

# Legislative Council.

Tuesday, 23rd October, 1928.

|  | PAGE |
|--|------|
| Assent to Bills ... ..   | 1334 |
| Bills: Fertilisers, 2A. ....   | 1334 |
| Lunacy Act Amendment, 2A. ....                                       | 1334 |
| Group Settlement Act Amendment, 2A. ....                             | 1336 |
| Feeding Stuffs, Com. ....  | 1341 |
| Forests Act Amendment, Assembly's Message ...                        | 1346 |
| Abattoirs Act Amendment, Assembly's Message ...                      | 1346 |
| Wheat Bags, 2A. ....   | 1346 |
| City of Perth Superannuation Fund, referred to Select Committee .... | 1350 |
| Bunbury Electric Lighting Act Amendment, 2A. ....                    | 1351 |

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

## ASSENT TO BILLS.

Message from the Governor received and read, notifying assent to the undermentioned Bills:—

1. Industries Assistance Act Continuance.
2. Kulja Eastward Railway.

## BILL—FERTILISERS.

Read a third time and returned to the Assembly with amendments.

## BILL—LUNACY ACT AMENDMENT.

*Second Reading.*

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35] in moving the second reading said: This Bill is introduced for the purpose of remedying defects in the principal Act in regard to recovery of maintenance fees and committal expenses. The measure will enable a better recovery to be made of expenses due to the Government. In the past considerable revenue has been lost on account of defective legislation. The Bill also provides for varying an order of the court in regard to payments when the altered circumstances of the debtor make a variation equitable and desirable. There is also provision for removing an anomaly in the statutory relations between the Inspector General and the Board of Visitors, by withdrawing from the Board the power to give instructions to the Inspector General. The

Inspector General of the Insane acts under the instructions of the Minister, and he cannot also properly be under an instruction to obey another authority. The power now held by the board in this respect also does not conform to the Public Service Act, which defines the responsibilities and obligations of public servants. The Board have never acted on their power to instruct the Inspector General, as they realise that to do so might place that officer in a very awkward position, and bring about a situation of administrative difficulty. Section 95 of the Act contains, inter alia, the following:—

(1.) The board of any institution or a majority of such board shall, once at least in every month, and also at such other times as the Minister may direct—

(g) give instructions to the Inspector General as to the management of the institution, otherwise than in regard to medical treatment of patients, but subject to regulations.

The board are entirely favourable to the proposed alteration. On the 25th September last Dr. D. M. McWhae, Chairman of the Board of Visitors, wrote to me as follows:—

The Board of Visitors have given consideration to the wording of Clause (g) of Section 95 of the Lunacy Act, 1903-20, dealing with the powers and duties of the Board, and it was resolved to recommend to you that the words "give instructions to the Inspector General" should be amended to read "shall make recommendations to the Minister" (as to the management of the institution, otherwise than in regard to medical treatment, of patients, but subject to regulations). 2. This suggestion is accordingly put forward in order that due consideration may be given to it.

Perhaps I had better explain the clause of the Bill. In Clause 2 the words "such expenses as aforesaid" are referred to. As mentioned in Section 9 of the Act, these expenses are chiefly for the payment of medical certificates and for the accommodation and transport of the patients. Under Part XIII. of the principal Act it is provided in Section 170, that certain relatives of the patient (father, mother, husband, wife, children over 21) may be required to pay a weekly sum towards maintenance of the patient. It is also provided in Section 167 that the Inspector General may agree with the relative, guardian or friend of a patient for the patient's maintenance while under detention. It will be noted that the words "maintenance during detention" are used. These words do not

go far enough. There are expenses incurred before detention, and there is no reason why the State should have to bear these if the relatives or the patients are in a position to do so. There have been cases in which the cost of the medical certificate has had to be met, and the cost of transport has had to be paid, by the Government, because the relatives have refused to pay, although they were in a financial position, which would have made it easy for them to make these payments. This refusal was also made despite the fact that as soon as the patient entered the Hospital for the Insane the relatives became liable for his or her maintenance. The inconsistency is due to a defect in the Act, which will be remedied by this Bill. The liability of relatives does not apply at all when there is sufficient money in the patient's estate, from which they are entitled to be recouped when possible. I have already defined the powers and duties of the Board of Visitors as set out in Section 95. It is an anomaly that the board should have statutory power to "instruct" the Inspector-General as to the management of the institution. The Inspector-General is under the control of the Minister, and the Board of Visitors are entirely removed from Parliamentary control. Everyone will recognise that it would be a very great power to give the board to authorise any expenditure their members had in mind. I would point out that this is an amendment which was made in the Bill that was before another place in 1920. The Royal Commission on lunacy which sat in 1922, stated on page 8 of their report that "it is obvious that duplication of authority as provided for in the present Act is undesirable." Section 167 of the principal Act provides that the Inspector-General may agree with "any relative, guardian or friend," of a patient for the patient's maintenance, and that any person so agreeing shall be entitled to be reimbursed out of the patient's estate for any sums expended under the agreement. Clause 4, however, enables the expenses leading up to detention (medical certificates, transport, etc.) as set out in Section 9 to be included in such agreements; for the period of maintenance either to extend to the period of detention or to be limited to a stated or prescribed period: and for such agreements to be enforceable in court. Regarding Clause 5, Section 170 of the principal Act

provides for enforcement of the liability to pay for the patient's maintenance, of the "father, mother, husband, wife or children (over 21)" of a patient having insufficient estate. That section is defective by the omission of provision for authority to recover for any period prior to the date of application to the Court, and by the omission of any power to vary an order for payment. No charge can be made until the court is approached and has given its decision. Clause 6 simply places the onus of proof of inability to pay, or of sufficiency of the patient's estate to meet the claim, on the relative liable. This is a usual provision and is taken from the Victorian Act. The department would not proceed against a relative if the patient's estate were sufficient, and it is clearly right that the debtor should prove his inability to pay. Clause 7 provides that the statement of the Inspector-General as to estimated cost of maintenance shall be prima facie evidence of the cost of maintenance recoverable from those liable. It would naturally be a difficult and tedious matter in cases for recovery, to present evidence of cost of maintenance for the individual patient who is the subject of the claim. The provision enables an average to be taken and simplifies procedure without inflicting injustice. Under the present Act different rulings have been given by the court, thus creating an undesirable position. Clause 8 provides for recovery from a patient's estate, of any deficiency of contributions to meet cost of maintenance, the period of maintenance for this purpose being limited to six years. It may, and in fact it has happened, that a small portion of the cost of maintenance has been contributed, and it has been later found that there is sufficient in the patient's estate to meet the deficiency, or a portion of it. He may have property that will improve in value as time goes on and ultimately his estate may be sufficient to meet the cost of his keep. It is clearly right that the estate should be liable for such deficiency, subject to the reasonable limitation in respect to time, of six years. Clause 9 provides that in case of divorce on the grounds of insanity of wife, the order against the husband for payment of maintenance may be varied by the court, if satisfied that the means of the husband have increased, and he is in a position to pay. I move—

That the Bill be now read a second time.

**HON. A. LOVEKIN** (Metropolitan) [4.46]: The Bill represents a step in the right direction, because institutions such as the Hospital for the Insane, those associated with charities, and so forth, are becoming an increasingly severe drain upon the taxpayers. The object of the Bill is to endeavour to secure some recoup from the estates of patients for the moneys so expended. Since the beginning of the year, for instance, the Charities Department has imposed heavy obligations upon the State as the result of the operations of the Children's Court, and it is difficult to see how the State can secure repayment for expenditure incurred under existing conditions. This is a matter that calls for close attention by Parliament, especially in view of the manner in which these votes are increasing annually out of proportion to the increase of population. I support the second reading of the Bill, for I regard it as one that certainly should find a place on the statute book. I would draw the attention of the Chief Secretary to Clause 7, which refers to the statement of the Inspector General, as to the estimated cost of maintenance of a patient in the hospital, being taken as *prima facie* evidence of that cost. The Bill does not include, as the Chief Secretary saw to it that the Education Act Amendment Act did, the words "until the contrary is proved." It was deemed necessary to include those words in that measure and perhaps, before we finally deal with the Bill in Committee, the Chief Secretary may indicate to us why, although it was necessary to include them in the Education Act Amendment Act, it is not necessary to include them in the Bill.

Question put and passed.

Bill read a second time.

## **BILL—GROUP SETTLEMENT ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 16th October.

**HON. J. J. HOLMES** (North) [4.49]: I understand that the Bill provides for the appointment of a board who will fix the capitalisation to be charged against each and every settler in the group areas. I gather from the published reports of the proceedings in another place that it is in-

tended, before the Bill is finalised in this Chamber, to give that board authority to write off as much of the expenditure on group settlements as they may deem fit. To my mind that is a matter that will require a lot of consideration.

The Chief Secretary: I have toned down the proposed amendment.

**Hon. J. J. HOLMES:** To suggest to the Parliament of this State, which is supposed to control the finances—and we are told that government is finance, and finance is government—that some outside body shall be given authority to write down as much as they may think fit, is going just a little bit too far. If I understand the position correctly, it is the duty of Parliament to control the purse strings. I will admit that Parliament has not been quite as active as it could have been in that regard, but it is never too late to mend. Instead of mending our attitude, however, we are asked to agree to lessen our authority and to increase the authority of some outside body under that heading. In my opinion the Bill aims at relieving Ministers of responsibility that they should have faced long ago. The responsibility for the inauguration of the Group Settlement Scheme is placed on the shoulders of the Mitchell Government. It is over four years since that Government vacated office and during the time that has elapsed since then, the present Government have been in office and no other body should be asked to shoulder that responsibility.

**Hon. H. J. Yelland:** What about the position regarding soldier settlement.

**Hon. J. J. HOLMES:** I am dealing with group settlement matters; perhaps the hon. member can deal with those relating to soldier settlers.

**Hon. H. J. Yelland:** But they are comparable.

**Hon. J. J. HOLMES:** The Government were warned as to the position of affairs in connection with group settlements and we urged, I would say we almost beseeched them to take that problem in hand and face the position. They had plenty to go upon, because it will be remembered that in December, 1923, I moved for the appointment of a select committee of this House to inquire into the position at the Peel Estate. That committee was appointed and it subsequently became a Royal Commission. Early in 1924—that is nearly 4½ years ago

—the Royal Commission reported upon what was going on in connection with the groups at the Peel Estate. That report was presented to the Governor and has been in the hands of the present Government for fully four years. I do not propose to read much from that report, but I shall read some extracts in order that the memories of hon. members may be refreshed as to what was going on at that time. After setting out what, in our opinion, should have been done, we said—

It will thus be apparent that before any such undertaking is embarked upon, the objective must be clearly defined. There must be full co-ordination of effort on the part of all concerned. The work to be undertaken must be prescribed in full detail; surveys and classifications of areas must be carefully prepared; estimates of costs must be calculated, and at least some general conception must be pre-determined as to the ultimate capital which will need to be borne by the settler, what class of production he is to embark upon, and what future prospects are ahead of him, provided he is capable and industrious.

On that point we reported—

Your Excellency's Commissioners regret having to report that the evidence before them discloses non-compliance with any one of these essentials prior to the placing of the settlers on the land, or before the work of development was proceeded with.

There was the warning given 4½ years ago. The position then was that we were bringing people to this country, and the eyes of the world were turned upon Western Australia. We spent a considerable time in toning down the report to make it as moderate as we could.

Hon. A. Lovekin: Quite right.

Hon. J. J. HOLMES: We did not want to create a panic at that juncture, but we did include paragraphs in the report, from a perusal of which we considered that anyone would realise the position. It would seem that we wasted time and energy in toning down the report, because irrespective of what effect it may have had outside Australia, it does not appear to have had any effect upon those responsible for what was going on. To give an instance of the expenditure that was being incurred at that date, I will quote the following paragraph from our report—

During the inquiry by your Excellency's Commissioners, many instances of lack of co-operation and co-ordination were brought under their notice. Due to this even the Leader of the Legislative Council (Hon. H. P. Cole-

batch), on information furnished to him, made a statement to the House which has not been supported by the evidence.

We did not accuse Mr. Colebatch of misleading the House, but someone else behind the scenes misled him because he made the following statement to the House:—

The expenditure on the Peel Estate, including purchase, has been £190,096, of which £43,000 represents plant which will be of use elsewhere—

This refers to an estate upon which the capitalisation now is represented by over £2,000,000!—

—thus reducing the expenditure on the estate to £147,096. It is admitted that it will cost to complete £150,000, bringing the total for the estate to £297,096. There will be a profit on the sale of firewood amounting to £30,000, making the total estate £267,096.

That reference to firewood proved to be a myth. Someone must have stolen the firewood, or else it must have been burnt! At any rate, the firewood resulted in a loss, not in a profit.

Hon. C. F. Baxter: Was it ever there?

Hon. J. J. HOLMES: At any rate, a loss was made on the firewood. The paragraph goes on—

The works carried out will drain 18,000 acres of swamp, and altogether 50,000 acres of the estate can be cropped, and it is regarded as a conservative estimate that, as against the £267,000 spent on the estate, its value will not be much short of one million sterling.

Mr. Colebatch made that statement on the figures submitted by an officer of his department. At that time the expenditure was in the vicinity of a million, but the Minister did not know that some other department had spent three-quarters of a million, and that with the quarter of a million he referred to the total spent had been over a million. The Commission's report went on—

And it was admitted to Your Excellency's Commissioners that the latest estimated sum required to complete the scheme would reach about four times the amount stated by the responsible Minister.

I understand that since then it has reached eight times the amount, and the object of the Bill before us is to reduce the principal until we get a capitalisation amounting to a figure on which, I do not care how good the land may be, the settler will never be able to pay the interest. We have now before us a proposal to write off a lot of the

capitalisation; how much we are not told. Certainly Parliament should know, and Parliament should be the final authority for saying how much should be written off. Parliament should also know how much the group settlement scheme has cost the country. Most of all, Parliament should know how much of the capital and how much of the interest it is proposed to write off, has been charged against the scheme, because the interest will play a very important part, in fact has played a very important part, in balancing the ledger of the public accounts during the past four years. However, I will deal with that later. Whilst a note of warning was given by the Commission with regard to the Peel estate, the whole subject was equitably and reasonably criticised so that no alarm should be caused. Now we have the Minister for Lands, Mr. Troy, on the 13th September when introducing in another place the Bill at present before us, saying this—

We have had to repossess a considerable number of stock from the Peel estate.

I am only speaking from memory when I say that the Peel and the other settlements have been responsible for the expenditure of seven millions of money,

Hon. A. Lovekin: A little more than that.

Hon. J. J. HOLMES: One would think that, with the expenditure of two millions of money at the Peel estate, the estate would have reached the stage when it would be able to carry a few hundred milking cows. But we have the astounding statement made by the Minister that it had been found necessary to repossess a number of the cows, and also that it had been necessary to plant, replant and plant over again, land that had been brought under cultivation. The Minister also said—

Unhappily the anticipations of the officers of the field were never realised.

Four years ago the country was told that, as far as the Peel estate was concerned, the anticipations of the officers would never be realised, and that neither would there be a realisation of the anticipations of those who were behind the scheme. My complaint is that the whole matter has been allowed to go on, and now, four years after the presentation of the report of the Royal Commission, as well as the report of another

Royal Commission appointed subsequently, the Minister calmly tells the country that "unhappily the anticipations of the officers of the Peel estate were never realised." I do not know the officers in the matter at all; I do not know who is responsible. I know only Mr. McLarty, one of the finest officers this State has ever had. I have no idea at all who were the officers connected with the Peel estate. I know a gentleman named Mr. Abernethy who told the Royal Commission that he could do this, that and the other thing at an estate which adjoins the Peel Estate, and where he was running his own dairy at the time. Mr. Abernethy was superintending operations at the Peel Estate. He had to admit, however, that though he produced a quantity of milk on his own estate, he had had to buy £400 worth of bran in that particular year.

Hon. W. J. Mann: He is milking 80 cows to-day and I don't think he is buying any bran.

Hon. J. J. HOLMES: This is one of the officers whose anticipations, the Minister said, were never realised. I am pleased to hear Mr. Mann say that Mr. Abernethy's anticipations have been realised on his own estate. The Minister goes on to say—

The officers have never been able to give a dependable guide to the administration.

Will the passage of this Bill help the Minister? Will this one-clause Bill assist in any way? The whole matter will have to be tackled by proper administration and if there is no one there capable of undertaking the work, it is about time that someone was found from outside. We have over seven millions of money wrapped up in this scheme and it is about time the position was seriously faced. The Minister goes on—

In most cases two or three locations have been linked up with a capitalisation of £3,000 to £6,000.

I suppose any hon. member having had experience of land settlement with a piece of paper and a pencil, or a bushman with a piece of charcoal and a matchbox, would be able to figure out that with a capitalisation of £6,000 it would be impossible to pay interest and make a living on any one of those blocks. Writing-off will not meet the case. It is up to the responsible Minister to take hold of the group settlement scheme and tackle it as it should be tackled. If there is no one in the department who is dependable for the work, it is about time someone

was found capable of handling it. We have been told that it is proposed to make adjustments with the capital account to give the settlers an opportunity to make good. They will have less interest to pay, but the State will have more to pay. That is what it amounts to. We are, however, faced with the position that the people who started out on the group settlements did not know their job and we did not have people to give the Minister a guide. That was where the trouble lay. This was admitted by no less an authority than Mr. McLarty in the last two questions that were asked him when he gave evidence before the Royal Commission. He was asked—

We interpret your evidence to mean that the man who knows his job will succeed on inferior land, but that the man who does not will fail on the best of land.

In reply to that question Mr. McLarty said "yes." Then he was asked—

How do you propose to spoonfeed all these people into prosperity.

His answer to that was that it was the policy of the country to bring those people here and they were passed over to him to make group settlers of them, that he was trying to do the best he could with the material at hand. Now if we have not anybody guiding the Minister, who is there to guide the settler? To my mind the guiding of the settler is a matter of just as great importance as the question of guiding the Minister. This writing down of capitalisation is being done to give the settlers an opportunity to make good, but why that position was not faced earlier I do not know. It was apparent four years ago that the capitalisation should be written down. One is bound to ask the cause of the delay, and this House should insist on knowing what amount of capital and the amount of interest it is proposed to write down. That should be made clear to Parliament. We know that seven millions have been spent, that the settlers have been debited with interest, and that there has been credited in the State current books the amount of interest debited to all the settlers. By this means we have been reducing their interest bill and piling up the capital account of the settler, and we know that he will never be able to pay the interest. I want to know how much capital is to be written off and how much interest is to be written off. It is a simple matter to set off the settlers' interest against the

State's interest bill and pile up the settlers' capital account and help by this means to adjust the ledger from year to year. It is quite a good scheme for balancing the ledger and keeping the interest bill down.

Hon. A. Lovekin: It is rather like frenzied finance.

Hon. E. H. H. Hall: It is no good to the settler.

Hon. J. J. HOLMES: Neither is it any good to the State; and the sooner the State knows what has been done, the better.

Hon. J. Nicholson: It will be a bad thing for the Treasurer when he comes to make his Financial Statement.

Hon. J. J. HOLMES: Every Treasurer is up to all sorts of means to square his ledger. If the present Treasurer has worked the interest account in this manner, which is entirely wrong, I do not suppose he is an exception. Probably others have done so before. However, two wrongs do not make a right. Probably, when the capital accounts have been written down the Agricultural Bank will take over these securities at amounts fixed by some outside authority. That is going to put the bank manager in rather an awkward position. True, it is suggested that he will have one representative of the Agricultural Bank making the valuations; but there will be two other valuers. By this means a fictitious value might be placed on the security to be taken over by the Agricultural Bank. That does not seem to me quite the right position in which to put the Agricultural Bank. I understand the idea three or four years ago was that when the group settlers reached the stage of independence, the bank would take them over. I know that the position Mr. McLarty then adopted was that if he took over it should be at valuation. This was quite right from the bank's standpoint. But if three other gentlemen are coming along to fix the valuation and the Agricultural Bank has to take over the settlers at that valuation, we may reach the stage of disaster through the Agricultural Bank being compelled to take over securities at fictitious values. In the original scheme the group holdings were to cost approximately £1,000 each; at one stage the amount was only £750. When the expenditure on the Peel Estate had reached a million, the Royal Commission estimated that if it stopped at that, the holdings would cost about £2,000 each. But the expenditure there has been

doubled, and the number of settlers has decreased, and now we are told that the capital cost will be anything from £2,000 to £6,000 per holding. In paragraph 18 of their report the Royal Commission stated—

It was with great difficulty that Your Excellency's Commissioners were able to gather, even approximately, the extent to which the State, without any outside assistance, would have to find finance for this scheme.

Paragraph 20 reads—

Reference to the evidence will show that Your Excellency's Commissioners also made strenuous efforts to obtain some outlook for the settlers in regard to capitalisation when the groups were dissolved, the sustenance allowance ceased, and they became thrown upon their own resources. Here again, the original estimates have been found at fault; indeed, the contemplated £1,000 per settler will require to be practically doubled if regard is to be had to the evidence.

In paragraph 25 the Royal Commission stated—

Your Excellency's Commissioners have failed to find any estimate which has been justified by the results.

Four and a-half years later, after the thing has been allowed to drift on, we are told that what was anticipated has actually happened, and that the way out of the difficulty now is to write down the capital account. That is the proposal before the Chamber. I shall deal with only two of the recommendations made by the Royal Commission. Recommendation (a) was—

That the Group Settlement Board be reconstituted so as to include in its personnel representation of the Agricultural, Dairying, and Stock Departments.

At that time it was not known whether the groups were going to be a dairying proposition.

Hon. A. Lovekin: At that time the groups had never seen the dairy expert.

Hon. J. J. HOLMES: Recommendation (b) is important—

That each block on the estate be further inspected by competent authority with a view to ensuring its suitability for the purpose for which it is held. With regard to some of the blocks on the north-eastern and south-eastern sides of the estate, your Excellency's Commissioners are unanimously of the opinion that the areas are too small in view of the light quality of the land. And, as houses have already been erected on these blocks, it is recommended that those not required, owing to the enlargement of the areas, be removed to more suitable sites, and the settlers affected be transferred to more suitable holdings. They

also recommend that the holders of blocks on the south-western corner, abutting on undrained swamps, be transferred to more suitable locations, if it be decided that the swamps are not to be drained. As there are no houses on these blocks, it is recommended that none be constructed until the swamp lands are drained.

I am pointing out that somebody should have done something within the last four and a half years, or something more than has been done. All hon. members will agree, I think, that there should be a complete stocktaking of group settlement by some competent authority. Parliament and the country should be told what the approximate loss is, and what amount has to be written off in order that the settlers now there may be enabled to live. As regards the writing-off, I think Parliament should insist on knowing how much interest has been charged up to capital account, to the debit of the settlers and to the credit of the State's interest bill. If interest was written off, it should have been shown in the deficit from year to year, and not shown as a capital charge against group settlers. Anything that is done by the proposed board should, in my opinion, be subject to the approval of Parliament. It is the country that has to foot the bill, and therefore the country should be given an opportunity to know the exact position. To appoint a board with such powers as are suggested in the Bill, and suggested in the further amendment which we are told is to be moved in this Chamber, an amendment empowering the board to write off anything its members may think fit, does not appear to me to be a fair thing, or a procedure that Parliament should countenance. I shall not oppose the second reading of the Bill. I am simply pointing out in what directions I consider the measure should be amended if it gets into Committee. I presume it will pass the second reading, because something has to be done in connection with group settlement. The settlers cannot carry the capital expenditure, and the people ought to know what the loss is going to be. In Committee I shall ask the House to give serious consideration to the contents of the Bill, in order to ensure that whatever is done shall be done in broad daylight, and that the people of the country shall know what group settlement has cost and what Parliament suggests as a way out to avoid further difficulties.

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

**BILL—FEEDING STUFFS.***In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1, 2, 3—agreed to.

Clause 4—Bran, pollard and other stock foods:

Hon. H. A. STEPHENSON: This is a dangerous clause. It means that while Parliament may decide on a certain procedure, the Government at some later period may, by way of regulation, make entirely different provisions, which will have the same effect as if they had been carried by Parliament. I move an amendment—

That in Subclause (1) the following be added to the proviso:—“but no such regulation shall have effect until it is laid before both Houses of Parliament.”

Hon. A. LOVEKIN: I was going to draw attention to that point. I think the better way would be to strike out the proviso altogether. Parliament is enacting this legislation providing a schedule showing what foodstuffs shall consist of, and surely if and when it requires to be altered it is for Parliament to alter it, not to leave it to the Governor to do so by regulation. Then there is an objection to regulations. The Governor may make a regulation and, under Mr. Stephenson's amendment, it is to be laid before both Houses of Parliament. But the regulation may have had effect for six months before Parliament knows anything about it.

Hon. J. Nicholson: Not under the amendment.

Hon. A. LOVEKIN: The better plan would be to take out the proviso altogether. If Parliament, which enacts the schedule, wants to alter it, let Parliament do it, and let it not be a subject for regulation. Under the Interpretation Act, any such regulation will have force and effect, notwithstanding the amendment, until disallowed by Parliament.

The CHIEF SECRETARY: Not only have I no objection to the amendment, but I propose to support it. Surely the Committee will not be influenced by Mr. Lovekin's argument, which means that every time a new food is introduced and a standard has to be set for it, we must have an amending Bill. I quite understand that the schedule will be part of the Act, and conse-

quently there should be a provision that regulations affecting the schedule should not operate until Parliament has an opportunity to exercise its power of disallowance. We are proposing to give the Governor power by regulation to amend a statutory schedule, but under Mr. Stephenson's amendment the regulation cannot operate until Parliament has considered it.

Hon. A. LOVEKIN: I do not read it in that way. The amendment merely provides what is already the law in the Interpretation Act. It is there prescribed that when regulations under an Act are made by the Governor, they shall be laid on the Tables of both Houses of Parliament within 14 days, or if Parliament be not then sitting, within 14 days after the beginning of the next session. And those regulations can be disallowed by either House. The amendment does not alter that one iota. The Interpretation Act says that between the gazettal of a regulation and the time of its disallowance the regulation will be good and have the force of law.

Hon. H. A. Stephenson: You are missing the point. The amendment provides that the regulation shall not have effect until laid before Parliament.

Hon. A. LOVEKIN: Well, this seems to me to be practically an amendment of the Interpretation Act.

Hon. J. Nicholson: That is the point.

Hon. A. J. H. Saw: Yes, do we need to amend the Interpretation Act?

Hon. A. LOVEKIN: I think we do.

Hon. A. J. H. Saw: Will this amendment override the Interpretation Act?

Hon. A. LOVEKIN: I do not think so. The Interpretation Act cannot be overridden by a provision in another Act.

Hon. J. J. HOLMES: I see the difficulty the hon. member desires to get over. Under the Interpretation Act regulations have the force of law until disallowed by Parliament. The amendment does not get over that difficulty, but it shortens the period during which the regulations shall operate before Parliament has an opportunity to deal with them. Mr. Lovekin said it might be six months after the gazettal of the regulations before Parliament met and disallowed them. The amendment reduces that period to the time between the meeting of Parliament and the disallowance of the regulations by Parliament; for it provides that the regulations shall not have effect until laid before both

Houses of Parliament. When the regulations are laid before Parliament, under the amendment they become effective until disallowed by Parliament. So the amendment reduces the period over which the regulations, if ultimately deemed to be wrong or unjust, shall be effective.

Hon. H. A. STEPHENSON: I do not seem to understand plain English. My amendment says that no such regulation shall have effect until laid before both Houses of Parliament. I take it that the moment the regulations are laid before Parliament, Parliament can deal with them. It may be a week or a fortnight after the regulations are brought before Parliament, but I do not see how it could possibly be three months or six months.

Hon. J. R. Brown: Parliament might altogether neglect to deal with them.

Hon. J. EWING: Mr. Lovekin is quite right in his contention. When regulations are made by the Governor they have full force of law until considered by Parliament, which might be six months later. The amendment cannot stop that. It is contended by Mr. Holmes that the amendment will shorten the period during which the regulations shall operate, because the regulations will not be effective until laid before Parliament. I do not hold that opinion, for the Interpretation Act provides that when a regulation is gazetted it shall have full force until Parliament considers it. I support the contention of Mr. Lovekin, which is quite correct.

The CHIEF SECRETARY: Mr. Holmes has correctly stated the situation. The regulations would not operate during any recess, but from the time the regulations are placed on the Table of the House they could be put into operation. Actually I do not think that in the circumstances any Government would attempt to put them into operation.

Hon. J. J. Holmes: But this clashes with the Interpretation Act. Which would prevail?

The CHIEF SECRETARY: I should say this amendment would prevail. I have consulted Mr. Sayer, and he says it is all right.

Hon. A. LOVEKIN: The Bill provides for the making of regulations. Those regulations must be made in the proper way. The Interpretation Act provides that when under any Act a regulation is made (a) it shall be made by the Governor, (b) it shall be

published in the "Gazette," (c) it shall have effect and have the force of law from the date of publication or from a later date fixed by the order making such regulation, and (d) shall be laid before both Houses of Parliament within 14 days after the said publication if Parliament is then in session, and if not then within 14 days after Parliament meets. The amendment before us provides that a regulation shall have no effect until laid before Parliament. I submit that that does not repeal Section 36 of the Interpretation Act, which shows how a regulation has to be made and how it has to be carried out. To put up an amendment saying that a regulation shall have no effect until laid before both Houses of Parliament seems to me to amount to amending or repealing Section 36 of the Interpretation Act, which cannot be done in this way.

Hon. A. J. H. SAW: There is a great deal in Mr. Lovekin's contention as to whether by merely putting a provision into the Bill we can override a section in the Interpretation Act. But there is another aspect of the case. This clause provides that the Governor may by regulation prescribe physical and chemical standards for any prescribed food for stock, and the methods for determining the same. It goes on to say that stock licks shall be deemed to be food for stock within the meaning of this Act. A stock lick is analogous to a patent medicine. We are going to give the Governor power to make regulations prescribing what shall be patent medicines for stock. Mr. Nicholson the other day moved that certain regulations the Governor had made in reference to patent medicines dealing with a very much higher order of animals than stock, to wit, human beings, be disallowed. The Government assented to the motion and those regulations were disallowed. I am not the keeper of the Government's conscience, but for the sake of consistency on the part of this Chamber we should be careful not to exalt stock above human beings.

Hon. J. NICHOLSON: The reasons advanced by Mr. Lovekin appeal to me. It would be decidedly undesirable if, by inserting a few words in this Bill, we could in effect introduce an amendment or modification of an Act making deliberate provision for the effect of regulations once they are gazetted. Section 36, Subsection 1, paragraph (c) of the Interpretation Act provides that regulations shall, subject to Subsection 2 hereof, take effect and have

the force of law from the date of publication in the "Gazette." Yet it is suggested we can alter that provision by adding a few words to a clause of this Bill. The Chief Secretary might consult the Crown Law authorities as to the wisdom of inserting in that paragraph the words, "subject to any provision to the contrary in the Act providing for such regulations." There is nothing in the Interpretation Act to indicate that such a power could be given in another Act providing for regulations. Another point to be considered is that the title of the Bill contains no reference to an amendment of the Interpretation Act.

The Chief Secretary: Read Section 3 of the Interpretation Act.

Hon. J. NICHOLSON: Section 3 provides that when a resolution has been passed as mentioned in Subsection 2, notice of such resolution shall be published in the "Gazette." Subsection 2 reads—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done or of the omission of anything in the meantime.

That rather strengthens the argument that we cannot alter the emphatic provision made in paragraph (c). There is no power to modify, and unless we amended the Interpretation Act, we would not be in order in passing the amendment.

The CHIEF SECRETARY: Section 3 of the Interpretation Act begins—

In the absence of express provision to the contrary, this Act shall apply to every Act of the Parliament of the State, heretofore or hereafter passed, and to every regulation made under any such Act, except, etc.

Hon. A. LOVEKIN: That is the exact point.

The CHIEF SECRETARY: Mr. Nicholson endeavoured to show that the amendment could not be made. In no Bill can we legally insert a clause to deprive either House of the right to disallow a regulation. Mr. Stephenson's amendment, however, has no bearing on that point. It simply provides that the regulation shall not operate until after it has been laid before both Houses of Parliament.

Hon. A. LOVEKIN: Surely the amendment is an express provision contrary to the Interpretation Act, especially if we do

not indicate that the Interpretation Act is to that extent amended! If, in little Bills coming before us, we can insert amendments having the effect of amending or modifying the Interpretation Act, that statute will not be worth the paper it is printed on. To alter it by a provision quite foreign to it seems going beyond the practice and intention of Parliament.

Hon. A. J. H. SAW: The proviso to Section 36 of the Interpretation Act reads—

Provided that if the Act which gives power to make, or directs the making of, such regulation requires that the same shall be confirmed by the Governor or any other authority before it shall have the force of law, the provisions of Subdivision (c) of Subclause (1) hereof shall not apply to such regulation unless it has been confirmed as so required.

I take it the authority is Parliament, because the Act directs that a regulation shall be laid before Parliament and shall not have force until it is laid before Parliament. The Interpretation Act, therefore, does contemplate that regulations may be framed that will not come within the purview of paragraph (c) of Subsection 1.

The CHIEF SECRETARY: Section 3, Subsection 1, of the Interpretation Act states that the Act shall apply except insofar as any provision of it is inconsistent with the intent and object of the particular Act or regulation to be interpreted. Mr. Stephenson does not want the regulations to come into force immediately they are gazetted. He considers they should not come into force until they have been tabled in Parliament. The Interpretation Act, therefore, makes ample provision for that.

Hon. A. LOVEKIN: Mr. Stephenson might accomplish his object in a much better way by moving to strike out the proviso to Subclause 1 of Clause 4 of the Bill. The hon. member contends that before any change is made in the schedule, it should come before Parliament. If we strike out the proviso, he will accomplish that object without interfering with the Interpretation Act, which is a solemn statute that should not be interfered with by amendments made to the clauses of other Bills such as this.

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

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 14 |
| Noes | .. | .. | .. | .. | 7  |

|              |    |   |
|--------------|----|---|
| Majority for | .. | 7 |
|--------------|----|---|

## AIDS.

Hon. C. F. Baxter  
 Hon. J. M. Drew  
 Hon. J. T. Franklin  
 Hon. G. Fraser  
 Hon. E. H. Hall  
 Hon. V. Hamersley  
 Hon. W. H. Kitson  
 Hon. Sir W. Lathlain

Hon. W. J. Mann  
 Hon. G. W. Miles  
 Hon. A. J. H. Saw  
 Hon. H. Seddon  
 Hon. H. A. Stephenson  
 Hon. J. R. Brown  
 (Teller.)

## NOES.

Hon. E. H. Gray  
 Hon. H. Harris  
 Hon. J. J. Holmes  
 Hon. A. Lovekin

Hon. J. Nicholson  
 Hon. E. Rose  
 Hon. J. Ewing  
 (Teller.)

## PAIR.

## AIDS.

## NO.

Hon. C. B. Williams | Hon. C. H. Wittenoom

Amendment thus passed.

Hon. H. A. STEPHENSON: I move a further amendment—

That in Subclause (2), paragraph (a), the words "bran, pollard, and other" be struck out.

It would be impossible to scour bran and pollard. When making bran and pollard millers see to it that the wheat is scoured and cleaned beforehand. When, therefore, bran and pollard are made, they are as clean as it is possible for them to be. If impurities are found later, there is provision in the schedule to deal with that matter.

Hon. E. H. GRAY: I oppose the amendment. When a local shortage of bran and pollard occurs, it very often happens that shipments of those commodities of inferior quality are made from the other States. Legislation is required to prevent that sort of thing. All these forms of food should be of a guaranteed standard of purity.

Hon. J. J. HOLMES: The amendment would not take us any further. Bran and pollard are food for stock, and would therefore be included in the word "food" whether they were left in or not.

Hon. H. A. STEPHENSON: Mr. Holmes has not grasped the point. How is it possible to scour bran or pollard? These things are already clean and pure. If they were otherwise they would be covered by the schedule. Both the Director of Agriculture and the Crown Solicitor have agreed that the words can be deleted.

Hon. A. J. H. SAW: The clause does not say that regulations can be made that will demand the removal of these impurities by scouring, merely that they may be removed by various processes. The amendment will not be necessary.

Hon. G. FRASER: It is not mandatory upon the miller that he should scour bran and pollard. The clause relates only to the impure article. Bran and pollard would be clean.

Hon. E. ROSE: The clause should be left as it stands. Too often there have been complaints about the condition of bran and pollard that have been put on the market.

The CHIEF SECRETARY: Bran and pollard would be cleaned, not scoured. It would be just as well, however, if the words were removed from the clause. They have been the cause of much comment by men of good understanding on the subject.

Hon. J. J. HOLMES: Why should not the impurities be removed? If we agree upon that point the words should be left in. Why should the hon. member hold up the business by insisting upon an amendment that will not, after all, affect the position?

Hon. H. A. STEPHENSON: I have no wish to hold up the business. So many members have failed to grasp the point that I will withdraw the amendment.

Hon. J. J. HOLMES: What is the point?

Hon. H. A. STEPHENSON: The hon. member will find out later on.

Amendment, by leave, withdrawn.

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

Hon. A. LOVEKIN: Paragraph (d) sets out that the Governor may, by regulation, provide that no person shall sell, expose for sale or "have in his possession for sale" bran, pollard or other prescribed food for stock unless the regulations are duly observed. It is going too far when the Bill includes provision regarding persons having certain goods in their possession for sale. It should be sufficient to provide for the exposure for sale. A person may purchase bran or pollard from a wholesale merchant and he would have it in his possession without any knowledge that it is adulterated. Such a person should not be liable to a penalty.

The CHIEF SECRETARY: I disagree with Mr. Lovekin's contention. I regard the inclusion of those words as necessary. It might be that large supplies of adulterated stock food were kept in a warehouse, and they would not be exposed for sale.

Hon. A. LOVEKIN: The goods might be in a warehouse but the liability to a penalty should not be incurred unless the goods were exposed for sale. I move an amendment—

That in line 2 of paragraph (d) the words "or have in his possession for sale" be struck out.

Hon. H. A. STEPHENSON: There is no need to fear what Mr. Lovekin has indicated, because no merchant is likely to buy goods of this description without securing a certificate guaranteeing that the goods comply with the requirements of this measure. He would be silly if he did not protect himself to that extent.

Hon. J. NICHOLSON: But the paragraph may apply to goods other than bran and pollard, for instance.

Hon. A. LOVEKIN: And no protection will be provided for the merchant.

The CHIEF SECRETARY: The proviso to Clause 7 will afford ample protection to meet a case such as Mr. Lovekin has in mind. If we agree to his amendment, we will drive a hole in the Bill that will exempt everyone who has stocks in a warehouse. It is not sufficient to say that a man shall not expose goods for sale; it is essential that we shall include the words regarding such a man having the goods in his possession.

Hon. J. NICHOLSON: The proviso to Clause 7 affords the protection the Chief Secretary suggests only to any person who sells an article for use as food for stock. It does not refer to a person who may unwittingly have in his possession goods that do not comply with the provisions of the Bill.

Hon. J. R. BROWN: Under the liquor laws, a licensee who has a bottle of adulterated whisky on his shelf is prosecuted.

Hon. Sir WILLIAM LATHLAIN: Mr. Stephenson made the position clear when he indicated that a dealer would take care to secure a certificate exempting him from liability. There is no need to consider some of the impossible positions that have been referred to as being likely to arise.

Hon. A. LOVEKIN: The merchant is not protected, as has been suggested. The protection afforded by Clause 7 merely protects the seller after he has secured a certificate. A man who has goods that are not

up to standard in his possession will not have that protection.

Hon. H. A. STEPHENSON: But when a merchant buys, he secures a certificate guaranteeing that the goods are of a certain quality. When he receives the goods he examines them, and if they are not up to standard he will refuse to take them. If he does take them, it is only after an agreement has been arrived at as to certain considerations.

Hon. A. LOVEKIN: If a grocer purchases a bag of bran or a bag of pollard to supply his retail customers, and the bran or pollard proves to be below standard, it is not right that he shall be penalised, merely because he has those goods in his possession.

Amendment put and negatived.

Clauses, as previously amended, agreed to.

Clause 5—Invoice certificate:

The CHIEF SECRETARY: The clause contains provisions that will enable persons selling food for stock to register the name of the food, together with particulars and percentages, at the Department of Agriculture. The provision for the imposition of a fee for registration has been overlooked. The fee to be charged will be a nominal one, but there should be some payment for services rendered. I move an amendment—

That in line 5 of Subclause (6), after "agriculture," the words "on payment of the prescribed fee" be inserted.

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

Clause 6—agreed to.

Clause 7—Penalties for breach of duty by seller:

Hon. J. NICHOLSON: There is a proviso to this clause to the effect that a person shall not be convicted of an offence under paragraph (b) if he proves certain things. There is no such proviso to Clause 4 and I propose to add to the proviso in Clause 7 the words "or under Subsection 2 of Section 4 thereof."

The Chief Secretary: It might be better to recommit the Bill and move the amendment then.

Hon. J. NICHOLSON: Very well, I agree to that course.

Clause put and passed.

Clauses 8 to 22—agreed to.

First Schedule—agreed to.

Second Schedule:

HON. H. A. STEPHENSON: The paragraph relating to pollard reads:—"Pollard shall consist of the products of milling wheat other than flour and bran." Pollard consists of flour and bran or wheatmeal. If we permit the paragraph to remain as it is, it will not be possible for anyone to deliver bran and pollard. I propose to strike out the words "other than flour and bran" and to make the opening sentence read "Pollard shall be a by-product of milling wheat in which there shall not be more than 1 per cent. of foreign ingredients." Then there will be no difficulty in people who sell bran and pollard being able to do so in accordance with the schedule. I move an amendment—

That in line 1 the words "consists of the products" be struck out, and "be a by-product of" be inserted in lieu; and in lines 1 and 2 the words "other than flour and bran" be struck out.

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

Title—agreed to.

Bill reported with amendments.

## **BILL—FORESTS ACT AMENDMENT.**

### *Assembly's Message.*

Message from the Assembly received and read, notifying that it had disagreed to the amendment made by the Council.

## **BILL—ABATTOIRS ACT AMENDMENT.**

### *Assembly's Message.*

Message from the Assembly received and read, notifying that it had disagreed to the amendment made by the Council.

## **BILL—WHEAT BAGS.**

### *Second Reading.*

Debate resumed from 17th October.

HON. A. LOVEKIN (Metropolitan) [7.56]: I intend to oppose the second reading of the Bill for the reason that the expense involved in branding wheat bags will be considerable, and will add to the cost

of living, which is already very high in this State. We may also find ourselves in the position of having a union of bag branders and an application being made to the court for increased rates of pay. In any case the consumer of wheat will obtain no benefit from this proposed legislation and therefore I shall oppose the Bill.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [7.58]: I intend to support the Bill. During the week end I made a trip to Merredin to visit the State farm. I met a farmer there whom I knew personally and he expressed opposition to the measure. During the evening the Agricultural Society entertained us and one of the subjects upon which they were particularly keen was that of branding bags.

HON. J. CORNELL: It is the child of their creation.

HON. SIR WILLIAM LATHLAIN: I was not present when the Chief Secretary moved the second reading and I was not aware when the Bill was submitted that it had the support of the Royal Agricultural Society. If we have two organisations expressing their views in favour of legislation of this kind, organisations so representative of the agricultural industry, surely their views should be worthy of consideration. In addition, we have the support of Mr. Baxter who himself is a practical farmer. He knows from experience that there will be very little expense attached to the branding of bags. Further, we have the support of Mr. Hamersley who is also an agriculturist.

HON. J. CORNELL: He has not said a word about it yet.

HON. SIR WILLIAM LATHLAIN: Then he will support the Bill.

HON. A. LOVEKIN: What about the Western Farmers?

HON. SIR WILLIAM LATHLAIN: There is a good deal to be said, probably more than has been said here, in favour of the branding of bags. We know it will safeguard a great deal of wheat against being stolen. If stolen wheat is contained in branded bags, it will be necessary for the thief to take the wheat out of those bags in order to escape detection. If I were a farmer, I should brand my bags and stand by the produce I had to sell. If I produced a good article I should feel that it would be a good advertisement for me to brand it, and that thus I would secure a better price in the

following year. The branding of wheat bags will be in conformity with other usages obtaining at present. We brand fruit, and that is a different thing altogether, because it is necessary to brand so many kinds of fruit. Wool is branded, as indeed is practically the whole of the produce submitted for sale.

Hon. J. Cornell: One is not forced to brand wool or fruit-cases.

The PRESIDENT: Order!

Hon. Sir WILLIAM LATHLAIN: We do many things that we are not forced to do. They become a custom of the trade. It will become a usage of trade to brand wheat. When parties closely interested desire the branding of wheat, we who do not know so much about the matter as they do, should be guided by their requests. I support the second reading of the Bill.

HON. V. HAMERSLEY (East) [8.3]: Sir William Lathlain was perfectly correct in stating that I intend to support the measure.

Hon. H. A. Stephenson: Have you ever branded your wheat bags?

Hon. V. HAMERSLEY: I have no hesitation in assuring the House that we all branded our wheat bags, and in fact were forced to do so, when the Government controlled the wheat. It was found that much inconvenience was occasioned in tracing people who were dodging the regulations by which it was hoped to ensure that only good wheat would be put into the Government pool. Various agents were receiving wheat. They were supposed to receive only good wheat, and many of them refused wheat because it was not of the right quality or because there had to be considerable deductions on account of smut or other impurity. The farmer concerned then would probably go to some other agent and, under promise of making all his purchases from that agent in the following season, would succeed in getting his wheat received into that pool.

Hon. J. Cornell: That pool? There was only one pool.

Hon. V. HAMERSLEY: I refer to the Commonwealth compulsory pool. It was found to be highly necessary to insist on every producer branding his bags, so that inferior wheat could be traced. The same thing holds good to-day. At that time this Chamber passed, with applause, a measure providing for the branding of wheat bags

because the State Government were financing a number of settlers outback and wanted to be able to follow the production of farms which were being assisted with public money. Moreover, there were leakages.

Hon. J. Cornell: Is the hon. member referring to the poor farmer or the rich farmer of those days?

Hon. V. HAMERSLEY: I refer to all the farmers growing wheat. I have never come across a rich farmer yet. All the farmers work hard to feed the rest of the community, and while the rest of the community are well fed the farmer remains poor. He is the last man to obtain a return for his labour. I have not ceased branding my bags. In connection with all the wheat I have produced, I have insisted that the bags shall be branded; and I cannot say that I found the cost of much moment.

Hon. J. Nicholson: Then you must have a fair margin of profit.

Hon. V. HAMERSLEY: I have not come across the profit yet, but I know that I would have a much greater loss if I did not brand my bags. That is why I brand them. It is so easy for anyone travelling along the road at night to pick up perhaps 25 or 50 bags of wheat, and if there is no brand on any of the bags it is quite a simple matter to dispose of them. The farmers miss them from their paddocks. The people I refer to will not feel so inclined to pick up parcels of wheat if they know that the bags have been branded before the wheat is put into them. I fail to understand why there should be opposition to the Bill. The stock that I raise the law compels me to earmark and brand. Legislation exists compelling the stock owner to brand his sheep.

Hon. J. Cornell: For his own protection.

Hon. V. HAMERSLEY: The wheat farmer is only asked to brand his bags for his own protection. I regard the brand as important, and even essential. As mentioned by Sir William Lathlain, a man becomes proud of his brand. Eventually it becomes the hall mark of his production.

Hon. E. H. Harris: Then can you advance a reason why the majority of farmers do not brand their wheat?

Hon. V. HAMERSLEY: I should say a great many of them do brand it.

Hon. E. H. Harris: The majority?

Hon. V. HAMERSLEY: I do not know whether it is a majority. It may not be a

majority. But I do believe that the greater proportion of the wheat produced is branded. One farmer may be producing 10,000 bags of wheat and branding them, while 20 farmers all round him, not producing 2,000 bags, perhaps do not brand at all.

Hon. A. Lovekin: Is it the practice in the Eastern States to brand?

Hon. V. HAMERSLEY: I do not know what is done in the Eastern States, and I do not mind what is done there. It has nothing to do with this measure. The brand on wool has an important bearing on the sale of the wool.

Hon. E. H. Harris: Is it the same with wheat?

Hon. V. HAMERSLEY: Wheat is sold in very large quantities. Fruit also is frequently sold in large quantities, and entirely on the brand. People buying fruit in cases bearing a certain brand do not even require them to be opened.

Hon. J. Cornell: But do people—

The PRESIDENT: Order! I must ask hon. members to allow the hon. member to proceed with his speech.

Hon. V. HAMERSLEY: The request for this legislation has come from the Homeland. The blame for inferior wheat is put upon the shoulders of Australia, and consequently we do not get the full advantage of the quality of wheat produced here. This is simply due to want of sufficient care in grading. Canada has a system under which various grades of wheat are marketed. In our case it is all one grade—Australian wheat. We are suffering because a certain amount of foreign matter is found in a portion of our wheat, and some of that portion gets into every one of our shipments. At present we are not able to trace the men who supply wheat of inferior quality. We want to find out who those people are. It will readily be understood that occasionally some one allows foreign matter to get into the wheat bags by way of increasing the weight, and that it is difficult to sheet that offence home.

Hon. J. Nicholson: Could it be sheeted home to a person who branded his bags? Certainly the man with branded bags would not put foreign matter into them.

Hon. V. HAMERSLEY: It would be possible to trace the person who had sent in the branded bags in which the foreign matter was found.

Hon. J. Nicholson: That would not prove that he put the foreign matter there.

The PRESIDENT: Order!

Hon. V. HAMERSLEY: To prove my case, I will give an instance connected with the wool trade. Years ago, as many hon. members will be aware, there were no wool presses on certain stations and farms, and the practice was to press the wool with a stone, working right round the stone, which fitted into the bale. The wool was then worked down with a spade. On one place, when it came to the last bale, the mistake was made of sewing the stone up in the bale of wool. That last bale, of course, topped all the others in point of weight. It was shipped to London after being carted over a hundred miles to Fremantle. Fortunately there was a brand on that bale, and in due course the man who had shipped the stone along with the wool received a carefully done-up package from the Old Country, with a debit for the amount of outward freight to pay on it. His account was a fairly stiff one. The people in London had been able to follow up that man, and had returned to him a packet containing the foreign matter he had sent in the wool. We want to do the same thing with people who injure our credit as a wheat-growing country. I can readily understand that some people feel that the branding of wheat bags might injure their trade. That, it seems to me, is the only reason why objection is raised to the branding of bags. I have come in contact with many farmers and know that the branding of bags is not a matter of serious expense to them. Indeed, there is a consensus of opinion in favour of branding.

Hon. J. Cornell: I met a hundred farmers last Saturday, and not one of them wanted it.

Hon. V. HAMERSLEY: Producers are proud of the brand they put on their stock or on their fruit cases. The public know that certain brands carry the assurance of a good article, while other brands cover inferior stuff. As for the expense, it has never worried me. The brands have been a very great safeguard indeed.

Hon. A. Lovekin: What does it cost you to brand a bag?

Hon. V. HAMERSLEY: I think one could brand a thousand of them in a couple of hours.

Hon. E. H. Harris: By machinery?

Hon. V. HAMERSLEY: No, certainly not.

*Personal Explanation.*

Hon. H. A. STEPHENSON: May I be permitted to make a personal explanation? Mr. Hamersley said that when the Government wheat pool was formed it was absolutely necessary that all putting wheat into the pool should brand their bags. I wish to say that during that time I bought hundreds of thousands of bags of wheat from the wheat pool, yet so far as I know not one of them was branded. Also, that I put wheat into the pool, and was never asked to brand the bags.

*Debate resumed.*

HON. J. J. HOLMES (North) [8.18]: On reading the speech made by the Minister for Agriculture when introducing the Bill in another place, I practically decided to vote against the Bill. Having heard Mr. Hamersley's speech to-night, I have definitely decided to vote against the Bill. One often hears it said that, despite all, the farmers remain poor. Of course the farmer is bound to remain poor if at every opportunity we pile additional expense on him. He has to produce wheat under a tariff that is over-burdening him; he has to pay rates of wages and furnish conditions that do not exist in any other wheat country in the world; and then he has to sell his product on the world's market. Yet every opportunity is taken to put some additional expense on him. Now Mr. Hamersley, who claims to represent farmers that steal one another's wheat, wants to put an additional expense on the farmer by making him brand his bags.

Hon. V. Hamersley: I wish to assure Mr. Holmes and the House I did not say it was necessarily farmers that were taking one another's wheat. It is not only the farmers that are taking one another's wheat; a great many other people also help themselves.

Hon. J. J. HOLMES: Sir William Lathlain told us he went on a tour through the country and came back altogether satisfied, after a very pleasant outing. Of course we know that Sir William Lathlain is a teetotaler. However, he came back infatuated with the Bill. As a kiddie I was taught that a cobbler should stick to his last. I should like to ask Sir William Lathlain, this: if it is proper that bags containing wheat produced by the farmer should be

branded, why should not everything else be branded? Why should not Sir William be compelled to brand every pair of boots he sells, every pair of socks he sells, every collar he sells, and every pair of bloomers that he sells? But of course that would be cutting into his storekeeper's profits and putting an additional expense on the storekeeper. Consequently there would be an immediate outcry against that. At all events, if we are going to brand wheat bags, why not brand all bags? Why not brand oat bags, chaff bags, barley bags, bags of potatoes and bags of coal—why not brand everything? Wheat is delivered at the sidings, either to the miller or to the merchant. And the merchant has his representative standing by, testing every bag to see that it is up to standard. Yet the merchant, instead of carrying out his duty by protecting the client for whom he is buying, instead of properly examining the wheat, allows, it would seem, inferior wheat to slip through. Then he gets himself into the position where he does not know whose wheat it is that has slipped through, and so he wants to come back on the farmer and put him to the expense of doing the job that the merchant, the wheat buyer, ought to do himself. I say, let the wheat merchant either accept the wheat on delivery and brand it himself, or refuse to accept it. The Minister who introduced the Bill in another place practically threw the measure at the House, saying, "This has been suggested by the agricultural society."

Hon. Sir William Lathlain: Not by the agricultural society.

Hon. J. J. HOLMES: As far as I know, not much attention is paid by the agricultural society to wheat growers.

Hon. H. A. Stephenson: None whatever; this has never been discussed by them.

Hon. J. J. HOLMES: The Minister said the agricultural society wanted it and that the wheat merchant wanted it.

Hon. G. W. Miles: The wheat merchant does not want it.

Hon. J. J. HOLMES: The wheat merchant wants it because it will save him the responsibility of doing the job he ought to do. Also the Minister in another place said the Government did not propose to do anything in the matter; even if the Bill passed. Apparently they considered it was not their job, and that if the wheat buyer chose to buy wheat not up to the standard;

it was his own responsibility. However, it seems the Government do not propose to do anything in the matter.

Hon. H. A. Stephenson: Quite right.

Hon. J. J. HOLMES: So we get to the stage where a lot more expense is to be passed on to the wheat producer. Mr. Hamersley said he always brands his wheat. There is nothing to prevent him from doing that if he wants to, indeed nothing to prevent anybody from doing it. It should be optional, as it is now. If, as Mr. Hamersley said occasionally occurs, a man finds his wheat being stolen, all he has to do is to put a brand on it. If he does that and it is stolen, he can trace it. Mr. Hamersley asked why we brand cattle and sheep. The answer is because they roam at large, here, there and everywhere. But wheat is put into a stack, and if one thinks that anybody is stealing it, all he has to do is to put his brand on it. It must not be thought that because a few thieves in one or two localities are stealing wheat, every wheatgrower, whether honest or dishonest, ought to be compelled to brand his wheat and so deplete his small margin of profit. It has been suggested that wool is branded. That is so. The name of the station and the name of the owner is put on the bale. The owner does that for his own convenience. He is not compelled to do it. One can sell all the wool he has without branding it, but he can rest assured that whether it is branded or unbranded, the buyer takes no notice of the brand, but buys the wool irrespective of the brand. While Mr. Hamersley suggests that jokes have been put up on the wool buyers in days gone by, he can rest assured that the growers do not put up many jokes on the wool buyer to-day. I know of one big wool grower in the community who had a fine class of sheep and consequently a fine class of wool. He put his wool on the London market and made a name for it. Later on he bought a lot of inferior sheep and put their wool into bales under his own particular brand and submitted it on the London market. The buyers were caught that year, but in the following year that grower could not get a bid for any of his wool.

Hon. V. Hamersley: Yet you say they take no notice of the brand.

Hon. J. J. HOLMES: I was speaking of days gone by, when perhaps jokes could be put up on the buyers. The hon. member

suggested big stones being put into the bales. That, I think, was somewhat exaggerated. I know that if anybody sent a big stone to me in that way I would not pay the charges on it. Still, that does not matter. I was pointing out what had been done in the wool business in the past; to-day one can brand his wool as he likes, but the buyer, before buying it, knows exactly what is in the bale. Judging from the remarks of Mr. Hamersley, the people with whom he comes into contact are those producing wool who put stones into the bales, and those producing wheat who steal from one another. I should say those people have done a lot towards making the overseas buyer alert, and determined to see that he gets what he is entitled to. Mr. Hamersley referred to the grading of wheat. There is nothing in the Bill about grading. So long as one brands his bags he will be conforming to the Bill and can put into the bags any rubbish he likes. There is no necessity for the Bill. Anybody who wants to brand his wheat can do so. But if we are to make it compulsory to brand wheat, then by all means let us make it compulsory to brand everything that goes into bags, and follow it up by making the storekeeper brand everything he sells. Then, if anybody should buy an article not right up to the standard, it will be merely a question of tracing the bag to where it came from. Let us be logical. If we are going to brand wheat bags, let us brand everything. I will oppose the second reading.

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

## BILL—CITY OF PERTH SUPER-ANNUATION FUND.

*To refer to Select Committee.*

Debate resumed from the 18th October on the motion by Hon. A. Lovekin that the Bill be referred to a select committee.

HON. E. H. HARRIS (North-East) [8.27]: I wish to say a word or two in support of the motion that the Bill be referred to a select committee. I do that, believing that if members had realised what the Bill will mean to the ratepayers of Perth it would never have passed the second reading. It has been said, not by the member who moved the second reading, but in

another place, that the City Council would follow on the lines of the Commonwealth superannuation fund. That fund covers thousands of employees and is framed on the basis of every employee subscribing. So it is obvious from the few notes in the Bill before us that it is impracticable in this instance. First of all it is set out that the municipality may have a superannuation fund for any class or classes of employees. Mr. Franklin, when replying to the debate, did not vouchsafe an answer to any of the questions submitted. If he speaks to the motion now before us, I should like him to tell the House something in reply to the questions I have put up, and which so far he has failed to do. Will he please answer these questions? 1, Will the superannuation fund cover all the employees of the council? 2, If it does not cover them all, will those whom it does not cover be entitled to come within the scope of Section 155? 3, What will be the age limit? 4, On what basis has it been decided that the scale of charges shall be? These are important questions, and I submit the House should have information on them before granting the power sought. If the matter were referred to a select committee, there would be an opportunity to examine witnesses who would be able to furnish data, if any has yet been compiled, as to the basis on which it is proposed to establish the scheme. From that data the committee would be able to form an opinion whether the scheme was practicable. As Mr. Franklin has failed to reply to the criticism levelled at the Bill, he will now have an opportunity to advance reasons why the measure should not be referred to a select committee. Personally I thought he would herald the proposal with a certain degree of pleasure, in order that the House might be armed with the fullest information before granting the council the power asked.

**HON H. SEDDON** (North-East) [8.31]: I support the request for a select committee because I feel that, before we commit the ratepayers of Perth to a scheme that may involve them in considerable expenditure, we should be able to place before them the facts disclosed by an actuarial investigation. I understand that this scheme will not apply to the whole of the employees; it is intended to apply more particularly to new employees. A scheme, to be successful, should be introduced by means of an amendment to the

local governing bodies' Acts—not only the Municipal Corporations Act but the Road Districts Act—and provide for all the officers to come under a superannuation scheme. Such a scheme, by reason of its greater breadth and closer conformity to actuarial tables, would be more likely to be successful than the scheme originated by the Perth City Council. If the motion for a select committee be defeated, it is my intention to move the following amendment in Committee—

That the following be inserted to stand as Clause 4:—“Notwithstanding the provisions of the Interpretation Act, 1908, no bylaw authorised by Section 2 of this Act shall come into force or have any effect until the same has been laid on the Table of each House of Parliament and not disallowed.”

Question put and passed.

#### *Select Committee Appointed.*

**HON. A. LOVEKIN:** I move—

That the select committee consist of five members, with power to call for persons and papers, to sit on days over which the House stands adjourned, and report on the 6th November.

I think I have the right to ask that the select committee be appointed by ballot.

**THE PRESIDENT:** Members to serve on the select committee shall be nominated by the mover, but if one member so demands, they shall be selected by ballot.

**HON. A. LOVEKIN:** I presume I shall have to move in the first instance and then some other member may suggest a ballot, or may I suggest it?

**THE PRESIDENT:** There is no reason why the mover should not demand a ballot if more than five members are nominated.

Question put and passed.

On motion by **HON. A. LOVEKIN**, select committee appointed consisting of **Hons. J. T. Franklin, H. Seddon, W. J. Mann, G. Fraser** and the mover.

#### **BILL—BUNBURY ELECTRIC LIGHTING ACT AMENDMENT.**

##### *Second Reading.*

**HON. E. ROSE** (South-West) [8.39] in moving the second reading said: This is a short Bill comprising only one clause and is brought forward to permit the Bunbury

Municipal Council to increase its power of borrowing. It is desired to improve its electric lighting plant at Bunbury, and to do that it is necessary to provide for increased finance. At present the council's borrowing power is £25,000 and the Bill seeks to increase that limit to £35,000. The electric plant now in use is obsolete and almost worn out, and it is absolutely necessary that new plant be installed. The estimated assets at the 30th September, 1927, totalled £32,000. The total loan flotation is £16,500, less an amount of £6,994 paid into the Treasury by way of sinking fund. The installation of the new plant and buildings will cost £15,000, but like all estimates, that amount may be greatly exceeded. The council asks for the increased borrowing power to £35,000 in order to leave sufficient balance to cover any additional expense.

Hon. H. Seddon: Is coal power being used by the council?

Hon. E. ROSE: It is at present.

Hon. V. Hamersley: Is it the council's intention to use coal in future?

Hon. E. ROSE: I did not desire to introduce the question of coal versus crude oil for power purposes, but I believe it is the intention of the Bunbury council to install a crude oil plant. Whether crude oil or coal is used, it will be necessary to increase the council's borrowing power. The increase asked for is not great, and I believe the ratepayers of Bunbury favour it. The present plant is expensive to operate, and the proposed plant will effect a big saving in the cost of current production. The people of Bunbury are paying 9d. per unit for electric light, a big amount considering that town is comparatively close to the Collie coalfield, and coal delivered at Bunbury is much cheaper than delivered at Perth. The capital account of the scheme shows loans amounting to £17,000 and revenue totalling £11,638. The net profit for the year 1927, after paying interest and sinking fund, was £128. If the capital be increased by £10,000 it is expected that the profit will be much greater. I do not think it is necessary to speak at any great length on this question. Various municipalities at different times have sought authority for increased borrowing powers, and as the Bunbury municipality is in a financially sound position, I see no objection to the increased power being granted. I do not agree with the idea

of the municipal council going in for a crude oil power scheme, but that after all is a matter for the ratepayers. No doubt a referendum will be taken as to the purpose for which this money shall be borrowed. It is unnecessary for me to say more on the subject at this juncture. I move—

That the Bill be now read a second time.

**HON. J. EWING** (South-West) [8.46]: Mr. Rose has said practically all that need be said on this Bill. There can be no objection to it. The money is required for replacing an obsolete plant, whether the municipal council decides to use coal or oil in the new one.

Hon. H. Seddon: I thought you wanted a power scheme at Collie.

Hon. J. EWING: I really do take strong exception to the scheme that has been put forward by the Bunbury Municipality. It is not in the best interests of the State. That, however, is the business of the ratepayers. Many oil plants are being used in the State for the generation of electricity, but my belief is that the products we have in our midst should be used for that purpose. I have no desire to criticise the municipal council in question. When this Bill becomes law the ratepayers will be asked whether they want a crude oil plant or a coal-burning plant. We must give credit to the local authority for having some common sense, and for believing that oil will be cheaper than coal. Many aspects of the question require to be considered, and all may not have been considered by the council. I hope, as a result of this debate, and when the local authority sees what the feeling of the House is, further consideration will be given by the council to this matter. There is no doubt that in the interests of Western Australia local coal should be used for all these purposes, rather than that we should burn crude oil imported from a foreign country. The position is very clear. The local people want this Bill, and the money is required for the installation of a better electric lighting service. I trust, however, that the Bunbury Council will see the error of its ways and give further consideration to the question of using the products we have in this State.

**HON. SIR WILLIAM LATHLAIN** (Metropolitan) [8.47]: I am somewhat astonished at the remarks of Mr. Ewing, which show that he is supporting the Bill when he already has before the House a motion that deserves the hearty support of all members.

**Hon. J. Ewing:** This will not affect the motion.

**Hon. Sir WILLIAM LATHLAIN:** Yes, it will. All these little things affect the subject matter of that motion. The Bunbury Municipality wants £35,000, and £250,000 will be required for the East Perth power station. No doubt some other municipality will want money for some other lighting scheme. If we go on spending money in dribs and drabs in this way, we shall never have a national power generating scheme. These small schemes will never satisfy the requirements of all the municipalities, whereas a national scheme would provide something of a tangible and permanent nature. During the debate on Mr. Ewing's motion the Chief Secretary said that £800,000 had already been expended at East Perth, and that another quarter of a million was required.

**Hon. J. Ewing:** It was £300,000.

**Hon. Sir WILLIAM LATHLAIN:** Apparently the sum of a few hundred thousand is neither here nor there. That will not last long. The big scheme was to cost £1,500,000. That amount will soon be accounted for if we go on spending £300,000 here and £35,000 there. Possibly Busselton and other places will also want authority to raise money for the same purpose. I cannot see my way to support the Bill. With the coal supplies we have at command we should embark upon a big national electric power scheme. If, however, we are going to divide the business in this way, so much being spent at one place and so much at another, we shall never get on with that national scheme. I shall oppose the Bill.

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

*House adjourned at 8.52 p.m.*

## Legislative Assembly.

*Tuesday, 23rd October, 1928.*

|   | PAGE |
|---|------|
| Assent to Bills ...   | 1353 |
| Questions: Railways—1, tickets examination; 2, rail anchors ... | 1353 |
| Motion: Government business, precedence ...                     | 1354 |
| Bills: Quarry Railway Extension, 18. ...                        | 1354 |
| Jury Act Amendment, 18. ...                                     | 1354 |
| Fertilisers, returned ...                                       | 1354 |
| Forests Act Amendment, Council's amendment ...                  | 1354 |
| Abattoirs Act Amendment, Council's amendment ...                | 1356 |
| Land Tax and Income Tax, 28. ...                                | 1353 |
| Water Boards Act Amendment, Governor's Message, Com. ...        | 1360 |
| Prostitute Prevention, Com. ...                                 | 1378 |
| Annual Estimates: Votes and Items discussed ...                 | 1368 |
| Crown Law Offices ...   | 1363 |

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

### ASSENT TO BILLS.

Message from the Governor received and read, notifying assent to the under-mentioned Bills:—

- 1, Industries Assistance Act Continuance.
- 2, Kulja Eastward Railway.

### QUESTIONS (2)—RAILWAYS.

#### *Tickets Examination.*

**Hon. G. TAYLOR** (for Mr. J. H. Smith) asked the Minister for Railways: 1, For what reason was a raid made on Bunbury trains at Wokalup on the 17th September, 1928, by inspectors? 2, Do the Railway Department doubt the honesty of ticket examiners? 3, Are the inspectors who made the examination of passengers' tickets qualified for the work?

The **MINISTER FOR RAILWAYS** replied: 1, This was done in accordance with the ordinary business procedure of exercising a check over work involving the collection of cash. 2, Answered by No. 1. 3, Yes.

#### *Rail Anchors.*

**Mr. NORTH** (for Mr. Teesdale) asked the Minister for Railways: 1, Is he aware that two years ago an exhaustive test was made on the State lines of a locally made rail anchor or anti-rail creeping device, and that after testing it for three years on a heavy