

Legislative Council,

Thursday, 17th, October, 1929.

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

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General, in pursuance of Section 53 of the Audit Act, 1904, the 39th report for the financial year ended 30th June, 1929, which I now lay on the Table of the House.

BILLS (2)—REPORTS OF COMMITTEE.

- 1, Royal Agricultural Society Act Amendment.
 - 2, Inspection of Scaffolding Act Amendment.
- Adopted.

BILL—WATER BOARDS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to the amendment made by the Council subject to a further amendment, now considered.

In Committee.

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

Clause 2: Amendment of Section 15 of Constitution Acts Amendment Act, 1899.

[Council's Amendment]:

Delete Clause 2, and insert the following in lieu thereof:—"Notwithstanding anything in the principal Act contained, the Water Boards Act, for the year ending the 31st day of October, 1929, impose a supplemental rate: Provided that such rate, together with any rate already imposed, shall not exceed the rating limits of such Board as by law defined. Such supplemental rate, if any, shall be imposed, and the rate book altered and added to (but without obliterating existing entries) as may be deemed necessary, on or before the 30th day of June, 1930."

Assembly's amendment on the Council's amendment. Add the following words:—"This Act shall be deemed to have commenced, and shall have effect from the 25th day of July, 1929."

The CHIEF SECRETARY: I move—

That the amendment made by the Assembly on the Council's amendment be agreed to.

Question put and passed; the Assembly's amendment on the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.40]: In the course of the debate two points were raised, one by Mr. Cornell and the other by Mr. Lovekin. The former required some information with regard to the subscribing of fees, and I have received some particulars on the point from the University authorities. It is stated that the University has no intention of prescribing fees, or insisting on the use of tickets on ordinary occasions. These provisions are inserted with the object of enabling the University to charge admission, etc., on the occasion of football matches and other sporting events, fetes, ceremonies, etc. With regard to the point raised by Mr. Lovekin, it is stated that Sir Walter James, the University solicitor, considers the provision

that penalties should be paid to the University would be valid in spite of the Fines and Penalties Act, No. 4, of 1909. To obviate any uncertainty on this point, however, he has provided an amendment to Clause 4, and forwarded it to a member, who will doubtless move it.

Hon. A. LOVEKIN: There is a rule—

The PRESIDENT: The reply of the Chief Secretary closes the debate under Standing Order 388.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Penalty, etc.

Hon. A. J. H. SAW: To meet the point raised by Mr. Lovekin, I consulted with Sir Walter James, who was concerned in the preparation of the Bill, and who afterwards submitted it to the Solicitor General. Sir Walter writes—

To remove the difficulty raised by Mr. Lovekin, I would suggest that in Clause 4, after the words "but all pecuniary penalties shall" there be inserted the following words: "notwithstanding anything to the contrary contained in the Fines and Penalties Appropriation Act, 1909, or any other Act." I do not think the Fines and Penalties Act, 1909, has the operation which Mr. Lovekin thinks it has because no Act of one Parliament can be so framed as to interfere with the freedom of subsequent Parliaments, and Clause 4 as it stands would in my opinion be sufficient; but as the doubt has been raised there is no harm in setting it at rest by adding the words above suggested.

Accordingly, I move an amendment—

That after the words "but all pecuniary penalties shall" the following be inserted:—"notwithstanding anything to the contrary contained in the Fines and Penalties Act, 1909, or any other Act."

Hon. A. LOVEKIN: I am in accord with the opinion expressed by Sir Walter James in his communication. It is a fundamental rule of construction that the last word of the legislature is that which prevails. The University of Western Australia Act, having been passed since the 1909 Act, would prevail over the earlier legislation. I raised the point, because that rule of construction has not been given

effect to. When fines and penalties have been imposed under other Acts, the money derived has gone into revenue, the Government advancing the Fines and Penalties Appropriation Act of 1909 as their authority. Unless the matter were made clear in the Bill, I do not think the University would derive any benefit from penalties imposed under it. The King's Park Board has not benefited because of fines and penalties imposed under its Act, the contention having been that the Fines and Penalties Appropriation Act made it clear that the board could get nothing.

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

Clauses 5 to 8—agreed to.

Title—agreed to.

Bill reported with an amendment.

BILL—FAIR RENTS.

Second Reading—Defeated.

Debate resumed from the previous day.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [4.48]: It has been stated that rents in Western Australia at present are altogether too high. It is not the first time that statement has been made. I think this is the third Bill to be introduced in an endeavour to legislate for the determination of fair rents. All will admit that rents are much higher to-day than they were some years ago, but we know the reasons for that position. Perhaps the principal causes for the advance are to be found in the increased cost of materials used in building operations, and the high wages that have to be paid. The owners of many buildings in the city, including some of the largest of them, receive little more than 5 per cent. on their outlay. From my own experience extending over a number of years, I know there is little money to be made on account of house property. I owned some houses a few years ago and I was glad to get rid of them. Since then I have advised my friends from time to time to sell their house properties when the market was favourable. I gave that advice because my friends were not getting an adequate return for the money they had spent and the calls made upon them by their tenants for repairs, painting and so forth were such that they could not get more than 5 per cent. or 6

per cent. on their outlay. I showed them how they could do much better than that. The clause I object to mainly is Clause 8, which relates to the determination of fair rents. It seems to be drastic and unjust. Under it if a person, who owned land with a building on it, had acquired his land before 1921, he would find the value placed upon his holding reduced to that which obtained when he purchased it, no matter whether he bought it 40 or 50 years ago. It will not matter what the land is worth to-day, because in estimating the value of the property for rental purposes it will be reckoned on the basis of the value of the land at the time it was purchased. The person owning the neighbouring block may have purchased it within the previous week or so at present-day prices, and he would be able to go to court and claim 9 per cent. on present values. To my mind that is indeed drastic and unjust.

Hon. G. Fraser: That would suit the people on the goldfields.

Hon. H. A. STEPHENSON: It would not suit the majority of the people in Western Australia. If the person I refer to were to sell his land at present, he could take his full profit, representing the difference between the price he paid for the land originally and what he received for it to-day. That seems a peculiar attitude to be adopted by those who drafted the Bill. The only people who would benefit from this legislation would be those who have long leases. They would have an opportunity to continue at the lower rentals.

Hon. J. Nicholson: Have you looked at Clause 3?

Hon. H. A. STEPHENSON: I will leave that to the hon. member to deal with.

Hon. Sir Edward Wittenoom: Do you think he will have that opportunity?

Hon. H. A. STEPHENSON: I do not know: he may not. Then again, a mortgagee who lends money would be in an unfortunate position because he would find himself without any security for his money, seeing that the rent earned from his property might be so small that he would be forced to sell. Why should an owner have his present rents reduced to such an extent as to force him to sell, particularly seeing that under the provisions of the Bill the new purchaser will at once be able to claim 9 per cent. on the existing value of the property? On a lease running out in such circumstances, an owner would not be prepared to give another lease

for any long period. He would be afraid to do so, and would seek some way out of the difficulty. In all probability he would sell to his wife or a relative, and take a mortgage for the purchase money. Immediately that was done, his wife or relative, as the purchaser of the land under a mortgage, could go to the court and claim the full return of 9 per cent. provided for. That in itself would tend towards fraud, to a certain extent. The Bill in its present form is a stupid one and will not get us anywhere. Another outstanding clause that is most unjust, is that which refers to the appeal court. A tenant may pay £250 a year as rent, but he will have no appeal against the decision of a magistrate. That decision may be based upon error in law, yet there is no appeal from it! That in itself should be remedied before the Bill becomes law, which I do not think will be the case. At any rate I do not intend to labour the matter any further because it is one of those pieces of suggested legislation already referred to as experimental, and to my mind it will not get us anywhere and will not have the desired effect. After all, rents are regulated by the law of supply and demand and no Bill such as this can have any effect. I intend to vote against the second reading.

HON. J. NICHOLSON (Metropolitan) [5.3]: The first and most serious question that must present itself to any member here in giving consideration to a measure of this nature is whether or not the Bill will be productive of a greater or a lesser volume of industry. To my mind the Bill will not result in increasing the means of occupation for people, particularly those within the metropolitan area, because the restrictions placed on persons desirous of investing their money in building operations will be such that it will be impossible for them to get an adequate return on their capital. If such a position does arise, and I contend it must arise, it will react necessarily upon those who are dependent at the present time on the building trade for a livelihood, and as I represent a constituency which is largely dependent on the building trade, then I must seriously consider whether I shall not affect, and gravely affect, the livelihood of those people if I vote for the Bill. Mr. Stephenson examined certain important clauses in the Bill and reference was made yesterday by other speakers to the effect produced by

what is called the slowing-down process. What more palpable instance of the effect of slowing down in industry could be given than the instance referred to in the newspaper the other day in connection with the McKay Harvester Works? By reason of the conditions obtaining in Australia at the present time, McKay's find it impossible to compete with manufacturers outside Australia. We know by economic laws that one of the means by which a country is able to pay its debts is to place itself in such a position that it can export its goods, particularly its surplus stocks and to provide revenue. Instead of that being the case here, we find that McKay's are actually going to establish works in Canada.

The Honorary Minister: Will the hon. member quote the whole of the facts.

Hon. J. NICHOLSON: They were in the Press the other day and I merely wish to refer to them incidentally. I have no desire to elaborate on the article that was published; I merely allude to it because a reference was made to it yesterday. I assume the Honorary Minister has also seen the article and I am sure he will learn a great deal from it. It is one of those instances of the effect of restrictive legislation on industry. Here now we have another instance of restrictive legislation and it will seriously hamper the building trade which is a source of employment, particularly in the metropolitan and the metropolitan-suburban area. An attempt made by any Government to regulate the law of supply and demand is fraught usually with very serious consequences, and if an attempt such as this succeeds by any chance I venture to say that before long it would find another name; it would not be a Fair Rents Bill, but an Unfair Rents Bill. To be fair, one must have regard to all the circumstances. What does the Bill do? Is the Bill fair? Clause 8, to which Mr. Stephenson referred, dealing with the method of determining fair rents, would immediately classify the Bill as being decidedly unfair. There we find that any person who happened to own a house prior to the 30th June, 1931, is placed under grave restrictions and disadvantages. He is not to be considered in the same light as the man who has bought a property since that date and paid a higher price. The man who has been content to retain his investment and to do what he could in the way of improving his building as time went on so as to meet the demands occasioned by

increased population and one thing and another, will receive no benefit. That to my mind, is most unfair and is calculated to cause those people to feel very much aggrieved at any legislative body passing a measure such as this. But what is going to be the effect on other persons who may not otherwise be prepared to invest money in this way? With a measure like this on our statute book, if by any chance it should be passed into law, will they be induced to erect new buildings and seek to provide that which is needed, namely, more employment and more accommodation for the increasing population? In place of that being the case we will find a diminishing interest on the part of those who otherwise would invest their money in this way, and we shall find a greater difficulty in connection with the employment and housing problems than exists to-day. These are matters that we here in this Chamber, and also members in another place, should seriously consider. I do not think the matter has been given that gravity of thought it deserves, because if we are going to introduce a Bill which is bound to create unemployment, are we doing a service to the people of the State? Are we not setting back the hands of the clock for many years? Are we not arresting progress by a measure such as this? Undoubtedly we are.

Hon. J. R. Brown: From the landlord's point of view, yes.

Hon. J. NICHOLSON: The hon. member interjects from the landlord's point of view we are doing so. It is not from the landlord's point of view that I regard the matter at all. I regard it from the standpoint of the man who is dependent on the building industry for a livelihood. If he is going to be starved out by reason of a measure such as this, we shall be doing considerable harm. In the interests of the man who is desirous of gaining a livelihood uninterruptedly here we are bound to reject the Bill. Let me refer to a matter to which Mr. Stephenson alluded. In Clause 3 of the Bill it will be noticed that "this Act shall apply to any building which is subject to a lease made before or after the commencement of this Act." What a monstrous proposition! In a previous clause we see what is the definition of "lease." It is—

Lease includes every letting of a building by a lessor, whether oral, in writing, or by deed; and the verb "lease" and the word "leased" have corresponding meanings.

Hon. C. F. Baxter: Repudiation.

Hon. J. NICHOLSON: Absolutely, and a violation of every contract entered into up to the present time. Leases have been made, as everyone knows, but the Bill is going to confer upon every person interested in a lease the right to re-open that which has already been agreed to. What a monstrous proposition! I am astounded that any Government would introduce a Bill such as this. One might ask what is the value of a document entered into if it is to be disturbed as proposed by the Bill. We may as well say that all deeds and documents should be subject to review.

Hon. A. J. H. Saw: Torn up like scraps of German paper.

Hon. J. NICHOLSON: That is exactly what it means. If we proceed a little further we find that by Clause 5 application may be made to the court to have the fair rent of a building determined by (a) any lessor or (b) any lessee thereof who has paid or tendered all rent due and payable under his lease, or satisfies the court that any failure to pay is justifiable or excusable in the circumstances, and has not committed any breach of the terms, conditions and covenants of the lease. Then it proceeds to set out what is to be done. Evidence has to be given and then by means of the clause with which Mr. Stephenson has dealt fully, the method to be followed in regard to determining the fair rent is set out. The whole thing is so extraordinary that really I marvel who could have conceived such a Bill. I do not know whether the party responsible for conceiving this Bill could have any idea of the sacredness of contracts, or whether he himself happened to be interested in buildings in or around Perth.

Hon. A. J. H. Saw: Probably interested in buildings in Claremont.

Hon. J. NICHOLSON: Very likely. It looks very like that. The Honorary Minister mentioned yesterday the rise in rents which has taken place in recent times, and which is only consistent with the advance we have seen taking place in connection with the sale of property. The hon. gentleman said that as a result the basic wage had been increased by 2s. per week. I suggest to the Honorary Minister that instead of the basic

wage being increased by 2s. per week, the passing of a measure like this may create a very different state of affairs from that which he anticipates. If industry continues, probably the basic wage, or some substitute for it, will be required to meet the enactment of such a Bill as this. In my opinion the Bill is fraught with such serious consequences to the progress of Western Australia that I do not hesitate, and will not hesitate, to record my vote against it; and I hope that other hon. members will view the matter in the same light.

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

Ayes	6
Noes	15

Majority against	..	9
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AYES.

Hon. J. R. Brown
Hon. J. M. Drew
Hon. G. Fraser

Hon. W. H. Kitson
Hon. C. B. Williams
Hon. E. H. Gray
(Teller.)

NOES.

Hon. C. F. Baxter
Hon. J. Ewing
Hon. J. T. Franklin
Hon. E. H. Harris
Hon. J. J. Holmes
Hon. G. A. Kempton
Hon. A. Lovekin
Hon. W. J. Mann

Hon. G. W. Miles
Hon. J. Nicholson
Hon. E. Rose
Hon. A. J. H. Saw
Hon. H. Seddon
Hon. Sir E. Wittenoom
Hon. H. A. Stephenson
(Teller.)

Question thus negatived; Bill defeated.

BILLS (2)—FIRST READING.

1—High School Act Amendment.

2—Reserves.

Received from the Assembly.

BILL—PEARLING ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—TRANSFER OF LAND ACT AMENDMENT (No.1).

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

BILL—AGRICULTURAL PRODUCTS.*Second Reading.*

Debate resumed from the previous day.

HON. V. HAMERSLEY (East) [5.23]: I gather that there are numerous hon. members who desire to see this Bill pass into law. One realises the importance of this country's fruit exported to Britain undergoing a rigid inspection. Thanks to such inspection in the past, Western Australian fruit has acquired an excellent name in London, although occasionally there have been complaints due to faulty methods of handling here. We have not freezing chambers on the wharf, which would enable us to put our fruit into vessels in the best possible condition. Frequently our fruit has gone into boats under circumstances not best calculated for its arriving in London in such a condition as would be the case if adequate facilities were available at Fremantle. I understand that inspection of fruit does not apply to export to the Eastern States, and that through faulty packing, and probably through a certain amount of cheating, circumstances have arisen which are deemed to render the introduction of the Bill advisable, so that all exporters of fruit may be controlled. The Bill, however, goes much further, and is applicable to every conceivable export product that is put into bags, packages or parcels, and so on, from one end of the country to the other. My personal view is that the stringency of the Bill is altogether too severe. Suppose I wished to send a case of fruit to a friend; then, if an inspector happened to see that case of fruit anywhere in course of transit, he could, under this measure, take possession of it and hold it just as long as he pleased, without any responsibility whatever. I might go on sending cases of fruit forward to my friend without knowing anything whatever about the inspector's intervention. I am not furnished with any information of what is taking place. There is nothing to convey to me what has happened to my consignments, and I may go on sending cases of fruit in complete ignorance. What I have suggested applies not only to fruit, but to every conceivable product that may be traded in by any firm or business in any part of the State. Unless some of these clauses can be tightened up in Committee, I shall be very sorry to see the Bill go on the statute-book. It is to me impossible

that we should pass a measure under which, as will be seen in Clause 7, no proof is required of the authority of an inspector to take proceedings. That is opening the door to all sorts of irresponsible people helping themselves to anything they desire. We hear from various consignees what happens to cases of fruit and other merchandise landed at our ports. We learn how people help themselves. A case is broken open and the contents are strewn anywhere. Under this Bill a man, anybody, although not armed with authority, simply helps himself to any package that he fancies. Surely anybody appointed an inspector should at least carry some badge or token of his authority, to take proceedings. It is quite a common thing for some people to impersonate an inspector. In my view this measure is simply inviting unscrupulous men to impersonate inspectors. How are we to prevent it? Anybody who impersonates an inspector, go on to a port during my absence, walk through a row of barns, and there is nobody with authority to stop him. That is altogether a dangerous power to be granted. I cannot without regret see a Bill like this being put on the statute-book, a Bill which is inviting people to go on to one's premises and impersonate an inspector.

Hon. E. H. Gray: He could be arrested.

Hon. V. HAMERSLEY: No, he could not be arrested. The Bill invites anybody and everybody to impersonate inspectors.

Hon. H. A. Stephenson: It deals only with goods that are for sale.

Hon. V. HAMERSLEY: But the goods may not be for sale. They may be goods in transit on the railways, or they may be stored on one's own premises, and the inspector can come along and go through the cases and packages, assuming that they are for sale. One cannot object to his taking whatever action he likes.

Hon. E. H. Gray: And taking the fruit as well.

Hon. V. HAMERSLEY: That is my view of it, and I will vote against the Bill. If it be not defeated on the second reading, I sincerely hope that in Committee some amendments will be made tightening up the clauses.

HON. C. F. BAXTER (East) [5.34]: Perhaps I should regret that I cannot see this measure through the same glasses as my colleague and friend uses for the purpose. At first sight it did appear to me the Bill

would inflict a hardship, but on further consideration I realise it is very necessary. For a number of years past we in this State have been ruining our overseas trade with the class of products exported. Consider the conditions brought about by the provisions governing the export of our apples. Under the Bill the same thing will follow right through all our commodities. We have a market in Australia, and we have the Empire markets as well; but we have not done ourselves justice in any of those markets, because the products we have sent out have not been graded, and have not been what the purchasers expected. That condition of affairs should not be permitted to continue any longer. I have occasion to think that the Minister for Agriculture was very anxious to bring down this measure, but eventually yielded to the pressure of those concerned, including the producers. It is going to be a very good thing, not only for the consumers, but also for the producers. It will certainly increase trade. Take our potatoes. The purchaser of a bag of potatoes frequently finds a very good sample on top and an altogether inferior commodity lower down, to say nothing of a considerable percentage of dirt, which is of lesser value than potatoes. The potato trade is in such a condition that the grocers and other retailers have to grade all their purchases in their stores. That should not be. Surely any consignment sent from a producer to a retailer should be in such a condition that the retailer can dispose of it without having to go through it and grade the units in it.

Hon. J. Nicholson: Take a small grower of fruit. He might want to sell his small stock, which would be ungraded. Could we not have a provision to cover his needs?

Hon. C. F. BAXTER: I think such a man is not going to get value for what he produces. If he graded his fruit he would get the true value for it. But when a man sells a small lot ungraded, and not in good order, he will get merely the value of the lowest quality of that product. In that way very often prime products are sold at a price far below their value. Then take the poultry people and the egg market. Eggs badly require grading. If they were properly graded there would be a tremendous increase, not only in the export trade, but also in the local consumption. For if persons could be certain of buying eggs of good quality, there would be a great many more

used and so an improved market would spring up.

Hon. G. W. Miles: The wool grower is paid special prices for graded wool. It pays him to grade his products.

Hon. C. F. BAXTER: Of course, so. It would pay in any line of goods. Mr Hamersley stressed the point that we may have some men impersonating inspectors and going on to our respective properties. Of course we may even have someone silly enough to impersonate a policeman. It has been done often enough, but very seldom has the culprit escaped punishment. In the interpretation clause "inspector" means an inspector appointed under this Act. It is further provided that he may at any reasonable time enter, etc. The inspector may enter, but no other person has any authority to enter.

Hon. J. Nicholson: But no proof is required of his authority.

Hon. C. F. BAXTER: No court of law would take the evidence of any person proclaiming himself an inspector before the court knew definitely who he was.

Hon. J. Nicholson: He would go there armed with the Act and would say, "That is my authority."

Hon. C. F. BAXTER: Anyhow, it is easy to fix a thing like that in Committee.

Hon. Sir Edward Wittenoom: How would you know he was an inspector?

Hon. C. F. BAXTER: If he is not an inspector then, under the Criminal Code, he will be liable to punishment for impersonating an inspector. He has been breaking the law and will be punished. In other Acts of Parliament we have similar provisions, yet we do not find much impersonation going on. It may be necessary to tighten up Clause 7, but that can be done easily in Committee. Since that is so, why should there be any talk of rejecting the measure because of some apparent weakness in that clause? But I should like the Minister to show us whereabouts in the Bill there is protection for the owners of produce not for sale, produce that the grower may be using as a gift to a friend. In such circumstances I do not see any necessity for the inspector to police goods in transit. I cannot see where the owners of such goods are protected. It may be necessary that we should have an amendment affording that protection. I am not alarmed, as Mr. Lovekin is, about paragraph (d) of Clause 7.

Hon. A. Lovekin: That portion of the clause, if you read it carefully, is divided into two parts separated by the word "or."

Hon. C. F. BAXTER: The brands on the package will be the brands of the seller. But why should we, because of these little points, jeopardise a Bill that will bring about a vast improvement and which is very necessary from the standpoint both of the producer and of the consumer? I hope the Bill will be passed, for it is going to stabilise our products. Under it we will know what is being sold, and outside buyers, as well as local consumers, will know what they are purchasing. So we shall increase our trade and, incidentally, the revenue of the State.

HON. E. ROSE (South-West) [5.44]: I congratulate the Government on having brought down the Bill. Only two months ago, when in the Eastern States, I had opportunity to see a lot of apples from Western Australia being carted into a wholesaler's. Quite a lot of those apples were not a credit to Western Australia. They could not have been inspected, else they would not have been allowed to be exported. So members will see that the Bill is very necessary. Then we hear a lot of complaints about potatoes, although we know they do get inspected. How frequently does a buyer find first-class potatoes on top of a package and inferior stuff below. Legislation of the kind is badly needed. I shall support the Bill and do all in my power to assist its passage. Clause 3 provides that no person shall sell any lot or portion of a lot of products or any products contained in a package unless the outer layer or shown surface of such products is so arranged, stacked and packed that it is a true indication of the fair average size, nature and quality of all the products in such lot or package. We all know that a great many of our purchases of fruit and vegetables are not of the same quality as those on the surface. That provision is a very necessary one. Mr. Hamersley has objected to Clause 4 dealing with the powers of inspectors. I also take exception to the clause. It is proposed to empower an inspector at any reasonable time to enter and inspect any place and examine any products and require the owner or person in charge to open any package, but if the owner or other person is not present, he himself may open any package. An

inspector should not be given authority to open any package in the absence of the owner or a person representing him.

Hon. C. F. Baxter: How can the measure be administered unless that power is given?

Hon. E. ROSE: Surely it is only reasonable that the owner or his representative should be present at the opening of any package!

Hon. E. H. Gray: As the inspector entered by the front door, he might go out the back door.

Hon. E. ROSE: The door might be only half open, and the inspector might enter in the absence of either the owner or his representative. How would anyone know who the man was? The inspector should certainly produce a badge. Clause 7 provides that no proof shall be required of the authority of the inspector.

Hon. C. B. Williams: That is, no proof shall be required of the authority of the inspector to take proceedings.

Hon. E. ROSE: Then anyone could enter premises and make an inspection without producing authority to do so. A police constable must have his badge, and an inspector under a measure of this kind should certainly be required to produce his authority. With a few amendments on the lines I have indicated, I think the measure will be beneficial.

HON. W. J. MANN (South-West) [5.48]: I am in full accord with the object of the Bill. For some time a measure of this kind has been required. I do not agree with some members who seem to think that most producers are rogues who put all the inferior products at the bottom of the package and just a few good ones on the top. Unfortunately there are people who do that sort of thing, but I believe they comprise a very small minority. The primary producers of this State are just as honest and trustworthy as are those of any other part of the Empire.

Hon. Sir Edward Wittenoom: Perhaps the other producers also put the bad products at the bottom.

Hon. W. J. MANN: Very little of that sort of thing is done in this State. It seems to me that the persons responsible for the drafting of the Bill, in their anxiety to better prevailing conditions, have not taken the wide view they should have done. Their attention appears to have been focussed

upon machinery for inspection, but they have entirely overlooked the interests of the producers. If the measure passes the second reading, as I hope it will, I propose to submit amendments that I think will improve it. Clause 4 has been referred to by several members. I have no objection to an inspector at any reasonable time entering and inspecting any place, examining any products therein, or requiring the owner or his representative to open any package, but the clause proceeds, "or, if no such owner or person is present, may himself open any package." I am not so much concerned about the shopkeeper, who should be at his place of business, but I have in mind the grower of fruit or potatoes who has to take his products to a siding and there leave them unattended. The inspector could open any package in the absence of the owner or any person representing him. Before any package is opened there should be at least one witness to the proceedings. I go further and say that after the package has been opened, the inspector should affix either his card or some mark to show that it has been opened by the inspector and the time at which he opened it. It should be incumbent on the inspector if he finds the goods correct to leave the cases in the same state of repair as he found them. Some members live in fruit-growing districts, and they will agree with me that it would not be a pleasant experience for a grower who had delivered fruit at a siding to find later on that the sides of half a dozen cases had been pulled out and some of the fruit taken away. Provision should be made in the Bill to prevent anything of that kind happening. Otherwise I fear there may be a temptation to tamper with fruit and other products, the offender banking on the knowledge that the inspector could be blamed for it. For that reason the precaution of having each inspected case marked should be insisted upon.

The Honorary Minister: Surely an inspector would not take any of the fruit away!

Hon. W. J. MANN: Reference has been made to the possibility of Perth premises being entered by persons posing as inspectors, and it is not beyond the bounds of reason to imagine a clever young fellow entering a country town where he was not known, posing as an inspector, and taking away half a dozen punnets of strawberries, and not being seen again.

Hon. C. F. Baxter: He would run the risk of being sent to gaol.

Hon. W. J. MANN: A similar risk has often been taken for the sake of a pot of beer. Under the measure, the owner would not call up an inspector. If I entered a shop and represented myself as an inspector, who could say otherwise unless I was required to present my authority? The Bill is weak in that respect. It should be simple for an inspector to carry a card in his pocket bearing his authority. Last Easter when in Victoria I was fishing in a pool and a man came along and asked who I was and whether I had a license. I told him that I had no license and was not aware that one was necessary. He said, "You are about three days inside the time. Let it go till the end of April and you will have to take out a license." I asked him who he might be, and he said, "A fisheries inspector." I remarked, "You might be; have you any authority?" To use his own words, he replied, "Too right," opened his pocket book and took out a dirty old card bearing his authority. That procedure was simple enough, and it should be insisted upon under this measure.

Hon. J. Nicholson: You were in the position of the bishop in the Old Country who was caught fishing without a license. You ought to have been fined.

Hon. W. J. MANN: I have a couple of amendments to propose in Committee, and I hope they will be embodied in the Bill. If precautions be taken in the interests of the producers and the measure be properly administered, it should prove of considerable benefit.

HON. C. B. WILLIAMS (South) [5.57]: I would not have spoken but for the fact that some members seem to be labouring under a misapprehension. I intend to support the Bill. I agree with previous speakers that an inspector should be provided with some badge of authority. I understood that that was always the practice, and that any person who sought to inspect premises or anything else could be required to produce his authority.

Hon. W. J. Mann: There is no provision to that effect in the measure.

Hon. C. B. WILLIAMS: Surely the Government do not appoint inspectors for any class of work and send them around the country haphazardly! If members are not satisfied with the wording of the clause, I

agree to its being made more clear. Some members have objected to Clause 7. I do not think they could have read the clause carefully because it distinctly states that in any proceedings in respect of offences under the Act, no proof shall be required of the authority of the inspector to take proceedings. It does not say that proof of authority shall not be required of inspectors when making inspections. The clause merely means that when a case is being heard, an inspector shall not be required to give proof of his authority to the court.

Hon. A. Lovekin: But the inspector might be inspecting the produce.

Hon. C. B. WILLIAMS: The clause distinctly refers to any proceedings in respect of offences.

Hon. A. Lovekin: No.

Hon. C. B. WILLIAMS: I may be a little dull of comprehension, but I cannot place on those words the construction that the hon. member evidently does. To me it is quite clearly provided that if the inspector takes proceedings in respect of any offence, he shall not have to satisfy the court of his power to prosecute. The object of the clause is to prevent an offender from escaping on a technical point. I suggest that in Committee necessary amendments be made to ensure that the inspector shall carry some badge of authority when making inspections.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.59]: I have little to say in closing the debate except to point out that the Bill has been introduced as the result of representations made to the Government by responsible bodies, who apparently are very much concerned about the methods that have been adopted in the past and are desirous of improving those methods in order that the reputation of Western Australia may be safeguarded. I understand that members have a number of amendments to bring down at the Committee stage. They will be given every opportunity to discuss them, and with that object in view there is no intention to take the Committee stage to-day. I hope the second reading will be carried. If it is necessary to amend any particular clause, or to make it more clear than it now seems to be in the opinion of members, every consideration will be extended to them to move in that direction.

Question put and passed

Bill read a second time.

BILL—MAIN ROADS ACT AMENDMENT.

Second Reading.

Debate resumed from the 24th September.

HON. V. HAMERSLEY (East) [6.3]: I have received from various parts of my province a number of urgent requests from road boards asking me to oppose the Bill, particularly because of the manner in which it is desired to dispose of the traffic fees. In the old days when road districts were formed the Government used to pay the local authorities certain subsidies to enable them to carry out important works at a low rate of expenditure. When the present Government brought down this scheme for the construction of main roads, it was deemed by us to be impossible for a road board to continue to control the whole of their roads if any of their funds were taken from them. It was therefore earnestly hoped by most members of this Chamber that some other method of raising the necessary funds for the Main Roads Board would be devised, without encroaching upon the ordinary traffic fees or other revenue of the local authorities. If we accept the principle contained in this measure, that the traffic fees are to bear a proportion of the revenue of the State, we shall place local governing bodies in the position of being obliged to tax or rate their own people in order to find the money for the Government to spend in other directions. That is the very thing the Federal authorities claim they could not allow in connection with the petrol tax. They say they cannot as a Government raise revenue for another Government to spend. The Government of this State, however, are asking the road boards in Western Australia to contribute money to be spent in any direction, although they know they cannot make a similar arrangement with the Federal Government in respect to the petrol tax.

Hon. E. H. Gray: But the money is spent in the district.

Hon. V. HAMERSLEY: I know that a select committee of another place went into the question and changed the basis of pay-

ment originally intended by the Minister, and graded the local authorities into three sections, one paying 22½ per cent. of their traffic fees, another paying 15 per cent., and another paying 10 per cent. Nevertheless, if we accept this system we will find it is the thin edge of the wedge, and ultimately some Government may say, "As Parliament has accepted the principle, we now find that we require more than 22½ per cent., or 15 per cent. or 10 per cent. from the local authorities, and will require as high as 50 per cent. of their traffic fees."

Hon. C. B. Williams: What do the local bodies get in the other States?

Hon. V. HAMERSLEY: I do not know. I am concerned only with our own State.

Hon. C. B. Williams: You would be surprised to know what the amount was.

Hon. V. HAMERSLEY: I am also concerned in the heavy cost of the administration of the Main Roads Board. That should be kept quite distinct from the levies and the work of the local road boards. I am convinced that the difficulty can be overcome, and the bogey put up by the Commonwealth Government with regard to the petrol tax, can be disposed of. The matter could be treated in the same way as spirituous liquors are treated. The Federal Government have full control of excise and we cannot touch it, but we can license the houses that sell spirituous liquor. In precisely the same way we could license those places which sell petrol. In that way the revenue required could be raised directly from those who use this class of fuel. The owners of motor vehicles are the people who benefit by the services rendered by the Main Roads Board, not the owners of horse-drawn vehicles which are practically driven off the road by the motor traffic. The present expensive system was inaugurated particularly in the interests of motor vehicles, and it is from the users of these vehicles that the fund should be collected. This Bill aims at extracting from the local bodies revenues which already are altogether insufficient for their needs. Their past performances show that they were well able judiciously and capably to handle their own funds. They are doing a wonderful service everywhere, and their funds should be kept sacrosanct for their own use in their own district. I regret that a measure should

be brought down to extract from them so great a proportion of their fees.

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

House adjourned at 6.12 p.m.

Legislative Assembly.

Thursday, 17th October, 1929.

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

AUDITOR GENERAL'S REPORT.

Mr. SPEAKER: I have received from the Auditor-General, in pursuance of Section 53 of the Audit Act, 1904, the 39th Report, for the financial year ended the 30th June, 1929, which I now lay on the Table of the House.

QUESTION—PINK TULIP.

Mr. SAMPSON asked the Minister for Agriculture: 1, Has the plant popularly known as pink tulip, and stated to be a deadly poison, been declared a noxious weed? 2, What steps, if any, are being taken to eradicate this weed, and is there any reasonable hope of complete success?

The MINISTER FOR AGRICULTURE replied: 1, Cape tulip is not a noxious weed under the Noxious Weeds Act throughout the State but has been so declared in the Gingin, Gosnells, Fremantle, and Canning districts. 2, Under the Noxious Weeds Act it is the responsibility of the