

## BILL—HIGH SCHOOL ACT AMENDMENT.

### Council's Message.

Message from the Council received, notifying that the amendment made by the Assembly had been agreed to.

## RESOLUTION—COMMISSIONER OF RAILWAYS.

### Council's Message.

Message from the Council received, notifying that the following resolution transmitted by the Assembly for concurrence had been agreed to:—

That the appointment by His Excellency the Governor of Lieutenant-Colonel Harold Pope, C.B., as Commissioner of Railways, at a salary of £2,000 a year, in the terms of the Executive Council minute laid on the Table of the Legislative Assembly on the 25th day of August, 1920, be approved.

*House adjourned at 10.10 p.m.*

## Legislative Council,

*Tuesday, 5th October, 1920.*

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

## QUESTION—IRWIN COAL SEAM.

Hon. J. W. HICKEY asked the Minister for Education: 1, In view of the importance of the boring operations on the Irwin coal seam, will the Government consider the advisability of working two shifts instead of one as at present? 2, What is being done to provide water for boring operations during the summer months?

The MINISTER FOR EDUCATION replied: 1, This work needs men of experience who can be relied upon to exercise very great care. Skilled hands are not available to work another shift. 2, The work is expected to be completed shortly, and present water supply should see it through.

## QUESTION—LAND VALUATION.

Hon. J. E. DODD asked the Minister for Education: 1, Has any valuation of land ever been made by the Government for the purposes of the Land and Income Tax Act? 2, If so, when? 3, If not, upon what valuations is the tax assessed?

The MINISTER FOR EDUCATION replied: 1, Yes, of all the lands of the State. 2, In 1909, and thereafter revaluations have continually been made by officers of the Department to keep values up to date. 3, Answered by 1 and 2.

## QUESTION—ESTATES PURCHASED.

Hon. J. E. DODD asked the Minister for Education: 1, Is there any record of the prices paid by the first purchasers for the properties recently acquired by the Government at Herdsman's Lake and the Peel Estate, and also the land known as the Limekiln Estate, acquired by the Perth City Council for £18,000? 2, What is the area, and how much did the Government pay for the Peel Estate and Herdsman's Lake? 3, What is the value of the improvements effected on these two properties?

The MINISTER FOR EDUCATION replied: 1, Herdsman's Lake and Peel Estate properties were free grants to the original holders. Of the Limekiln Estate, 160 acres were granted at 10s. per acre; the balance of the area, 1,290 acres, acquired by the City Council, being free grant. 2, Peel Estate, 61,005 acres, £24,402. Herdsman's Lake—(a) 1,073 acres 1 rood, £10,732 10s.; (b) 202 acres 1 rood 24 perches, £3,036. 3, Nil.

## LEAVE OF ABSENCE.

On motion by Hon. F. A. BAGLIN, leave of absence for twelve consecutive sittings granted to the Hon. A. H. Panton (West) on the ground of urgent private business.

## HOUSE COMMITTEE.

On motion by the MINISTER FOR EDUCATION (Hon. H. P. Colebatch) resolved: "That in order to relieve the President of the duties imposed on him as an ex officio member of the House Committee, the Hon. J. J. Holmes be appointed a member of this committee, to act for him during the period of the present session."

## BILL—WESTRALIAN MEAT WORKS.

Report of Committee adopted.

## BILL—PREVENTION OF CRUELTY TO ANIMALS.

Second reading.

Debate resumed from the 30th September.

The HONORARY MINISTER (Hon. C. F. Baxter—East) [4.38]: In glancing over the measure I notice that most important sections from the existing Act have been omitted from the Bill. The memorandum accompanying the Bill refers to the re-enactment of provisions of Act No. 32 of 1912. As a matter of fact, the number of the existing Act is 33.

Hon. J. Duffell: That is a misprint; No. 33 is correct.

The HONORARY MINISTER: Paragraph (b) of Section 4 of the Act states—

Any person who wantonly or negligently fails to supply any animal with proper and sufficient food or water, or as regards animals other than those running at large, or on a journey with sufficient protection against inclement weather, shall on conviction be liable to a penalty not exceeding ten pounds.

In the present Bill the words "wantonly or negligently" and "or as regards animals other than those running at large, or on a journey" have been omitted, and they are most important words. As the clause now stands it will mean that protection in the way of sheds or rugs will have to be provided for sheep or other stock running in a paddock. One naturally wonders why those words should have been omitted from the present Bill. Paragraph (i.) makes it an offence to work any horse or cause any horse to be worked for more than 48 hours per week. This provision will create a great many difficulties. Take the teamster on the road: how will he get on if he is restricted to working his horses to 48 hours a week? Such a restriction will also be a handicap in the wheat growing districts, and those farmers who are situated at a distance from the railway will necessarily have to curtail their work. Farmers and others respect their stock for their own if not for its sake. They take care of their stock and do not overwork it. To cut down the hours of work for a horse to 48 hours per week, particularly when officers of the society are so exacting in their administration of the Act, will do very serious harm to owners of horses. We all know that the work on a farm and cropping in particular is governed by the area that a farmer is able to harvest in a given time. If the farmer is compelled to work his horses only 48 hours a week during the summer time, what will be the result? Under existing conditions he has to take advantage of every moment, not every hour, in order to harvest his grain. During the whole of the time until the grain is harvested, the farmer

is in fear of storms, fires, wind, hail and other disadvantages, and he has to avail himself of every moment to get the grain safely into the bags. If a hard and fast rule of 48 hours work per week for his horses is introduced, he will be placed at a tremendous disadvantage and increased costs must be the outcome. Between seasons the farmers' horses are recouping for this particular work.

Hon. J. J. Holmes: Sometimes for months.

The HONORARY MINISTER: Yes, but if the farmer is bound down to work his horses only 48 hours a week, serious harm to the industry must result.

Hon. J. Ewing: The farmer does not work his horses continually.

The HONORARY MINISTER: No. Paragraph (k) of the same clause prohibits the administering of poison to any animal or exposing any poisonous substance with the intent that it shall be taken or swallowed by any animal. This would apply to cats and dogs which, in some instances, become very serious enemies. Is there to be no protection against the cat that goes to the fowl yard at night time and kills the chickens? Take the dog which destroys sheep, and the tame dog is worse than the dingo. Are we to have no protection in the way of laying poison to catch such dogs or are they to be permitted to go on killing the sheep? There are hundreds of dogs running about the country, dogs that are unclaimed by any owners, and the present Bill will debar us from laying baits for either cats or dogs that prove a nuisance in this way. There is an anomaly in the existing Act relating to the docking of horses. This anomaly should be rectified by the present Bill. Under the existing Act to dock a horse is an offence. That is not right. If a horse is not docked, the owner must resort to something worse and more painful, namely, pulling the hairs of the tail, which operation has to be repeated every 12 months. If the tail is allowed to grow, it becomes clogged with mud during the winter time and it is almost impossible to clear it, and the horse continually sweats and therefore loses condition, and cannot be kept in a fit state for its work. Most important of all is the danger that a horse not docked will get its tail over the reins. Almost weekly, or even daily, we hear of accidents in this connection. The docking of a horse is not as painful as the pulling of the tail which has to be done annually. I have seen horses that have had their tails docked with proper treatment standing in the stable and never stopping feeding while under the operation. Subclause 2 of Clause 5 provides that an animal subjected to an operation shall, during the whole time thereof, be so under the influence of some anaesthetic as to be insensible to pain. That means that a farmer would be compelled to administer an anaesthetic to colts which are being castrated and lambs which are being marked. An ordinary lamb marker gets through 400 to

600 lambs per day. How is an anaesthetic to be administered to every lamb?

Hon. J. Duffell: This provision is in the existing Act.

The HONORARY MINISTER: Yes, and I am pointing out the anomalies of the existing Act in the hope that they may be removed. Again, Subclause 2 of Clause 5 provides that an animal which has suffered one operation shall not be subjected to another. Now, an animal that has been castrated may be troubled with a growth in the eye, which is very prevalent in the State, or it may be suffering from fistula, another prevalent disease; and this Bill would prevent such an animal from being operated on for the growth in the eye or the fistula. Clause 8 is a most important clause, and it does not appear in the existing Act. It says—

Any constable, upon his own view of the commission of an offence under this Act, or at the instance of any other person who declares that he or she has seen such an offence committed, and who gives his or her name and place of abode to the constable, may lay a complaint against the offender for the purpose of the offender being dealt with according to law.

This is a very dangerous clause, as I shall proceed to illustrate. Some little time ago a farm employee was working a horse with bad shoulders. The owner tried for some weeks to get the employee to attend to the horse properly, but the employee would not do so, and he was dismissed on that account. The moment the man was dismissed he went to an inspector of the Society for the Prevention of Cruelty to Animals and gave the evidence required by this clause, with the result that the farmer, who was not in any way responsible, who in fact had discharged the employee for not attending to the sore shoulders, was brought before the court and a conviction was registered against him. That conviction stands to-day. I quite agree with the provisions of this clause so far as they refer to the constable, but in respect of the words "any other person" it is a most dangerous clause.

Hon. J. Duffell: It is copied word for word from the old Act.

The HONORARY MINISTER: I do not think so. Clause 9 reads—

Any constable or officer of the Society for the Prevention of Cruelty to Animals, without any warrant, at any hour of the day or night, may apprehend any person who shall cruelly or wantonly beat, ill-treat, over-drive, over-load, abuse, or torture any animal . . .

That power is already conferred on a constable, but it is going altogether too far to say that it shall be conferred on any officer of the Society for the Prevention of Cruelty to Animals. We know that that society sometimes appoints as inspectors persons who are faddists, and who will stop at hardly anything. The parent Act refers to constables in this connection, but makes no mention of inspectors of the society. Clause

9 is another very dangerous clause. Again, let me draw attention to Subclause 4 of Clause 12, which provides—

Whenever, in the opinion of a constable or officer, any animal is so weak, disabled, or diseased, or as the result of an accident, or from any other cause, sustains such injuries that its recovery is impossible, such constable or officer may, upon obtaining the order of a justice, or the consent of the owner, immediately kill such animal.

Who is going to be the judge of the condition of the animal if there is no veterinary surgeon available? What qualifications has a constable, or an officer of the society, to decide that an animal is so diseased, or so injured, that it must be destroyed? If there is any amending of the parent Act to be done, certainly the section corresponding to this clause should receive attention. Again, Section 16 of the parent Act, which corresponds to Clause 15 of the Bill, provides—

Whenever it appears to the satisfaction of a court on the oath of a reliable witness that an offence against this Act has been, or is being, or is about to be committed, on or in any premises, such court may authorise the deponent or a constable to enter such premises and inspect any animal confined or kept therein.

It requires a prophet to say when an offence is about to be committed. The words "or is about to be committed" should be struck out. Now let me draw attention to paragraph (d) of Clause 29, which says—

The expression "bull" includes any cow, bullock, heifer, calf, steer, or ox . . . Whoever is responsible for the drafting of the Bill should have recognised that the proper word to use was "cattle" and not "bull." If this measure passes the second reading, it will need many amendments in Committee.

Hon. H. STEWART (South-East) [4.55]: The last speaker has drawn attention to some points which I had intended to raise. I have been through this Bill and have made my mark against a number of clauses. Having compared the Bill with the parent Act, I see that various sections of the Act have been transferred to this Bill, but with alterations which make a considerable difference. In this connection Mr. Baxter has drawn attention of paragraph (b) of Subclause 1 of Clause 3, relating to the supply of food and water, and to protection against inclement weather. The same thing applies to various other clauses. The main objection to the measure is that it gives great power to the officers of the Society for the Prevention of Cruelty to Animals. Those officers have not the same sense of responsibility as a police constable, not having passed through the same course of training as a member of the police force. Clause 14 is altogether too drastic. It provides—

Any magistrate may appoint, in writing under his hand, any officer, agent, or servant of any society for the prevention of cruelty to animals to be a special constable

to act for such time and within such limits as are appointed, and such special constable shall, during such time and within such limits, have, exercise, and enjoy, for the purposes of this Act only, all such powers, authorities, advantages, and immunities, and be liable to all such duties and responsibilities, as any constable of the police force of Western Australia.

I must oppose such a clause as that. It proposes to give altogether unjustifiable powers to persons other than police constables. Clause 13 is another of those provisions, referred to by the Honorary Minister, which are likely to cause difficulty in out-of-the-way places. It is all very well to pass such a measure as this to apply among dense populations and in places where the evils referred to in this Bill require to be combated. But we should not place on the statute-book an Act which will be a farce in the outlying districts. Under Clause 12 a constable or an officer of the Society for the Prevention of Cruelty to Animals may cause the destruction of an animal that is diseased, or said to be diseased. Let hon. members consider what would be the position if the constable or inspector wanted to call in a veterinary surgeon, assuming that one could be obtained—in many instances a veterinary surgeon would not be available within 30 miles. However, if a veterinary surgeon were called in, it would mean the imposition of a financial obligation upon the settler or the person who, very likely through no fault of his own, is in possession of the diseased or decrepit animal. It seems to me that there is a great risk, under this Bill, of the animal getting so much consideration that undue hardship will be inflicted on the human being. If the Bill gets into Committee, hon. members will need to be very careful about this aspect of the measure. The Honorary Minister having drawn attention to the matter of laying poison, I shall not refer to it further, except to say that we both realise that under the exemptions the laying of poison for the extermination of certain vermin is permitted. It has to be borne in mind, however, that more especially in agricultural areas as well as in settlements near the camps of aborigines, vermin of the very kind that is not exempted—that is to say, tame dogs not kept under control—are very prevalent. This brings me to another hardship, which arises under Clause 26. That clause deals with a person who has attempted to shoot a trespassing animal which has caused damage. The clause provides that the person who shoots the animal and does not kill it shall give notice to the owner and to a justice of the peace. I never hesitate to try to kill dogs that get amongst my sheep, but under the Bill it is necessary to find the owner, and if you do find him you do not like to tell him that you have had to destroy his dog. Then again, you may not be able to get hold of the owner, because you do not know who he is as the dog rarely carries a registration tag. It is putting up an impossible position to place a liability on people which cannot be fulfilled. There are objec-

tions also to other clauses to which attention can be drawn, but I think I have given sufficient instances to indicate that I am unlikely to support the second reading of the Bill, and if it gets into Committee all members will have to watch it very carefully as many clauses will need alteration.

Hon. J. Duffell: May I make a personal explanation?

The PRESIDENT: The hon. member will have the right to reply. Personal explanations can only be made in cases where a member has been misrepresented or misquoted.

Hon. J. Duffell: I merely desire to mention that when the Bill is in Committee—

The PRESIDENT: That is not a personal explanation.

Hon. J. Duffell: I thought it would save time if I stated that it was my intention when the Bill is in Committee to move to delete the particular clause to which the hon. member objects.

Hon. A. SANDERSON (Metropolitan-Suburban) [5.3]: I have listened to one or two speeches which have been made, and as the second reading may be in danger I venture to take up the time of hon. members for a few minutes. I congratulate my colleague on having brought forward this Bill which, it seems to me, is very properly a private member's Bill. We could hardly expect the Government to introduce such a measure, but I hope that their attitude as a Government will be one of benevolent neutrality, if they cannot actually support it. Without going into details I would certainly like to indicate to hon. members one aspect of the question which strikes me, though not as a lover of animals, which I do not pretend to be and never have been. On the subject of cruelty to animals we have to remember that according to some people, the feelings of those animals are hardly less than ours. The question seems to me to be most important regarded from our point of view as human beings. It is obvious that the average person, to say nothing of the average member of this House, does not wish in any way to be cruel to the brute creation. We might go further than that and say that it is their desire to protect the brute creation from cruelty, and that can only be done by an Act of Parliament. Another point suggested itself to me when I was listening to the remark made by my colleague, Dr. Saw, on the subject of vivisection. I will try to take the opportunity between the second reading and the Committee stage to look into the matter to find out exactly what the Western Australian regulations are on the subject of vivisection. I do not propose to go into that painful matter in detail, but it is certainly impossible for me with the evidence I have been able to gather to declare that those engaged in vivisection are not as humane as other people. Just like many other classes of society in this world their object is to get medical knowledge to benefit us and the rest of their fellow creatures. They are

so intent on gaining knowledge that it is known to all the world that some of the greatest vivisectionists have openly declared before responsible bodies that they are indifferent to the sufferings of these creatures. I am not making an attack on these people, because I am not quite clear how far vivisection is carried on. There is no doubt, that we cannot get away from the fact that vivisection must be permitted, and having arrived at that conclusion a greater responsibility is thrown on the community as a whole to see that every reasonable precaution is taken that vivisection is hidden from the eyes of the public and that there shall be adequate protection for the animals. I appeal to hon. members to allow the second reading of the Bill to go through. My colleague has intimated that in regard to one clause he is prepared to amend it. Others of course can be carefully considered. But if the Bill be thrown aside that will be regrettable, for we shall not then have the opportunity to give that powerful protection which we alone can give to the lower creation.

Hon. J. NICHOLSON (Metropolitan) [5.10]: I have to apologise for having been absent when the second reading of the Bill was moved, other duties having detained me elsewhere. I regret too that I have not heard the remarks of some of the previous speakers. I gather, however, that a number of clauses have been referred to and it is not my intention to weary the House by traversing the ground already covered. I would like to express my appreciation of the excellent work, which I am sure is recognised by the community, which has been done by the Society for the Prevention of Cruelty to Animals. There can be nothing but commendation for the work of that society. They have succeeded by their vigilance in preventing a great deal of cruelty to dumb animals and that is a thing that we must all applaud. It occurred to me on reading the Bill that the Society which administers the existing Act would have been satisfied with an amendment of that Act instead of a new measure. Altogether, such as the one we have before us. I am pleased to hear that the hon. member who introduced the Bill intends to eliminate paragraph (i.) of Clause 3. That I think will be a wise action. It was rather straining a point to introduce a clause such as that in a measure of this nature, because if a man is cruelly ill-treating his horse he can be brought within the provisions of the Act if he happens to be over-working that animal just the same as if he were beating it. There is a clause to which I desire to direct attention and that is Clause 4. It may require a little modification. I doubt whether it is wise to provide for dual remedies, for that is contemplated. That matter, however, can be discussed in Committee. It is doubtful also whether we should give the power which is sought in Clauses 8 and 9. For example, in Clause 8 it is set out—

Any constable, upon his own view of the commission of an offence under this Act, or at the instance of any other person who declares that he or she has seen such an offence committed, and who gives his or her name and place of abode to the constable, may lay a complaint against the offender for the purpose of the offender being dealt with according to law.

It is rather an extreme power to give in those circumstances, because the cases in which serious cruelty is alleged can be fully dealt with under the existing Act without the necessity to actually apprehend. The clause might lead to abuses. Sometimes various views are taken as to what is actual cruelty. A man can always be reached by a summons, and the enormity or otherwise of his offence can be more fully inquired into, and the man himself dealt with as the offence shows he should be dealt with. If the cruelty is of such a nature that he deserves punishment by imprisonment, then by all means let that punishment be inflicted upon him; but until the evidence discloses exactly what the nature of the offence is I think it is hardly right that harsh treatment should be meted out to him. If a man were absconding, the position would be different. In the country districts a man who has committed a gross act of cruelty may decamp, and give the police a great deal of trouble in locating him. The same remarks may apply equally to Clause 9, and probably with more force. It is there provided "that any constable or officer of the society may apprehend without warrant"; there is not even a special constable provided for. I believe the society does exercise the fullest care in connection with the appointments that are made, but at times someone may be brought into the service of the society who may take rather an extreme view of many cases. To give the great power that is contemplated under Clause 9 to a constable or officer of the society, to apprehend without warrant, at any hour of the day or night, any person who had cruelly or wantonly ill-treated or overridden any beast or tortured any animal, or caused the same to be done, seems to me to be giving an extraordinary power, and one that it would be unwise to confer. I do not know if reference has been made to Clause 20. That will require amendment in Committee. It says—

If the owner of any animal shall be guilty of cruelty, within the meaning of this Act, to any animal, the court upon his conviction thereof may, if they think fit, in addition to any other punishment, deprive such person of the ownership of the animal, and make such order as to the disposal of the animal as they think fit under the circumstances.

There is a proviso that no order shall be made under this clause unless it is shown by the evidence as to a previous conviction or as to the character of the owner or otherwise, that the animal if left with the owner is likely to be exposed to further cruelty. That is an extraordinary clause. There is no suggestion as to who is to receive the pro-

ceeds of the sale. An order may be made as to the disposal or sale of the animal. Presumably it is intended that the owner, who may under this order be deprived of the animal, would receive the proceeds of the sale. Why should he be deprived of the animal? If he has been guilty of cruelty, by all means let him be punished according to his deserts, and the more serious the cruelty the more severe should be the punishment; but when a man has been punished for an offence a further punishment for the same offence should not be inflicted upon him. I hope Mr. Duffell will reconsider the provisions of this clause and agree to some modifications. I offer these few observations and will seek to give my attention to the Bill in Committee. Subject to these remarks, I will support the second reading of the Bill.

Hon. J. J. HOLMES (North) [5.20]: The Bill will require careful consideration in Committee. Paragraph (b) of Clause 3 makes it an offence to fail to supply any animal with proper food and water or sufficient protection against inclement weather. In a drought-stricken area I presume that an owner would have enough difficulty in facing a drought with all his sheep, cattle and horses roaming at large, without also having to face a clause such as this. He may not be able to get either food or water for his stock, and yet failure to do so will be an offence under the Bill. Clause 24 deals with a person setting traps for rabbits, etc. An inspector travelling along the rabbit-proof fence sets his trap. He come back in due course to see what he has caught. Under this clause he has to return and visit the spot where the trap was laid at least once every day, and between the hours of sunrise and sunset, not between the hours of sunset and sunrise. It seems to me that an attempt is to be made to push an unreasonable proposition through this House. I look upon the measure with grave suspicion, and am of opinion that every line in the Bill will need to be carefully analysed in Committee.

Hon. Sir E. H. WITTENOOM (North) [5.22]: I was in hopes that some hon. member would move the adjournment of the debate. I will admit that I have not yet read this Bill. Whilst I am in accord with the sentiments desired by the hon. member who introduced the measure, it seems to me to be so bristling with difficulties and to contain so many troublesome conditions that it should have very careful consideration, either in Committee or out of it. As far as I can see it will cause a great deal of trouble and inconvenience to country people, especially farmers. It is something like the Prices Regulation Bill. Unless it is administered with a great deal of discretion and care it will lead to an enormous amount of injustice being done. Farmers are troubled with notices from inspectors about rabbits; they are no sooner settled with them than they get notices about noxious weeds. They then receive notices from road boards to pay their rates. Then we shall have these gentlemen

coming along and wanting to know whether their horses' tails are short, and whether the ewes and lambs have been sheltered in a shed during a storm, and about many other trivial matters which may be brought forward. I am not endeavouring to make a joke of this Bill, but it seems to me that it may cause a good deal of trouble. I am in accord with the remarks of Mr. Holmes when he says it will require the most careful attention in Committee. I would add a paragraph to Clause 3 to provide that it should be an offence for any person to keep a dog that attacks cycles or motor cycles in the street. These dogs are a curse. I have seen dogs of this stamp catch a man by his pants for sheer amusement, and then go back and lie on the verandah until the next man came along. No one seems to interfere with them, and they may easily cause a very serious accident. If a man is caught by the pants when he is travelling along on a motor cycle a serious accident may occur.

Hon. J. J. Holmes: Under this Bill if a dog is run over by a motor cycle the owner has to be told.

Hon. Sir E. H. WITTENOOM: A dog may pull a man off his motor cycle. One cannot be giving sympathy to dogs all the time. The dog must do his duty as well as the owner, and the owner should take every care to prevent dogs from being a nuisance in the streets, as so many of them are. It is gratifying to know that as a general rule the motor car does get the dog in the long run. The question of short tails on horses is a disputatious one. I am a great believer in horses with long tails. I have never seen any trouble when the tails have been of reasonable length so that the flies can be kept off in the summer. I have had disputes with people who have been doing work for me when they have cut the tails too short, but their argument is that during working hours the long tails of the horses get mixed up with the chains, and machinery that the horses are drawing, and they are a constant trouble. There is a good deal in that argument. I cannot believe that the long tail is of disadvantage to an animal in the summer time when the flies are bad. Whilst I have every sympathy with the principles of the Bill I would say that there are many matters which require careful attention in Committee lest some injustice should be committed. I believe the hon. member who introduced the Bill will be pleased if we can put the Bill into such shape that we will give satisfaction to most of the public instead of merely irritating them.

On motion by Hon. J. Duffell debate adjourned.

## BILL—CARRIERS.

In Committee.

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

Clause 1—agreed to.

Clauses 2 to 9—agreed to.

Clause 10—Carriers liable only for such damages as are proved:

Hon. Sir E. H. WITTENOOM: The clause reads "If such carrier as aforesaid shall be concluded as to the value of any such parcel or package, etc." Should not the word "concluded" be "liable"?

The MINISTER FOR EDUCATION: I think the hon. member is right, and that there is a misprint in the clause.

Progress reported.

## BILL—BUILDING SOCIETIES.

Second Reading.

Debate resumed from 29th September.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.34]: I realise that the Bill has been designed for the purpose of protecting not only building societies, but the general public investing their savings in those institutions. The leader of the House cited instances of great hardship inflicted upon the community through the failure of such institutions in other parts of the world, with a special reference to the Balfour case. I had in mind a similar case which occurred in South Melbourne some years ago. Anything which has for its object the prevention of calamities of that nature must receive my support. At the same time, I realise that we have to consider a measure such as this in all its phases. Clause 4 makes reference to the purposes to which the funds of building societies may be applied. The societies are permitted to lend funds on leasehold properties. To my mind, some restriction is required here. The minimum length of lease should be stated. Under the clause as printed, a society would be in order in lending funds on a building which has a lease of only three years. Personally, I should prefer to eliminate leasehold altogether. To give a society power to advance money on short leases is certainly not protecting the funds of the investors. I should like further information in respect of that clause. Another clause provides that building societies may lend money on vacant lands. The objects of a building society are to grant loans for building purposes and to grant loans upon buildings. To empower a society to lend money on vacant lands is to set up a great danger. Under such a provision, a society may easily find itself in a position similar to that of societies that have failed. A society advancing money on vacant lands is entering upon a gamble without any substantial security for the money advanced. A society may advance money to a land speculator for the purpose of buying an estate with the ultimate object of cutting it up into building blocks. Such a proposition may prove to be a good sound investment, but it carries with it a decided element of risk and, generally speaking, it is not considered a good trade risk to lend money on vacant land. Those are, I think,

the only two points upon which I require further information. Clause 19 safeguards the co-operative building societies in respect of second mortgages. Without that safeguard the Bill would so undermine those societies that they could not continue. However, I think the safeguard is perfectly satisfactory. I have pleasure in supporting the second reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [5.40]: The two points raised by the hon. member will be duly investigated, so that when the Bill is in Committee I shall be able to satisfy him.

Question put and passed.

Bill read a second time.

## BILL—PRICES REGULATION ACT AMENDMENT AND CONTINUANCE.

In Committee.

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

Clause 1—agreed to.

Clause 2—Power to forfeit necessary commodities:

Hon. Sir E. H. WITTENOOM. Whilst in principle I am opposed to price-fixing, I think that under existing conditions of business perhaps a little supervision of this nature is not out of place, provided it is carried out with the utmost discretion. The clause is an important excursion into the realms of business. The plain English of the provision is that if one person has a stock of goods and another comes along and demands them, the owner will have to supply the demand, or alternatively he will be reported to the Commissioner and the goods will be forfeited. This position arises: a contractor, taking a contract for a building, gets in a large supply of cement, perhaps a thousand casks. Under the powers granted here anyone can come along and say to him, "I want these goods. I tender the price that has been fixed for them and you must give them to me." But the man may answer, "I have stocked these goods for myself in order to supply my clients, who, I know, will want them." To this the person may retort, "Here is the money; I want the goods." If the merchant does not give up the goods, then the person making application may report him to the Commissioners. That appears to be a state of affairs which, to say the least of it, is very dangerous, and this provision can only be carried out if most discreet men are at the head of affairs. I take it that the idea is to stop profiteering, and I am one of those absolutely against any person making up stocks with a view to holding them against higher prices. I do not call a man a profiteer who has the foresight to purchase some goods on the market and sell them at a trade profit a little later on. Merely because a

man happens to be a little smarter and makes a purchase on which he secures a small profit, is not sufficient upon which to say that that man is a profiteer. This appears to me to be very dangerous because one man can go to a business firm and demand stock which he had purchased simply for the purpose of keeping other persons going in trade. That would be bad enough as it stands, but then this subclause states that any person who has in his custody, or under his control, any foodstuff, etc., may suffer penalties in the event of a refusal to sell. Perhaps the Minister will say what this means. A man may have goods in Melbourne which he has purchased from here; those goods are under his control and the demand may be made upon him to sell those goods here.

Hon. J. Cornell: I think the hon. member is drawing the long bow.

Hon. Sir E. H. WITTENOOM: I am open to be convinced, but so far as I can see that position is perfectly clear.

Hon. J. Cornell: But that control is only given after the price is fixed, and does not apply before that has been done.

Hon. Sir E. H. WITTENOOM: Of course it does not. That is what I am pointing out. I am talking about what has been fixed. I do not think that any position should arise when any one or two men can clear out a shop of goods because they demand the commodities themselves, irrespective of the requirements of others. It will work a hardship. It is quite possible under this clause that, say, one or two or more contractors, in order to embarrass a firm, may tender for certain works and make the demand on one firm, in order to secure his stock. That should not be allowed. However, it all depends on the discretion of the Commissioners, but it is a question of whether it is wise in the interests of the State to give these wide powers to the Commissioners.

Hon. E. H. Harris: They only make recommendations to the Governor.

Hon. Sir E. H. WITTENOOM: You cannot always trust the Government to do right any more than anyone else. In these circumstances I move—

That in paragraph (a), lines 1 and 2, the words "or under his control" be struck out.

**THE MINISTER FOR EDUCATION:** I hope the Committee will not agree to the amendment. It is absolutely necessary, not only for the purposes of this particular clause but for the other clause of the Act, that these words should remain. The control must be absolute. If a person has absolute control of the goods he should be the person to be dealt with. These words not only occur in the New South Wales and South Australian Acts, from which these clauses have been drawn, but the same words are used in the existing Act. Section 14 of the parent Act reads—

Any person who, having in his custody or under his control any foodstuff or necessary commodity in which he usually trades,

in respect of which a maximum price has been fixed under this Act, refuses or fails on—(a) demand of any quantity of the foodstuff or necessary commodity; and (b) tender of payment at the price so fixed for the quantity demanded, to supply such foodstuff or necessary commodity in the quantity demanded shall be guilty of an offence against this Act.

The clause in the amending Bill does not come into operation until an offence has been committed against the Act, which contains these very words. It would be inconsistent to re-enact the existing measure with these words in it and yet strike out these very words in the amending Bill. I do not know that it would make any material difference if the amendment were carried, for the goods, I should say, would still be in his custody.

Hon. J. DUFFELL: I quite agree with the remarks of the Minister. I cannot see any force in the remarks of Sir Edward Wittenoom as they apply to goods in any other part of the Commonwealth or on the high seas. It will be readily understood that the Price Fixing Commissioners would have no knowledge whatever of such goods and they could not operate on the prices of those goods until they were under the control of the person in this State. I oppose the amendment.

Hon. J. J. HOLMES: I am at a loss to see the necessity for this clause, in view of what the Minister has referred to in the parent Act. I think Sir Edward Wittenoom should go further and move to strike out the words "in his custody" as well. I think I know what is behind this. We know that manufacturers in other parts of the world are accustomed to consign goods to this State and it has been found on several occasions that when the Price Fixing Commissioners have fixed prices that do not pay the manufacturer, the result has been that the manufacturer asked that his goods should be re-shipped to some other part where they could be disposed of satisfactorily. When this country starts on a policy of repudiation and confiscation, well, we know what the experience in another part of Australia has been. These goods that I speak about would be consigned at a certain price and would be in the custody of the local merchant. The Government want to confiscate them and compel him to sell them. The owner wishes to have them re-shipped, in order to secure better prices elsewhere, and we all know what the effect will be. I do not realise the necessity for this clause unless it is to get at goods in another part of the world under the control of a local man. Let me take the matter one stage further. We have read the report of the Prices Regulation Commission dealing with what they have done and also have listened to what the Minister has told us the Commissioners have accomplished as well. All this has been done without the necessity for such a clause in the Bill, and I fail to see the need for this repetition. The Com-



missioners already have power to deal with difficulties as they arise. For instance, a merchant, I am told, imported a consignment of goods that cost him 10s. a dozen. The next consignment he imported cost him 12s. a dozen. The Commissioners have power to make that man sell at the old rate so long as any of the earlier consignment remains in the hands of traders. A merchant told me of such an instance on Saturday last. He has a large consignment of jam, comprising some hundreds of cases, which he imported recently, but because a retailer has a few cases of jam imported at the lower rate, this merchant cannot put his jam on the market at the increased price agreed upon until all the other jam has been disposed of first. This is the way we provide cheap goods to the public, and this clause will carry us one stage further.

Hon. J. CORNELL: I understand that the members of the Prices Regulation Commission do not come into this matter until the goods come into the State. If they fix the price there is no obligation upon any person who owns the goods, to sell them.

Hon. J. Nicholson: There will be under this Bill.

Hon. J. CORNELL: After fixing prices the natural corollary is to stipulate that goods shall be sold at such prices. If anyone lands goods here, he should be prepared to sell them at a reasonable price or shift them out of the State.

Hon. G. J. G. W. MILES: You will not give him an opportunity to shift them.

The MINISTER FOR EDUCATION: Mr. Holmes's illustration regarding jam, emphasises the necessity for this clause. There is at present sufficient jam in the State to carry on for some months, but it is in the hands of certain people. The Commission have either to increase the price so that those buying at present prices can make a reasonable profit and enable those who purchased at the lower price to charge what is really an exorbitant price, or refuse to increase the price until the whole of the jam imported at the lower price is disposed of. So long as this attitude is adopted, those who imported at higher prices cannot place their goods on the market. The Commission hold that every trader should observe the letter and spirit of the Act and that, when a price is fixed, the trader should be compelled to sell. It should not be open to some to hold their goods back. This is a means to compel traders to uniformly observe the spirit of the Act. Without a provision of this kind the Act would operate harshly against a man who tried to do a fair thing.

Hon. G. J. G. W. MILES: I prefer to see the clause deleted. A merchant might purchase 1,000 cases of jam at 12s. a case and the Commission would fix the price. He purchases on a rising market another thousand cases at 15s. The Commission will not permit him to average the price and, when

the market goes back as it must do sooner or later, will the Commission protect the importer then? The Commission refuse to allow a firm to average the price though the Government averaged their freights in respect to cattle. Prices will go down sooner than most people think, and how will the importers be protected? It is scandalous that in a British country there should be the power to commandeer a trader's goods. The Government hold that the farmer should receive the best price for his produce and rightly so, too, but a farmer might make £5,000 from his harvest and put it into merchandise, and then the Government would step in and exercise the right to commandeer his merchandise.

Hon. J. Cornell: This self same law was in operation in England for four years.

Hon. G. J. G. W. MILES: It might have been necessary during the war. The law of supply and demand will control the prices of goods. It is impossible for the Commission to control prices.

Hon. T. MOORE: I am surprised at the tone of Mr. Miles in his desire to look after those wonderful people known as importers. He seems to overlook what has happened to the great mass of the people, the consumers. A few months ago the "West Australian" published a cable message from England stating that the manager of Selfridge's in announcing reductions of 10 per cent. and five per cent. respectively in drapery and grocery prices, said that manufacturers and retailers had had a five years' innings and must recognise that there must be an end some time.

Hon. J. Cornell: And they are not out still.

Hon. T. MOORE: Mr. Miles should recognise what has happened in the last five years.

Hon. J. Nicholson: They have not this provision in England.

Hon. T. MOORE: That is a pity. Certain people made a lot of money during the war because the law of supply and demand was not operating. Speculators no doubt thought they would be able to charge people what they chose for jam and other necessities. I am here to protect the people, and to see that they get things at a reasonable price, as should be the case in a country like Australia. No fault has been found with the Commission regarding the profits allowed. Mr. Miles spoke of commandeering. The traders will be permitted to charge what is a fair thing and no more. The clause should be retained. I see no objection to the retention of the words "in his custody," because a man might be doing business in Geraldton or elsewhere.

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

Hon. Sir E. H. WITTENOOM: If I have the assurance of the leader of the House that the words to which I have drawn attention

will not apply to any goods outside the State, I am prepared to withdraw my amendment.

The Minister for Education: The words would not apply to goods outside the State.

Hon. J. J. HOLMES: The Minister told us this afternoon that under the existing Act the Prices Regulation Commission have power to fix the price of goods, and power to insist that those goods shall be sold at that price until they are sold out; and that when a further consignment at a higher price is available, they fix a higher price. The Minister further stated that the Commission have power to prevent the sale at a higher price of goods which were already in the State when the later consignment arrived. That being so, what object could any merchant have in holding back goods from sale? The longer he holds the goods, the longer he will be in realising upon them. It is no use holding goods until a higher price is fixed by the Commission, because the Commission have decided that the goods were bought at a certain price and must be sold at a certain price.

The Minister for Education: That is not quite the position.

Hon. J. J. HOLMES: I also want to know what a necessary commodity is. I understand that the procedure is for the Governor-in-Council to declare something a necessary commodity. Is not labour a necessary commodity? And why should labour be exempt from the operation of this measure? For my part, I would never be a party to compelling a labourer to sell his labour; and, to be logical, I must take up the same position in regard to the man who has goods to sell. Since under existing legislation there is power to fix the price of goods, where in the name of common sense is the necessity for compelling a man to sell such goods? Who protects the manufacturer under this measure? The Honorary Minister spends the most of his time in trying to keep up the prices of wheat, flour, and bran, and, I think, rightly so. But why is the wheat grower protected? The Honorary Minister tells us that he removed Mr. McGibbon from the Wheat Board because he did not protect the wheat growers of Western Australia. Under this Bill, however, nobody is going to protect the manufacturer and the importer. Why have one section of the community a special representative to keep up the prices of their commodities, and why is everybody else to be ground down?

The MINISTER FOR EDUCATION: I submit that Mr. Holmes's concluding remarks have nothing whatever to do with the clause, though on the second reading they might have been arguments against price fixing. Others of the hon. member's remarks are pertinent to the clause, and I shall reply to them. He asks whether labour is not a necessary commodity. The Bill defines necessary commodities as goods declared by the Governor, by notice in the "Gazette," to be necessary commodities for the purposes of the Act. Labour is certainly not goods. By no stretch of imagination can labour be described as goods. With regard to Mr. Holmes's other

argument, let me say that the Commission fix a price for a certain period. Now let us suppose that A and B both have imported jam at a certain price. The Commission fix the selling price of the jam so as to give the two merchants what is considered a fair and legitimate profit. A goes on with his business and sells his jam; B, because of his knowledge of what is happening in the Eastern States, say in regard to the sugar market, is perfectly well aware that the next lot of jam brought into the State will be at a higher price. Therefore he holds his jam back from sale.

Hon. J. J. Holmes: Does it not cost him money to hold it back?

The MINISTER FOR EDUCATION: Yes, but he probably calculates, and finds that it will cost him less to hold his jam back than to buy more jam at a higher price later on. A's stock of jam becomes exhausted, and a further consignment of jam is imported and the Commission are approached to fix a higher price for jam. They fix a higher price, which will apply from the time that they fix it, and which will affect not only the goods of A, who has sold his first stock at the price fixed by the Commission, but also the goods of B, who has held back the goods which he had purchased at a lower price. Then the Commission will have fixed a price which will give an unfair profit to the person who has evaded their previous decision. If, on the other hand, the Commission refrain from fixing a higher price until the whole of the goods bought at the lower price have been disposed of, that will prevent A from trading at all. Mr. Holmes has referred to wheat and offal. Wheat was compulsorily taken from the farmers at a certain price and put into the pool. That wheat was sold by the Wheat Board to the millers. The Prices Regulation Commission then stepped in and said to the miller, "You shall sell the products of this wheat at certain prices—flour at so much per ton, and offal at so much per ton." Under the Commonwealth Commerce Act there is unrestricted trade between the States; our Prices Regulation Act cannot override the Commonwealth Commerce Act. What happened? The millers who had obtained this wheat at a certain price found that while the price fixed for offal here was £7 15s. per ton, they could sell it to Sydney buyers at as much as £11 per ton free on board Fremantle. They did sell to the Sydney buyers, and in doing so they made money which they were not entitled to make. It was not money made in open competition; it was not money made in the ordinary course of trade. There was nothing contrary to the laws of a free country in the Commission telling the millers that they should sell the products of the wheat at certain prices.

Hon. E. H. HARRIS: The Minister's remarks make it quite clear why the Government have sought to include this clause in the Bill. I wish to point out that there is apparently nothing to prevent anyone, under this clause, from buying up all the stocks of a certain line of goods. He would simply

have to go to each trader in that line of goods and demand that trader's stock and tender him the fixed price. It is manifestly unfair that any one firm can purchase the whole of another firm's supply of a certain line of goods. The tendency would be to give one firm a monopoly.

The MINISTER FOR EDUCATION: That difficulty could not arise

Hon. E. H. Harris: Why not?

The MINISTER FOR EDUCATION: Because those who purchase all the stocks of a certain line of goods would have to sell those stocks again at the price at which they bought them. There would be no inducement to anybody to act in such a way. Nobody could make anything out of acting in that way.

Hon. J. J. HOLMES: There are both wholesale prices and retail prices fixed by the Commission. This clause would enable a retailer to go round among the wholesalers and purchase all their stocks of a certain line, and then to make the whole of the retail profit obtainable on that line.

The MINISTER FOR EDUCATION: If we hand over the Bill to two or three lunatics, or to two or three rogues, they can play ducks and drakes with the commercial community. But would anyone except a lunatic or a rogue make a proclamation in the circumstances suggested by the hon. member.

Hon. Sir E. H. WITTENOOM: I am glad to see hon. members recognised the remarks I made when I initiated this discussion, by saying that there was a possibility of people cornering these goods, and interfering with ordinary trade, by forcing a man to sell all he had, while keeping a little for his regular customers. I am in accord with the leader of the House in saying it is impossible to get a perfect Bill. The Commissioners in the past have administered the department fairly well, and if they use the same discretion in the future, we shall not go far wrong. I will withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. NICHOLSON: One can certainly see where a great deal of mischief may be wrought by this Clause becoming law. The clause seems to omit a vital question. It overlooks entirely that very important feature in connection with trading, namely, the cost to the merchant. Suppose I bought an article that came within the scope of the Bill and paid £10 a ton for it, and I found it possible later, owing to certain circumstances, to again buy that article under more favourable conditions and that before getting rid of the whole of it, the price of it goes down to £5 a ton. The Prices Regulation Commission fix the price of that article at £5 or £6, and for which £10 has been paid. There is nothing in the clause to safeguard the position of a trader in such circumstances. That man would be compelled at the request of anyone to sell that article at the fixed price of £5 or £6 a ton and in that way, he would make a loss.

The Minister for Education: He is compelled to do that under the existing Act.

Hon. J. NICHOLSON: The position is different in the existing Act. In the place of a merchant using that business quality and enterprise which we wish to see, he will be compelled to restrict his purchase, and thereby increase the cost of the goods to the consumer. That will do illimitable harm. I would draw attention to Section 14 of the present Act, to show how a merchant would be exposed to a double, instead of a single penalty, if the Bill passes as it is. Section 14 provides that any person having in his custody, or under his control, any foodstuffs or necessary commodity in which he usually trades, in respect of which a maximum price has been fixed under the Act and who refuses or fails on demand to supply that article in the quantity demanded, shall be guilty of an offence.

Hon. J. Cornell: That is provided the commodity is on sale. The Bill deals with an article which is not on sale.

Hon. J. NICHOLSON: There is a great difference between the words, "on sale" and "having in his custody or under his control." If a merchant refuses on the payment of the maximum price to sell on demand he is guilty of an offence. There is a proviso to that Section, that in any prosecution it shall be sufficient defence to show that on the occasion in question, the defendant supplied a reasonable quantity of the commodity or had not a sufficient quantity of it in his custody, under his control, or that the merchant was a wholesale trader in the commodity, and that the person who demanded to be supplied was not a retail trader in that article. There is a penalty provided for anyone who offends against the existing law, and that penalty is severe enough. Imprisonment should be sufficient deterrent to most men. I would again refer to Clause 2 of the Bill and draw attention to the fact that not only is the merchant exposed to the penalty under the existing Act, but in the Bill there is a double barrelled penalty—his goods may be confiscated.

The Minister for Education: He is also compelled to comply with the Act.

Hon. J. NICHOLSON: I admit that the Act must be observed, not in the breach, but in the performance. I wish to see it carried out. We are rushing along in a direction which is going to tend to increase the price of commodities instead of bringing it down. Some provision, such as that which we have in the existing Act, might well have been included in the Bill. There should be some regard to the amount that a person has paid for certain goods. It would ruin a man if he were compelled to sell at a loss from time to time.

Hon. J. J. HOLMES: I should like to deal with the words contained in the first line of paragraph (a) of Subclause 1, "in his custody." Goods may be in the custody of a man in Western Australia, but be owned by someone outside the State. A merchant

may hold stocks in readiness for shipment to Wyndham in three months' time. These goods are in his custody, and yet the Commission may tell him that these goods must be distributed in the metropolitan area. There may also be goods sent on consignment from other parts of the world to be sold at certain prices. The clause is loaded, as admitted by the leader of the House. He says that the Bill, in the hands of rogues or lunatics, would be dangerous. Although we have no rogues in the Ministry now, it is possible that we shall have lunatics in the future if we have not got them now. Does custody mean ownership irrespective of whether a man is entitled to be possessed of certain goods or not?

The MINISTER FOR EDUCATION: The words will have the same meaning now as they have had in the Act all along, and as they have in other legislation of the kind in the Eastern States and elsewhere.

Hon. J. NICHOLSON: We should safeguard the position so that a man would not be compelled to have his goods confiscated at less than cost. I move an amendment—

That in line 4 of paragraph (a) of Sub-clause 1, after the word "price" there be added "provided such price is not less than the cost price to such person."

Hon. Sir E. H. WITTENOOM: That would be better at the end of the clause.

Hon. J. NICHOLSON: Clause 6 has a bearing on this. It allows the Commission to determine the actual cost that they are going to fix. For that reason it is necessary that there should be this proviso.

The MINISTER FOR EDUCATION: I could advance good reasons against the amendment if it were moved in the place where it would be applicable. This is not the place for the amendment. To put it in a clause where it is intended to carry out price fixing by the Commission is ridiculous. When we come to Clause 6 the hon. member can move the amendment, and it may then be discussed in its right place. Then it would have a general effect. I am not in favour of the amendment, and if it were agreed to it would mean that the price fixed could not be less than the price paid.

Hon. J. J. HOLMES: If the amendment were put in here, it would complicate matters. The Commission could come to the conclusion that the goods must be sold at cost price with no profit at all. If that were so the merchants could not live. I urge the hon. member not to put his amendment in here.

Hon. J. CORNELL: A person may hear that the Commission intend to take charge of certain goods. He may sell them to another person, and that person may sell them to a third person, before the Commission actually get hold of these goods. If this amendment is passed the price fixed may be the price at which the third person bought them.

Hon. A. J. H. SAW: Which is the severer penalty, imprisonment or forfeiture of goods?

Apparently the hon. member thinks that forfeiture of goods is. Whereas the public would not gain any advantage by the imprisonment of the vendor, if the goods are forfeited they will afterwards be put up for sale, when the public should gain an advantage.

Hon. J. NICHOLSON: No merchant will run the risk of buying goods either in the State or outside it, if the price to be fixed for their sale is to be less than the actual cost of such goods.

The Minister for Education: That is an argument against price fixing, and not against the clause.

Hon. J. NICHOLSON: It is an argument against the clause as it stands. A merchant will not run the risk, and there is only one other party who can run the risk, namely the Government, who will be required to step into the breach. We are isolated here, and so our merchants have to carry heavier stocks than do the merchants of the Eastern States. I wish to safeguard the case of the man who, possibly, may have paid more than the fixed price.

Amendment put and negatived.

Hon. A. SANDERSON: What is the position of a man who has his goods in bond?

Hon. J. NICHOLSON: They are in his custody.

Hon. A. SANDERSON: Do the Commissioners intend to fix the price of such goods? The merchants here may have the control of goods either in the Eastern States or in the Customs at Fremantle. Have the Commissioners power over such goods? Can they get the goods out of the Customs and put them on the local market?

The MINISTER FOR EDUCATION: If the goods are in the custody of any person over whom the Commissioners have control, of course the Commissioners could deal with those goods.

Hon. J. J. HOLMES: Suppose the goods are in the custody of the Collector of Customs.

The MINISTER FOR EDUCATION: The Commissioners have no jurisdiction over him.

Hon. J. J. HOLMES: I know of a consignment of soap sent from London to Western Australia. The price fixed here was lower than the receiving merchant could afford to take. He had to re-ship the consignment. Under this provision he could not even do that, for the person in whose custody the goods are—that is to say, the Collector of Customs—is apparently regarded as the owner.

The MINISTER FOR EDUCATION: Before anything of this sort can take place, the owner must have failed on demand and tender to supply. How, then, could it apply to the Collector of Customs?

Hon. J. J. HOLMES: How would it apply to a merchant at Fremantle? The goods are sent out on consignment; they are owned, not by the Fremantle merchant, but by the manufacturer; yet the merchant at Fremantle is bound to sell the goods.

The Minister for Education: If the goods are in the possession of the merchants the provision would apply.

Hon. J. J. HOLMES: I move an amendment—

That after "being," in line 3 of paragraph (b), "unreasonably" be inserted.

The Minister for Education: I do not mind that.

Hon. T. MOORE: The Commissioners have to be satisfied that the goods are unreasonably withheld; therefore it is unnecessary to insert the word.

Hon. J. CORNELL: I hope the amendment will not be accepted. It can only lead to confusion. The Commissioners will have to report to the Governor-in-Council, who will act only if the goods are being unreasonably withheld from sale.

Hon. J. W. HICKEY: I hope the Committee will not agree to the amendment. The hon. member is merely endeavouring to load up the clause with ambiguous terms which will render interpretation difficult. The hon. member knows perfectly well that in Perth there have been stocks of sugar, for instance, unreasonably withheld from sale. I do not think there is any necessity for the amendment, because the Commissioners have power to deal with such offences without the addition of the word "unreasonably."

Hon. A. J. H. SAW: I think the word "unreasonably" is worse than a superfluity: it is dangerous.

The MINISTER FOR EDUCATION: I would draw the attention of the mover of the amendment to the previous line. The Commissioners are not going to make a recommendation unless, in their opinion, the goods ought to have been distributed. Even then they will have to satisfy the Governor that the goods have been unreasonably withheld.

Amendment put and negatived.

Hon. J. NICHOLSON: The point has been emphasised that goods held by any person in any capacity at all will be subject to the clause. Take, for example, the position of a man simply holding goods as an agent, or of a man who gets goods on terms known as subject to approval and sale. He is not the owner of the goods. Yet the Commissioners could exercise their powers under the clause in respect of goods in the custody of a man who was not the owner.

Hon. J. Cornell: Why should not they?

The Minister for Education: There is an owner, is there not?

Hon. J. NICHOLSON: But the owner may be out of the country. It is seriously proposed that the Commissioners shall exercise this power of confiscation in respect of goods in the custody of a man who is not the owner of the goods.

Hon. R. G. ARDAGH: He has the power to dispose of them.

Hon. J. NICHOLSON: He may not have.

Hon. J. Cornell: You are putting up a good case for the speculator.

Hon. J. NICHOLSON: It is not a case for the speculator at all. I am simply explaining the position in order to show that ordinary manufacturers will not send goods out here if they have to sell at fixed prices.

Hon. J. Cornell: Well, let them keep their goods at home.

Hon. J. NICHOLSON: While we are pleased to see local industries go ahead, we have to be reasonable in this matter and realise that we are dependent on others outside Australia until we can cater for ourselves.

Hon. T. Moore: We can do that quickly enough if we like.

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

Ayes	..	..	..	12
Noes	..	..	..	5
Majority for				7

#### AYES.

Hon. C. F. Baxter	Hon. J. W. Hickey
Hon. H. P. Colebatch	Hon. C. McKenzie
Hon. J. Cornell	Hon. T. Moore
Hon. J. Cunningham	Hon. E. Rose
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. R. G. Ardagh
	(Teller.)

#### NOES.

Hon. E. M. Clarke	Hon. Sir E. H. Wittenoom
Hon. J. Nicholson	Hon. J. J. Holmes
Hon. A. Sanderson	(Teller.)

Pair: Aye, Hon. J. E. Dodd; No, Hon. G. J. G. W. Miles.

Clause thus passed.

Clauses 3 to 5—agreed to.

Clause 6—Determination of prices:

Hon. Sir E. H. WITTENOOM: This clause, like the one we have been debating, contains drastic proposals, giving the Commission power to fix prices, and it sets out the method by which the cost is to be arrived at. To make the position perfectly clear I will read the clause—

In addition to, but without affecting the generality of the powers conferred by section ten of the principal Act, the Governor may, by Order in Council, determine the maximum prices, whether retail or wholesale, which may be charged for foodstuffs and necessary commodities in any proclaimed area, on the basis of manufacturing, landed, delivery, or other cost—

This is the part that I consider is very drastic. It reads as follows:—

and may, in like manner, declare what items may or may not be included in such cost, and whether, in determining such cost, regard is to be had to the invoiced cost of materials used, or to the cost of replacing the materials used, or to any other method or principle specified in the Order in Council.

It seems to me that the whole fundamental part of the business is the arriving at the question of cost. To my mind too much power is placed in the hands of the Commission in arriving at that cost. It is summed up in the words in which the clause states that the Commission may declare what items may or may not be included in such cost. I believe they should have power to exclude certain items, but I do not think that they should have the final power to rule out anything they think fit. I move an amendment—

That the words "declare what items may or may not be included in such cost" be struck out with a view to inserting the words "cancel any items not affecting such cost."

It may not be a very material amendment but I think that the extreme powers proposed should not be given. Another point is in connection with the determining of the cost having regard to the invoiced cost of the material and the cost of replacing it. This question of replacing material is very important. There is a great deal of discussion going on regarding this point in England. I will read an extract from the London "Times" which is headed "Profiteering Act; replacement value to be considered." The article reads—

Instructions have now been issued by the Board of Trade to local profiteering tribunals on the subject of replacement value, to which matter reference was made in the Trade Supplement of the 13th December. The instructions state that the tribunals should, when deciding what is a reasonable price for an article, have regard to its current market price as well as to the amount actually paid for it by the retailer. It is pointed out that on a falling market traders would have to reduce their quotations although that might involve them in a loss. Therefore, on a rising market, the tribunal should bear in mind the sum that would have to be paid by the retailer to replace the article about which complaint had been made. The Board of Trade make it clear that the actual cost price should not be the only factor considered by the tribunals, because with values constantly increasing the trader might have to sell a number of similar articles at a different price for each. Other instructions are that, fashion goods being subject to violent fluctuations in demand, a large profit on their sale may not be unreasonable. Also, the net profit over the whole department or business should be taken into account, if necessary, instead of concentrating attention on the particular article in dispute. The foregoing covers points which have been strongly and continuously urged by traders ever since the Profiteering Act was placed on the statute-book. The ignoring of replacement value puts all buyers on a more or less equal footing, penalising prescience in anticipating the trend of the market, and encouraging hand-to-mouth buying, which is always bad for trade. The instructions

in connection with fashion goods are also a belated recognition of business difficulties and of the fact that although a profit in excess of normal is obtained on certain seasonal articles, that only goes to balance the small profit—or any actual loss—incurred when the remaining stock of such articles has to be cleared at the end of the season.

It will therefore be seen that this question of replacement value is an important one in England and is now receiving great attention there. The clause might be allowed to go through with the amendment I have placed before the Committee.

The MINISTER FOR EDUCATION: The amendment will not improve the clause. Sir Edward Wittenoom is under a misapprehension in thinking that the clause will give the Commission additional powers. It will not give them additional powers.

Hon. Sir E. H. WITTENOOM: Then they have too much power at the present time.

The MINISTER FOR EDUCATION: The alteration will not curtail their powers.

Hon. J. Nicholson: Why not strike out the clause?

The MINISTER FOR EDUCATION: The Government and the Commission do not attach the same importance to this clause as to Clause 2, but it can do no harm. It will facilitate the working of the Act. Under the Act the Government may, on the recommendation of the Commission, determine prices. There is no check as to the method by which the Commission shall arrive at the prices.

Hon. J. NICHOLSON: In view of the explanation of the leader of the House I move—

That the clause be struck out.

The CHAIRMAN: The hon. member cannot move a direct negative. He can vote against the clause.

Hon. Sir E. H. WITTENOOM: I am seeking to amend the clause in order to limit the power of the Commission to strike out items which are fair charges in arriving at the cost.

Hon. J. J. HOLMES: This clause gives the Commission too much power. They should not be able to exclude bona fide charges included by an importer in arriving at the cost of his goods. I think the intention is that the Commission should take the invoice cost and not the cost of replacing the goods because, on a falling market, the merchant would be at a disadvantage if we insisted on the prices for the article in his possession being based on the cost of the next shipment.

Hon. A. J. H. SAW: The amendment seems to be a verbal alteration which effects nothing. The clause states "may or may not." The word "cancel" corresponds to "may not." If a person has power to cancel, he must have power to leave in, which corresponds with "may."

Hon. J. CORNELL: I hope the clause will be retained in its present form. No one is so qualified to draft a subtle amendment

as Sir Edward Wittenoom and I always view with suspicion his amendments to clauses of this description. I agree with Dr. Saw.

Hon. Sir E. H. WITTENOOM: The amendment is quite simple. In effect it asks that the Commission shall not have power to cancel fair costs.

Amendment put and negatived.

Clause put and passed.

Clause 7—Prices of specified goods to be marked or price list exhibited:

Hon. J. NICHOLSON: This clause practically re-enacts Section 16 of the existing Act. The clause, therefore, seems to be unnecessary.

The MINISTER FOR EDUCATION: Section 16 applies only to proclaimed goods. When those goods have been proclaimed, every dealer must conspicuously exhibit his list. It is the policy of the Commission—and this is appreciated by the trading community—not to unnecessarily proclaim articles or fix prices, but to settle these matters by agreement. All that Clause 17 does is to provide that the Commission may by agreement with the trader, not by proclamation, decide upon a certain price, and the Commission may call upon the dealer in those goods to do what he is compelled to do in regard to a proclaimed article. This clause is for the convenience of the trading community. If it is struck out, the traders will suffer. Unless it is included this method of agreement, which traders prefer to the proclamation of articles, would have to be abandoned.

Hon. Sir E. H. WITTENOOM: The provisions of the clause are no doubt satisfactory to the public but, in view of the constantly changing prices, it must create difficulties for the traders.

Hon. T. Moore: They did not find any difficulty in changing their prices to catch the country people this week. —

Hon. Sir E. H. WITTENOOM: No, a week like the present one should be a very suitable time.

Hon. T. Moore: They have done so.

Hon. Sir E. H. WITTENOOM: Difficulty arises through traders having to exhibit and keep exhibited these prices.

The MINISTER FOR EDUCATION: Under Section 16 the trader is compelled to exhibit prices and he has experienced no difficulty in complying with it. Under Clause 7 he is only required to do it when the Commission think it is necessary. The provision is very much easier to comply with than Section 16 of the existing Act.

Hon. J. J. HOLMES. The Minister told us that this clause would apply only where an agreement had been arrived at with regard to price. My reading of the clause is exactly the contrary. I think it would apply to any goods held by any merchant or storekeeper, irrespective of whether prices had been fixed by the Commission.

The MINISTER FOR EDUCATION: The effect of the clause is as I have stated. It

is competent for the Commission to specify goods in order to have them declared necessary commodities under the measure and to have prices fixed for them. Instead of taking that course, however, they can, under this clause, simply direct traders to mark in plain figures the goods in regard to which agreement as to price has been arrived at.

Hon. J. J. Holmes: The word "agreement" does not appear in the clause.

The MINISTER FOR EDUCATION: There is no necessity for that word. If a price has been agreed on, the price has to be posted. If no price has been fixed and no price has been agreed on, there is no price that the Commission can compel the trader to exhibit.

Clauses 8, 9—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## BILL—ROADS CLOSURE.

### Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.5] in moving the second reading said: This measure deals with the closure of four roads, and it is my intention to leave available to hon. members the plans setting out the particulars in each instance, and to fix the Committee stage for a subsequent meeting of the House so that members may have an opportunity of looking into these matters, or, if members so desire, the second reading stage can be adjourned. The first road closure dealt with is set out in the first paragraph of Part 1 of the Schedule, and applies to Queen Square, Fremantle. The whole of that square has always been shown on published plans as a roadway. I have here two plans, one small and one large, of the square. The Fremantle Municipal Council desire the closure of those portions which are shown in blue on these plans, as these portions are being used for gardens. The road is to be continued right through the square in both directions, but it is desired to close the portions marked in blue. The second paragraph of Part 1 of the Schedule deals with Fremantle lots 1186, 1192, 1197, 1200, 1207, 1208, 1213, 1216, 1224, and 1236, which were reserved as Reserve 11,384 and vested in the Public Education Endowment Trustees. The particulars are shown in another plan which I have here. Between lots 1199 and 1200 on the north, and lots 1207 and 1208 on the south, runs an unnamed road. The Public Education Endowment Trustees agreed to lease the reserve to the Anglo-Persian Oil Co., Ltd., and during the negotiations for the lease the Fremantle Municipal Council agreed that no opposition would be raised to the closure of the road in question being included in the schedule to the Road Closure Bill for this session. If this measure passes, the soil in the road can

be included in the grant to the Public Education Endowment Trustees, and then the lease which the trustees have granted to the Anglo-Persian Oil Co., Ltd., can be extended to include the road. Under Part 2 of the schedule it is proposed to grant portion of Phillips-street, North Fremantle, to the British Imperial Oil Co., Ltd., in exchange for portion of lot 47, as described in that part. It is necessary to close portion of Phillips-street in order to enable the exchange to be effected. The North Fremantle Council approve of the proposal, as it will have the effect of providing a better road. In every one of the cases where the step is not being taken at the local authority's direct request, the local authority has been fully consulted and entirely concurs. The proposed exchange is shown on the plan which I have here, Part 3 of the schedule refers to the Udue repurchased estate. Public rights of way exist over the roads shown in blue on the plan which I hold in my hand. As these roads are not required in the resubdivision of the estate, it is necessary that they should be closed in order that the soil contained therein should revert in the Crown. Part 4 of the schedule refers to the road passing along the front of the Supreme Court buildings, and is shown on the plan attached to the file, which I shall lay on the table. It is also shown on the larger plan which I have here, and which hon. members will be able to examine for themselves. This road for a distance of 200 yards easterly from Barrack-street is a public road. From that point further east the road is on Government property, and is therefore a private thoroughfare. In order to carry out a comprehensive scheme for the protection of the Supreme Court from unnecessary disturbance through outside noises, the closure of the road is necessary. That is to say, the road will be closed against vehicular traffic but will still be open for pedestrian traffic. Entry into the courts will be provided by a new private road as shown on the large plan of the completed scheme. No inconvenience whatever will be caused to the public, as pedestrians may pass through the Government Gardens. In this case, as in others, the approval of the local authority has been obtained. Vehicular traffic, of which there is very little indeed on the road in question, may use either St. George's-terrace or the lower river road, without adding to the length of the journey no matter where such traffic may be going. No properties abut on the road with the exception of Government House as regards its rear entrance, and in this connection satisfactory provision has been made. The proposed road closure will not only have the effect of protecting the Supreme Court from unnecessary disturbances—which at times have been very aggravating—but will also facilitate the work, which is now proceeding, of beautifying a portion of the foreshore which previously had in some de-

gree been an eyesore. These are the various purposes of the measure, and I move—

That the Bill be now read a second time.

On motion by Hon. J. J. Holmes debate adjourned.

#### BILL—PARLIAMENT (QUALIFICATION OF WOMEN).

Second Reading—Absolute majority absent.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.11]: In moving the second reading of this Bill I need only remind hon. members that the proposal contained in it is one of, I think, six features of a measure which was presented to Parliament last session, and which passed another place but was rejected by this House. Shortly after the rejection of that measure, one of its proposals was put forward in a separate Bill and was passed by both Houses and became law. This Bill represents the second of those proposals. I do not want hon. members to draw the conclusion that the Government are going to re-introduce all the proposals one by one and thus gradually get them through, although I daresay we may from time to time, as opportunity offers, submit some of the others again. The object of this Bill is to extend to women the right to sit in Parliament. I am not going to discuss for one moment the question whether or not women ought to sit in Parliament. The attitude taken up by the Government is that the electors should have the right to send to Parliament whomever they may choose to represent them. That privilege is enjoyed under the Commonwealth Constitution, and also under the British Constitution; and I do not see any argument in favour of refusing it here. I move—

That the Bill be now read a second time.

Question put.

The PRESIDENT: This being a Bill for the alteration of the Constitution, it is necessary that the measure should be passed by an absolute majority of the House. I regret to say that on counting the House I find there are only eleven members present.

The Minister for Education: Cannot we ring the bells?

The PRESIDENT: No.

Hon. J. Cornell: Would I be in order in moving the adjournment of the debate?

The PRESIDENT: No. That should have been done before. In the circumstances, the second reading does not pass.

#### BILL—STALLIONS REGISTRATION.

Second Reading.

The HONORARY MINISTER (Hon. C. F. Baxter—East) [9.14]: In moving the second reading of this Bill I may state that representations have frequently been made to the Government regarding the necessity for such a measure. Those representations were



made as far back as 1907. The Royal Agricultural Society have been specially active in urging that legislation is needed in regard to the registration of stallions, and agricultural societies throughout the country have expressed themselves as strongly in favour of a measure of this kind. Similar legislation is in force in various States of the Commonwealth, in Great Britain, and in many other countries. As recently as June last a deputation waited on me and urged the necessity for the introduction of a measure such as this during the present session. That deputation was representative of the Royal Agricultural Society, The Farmers' and Settlers' Association, and the West Australian Pastoralists' Association. It was shown that the standard for horse-breeding throughout the State had materially depreciated by reason of the unsatisfactory character of the stallions which had been used at the stud, and the only way to improve that condition of affairs was to provide by legislation that only suitable animals should be used for breeding purposes. The Agricultural Society have been doing what they can without legislation by issuing certificates, but the arrangement not being compulsory has been largely ineffective, and it is not practicable to arrive at any appreciable improvement under the existing conditions. It is to be regretted in a State like Western Australia that so many valueless horses are reared for use. There is a very big percentage of the horses bred in Western Australia that fetch such a low price on the market that it hardly pays for the grass that they have been fed on, and until such time as we can bring about an export of horse flesh, for which there is a big demand abroad, it will not be possible to turn them to profitable account. The wonder to me is that the average horse breeder does not himself see that he gets a better class of stallion for breeding purposes. The tendency seems to be that so long as a breeder gets something in the shape of a horse at a low service fee, he is quite content. There is still a big demand for Indian remounts, but I doubt whether we could send many from Western Australia. In the breeds of other kinds of horses, too, there has been a great falling off. It is true that some breeders have been breeding and importing good stallions, but I am sorry to say that those people are in the minority. The proposed legislation will not impose a hardship on anyone. The arrangement for the Act to be administered by a board ensures that its provisions will be applied impartially and only in such a manner as to serve the best interests of the community. It cannot be of real benefit to anyone that unsound, diseased and constitutionally defective animals shall be used for stud purposes. Without something in the nature of the present Bill, we have no power to control the importation of unsound and diseased stallions from

the Eastern States, and we are also powerless to protect breeders of horses who are dependent upon others to supply the services of stallions. The board will be required to appoint examining authorities to report approval of a stallion, and its allowance of the issue of a certificate. The inspections and examinations shall be carried out in such a manner and in such a place annually as the board may direct and appoint. Arrangements under this provision will be made to meet the requirements of the several different localities in the State. The gist of the Bill is contained in Clause 16, which provides that no uncertified stallion shall be used for stud purposes except on stock belonging to the owner of the stallion. Exception might be taken to that if the Bill went so far as to prevent an unsound stallion being used, but it will not prevent that, it will simply prevent that stallion being used on any but the owner's stock. Clause 17 provides that there shall be an appeal by the owner against the refusal to issue a certificate, and that the appeal from the finding of the examining authorities shall be heard and determined by the board. The board may issue two descriptions of certificate, one being for a season and the other for life. But if any certified animal shall afterwards develop any unsoundness, the board may require it to be submitted for examination, and for sufficient reason may cancel the certificate. The Bill in itself is modelled on the British Act, and provides in a simple and effective way for what is required. With regard to the clauses of the Bill, Nos. 1 to 10 deal with the appointment of the board and the officers, and the method of procedure. Clause 11 provides for the examining authority and places the veterinary surgeon appointed in the absolute position of rejecting or otherwise the stallion. Clause 12 refers to the inspections and examinations of stallions annually and provides that the agricultural societies and owners shall facilitate parades and examinations. Clause 13 empowers the examining authority to report to the board with respect to the stallions examined and also provides for the issue of certificates. Clause 14 provides for the issue of season and life certificates, and also stipulates that the board may require a re-examination. Clause 15 relates to the keeping of a register of certificated stallions, and for the gazetting of the list annually. Clause 16 prohibits the use for stud purposes of uncertificated stallions. Clause 17 provides for an appeal from a refusal to grant a certificate. Clause 18 refers to the usual penalties. Clause 19 relates to the fixing of ownership for the purpose of any prosecution under the Bill. Clause 20 provides for the making of regulations and carrying out the provisions of the Bill, and the remaining clauses deal with the provisions in regard to reciprocal treatment between the

States and the expenses of administration. I move—

That the Bill be now read a second time

On motion by Hon. R. G. Ardagh debate adjourned.

#### ADJOURNMENT—ROYAL SHOW.

The HONORARY MINISTER (Hon. C. F. Baxter—East) [9.28]: I move—

That the House at its rising adjourn until 4.30 p.m. on the 7th inst.

Question put and passed.

*House adjourned at 9.30 p.m.*

## Legislative Assembly,

*Tuesday, 5th October, 1920.*

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

#### QUESTION—FLOUR FOR EXPORT.

Mr. GRIFFITHS asked the Premier: 1, Is he aware that an exporting firm is likely to lose an order for 5,000 tons of flour, being back loading in exchange for other commodities for the reason that the Wheat Board must do all the handling of wheat and flour? 2, That the firm in question, if given the opportunity, would exploit a market hitherto never successfully exploited by the Wheat Board? 3, Will he see if this sale can be brought about by getting an answer from the Australian Wheat Board as speedily as possible, and enable the firm in question to make arrangements for the sale? 4, Will the Minister in charge especially watch such trade in which our commodities are to be sent away in exchange for goods that we cannot produce in this country, and so save sending away bullion?

The PREMIER replied: 1, No. 2, No. 3, The Australian Wheat Board has replied to a query by the local Wheat Scheme that the board cannot quote for wheat for flour to Suez as it is doing the Egyptian business itself. 4, The Australian Wheat Board considers that such trade can be more beneficially done in the interests of growers by one seller.

#### QUESTION—FODDER SUPPLIES.

Mr. GRIFFITHS asked the Honorary Minister: 1, What has become of the immense stack of wheat that was lying for so long at the mill at Cottesloe? 2, Was it shipped overseas? 3, Is he aware that the staff at the mill was working night and day in the removal of this large quantity of wheat? 4, Also that shortly after its removal, the mill ceased operations and closed down? 5, Can he explain the anomalous position that, having sent offal away to the Eastern States at high prices, to get supplies for shipping orders, and for local use we are buying back from Adelaide at £9 per ton, Adelaide? 6, Is this procedure likely to encourage local production of bacon, pork, and kindred lines? 7, Why allow offal to be shipped to the Eastern States and bought back at £9 per ton as already stated? 8, Is he aware that orders for pork products have had to be turned down by an exporting firm just recently?

The HONORARY MINISTER replied: 1, 2, 3, and 4, The wheat that was supplied to the Cottesloe mill early in the season has been converted into flour, bran, and pollard. 5, and 7, Owing to the large stocks of bran and pollard on hand, the millers were compelled, early in the season, to sell both locally and outside the State at less than the proclaimed price. Smaller quantities were subsequently sold outside the State by millers and merchants which did show a profit above the local proclaimed price. As soon as offal stocks became low, steps were taken to prevent further sales outside the State. 6, No. 8, No.

#### QUESTION—YALLINGUP CAVES HOUSE.

Mr. PICKERING asked the Colonial Secretary: 1, Is he aware that the Tourist Department are booking accommodation for Rottneest for the Christmas holidays and refuse to book accommodation for Caves House, Yallingup? 2, If this is a fact, will he take steps to place Yallingup on the same basis as Rottneest, in order that local holiday seekers may be enabled to make their holiday arrangements in advance?

The COLONIAL SECRETARY replied: 1, The Tourist Department does not book accommodation for Rottneest. 2, Bookings for Yallingup for the Christmas holidays may be made two months in advance, which is considered a reasonable time for holiday arrangements to be made in advance. Earlier bookings at Yallingup—where the accommo-