

assurance. I know that the potato growers are opposed to it because they claim that their products are already under inspection. The Minister for Agriculture has power to deal with seed potatoes.

The Minister for Agriculture: I did not mislead you; I said that the potato growers were not keen about the Bill.

Mr. J. H. SMITH: No good purpose will be served by the measure. If we attempt to regulate this business, it will be against the interests of the growers.

The Minister for Agriculture: But you know that the best growers, under present-day conditions, do what is suggested.

Mr. J. H. SMITH: I know that, and also that people go to the markets and give 1s. or 2s. more for fruit grown by certain growers. Another danger that I see is that the growers will be held responsible. The name of the grower must appear on the case. Fruit is bought at the markets, and then is taken elsewhere and displayed in shop windows. The fruit may be labelled with the grower's name, but an unscrupulous retailer may not act properly regarding the fruit and the grower will be held responsible. I hope that during the Committee stage we will have an opportunity to amend the Bill so as to protect the interests of the growers. I do not think it is fair in its application as it stands. The Minister knows that the practice I have hinted at is resorted to to-day, and will recognise the necessity for making provision accordingly. I oppose the second reading of the Bill.

MR. SLEEMAN (Fremantle) [9.37]: A Bill of this description is long overdue, but during the course of the debate too much attention has been devoted to the wholesaler's point of view to the exclusion of that of the retailer and the consumer. I would like the Minister to explain how the Bill will affect the retailers in the shops throughout the metropolitan area. We know that "place" will include a shop and "packages" will include a bag or a container. I do not think sufficient power is provided for inspectors to protect the interests of consumers who purchase fruit in retail shops. One hon. member suggested that the Bill was not in the interests of the grower, but, if drafted properly, I think it will be in the interests of all concerned, the grower, the consumer, and the packer. To-day, if a person enters a shop and asks for a dozen

oranges or a couple of pounds of apples, beautiful specimens of which he has noticed in the window, he later finds to his disgust that the fruit he has obtained is not by any means true to the samples shown in the windows. Power should be given to inspectors so that on meeting purchasers emerging from a shop, they can stop them, ascertain what class of fruit has been supplied to them and determine whether it is a fair average sample of the fruit displayed in the shop window. I hope the Minister will tell us how the Bill will affect consumers who purchase fruit in the retail shops.

Question put and passed.

Bill read a second time.

House adjourned at 9.40 p.m.

Legislative Assembly,

Thursday, 19th September, 1929.

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

QUESTION—RAILWAYS, SLEEPER CONTRACTS.

Mr. J. H. SMITH asked the Minister for Railways: 1, Does he know that contracts for wandoo sleepers have been let through the Comptroller of Stores, Midland Junction, a long way below union rates to the following persons:—P. Amidi, Clackline; Piesse & De Bondi, Toodyay; Jones, of Chidlow (carting, Wooroloo); J. Marcellia,

contractor of York? 2, Is he aware that foreign labour is employed in this work? 3, Will he take immediate steps to see that award rates are paid and that our own people are engaged in this industry?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Reports have been received that P. Omodei and F. T. Jones have employed foreign labour, and their orders have been cancelled pending investigation. No orders are held by De Bondi, and no complaints received regarding Piesse and Marcellia—the latter is Australian born and a returned soldier. 3, The Department's contracts are at a price for sleepers stacked at sidings or delivered into trucks, and orders are issued subject to work being performed by British subjects. Consideration will be given to the conditions under which the contracts are carried out.

BILL—FAIR RENTS.

Report of Committee adopted.

BILL—EASTER.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willecock—Geraldton) [4.35] in moving the second reading said: It has been desired by many countries of the civilised world that instead of Easter being a moveable feast, the celebration of the holidays should be fixed at a uniform time. The question of what time, is dependent on the full moon, and the second Friday after full moon after the 21st March has always been accepted as Good Friday.

Hon. Sir James Mitchell: Where did this idea of stabilisation first originate?

The MINISTER FOR JUSTICE: At the time of the Crucifixion it was the first Friday after the full moon after the equinox, and ever since that time the celebration of Easter, which is mostly of a religious character, has followed that date. Because of the fact that full moon takes place on different days after the equinox, the observance of Easter by religious people, which has been incorporated in the public holidays in many civilised countries, has taken place on that day.

Hon. Sir James Mitchell: Is this to apply all over Australia?

The MINISTER FOR JUSTICE: Yes, all over the world. There has been a world-wide movement amongst the civilised countries to have the observance of Easter on a uniform date, and the object of the Bill is to have that observance take place on the first Sunday after the second Saturday in April. That will mean that practically throughout the civilised world the Easter holidays will be observed in the second week in April.

Hon. Sir James Mitchell: The holiday side of it is even more important than the religious ceremony.

The MINISTER FOR JUSTICE: Perhaps so. But holidays disturb commercial relations and most of the countries agree that the date should be stabilised. I believe the idea of a fixed day originated with the League of Nations and all the countries represented in the League of Nations favoured the idea, and in consequence that course has been adopted throughout the civilised world. This recommendation coming from the League of Nations to the British Government, was passed on to the Australian Governments, State and Federal, and has been agreed to. The matter came up for discussion at the Premiers' Conference of 1928, when all the Premiers of the Australian States agreed to introduce the necessary legislation into their several Parliaments so that the observance of Easter shall be on a fixed date.

Mr. Sampson: Has this the support of the churches?

The MINISTER FOR JUSTICE: Yes, there has been no opposition from any of the churches. The Bill will not become law until after the British Act has been proclaimed. Then concerted action will be taken throughout the civilised world and all the several Acts will be proclaimed, in Western Australia and the Australian States the same time as in other parts of the world. This Bill was introduced in the House of Commons on the 17th February, 1928, passed the second reading without a division, and subsequently passed all its remaining stages. Let me read what the Secretary of the State of the Home Department, Sir William Joynson Hicks, said in moving the second reading—

I think it is entirely the view of the business world and their employees that Easter should be stabilised in order that everybody should know from year to year when Easter is likely to be, and all the inquiries which

have been suggested would really delay that for which the business and the commercial world have asked. The League of Nations has dealt with the matter fully. The International Chamber of Commerce, an important body in Europe, has definitely consented to this change, and has passed resolutions as long ago as 1923 strongly supporting the view of the London Chambers of Commerce that it is desirable that Easter should be definitely fixed. There was a further congress in Brussels in 1925, which endorsed the same view and passed a resolution in favour of some arrangement being arrived at to stabilise Easter. The League of Nations had made inquiries, and they gave a great deal of information in the report issued by the League of Nations Committee on the Reform of the Calendar, which also dealt with the question of stabilising Easter. In that report they say that all the railway authorities in England, Great Britain, Germany, Spain, France, Greece, Hungary, Poland, Czechoslovakia and Switzerland have already decided in favour of this change. It is very important that we should have a united opinion to guide us, and all the railway authorities are practically agreed in regard to the need for this change. . . . The Association of British Chambers of Commerce, in 1920, called upon the Imperial Government to take such steps as may be necessary, in conjunction with the Dominions and foreign Governments, to bring about the adoption of a fixed date for Easter. The Chambers of Commerce of the British Empire met, in 1920, at a conference at which our Dominions and Colonies were represented. There were present representatives from Australia, Canada, New Zealand and South Africa, and that conference passed a similar resolution to the one I have alluded to, urging the Government to fix a date for Easter. In February last further memorials were received at the Home Office from the Committee of the International Chambers of Commerce urging the Government to take the same course, and their views were supported by the British Chambers of Commerce, the National Association of Building Societies, the Federation of British Industries, the British Bankers' Association, the Chamber of Shipping, the Corporation of Lloyd's, and a large number of other commercial bodies. Therefore, I do not think it is necessary for the Government to make any further inquiries from that point of view, because we have already got a complete consensus of opinion which for some time has been drifting into the Home Office, and all this opinion is steadily pressing upon the Government department charged with responsibility in this matter to get something done. In March last, the Drapers' Chamber of Trade passed a resolution pressing upon the Government to make this change. I cannot see any better way of finding out the opinion of the commercial community than that of seeking the opinion of these great representative associations, who all appear to be unanimous in regard to this proposal.

When that Act was passed by the Imperial Parliament it came out as a recommendation to the Australian States and the Com-

monwealth, and at the Premiers' Conference in June, 1928, the following resolution was carried:—

That upon legislation by the Imperial Parliament to fix the date of Easter becoming operative, it is desirable that the Governments of the States should introduce legislation to fix a similar date.

The thing will not be done piecemeal. The various Parliaments as they pass the Bill will wait until the other Parliaments of Australia have passed it, then, following on the proclamation of the Act in Great Britain, this Easter-day stabilisation will be proclaimed throughout Australia in the one year. The Imperial Act was passed on the 3rd August, 1928. It provided that the Act should not come into operation until a day to be fixed by Order-in-Council, and that before making such order regard should be had to any opinion officially expressed by any church or other Christian body. I understand that all the churches have considered the matter, and none has raised any opposition to the celebration of Easter on a uniform date. In view of this unanimity, clearly it is desirable that the idea of uniform action should be adopted. The Bill has been brought down for that purpose. I do not think there should be much discussion of the Bill. It is merely that it is desired to take uniform action, and so all over the world this legislation is being introduced. I cannot believe there will be any serious opposition to the Bill. I move —

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [4.45]: I have no objection to offer to the Bill. As the Minister has told us, a similar measure has been approved by the British Parliament. In this material age it is important to have uniformity. The means of communication nowadays are so rapid that business could easily be dislocated if one part of the world observed Easter at one time and another part of the world fixed it for a different time. Recently I read a book dealing with American business in which complaint was made about the absence from business in England of the heads of firms who take the end of the week off, which made it difficult to transact business and even caused delay and serious loss. Years ago uniformity was not so important, because it was impossible to communicate

with England or America except by sailing boats which took months to make the journey each way. In those days a super-cargo travelled in the ship, which was really a travelling warehouse, because it was impossible to give and supply orders as business demanded owing to the meagreness of the means of communication. Now, of course, goods can be delivered in Australia on a specified day and almost to the hour, and the improved means of communication have necessitated changes in many directions, this one included. I agree with the Minister that since the whole of the Empire is coming into line on the question of Easter observance, we in Australia cannot afford to stand out.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MENTAL DEFICIENCY.

Second Reading,

Debate resumed from the 17th September.

HON SIR JAMES MITCHELL (Northam) [4.50]: This is a very important Bill and one that ought to be carefully considered. The Minister explained fully and clearly the intention of the Bill, and, as he pointed out, it is certainly a non-party measure. We all desire that something should be done for the unfortunate people to whom the measure will apply. The Minister has endeavoured to meet the situation by taking something from the British Act and something from the Tasmanian Act, while portion of the Bill is original. I understand that the British Act is fairly complete, it having been amended from time to time in the light of experience gained there.

The Minister for Health: I have adopted the principles of the Imperial Act, though some portions of that statute, of course, would not be suitable for Western Australia.

Hon. Sir JAMES MITCHELL: I desire that this measure be made as perfect as possible so that the object we have in view will be attained. We should endeavour to

make the lives of these unfortunate children as happy as possible and as useful as possible. We can make their lives useful by keeping them at work, which in turn is necessary to make them happy. We cannot expect to find the same mental development in any two persons, but we can have a standard and we can assist those who are below the standard. I wish to help the Minister in this matter and to assure him that members on this side of the House are quite as anxious as he is to do something that will result in good. It seems to me that we should begin with the children and continue with the children by exercising careful control.

The Minister for Health: The Bill makes provision for control right through.

Hon. Sir JAMES MITCHELL: Quite so, though judging by the Minister's speech one might infer that the Bill marked a change of treatment. We can control the children and at the same time keep them engaged at useful work. It is possible for us to provide them with a much better life than many of them have to-day. Some, of course, live with their parents and fare quite satisfactorily, only to suffer badly when they lose their parents. Our sympathy for the unfortunate children should be strong, and we have a right to control them. Since this is a non-party measure, may I suggest that the Minister should agree to the appointment of a committee, rather than have the measure discussed in the House on the second reading? Members really interested in the subject and representative of both sides of the House should sit with the Minister, go through the Bill and report back to the House. That would be much better than discussing the Bill clause by clause in this Chamber. The Minister has given the subject thought for a considerable time, as most of us have, but the Minister has also had the advantage of expert advice. He has discussed the matter far more fully than we can hope to do in this Chamber, and so I hope he will adopt my suggestion. When the committee reported back to this House, we could pass the Bill without further delay. I do not think any time would be lost by adopting that course and I personally would prefer not to discuss the matter in detail here. Perhaps there are some people here who know mentally deficient folk. I also think that we shall not achieve our object unless we appoint a committee. I do not mean that a committee

should go far afield and call evidence, but that it should discuss the matter with experts and submit recommendations to which we could assent.

The Minister for Justice: That is what has been done.

Hon. Sir JAMES MITCHELL: Yes, but I suggest a committee representative of both sides of the House. The Bill should be carefully considered by a committee representative of the whole House.

The Premier: A select committee would open up a big field of investigation.

Hon. Sir JAMES MITCHELL: That is not my desire at all. I merely ask the Minister to sit with a couple of members from his own side and a couple from this side and discuss the matter with the officials of his own department.

Mr. Sampson: And call evidence?

Hon. Sir JAMES MITCHELL: No, consider the Bill clause by clause, take the advice of anyone who is an expert on the subject, and return the Bill with recommendations of which we can approve. I have no desire that the whole world should be invited to give evidence before the committee. I am glad that the Bill has been introduced. I am glad, too, that the Minister has devoted so much attention to the subject and has been able to give us so much advice on it. I realise, as he realises, that some cost will be entailed. The measure is not likely to be made perfect at the outset, but will have to be amended from time to time. The point is that we should make a start by getting the best possible measure on the statute-book. If the Bill were considered by representatives from both sides of the House, not only could we make a better job of it, but time would be saved. We are not capable of discussing this great question satisfactorily and, besides, I do not like the idea of its being discussed in the House. I hope the Minister will adopt the course I suggest.

MR. SAMPSON (Swan) [4.59]: Unquestionably the subject is a very important one that calls for a good deal of study, and any consideration given to it will be thoroughly justified. The suggestion made by the Leader of the Opposition might well receive the ready approval of the Minister. The care of mental defectives is a world-wide question. I believe the people of Western Australia realise its great importance. Generally the measure will receive support.

Experience teaches that progress in respect to those who are termed backward is possible of achievement.

The Minister for Health: This does not apply to backward children.

Mr. SAMPSON: It applies to those who are definitely defective. Protection is necessary for those who are so afflicted, as well as for others. In the schools classes are held up because of the backwardness or mental deficiency of some of the pupils. In the course of his explanation of the measure the Minister said that the cost of keeping these children amounted to £11 10s. per head per annum. That money, spent thus on mental defectives, is wasted. It would be better to divert it into a special channel through which the mentally deficient children could derive some material benefit. The teaching of mental defectives is particularly hard work. In most cases ordinary methods are not of the question. A teacher not only wastes energy and effort on the work but the remaining members of the class are very seriously hampered. The task of determining the form of instruction necessary is a matter which calls for a good deal of consideration, as well as does the cost. I dare say the expense will be fairly heavy. That, however, is probably the only objection that can be held against the Bill. No one will, I hope, oppose it because of the cost. The initial cost, even looking at the matter from the cold mercenary standpoint, will be as nothing compared with the amount that will ultimately be saved. The whole question involves a big problem. Bound up with this, and indeed a very important factor, is the care of the mentally defective girl. She is a danger not only to herself but to others. Some progress has no doubt been made with regard to mental cases, but I doubt if anyone could be found who would say that the results of the efforts that have been made are completely satisfactory. In the old days the insane were locked up in stables or small rooms.

The Minister for Health: This does not deal with those who are insane.

Mr. SAMPSON: It deals with those who are on the border line or who are between the normal and the abnormal. We have not made such a great deal of progress in the treatment of those who are mental invalids. In the old days any reference to one who was afflicted with insanity was taboo. Today the question is a community matter, and

it behoves everyone to concentrate upon how best to effect an improvement. The case of a mentally defective person is readily acknowledged to be quite different, and it is possible to care for such a person. I appreciate and support the suggestion of the establishment of a farm. Such an institution properly conducted under the control of qualified and sympathetic leaders should provide a great blessing, and in many cases I dare say the result would prove very good, quite apart from the commercial aspect. Those who are defectives would have a far better opportunity to improve under the natural conditions appertaining to a farm than by any other method of compulsory segregation. The suggestion of an institution of guardianship is an excellent one. The control of mentally afflicted children by possibly mentally afflicted parents is out of the question. Unfortunately to-day there is no opportunity for defectives to receive that special treatment that is their due. In the course of his remarks the Minister referred to cases in other countries, and gave details of the heavy financial cost incurred in the treatment of defectives. There are records of mental defectives in other countries running through several generations. We need not go outside Western Australia to find plenty of examples which would fully justify the Minister in bringing down this Bill. I recall a case that was looked up at the time I was Colonial Secretary. This was traced through the earliest records that were available, and it was shown that the cost ran into many hundreds of pounds. Instead of these mentally defective persons being improved in condition, they have been allowed to take their own course. The result is that not only the present generation but future generations will suffer because of our inability and disinclination to look after and deal adequately with the matter. I remember in the case to which I refer that in certain instances the offspring became inmates of the Hospital for the Insane as well as of the Fremantle gaol. The general result was an unanswerable argument in favour of taking hold of the whole question and dealing with it in a sensible and proper manner. The multiplication of degenerates is an evil, but unless something is done it must go on. The position calls for kindness, consideration, wisdom and strength, in order that the problem may be thoroughly dealt with. The board that is suggested to deal with mental

defectives will consist of the Commissioner of Public Health, the State Psychologist and three members appointed by the Government, one of whom shall be the Inspector General of the Insane. Such a board would cover every possible avenue to prevent any injustice being done to the individual. The careful grading of mental defectives according to their condition of deficiency is essential, and the principle of an examination by a medical practitioner and the clinical psychologist is sound. I take it that the medical practitioner, as well as being legally qualified, would be a man of special training in mental work, and consequently would be able properly to handle the problem. Most of the clauses in the Bill are of a machinery nature and there is no need specially to refer to them. It will readily be agreed that the Bill, in the main, is wisely drawn up and in the interests of mental defectives as well as the rest of the community. It is in the highest degree desirable that it should be enacted, and that we should have the advantage of wise administration of the very difficult subject postulated in the Bill.

MR. THOMSON (Katanning) [5.10]: Member: generally will agree that the Minister is making provision for something that has been sadly needed. I have no objection to offer to the Bill. It certainly vests great powers in the proposed board, but there appear to be sufficient safeguards to protect anyone from injustice. Many parents no doubt feel that, had it been possible to place their children who have unfortunately been afflicted with a mental disorder in some place where they could have received adequate training, they would have been relieved of a great burden, because they were not in a position themselves to provide such training. Great powers have also been placed in the director of the clinic, who, with the consent of the Minister for Education, will be able to embark upon a tour of exploitation throughout the schools. That part of the Bill requires grave consideration. I do not suggest that the director in charge would be so keenly interested in building up these institutions as to travel all over the State.

The Minister for Health: He will be more keenly interested in minimising the number as much as possible.

Mr. THOMSON: At all events, the director will be able to go through all the schools. I approve of the principal provisions cou-

tained in the Bill. It is essentially one for Committee, especially as regards some of the more drastic clauses. The portion of the Bill dealing with the morality of persons appears to be particularly severe. It is possible that someone may have to pay a greater penalty than at the moment seems to suggest itself, without his having fully realised the responsibility placed upon him. Assuredly these people should be protected against themselves. I also approve of the provision for placing mental defectives in private establishments. They may be persons able to pay for the adequate care of an unfortunate child or other relative, though themselves unable to look after the child or relative. The Bill having been introduced only the day before yesterday, I have not had an opportunity to study it closely; but I agree with the Minister and the previous speaker that the enactment of the measure is desirable. Accordingly I support the second reading. An institution of the character contemplated is long overdue. The Leader of the Opposition suggested that in view of the importance of the subject it might be wise to appoint a select committee, consisting of two members from each side, with the Minister for Health as chairman, to discuss the Bill with the departmental psychologists and other experts. As the result of such a discussion hon. members might be able to support the measure with more confidence than they can at present. On so important a question one hesitates to express an opinion, lest it might prove detrimental to the welfare of the unfortunates concerned. However, we are asked to pass a law interfering materially with the liberty of these people, though doubtless in their own interests. I commend to the Minister the Opposition leader's suggestion. Perhaps there need not be a committee of the usual kind, calling in all and sundry to give evidence, but merely a committee to discuss the subject with the departmental experts. The Minister is au fait with the departmental views, having discussed the measure with his officers for a considerable time prior to its introduction. A select committee of the kind indicated would not involve undue delay in the passing of the measure, which, I repeat, is long overdue.

THE MINISTER FOR HEALTH (Hon. S. W. Munsie—Hannans—in reply) [5.19]: I am indeed pleased with the reception of the Bill on the second reading, and offer no

objection whatever to the reference of the measure to a select committee as suggested by the Leader of the Opposition. I recognise fully the difficulty hon. members must have in grasping the details of an important Bill like this. Personally I have had interviews and arguments and discussions with all the departmental heads concerned, as well as with other men and women able to impart information on the subject. The fund of information thus gathered I have not, however, been able to impart to the House by a mere explanation of the principles of the Bill. In my opinion it would assist the passage of the measure if members from both sides had the opportunity of calling in anyone they considered qualified to give information.

Question put and passed.

Bill read a second time.

Referred to a Select Committee.

On motion by the Minister for Health, resolved:—

That the Bill be referred to a select committee.

Ballot taken and a select committee appointed consisting of Miss Holman, Messrs Griffiths, Sampson and Sleeman, and the mover; with power to call for persons and papers, and to sit on days over which the House stands adjourned: to report on the 26th September.

BILL—ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. THOMSON (Katanning) [5.32]: I do not propose to offer any opposition to the Bill, which is a short one and gives what I consider the necessary authority to the Royal Agricultural Society that will enable some members of it to be relieved of financial responsibility. The society has valuable property and is spending large sums of money upon improvements to the Showground. I suppose those gentlemen who are acting as guarantors at the bank are finding the burden rather greater than they consider they should carry. I therefore consider the Bill is warranted so that the society may be able to mortgage its lands and

relieve the guarantors of their financial responsibility. I am one of those whose names have been given to the banks as guarantors on behalf of a number of agricultural societies in my electorate. After all, we take that action in the interests of our district, and I have no doubt that many persons will continue to act as guarantors in the future. The other clause, which will relieve the society from the liability to pay rates, is also justified. I have pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; the Minister for Lands in charge of the Bill.

Clause 1—agreed to.

Clause 2—Exemption from rates:

Hon. Sir JAMES MITCHELL: The clause provides that land now or hereafter vested in or held by the Royal Agricultural Society shall be exempt from rates. I presume that refers to land that is used for the purpose of the society's shows. It is possible that someone might leave to the society a block of land in the city, and shops or other buildings might be erected on that block. If it were done, why should not the society pay rates in respect of that property? I know the Minister desires to exempt the society from the payment of rates in respect of the Show ground, but there is the possibility I have indicated.

The MINISTER FOR LANDS: The area held by the Royal Agricultural Society is held in trust for the purpose of holding agricultural shows. It is possible that the society may purchase property for purposes other than for holding shows, but that is hardly probable. The society has heavy obligations to meet and it is from the standpoint of assisting them that we exempt them from rates. Later on, should it be found that undue advantage is being taken of the liberality of the Bill, we can amend the legislation.

Hon. Sir JAMES MITCHELL: I have no objection to the clause as it applies to land now held by the society, but even so I would object to the society being exempt from rates if the Show ground were used for purposes other than agricultural shows.

For instance, there was a suggestion some years ago that trotting meetings should be held on the Claremont Show ground. In view of the heavy upkeep of roads these days, should anything of that sort be resorted to at Claremont, the society should be made to pay rates because of the heavy traffic that the racing would develop.

Clause put and passed.

Clauses 3 and 4—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RESERVES.

In Committee.

Resumed from the 10th September; Mr. Panton in the Chair, the Minister for Lands in charge of the Bill.

The CHAIRMAN: Clause 7 has been partly considered.

The MINISTER FOR LANDS: When we dealt with the clause on the previous occasion, progress was reported on the understanding that I would secure information regarding a question raised by the member for Claremont. The matter has not been finalised, and in the circumstances I move—

That progress be reported.

Question put and passed; Progress reported.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

In Committee.

Mr. Panton in the Chair, the Premier in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Penalties, etc.:

Hon. Sir JAMES MITCHELL: A somewhat unusual provision is made in the clause. It sets out that the University may impose a penalty not exceeding £20.

The Premier: Yes, under the by-laws.

Hon. Sir JAMES MITCHELL: And those by-laws are made by the University. There is no reason why the penalty should not be stated in the Act. The clause also sets out that the penalty shall be appropriated and paid to the Senate for the use

of the University. I suppose the idea the Premier has is that the penalties will cover the cost of protecting the grounds. I hope if there are justices of the peace connected with the University they will not sit on the bench when cases of trespass are being heard. I hope also that some consideration will be given to the question of the use of the right-of-way referred to by the member for Subiaco on the second reading.

The PREMIER: After all the University is, in a way, a public institution; it is maintained entirely from public funds and we can well allow them to have any small accretion to their income that might come their way. In any case the sum will not amount to very much.

Hon. Sir James Mitchell: Very well; I will let it go.

The PREMIER: With regard to the other point raised by the Leader of the Opposition, he will notice that Clause 2 covers a long list of subjects in respect of which by-laws may be made. It would be difficult to specify a penalty in the clause.

Mr. Thomson: The Senate may make by-laws and we will have no control over them.

The PREMIER: By-laws that may be made by the Senate will have to be approved by the Executive Council. The University is a public institution and in a way also its grounds are private property.

Mr. Mann: It is nine-tenths a public institution.

The PREMIER: They should have power to deal with their own property. There is no danger to be feared from allowing the Senate to make by-laws prescribing penalties.

Mr. MANN: The Premier makes his case weaker by suggesting that the University controls what is practically private property. Such extensive powers would not be given to a private organisation; they are given in this instance because the University is a public institution. I have looked up the Parks and Reserves Act and found that many of these proposed by-laws have been taken from that statute.

The Premier: Almost all of them.

The CHAIRMAN: The hon. member is not in order in discussing by-laws; the clause dealing with by-laws has been disposed of.

Mr. MANN: The clause we are discussing provides that the penalties shall be appropriated to the University. The Parks and Gardens Board have not that privilege.

The Premier: If the hon. member wishes to strike that out, I shall not mind.

The Minister for Works: The amount would not be more than £5 in a year.

Mr. MANN: The principle is wrong and an exception should not be made in the case of the University.

Mr. THOMSON: I have no objection to the University having control of their ground, but it does seem rather unusual to hand over to that body the power the clause proposes. A principle is involved and it may lead to trouble on a future occasion. I contend that by-laws in this instance should be similar to others. I have no objection to the fines being appropriated to the University.

Mr. MANN: I move an amendment—

That the second paragraph of the clause be struck out.

On the second reading I said this was wrong in principle. The only instance I know of where a similar power is given is in the Customs Act. If a person is found in possession of an article, that is sufficient proof that it has been smuggled. In this case we are going to give power to the court to say that the case is proved simply by an officer of police or an officer of the University making an averment.

The Premier: It does not say so; it is only prima facie evidence.

Mr. MANN: Suppose an offence is committed on property adjoining controlled by the Parks and Gardens Board, the complainant would have to swear that an offence had been committed contrary to a certain by-law.

The Premier: That will happen in the case of the University.

Mr. MANN: The complainant would have to prove that the offence was committed on the property. In this case that will not be necessary. All that will be necessary is for the person making the averment to declare before the magistrate that the offence was committed on the University grounds contrary to certain regulations. Then it will be for the defendant to go into the box and prove that it was not committed there. He is to be deemed guilty of the offence until he proves his innocence. The other day I cited the Railway Act on the point, and the Premier challenged me.

The Premier: Yes, you were quite wrong.

Mr. MANN: I was quite right. If an offence is committed against the regulations it is incumbent upon the person making the

complaint to prove that the offence was committed within the railway authority and against the railway regulations. It should not be sufficient on an averment to say the offence was committed on the University grounds; and thus throw the onus of proof of innocence on the defendant.

The Premier: Well, knock it out. I do not care whether it is there or not, but I do not see anything wrong with it, just the same.

Mr. MANN: The Premier would take a different view if he were over here criticising the Bill.

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

Title—agreed to.

Bill reported with an amendment.

BILL—AGRICULTURAL PRODUCTS.

In Committee.

Mr. Panton in the Chair; the Minister for Railways (for the Minister for Agriculture) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. Sir JAMES MITCHELL: I want to know why all agricultural products should be brought under the Bill. The Minister for Agriculture seemed to think that if we had the Bill we would eat more eggs. Possibly we eat too many now, so I do not see that that is a good reason for passing the Bill. If we leave in the definition of "agricultural products," as given here, we shall bring under the Bill all products of farm, garden, orchard and dairy. It is not necessary. Most people who buy, see what they are buying; certainly the housewives do. All the time we seem to think people are rogues trying to defraud everybody else. If this is done in respect of eggs, then it should be enough to restrict the scope of the Bill to eggs alone. Why should we include in the Bill all farm products, as is contemplated by this definition? I suppose that under this, even the grains of wheat will have to be properly displayed.

The Premier: With a fair sample on top.

Hon. Sir JAMES MITCHELL: Yes. So, too, with chaff, the poorest sample will have to be displayed. Of course the greatest damage occasioned chaff is caused by the leaking tarpaulins over the trucks of the

Minister for Railways. What is the use of our making laws that may press heavily on a number of people without doing any good at all? Most of the commodities offered for sale are exposed, and can be examined.

The Minister for Railways: What about case goods?

Hon. Sir JAMES MITCHELL: They also can be seen. I do not know that we require to legislate, even for that class of commodity. If a man puts pumpkins into a bag, those pumpkins vary in size and quality, and if that man opens the bag and shows the prospective purchaser the largest pumpkin in the package, he will be committing an offence under this measure. The Minister has a fad for this class of legislation. I think producers are the most honest people in the world. Why should we legislate because of one dishonest man in a hundred? It is not worth while. I do not suppose the Bill will cover bananas, but if it did, could we have a guarantee that the flesh of a banana within its unbroken skin is all perfectly good?

Progress reported.

House adjourned at 6.15 p.m.

Legislative Council,

Tuesday, 24th September, 1929.

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

QUESTION—MINING.

Southern Europeans and Miner's Phthisis.

Hon. H. SEDDON asked the Chief Secretary: 1, How many of the men who have been examined by the Commonwealth Laboratory under the Miner's Phthisis