present board to become mixed up in the question of capitalisation. It might not be desirable for them as an advisory board. I think we shall need to have somebody from the Agricultural Bank on the board, because the bank will take over the properties. Accordingly the bank ought to have representation on the board especially as in the first instance the responsibility was put upon Mr. McLarty to arrange the terms of capitalisation. The other members ought to be gentlemen who are competent to give sound, independent judgment, and I think they can be secured in this State. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

House adjourned at 10.12 p.m.

Legislative Council.

Tuesday, 18th September, 1928.

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

BILL—FERTILISERS.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.37] in moving the second reading said: The reason for introducing this measure may be gleaned from the memorandum attached to the Bill. This memorandum shows that the decision to amend the existing Fertiliser Act arose in consequence of a resolution passed at the Conference of Ministers of Agriculture in 1923, when the question received deep and earnest consideration. Arising out of thi and due to the fact that any Bill propose would be of a technical character, the agr cultural chemists of the various States wer called together for the purpose of takin the matter in hand, and ultimately they sub mitted a draft Bill which was intended t embody what were considered to be the bes provisions of the Acts already in forc throughout Australia. It was found o examining this draft Bill that it differe very slightly in principle from the Bi which was on the statute book of this State and the measure now submitted to thi House is in the main a reproduction of thi draft Bill as redrafted by the conference o technical advisers. There are some mino variations in order to meet local require ments. In the draft Bill provision was mad for registering dealers or vendors in fer tilisers, as well as the brands of fertilisers This was at variance with the Act now i force, and it has not been adopted, as th experience of the past has shown us that i is sufficient to provide for the registration o fertilisers and that it is not necessary t insist upon the registration of dealers. T insist that every dealer or vendor of fer tilisers, particularly in country towns, shoul be registered would, in the opinion of th Department of Agriculture, impose an un due burden upon the trade and also upon th agricultural community, without any corres ponding advantage. The provision therefor has been deleted. Further, in the draft Bil as prepared by the agricultural chemists it is provided that details of the contents o the fertiliser should be set out on the bag in addition to having these details supplied in the registration and also on the invoic given to the purchaser. In the presen measure the two latter requirements only are insisted upon. To have the details also set out on the bag or on a label would in volve additional expense, which would b passed on to the purchaser. It should be enough if they are stated in the registra tion and on the invoice supplied to the pur chaser. The present Bill differs from the existing Act mainly in two respects. In the first place it provides for an annual regis tration of fertilisers, and also the payment of an annual fee. The present system under the existing Act stipulates for a single re gistration which remains in force until can celled by the vendor. As the result of this the register of fertilisers becomes, in pro cess of time, congested with brands of fer tilisers which are no longer in general use

This is not only the experience in this State, but has also been the experience in other States. Hence the suggested provision that fertilisers should be registered annually. At the present time there is no registration fee. The result is that irresponsible vendors register and amend fertilisers which are not in general use, without having regard to the administration expenses involved. It is anticipated that the payment of a small fee for registration will do something to prevent the continuance or extension of this abuse. The present Bill also provides for the giving of fuller and more accurate details in connection with the fertilisers which are registered; these now include, besides superphosphate and the old-time manures, agricultural lime and gypsum, which are not included in the existing Act. Prior to this draft Bill being prepared the proposed conditions were discussed by all interests concerned, and the measure now submitted contains those provisions which, as the result of the conference, it is considered will deal equitably with the matter, and protect the interests of the users of fertilisers and of honest dealers in them. Owing to the elaboration of many of the clauses it has been considered advisable to recast the measure rather than to achieve the object in view by amendments to sections of the existing Act. For the information of hon. members I will now explain the various clauses of the Bill. The interpretation clauses may be described as follows:—The definition of "Acid Soluble Phosphoric Acid" makes for uniformity throughout the Commonwealth. In South Australia the phosphatic contents of fertilisers are described as "phosphates," as was the case originally in the parent Act of this State, but which was later amended so as to describe them as phosphoric acid, as is provided in the present Act. Because of the difference which obtains in South Australia, as compared with the other States, farmers in all States are confused as to the real contents of fertilisers, and it is possible for dishonest merchants to take advantage of this confusion improperly to "boom" their particular fertiliser. This Bill provides for simplicity and uniformity and clearer definitions of "bonedust" and "bone fertiliser." These are included, so as to provide that "bonedust" or "bone meal" shall be a material derived solely from bones, whereas "bone fertiliser" includes a mixture of bones and other organic material of animal origin. It will be noted from the definition set out that it is proposed to prescribe by regulations the details of the methods of analysis by which the constituents of the fertilisers are determined. This provision is made so that the methods in all the States shall be uniform, and so that manufacturers' analysts can also adopt the same methods in order to ensure uniformity in every direction. The definition of "dealer" has been enlarged so as to include "indentors," as well as "vendors." Under the old Act the omission of such provision leaves a loophole for some merchants to handle imported fertilisers without coming under the provisions of the Act. "Fine material" is now included in the definitions under the proposed Bill. This is important in connection with bone dust and basic slag, the value of which depends upon the fineness of grinding, as well as upon the chemical composition. The definitions of "gypsum" and "lime" are additions which bring these two substances under the new Bill, though not included in the old Act. The definitions, though couched in technical language, are such as should make them quite clear to those who have to refer to them. An important additional definition is that relating to "phosphate fertiliser." Under the old Act it is possible for a merchant to adulterate "bone dust" or "bone fertiliser" with a mineral phosphate without committing an offence against the Act. If he placed in the fertiliser a mineral phosphate he would not be committing an offence against the Act. Under the new definitions relating to "bone dust," "bone fertiliser," "phosphate" and "superphosphate" it will not be possible to do this. Clause 3 has been included to render the sale of small lots of fertiliser simple and easy, though even small lots cannot be sold unless the fertiliser has been registered. Under the present Act no provision is made for any person to see the register, nor to obtain a copy of entries therein. Sometimes copies are supplied gratis. Under Clause 4 it will be possible for those desiring copies to obtain them on payment of a fee. Clause 6 provides that registration commences at the beginning of the financial year, instead of at the calendar year. I propose to submit an amendment in order to meet the wishes of those engaged in the trade, and provide that the financial year shall commence at the date that will suit them best. Clause 7 pro-

vides for the payment of a fee for registration. Under the present Act there is no charge for registration or amendment, and in consequence there is a tendency on the part of some to abuse this privilege, and to register a fertiliser even though it may be only on the market for a few weeks. It is proposed that the registration fee shall be £5, for any number of fertilisers up to 20, and 5s. for each additional fertiliser. This is regarded as a fair fee to charge for the registration.

Hon. V. Hamersley: Is £5 the annual fee?

The CHIEF SECRETARY: Yes.

Hon. V. Hamersley: It is a new form of taxation.

The CHIEF SECRETARY: The hon. member always says that. If a fee is charged for services rendered, he invariably refers to it as additional taxation. Does he want this measure faithfully and honestly administered?

Hon. V. Hamersley: I have not seen it yet.

The CHIEF SECRETARY: He will, I think, strongly support it when he has had time to give it full consideration. The clause also provides that the manufacturer shall indicate the material from which the fertiliser is made. This is regarded as extremely important in the case of organic fertilisers, for the raw material from which these are made may contain plant food in a very unavailable form—it may be there, but insoluble. Unless the origin is stated, it is likely to deceive the farmer who is buying the fertiliser. The object of Clause 8 is to provide farmers, and others interested in the purchase and sale of fertilisers, with details regarding the composition of those which are on the Western Australian market. The Minister is given sufficient latitude as to which is the most suitable publication in which to have the details printed in order to meet the wishes of Parliament and serve the requirements of the Act. The next is a most important clause. It provides that only registered fertilisers shall be sold, and these shall have a registered brand. It amplifies the provisions of the existing Act. These do not go so far, but the Bill is intended to protect the interests of the agricultural community.

Hon. J. Nicholson: With whom has the registration to be made?

The CHIEF SECRETARY: It is made by the Department of Agriculture. Clause 10 is a new clause, and is designed to prevent an evasion of the Act on technical points—there is no room for lawyers thereby those who describe themselves as importers or indentors, while, in effect, the are merchants. Clause 11 is a machiner clause designed to admit of information regarding the composition of fertilisers bein obtained. Clause 12 replaces Section 8 o the original Act. It includes all the provi sions contained in Section 8 of the old Act and also provides that, in the case of locall manufactured fertiliser, the name and plac of business of the manufacturer shall b stated. In addition it provides for the neces sary details regarding the sales of agricul tural lime and gypsum. It also provides, i the case of certain fertilisers, the degree o fineness to which they shall be ground shal be stated on the invoice. Clause 13 prevent merchants from re-filling packages wit fertiliser other than that which they origin ally contained. There is also a machinery clause to facilitate the administration of the Act. Clause 14 protects the purchaser of a fertiliser in the case where a merchant has failed to comply with the provisions of the Act. It has been designed to prevent fraud. Clause 15 replaces Section 11 of the original Act, and provides for limits of variation or permissible deficiency with regard to lime or gypsum. It further provides for the net fluctuations which occur in bonedust and bonemeal, and prevents genuine suppliers of these fertilisers from being penalised through the net variations which are known to occur in bones of animals. Clause 16 provides for the limit of variation which is permissible in connection with the fineness of certain prescribed kinds of fertiliser. It takes the place of Section 12 of the original Act. Clause 17 supplements Section 12 of the original Act, and makes it an offence for merchants who attempt to deceive farmers by indirectly suggesting that their fertilisers are manufactured from bones or similar organic material when they are manufactured from some other source, or from mineral phosphates. Under Clause 18, if a fertiliser is represented to be something different from that which is ordered, an offence against the Act will have been committed. Clause 19 also supplements Section 12 of the original Act with a view to protecting the purchaser from having a fertiliser supplied to him other than that which be ordered, and which does not comply with any standards which may be prescribed. The next is a machinery clause, replacing Section 13 of the original Act, and in addition provides for the appointment of agricultural

analysts, if they are required. Clauses 21 to 24 replace Sections 14, 15 and 17. Clause 25 replaces Section 16 of the original Act. Such a clause as this is necessary to prevent legal action against the department by merchants whose fertilisers on analyses have been found to be below standard. In Clause 16 of the original Act the word "forthwith" was included, and on several occasions, owing to unavoidable delays of a few days owing, say, to the inspector being absent in the country, prosecutions have failed on technical grounds because of the inclusion of this word "forthwith." It has therefore been omitted in the present Bill. Clause 26 replaces Clause 18 of the original Act. No provision is, however, made in this clause for the recovery of the cost of the analysis by the purchaser from the seller, as is provided in Clause 20 of the original Act. This is a matter for the Crown Law Department to advise upon. Numbers 27 to 30 are machinery clauses; Clause 31 replaces Clause 21 of the original Act. Clause 32 is a legal clause, as is Clause 33, which replaces Sections 26 and 28 of the original Act. Clause 34 replaces Section 24 of the original Act. Clause 35 is also a legal clause. Clause 36 provides machinery for having the actual offender, instead of the nominal offender, punished. Clauses 38 and 39 are legal clauses, the latter replacing Section 23 of the original Act, and providing that the original seller may be proceeded against by a later one. Clause 40 makes provision for protecting officers administering the Act in the execution of their duty. I move—

That the Bill be now read a second time.

On motion by Hon. H. A. Stephenson, debate adjourned.

BILL—FORESTS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—EDUCATION.

In Committee.

Resumed from 11th September. Hon. J. Cornell in the Chair.

Postponed Clause 17—Penalties for neglect:

Hon. A. LOVEKIN: I move an amendment—

That all the words from "may be summoned," in lines 4 and 5 to and inclusive of the words "Court and," in line 9 be struck out and the following inserted:—"may be required by notice sent by registered post to or served upon such parent at his usual place of residence, to attend before a Court of summary jurisdiction at the instance of a compulsory officer or other person appointed in that behalf by the Minister, to show cause why he should not be adjudged guilty of an offence against this Act. If such parent fail to comply with such notice he may be summoned on the complaint of any person authorised on that behalf by the Minister to attend before such Court, whether attending upon notice or summons, such parent, upon conviction."

The Crown Solicitor has sent me another amendment which I cannot accept, because in that amendment the bailiff comes into the question, and there is no bailiff attached to the Children's Court; therefore it would not be applicable. What I am trying to do in this case is to save the 3s. costs which have to be ordered when a parent has been summoned. There is no option but to order the payment of those costs, although the maximum fine is only 5s., and when payment is ordered, the amount automatically increases by 4s. 6d. for the warrant of execution and other matters. So that instead of 3s., we get a total of 7s. 6d. I am informed that more than half the cases that appear before the Children's Court are those of parents in receipt of State relief, which is 9s. or 10s. a week, and even to take 3s. from that amount imposes a burden on the family and is taking bread from the mouths of children. I want to avoid the court being compelled to order the 3s. costs. The Crown Solicitor objects to this on technical grounds. He contends that is not the Bill in which to include the amendment; he says we must alter some other Act. But in other parts of the Bill we are altering the Child Welfare Act. Therefore, why cannot we insert the amendment I propose. However, instead of submitting the amendment that has been read, I intend to ask leave to withdraw it and to add a new paragraph at the end of the clause, a paragraph drafted by the Crown Solicitor to this effect—

A summons under this or any other section may, if the court thinks fit, be issued without the payment of the prescribed fee for the summons or complaint, and such summons shall be deemed to have been duly served if sent by post as a registered letter addressed to the person summoned at his usual or last known place of abode.

I ask leave to withdraw the amendment and later on will move to insert at the end of the clause the paragraph I have just read.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That in line 2 of Subclause 2 the words, "or inspector" be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I am thoroughly in sympathy with the object Mr. Lovekin has in view, but I have to be guided by the advice of the Parliamentary draftsman. I shall confer with the Parliamentary draftsman with regard to the matter and I will have the Bill recommitted to-morrow. It is my intention also to submit several other amendments. In the meantime I shall see the Solicitor General and discuss the matter with him. His only objection to Mr. Lovekin's amendment is that it makes no provision for the bailiff to receive a fee.

Hon. A. LOVEKIN: A summons is issued and is sent to the police to be served by them. There is no bailiff attached to the Children's Court. I move an amendment—

That the following be added to the clause:—"(4.) A summons under this or any other section of this Act may, if the court thinks fit, be issued without payment of the prescribed fee for the summons or complaint, and such summons shall be deemed to have been duly served if it is sent by post as a registered letter addressed to the person summoned at his usual or last known place of abode."

The CHIEF SECRETARY: The remarks I made previously apply equally to this amendment.

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

New Clause:

Hon. A. LOVEKIN: I move—

That the following be inserted to stand as Clause 20:—"Whenever a parent is summoned to attend a court, it shall be obligatory upon such parent to produce to the court the child in respect of which complaint has been made, if required in writing to do so by a compulsory officer or other person authorised in that behalf. Penalty: Ten shillings."

I have altered the proposed new clause as it appears on the notice paper by deleting the words "by notice or otherwise." Although parents have to be summoned because their children do not attend school, the fault often lies with the children, who play truant. A parent takes a child to school and yet the child manages to get away. When the parent is summoned the child is not taken to the court, and truant officers and others have thought for a long time that it would be a good thing if the child were taken to the court, where it might receive a little talking-to that would prove a deterrent in future. A child would not be taken to the court unless some good was likely to come of it. The matter is left to the discretion of the compulsory officer.

The CHIEF SECRETARY: I think the hon. member is limiting the effect of the subclause. Only where a parent was summoned would it be necessary to take the child to court. Why strike out the words "by notice or otherwise"?

Hon. A. LOVEKIN: The Solicitor General objects to the word "notice" appearing. He says it should be "summons."

Hon. J. Nicholson: I think he is right.

Hon. A. LOVEKIN: Consequently I have struck out the word.

New clause put and passed.

First and Second Schedules—agreed to.

Third Schedule:

The CHIEF SECRETARY: I move an amendment—

That the words "not made four-fifths of the possible half-day attendances" be struck out, and the words "been absent on any occasion without satisfactory excuse" inserted in lieu.

The four-fifths attendances refer to private schools. I understand that when the original Act was amended in 1894, if a child had attended four-fifths of the required time, the parent could not be prosecuted. All that has been changed for some years. The paragraph on the compulsory form, if amended, will read, "Names of all scholars between the age of six and fourteen who have been absent on any occasion without satisfactory excuse," etc.

Hon. A. LOVEKIN: Clause 14 refers to "reasonable excuse." I suggest that this form be kept in unison by substituting "reasonable" for "satisfactory."

The CHIEF SECRETARY: The reason will be stated on the form and it will be for the department to decide whether the reason is good or bad. If the department was satisfied that a child was sick, it would be a satisfactory reason.

Hon. A. LOVEKIN: When a court comes to interpret an Act, difficulty arises if there is a change in the language. A "reasonable" excuse is dealt with under Clause 14, but

now the Chief Secretary introduces a "satisfactory" excuse. The court would have to ask what was a satisfactory excuse, and what was the difference between a reasonable and a satisfactory excuse. It is better to retain the same phrasing.

Hon. J. NICHOLSON: There is considerable force in Mr. Lovekin's contention, but the difficulty might be overcome by inserting "reasonable or satisfactory" excuse.

Hon. E. H. Harris: That is a reasonable solution, but not a satisfactory one.

Hon. J. NICHOLSON: Clause 17 also employs the phrase "reasonable excuse" and in case there might be some other provision, the safe way would be to insert the two adjectives.

The CHIEF SECRETARY: A satisfactory excuse would be one that satisfied the requirements of the Act.

Hon. J. Nicholson: No; according to the measure it must be a reasonable excuse.

The CHIEF SECRETARY: If it was a reasonable excuse, it would be a satisfactory excuse.

Hon. J. Nicholson: You would need an interpretation of "satisfactory."

The CHIEF SECRETARY: I cannot see that there is any difference.

Hon. A. LOVEKIN: The Chief Secretary would appreciate the importance of retaining the same language if he had to sit in court and listen to lawyers arguing about differences of terms. The department should pay some little attention to those who have had experience of these matters. Last session I urged upon the House, and pressed to a conference, a question of transferring an order from the Perth court to a country court. It was opposed strongly in both Houses, but the amendment was necessary, and in consequence of its adoption those administering the Act have already saved expenses of more than £130. In regard to measures dealing with the enforcement of maintenance orders, I pointed out that trouble would result from having two Acts on the statute-book; and experience has proved the correctness of my contention. I think the Government should give way to the knowledge of those who are almost in daily contact with the legislation, rather than to those who possess hardly any experience of that kind. The Solicitor General, a very able legal gentleman, does not understand the procedure and practice of the Children's Court.

The CHIEF SECRETARY: The phrase has no legal significance whatever. It merely says that the proprietor or head of a private school must fill up and send in returns from time to time. The returns are examined by the compulsory officer, who, if necessary, makes inquiries. The excuse advanced may strike the compulsory officer as unreasonable, and as contrary to the Act, whereupon he will take action.

Hon. A. LOVEKIN: If the department wanted to take action, they could only do so under this measure, and not by merely saying that they considered the excuse unsatisfactory. "Unsatisfactory" is not known to the Bill. The department could take action only because the excuse was unreasonable.

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

Fourth Schedule, Title—agreed to.

Bill reported with amendments.

BILL—PERMANENT RESERVE (KING'S PARK).

Second Reading.

Debate resumed from the 11th September.

HON. H. SEDDON (North-East) [5.37]: I took the opportunity of obtaining the adjournment of the debate in order to allow myself, and possibly other members, time to look at the block in question. While I would strongly oppose the alienation of any part of King's Park, I am inclined to think that the arrangement proposed in the Bill will be quite satisfactory, especially in view of the fact that the lease is to be for not more than 25 years. In the circumstances I shall support the Bill.

HON. E. H. GRAY (West) [5.38]: On broad principles I am opposed to any alienation of reserves, but I know the locality of the proposed leasehold well and see no objection to the transaction proposed. I would prefer, if possible, the conversion of the ground into a tennis court to be controlled by a public body. However, I do not think the proposed lease would hurt the King's Park at all; and, further, I am of opinion that the King's Park Board will not be in a position to create improvements on the block in question for many years to come. Therefore I consider it is in the pub-

lic interest that the board be assisted in the matter. I support the Bill.

On motion by the Honorary Minister, debate adjourned.

House adjourned at 5.39 p.m.

Legislative Assembly.

Tuesday, 18th September, 1928.

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

QUESTION—WHEAT SHIPMENTS.

Mr. LINDSAY asked the Minister for Agriculture: 1, How many shipments and what quantities of wheat were sent away from each port in each month of the year 1927-28? 2, What was the maximum quantity of wheat stacked at each port during the same year?

The MINISTER FOR AGRICULTURE replied: 1 and 2, The particulars are given in a return which has been laid upon the Table of the House.

QUESTION—WATERSIDE STRIKE.

Hon. Sir JAMES MITCHELL (without notice) asked the Premier: Has he heard anything about the strike on the waterfront to-day, or has he any later news than we read in this morning's paper? Can he tell us anything about the position?

The PREMIER replied: I have not heard anything to-day except that I have been informed the position has not changed from what was reported in this morning's paper.

Hon. Sir James Mitchell: At Fremantle

The PREMIER: I am referring to Fr mantle.

Hon. Sir James Mitchell: I am sorry hear that.

BILL—WATER BOARDS ACT AMENDMENT.

Introduced by the Minister for Mines (f the Minister for Agricultural Water Su plies) and read a first time.

BILL—FORESTS ACT AMENDMENT

Read a third time and transmitted to th Council.

BILL—ELECTORAL ACT AMENDMEN

Reports of Committee adopted.

BILL—DRIED FRUITS ACT AMENDMENT.

In Committee.

Resumed from the 13th September. M Lutey in the Chair; the Minister for Agr culture in charge of the Bill.

Postponed Clause 7—Power to require r turns from growers:

The MINISTER FOR AGRICULTURE I asked for the postponement of this claus because it seemed that the penalty for n furnishing returns was excessive. This claus was copied from the South Australian A which does provide for a penalty not exceed ing £500. As the penalty is merely fo failure to furnish returns, I move an amend ment—

That the words "and shall be liable to penalty not exceeding five hundred pounds' be struck out.

Hon. Sir James Mitchell: What fine d you propose to insert in lieu?

The MINISTER FOR AGRICULTURE The Act provides for penalties and th amount will be left to the discretion of th court. So high a penalty as £500 is no justified in this State.

Hon. Sir James Mitchell: It is a five-bo offence and a £500 fine.

The MINISTER FOR AGRICULTURE It is more than a five-bob offence. If return are not supplied, the whole control will b dislocated. One grower was sent seve