Legislative Council.

Thursday, 22nd September, 1949.

CONTENTS.

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

MOTION—STANDING ORDERS SUSPENSION.

The CHIEF SECRETARY: I move—

That for the remainder of the session, so much of the Standing Orders be suspended as is necessary to enable Bills to be put through all stages at one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith; and that Standing Order No. 62 (limit of time for commencing new business) be suspended during the same period.

Hon. Sir CHARLES LATHAM: I hope the Chief Secretary will give members an opportunity to see the legislation. We do not know what is ahead of us. Generally we have some statement from the Leader of the House that he will give us an opportunity of understanding something of the Bills. With the present system of drafting it is not easy to understand the measures. Most members are laymen and have to depend on those with legal knowledge to disentangle the verbiage which is difficult to understand. I would like an undertaking from the Chief Secretary that he will not push the Bills through unnecessarily quickly. I have no objection to the suspension of the Standing Orders.

The CHIEF SECRETARY: I shall be quite prepared to adjourn any matter at the request of any hon. member. The object of the motion is not necessarily to push things through, but to be in a position to keep in line, if I may put it that way, with another place.

Hon. Sir Charles Latham: We can go slow then.

The CHIEF SECRETARY: Quite possibly. Members need not be afraid that I propose to push matters through. What I probably shall do—and I do not think any member will object to this—is to have the first reading and then the introduction of the second reading with, perhaps, an adjournment to continue the debate.

Question put and passed.

MOTION—ADDITIONAL SITTING DAY.

The CHIEF SECRETARY: I move—

That for the remainder of the session, the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 2.30 p.m. in addition to the ordinary sitting days.

I might mention that it is not proposed to sit tomorrow afternoon if the motion is carried. I shall move before the adjournment of the House tonight, that we adjourn until 2.30 p.m. on Tuesday next. The reason for that time on Tuesday is that I do not know, any more than does any other hon. member, what the position will be with regard to lighting. Therefore, it is advisable to sit at 2.30 instead of 4.30 p.m.

Question put and passed.

[*Hon. J. A. Dimmitt took the Chair.*]

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Read a third time and *passed.*

BILL—BREAD ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker — Metropolitan-Suburban) [4.38] in moving the second reading said: The Bill is a short one and has its origin in a request to the Kalgoorlie and Boulder Master Bakers' Association from the Kalgoorlie Breadcarters' Union, for an amendment of the award to allow of three weeks' annual leave and four public holidays, in lieu of two weeks' annual leave and 10 named public holidays, which is what was granted by the Arbitration Court to the industry last year. The alteration would allow of a longer break from the Goldfields at the time of taking annual leave, and would also permit of bread deliveries on a number of public holidays. That applies to the metropolitan area as well as to the Goldfields.

If members read the Act they will find that various holidays are set out. It is the desire of all concerned that the Arbitration Court award should control all holidays, and not the Act. Therefore, we are eliminating from the Act the question of holidays. The master bakers were agreeable to the union's request but found that as the Bread Act specified eight named holidays, the men would be entitled to them notwithstanding any award stipulating a lesser number. The holidays prescribed in the Act are regarded as a minimum. An award can specify a greater number that can be taken; but if the award specified a lesser number than the Act, then the Act would apply. It is proposed, therefore, on the recommendation of the Employers' Federation, to repeal Section 15 of the Act, which deals with holidays.

Members will notice that there is in the Bill provision for a new Section 15, but I propose to move an amendment to strike that out. Therefore, the last clause of the Bill will merely be a repeal of Section 15. It simply sets out the law and the fact that the Arbitration Court will control it. It is a small Bill, and I feel sure that members will not have any difficulty in agreeing to it. I move—

That the Bill be now read a second time.

HON. E. H. GRAY (West) [4.41]: It is quite fashionable for bread Bills to be introduced late in the session.

Hon. Sir Charles Latham: They are very bad Bills, too.

Hon. L. Craig: Do you agree with this?

Hon. E. H. GRAY: This is the first time a bread Bill has been introduced in respect of which all the parties concerned, including the general public, will be glad. I have vivid memories of debates taking place in this Chamber on legislation dealing with bread. Therefore, I am pleased to be able to state that the prophecies of many members in this Chamber, on several occasions, have proved to be utterly wrong. The bread legislation in this State is the finest in the world. It is of benefit to the master bakers, the operative bakers and also the general public.

Hon. G. W. Miles: Thank members of the Council for agreeing to it.

Hon. E. H. GRAY: I do thank those who voted for it. This has given me an opportunity to say, "I told you so," because on many occasions I assured the Chamber it would be a success.

Hon. L. Craig: We always take notice of you.

Hon. E. H. GRAY: Certain sections of our bread legislation are quoted by authorities in the United States and the British Commonwealth of Nations. Many States are endeavouring to copy us, but they have to break down the opposition to it. Successive Royal Commissions in New South Wales and Victoria have recommended the adoption of what we call the "dough-weight" system, which is incorporated in the Bread Act. I am sure that this Bill, however, will not receive any opposition because it will give the people on the Goldfields a better opportunity to have an extended holiday. The operative bakers and bread carters will be able to have a longer continuous holiday than they do under the present system.

It has always been argued in this Chamber that the Arbitration Court should be the supreme authority. As the Chief Secretary pointed out, this Bill provides for substitution of the public holidays set out in the Act and to leave the matter to the Arbitration Court to determine what holidays those in the industry shall enjoy. Therefore, it is very wise to afford the same opportunity in the metropolitan area if the bakers' union and the master bakers want to take advantage of it. They will be able to apply to the court and leave it to that tribunal to determine the length of the holidays to be enjoyed. I should imagine that as a result of the public holidays being abandoned, and leaving it to the court to extend the continuous holiday, the public will be able to obtain fresh bread on public holidays. If the Bill is agreed to, it will leave the whole matter of holidays to the Arbitration Court, and that is why I anticipate that the Employers' Federation, the master bakers and the union will support this measure.

Hon. L. Craig: This applies to bakers as well as carters, does it not? The carters cannot deliver unless the bread is there.

Hon. E. H. GRAY: This will apply to the bread carter. Of course, the operative bakers are already covered.

Hon. L. Craig: Have they the same terms?

Hon. E. H. GRAY: Bakers do not bake on holidays. They bake bread before the holidays. This section deals with the bread carter who delivers bread at stated times. Under those circumstances, I can recommend the House to give this measure its unqualified support. It has been requested by the Goldfields people and it is far better for the bread carters and operative bakers on the fields to have an extended holiday rather than that their holidays shall be split up in accordance with the stated number of public holidays set out in the Bread Act. Therefore I support the second reading of the Bill.

HON. H. HEARN (Metropolitan) [4.47]: I rise to support the Bill and I am glad to have an opportunity once more to mention in this House just how smoothly run the industrial relationships between employers and employees. Very briefly, the history of this case is that an agreement was made between the Kalgoorlie bakers, the bread carters and the employers. Through the good offices of the Employers' Federation, an approach was made to the Minister with a view to introducing this legislation.

As, on many occasions in this House, we hear what a dreadful lot of people comprise the employing class, I feel it is only right that I should say that this legislation was instituted at the request of the employers. I feel sure that if it is passed, it will be of immense benefit to workers on the Goldfields. We must recognise that those people have to contend with a climate which, in the summer, is very trying. If the Bill is passed, it will give workers an opportunity to have an extended holiday on the coast. Because of that fact we, as employers, were very glad to co-operate, and the move received the full support of all the employing interests.

HON. G. BENNETTS (South) [4.49] I am very pleased to be able to support the Bill. Mr. Hearn has said how nice it was for co-operation to be extended by the employers. It must be remembered that this is in the interests of the employer as well as the employee.

Hon. H. Hearn: Do you see something sinister in it?

Hon. G. BENNETTS: The employers must be getting something out of it as well.

Hon. L. Craig: You think there must be a catch in it.

Hon. G. BENNETTS: People on the Goldfields are approximately one and a half to two days' travel away from the coastal area. By people in the bread industry being given three weeks' holiday, they will have time to come down and spend their money with the big business interests.

Hon. G. W. Miles: It is a good think you do not live at Wyndham.

Hon. G. BENNETTS: That is where it will assist the "bossman," if I may use the term. It must suit him, if he wishes to fall into line with the workers. At present the men have two weeks' holiday and there are ten public holidays. Now they will enjoy a respite of three weeks, with the additional public holidays. The legislation is necessary so that should bread be baked while the men are off duty, the master bakers will not be liable to prosecution.

HON. SIR CHARLES LATHAM (East) [4.51]: I am one of those that look upon a bread Bill with suspicion, for which I have very grave reasons. The only time I was suspended from a sitting of the House during the 20 odd years I have been a member of Parliament arose out of an incident in connection with a bread Bill. As Mr. Gray mentioned, that measure was introduced at a very late hour in the sitting. Having glanced through the Bill in the short time at our disposal, I came to the conclusion that it deals only with the holiday period for employees, which is to be dealt with by the Arbitration Court and not by Parliament. That is sound and right in principle.

I do not believe in Parliament fixing hours of labour, wages or benefits for employees in any industry, or which any employer may be permitted to grant. The Minister has indicated that he proposes to strike out the latter portion of Clause 4, but I am not able to follow his reason. It appears to me necessary to retain the clause because it provides the only power by which the function is to be transferred to the Arbitration Court.

The Chief Secretary: It is provided for in the Industrial Arbitration Act itself.

Hon. Sir CHARLES LATHAM: If that is so—

The Chief Secretary: It is; you need have no fear on that score.

Hon. Sir CHARLES LATHAM: I am prepared to accept the statement by the Minister that it is regulated under the Industrial Arbitration Act. I am sorry that we are not asked to deal with a more comprehensive Bill that would provide for abolishing the system of zoning that operates at present. It serves to create a monopoly for some bakers who can do as they like, deliver bread when and where they like, and under what conditions they may desire.

I am aware that we have prevented people from handing back bread, but we know what happens from time to time. A carter may come to a house where no note has been left out, and so he leaves the number of loaves he thinks necessary, with the result that some people may have enough for three or four days. In the city people should have the right to select the baker whom they wish to patronise. Mr. Gray referred to the world-wide system that applies, under which we take away from the public the right to demand bread of a given weight. In the old days, if a householder wanted a 2-lb loaf he expected to get it, and he did so.

Hon. E. H. Gray: He can get it now.

Hon. Sir CHARLES LATHAM: He cannot. The only period during which he can determine whether he is to get a 1-lb or a 2-lb loaf is between the time the dough is prepared and when it is put in the tin. I cannot imagine any baker, after he has mixed his dough and put it in the tins, emptying out some in order to alter the weight. That is the one time when the inspector has the right to weigh the bread.

Hon. E. H. Gray: The baker is liable to a fine.

Hon. Sir CHARLES LATHAM: Yes, and I will admit that from time to time some bakers have been fined. I guarantee that if a check were made on the weight of bread delivered in the metropolitan area these days, the loaves would seldom be found to weigh correctly.

Hon. E. H. Gray: That is definitely incorrect.

Hon. Sir CHARLES LATHAM: I say it is not. If you, Mr. Deputy President, would permit me to bring a loaf of bread here and place it on the Table of the House, I would demonstrate that Mr. Gray is not correct.

The Chief Secretary: Why not get one from the Comptroller of the House now?

Hon. Sir CHARLES LATHAM: That might be a good idea. If one procures a sandwich loaf he will in all probability find it is not the guaranteed weight. Mr. Gray knows that is so.

Hon. E. H. Gray: I do not.

Hon. Sir CHARLES LATHAM: That can be easily proved.

Hon. E. H. Gray: The ordinary sandwich loaf weighs 2-lb 1-oz. after it is so many hours out of the oven.

Hon. Sir CHARLES LATHAM: This is the wonderful system about which we have heard favourable comments; and it that is acceptable to the people they are easily satisfied.

Hon. G. W. Miles: Is it in order to discuss the weight of bread on this Bill?

Hon. Sir CHARLES LATHAM: Of course it is in order! However, I have no objection to the Bill. It represents a step in the right direction in that it takes away from Parliament the right to fix the period of holidays for employees in the industry, which is a matter that should be dealt with by the tribunal that has been statutorily appointed for the purpose.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [4.56]: I shall not delay the House in replying to the debate, but I wish to correct some statements by Sir Charles Latham. If he looks at Section 4 of the principal Act he will see that dough is dealt with in such a way that it will provide a 1-lb or a 2-lb loaf as required. If it should be found that there is any discrepancy in that respect, very soon an inspector will be looking into the position. As to zoning, that system has presented considerable difficulties, over which the Government has no control. I do not know how any legislation could affect the position.

Hon. Sir Charles Latham: New South Wales has passed legislation dealing with it.

The CHIEF SECRETARY: It would be impossible to order, or direct, a baker at Leederville to deliver bread at Victoria Park or North Fremantle. Such matters are arranged by the master bakers themselves. Considerable thought has been given to over-

coming the difficulty, but the fact remains that we cannot force a man to go outside the district he desires to serve. Then again, new bakers cannot commence to operate in the industry because ovens are not procurable. As I mentioned earlier, it is difficult to deal with the matter of zoning, much as I would like to do away with it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 15 repealed and substituted:

The CHIEF SECRETARY: I move an amendment—

That all the words after the word "repealed" in line 1 be struck out.

The remainder of the clause is unnecessary because it merely states the law as it is, which is that the Arbitration Court controls the conditions of employment and labour. The clause will then merely provide for the repeal of Section 15.

Hon. E. H. GRAY: I would like the Chief Secretary to make some further inquiries with respect to this amendment.

The Chief Secretary: As to the carters?

Hon. E. H. GRAY: Yes. The retention of the words which it is proposed shall be struck out is desirable in order to protect master bakers against other employers who are not members of the Master Bakers' Union. We know that there are some aliens who are prepared at any time to break the law.

The Chief Secretary: I am prepared to agree to your suggestion.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Assembly.

BILL—LICENSING ACT AMENDMENT (No. 2.)

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Central) [5.3]: I have perused and considered the Bill and am in favour of it as it stands. It was my fortune—or perhaps misfortune—to be a licensee for some years myself. I was in control of a mixed business, part of which included the running of a hotel and a store, so that I have had experience from the angle of the licensee. It was my opinion then, and has been since, that there is hardly a section of the community which is subjected to so much criticism and sometimes to such severe penalties as hotelkeepers.

There are some breaches of the Licensing Act which it is exceedingly difficult for them to avoid. When I made application for a license, I had to submit testimonials and furnish evidence of character which I contended at the time would have qualified me to be a bishop. I had at least to satisfy the court that I had not been in gaol and had not been charged with or convicted of any major offence. On the other hand, after the license was granted I felt I was immediately regarded as a potential criminal. That feeling persisted during the whole of the time I held the license. A licensee of a hotel enjoys certain protection in regard to his business. Any person who might desire to oppose him in business would experience great difficulty in obtaining a license. In country districts, however, that protection really amounts to nothing, as the Licensing Act provides that substantial premises must be erected and consequently it is only in such cases where accommodation is pressing, or where there is a big business handled by a hotel, that another person has a chance of securing a license.

On the other hand, a licensee is under restrictions 24 hours a day. He must provide meals at any hour of the day to anyone who likes to order them. He must provide a certain standard of accommodation. He is continually under the eye of the Licensing Bench, which, in its wisdom, when he applies for a renewal of his license from year to year, may demand substantial additions to his premises. These may involve him in the expenditure of a considerable sum of money. He is also constantly under the eye of the police. Although the police as a whole exercise their duties in the best way possible, much is left to the discretion of an individual officer and I am sorry to say that some licensees feel they are under the thumb of the police officer for the district.

The Bill seeks to remedy some of the anomalies which at present render a licensee liable to severe penalties, but tend to exempt or impose light penalties on those who wilfully and knowingly contravene the Act. That is particularly so in regard to young persons under the age of 21 years who may enter a hotel and purchase a drink and who, if they consume liquor and declare they are over the age of 21 years, are liable to a penalty, although only a small one. The licensee has no means of ascertaining whether such young people are of full age and might easily assume they are over 21 years; but if they are not, he is liable to a much more substantial penalty.

A case has been cited of a hotelkeeper who went into his lounge one night and saw a party there which included a young girl whom he knew or suspected to be under the age of 21 years. He challenged the girl, who admitted she was only 17 and consequently he immediately told her to leave the premises. The point is that if a policeman had entered the hotel and seen the girl there, the licensee would have been liable to a penalty up to £20.

Hon. Sir Charles Latham: Suppose she had said she was 22, what would have happened?

Hon. C. H. SIMPSON: In this case the adult members of the party went to the bar and got a tray of drinks, which they took into the lounge, so that the licensee had no chance at that time of challenging the girl on the score of age. The point, however, is that the licensee could have been convicted and mulct in a fairly heavy penalty. On the other hand, the girl, not having made a false declaration, would not have been subject to a penalty at all. The adult person who supplied the liquor would also have been subject to no penalty because, owing to a peculiarity of the Act, an adult person can be fined for supplying liquor on any highway adjacent to an hotel, but not for supplying it actually on the licensed premises. The onus then is on the licensee.

Some mention was made by the Chief Secretary and by Mr. Heenan about the difficulty of interpreting the words "apparently" and "knowingly." "Apparently" is a word which might easily be interpreted differently by almost any number of persons. A licensee might consider that a youth or a girl was over the age of 21 years; the magistrate might conceivably consider that both were under the age of 21 years; and, unless the licensee actually challenged them—and that is extremely difficult is some circumstances—he would be the person to be penalised. With regard to the word "knowingly," as Mr. Fraser has pointed out, it has been the practice to insert this word in English legislation, and I should say that it has stood the test of time. As to interpreting it although there is a difficulty, I think it is a matter of commonsense. Almost all laws provide for a light penalty on the commission of a first offence; the first-offender usually gets off without a penalty at all.

If a police officer knew that a person drinking was under 21 years of age and informed the licensee, the licensee or his servant would then know the age of that person and if they served him again, they would rightly be subject to a penalty. Licensees of country hotels can be assumed to know their customers well and to have a fair idea of their ages. For instance, a lad who said he was celebrating his 21st birthday in a fortnight's time—and usually publicity is given to such an event—would, if he consumed liquor in a hotel, render the licensee liable to a penalty, because he would be assumed to know the age of the person he was serving. The Bill as it stands puts the penalties fairly and squarely on the shoulders of those who knowingly commit the offence, and I think that is only common justice. I have pleasure in supporting the Bill and hope it will be passed.

HON. G. FRASER (West—in reply) [5.14]: As there has been no opposition to the Bill, I shall content myself by saying that I will reply to any argument which may be raised in Committee.

Question put and passed.

Bill read a second time.

In Committee.

Hon. A. L. Loton in the Chair; Hon. G. Fraser in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 147:

The CHIEF SECRETARY: I move an amendment—

That paragraph (b) be struck out.

If the word "apparently" is taken out of this section the effect will be that no prosecution can ever be successful, however blatant the offence, because even if a

policeman instructed the licensee not to serve a youth who was in the bar, the licensee could tell the policeman to get out of the way and could serve that lad. He could not be prosecuted successfully, because the policeman would have to prove the age of the lad. The only way in which that could be done would be to produce someone who had been present at the birth. It is generally thought that a birth certificate is sufficient proof of age, but in this case that is not so and one would require to produce evidence to identify the person concerned with the person mentioned in the birth certificate. It is quite possible that neither of the parents would testify against a lad of 19 or 20.

Hon. C. H. SIMPSON: I hope the amendment will not be agreed to. Its object seems to be to ensure that the licensee will be convicted at any cost, but that is only taking the responsibility from the guilty party and placing it on the innocent party.

Hon. G. FRASER: The amendment, if agreed to, would destroy the value of the Bill, which seeks only to do justice to a hard-working section of the community and remove from those people a responsibility that should not rightly be theirs. If what the Chief Secretary has said about the difficulty of proving age is correct, how does he explain the working of all those Acts that contain provision for proof of age? If we remove the word "apparently" from Section 147 it will be on a par with Section 149. In the English Act that I referred to during the second reading debate, the word "knowingly" is used twice in the one section and the word "apparently" is not used at all. That wording has stood the test of time in England since 1923 and no-one appears to have wished to alter it. I hope the Committee will not agree to the amendment.

The CHIEF SECRETARY: The reason why proof of age is possible under most other Acts is that in those cases persons can prove age by declarations, but a youth charged under this legislation cannot be asked to give a declaration in that regard against himself, and therefore other evidence must be produced.

Hon. Sir CHARLES LATHAM: I am anxious that effect should be given to the intentions of the Act.

The Chief Secretary: The word "knowingly" does it.

Hon. Sir CHARLES LATHAM: I do not know that it does. I desire to prevent young girls going into hotel lounges, and there seems to be some difficulty about that today.

The Chief Secretary: Clause 4 deals with that aspect.

Hon. Sir CHARLES LATHAM: The individual becomes liable to a penalty of £20 instead of £5, under that clause, but if we strike out the word "apparently" there will be very few convictions.

The Chief Secretary: There will be none.

Hon. Sir CHARLES LATHAM: I am anxious that we should give protection to licensees and their staffs, but they cannot be given an entirely free rein. I support the amendment.

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

Ayes	4
Noes	14
Majority against	10

AYES.

Hon. Sir Chas. Latham	Hon. A. Thomson
Hon. H. S. W. Parker	Hon. H. K. Watson *(Teller.)*

NOES.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. R. J. Boylen	Hon. G. W. Miles
Hon. L. Craig	Hon. H. L. Roche
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. H. Tuckey
Hon. G. Fraser	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. H. Hearn *(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clause 4—Amendment of Section 149:

The CHIEF SECRETARY: I am pleased to see that this clause proposes to delete the words "who by falsely representing himself to be over the age of 21 years" but I think that here again there will be difficulty in proving the age unless the onus is thrown on to the individual to prove that he or she is over 21 years. I would like to see inserted the same paragraph as is in the Act, which is to the effect that any person who falsely represents himself to be over the age of 21 years and obtains or attempts to obtain liquor at any licensed premises, commits an offence. The reason why none of these youths is prosecuted is because of the difficulty in proving their age. To throw the onus on the individual I therefore move an amendment—

That before the word "under" in line 4 of paragraph (a) the word "apparently" be inserted.

Hon. G. FRASER: I hope the Committee will not accept this amendment. I am rather surprised at the Chief Secretary's moving an amendment of this description, particularly in view of the fact that he is a lawyer.

The Chief Secretary: I have had difficulties with the section in practice.

Hon. G. FRASER: He knows that a principle of British law is that a person is innocent until he is proved guilty.

The Chief Secretary: What about gold-stealing, Customs breaches and other matters?

Hon. G. FRASER: For merely committing a minor offence of drinking beer, we now want to reverse that principle. Such a provision does not even appear in the Criminal Code, under which if a man is charged with murder, he is deemed innocent until he is proved guilty.

The Chief Secretary: We want to take these individuals out of the class of criminals.

Hon. G. FRASER: I do not think the Committee will agree to an amendment such as this, and I oppose it.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—PEARLING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker — Metropolitan-Suburban) [5.39] in moving the second reading said: The only reason I am introducing this Bill now is to give members an opportunity of reading it before we reassemble next Tuesday. It is a very short measure. Briefly, the position is that in the past certain people used to employ Japanese divers on their boats and as Asiatics were not allowed to operate them, a great deal of dummying went on because a man would hold a boat for a Japanese diver who was really the owner.

Considerable difficulties arose and the law was rather stringent on the matter. The Bill does not alter that position but what it proposes is to permit of an arrangement whereby the boat-owner may allow the first diver—that is, the principal man on the boat—to have a sort of lease of the boat on the basis that he will get up to 60 per cent. of the take, but on the condition that he must provide all or part of the maintenance for the crew, etc., as agreed upon, and the owner will receive 40 per cent. providing that he pays certain charges as well. The whole arrangement is set out in Clause 3.

Clause 4 proposes to repeal Section 113 of the principal Act. That section prevents the cultivation, production or sale of cultured pearls. Because so many cultured pearls are in the country, they are not allowed to be sold here but they can be bought in the Eastern States and brought here—but not for sale. It has therefore been decided that that section should be repealed.

Hon. Sir Charles Latham: Does that mean you can cultivate pearls now?

The CHIEF SECRETARY: Yes, the same as in other States. The principle of the proposed amendment permitting the so-called lease of the boat is in force at Thursday Island, and this amendment has been put forward at the request of the Broome Shellers' Association.

Hon. G. W. Miles: It has been put forward at their request?

The CHIEF SECRETARY: Yes, and the amendment to Section 113 is submitted at the request of the retail jewellers. At present, they cannot sell cultured pearls in this State, but one can go to the Eastern States and buy them. It does seem absurd that we should have that restriction in Western Australia. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Charles Latham, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. H. S. W. Parker — Metropolitan-Suburban): I move—

That the House at its rising adjourn till 2.30 p.m. on Tuesday, the 27th September.

Question put and passed.

House adjourned at 5.43 p.m.