

opportunity than some others for gaining education, I would not ask anybody to go into business in this country except he had a reasonably good education. If it can be arranged financially, the idea of raising the school leaving age should be favourably considered.

Progress reported.

House adjourned at 5.53 p.m.

Legislative Council.

Thursday, 19th September, 1935.

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

BILL—PLANT DISEASES ACT AMENDMENT.

In Committee.

Resumed from the 12th September.

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

Clause 2—New Sections (partly considered):

[Hon. H. J. Yelland had moved an amendment to strike out of Subsection 1 of the proposed new Section 7A the words "owner or."]

The CHIEF SECRETARY: I previously explained the reasons for throwing the responsibility for registration on the owner or occupier. The owner is more easily located, whereas the occupier is often a vanishing quantity. In the metropolitan area especially there might be several occupiers, and it would take a long time to discover who was responsible. If the responsibility were thrown solely on the occupier, it would not be possible to administer the Act effectively. Not

one of my objections has been replied to by Mr. Nicholson. He said the inclusion of "owner" would be unfair. Section 10 of the Act begins—

(1) Whenever an inspector is satisfied that disease exists on any orchard, land, or premises he may by requisition to the owner and occupier, or either of them, require them or him to do whatever is necessary in order to eradicate such disease from such orchard, land, or premises, and to prevent the spread thereof, and the requisition may specify any particular steps which the inspector requires to be taken.

I have quoted that to show that the principle is already laid down in the Act. Section 14 also introduces both parties thus—

(1) An inspector may, with the approval of and subject to an appeal to the Minister, serve on the occupier and owner of any orchard or place where any plant is growing, or on either of them, a notice requiring them or him to take any measures or do any acts which the inspector may deem necessary to prevent the spread of any disease, and in such case, even although the orchard or place is not infected, any person on whom any such notice is served shall, as soon as practicable after the receipt thereof, comply with the requisitions thereof.

Mr. Nicholson said that an owner would not have a right to enter land unless there was provision in the lease enabling him to do so. Section 22 deals with that point—

Any owner of any orchard, land, or premises which is in the occupation of another person shall have full right of entry on and into the same, and of remaining thereon and therein for the purpose of doing anything which he is required to do under or pursuant to this Act, and if in the performance of any duty or obligation imposed on him by or under this Act the owner of any orchard, land, or premises is in any way obstructed or hindered by the occupier, or the occupier by the owner, the one who obstructs or hinders the other shall be liable to a daily penalty not exceeding five pounds.

The definition of "occupier," of which Mr. Nicholson has given notice, is quite unnecessary, as it is covered by the definition in the Act. According to the Act—

"Occupier" as applied to any orchard or other land or premises includes any person having the charge, management, or control thereof.

Mr. Nicholson said that a tenant might plant a fruit tree, and by failing to register the property as an orchard, involve the owner in prosecution. That is a far-fetched idea. I do not think any sane inspector would prosecute the owner. If he saw that a fruit tree had been newly planted, he would make investigation to ascertain who had been responsible for the planting. If he discovered that the occupier had planted it and had failed to register the property as an orchard,

he would prosecute the occupier. If it was an orchard containing several trees that had been planted years previously and the occupier responsible for registration had disappeared, the inspector would take action against the owner. It must be conceded that commonsense would be exercised in administering the Act.

Hon. J. NICHOLSON: I pointed out previously that the provision sought to cast the liability on alternative persons, the owner or occupier. I still contend that it would be unjust, where land is in occupation of a tenant or lessee, to cast the liability on the owner for acts of the tenant. A tenant in possession of land might do whatever a tenant is entitled to do. Planting a garden of some sort he may, in his enthusiasm, fail to realise that if he plants one fruit tree the garden will, under this measure, become an orchard requiring registration. The landlord may leave the collection of the rent to an agent. The agent, or even the landlord himself, does not go round the backyard every time he visits the premises, and so he may remain unaware of the planting of the fruit tree. The maximum penalties imposed are severe, and those maximum penalties may be exacted. The fairest and most reasonable way of dealing with the matter is to provide that where property is rented to a tenant or leased to a lessee, the obligation to register shall first be on the occupier—tenant or lessee, as the case may be—who knows exactly what is on the property. Section 8 of the principal Act supports my contention. The definition of "Owner" in the Act includes not only the owner of the freehold, but also a person holding the land under a lesser title, such as a lease. The latter so-called owner should be described as occupier. Where there are broad acres—as in the country—an orchard of a few acres is planted, and so its existence is well-known; but the case is quite different in cities and towns. Innocent persons should not have inflicted on them a penalty which ought not to be imposed until they have had an opportunity of seeing whether there is anything in the nature of an orchard on their properties. The owner away in Timbuctoo, instanced by the Chief Secretary, would leave an agent to represent him. The person in occupation must within one month of planting a fruit tree register the property as an orchard. If that person goes out and no other tenant comes in, the agent or owner will be called

upon to register the property as an orchard. The person who plants the fruit tree is conscious of the fact, and should be required to register the property. If he fails to do so, the responsibility should be on the owner. I want one person made liable in the first place, and the other person in the second place.

Hon. J. J. HOLMES: I have long realised that one-tree orchards are a menace to the fruit industry of Western Australia. If we are not careful, we shall have the bulk of our fruit trees infested with fruitfly. In the metropolitan area I have known owners to endeavour to deal with the pest, while their neighbours did nothing. Mr. Nicholson has drawn the long bow as to what may happen, or not happen, to the owner. The owner's chief trouble is the midnight flitter, and that sort of person is not likely to plant fruit trees. The lease might forbid the planting of fruit trees, and subject the act to a penalty.

Hon. J. Nicholson: That would not meet the case.

Hon. J. J. HOLMES: Mr. Nicholson talks about the penalties. The maximum penalty in this instance is £20. I am quite certain that if some person innocently planted a fruit tree or omitted to remove it, he would first be asked to remove the tree and then, if he still failed to do so, would be summoned and fined a few shillings. If the Bill is to be effective, we must get either the owner or the occupier.

Amendment put and negatived.

Hon. E. H. GRAY: I move an amendment—

That in line 3 of the proposed new Section 7a the words "or one or more fruit vines" be struck out.

I have been fortified in the opinion I expressed last week that it is very rarely grapes are affected by fruitfly. I do not claim to be an expert but I have had this information from an expert.

Hon. L. Craig: Who was he?

Hon. E. H. GRAY: A gentleman who at one time was employed in the department in Adelaide, and he informs me that it is very rarely indeed that the fly attacks grape vines. Under the existing Act, the department has full power to deal with any emergency that may arise. In the metropolitan area, and particularly in the Fremantle district, grapes of excellent quality grow in profusion and

they require very little looking after. Hundreds of tons are grown which are practically given away to people, many of whom cannot afford to buy fruit. There are 9,000 families on relief work.

Hon. L. Craig: You mean 9,000 people.

Hon. E. H. GRAY: No, 9,000 families, and they represent 27,000 people.

Hon. H. S. W. Parker: That is rather different from what we have been led to believe.

Hon. J. J. Holmes: You are giving the show away now.

The CHAIRMAN: All this has nothing to do with the fruitfly.

Hon. E. H. GRAY: I have no wish that the matter should be treated lightly; it is too serious. There are hundreds of families who are able to get cheap fruit in the grape season, and the department will be acting wrongly by endeavouring to carry this amendment. They have had the power all along to destroy fruit trees and grape vines, if they should be affected. In the old days, in the Fremantle district, there were big properties which have since been subdivided, and on these properties there are still many fig trees, many of them on the side of the road and all capable of breeding millions of fruitflies.

The CHAIRMAN: The amendment says nothing about fig trees.

Hon. E. H. GRAY: The effect of the Bill will be that the department will enforce their powers and there will be wholesale destruction of fruit trees. Why this drastic step to destroy an enormous annual crop of grapes?

Hon. C. F. Baxter: No one wants to destroy the grapes.

Hon. E. H. GRAY: Who is going to be bothered about registration? If the Bill passes, there will be wholesale destruction of fruit trees and grape vines all over the metropolitan area.

Hon. H. V. Piesse: Where they are unattended?

Hon. E. H. GRAY: It is unnecessary to register houses where grapes are grown. No one will take the responsibility to register these places.

Hon. J. J. Holmes: What about the owner of the house?

Hon. E. H. GRAY: If he has any brains, he will persuade the occupier to cut down the trees.

Hon. H. V. Piesse: What, rather than pay 1s. registration fee?

Hon. E. H. GRAY: I repeat that the effect will be wholesale destruction, which will mean an enormous economic waste. If we pass the Bill, a man who is growing a rock melon or a passion fruit vine in his yard will have to register his property.

Hon. A. M. Clydesdale: Is a rock melon a fruit or a vegetable?

Hon. C. F. Baxter: It is a fruit.

Hon. E. H. GRAY: Many people grow passion vines not solely for the fruit they bear, but for the shade the plant gives. Why should we pass legislation to compel people to register fruit trees of every kind where the fruitfly cannot possibly exist? We should not pass legislation which will be silly.

Hon. J. J. Holmes: Your Government introduced it.

Hon. C. F. Baxter: Does your expert say that a rock melon is a fruit?

Hon. E. H. GRAY: No, I say so. If you read the market reports you will never see it described as a vegetable.

Hon. C. F. Baxter: How do you know that the melon is not a host for the fly?

Hon. E. H. GRAY: The skin of the melon, like the skin of the passion fruit, would resist the fly. I am chiefly concerned about grape vines and the hardship we are likely to impose on a number of people if we pass the clause as it is. Why give the department additional powers in this regard when they already have enough power in the Act? I do not think there is any danger of grape vines being affected by fruitfly. If this clause is passed, it will mean the destruction of enormous numbers of useful vines, and bring about a consequent economic waste in the metropolitan area. I suppose this is one of the means whereby the Fruitgrowers' Association hope to do away with the so-called unfair competition.

Hon. H. V. Piesse: Nonsense.

Hon. E. H. GRAY: The growers will not be able to sell any more fruit if they gain their object, but thousands of children will be deprived of good grapes during the season. There is no doubt if this provision is enforced, the owners of these small properties will destroy the vines to save themselves from being fined, and the tenants will be deprived of any benefit they might otherwise have obtained from that source

of revenue. No one can say that grape vines constitute hosts for fruitfly.

Hon. G. W. Miles: You have said that several times.

Hon. E. H. GRAY: I cannot emphasise it too often.

Hon. C. F. BAXTER: All the backyard orchards should be registered so that inspectors may be able to control all kinds of diseases that affect fruit generally. If vines are well looked after they will cause no trouble, but it is necessary that the department should know where to locate them. Are we going to run the risk of injuring seriously the fruitgrowing industry merely to protect a few grape vines? I hope the amendment will not be taken seriously.

Hon. G. FRASER: Do the experts of the department say that the grape vine is a host for fruitfly? If that is not so, there is no need to include grape vines in this measure.

Hon. L. Craig: They say so very definitely.

Hon. G. FRASER: Then I will vote against the amendment. I want to see the industry protected, but I do not want that protection to run mad.

The CHIEF SECRETARY: The Director of Agriculture says it has unfortunately been found on numerous occasions that grapes are affected by fruitfly. He also says it has been necessary in some instances to refuse grapes sent for export because they have been struck by fruitfly. This morning the Minister for Agriculture, after consultation with the fruit expert, asked me to insist on the inclusion of grape vines, because each year there was a certain amount of fruitfly which struck on grapes. Some seasons were more favourable than others for the propagation of the fly, and in those years grapes suffered extensively.

Hon. W. J. MANN: I have seen grapes affected by fruitfly both in orchards and in metropolitan shops. In the country I have seen watermelons a mass of fruitfly. There are also diseases which attack the leaves of grape vines, and people have to use sulphur to get rid of them.

Hon. E. H. GRAY: The department are going too far with their proposal. The Act already contains powers which have never been applied. The clause, as worded, will inflict serious hardship upon many people. If effective action were taken to

eradicate fruitfly in general, there would be no risk of grapes being affected.

Amendment put and negatived.

Clause put and passed.

Clause 3—New Section; Minister may declare certain areas to be infected:

The CHIEF SECRETARY: There is an error in proposed new Subsection 3. The reference to Subsection 1 should be to Subsection 2. I move an amendment—

That in line 2 of proposed Subsection 3, the numeral "(1)" be struck out and the numeral "(2)" inserted in lieu.

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

Clause 4—agreed to.

Clause 5—Citation of principal Act as amended:

The CHAIRMAN: There will be a consequential amendment because of the alteration in the date of the measure.

The CHIEF SECRETARY: I move an amendment—

That in line 2 the figures "1934" be struck out and "1935" inserted in lieu.

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

Title—agreed to.

Bill reported with amendments.

BILL—LAND TAX AND INCOME TAX.

Received from the Assembly and read a first time.

BILL—BRANDS ACT AMENDMENT.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 6, principal Act:

Hon. E. H. ANGELO: Will the Chief Secretary explain what is meant by the words "such part of the body and in such manner as may be prescribed" in paragraph (d)?

The CHIEF SECRETARY: The departmental explanation is that this provides that every brand registered shall consist of an earmark and wool brand and that every

proprietor of sheep must have a registered brand. It is important that every proprietor shall have a registered wool brand, so that it will be easy, by reference to the brand, to ascertain to whom any stock belongs. This provision should be read in conjunction with Section 5.

Hon. H. S. W. Parker: Does it not mean that the department can determine where these brands and marks shall be placed?

Hon. J. J. HOLMES: Under the existing Act a brand can be placed on any part of the animal the owner desires, and in those circumstances it is often difficult to locate. The department propose to get over that difficulty by saying that the brands and marks shall be placed on "such part of the body and in such manner as may be prescribed."

The Chief Secretary: That is so. If members read the section with the amendment they will see that the meaning is clear.

Hon. J. J. HOLMES: It represents an improvement on the Act.

Clause put and passed.

Clauses 4 to 7—agreed to.

Clause 8—New Section 27A:

The CHIEF SECRETARY: I move an amendment—

That at the end of proposed new Subsection 1 the following proviso be added:—

"Provided that this section shall not apply—

- (a) to stud sheep registered in any recognised stud or flock book;
- (b) to any sheep under the age of six months."

Provision is made in the amendment to exempt from the wool branding provision, stud sheep registered in a recognised stud or flock book, and sheep under the age of six months. Provision is also made to limit the period in which possession of shorn sheep may be held without wool branding, to one month.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 2 of proposed new Subsection 2 "recently" be struck out, and after "shorn" the words "within the period of one month preceding the date of possession" be inserted.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That proposed new Subsection 3 be struck out.

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

Clause 9—agreed to.

Clause 10—Amendment of Section 42 of the principal Act:

The CHIEF SECRETARY: I move an amendment—

That the following subclause, to stand as Subclause 3, be inserted after Subclause 2:—

"(3.) Section forty-two of the principal Act is further amended by adding a proviso at the end of the section, as follows:—

Provided that it shall be a defence to any charge under paragraph (b) of this section if the defendant prove—

- (i) that the skins came into his possession in the course of his business as an agent; and
- (ii) that he took all reasonable precautions to prevent such skins coming into his possession; and
- (iii) that on becoming aware that he had the skins in his possession he promptly gave to the officers of police or an inspector all information in his power relating to the person from whom and the date and circumstances under which he became possessed thereof."

Hon. J. J. HOLMES: We make provision regarding the man who has in his possession any skins of any sheep the ears of which had been cropped, cut, sliced or otherwise mutilated. But suppose there be found on the premises skins with the earmark of somebody else. What action would be taken? The ears have not been mutilated, but they carry somebody else's earmark.

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

Clause 11—New Section 43B:

The CHIEF SECRETARY: I move an amendment—

That the following be inserted at the beginning of proposed subsection (1)—"Subject as hereinafter provided."

Hon. J. J. HOLMES: I think this definition is a little wide. Some of the sheep stealers may have two properties 10 or 15 miles apart, and they may be caught with a number of sheep, and their excuse would be that they were removing them from one of their properties to the other. Fortified

by that excuse, they might easily get away with it.

Hon. A. Thomson: But the sheep must bear a wool brand.

Hon. J. J. HOLMES: All travelling sheep are required to have a brand on them. But I am dealing with the gentleman who perhaps sold me some of his sheep to-day with his wool-brand on them, and two days afterwards he may be found taking them back, and on being challenged he may say he is taking them from one of his properties to another.

The CHIEF SECRETARY: This does not seem quite clear. I will postpone further consideration of the clause and submit it again to the department.

Clause postponed.

Clause 12—Amendment of Section 45 of the principal Act:

The CHIEF SECRETARY: I move an amendment—

That after "amended" in line 1 the following be inserted:—

- (a) by striking out the words "and no sheep under the age of six months" in lines one and two;
- (b) by adding a proviso at the end of the section as follows:—
 "Provided that no sheep under the age of six months shall be deemed unbranded by reason of the fact that no registered wool-brand has been placed thereon."

Hon. J. J. Holmes: How is it proposed to verify the age of a sheep?

The Chief Secretary: The owners of the sheep may have a record of it.

Hon. C. F. BAXTER: On the second reading I mentioned the branding of lambs, and said they were supposed to be branded when weaned. But who is to say that the age of a lamb is six months?

Hon. L. Craig: They are branded off shears as a rule.

Hon. J. J. HOLMES: On small agricultural areas rams are put in at a certain date and taken out again at a certain date, and so the age of lambs can be practically arrived at. But some of the squatters in the North put in their rams at all times of the year and take them out in the same way. What I am concerned about is the passing of legislation which we cannot enforce. How are we to arrive at the age of a lamb? Perhaps if we had a more descriptive term, such as "sucker," it would meet the case.

Hon. C. F. BAXTER: May I suggest that the Chief Secretary get into touch with the department and ask them to frame a more workable amendment?

Progress reported.

House adjourned at 5.57 p.m.

Legislative Assembly.

Thursday, 19th September, 1935.

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

QUESTION—METROPOLITAN WATER SUPPLY, METERS.

Mr. NORTH asked the Minister for Water Supplies: 1, What type of meter is fitted at No. 2, Clive-street, Cottesloe? 2, How long has this type been in use in the Department? 3, Is it possible for this type of meter to speed up at irregular intervals, thus recording an excessive consumption?

The MINISTER FOR WATER SUPPLIES replied: 1, Departmental Frost. 2, Over 20 years. 3, No.

QUESTION—AGRICULTURE, PEA WEEVIL.

Mr. SEWARD asked the Minister for Agriculture: 1, What regulations will be put into force this year to prevent the spread of pea weevil? 2, Will he give immediate and full publicity to those regulations so as to permit sellers of seed to complete their contracts for the coming season?

The MINISTER FOR AGRICULTURE replied: 1, Regulation 48B under the Plant Diseases Act was gazetted on the 28th of