care not what type of branding fluid is used, it will have a highly detrimental effect on the skins. The skin value at present plays a prominent part in the return from lambs. The control should be by earmark. A fresh earmark is highly distinctive. As to branding fluids used by farmers, there are many preparations of which the average farmer has no knowledge. He buys what he considers the right fluid. Many of the preparations sold do not serve their purpose. I have seen lambs 11 months old with the branding marks worn away, or obliterated by seasonal conditions. There might be a stipulation as to the type of branding fluid to be used by the farmer.

The MINISTER FOR AGRICULTURE: I have given this point full consideration. To strike out the provision for the use of a wool brand would nullify entirely the endeavour that has been made to link legislation as to branding with legislation as to droving, for the purpose of coping with sheep stealing. The application of a wool brand gives the closest check on sheep being moved in trucks by persons who have stolen them, or on sheep being moved at night. When Professor Nichols, the gentleman who controls all researches into stains and wool defects generally at the biggest research station in England, arrived here recently, I discussed with him the possibility of spoiling a skin by the use of a standard wool branding fluid. The Professor said there was no danger whatever of spoiling the skin in any way, or of prejudicing a skin in the eyes of buyers, if the proper branding fluid was used. I will ascertain for the hon. member the names of the specifics which have been approved by the wool research stations in England.

Hon. P. D. FERGUSON: I agree with the Minister that the application of a recognised branding fluid has little adverse effect on the skin of either a sheep or a lamb; but it is almost impossible to put a brand on a fresh lamb without bruising the carcase. If we are to build up an export trade in lambs, we must place the lambs in the freezers in absolutely perfect condition. We cannot afford to run the risk of bruising lambs just prior to slaughter. Only a few of our best cross-bred lambs are now rejected as unfit for export, and we have a wonderful name in the Old Country markets for our lambs. I do not wish to see anything done that will tend to a greater percentage of rejections prior to shipment. Let me point out to the Minister that another part of the Bill provides that no sheep shall be branded until it is six months old.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. P. D. FERGUSON: Before tea we were discussing the compulsory branding of sheep and its application to fat lambs. The fat lamb industry in Western Australia is assuming considerable proportions. Last year we exported 147,000 lambs. Visitors from Western Australia to the Old Country, on their return, and also visitors from the Old Country to this State, have expressed considerable admiration for the quality of the lambs we have been exporting. So it behoves Western Australian breeders and the Government and the Parliament to do all they can to encourage the industry. I hope that in the near future we

shall have half a million lambs exported annually from this country. To send them to the Old World in that condition essential to ensuring the highest prices, we have to take every care in the handling of the lambs. I am afraid that if the clause be agreed to, and it becomes necessary to brand those lambs prior to marketing them, there will be considerable risk of their being bruised in the process. So far no suckers are branded with the wool brand. Section 45 of the Brands Act provides that no sheep under six months shall be deemed to be unbranded; it does not become necessary to brand a sheep until he reaches the age of six months. But this clause will conflict with Section 45 of the Brands Act. It provides that no sheep, irrespective of age, can be transhipped without having a wool brand on it. Lambs need as little handling as possible to enable them to be placed on the market in a satisfactory condition. If lambs have to be branded with a wool brand prior to being placed in the truck at the siding, they will have to be branded prior to the day of trucking; for it would be impossible to truck them immediately after the branding, because the liquid brand placed on the wool would run in all directions if the sheep were handled and yarded and trucked immediately afterwards. So the lamb would be in a terrible mess and would arrive at the market in a most unsightly condition.

The Minister for Agriculture: It could be done a week before.

Hon. P. D. FERGUSON: But that is the very thing the lamb breeders are trying to avoid. They object to yarding their lambs prior to the trucking. It is the additional yarding that knocks the lambs about, and we should avoid adding to the number of times they have to be yarded. The more they are left to their own devices with their mothers in the paddock, the better the condition they will be in on arriving at the market. We have continual complaints from the agents in Perth that many lambs, when they arrive at the Midland Junction yards, or at the freezers at Fremantle, have some body bruises on them. To an extent that is unavoidable, because of the handling necessary to place them in the trucks; but so careful are the expert lamb breeders that they refrain absolutely from putting their hands on the lambs, or if they have to touch them, they grab them by the hocks.

Mr. Rodoreda: Does that obtain also in the freezing works at the Midland yards?

Hon. P. D. FERGUSON: I am afraid not, but it is not so essential that the lambs for local consumption be so carefully handled, because the taste of the Western Australia consumer is not quite so discriminating as that of the consumer in the Old Country. The Meat Export Company at Fremantle are continually issuing advice to farmers not to handle their lambs at all. The clause provides that before a sheep can be transported, it has to be branded. While it is highly desirable to prevent all possibility of stealing, nevertheless this provision will do irreparable harm to lamb breeding in this country. I intend to propose an amendment, which will not detract from the value of the clause, but I want to ensure that those who are doing their utmost in their own interests, and in the interests of Western Australia, to build up this lamb export trade shall not be under any further difficulties, nor any pecuniary losses, as a result of the clause. I move an amendment—

That at the end of proposed Section 16 there be added the words "Provided this section shall not apply to sheep under the age of six months."

Mr. SEWARD: I will support the amendment. I had hoped it would be found the clause did not apply to lambs, but since it does apply, I urge the Committee to carry the amendment. The hon. member mentioned the increasing importance of this lamb export trade. Last year we exported 147,000 lambs. But to give an idea of the possibilities of the trade, I may say that last year New Zealand sent 8,000,000 fat lamb carcases to the Old Country. If that can be done by New Zealand, and if we remember that the experts at Home assure us that no better fat lambs reach the English market than those sent from Western Australia, it behoves us to see that there is no harmful effect in this legislation. Only the other day I saw some illustrations of fat lamb carcases distinctly showing the marks of a dog's teeth, and also marks produced by prodding the sheep with sticks, and distinct marks of the sheep having been caught by the wool, with consequent abrasions on the skin. It shows how careful we have to be in handling these lambs. Moreover, it is not an easy matter to brand a lamb. Everyone having anything to do with them knows how excitable they are, and that when you brand them it is necessary almost to hit where

you can with the brand. The ordinary branding fluid is not harmful to the wool, but it seems to me it would be easier to brand the lamb with tar, although it would have a bad effect on the wool. It would not be possible to brand the lambs the day before they are to go to the market, because you would not then know exactly what lambs you were going to send, and so the whole thing would have to be done on the day they were trucked. I speak particularly of the country south of Perth, where usually the lambs are handled in showery weather. To put a wool brand on a lamb in those circumstances and send it by train the next day would mean a brand smudged until it was unrecognisable. It would be better to earmark the lambs than to brand them with a wool brand. For years past we have had complaints from the agents as to the bad state in which the lambs arrive at Midland Junction. In consequence of wet weather they are almost green on arrival, because of the wetting they get in the trucks. The Commissioner of Railways is now providing roofed trucks, or trucks with tarpaulins, in order to avoid the wetting of the lambs. If the Minister cannot accept the amendment, I ask him to report progress with a view to having the matter further investigated, so that we may get a satisfactory solution of the difficulty. The Bill is a good measure and will confer much benefit.

Mr. Marshall: Not if the amendment be carried.

Mr. SEWARD: Why? It means only that the sucker lamb is not to be branded. You can still give him an earmark, which is much safer than a smudged wool mark. I appeal to the Minister either to accept the amendment or to report progress.

The MINISTER FOR AGRICULTURE: I remind members opposite that this legislation has been particularly drafted in an endeavour to check the prevalence of sheep stealing. I am wondering whether members opposite are serious in their applause of the putting down of this practice when they make the suggestions they have made. This measure and the one related to it have had the greatest consideration for many years. If there is one sheep more simple to steal than others, it is the unmarked sheep; in other words, a lamb which is carrying no brand.

Hon. P. D. Ferguson: It is generally ear-marked when being tailed.

The MINISTER FOR AGRICULTURE: I submit to the hon. member that the wool brand could be applied at the same time.

Mr. Seward: Don't be silly.

The MINISTER FOR AGRICULTURE: Even if it were three months before it was marketed.

Mr. Seward: You could not brand a tailer.

The MINISTER FOR AGRICULTURE: Well, I suggest that to the hon. member. Every possible obstacle that the hon. member can find, he is endeavouring to raise. What could be more easily stolen than a sheep bearing no mark at all? In order to get control by the police or an inspector who might see the sheep in transit, the wool brand is necessary. If the hon. member desires to break down this provision of strict relationship between the two measures and a most earnest endeavour to cope with the evil of sheep-stealing, he will persist in his amendment. If amended in that way, the Bill will not be worth anything. With the use of the proper branding fluid, there will be no ill-effect on the skin. If the brand is applied at any time previous to the removal of the sheep, it will be the identifiable mark which we are endeavouring to make prima facie evidence of the ownership of the sheep.

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

Ayes	15
Noes	17
Majority against	2

AYES.	
Mr. Doney	Mr. Seward
Mr. Ferguson	Mr. J. M. Smith
Mr. Keenan	Mr. Stubbs
Mr. Latham	Mr. Thorn
Mr. McLarty	Mr. Warner
Mr. Mann	Mr. Welsh
Mr. North	Mr. Boyle
Mr. Patrick	*(Teller.)*

NOES.	
Mr. Cross	Mr. F. C. L. Smith
Mr. Fox	Mr. Tonkin
Miss Holman	Mr. Troy
Mr. Johnson	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Moloney	Mr. Withers
Mr. Nulsen	Mr. Wilson
Mr. Rodoreda	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clauses 9, 10, Title—agreed to.

Bill reported with amendments.

BILL—PLANT DISEASES ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it had agreed to the Assembly's request to resume consideration of the Bill.

BILL—TRUSTEES' POWERS AMENDMENT.

Second Reading.

Debate resumed from the 27th August.

HON. C. G. LATHAM (York) [7.52]: I have no objection to the Bill. It is very similar to a measure which was really supplementary to our financial emergency legislation. While we should be careful what we do when amending the Trustees' Powers Act, it is necessary, in the circumstances mentioned by the Minister, to give protection to trustees against any action that might lie for having made arrangements with respect to debts owing to estates being administered by them. It will give really greater protection to their clients or improve the value of estates if trustees are permitted to make some adjustments of the amounts owing. In view of the statement made by the Minister, we are offering no objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—JUDGES' RETIREMENT.

Second Reading.

Debate resumed from the 27th August.

HON. N. KEENAN (Nedlands) [7.55]: If this Bill becomes law, it will provide for the compulsory retirement of judges of the Supreme Court Bench when they reach the age of 70——

Mr. Marshall: Ten years too long.

Hon. N. KEENAN: —and this irrespective of either their physical or mental capacity. They may be in the enjoyment of the best of physical health; they may be in the very prime of their mental capacity, but if this Bill becomes law, they will be compelled to vacate office.

Hon. C. G. Latham: I hope they do not apply that condition to Ministers of the Crown.

Hon. N. KEENAN: In the public service, we are perfectly aware of many instances where public servants are compelled to retire when we know that they are at the very best of their knowledge of the work and also fully physically capable of doing it. But this is necessary in the public service, because there is a constant stream of promotion that will be blocked unless the man at the top, on reaching a certain age, retires, irrespective of his capacity to do his work. It is necessary to provide for the continuous upward stream of promotion. In the case of a judge, however, no such circumstances exist. There is nobody waiting for a judge's position; there is no stream of promotion that would be blocked by his remaining on the bench, and therefore any analogy between the public service officials and the judges of the Supreme Court Bench is a wholly false analogy. Moreover, a man is not appointed to the position of a judge until he has passed many years of his life and shown by his work in his profession that he deserves the appointment. On the other hand, a man is appointed to the public service almost as soon as he leaves school or the university. Judges are rarely appointed before the age of 50 years, and many judges in England have been appointed at 60 and over 60 years of age.

The Minister for Justice: And some of the High Court judges.

Hon. N. KEENAN: Mr. Justice Avory, who died the other day, was not appointed until he was 60 years of age, and he gave 24 years of very excellent service on the English Bench. In the very year in which he died he tried one of the greatest cases ever tried before an English court, the case of Princess Yousoupoff v. the Metro-Goldwyn-Mayer Picture Corporation, which involved very difficult questions of law, and also very intricate matters of fact. In the first place it was doubtful whether it was a slander or a libel. The spoken portion, of course, would be slander, and the picture production, libel, and he had to determine whether the law applicable to slander or to libel would apply. That case lasted over a great number of days, and the judge who

presided, and presided most admirably, was then 84 years of age. So it cannot for a moment be suggested that the same rule should apply to the Supreme Court Bench as applies to the public service. If I may do so, I should like to quote some observations made by the present Lord Chief Justice of England when pronouncing a panegyric on Mr. Justice Avory after his death. After stating that he had served in the highest degree both his colleagues and the public for 24 years preceding his death, he referred to the fact that there was some agitation to compel judges to retire from the bench on reaching the age of 70. The words he used were—

> The project depends wholly upon a false analogy with the Civil Service, into which brilliant young men enter immediately after they have left Oxford or Cambridge. A man has gone through a great deal, has done a vast amount of work, and has spent a good many years of his life before anybody would think of making him a High Court judge. To apply the age-limit of the Civil Service to the judicial bench is much as if one were to try to add four pounds of butter to four o'clock simply because there happens to be a four in each term.

I have quoted this to show there is no analogy.

The Premier: Nice things are always said after a man has died.

Hon. N. KEENAN: That was not said in reference to this particular judge, but was said generally. Sir Robert Finlay, who was once senior in a case in which I acted as junior before the Privy Council, was 78 years of age at that time, and was appointed Chancellor at the age of 80. It is not a man's age that counts, but his physical condition and what he is capable of. A man of 45 may be physically unfit. He may not be possessed of his full physical strength nor even of his full mental capacity. That sort of thing happens irrespective of whether a man is on the bench or not. This Bill only takes into account age. It is an utterly false principle. It is drafted in a manner that is difficult to understand. The inclusion of certain parts of the Bill is also difficult to understand. In Clause 2 we have the provision that a judge means an acting judge of the Supreme Court or a commissioner. An acting judge is always appointed for a specific term. His acting capacity may be determined at any time. A commissioner is appointed generally for a specific purpose to try a certain case, and at the end of the case he ceases to hold office. Why this legislation should embrace two classes that are entirely temporary in their employment is difficult to understand. Then there is Clause 3.

Mr. SPEAKER: The hon. member is not in order in quoting clauses.

Hon. N. KEENAN: I was going to point out generally that the drafting is of an extraordinarily loose character, and I wish to give illustrations of that. I hope the Bill will not be proceeded with, but if it is, I suggest the Minister should accept an amendment, of which I have shown him a rough draft, along the following lines:—I suggest that a judge of the Supreme Court, who is the only person we are concerned about in this Bill, on reaching the age of 70 should be called upon to furnish to the Government a certificate by some medical authority certifying that he is in full possession of his mental capacity and in full physical vigour, and is capable of discharging his work; that he should then continue until the age of 75, and at that age should be compelled by the mere age limit, irrespective of his physical or mental capacity, to retire. That may be a compromise of something that is now offensive to the traditions of the bench. That is a matter for Committee, as well as are the points of draftsmanship to which I have referred. This is not a measure I wish to see on the statute book, but if it is placed there, let us pass one that is equitable and understandable.

MR. MARSHALL (Murchison) [8.5]: I do not propose to support the second reading. I look upon the Bill as being more or less a privilege for a certain section of State employees. When speaking on a similar Bill to this some years ago the Minister for Justice made a similar statement. He could not at that time see why magistrates should be singled out for special treatment. Apparently he has altered his views since, because he now contends that judges may be singled out for special treatment. There is a lot in the view expressed by the member for Nedlands with regard to the qualifications of a judge, and a lot in what he said about the qualifications of civil servants. Many State employees have laboured for upwards of 40 years before they have reached the office to which they aspired. Because an individual joins the service as a juvenile, it is not to say he is lacking in ambition. He is generally looking ahead to the time when he takes over the Under

Secretaryship of a department. To qualify for that job he may have to wait 30 or 40 years, and there are some who never get that far. I do not know that there is so much difference between the civil service and judges. It is an established principle that those who come under the Civil Service Act, and who are employees of the Government, are obliged to retire at the age of 65, unless there is some reason for retaining their services on account of special qualifications. This principle has been observed for many years by succeeding Governments. A section of the Government employees on the railways labour for many years on a small income, small compared with that of judges. They have domestic liabilities and obligations. They toil on until they reach the age of 65, and because of their domestic and other responsibilities, they have been unable to save anything out of the comparatively small remuneration they receive. They are therefore compelled to leave their employment without a shilling. There is no such thing as a pension of £700 or £800 a year, nor is there any superannuation for them. After giving 40 to 50 years service to the State they have to get out. If that principle is going to be applied to one section of Government employees, we should be consistent and apply it to all other sections. The Minister for Justice would have been wiser if he had brought down a Bill to put magistrates and judges on the same footing as other employees of the State. That was his intention when he discussed the Bill brought down by the late Attorney General. Instead of that, we are now dealing with a Bill which gives special consideration to a small number of Government employees. When a judge retires he receives a pension, which, if not great, is a wonderful emolument compared with that received by other State employees. I am not prepared to support a Bill that gets away from the principle of fairplay to all. If it is right that one section of Government employees is compelled to leave their positions at 65, it is right that all should do so. The position of Under Secretary for Mines, Lands or Works is a very responsible one. The present occupants are very capable men, but we do not give them any consideration. It is laid down in the Act that they must retire at the age of 65 unless there are special reasons for retaining their services. The principle should apply to all.

Mr. Wansbrough: Does it apply to the Commissioner for Railways?

Mr. MARSHALL: It should do so. It is only right that all concerned should be treated alike. If the principle be a good one for the general body of Government employees, it should also be applied to judges of the Supreme Court, who should retire at the age of 65.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock — Geraldton — in reply) [8.12]: As only two members have opposed the Bill I assume it is acceptable to all others.

Hon. C. G. Latham: You are taking a risk there.

The MINISTER FOR JUSTICE: In reply to the member for Nedlands I would point out that the position of members of the service and of judges has not been taken into consideration in the way he suggests. One does not follow upon the other in that way. There is something to be said for his idea that members of the service enter it at a comparatively early age. The position is different with regard to those who are selected for the judiciary. They are not selected until comparatively late in life. I notice that three out of five members of the High Court bench that visited Western Australia recently were appointed well before they reached the age of 45. Mr. Justice Evatt is under 40, Mr. Justice McTiernan was just over 40 when appointed, and Mr. Dixon was appointed in the early forties.

Hon. N. Keenan: The Federal Chief Justice was very old.

The MINISTER FOR JUSTICE: The judges were selected because of their physical and mental capacities. The Government take the responsibility of filling these most important positions in our public life, and due consideration is given to the physical and mental capacity of those appointed. Then again, some of us who have to attend funerals from time to time have heard references to the allotted span of three score years and ten. Although by strength and will-power, some men live beyond that age, it is generally conceded that men are well up to, if they have not actually passed, their zenith when they reach the advanced age of 70 years. There are exceptions to every rule. One hon. member quoted the instance of a judge who did not retire until he was 84 years of age. That was an exceptional

instance. We may remember that Gladstone was elected Prime Minister of England when he was 80 years of age.

The Premier: He was 84 when he was Prime Minister.

The MINISTER FOR JUSTICE: That is so. The history of the world shows that comparatively few men have been able to shoulder such responsibilities, or even accept appointment to the judiciary, at the advanced age of 84 years. The virility and energy of some men have enabled them to exercise their full mental powers and physical capacity at that advanced age, and to accept responsibilities that many men 60 years of age would shrink from attempting. Because some men have been able to carry on by virtue of their strength and vigour to 75 or even 80 years of age, does not mean that we can apply that as a general rule. So it is generally acknowledged that at 70 years, a man has reached a stage at which his sphere of usefulness is to a great extent impaired.

Hon. C. G. Latham: You would not say that about our present Governor-General, for instance.

The MINISTER FOR JUSTICE: No, certainly not. I have already said there are exceptions to the general rule. Men who have reached most advanced ages have possessed the strength, virility and mental efficiency to enable them to do all sorts of things, to write books and to become famous. But it cannot be said that that applies to everyone, and that the ordinary individual should be expected to do what exceptional men have done. The member for Murchison (Mr. Marshall) considered that the retiring age should be 65 years, but the position regarding the judiciary has been discussed in other States and countries and, as I pointed out when I moved the second reading of the Bill, in England and some of the other States of Australia, as well as the Commonwealth, the retiring age was contemplated, or determined, at 70 years. The Parliament of this State has already had an opportunity to discuss the point in relation to the President of the Arbitration Court. When the Industrial Arbitration Act was before Parliament ten years ago, it was then decided that the president should retire at 70 years of age. There is much to be said for the logic of the argument that when a man reaches three score years and ten, it is about time for him to retire from active work. The present Chief Justice is a man of very considerable capacity, and it is quite possible that the Government might believe that he was fully capable of carrying on for some additional years, but we do not consider, in making laws, how they will affect any particular individual. For that reason, we excluded the present occupants of the Supreme Court bench.

Mr. Marshall: Did not the last three judges, whose places on the bench had to be filled, retire or pass away before they were 65 years of age? I refer to Judges Rooth, Burnside and McMillan.

Hon. C. G. Latham: Mr. Justice Burnside was more than that?

The MINISTER FOR JUSTICE: And Sir Robert McMillan was 70-odd when he died. The member for Murchison recalls to my mind the late Chief Justice, Sir Robert McMillan. His name will forever loom largely in the annals of the judiciary of this State. I remember discussing a somewhat similar matter with Sir Robert, and he then stated that, even with the best of intentions, a man was a bad judge of his own cause. He said that if ever we considered that, as His Honour put it, he was losing his punch, he would be grateful if someone would inform him of the fact. In his case, we know that Sir Robert retained his virility, his probity, his impartiality, his judgment right up to the day of his death.

Hon. C. G. Latham: To a very marked degree.

The MINISTER FOR JUSTICE: Yes, and it was very regrettable that such a man should have passed away suddenly when, in the ordinary course of events, he still had years of useful life before him. Such men are exceptions. In order that some uniform conditions should apply to the judiciary, it has been considered that retirement at 70 years of age would be reasonable. By an Act of the Executive Council, the services of a civil servant may be extended for varying terms after the retiring age is reached. For instance, the Under Secretary for Law, who retired recently, was retained in that position for six or seven months after he was due to vacate his office, in order that he might complete some important work. To apply

that principle to members of the judiciary would be quite wrong. No one would desire the judiciary to be dependent upon the whim of any Government. We ought, at all costs, to avoid the position under which a judge would be allowed to retain his position on the bench only so long as a Government desired. That would be most reprehensible, and should not be thought of regarding the judiciary. Judges must be retained in a position of independence and should not depend on Governments in any way. Judges cannot be removed by any Government, and Parliament only can remove them on the ground of ill-health, incapacity, and so forth.

The Premier: The judges are their own judges as to their capacity. When Gladstone was elected Prime Minister at 84 years of age, it was because others knew his capacity.

Hon. C. G. Latham: But Gladstone was not opposed at the election that time.

The Premier: His party elected him. That is the difference between the judges and Gladstone.

The MINISTER FOR JUSTICE: Naturally the Government do not wish to control the judiciary; otherwise I would be prepared to accept an amendment to the effect that if a judge's mental and physical capacity were satisfactory, his tenure of office could be extended for a further period. But, of course, we cannot possibly allow our judges to feel that they are holding their judicial posts at the whim or caprice of any Government.

Hon. C. G. Latham: I do not think any Government could secure the passage of such a proposal through Parliament.

The MINISTER FOR JUSTICE: Nor do I think any Government would act properly if they attempted to do so. As to the amendment indicated by the member for Nedlands (Hon. N. Keenan), to the effect that it should be at the discretion of some medical man to decide whether a judge should be allowed to continue in his office, it is quite possible that the judge's mental deterioration would be gradual. His condition might be such that it would be most difficult to say definitely if he had actually shown any deterioration of his mental powers.

The Premier: And the doctor himself might be 70 years of age.

The MINISTER FOR JUSTICE: And the doctor himself might not be quite right. Doctors do not represent the last word as to what happens.

Mr. Seward: They do sometimes.

The MINISTER FOR JUSTICE: I do not think the amendment suggested by the member for Nedlands would work in practice. The principle underlying the Bill is that there is an age at which, in the ordinary course of events, human power starts to decline, and for important judicial positions, when that point is reached, the occupant concerned should not be retained on the bench. Only men in full possession of their mental and physical powers should fill such posts. I hope the Bill will be accepted in its present form. It will bring our judiciary legislation into line with that which has been passed elsewhere.

Question put and passed.

Bill read a second time.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

THE ACTING MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [8.30] in moving the second reading said: This Bill seeks to amend the Traffic Act, 1919-31. Members will realise that legislation relating to the licensing and control of traffic, particularly motor traffic, must be kept up-to-date. The various Acts were first consolidated by No. 16 of 1922, amended by No. 37 of 1924, and again amended in 1925, 1926 and 1927. The last amendments were made in 1930 and 1931. Since then representations have been made from time to time to the Minister to introduce amendments. These representations have been made by the Commissioner of Police, the various road boards, representatives of the Automobile Club and Automotive Industries, the Chamber of Commerce, omnibus proprietors and others. The requests have been carefully examined and many of them are now embodied in the Bill. Discussion of proposals such as these will be mainly confined to the Committee stage, and I shall therefore refer now to the main features only. The Act provides that no motor vehicle, including a motor truck, shall be permitted to carry passengers for hire or reward unless it is licensed in accordance with the provisions of the Act and insured.

Nevertheless, it is a well-known fact that the owners of motor trucks not so licensed do carry passengers for hire or reward. The Bill is designed to prevent the indiscriminate carriage of passengers on motor trucks, but it is provided that the owner of a motor truck may, with the permission of the local authority, convey workers to and from their places of employment. The definition of a passenger carried on a motor truck does not include the wife or husband of the owner, any child, or any person who is employed by the owner.

Mr. Marshall: How do you think we will get on in the North-West?

THE ACTING MINISTER FOR WORKS: The people I have just mentioned are excluded from the definition of passenger. The Act needs tightening up to meet the indiscriminate carriage of passengers on motor trucks. Confusion has arisen regarding the payment of fees on a quarterly, half-yearly or yearly basis. The sections of the Act have been amended in order to make the position clear to the 140 licensing authorities who are authorised to license vehicles. From time to time applications have been made by owners of motor vehicles for a refund of license fees paid. These applications have been made for various reasons, such as the destruction of the vehicle by fire, or because the vehicle has been scrapped or transferred to another State. It is notable that no provision has been made in the Act whereby refunds may lawfully be made. What has been done in the past has been done as an act of grace. By this Bill definite provision will be made to meet such cases. The Bill also provides that the Commissioner of Police may suspend any license that has been issued to a driver if, in his opinion, such driver is unfit to hold the license on account of mental incapacity or physical disability, but provision is also made that in such an event, the driver may be called upon by the Commissioner to produce a certificate from a medical practitioner. If any person is deprived of his license to drive, he will have the right of appeal to a magistrate. The Commissioner of Police has reported that on occasions drivers of vehicles involved in an accident have refused to give their names, places of abode and other information to members of the police force. The Bill provides a penalty for this and similar offences.

Hon. C. G. Latham: That is provided for in another Act.

The ACTING MINISTER FOR WORKS: The Bill also provides for a heavy penalty if any person neglects to report to the Commissioner of Police or to a local authority in the event of a vehicle causing bodily injury to any person or damage to any property. This is designed to cope with the hit-and-run motorists.

Mr. Marshall: They do not wait to see whether they cause injury or damage and could not be reported.

The ACTING MINISTER FOR WORKS: I think that provision will meet with the approval of the House. Members will readily agree that the time has arrived when action should be taken to regulate pedestrian traffic. We do not seem to regulate pedestrian traffic in this State, although it is usually done in big cities.

Hon. C. G. Latham: Not in London.

The ACTING MINISTER FOR WORKS: Traffic at crossings must be regulated in London.

Hon. C. G. Latham: I mean except at crossings.

The ACTING MINISTER FOR WORKS: I think it must be regulated there.

Hon. C. G. Latham: There is absolutely no rule regulating pedestrian traffic on footpaths.

The ACTING MINISTER FOR WORKS: Certainly such traffic is regulated in the Eastern States and should be regulated here.

The Premier: That relates to jaywalking.

The ACTING MINISTER FOR WORKS: Yes. In that respect Perth is the most lackadaisical city in the Commonwealth. The Bill authorises the making of regulations so that control may be exercised. The Governor may also provide for safety regulations in connection with pillion riding on motor cycles. It is time we had provision to control that practice. Authority is also given for the making of regulations regarding the placing, erection or installation on roads or footpaths of traffic signs and directions. One amendment will make it an offence for any person to advertise any inquiry or request for the conveyance of passengers in any motor vehicle unless such vehicle is licensed to carry passengers for hire or reward. Persons who are paying

license fees for the right of carrying passengers are entitled to be protected. The schedule of fees to be paid by the owners of trailers has been remodelled. The scale in the Act was designed at a time when trailers, mainly of a heavy type, were attached to motor trucks. The minimum fee prescribed for a trailer was £4. Light trailers are now attached to motor cars and to small runabouts, and, as a matter of fact, the minimum charge for a trailer is higher than the charge for a light motor car. The Parliamentary Draftsman has also simplified the schedule to the Act whereby different classes of motor vehicles are better described.

Mr. Patrick: What about paying license fees on a monthly basis?

The ACTING MINISTER FOR WORKS: I do not think there is any need to provide for less than quarterly payments.

Hon. C. G. Latham: In the Old Country provision is made by issuing licenses in the months one to 12.

The ACTING MINISTER FOR WORKS: I think we have met motor owners fairly by providing for quarterly licenses. The Act also provides the method whereby fees shall be assessed, based on what is known as the Dendy-Marshall system. It has been ascertained that this method has been discarded in other countries. The Bill, therefore, provides for the assessement of fees, based on what is known as the R.A.C. formula.

Mr. Marshall: Will you explain that formula?

The Premier: Does it bring in more revenue?

The ACTING MINISTER FOR WORKS: In some cases slightly more and in other cases a little less. It is considered to be a more up-to-date system than the existing one.

Mr. Marshall: There is more gelignite in this formula than in the other.

The ACTING MINISTER FOR WORKS: The effect of the alteration will be that in some instances the fees will be increased beyond what is now being paid for certain classes of vehicles, but on the other hand a few reductions will be made. It will be noted that in this Bill no provision is made for the compulsory insurance third party risk by owners of all motor vehicles, including motor cycles. The Act itself provides for compulsory insurance for all vehicles licensed to carry passengers for hire or reward, in respect only of injury that might be caused to persons. We have made inquiries and obtained information in respect to third-party insurance policies, and consideration is now being given to the introduction of a Bill providing for that. It is a difficult matter to provide something that will be fair to the public, and prevent them from being exploited if the system is made compulsory. That, however, is not included in this measure. In the main the amendments are those which have been asked for by interested organisations associated with the motor traffic, and by the Commissioner of Police. It is entirely a Committee Bill and I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

House adjourned at 8.43 p.m.

Legislative Council,

Thursday, 5th September, 1935.

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

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35] in moving the second reading said: The purpose of this Bill is to give the Agricultural Department power to deal more effectively with the fruitfly pest, which during the last 12 months has been more prevalent, has become more