

is not on it the certificate required by Standing Order 180, namely, that the Bill has been passed with the concurrence of an absolute majority on the second and third readings. Therefore I submit this Bill cannot be proceeded with.

The President: My ruling is that it can be proceeded with. Clause 13 relates to only contracts made under the Bill.

Hon. A. Lovekin: Will you give me the reasons for your ruling?

The President: No, I have given you my decision.

Hon. A. Lovekin: Then I must move that your ruling be disagreed with.

The President: Well move it; otherwise the business of the House must be proceeded with. The hon. member is disturbing it.

*Dissent from Ruling.*

Hon. A. Lovekin: Under Standing Order 406 I move—

That the ruling of the President be disagreed with.

I do so on the grounds that the ruling is contrary to Standing Order 180.

The President: The motion must be seconded.

Hon. J. J. Holmes: I second it.

The Minister for Education: I move—

That the debate on the motion for dissent be adjourned to the next sitting of the House.

Hon. A. Lovekin: I take it I shall not be deprived of my right to speak to my motion.

The Minister for Education: No.

Motion put and passed.

*Debate resumed.*

On motion by Hon. G. W. Miles, debate adjourned.

*House adjourned at 6.7 p.m.*

## Legislative Assembly,

*Thursday, 9th November, 1922.*

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Select Committee: Soldier Settlement, extension of time	1482
Bills: Agricultural Bank Act Amendment, 2a.	1482
The Perpetual Trustees, Executors, and Agency Coy. (W.A.), Ltd. (Private), 2a.	1484
Companies' Act Amendment, 2a.	1491
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The SPEAKER took the Chair at 4.30 p.m. and read prayers.

### SELECT COMMITTEE — SOLDIER SETTLEMENT.

*Leave to adjourn from place to place.*

On motion by Mr. Wilson, resolved: "That the select committee appointed to inquire into the question of repatriated soldiers and land settlement policy have leave to adjourn from place to place."

*Extension of time.*

On motion by Mr. Wilson, the time for bringing up the report of the select committee was extended for four weeks.

### BILL—AGRICULTURAL BANK ACT AMENDMENT.

*Message.*

Message from the Lieut.-Governor received and read recommending the Bill.

*Second Reading.*

The PREMIER (Hon. Sir James Mitchell—Northam) [4.33] in moving the second reading said: The intention is to alter the existing Act so that the repayments of loans may be easier than they are at present. The present Act provides for the payment of interest only for the first five years and then the repayment of principal in equal half-yearly instalments over 25 years. Experience has shown that it takes at least ten years to put a man firmly on his feet. Equal repayments over 25 years mean heavy bills in the early years after the fifth year, but growing lighter as the principal repayments reduce the interest charge. The diminution occurs at the wrong period. Apart from the work for which money is advanced, there are many things which have to be done by the farmer for himself. The cost of everything required on a farm is much heavier than it was a few years ago and thus settlers are handicapped. It now costs about twice as much for a set of machinery as it cost before the war. We want to make the repayment as light as pos-

sible during the early years, and the Bill proposes that interest only shall be paid for the first ten years. For the remaining 20 years the payments will slowly increase; that is, the payments of interest and principal combined. If we make the repayments easier during the first portion of the term, they must naturally be heavier during the later period. We must get our money back. My idea is to make the repayments as easy as possible. Under the old system with the interest on £100 calculated at seven per cent., the repayment on £100 in the sixth year would be £10 18s. 7d. Under the new system there would be no repayment of principal. In the eleventh year under the old system the repayment would be £9 10s. 7d. and under the new system £7 7s. 5d. In the 14th year the repayment under the old system would be £8 13s. 10d. and under the new system £8 13s. 3d. It is at this point that the repayments would become heavier and, as I have explained, this is necessary in order to get our money back. Having relieved a settler in the earlier years we must increase his payments in the later years, but he would then be in a very much better position to meet the heavier payments. Experience shows that a great many of our farmers do reach a very good position in 10 years. Over 2,000 men came under the I.A.B.—those men were in difficult positions, otherwise it would not have been necessary for them to come under the board—and 1,100 of them have made good and have taken their clearances. There are some others who have made good and who have credit balances with the board. If it takes a wheat farmer 10 years to get really on his feet, it will take quite that time for a settler in the South-West. This advantage would, of course, extend to the soldiers under the Agricultural Bank as well as to ordinary customers. Members will recollect that the Soldier Settlement and Agricultural Bank Acts are read as one. Almost all the advances to soldiers do come under the Agricultural Bank—all, I think, with one exception. The workers' homes system provides for equal payments week by week over the period of the loan for 15 or 30 years, as the case may be. This is a very different proposal from that of the farmer who can pay only once in six months. Under the workers' homes system, if payments fall into arrear, it is easier to sell the home than it would be to sell a farm, and in fact we do not want to sell farms if we can help it. Often payments are not promptly made under the Workers' Homes Act, but much more often are there arrears under the Agricultural Bank Act. The outstanding principal of the Agricultural Bank in respect of ordinary customers is £2,829.

Hon. P. Collier: Only £2,829?

The PREMIER: I should have said £2,829,605. I am getting into the bad habit of coming down to thousands from millions.

Hon. P. Collier: Losing your punch.

The PREMIER: In former days I was accused of transforming thousands into millions. My lapse in the opposite direction is

no doubt due to association with the member for North-East Fremantle.

Hon. W. C. Angwin: If you look after the thousands, the millions will look after themselves.

Mr. Pickering: They would need to.

The PREMIER: The outstanding principal in respect of soldiers under the Agricultural Bank is £3,863,850. The member for Sussex remarked that we need to look after the thousands. We look after them too well for him. The total principal under the bank is therefore £6,693,455. The instalments overdue to-day amount to about £422,870 and the interest arrears outstanding total £421,821. When these figures were made up, the current year's payment was due amounting to £166,095, so that the interest arrears outstanding were really £255,186. The Bill provides that should a farmer not be able to pay his interest promptly, he may be given time subject to the payment of interest on the arrears. This is perfectly fair. When we have £255,000 in interest outstanding, it can be readily understood that the State has to pay interest on that money. At present we are losing approximately £15,000 per annum in interest paid by the State on borrowed money owing by farmers as interest. The Act does not provide for interest to be charged on such accommodation, and so in the past we have not been able to charge it. This interest charge on outstanding interest will not mean much to any individual farmer, but members will realise that it means a good large sum in the aggregate, and there is no reason why the State should lose that money. If the farmer wants additional time, it is right that he should pay for the accommodation. It is not right that the general taxpayers should make up this loss, particularly as we lend the money at not more than one per cent. above the interest cost. This one per cent. is to cover the cost of the bank administration, and there is no margin to cover interest on outstanding amounts. If we do not charge interest on arrears of interest, it only encourages people who can pay not to do so. Ordinarily, there is a penalty of an additional one per cent. added if the interest is not paid to time, but we do not want to adopt that system. We want to do justice to the State as well as to the farmers. I hope the House will appreciate that this Bill liberalises the conditions under which money may be advanced and repaid. It is very important to the farmer that this measure should be passed. It can be taken advantage of by those who are already customers of the bank. Of course, it will not be of much advantage to people who have been on the books for 10 years or more, but any farmer can come under the new scheme with the approval always of the bank trustees. The advantage offered to farmers by this amending Bill will far outweigh the disadvantage of their having to pay interest on interest arrears. It is necessary, too, to provide that the maximum advance to soldiers on single properties which have been purchased be increased to £2,500. In some cases, but not many, we have bought proper-

ties at £2,000, but not sufficiently improved to carry such an outlay, and the trustees think they should be able to make a maximum advance of £2,500.

Mr. A. Thomson: It is very much needed.

The PREMIER: It applies only to a few cases and it will enable the men to improve further and meet their obligations. It will mean all the difference between success and a struggle. This provision will be used sparingly, and only where it is necessary to protect an advance already made. I need not relate the history of this banking system, which is probably the most liberal of any within the Empire. We have advanced altogether £4,294,903 to ordinary borrowers apart from soldiers and of that £1,459,413 has been repaid. The soldier settlers have repaid £87,000 out of £3,828,000 advanced. The Agricultural Bank has done wonderfully good work over the last 25 years. But for that bank we should certainly not be exporting wheat as we are doing to-day. The Minister for Agriculture thinks we shall have 13 million bushels of wheat. The value represented by that wheat will be equal to the total of the advances made to ordinary borrowers by the bank to-day. It is not often that money advanced can reproduce itself every year. Of course, there is far more than that, because in addition to the wheat there is the stock on the farms, and there are also the other crops on them.

Mr. Willecock: There is a lot of private money in that 16 million bushel harvest.

The PREMIER: The total agricultural production of the State amounts to between 9 and 10 millions, and we can certainly contend that three millions of it is due to the fact that we have the Agricultural Bank. That institution has over 8,000 clients on its books, and thousands of men who have used the bank have obtained their clearances. In the old days money went much further. Comparatively a few years ago, in 1911, the average advance was only £157. To-day it is about £350. In the old days, money going much further, clients got through at much less cost. It is largely because of that change we are asking for this Bill.

Hon. P. Collier: The higher amount to-day is only the equivalent of the lesser amount of former days.

The PREMIER: Yes. Of course, settlers want to get through having on their shoulders the least possible burden of debt and interest charges. A complete set of farming machinery used to cost £400; now it costs £800. All work must be dearer under present conditions, with the cost of living so much higher. It is wonderful how settlers got through in the old days, though I have no doubt that, under similar conditions, present day settlers would get through at the same low cost. I do not think anyone is now working less strenuously on the farms than before. The higher costs apply to all that we do and all that we purchase. I hope the House will approve of the proposed amendments. We do want our money back; we want the men who borrow

money to pay it back and to live comfortably. The Bill has been framed with those ends in view. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. M. F. Troy, debate adjourned.

# BILL—THE PERPETUAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY (W.A.), LIMITED (PRIVATE).

Second Reading.

Debate resumed from the 1st November.

Mr. LAMBERT (Coolgardie) [4.51]: I must first pay a well-deserved compliment to the member for Mt. Magnet (Hon. M. F. Troy) for the very informative speech delivered by him on the second reading of this Bill. Though I served on the select committee, I recognise it is but natural that a considerable amount of opposition, if so it can be termed, will be shown to the measure by members on this side of the Chamber. The neglect of successive Governments is evident in their failure to provide for the appointment of a public trustee. To my mind, the curse of Western Australia is that we are a community of middlemen. It matters not in what commercial sphere one moves, one finds that all the big houses are virtually acting here in the capacity of middlemen. Whether it be the commercial houses or the insurance companies or the banking institutions, they are almost without exception mere branches of houses or companies or institutions having their head-quarters elsewhere. In my opinion that fact is responsible more than anything else, and to a greater degree than we can readily grasp, for the backward condition of Western Australia. It is regrettable that instead of more active and more profitable operations taking place in the State, we see here merely a crop of brass plates representing absentee companies. It will be noticed that when the company to which the Bill refers was launched some time ago, there was no lack of financial support for it. Money flowed in readily to those promoting the company. In that respect the position was the same as in reference to many insurance companies floated of recent years in Western Australia. The most recent, known as the Southern Union, sent out agents who throughout the length and breadth of the farming districts found ready money for a company to operate in the sphere of insurance. It is for Parliament to give serious consideration to the growth and incessant duplication of such functions in this small community. By way of parallel let me mention that we have 40 odd insurance companies operating here—I think the exact number is 42. As regards the present Bill, we have a trustee company already carrying out, and I believe very satisfactorily, the exact functions which the proposed company are desirous of performing. That brings me to the point where I think the Legislature of Western Australia has shown itself remiss

in its duty to the people; I mean as regards the failure to provide machinery for the appointment of a public trustee. One of the most responsible functions which can be carried out by a company is the function of a trustee, holding in trust moneys for those who are to follow, and looking after the education of beneficiaries under a will. In addition there are, of course, all the other duties legitimately appertaining to an ordinary trustee. I can only express the hope that the House will regard the proposal in the Bill as representing another encroachment on the legitimate functions of the State. I think even hon. members opposite will agree with me that the duties of the State are constantly growing with regard to the general welfare of the community. Some of those duties are such as many members feel could be reasonably handed over to a public trustee, not only for the good which would accrue from State control of such functions, but also on account of the beneficial results which must ensue to the persons interested. The member for Mt. Magnet elaborated very forcibly the duties of the public trustees in other States of the Commonwealth, and in New Zealand and Great Britain. It is illuminating to dwell for a moment on the fact that even in a Conservative country like England, there was established by legislation years ago a public trustee office, which has grown to proportions that I cannot state off hand. I have consulted the reference library attached to Parliament House, and also the Public Library; but unfortunately I have been unable to find anything bearing upon the exact functions of the public trustee in Great Britain. However, I know sufficient of the operations of the office to be able to say that it has proved itself a most beneficent institution. For instance, in England the public trustee does not stop at the matter of properly investing and conserving the moneys which come into his hands. The interests of anyone benefiting under a will, whether it be a son or a daughter, are properly cared for; and the education of children is supervised. So the spirit and the letter of the direction given to the trustee are fully carried out. Such a position could never be attained—one could not expect it—by a private company operating merely for the pecuniary advantage of its shareholders. The financial aspect of it also makes a claim for the appointment of a public trustee more forceful. Surely the Premier who has considerable knowledge of banking cannot be held blameless for not taking action in this direction. He has experience and knowledge of other countries where functions of this description are exercised by the State, and the benefit that has resulted. It is inconceivable that he has made no attempt to exploit what is a reasonable avenue of revenue. I hope hon. members will view this Bill as an encroachment on our taxable revenue. It cannot be said that this would raise the opposition of those who, generally speaking, are against State trading. In almost all civilised countries to-day, this has been and is

looked upon as a legitimate public activity, and as such it should be controlled by the State. It would certainly be commendable if the Government, instead of incessantly looking out for means of further penalising the people, tried to exploit channels of revenue of this description. I appeal to the Treasurer to focus the practical mind of an experienced banker upon avenues of revenue such as this one. Surely he must realise that we have reached the highest peak of taxation. He must be aware that in all other countries where a function of this description is operated by the State, the result has been beneficial and profitable to the community. Whilst the passage of this Bill would not in a sense stay the hand of any succeeding Government in bringing in a Bill to give effect to the appointment of a public trustee, at the same time we would find that financial interests would operate against the passage of the measure in this House and no doubt in another place. It is a danger at all times to create private interests which may conflict with the public interests, and I believe the passage of this Bill will do much to conflict with the interests of Western Australia. It is nearly time that the people of the State who have investable capital should be shown that we have no intention of establishing a big community of middlemen in our midst. If we are going to allow the investable surplus of our cash to be exploited by private insurance companies, chartered banks and other such middlemen—

The Minister for Works: I suppose the investments of the people in these institutions are voluntary?

Mr. LAMBERT: Yes, in a sense; but sometimes there is compulsion. The tendency seems to be to regard Western Australia as a community of agents who merely put up a brass plate and trade, the head office being elsewhere. These people have no regard for the welfare of Western Australia; they do not consider their obligations as citizens of the State.

Mr. Pickering: This is a Western Australian company.

Mr. LAMBERT: I admit that. There is already one company operating, and I believe it is performing its functions on reasonably sound lines. At the same time, it is felt that the population has grown to the extent that it justifies greater activity, and the State should step in and carry out these functions. I would draw attention to the evidence tendered before the select committee to which this Bill was referred. Mr. Barker, the manager of the West Australian Trustee, Executor, and Agency Company, was asked this question—

Suppose the Government at any time decided to introduce the policy of a public trusteeship, would the existence of another vested interest militate against the success of such a measure?

Mr. Barker answered—

A public trustee would undoubtedly gather together business and militate

against the operations of the two existing companies.

So we merely create what I consider not only competition which is unnecessary, but also vested interests that may be directed at any time against the establishment of a public trusteeship. I appeal to hon. members who view this matter dispassionately to say whether we are not reasonably and legitimately entitled to enter this realm of activity. If they feel we are so entitled, then we have no right to assist in the establishment of other companies which will be likely to militate against the successful operation of a public trusteeship. If the Government are prepared to introduce a Bill to give effect to that legislation which has been so beneficial in other countries, it will be an easy matter for hon. members to come to a decision regarding the fate of the Bill before the House. There is to-day urgent need for the State to have control over the investable surplus of the people's cash. Whether we garner in that cash by way of a public trustee, a bank or an insurance company, it matters little. They are all reasonable functions for the State to carry out, but apparently to-day there is idle disregard for what is successfully operating in other countries. If we are going to allow private interests that are controlled from elsewhere, to collect the surplus cash of the State, whether that be done by a trustee company, an insurance company, or anything else, the developmental work of the State will not proceed at that pace along which it would proceed if we had proper and effective control over our own investable money. To-day if the Treasurer wants cash in pursuance of his developmental policy, he has to go to the London market for it and he has to pay for the cost of floating the loan. If we had effective control over our investable surplus cash, there would be no need to go outside Western Australia to get the money required for purposes of development. But whilst these functions are handed over to other bodies, we will find that the money controlled by private institutions, and which money is needed by the State, can be secured by the State only on the terms laid down by the usual run of investors in foreign parts. I do not know that there is much more to say regarding that aspect of the Bill. There is one serious departure that the company are seeking, and it is contained in Clause 29. Hon. members will see that the member for Kanowna (Hon. T. Walker) and I dissented in regard to that clause which gives the company the right to aggregate certain sums for investment.

Mr. Mann: I will ask permission to withdraw that clause.

Mr. LAMBERT: It is just as well.

Hon. P. Collier: It will be a long time though before you get to Clause 29; there are 28 clauses in front of it.

Mr. LAMBERT: It would be better for the hon. member to withdraw the whole Bill.

Mr. Mann: When do you ever have good advice to offer?

Mr. LAMBERT: The hon. member is only a novice here, and he will probably remain so. Let me tell him, however, of the experience of other parts of the world. If nothing is going to move the hon. member from the, shall I say, conservative ditch into which he has fallen, I may tell him that the experience in other parts of the world is that a public trustee is essential to a civilised community, and that the functions of this office should not be handed over to private individuals for exploitation. If the hon. member was not influenced by the able speech made by the member for Mt. Magnet (Hon. M. F. Troy) regarding the beneficial operation of the Public Trustee Acts in New Zealand as well as in New South Wales and Queensland and conservative Great Britain, then he will never be influenced by anything. It is a remarkable thing that the hon. member has come to this Chamber with Bill after Bill all of which have met with a sudden end.

The Premier: I hope he will stick to this one.

Mr. Mann: You agreed to this Bill yourself.

Mr. LAMBERT: No.

Hon. P. Collier: A member on a select committee does not commit himself. Assenting to a Bill as a member of a select committee, is a purely formal matter.

Mr. LAMBERT: The hon. member knows that a private Bill must be remitted to a select committee and that when that select committee has dealt with the Bill, it must not be inferred that it has the hall mark of the select committee's approval. We inquire into it, and if there be anything in it of a glaring nature we call attention to it. Apart from that, it is merely a formality. If the hon. member had shown that deep sense of public duty which perhaps age and experience will bring him, instead of recommending the Bill he would recommend the Government to immediately bring down legislation for the appointment of a public trustee. Had he joined other members of the select committee and made a recommendation in that direction, it would have stood to his credit. It is not for an hon. member to put the hallmark of his approval on all that his constituents may ask for. The more he is willing to do, the more frequently will he be asked to seek concession legislation for exploiting every avenue of financial gain. The hon. member should hesitate and ask himself whether he was elected to deal with matters affecting the public good, or matters affecting private gain. Surely it cannot be urged against the appointment of a public trustee that it would drive capital out of the State? After a few days the share list of this company was closed, before the whole of the shares were taken up. We asked why, and the answer was, "For good and valid reasons."

They had gained sufficient support in a few days.

Mr. Teesdale: They do not rush industrial stock in that way.

Mr. LAMBERT: No. Where there is not the slightest possible risk, where they can get legislation sanctioning the performance of an almost exclusive function, they are to be found rushing with cash to invest in a company such as this. Possibly, of course, it may be they feel that another trustee company is necessary for Western Australia; perhaps it is a patriotic spirit that has seized them and made the flotation of this company such a huge success.

Mr. O'Loghlen: I hope you do not think it is anything else.

Mr. LAMBERT: I do not know. If my constituents had asked me to father such a Bill as this I should have suggested that they got the Premier to introduce it. The member for Perth ought to go into the question of where his obligations to his constituents begin and end. The public would welcome the appointment of a public trustee. How long are we to allow private companies to supply the omission? One thing to be said for this company is that it is purely a Western Australian company. Still, it has no more right to a place in the economic life of Western Australia than it would have to displace the State Savings Bank. Yet we have the Bill going through with little or no opposition.

Mr. Pickering: All the speeches thus far have been in opposition to it.

Mr. LAMBERT: I hope they may be a prelude to a good deal more opposition. I am not finding fault with the gentlemen who have floated this company, and formed it. They have taken the opportunity to get into a snug investment, which, as in the case of the existing company, will necessarily grow as the State develops.

Mr. Teesdale: Does not the original company find there is too much for one company to do? You would make a close preserve of the business.

Mr. LAMBERT: We do not wish to take away anything from the existing company, which is a very well-controlled concern. Still, that should not blind us to our obligation to the people of the State, which in this instance is to urge the appointment of a public trustee. The member for Perth should display a greater regard for the needs of the public than for those of private persons whose sole desire is to make profit.

Mr. O'Loghlen: To feather their nests!

Mr. LAMBERT: When the manager of the existing company states on oath that the creation of this new company will militate against the operations of a public trusteeship, we should protest.

Mr. Pickering: That was unbiassed evidence, at all events.

Mr. LAMBERT: Yes, Mr. Barker was not in any way biassed in his evidence. He said there was ample room for both companies. However, he was speaking as the manager

of a company which is already exploiting that avenue of profit, an avenue which should be reserved exclusively for the public itself. There are many channels of profit which we could exploit for the people without doing any harm. Hon. members opposite feel that in many of the State activities harm is being done to private persons. In this instance no such contention can be maintained, while everything can be said in favour of the public directly controlling such an activity as a public trusteeship. Then there is the question of insurance. It is a scandal that we are not prepared to accept the responsibility of creating a department of State insurance, so as to relieve everybody who requires insurance. Nothing is being done. If the Federal Government had the constitutional right they would immediately exploit insurance, and so leave the State for ever out of that field. If we continue to disregard our obligations to the people, we can only expect that the Federal Government will absorb those legitimate functions and garner in the profit. I hope members will agree that this trusteeship is a reasonable function for the public, a safe channel for earning money, and one of the directions in which we could relieve the general taxpayer. Instead of hon. members being called upon in season and out to devise new means by which private companies can collect more from the general community, they should register their protest against the creation of outside companies. I hope the House will hesitate before passing the second reading.

Mr. McCALLUM (South Fremantle) [3.28]: I move—

That the debate be adjourned.

The Premier: No; let us go on.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	18

Majority against .. 2

#### AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. O'Loghlen
Mr. Collier	Mr. Teesdale
Mr. Corboy	Mr. Troy
Mr. Davies	Mr. Walker
Mr. Lambert	Mr. Willcock
Mr. Lutey	Mr. Wilson
Mr. Marshall	Mr. Munzie

(Teller.)

#### NOES.

Mr. Angelo	Sir James Mitchell
Mr. Broun	Mr. Money
Mr. Denton	Mr. Pickering
Mr. George	Mr. Plesse
Mr. Gibson	Mr. Sampson
Mr. Harrison	Mr. Stubbs
Mr. Hickmott	Mr. A. Thomson
Mr. H. K. Maley	Mr. J. Thomson
Mr. Mann	Mr. Muirany

(Teller.)

Motion thus negatived.

Mr. McCALLUM (South Fremantle) [5.33]: I strongly protest against the position that this Bill occupies on the Notice Paper. Why has this measure, which has been so recently introduced, been given precedence over Bills of greater importance to the State? It affects the interests of only a few investors who desire to make more profits, and yet it is placed ahead of Government measures. Why should men who desire to make a profit out of their investments receive more consideration than those who are dying of disease, contracted in the course of building up an industry which has made Western Australia? The Miners' Phthisis Bill was brought in for the second reading stage on the 29th August. The Bill now under review was brought in for the second reading on the 25th October, two months after the Miners' Phthisis Bill. We now find it practically first on the list, and the Miners' Phthisis Bill standing as No. 17 on the Notice Paper. Are we to understand that the Government consider the interests of investors of greater importance to the country than the lives of miners, of those who have died in the building up of the gold mining industry? There are men who have passed away and left widows and children, with no one to depend upon. When the interest of these investors is considered they are to receive the first attention of Parliament, while a Bill dealing with the people I have spoken of is put far down on the list. This amounts to a clear declaration of the policy of the Government.

Hon. M. F. Troy: It is purely a boodler's Bill.

Hon. P. Collier: It concerns only a few individuals.

Mr. McCALLUM: Has there been any outcry or clamour on the part of the public for this new company? Is there any public necessity for it?

[The Deputy Speaker took the Chair.]

Mr. Munsio: A few individuals saw that there was money in it, and they are going for their lives.

Mr. McCALLUM: If the Bill is not passed will anyone suffer beside the few individuals who desire to make a profit out of their investments? There are men on the Golden Mile and on the Murchison Goldfields who are facing death every day. There are wives and children who know that the breadwinner is full of diseases, and that at any moment they may be deprived of his earnings. The Bill which is supposed to deal with such people is placed well down on the list, while this company Bill, a private measure, is given special prominence. It is time the people understood the policy of the Government in this respect. The Government have called upon the Opposition, and there has been a liberal response, to assist them in getting through Government business.

Hon. P. Collier: This is not Government business.

Mr. McCALLUM: We have kept a House for them when their own supporters have not

remained to do so. The Government have relied upon the Opposition to get their business through. We now find this Bill given precedence over others of particular importance, and the Government opposing a motion for the adjournment of the debate from a member on this side of the House.

Hon. P. Collier: Profits first and all the time.

Mr. McCALLUM: We cannot be expected to go on helping the Government if this is the way we are to be treated. The Miners' Phthisis Bill provides that men who are suffering from this disease are to be denied the right to go into mines and work. Since this side of the House raised the question that to do this meant throwing the men out of employment, and we said we were not going to permit that to be done without compensation, the Bill was relegated to the bottom of the Notice Paper. As soon as it was suggested that the people who have drawn millions of money by way of dividends out of the mining industry were to pay compensation to the men who had won their wealth, the Bill is placed well down on the Notice Paper, and this company measure is placed at the top. The first business that the House is called upon to consider is this boodler's Bill. Humanity and the assistance to be given to the widows and children of men who have died in the mining industry are placed on one side by the Government.

The Premier: You ought not to say that.

Hon. P. Collier: No one wants this Bill. There is no urgency about it.

Mr. McCALLUM: There is no demand for it. Why push it through in this way? This is not private members' day, and yet this private Bill is given precedence. Where is the pressure coming from that this Bill is given so much attention? The arrangement of the Notice Paper is in the hands of the Government. What influence is behind this? In whose interests is it that the Notice Paper has been so arranged? The Government cannot expect us to sit calmly by and allow these things to happen without a protest. Bills that we are interested in, and that concern the people we represent are placed aside until further notice. There are 35 items appearing on the Notice Paper, and some of these are of first-class importance to the community.

Hon. P. Collier: Even the Dog Act is more important than this.

Mr. McCALLUM: Some of those Bills will affect every individual in the community.

Hon. P. Collier: Even the Noxious Weeds Bill is of more importance.

Mr. McCALLUM: There are also matters affecting taxation that remain to be dealt with.

The Premier: You can say that about every item.

Mr. McCALLUM: Can the Premier say what urgency there is for this Bill? Has there been any public demonstration for it, or deputation or outcry on the part of the people for the establishment of a new company?

The Premier: No.

Mr. McCALLUM: Why this haste? Why pass the Bill to-day? It is easy to see what there is behind it. It is quite clear that it is not intended that this Bill shall figure amongst the slaughtered innocents.

The Premier: Do you object to the establishment of this company?

Mr. McCALLUM: I object to the Bill taking precedence over the other business. It should have been placed amongst private member's business. There is another Bill of pressing importance that has been introduced by a private member. We were waiting anxiously for that last night.

The Premier: Do you mean the Western Australian Bank Act Amendment Bill?

Mr. McCALLUM: I mean the Bill relating to State trading concerns. I am quite upset about the delay in regard to that Bill. I am most anxious to know the views of the Colonial Secretary upon it. I waited for hours last night to know what his opinion was. I went home disappointed that I had to wait another fortnight to ascertain it. I lay awake half the night thinking over it.

The Premier: What has that to do with this Bill?

Mr. McCALLUM: I must now wait another fortnight, and put up with the procedure adopted by the Government in bringing on this other private Bill. I protest against their actions. If they want any further assistance from members on this side of the House they will have to conduct the business in a more fair and liberal manner. I oppose this Bill. The functions outlined in it should be performed by the State, especially by a State that is looking for good investments, and is hard pushed for it financially. It is not merely a question of the principle for which the Labour Party stand.

Hon. P. Collier: It is a function that has been undertaken by the conservative Governments of England.

Mr. McCALLUM: Every State in Australia, with the exception of Victoria has a public trustee. New Zealand has one, and even conservative old England has had one for many years.

Mr. Lutey: And the machinery is provided for carrying out the principle.

Mr. McCALLUM: There is no reason why this State should not have one also.

Hon. W. C. Angwin: Why do you say conservative England?

Mr. McCALLUM: Because it boasts of its conservatism. It goes down to history as a conservative country.

Hon. P. Collier: This was brought in by a Conservative Government.

Mr. McCALLUM: I do not know that Great Britain has been governed by any other than conservative Government. Now they have achieved a record by establishing a new Government who are supposed to be more conservative than any previous Conservative Government. Even in such a conservative country as England, this work has been undertaken by the State. The people there, by

placing their estates in the hands of the Government, assist in the development of their own country. It is not only a principle that we stand for as a party but it is a move, the advantage of which is recognised by others. The other States of Australia, excepting Victoria, and of course, Western Australia, established a public trusteeship long before Labour went into office. Now England has followed suit. The application of the principle simply means that the people, instead of handing over huge sums to private companies for investment, make it available to the Government for developmental purposes. Thus, the Government, instead of being forced on the money market to borrow at a high rate of interest, have the advantage of the money entrusted to them for investment not only through the Savings Bank and the Agricultural Bank, but for use in developing resources of the State. In New South Wales, new estates representing a value of £743,000 were placed in the hands of the public trustee last year. That money, representing nearly three-quarters of a million, was handed over to the control of the State for investment as the Government determined. That is far better than if the funds go into the hands of a few individuals or companies who will reap the profits. In New South Wales the total investments represent £2,431,000, in Queensland £1,464,000, while in little Tasmania over £800,000 has been invested. It would be of advantage to the Government of Western Australia, who are looking for money with which to develop industries, to have the use of such funds. We have sufficient money available to make the use of it appreciated by the Government. We know the position the Treasurer is in, and we are cognisant of the fact that he is searching every possible direction in which to obtain funds. Here is an avenue opened up for the benefit of the Government. There is another aspect which means a further advantage available for the State. In one year in New South Wales £3,243 was paid into revenue on account of unclaimed balances.

The Premier: We get the unclaimed balances now.

Hon. P. Collier: Only from the banks.

The Premier: I think there is provision in the Bill.

Mr. McCALLUM: I have not seen any such provision.

Hon. T. Walker: There is such a clause in the Bill.

Mr. Mann: Look at Clause 22.

Mr. McCALLUM: I see that Clause 22 does make provision for moneys remaining unclaimed for five years to be paid into the Treasury. That is one safeguard, at any rate.

Mr. Mann: It is the one redeeming feature, do you say?

Mr. McCALLUM: It is the one slight redeeming feature.

Mr. Munsie: It is the only thing in the Bill that is of use. Why should not the



State have the use of the money instead of putting it into the hands of the boodlers?

Mr. McCALLUM: There is no argument in favour of the Bill. Another advantage of a public trusteeship is that the officer holding that position draws up wills for people without charge. This obviates the expense incurred when people go to lawyers and companies to have their wills drawn up.

Hon. P. Collier: Not only that, but the public trustee does not aim at making a profit out of the business.

Mr. McCALLUM: In Western Australia we have a public curator and in Queensland the public curator is the public trustee. As such, he organises the staff and carries on the business of a trustee company. We have our officer in a similar position and why should he not be empowered to carry on this business, instead of handing over the profits to another company?

Hon. W. C. Angwin: We have an officer now who is called the public trustee.

Hon. T. Walker: Yes, but without the functions of a public trustee.

Hon. P. Collier: Only for intestate estates.

Mr. McCALLUM: Why could not he take charge of this business?

Mr. Mann: Would you rather a company or a private individual handle your estate?

Mr. McCALLUM: I would sooner leave my estate, small though it may be, to be looked after by a private person whom I knew. If the estate were handed over to the Government, people would have more confidence, bearing in mind that Ministers have to carry public responsibilities.

The Colonial Secretary: If you put your estate in the hands of an individual, he may die.

Mr. McCALLUM: Does the Minister think that an ordinary individual would not make provision in his will against such a contingency? Even at this late stage I trust the Government will realise that it is far better to carry on the business of a public trustee and use the money available for the purposes of State development, than to establish a second company which will become an additional rival should a public trusteeship be established in the future.

Hon. P. Collier: If the second company is permitted to operate, there will be double the number of people lobbying to prevent the establishment of a public trustee.

Mr. McCALLUM: Yes, and the people who have their money invested in the companies will oppose the Government establishing a public trustee on the score that people have invested their money, and the Government should not enter into competition. In his evidence before the select committee, Mr. Barker, the secretary of the existing company, said there was plenty of room for a second company. In other words, Mr. Barker admitted that Western Australia provides more business than one company can carry out.

Mr. Wilson: His company may have money in the other company.

Mr. McCALLUM: That is often the position. Those concerned with one company frequently put their money into another company as well. Here we are wanting money. We have plenty of work to do and we require hard cash.

Hon. T. Walker: The Labour Government had a Bill on the stocks.

Mr. McCALLUM: Unfortunately, it did not become law. Will the Premier permit another company to be established when the secretary of the existing company admits there is room for two?

The Premier: There have been Governments for 20 years and talk like this has gone on for that period.

Mr. McCALLUM: But at this stage we have people engaged in this particular business admitting that there is plenty of room for another such company. If there is that room, does the Premier adopt the attitude that he does not want money that is readily available?

The Premier: That has been said for 20 years and nothing has been done.

Mr. McCALLUM: What the Premier says is that this second firm can be established so that they can take advantage of money that is available; then he can go to them for it and pay high rates of interest for the accommodation.

Hon. P. Collier: Before the Premier gets it, the company will want their profits!

Mr. Munzie: There are profits in it, or the Bill would not be before us.

Mr. Mann: Would not the Government require profits?

Mr. McCALLUM: We want the Government to have all the profits.

Hon. P. Collier: Does not the member for Perth want the Government to have the advantage of some profits?

Mr. McCALLUM: The member for Perth says he does not want that.

Mr. Mann: The Government will secure benefit in the shape of taxation.

Mr. McCALLUM: That is a nice argument. In other words, the member for Perth says that the company will exist for philanthropic purposes.

Hon. P. Collier: They will act as tax-gatherers for the Government!

Mr. McCALLUM: Why should not the money go direct to the Government rather than through this indirect channel?

Mr. Mann: What about the overhead charges?

Mr. McCALLUM: The member for Perth realises that someone will get pickings from this business!

Hon. P. Collier: These men are concerned about dividends.

Mr. McCALLUM: They will not forget the pickings. There are jobs to be made; directors' fees to be paid, and good billets to be provided. There must be guineapigs to attend the offices. If the Government established a public trusteeship, those guineas would not be

available. Perth is getting overrun with guineapigs, particularly in St. George's-terrace. They attend a meeting at this office and collect their guinea. They stand in the Terrace for a few minutes and adjourn to another office for a second meeting—and another guinea.

Hon. P. Collier: Some of them get 20 guineas.

Mr. McCALLUM: I did not know the fees went so high. I know some who get two guineas for sittings lasting for 10 minutes only.

The Premier: Do you intend to make an application for the job?

Hon. P. Collier: Why do not these men go on the land?

Mr. Lutey: But these are our active primary producers!

Mr. J. Thomson: Can you mention one of them on this side of the House?

Hon. P. Collier: Why make it a personal matter? We were not dealing with members here.

The DEPUTY SPEAKER: Order! The member for South Fremantle has the floor.

Mr. McCALLUM: I am afraid that if I interject, I shall interrupt someone. I suggest that the Premier will oppose this Bill. He has not spoken so far, and I trust he has not committed himself. I take it that he will avail himself of the earliest opportunity to indicate his opposition, and will decide that in future this money shall accrue to the State and be used for the development of the country instead of going to private individuals. I believe this must have been his reason for putting the Bill at the head of the Notice Paper to-day, and that there was no foundation for the reasons I suggested earlier. The Premier will naturally be anxious to let the people of the State know that he is willing to come into line with the old conservative countries and let the State transact this profitable business and reap the profit. I hope the House will express itself in favour of a public trustee in order that this money may in future be available for public purposes.

On motion by Hon. P. Collier, debate adjourned.

## BILL—COMPANIES ACT AMENDMENT.

### Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [6.2] in moving the second reading said: The necessity for this short amending Bill is due to the fact that the memorandum of association of most of the units in the Co-operative Federation of Western Australia provides for a certain fixed percentage of interest to be distributed by way of dividend, and it is desired that the profits in excess of that percentage may be distributed to the shareholders in ratio to the business done with the company by way of bonus shares or bonus debentures.

Hon. W. C. Angwin: Without the payment of taxation.

The MINISTER FOR AGRICULTURE: In one instance this was done, but it was against the memorandum of association. It might have been possible for the company to petition a judge in chambers for permission to make a distribution on those lines, but it was not provided for in the memorandum, and the best legal advice which was obtained was to the effect that a validating Bill or an amendment of the Companies Act would be necessary to legalise the act.

Hon. W. C. Angwin: Which company has done it illegally?

The MINISTER FOR AGRICULTURE: This was done three or four years ago by the parent company, the Westralian Farmers, Ltd. It does not in any way relate to the dividend to be paid on the share capital, which is fixed in the co-operative table under the Companies Act at 7 per cent., but the co-operative companies want the right to distribute any extra profits on trading, and instead of making payments in cash, to give the shareholders the right to take their portion in the form of bonus debentures or bonus shares.

Hon. W. C. Angwin: Not right, but compulsion.

The MINISTER FOR AGRICULTURE: There is no compulsion, it is optional. I know the hon. member believes that in some circumstances this provision would compel some people to become shareholders when they did not desire to do so. Generally, these companies are very small concerns with only limited capital, and the authority asked for will enable them to retain to a certain extent the profits exceeding a certain sum and give the shareholders debentures bearing interest at 5 per cent. These debentures will be redeemable at death and will thus effect an insurance on the life of the shareholder, but the shareholder may exercise the right to take bonus shares at the full ratio of interest earned.

Hon. W. C. Angwin: Unless a shareholder takes bonus shares, he will get nothing at all.

The MINISTER FOR AGRICULTURE: This provision will not compel everyone who does business with a co-operative company to become a shareholder. These extra profits will be only distributable to the actual shareholders in the subsidiary companies. The point has been raised that any person doing business with one of these small companies would be compelled to become a shareholder.

Hon. W. C. Angwin: That has been done in this State.

The MINISTER FOR AGRICULTURE: In a truly co-operative concern, profits as such should be practically eliminated and the shareholder or person doing business with the company should receive the benefit of goods at the lowest price. A considerable amount of profit is made by some of these companies by way of commission etc.,

and this may warrant them in asking their shareholders to take the choice of leaving their portion to increase the capital of the company.

Hon. W. C. Angwin: You say they can take their choice. This Bill says they must do it.

The MINISTER FOR AGRICULTURE: They will be given their choice of taking bonus debentures or bonus shares.

Mr. Teesdale: Is one of the two compulsory?

The MINISTER FOR AGRICULTURE: They may take their choice or take the excess profits distributable in cash. Since the company issued bonus shares and debentures, the shareholders at the annual meetings have asked by resolution that the articles be altered so that this action may be validated and that they may continue to distribute profits on the same basis.

Mr. Willcock: I think the directors are trying to get the power.

The MINISTER FOR AGRICULTURE: I am informed that the annual conferences of the Co-operative Federation have made requests to this effect, and they desire that this course of action be made permissible if an annual meeting of shareholders so desires. I move—

That the Bill be now read a second time.

On motion by Mr. Willcock, debate adjourned.

*Sitting suspended from 6.15 to 7.30 p.m.*

## BILL—DOG ACT AMENDMENT.

In Committee.

Resumed from 2nd November; Mr. Angelo in the Chair; the Minister for Works in charge of the Bill.

Clause 13—Amendment of Third Schedule:

Hon. W. C. ANGWIN: This clause was postponed in order that the Minister for Works might amend the schedule. The member for Beverley was also interested in it.

Mr. BROWN: It was intended to amend the third schedule with regard to the fees to be paid for toy dogs. I had no desire to compel people keeping a house dog to pay an increased fee.

The MINISTER FOR WORKS: Progress was reported in order that the member for Beverley might deal further with the types of dog in which he was most interested. It is open to him to move an amendment to the third schedule along the lines he suggested. I have inquired into the points he brought forward with regard to toy dogs, and find that in another place about two years ago it was considered inadvisable to risk an amendment to the Act in this regard, owing to the controversy that might arise. I hope, therefore, the hon. member will not move an amendment to the clause.

Clause put and passed.

Clause 14—agreed to.

New clause—Amendment of Section 10:

The MINISTER FOR WORKS: I move—

That the following be inserted to stand as Clause 5:—

Section ten of the principal Act is hereby amended by adding a subsection as follows:—(2) Every registration after the 31st day of December, 1922, shall be in force from the day on which it is made until the 30th day of June next ensuing and no longer, and shall be again made in like manner from year to year: Provided that every registration made within twenty-one days of the first day of July in any year shall be deemed to have been made on that day: Provided also that the fee to be paid for registration for the financial year ending the 30th day of June, 1923, shall be at one-half the rates set out in the third schedule.

It is desirable that in regard to our public utilities there should be uniformity in the matter of the financial year. The new clause merely substitutes the 30th June for the 31st December.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—AGRICULTURAL SEEDS.

Second Reading.

Debate resumed from the 30th August.

Mr. PIESSE (Toodyay) [7.47]: I realise that the Minister in charge of this Bill has no easy task. The measure is very necessary but in my opinion it does not go far enough. I consider that it should deal with nurseries as well as seedsmen. There is a good deal of fraud committed on the public, wilfully or negligently. I admit that it is difficult for a seedsman to be absolutely sure that his goods are fertile and of the best quality. A seedsman could hardly give even the guarantees which this Bill requires. Speaking as an orchardist, I say that great injury is done to the public by the sale of trees and plants untrue to name, and in many instances unsuitable for orchard purposes. In my own experience I have had supplied to me trees which had been stunted in the nursery from being planted in unsuitable soil, and also, through repeated grafting, had become what is known as "re-worked stuff." I had intended to bring to the Chamber a small orange tree which I saw in a neighbour's orchard. After being planted for two years in most suitable soil, it is still alive but does not show 2 inches of growth. That tree had lost its vigour long since in the nursery, although sold to the orchardist as a vigorous plant. In this respect the public have been rooked to the tune of hundreds of pounds.

The Minister for Works: It has been going on for over 20 years.

Mr. PIESSE: The volume of loss incurred would not be easy to estimate, allowing for the time one has to wait until the tree has proved itself or otherwise, and allowing for its worthless character should it happen to grow. There are unscrupulous men in the business of seeds salesmen. The Department of Agriculture could cope with the evil, but additional inspectors would be needed. It should be made unlawful on the part of a nurseryman to sell any plant older than four years. An experienced orchardist would prefer to buy a tree not older than three years. At that age the tree, in the great majority of cases, is old enough to become a productive tree. Registration of nurseries is necessary in order to prevent nurserymen from distributing diseased plants.

The Minister for Works: Hear, hear!

Mr. PIESSE: I have been connected with orangeries for over 20 years, and I have repeatedly known an instance of an orchard which was free from scale becoming infected by plants, obtained from a nursery, which were carrying scale in a live condition. The Agricultural Department should compel nurserymen to ensure that their plants are free from disease. I have no ill-will whatever towards any nurseryman, but I could give instances of heavy losses suffered by orchardists through trees being untrue to name. I admit that the evil is not easily coped with, but I repeat that it has been responsible for heavy losses. From the owner of an apple orchard nine acres in extent I have it that not one-tenth of the trees are true to name. The loss to him is tremendous. I myself took a nurseryman to the second orchard which I planted, and pointed out to him the trees untrue to name with which he had supplied me. His reply was, "There must be some mistake somewhere." Undoubtedly there was a mistake, and the mistake was that he had not a correct record of his nursery and that his men supplied trees indiscriminately. He did not even offer to replace the trees untrue to name, presumably because that would have been an admission that those trees came from him. I shall in a few weeks have to grub an orchard, planted some seven years, owing to its being propagated on the wrong stock.

Mr. SPEAKER: This Bill does not deal with orchards.

Mr. PIESSE: I feel sure, Sir, you will admit that a plant follows a seed.

Mr. SPEAKER: The hon. member can discuss the seed, but not the plant. This Bill refers to selling seeds, not to selling plants.

The Minister for Works: You are quite right, Piesse!

Mr. SPEAKER: Order! I call the Minister to order.

Mr. PIESSE: I bow to your ruling, Sir; but I wish to repeat that the measure does not go far enough. It would be of advantage to the community if we could include in the Bill some means of controlling the sale of the plants which follow the seed.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [7.57]: I agree with nearly every word that fell from the last speaker. I hope the Bill will pass. I do not know whether it will be possible to make the measure stronger, but I shall endeavour to do so, for I have had experience of trouble in this connection during the past 12 months. My boys have a farm in the South-West, and they were in need of seed oats. I got the seed oats from a firm considered to be most reputable; but through, I suppose, neglect of some of their employees, or else through the rascality of the person who supplied the firm, a portion of those seed oats has absolutely ruined the crop from which my boys expected so much this year. They have vetches, Spanish radish, and a number of other things for which they and I are not sufficiently educated to supply names, but which, if I may do so without any disrespect to this House, I will term damned rubbish. I am very sorry if there was any appearance of disrespect on my part towards you, Mr. Speaker, in the remark which I made to the member for Toodyay (Mr. Piesse) when he was dealing with trees. I do not know whether I may be permitted to give a little testimony in that connection. The case is very serious indeed. I could furnish the names of men in this State who have been absolutely ruined through the gross carelessness and rascality of a nurseryman here; and that sort of thing has been going on for about 30 years. That nurseryman has the impudence now to pose as one of the chief personages of one of the most important parties in our political life. It is important we should deal with the matter, because to my knowledge tens of thousands of pounds worth of the products of the seed of the apple, orange, nectarine, and peach are imported into this State, instead of being grown here. They are not purchased in this State, because our orchardists have had sufficient evidence of the ruin caused by the practices I have alluded to. Therefore our fruitgrowers prefer to send for their seedlings to Victoria, where there is legislation controlling the business. If a nurseryman in Victoria sells the product of a seed which is not true to name, he is dropped on for it. That ought to be the position here too. A man who sells a thing not true to name is little removed from a pickpocket, or from the man who strikes the poor innocent wayfarer going home at night with a piece of lead pipe. Indeed, I should incline to respect the pickpocket more than the seller of things untrue to name, because the pickpocket, after all, is carrying on his work according to his lights. Persons who have tried to exploit the growers to-day, without any regard to the interests of those engaged in the orchard or wheat fields, have caused the losses I have mentioned. I hope the House will take the Bill seriously. If there is anything I can do to make the provisions stronger, I shall be prepared to do so. I trust the Minister for Agriculture will see his way clear, perhaps in

another Bill, to take action regarding the seed of the apple, peach and nectarine. Should he do so, I wish him every luck, and I think the people will have a kindly feeling towards him as well. I have spent nearly a fortune on my holding and what would have been the result if, instead of getting something that would give me a return, I got something of no value at all? What would have been the position of my boys? Their trouble regarding vetches and Spanish radish can be overcome. There is only one way to overcome mistakes made in connection with the fruit-growing industry, and that is to uproot the whole of the products, thus losing five, six, or even ten years of a man's life and time merely for the purpose of filling the pockets of individuals such as the person I have referred to. I can conceive of nothing too bad to make use of, to deal with men of this description. It is the policy of the Mitchell Government to encourage people to settle on the land from overseas. Those people will require to be protected. What will happen if they rely blindly on the representations of local men of the standard to which I have referred? I hope the House will do all that is possible to make the provisions of the Bill stronger and to support the Minister for Agriculture if he brings in a Bill to deal with the wretched scoundrels such as the man I have referred to.

Mr. O'Loughlen: Has that man kept up that game for 30 years?

The MINISTER FOR WORKS: For nearly that period.

Mr. O'Loughlen: Surely they ought to have taken a tumble to him.

The MINISTER FOR WORKS: He did not deceive me, but I know of settlers who have been absolutely ruined by this means. Twenty-five years ago there was a great run on the particular nursery to which I refer. People could not get their apples, nectarines and peaches elsewhere and they patronised him. They put the trees in and when the time came to reap the benefit of their years of strenuous labour, toil and starving, they got something that was of no value at all. The member for Toodyay quite correctly spoke of the means of spreading disease. At the present time there is no inspection that I know of to prevent diseased trees from being distributed throughout the State. I commend to the Minister for Agriculture and to his officers the suggestion that they should bend their efforts to deal with the problem I have referred to and thus earn the gratitude of every man in Western Australia.

Mr. PICKERING (Sussex) [84]: I desire to refer to the attitude of the Minister for Works in launching an attack upon a man, who for the past 30 years, has been engaged in an industry not referred to in the Bill, and whose life has been spent in this State during that time. He could not have continued in that capacity for all those years if what the Minister, under the privilege of this Chamber, said about him

was true. I defy the Minister to make his statement in public.

The Minister for Works: What statement?

Mr. PICKERING: The statement you made about the individual you referred to.

The Minister for Works: I make it publicly now.

Mr. PICKERING: You only make it under the protection of this Chamber!

Mr. O'Loughlen: He has been going on for a long time, if the statement is true.

Mr. PICKERING: If the Minister will make that statement in public, he will see where he stands.

The Minister for Works: I will make plenty more statements for you pretty soon.

Mr. PICKERING: The statement was made on account of political bias and nothing more.

The Minister for Works: I object to the member for Sussex charging me with political bias. I demand that he withdraw the statement.

Mr. SPEAKER: The Minister for Works objects to the statement and I ask the member for Sussex to withdraw.

Mr. PICKERING: Is that statement offensive?

Mr. SPEAKER: The Minister takes exception to it.

The Minister for Works: It is untrue.

Mr. PICKERING: The member for Mt. Magnet (Hon. M. F. Troy) said the other night—

Mr. SPEAKER: The hon. member must withdraw his statement.

Mr. PICKERING: Is that your ruling, Mr. Speaker?

Mr. SPEAKER: The hon. member knows that when another member takes exception to a statement which has been made and asks for its withdrawal, it is withdrawn.

Mr. PICKERING: I would draw your attention, Mr. Speaker, to the fact that that point was argued here the other night.

Mr. SPEAKER: I cannot permit the hon. member to proceed. He must withdraw. Does the hon. member withdraw the statement regarding "political bias"?

Mr. PICKERING: I withdraw.

The Minister for Works: I do not object—

Mr. SPEAKER: Order!

The Minister for Works: On a point of order! I object to any reference to personal bias; as to anything regarding political bias, I do not care a snap of the fingers.

Mr. SPEAKER: Order! The member for Sussex may proceed.

Mr. PICKERING: The fact that I have denied the statement of the Minister, which was without foundation, is sufficient for me.

The Minister for Works: A denial does not count for much.

Mr. PICKERING: It is difficult for any grower to be perfectly accurate regarding certain varieties of trees, and mistakes, such as those referred to as being malicious and involving roguery, can easily occur.

The Minister for Works: Whom are you defending?

Mr. PICKERING: You know to whom you referred.

Mr. SPEAKER: Order! Will the hon. member proceed?

Mr. PICKERING: I have much pleasure in supporting the Bill. I shall have an opportunity of speaking on the vote for the Agricultural Department in the Estimates and dealing with the point which you, Mr. Speaker, have ruled out of order at the present stage.

Mr. LAMBERT (Coolgardie) [8.9] I am pleased that the Government have at last awakened to their responsibility to the farming community here. One of the members sitting on the Government side of the House drew attention to the necessity for legislation to deal with pure seeds, probably having in mind the legislation operating in Queensland. As a result of a conference of Ministers for Agriculture from the different States, the Government were compelled to realise the necessity for legislation of this description. In common with the member for Toodyay (Mr. Piesse), I regret the limited scope of the measure. The practical objections raised by that hon. member are deserving of the attention of this Chamber. The Bill deals with agricultural seeds, but it is regrettable that no place has been found in the measure for pure plants and trees. It is absurd to regulate the sale of agricultural seeds and neglect to protect the fruit-growing industry in connection with the articles supplied by nurserymen. Even now we could deal with that aspect by altering the title of the Bill. I trust the Minister for Agriculture will explain why it was not possible to include this additional aspect in the one Bill. It seems absurd to deal with the farmers and give them protection while neglecting the orchardist whose industry is reaching important proportions. I do not know of the case the Minister for Works has in mind, but I do know that many fruit trees and vines have been sold which were not true to name. It is necessary that legislation should be passed to regulate this position. If the Minister for Agriculture would extend the scope of the Bill to deal with this aspect, he would be backed up by every member of the House who had had experience in the matter. The provision for revenue in respect of registration fees is inadequate. If those concerned in this line of business operated under licenses, we would have a greater control over them, because if they sold impure seed their licenses could be cancelled.

Mr. Teesdale: But the public would have to pay for it.

Mr. Willcock: It is worth paying something to get stuff supplied true to name.

Mr. LAMBERT: The growers should be prepared to pay something to be properly protected from the vendors of seed.

Mr. Teesdale: The growers help to maintain the department which is supposed to attend to that.

Mr. LAMBERT: Have we the right to saddle the Agricultural Department with the expense or should those directly concerned be charged with that responsibility? Those who will have pure seed guaranteed to them should be prepared to pay something to secure reasonable supervision. That is the principle of much of our legislation of this type. As it is, the charges to be levied are inadequate and should be worth at least £5 to have the privilege of vending seed. We are going to create another big department. I should like to hear from the Minister the number of inspectors that will be appointed, and exactly what this new department is going to cost.

Mr. Teesdale: There will be no more expense. They are going to work harder.

Mr. LAMBERT: I think we can take it for granted that immediately the Bill is passed we shall have a lot more inspectors appointed. Go where one will about the State, he meets departmental inspectors. It is a case of one-half of the community living upon the other half. The growth of the Public Service is appalling. While the time is overdue when we should protect the farmer in the matter of acquiring pure seeds still we can rightly ask that the farmer shall pay a reasonable proportion, if not the whole, of the cost of such protection. I hope the Minister will give consideration to that phase of the question. We are not justified in launching out in every direction with a view merely to the appointment of additional inspectors. Presently we shall have inspectors to see that members of Parliament attend to their duties.

Mr. Clydesdale: We can put the police on to them.

Mr. LAMBERT: The Minister should tell us our financial commitments under the Bill. It looks innocent enough on the face of it, and so far as it seeks to protect the farmers it will receive the endorsement of the House. I again urge the Minister to give consideration to the practical suggestion outlined by the member for Toodyay (Mr. Piesse), who has told us what is happening to the orchardists of the State. It seems to me that without additional legislation sufficient protection for the orchardists could be embodied in the Bill.

Mr. TEESDALE (Rochbourne) [8.20]: I can assure the hon. member there is no necessity for any further tightening up of the administration of the Plants Diseases Act. Recently I had bitter evidence of that when I tried to bring in some unique and valuable bulbs from Holland, costing a lot of money. The department were so thorough in their examination of those bulbs that they discovered one or two minute mites, about half the size of cheese mites, but sufficient to cause the confiscation of about £12 worth of bulbs. I felt very wild about it. It seemed to me a little unnecessary, and I took the trouble to inquire from officers of the corresponding de-

partment in another State. From them I learned it would have been quite permissible if the department in this State had subjected my bulbs to certain treatment and handed them back to me. Instead of that, the whole lot were condemned and taken away, ostensibly to be burnt. But someone, apparently, had access to them in the department, and a couple of them are now growing very nicely in a certain garden. They were pretty expensive, inasmuch as the two ran into £6 2s. 6d. each. However, I can support the department in the means they are adopting at present. They do not need any tightening up. On another occasion I tried to introduce four delicate little plants from Wyndham. They were given to me at Wyndham. I do not know the country of their origin. They were inoffensive little plants of the croton species. I found they had never been known to have any disease, that is to say, so far as two or three official experts could tell me. But it appears there are some citrus diseases in Darwin, and these plants were supposed to have come from Darwin. Drastic steps were taken by the department, finishing up with the visit of two inspectors and a constable, who made a thorough search of the residence of F. W. Teesdale and seized those plants and took them away. I think they burnt them. I hope I shall not find some of them growing in somebody else's garden, because as I know from the earlier experience, it is very annoying. When you have just about recovered from the disappointment, not to use a stronger term, of losing £12 worth of foreign bulbs, you do not like to think that somebody has a few of your plants growing in his front garden; it is rather hard to take. I suggest to the Minister that he make a point of seeing that an officer of some standing be detailed to protect the public to the extent of seeing that everything is done effectively, and that there is nothing snide about the matter, such as evidently occurred in the illustration I have given. Now I have another point which comes well within the scope of the Bill. I ask the Minister to clear it up when closing the debate. I should like to know as early as possible, because it may be a serious matter to me, if anything is going to happen in respect of cotton seeds introduced from the other States; whether a certificate to the effect that the seed has been properly fumigated will be sufficient to admit the seed. Several tons of seed have been imported recently from Queensland. The seed was subjected to searching treatment, and there is no reason to suppose that anything was introduced into the State which would be objectionable. However, I should like to know for certain what the position will be; because I do not propose to take any further risks myself, since I have had a bitter and expensive experience. The department would be justified in making the conditions in respect of cotton seed as simple as possible. We do not want the same drastic regulations applied to that seed as would be applied to seeds for a garden, for

ornamental purposes. We should make a distinction.

Mr. Piesse: You could not have it too drastic for the hol worm.

Mr. TEESDALE: We are not likely to get any hol worm from neighbouring States. I am certain the department will exercise the greatest care in respect of importations from overseas. That is only right. Nothing could be too drastic there. But in respect of seed from the other States, seed already subjected to vigorous treatment, our department could rightly refrain from duplicating the treatment and so harassing the importer. I shall be glad to hear from the Minister that he intends to make some distinction between cotton seed imported from overseas, and seed imported from the neighbouring States.

Mr. DAVIES (Guildford) [8.28]: I will support the second reading. At the same time I join with those who have expressed disappointment that the Bill is not of wider scope. I am sorry it does not make provision for vine cuttings. Hundreds of thousands of pounds are being spent in endeavouring to bring into being a very large vineyard industry. I should like to know from the Minister whether there is any provision in another Act, or alternatively whether some provision could not be made in the Bill, to protect the vine industry. It is essential in view of the fact that dozens of returned soldiers are now engaged in that industry. Only the other day the Minister stated that 200,000 cuttings of sultanas were to be planted. One way in which growers could protect themselves, without an Act of Parliament, would be by dealing with only reputable merchants. Still, when we have a Bill to protect one section of the horticultural industry, its scope should be extended. Regarding the taxation side of the measure, almost without exception every Bill brought down by the Government this session has been criticised on the ground that it has been a taxation measure, but the fees prescribed in this Bill are apparently so moderate that a protest has been raised as to their insufficiency.

Hon. W. C. Angwin: It is likely to increase the staff of the department.

Mr. A. Thomson: If it results in the sale of pure seed, it will be worth a little expenditure.

Mr. DAVIES: I take it the Government realised what they were doing when they fixed the fees, but it seems illogical on the part of members that when we do get a measure prescribing moderate fees, they should complain that the fees are not higher. The Bill should receive the whole-hearted support of the House.

Mr. LUTHEY (Brown Hill) [8.31]: I am pleased that this Bill has been introduced, but it does no go far enough. It should be amended to deal with the introduction and sale of plants. The member for Guildford (Mr. Davies) referred to the necessity for in-

cluding vines. Section 5 of the Plant Diseases Act, 1914 states that the Governor may prohibit the bringing into the State or any specified portion of the State any specified plant, fruit or other thing which would in his opinion be likely to introduce any disease into the State or into the specified portion thereof. Thus there is already power to deal with any diseased plants. The responsibility for supplying fruit-trees of the variety ordered would, I take it, be on the nurseryman. No greater hardship could be suffered by an orchardist than to find, after years of labour, that the trees supplied him were not what they were reputed to be. I hope the question of plants as well as of seeds will be dealt with.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough—in reply) [8.33]: We have given considerable thought to the advisableness of including some such provision as that suggested by the member for Toodyay (Mr. Piesse), but we found that it would be impracticable, because this is a Seeds Bill pure and simple. If it is correct that some nurserymen are distributing plants affected with scale and disease, we have power to deal with them under the Plants Diseases Act. So far as I am aware, in Victoria and Queensland there is no legislation to compel nurserymen to supply fruit-trees true to name, such a law having been found impracticable. Some varieties of fruit-trees take five, six and seven years to fruit, and until they do fruit, it cannot be ascertained whether they are true to name. The grower would have to prove that the tree in question was the one obtained from the nurseryman and had been there all those years, and it would be almost impossible to do that. The member for Coolgardie (Mr. Lambert) said that the State would be overrun by inspectors. We intend under the departmental estimates to make provision for three additional agricultural advisers, and when these appointments are made, they with the present orchard inspectors will be sufficient to conduct a proper inspection of seed. The experiences of the member for Roebourne (Mr. Teesdale) might have been unfortunate, and I sincerely sympathise with him, but when he says that certain bulbs which were supposed to have been confiscated and destroyed were at present growing in the metropolitan area, it might be reasonable to infer that one of the departmental inspectors would be one of the first to be accused. When that consignment of bulbs was inspected under the Quarantine Act and found to be infested with mites, the whole consignment was not confiscated. A certain number were handed back to the hon. member's agents in Fremantle, but the hon. member rode the high horse and said he wanted all or none. Because some of the bulbs had been destroyed, he would not condescend to take a miserable two or three. I am not responsible for the fact that he declined to take away what was his own property.

Mr. Teesdale: I was out of the State at the time.

The MINISTER FOR AGRICULTURE: That is a reasonable explanation. Regarding the croton plants, it was on his own statement to an inspector at the Fremantle railway station that these plants had come from the Northern Territory that they were destroyed. Under the Quarantine Act anyone introducing plants from the Northern Territory is liable to a penalty of £500, owing to the dreaded disease of citrus canker.

Mr. Lambert: He is lucky he was not quarantined.

The MINISTER FOR AGRICULTURE: I assure the hon. member that those plants were destroyed and that he has no chance of finding them growing. They went into the furnace.

Mr. Teesdale: The mistake I made was I was too truthful.

The MINISTER FOR AGRICULTURE: As to the importation of cotton seed, I assure hon. members that the most rigid examination will be made at the port of entry. If the seed is properly treated before it leaves Queensland, I do not know whether it will be necessary to fumigate it here, but it will be examined. It is absolutely necessary that all possible precautions be taken regarding the importation of cotton seed, whether from Egypt, America or from the other States. Vines come under the definition of plants and not seeds. I do not accept the statements made regarding certain nurserymen. Growers can protect themselves by dealing with reputable nurserymen. Mistakes will occur in the best regulated nurseries, but they will be honest mistakes. What we want to guard against is the action of an unscrupulous man who would purchase a large quantity of inferior seed and pass it off on to unsuspecting growers. Growers can assure themselves of a reasonable amount of protection if they deal with reputable nurserymen and seedsmen.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Angelo in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. W. C. ANGWIN: Subclause 2 provides that this measure shall not apply to any sale of seed by a grower to a seed merchant or by a farmer to another farmer. I suppose a farmer would not do anything wrong. What was the object of putting in the subclause?

Mr. Broun: It is most necessary. The farmer does not retail the seed.

The MINISTER FOR AGRICULTURE: If the inspectors are to be expected to see what seed one farmer is selling to another, a very large number would be required. The seed that one farmer wants from another is generally that which he sees in the standing crop, and he buys some of it because he



thinks he may get equally good results. The seed merchant can protect himself when buying from the grower. The subclause is essential.

Hon. M. F. TROY: A farmer who sells seed to another cannot guarantee it, but he practises no deception upon the buyer. My objection to the subclause would be that it would exempt the grower of wheat, who is carrying on business as a seller of seed wheats. Such people should be brought under the operations of the Bill.

The Minister for Agriculture: I will undertake to make provision for them.

Hon. W. C. ANGWIN: I recently learned of the case of a farmer who, in 1921, bought 61 bags of seed through the Wheat Scheme. It was supposed to have been seed that he himself had selected. When he had winnowed it he had 47 bags left, and on putting it through again he was left with 21 bags that were full of smut. This shows that there is some necessity for protecting one farmer against another.

The Minister for Agriculture: It is a most extraordinary case.

Hon. W. C. ANGWIN: The seed was supplied by the scheme through the Westralian Farmers Ltd.

The Minister for Agriculture: It may have been an interchange under the scheme.

Hon. W. C. ANGWIN: There are other cases of the kind.

The Minister for Agriculture: Taken on the whole, the interchange of wheat that year was a good thing for the farmers.

Mr. C. C. Maley: The farmer must have put the wheat through a very poor grader, or someone must be exaggerating.

Hon. W. C. ANGWIN: None of the Government inspectors denied the statement. The seed was supposed to have been kept in a separate stack, and to have been that which was chosen by the purchaser. I have seen these facts set out on the official records.

Mr. BROWN: I know of the case mentioned by the hon. member. Only a small percentage of good wheat was left to the purchaser out of the original consignment. The seed evidently became mixed up while under the control of the pool. The subclause is essential. One sees a new crop of clean seed grown by one's neighbour, and one asks the neighbour for some of the seed. If the neighbour is compelled to register under this measure, it will lead to increased cost. Neighbouring farmers frequently supply one another with seed at very reasonable prices.

Mr. MUNSIE: I agree with the last speaker that there should be provision for one farmer selling seed to another. But what protection has the farmer under this Bill if the wheat goes to a seed merchant?

Mr. Brown: The merchant cannot sell without guaranteeing a certain percentage of germination.

The Minister for Agriculture: Under the Bill the merchant must give a guarantee.

Mr. MUNSIE: Very well. But I still think it is necessary to protect the farmer.

Clause put and passed.

(Clauses 3 to 22, Title—agreed to.)

Bill reported without amendment, and the report adopted.

## BILL—NOXIOUS WEEDS.

### Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [9.9] in moving the second reading said: I say at once that existing legislation on this subject has been proved by experience to be absolutely unsatisfactory. No municipality or road board has any power whatever, under that legislation, to deal with what is essentially a matter affecting local government. Certainly those bodies have power to spend local revenues on clearing reserves and roads of weeds, but they have no power whatever to issue orders to landholders in that connection. This Bill proposes to give full and ample powers to local authorities. In the past this legislation has been administered by honorary inspectors, who are generally members of municipal councils or road boards. They have to be gazetted, but I have never yet known an honorary inspector to undertake his duties in a very serious spirit.

Mr. Willcock: One did his work seriously.

The MINISTER FOR AGRICULTURE: True, and that inspector caused himself and his district no end of trouble. Generally speaking, an honorary inspector will not look for trouble with his neighbour by serving upon him a notice to eradicate weeds or to do anything whatever. Thus the administration of the existing Act has been practically a dead letter. I personally have had considerable experience of noxious weeds of many kinds. I live in a district where farming has been carried on for 60 or 70 years, and where the land has got "old" and dirty. I suppose very few varieties of pests to be found in this State at all but are found in that district. We have Spanish radish, wild onion, and double gee. We have also stinkwort, but so far very little. Recently, however, in the district represented by the member for Geraldton (Mr. Willcock) there has appeared what will prove, if not adequately controlled, a serious pest; I refer to the carnation weed, which has been imported from South Australia. The double gee is the worst noxious weed in this State. Where that weed gets established, it is almost impossible for young lambs to follow their mothers about the paddock. Other weeds, such as Spanish radish, may be a nuisance to the agriculturist in obtaining his crop, but he gets some feeling out of them. As regards the carnation weed, if years ago some honorary inspector had exercised his powers, he could have obviated what is going to be a very considerable expense not only to the Government but to the municipality and the landholders of the Geraldton district. We are going to make a determined effort

next season to eradicate carnation weed, the Government helping the Geraldton council. It will have to be an organised, systematic, and continued effort on the part of both the Government and the local authority if that weed, which represents such a serious menace to our pastoral and agricultural districts, is to be brought under adequate control, and possibly eradicated. Under the existing Act a cloud of inspectors have been appointed throughout the State, and this Bill will do good work if it only abolishes those inspectors, thus enabling the local authorities to deal with a local matter through inspectors of their own. I have made a practice of instructing inspectors when going about the State not to throw notices around promiscuously, just because they happen to see boxthorn in the immediate vicinity of the streets of, say, Geraldton, while leaving out of their vision, and quite untouched with these notices, a hundred and one other land holders in the same district. Unless proper concerted action is taken in the future regarding noxious weeds, it will be better to leave the whole question alone. The Bill will take the place of an Act which has proved to be unworkable. It gives local authorities control over what is a local matter, and I commend the Bill to the House because I believe it will be a workable measure. From my long experience in endeavouring to eradicate weeds on my own farm, I can assure the House this is a matter that requires proper organised effort and control, to minimise the spread of noxious weeds throughout the State. It is a singular thing that we have not the power to-day to prosecute anyone for sending noxious weeds from one district to another which is clean. In these circumstances, it is desirable that we should not only repeal the present unworkable Act but, at the earliest possible moment, pass legislation in its place that will prove effective. I move—

That the Bill be now read a second time.

On motion by Hon. M. F. Troy, debate adjourned.

#### BILL—NURSES REGISTRATION ACT AMENDMENT.

##### Second Reading.

Debate resumed from 19th October.

Hon. W. C. ANGWIN (North-East Fremantle) [9.19]: So far as I can see from a perusal of the Bill, it only rectifies a defect in the present Act. No matter how qualified a nurse who comes to Western Australia may be, or what certificates she holds, she cannot be registered under the Western Australian Act as the law stands to-day. The Bill will give the Nurses Registration Board power to register such nurses if they are satisfied that the certificates are issued by institutions in accordance with the principles of the local Act. In those circumstances, no objection can be lodged to the Bill because care will be

taken by the board that only certificates issued by institutions or bodies qualified to do so, will be recognised and the nurses registered here. The matter is entirely in the hands of the board. I know of one or two cases of hardship that have occurred since the Act was passed. Highly qualified nurses holding good certificates could not secure registration because the Act did not make provision to meet such cases. In England, for instance, there are many institutions well qualified to thoroughly train nurses and issue certificates to them in due course; yet, as the law stands at present, the board cannot recognise those certificates for registration because the certificates were not issued under the authority of an Act of Parliament. I commend the Bill to the House.

Mr. Teesdale: They are registering English nurses now.

Hon. W. C. ANGWIN: This Bill will enable that to be done.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

#### BILL—PEARLING ACT AMENDMENT.

In Committee.

Resumed from 7th November, Mr. Munsie in the Chair; the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Clause 21 is before the Committee, the member for North-East Fremantle having moved to strike out in lines 5 and 6 the words "is unsuitable for the position or."

The COLONIAL SECRETARY: I do not intend to oppose the amendment.

Amendment put and passed.

Hon. W. C. ANGWIN: I move an amendment—

That in lines 3 and 4 of Subclause 2 the words "is unsuitable for the position or" be struck out.

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

Clause 22—agreed to.

Clause 23—Amendment of Section 93:

Hon. W. C. ANGWIN: The Bill gives power to the superintendent to prohibit a person being employed in connection with the industry if that individual is considered to be of evil fame. The person in that position should have an opportunity to appeal against the superintendent's decision. Clause 23 pro-

vides for an appeal, but it refers only to the boat and its gear. I move an amendment—

That in line 3 of Subclause 2 after "pearling" the words "or any pearl fisher or pearl fisher in charge of a pearling ship is refused by the inspector permission to be engaged or employed" be inserted. This will give the person debarred employment the same right of appeal as is enjoyed by the owner or master dissatisfied with the disqualification of a ship.

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

Clauses 24 to 26—agreed to.

Clause 27—Insertion of new section in Part V:

The COLONIAL SECRETARY: I move an amendment—

That after "pearls" in line 5, the words "or to have any culture pearls in his possession, custody or control for the purpose of selling or otherwise dealing in the same" be inserted.

Mr. TEESDALE: The amendment is rather drastic. I have some culture pearls in my possession, but I do not wish to be charged with that as an offence. They have come into my possession in the ordinary course of business. I have never dreamed of selling them.

Mr. Duraek: But it says "for the purpose of selling."

Mr. TEESDALE: I think it ought to be "offering for sale." Numbers of people have these culture pearls, but only as curiosities. I was offered £60 for one the other day. I keep it only as a curiosity. I do not want to be charged with keeping it, nor do I want to have to prove that I have no intention of selling it.

Hon. W. C. ANGWIN: The hon. member is quite correct. The purpose of the clause is to prevent the culture of pearls in Western Australian waters. The State will lose its good name for pearls if any person be successfully engaged in the culture of pearls. I should like to see the penalty made much heavier than it is.

The Premier: It is now £500.

Mr. Teesdale: The price of one pearl!

Hon. W. C. ANGWIN: To prevent the culture of pearls it is not sufficient to impose a monetary penalty. I want to see added to the fine of £500 imprisonment for six months.

The Premier: You might get one of your lady friends run in.

Hon. W. C. ANGWIN: Such a thing might easily happen if the amendment be carried, for under it the possessor of a culture pearl might unwittingly bring himself or herself within the grasp of the law. What we require to do is to effectively stop the production of culture pearls, and the only way to do that is to provide a penalty imposing both fine and imprisonment. A fine of £500 is not sufficient in itself. The successful culture of pearls will destroy the State's good name for pearls.

The COLONIAL SECRETARY: I view the position in the same light as does the member for North-East Fremantle (Hon. W. C. Angwin). Of course, if the member for Roebourne (Mr. Teesdale) absent-mindedly keeps culture pearls in his possession, he may wake up one morning to find himself under a heavy penalty. It is very important that the culture of pearls should be prevented, and consequently the penalty is made severe.

Mr. PICKERING: The Minister has not dealt with the point raised by the member for Roebourne.

The Colonial Secretary: If he deals in culture pearls he must expect trouble.

Mr. PICKERING: Apparently if he retains those pearls, he will be liable to prosecution.

Mr. Teesdale: After this I shall be unable to sleep to-night.

Mr. PICKERING: It should be clearly stated whether the mere fact of having a culture pearl in his possession would render him liable to prosecution.

The Colonial Secretary: Only when he holds it for the purpose of selling or dealing.

Mr. PICKERING: Who is to decide that? I agree that no steps could be too drastic to stop the culture of pearls, and that the penalty should include both imprisonment and fine.

Mr. ANGELO: Members are agreed as to the necessity for drastic penalties to prevent the culture of pearls. If the practice is stopped here, it will be carried on elsewhere. The latter portion of the Minister's amendment should be struck out; otherwise it would be difficult to prove that the accused had them for the purpose of selling or dealing.

Mr. Teesdale: Do you think a man would do away with a culture pearl? It is something that has staggered science.

Mr. ANGELO: It would be preferable to get rid of them entirely, so that we could claim there were no culture pearls in Western Australia.

Mr. Teesdale: No Act on God's earth would achieve that.

Hon. W. C. Angwin: Someone might innocently bring in culture pearls.

Mr. ANGELO: Then the accused could state where he obtained them.

The Premier: If your suggestion were adopted there would be no defence at all.

Mr. ANGELO: If the words are retained, the amendment will be valueless. I move—

That the amendment be amended by striking out "for the purpose of selling or otherwise dealing in the same."

The COLONIAL SECRETARY: The words should be retained because, without them, the amendment would be ineffective. A lady might arrive with a string of pearls including some culture pearls and might be wearing them bona fide, and it would be quite unfair to claim that the custody of such pearls constituted an offence.

Mr. TEESDALE: Seventy-five per cent. of the pearls worn by ladies are imitation. Ladies when travelling seldom carry the genuine article.

Mr. Angelo: Those would be manufactured, not culture pearls.

Mr. TEESDALE: The other day, to prove to a friend how easy it would be to dispose of these wonderful imitations, I asked a leading Perth jeweller to place a value upon one of them. If a zealous constable had happened to be there at the time getting a new watch glass, he could have called upon me to hand over the pearl and could have laid a charge against me. Being a member of Parliament, I would have had no chance in the world. The member for Sussex was quite right in inferring that I ran some risk.

Mr. ANGELO: As the member for Kimberley has given notice of an amendment which will have the same effect as my proposal, I ask leave to withdraw the amendment on the amendment.

Mr. PICKERING: It would be a pity to withdraw the amendment on the amendment, because I cannot see how the member for Kimberley can expect to get his amendment passed if we accept the Colonial Secretary's amendment.

Amendment on amendment by leave withdrawn.

Amendment put and passed.

Mr. DURACK: I move an amendment—

That the following subclause be inserted:—“(4) If any person shall have any culture pearls in his possession, custody or control he shall be deemed to have such pearls for the purpose of selling or otherwise dealing in the same, unless he shall prove the contrary.”

A man might have culture pearls in his custody and claim that he had no intention of selling or dealing in them. My amendment would throw the onus of proof upon him. A somewhat similar provision was adopted to check gold stealing. When in Melbourne recently I discussed the question of culture pearls with the Minister for Customs. He assured me of his sympathy and stated that, on representations being made, the matter would receive the fullest attention. During the recent visit to Perth of the Tariff Board, Commissioner Brookes took evidence from the inspector of pearl fisheries and the president of the association, which evidence is to be placed before the Federal Government. My amendment is necessary in order to make the law effective. I understand that the Government are communicating with the Federal authorities with a view to having the importation of culture pearls prevented. If this is done, the industry will be made more valuable than it is at present.

The CHAIRMAN: The amendment of the hon. member should come after that of the member for North-East Fremantle.

The Colonial Secretary: His desire is that the amendment should be embodied in my amendment, and prior to the penalty provision.

Mr. DURACK: A person can easily prove that pearls in his possession are not for sale, and my amendment should place no hardship upon him.

Mr. PICKERING: The two amendments read together are redundant. I suggest that the amendment of the member for Kimberley be so altered that only the words “unless he shall prove the contrary” shall remain.

The PREMIER: If the hon. member wishes to provide that no one shall have culture pearls in his possession, I can understand his amendment, but I still think we are duplicating the provisions as contained in these two amendments. If a man is found with pearls in his possession he will of course deny that they are for sale, and the amendment will not carry very much weight. Possibly a hardship may follow the passing of the amendment owing to the difficulty there is in differentiating between the two kinds of pearls.

Hon. W. C. ANGIN: The hon. member should have amended the Colonial Secretary's amendment. A man may say that certain pearls in his possession are not for sale, but if he can be deemed to have them in his possession for the purpose of sale, he would have to prove to the court to the contrary.

Mr. DURACK: All I want is a provision to prevent any individual from evading the Act by merely stating that pearls in his possession are not for sale.

Mr. PICKERING: I suggest that in lieu of the amendment of the member for Kimberley the words “the onus of proof to the contrary lying with the holder” be added to the Colonial Secretary's amendment.

Mr. DURACK: The Parliamentary draftsman perused this amendment and said it was all right.

The Premier: Do you want the pearls forfeited?

Mr. DURACK: I want to prevent any evasion of the law, in the way I have indicated.

The COLONIAL SECRETARY: I move—

That the amendment be amended by striking out all the words except “unless he shall prove the contrary.”

Mr. TEESDALE: I agree with the member for Kimberley in his effort to stop the traffic, and I would advocate a compulsory declaration. The matter is very serious. I have information that recently another shipment of shell was brought ashore for pearl culture purposes.

Mr. Durack: I, too, have heard that.

Hon. W. C. Angwin: If the people concerned were given six months' gaol, it would stop them at any rate for six months.

Mr. Angelo: Why have culture pearls at all?

Mr. TEESDALE: We cannot dictate to people as to what they shall have in their possession.

Mr. Angelo: It is an illegal culture; so why have it at all?

Mr. TEESDALE: The suggestion of the member for Gascoyne is tin-pot and twaddling. The Colonial Secretary's suggestion meets the case.

Mr. DURACK: I am prepared to accept the Minister's amendment on my amendment.

Mr. ANGELO: If culture of pearls is in any way permitted, the pearling industry of this State will go down. The margin of profit on shell is not large enough to stand the loss of the profit on pearls. Drastic steps should therefore be taken to prevent any pearl culture, which should be dealt with in the same way as sly grogging. No one should be allowed to have a culture pearl in his possession.

Mr. Teesdale: Are people going to tell you that they have culture pearls?

Mr. ANGELO: Suppose the police were informed that a certain man had culture pearls in his possession, and suppose they made a search and found the culture pearls. Then the possession of them by the man should be an offence to be dealt with straightaway. A man does not want culture pearls as curiosities; he wants them for sale, though that cannot always be proved.

Mr. Teesdale: The Minister's amendment covers that.

Mr. ANGELO: The member for Kimberley said that in this connection he had consulted a Federal Minister, who promised drastic legislation to prevent the entry of culture pearls into Australia.

Amendment on the amendment put and passed.

Hon. W. C. ANGWIN: The Committee should now agree to strike out the remaining words, "or to have any culture pearls in his possession, custody, or control for the purpose of selling or otherwise dealing in the same, unless he shall prove the contrary." There is no reference to having culture pearls for sale. We should let the clause pass as it is, and if a further amendment is required, it can be made in another place. As regards the penalty, I now move an amendment—

That in proposed Subsection 1, line 4, "or" be struck out, and the word "and" inserted in lieu.

A penalty of £500 means a penalty not exceeding £500; the penalty actually imposed may be £1. The person who is going to benefit from culture pearls is principally the owner, and not so much the fisher. A paltry penalty will not stop the fraudulent owner, but if in addition to being fined, he is put away for six months the industry will be safe from him for that period. Imprisonment is necessary in order to put a stop to the offence.

Mr. Angelo: Why not strike out the words, "not exceeding" as well?

Mr. Mann: Then the magistrate is left with out discretion.

Hon. W. C. ANGWIN: In 1919 people passing through Colombo, were offered so much for sovereigns and in order to prevent dealing in gold a heavy fine and imprisonment were provided.

The Premier: Were you caught?

Hon. W. C. ANGWIN: I could have done well and not been caught. I did not deal in sovereigns, but I know some patriots of Australia who did sell them although the British Government wanted gold at the time. The provision for a fine and imprisonment as well did not prevent that going on. The fact remains, however, that people do not like to go to gaol. For that reason, I submit the amendment.

The COLONIAL SECRETARY: We want the Bill to be severe but the amendment suggested is ferocious.

Hon. W. C. Angwin: I thought so; you are not genuine.

The COLONIAL SECRETARY: The Government are genuine all right, but if the amendment were agreed to, there would be no convictions. No magistrate would dare to impose a penalty of £500 and six months' imprisonment.

Hon. W. C. Angwin: It does not mean that the magistrate must impose that maximum penalty.

The COLONIAL SECRETARY: But it means that he can go to £500 and six months' imprisonment when convicting an offender. I think it is ferocious. It would be better to retain the alternative.

Mr. DURACK: Although the amendment sounds drastic, I feel disposed to agree with the member for North-East Fremantle. An individual might have £500, but might attempt to escape punishment by saying he had not the money. If he knew there was no alternative but imprisonment, such an offender would hesitate. If an individual likes to take the risk of six months' imprisonment, good enough for him!

Mr. ANGELO: Only the other day a pearl was sold for £4,500. If the cultivated pearls have been brought to such a state of perfection as has been indicated, it would pay a man to sell one every day for, at the rate of £4,500, he could afford to pay £500 as a fine. I support the amendment.

The PREMIER: The Committee should realise that we are dealing not only with the man who cultivates pearls, but who may have a pearl in his possession.

Hon. W. C. Angwin: But this refers to a man who is selling them.

The PREMIER: If the member for Roebourne showed a pearl to a jeweller, he, being such an innocent person, would have to go to prison.

Mr. Angelo: He would be here next session all right!

Mr. Lutey: If this penalty is to be imposed for the first offence, what shall we do for the second or third offences.

Mr. McCallum: Hang him!

The PREMIER: I suggest that the amendment might read, "and/or." That would allow the magistrate to exercise his discretion. I put it to the Committee: Would it be right to take the member for Roebourne, who is so simple, and put him inside?

Mr. LAMBERT: I hope we have not arrived at such a savage state as to legislate for penalties such as the member for North-East Fremantle suggests, particularly as the offence is not nearly so grave as many others that are committed.

Hon. W. C. ANGWIN: When introducing the Bill, the Colonial Secretary said that the principal object was to protect the pearling industry. He added that in other parts of the world culture pearls were being produced and that it was necessary to prevent that being done here. The member for Gaseoyne put the matter clearly. It is easy to pay a fine, and to fine such an individual is not to inflict punishment. If a man is found with gold in his possession and he cannot prove that he has obtained it legally, in nine cases out of ten he goes to gaol without the option of a fine. No fine is attached to that. He goes to gaol because he is a poor man who cannot put his hand on £500. But when it comes to these men dealing in culture pearls, there is to be no imprisonment. If it be desired to prevent the culture of pearls in Western Australia, the only way to do it is to gaol the men who profit by it.

The Premier: Then put in the buyer also.

Hon. W. C. ANGWIN: He will be dealt with, because he comes under "or otherwise deals in" culture pearls.

The Premier: Not necessarily.

Hon. W. C. ANGWIN: Oh yes, in buying pearls he is dealing in pearls.

The Premier: You might imprison an innocent woman.

Hon. W. C. ANGWIN: Nonsense! The man dealing in culture pearls is not only defrauding the purchaser of the pearls, but is also destroying an important industry. I would send such a man to gaol for doing an injury to the State.

The Premier: Give him two years.

Hon. W. C. ANGWIN: Yes, I would agree to that. The Premier is opposing imprisonment for six months.

Mr. DURACK: The hon. member's object would be served by inserting both words, "and/or." It should be in the discretion of the magistrate to say whether a man should be sent to gaol in addition to being fined.

Mr. LAMBERT: I hope the punishment will not be made too vicious. It is new legislation, and whatever penalty is provided for will become the minimum penalty. The hon. member should accept the suggestion to make it "and/or."

Mr. CHESON: I hope the Committee will not accept the amendment. The question of double punishment should be left to the magistrate. If we make the penalty too severe, every offender will elect to go before a jury, and so we shall not get any convictions.

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

Ayes	..	..	..	..	8
Noes	..	..	..	..	14

Majority against .. .. 6

#### AYES.

Mr. Angelo	Mr. Mann
Mr. Angwin	Mr. Pickering
Mr. Collier	Mr. A. Thomson
Mr. Durack	Mr. Teesdale

(Teller.)

#### NOES.

Mr. Broun	Sir James Mitchell
Mr. Chesson	Mr. Plesse
Mr. George	Mr. Sampson
Mr. Hickmott	Mr. Troy
Mr. Lambert	Mr. Underwood
Mr. Lutey	Mr. Willcock
Mr. H. K. Maley	Mr. Mullany

(Teller.)

Amendment thus negatived.

Mr. DURACK: I move an amendment—

That after "pearls" in line 5 of the proposed new Subsection 4 the following words be inserted:—"and may enter into and upon and search any ship, or boat or any building or premises within the State, used or reasonably suspected of being used for or in connection with the production or cultivation of culture pearls."

The additional words are necessary in order to facilitate a thorough search wherever necessary.

Amendment put and passed.

Mr. DURACK: I move a further amendment—

That after "treated" in line 6 of the proposed new Subsection 4 the following words be inserted:—"or any culture pearls or any plant, apparatus, or instruments used or apparently intended to be used for or in connection with the artificial cultivation of pearls."

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

Clauses 28, 29—agreed to.

Postponed Clause—Short title:

The COLONIAL SECRETARY: If the Act is amended as altered by the present Bill its title will be the Pearling Act, 1912-22. There has been no reprint of the Act amended in 1919, and therefore the title of the Act still continues as the Pearling Act, 1912. The Bill before us is consequently a Bill to further amend the Act of 1912. I am advised that the title as set out in the Bill is in order.

Clause put and passed.

Postponed Clause 7—Amendment of Section 31:

## Legislative Council,

Tuesday, 14th November, 1922.

The COLONIAL SECRETARY: I move an amendment—

That a new subclause be added as follows:—(3.) A subclause is hereby added to section thirty-one of the principal Act as follows:—(3.) If any unqualified person shall have or acquire, by contract or arrangement with any owner of any ship or with any servant or agent of such owner the right to share in the results or proceeds of any pearling in which the ship is or shall be used or employed, such and the like consequences shall ensue and such and the like proceedings may be taken as if such person had acquired an interest in the ship.

The object of this amendment is to still further prevent dummying.

[Hon. G. Taylor took the Chair.]

Mr. DURACK: I support the amendment. It should meet the difficulties pointed out by the member for Pilbara with respect to white men dummying for Japanese.

Amendment put and passed.

Mr. DURACK: It is thought that the proposal to forfeit the ship is too drastic, and that some innocent person may suffer as a result of it. I move an amendment—

That a new subclause be added as follows:—A subsection is hereby added to section thirty-one of the principal Act, as follows:—(3) It shall be a defence to any complaint by which the condemnation of a ship is sought under this section that no owner of the ship has been party or privy either personally or through his duly authorised agent, to the unqualified person acquiring or retaining the interest in the ship or the right to share in the results or proceeds of the pearling.

The COLONIAL SECRETARY: I hope the amendment will be withdrawn, as it opens wide the door to dummying.

Mr. Durack: I will withdraw the amendment.

Amendment by leave withdrawn.

Clause as previously amended, agreed to.

New clause:

The COLONIAL SECRETARY: I move—

That a new clause be added to stand as Clause 28 as follows:—“A section is hereby added to the principal Act, as follows:—Procedure of Justices. 108. All proceedings before justices under this Act shall be regulated by the provisions of The Justices Act, 1902-1920, and any decision given in any such proceeding shall be subject to appeal as provided in that Act.”

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

House adjourned at 11.10 p.m.

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

## QUESTION—LICENSING ACT AMENDMENT BILL.

Hon. J. W. KIRWAN asked the Minister for Education: Will he provide the House with the opinion of the Crown Law Department as to the bearing of the Commonwealth Constitution on the Licensing Act Amendment Bill now before the House, particularly with reference to the questions: 1, Can a State prevent the importation of liquor (a) for sale; (b) for private consumption? 2, Can a State prevent the manufacture and sale of liquor on which the Commonwealth collect excise, and thus affect the Commonwealth revenue? 3, Can a State discriminate in its legislation or administration between wine, the produce of Western Australia, and wine the produce of other Australian States?

The MINISTER FOR EDUCATION replied: The opinion of the Solicitor General has been obtained and is annexed: “On the questions raised by Mr. Kirwan regarding the Licensing Act Amendment Bill, I beg to advise as follows: 1, The State cannot legislate to prevent the importation of liquor, but Section 113 of the Commonwealth Constitution Act is as follows: “113. All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage shall be subjected to the laws of the State as if such liquids had been produced in the State.” Therefore the State Parliament can pass laws prohibiting the sale of liquor whether imported or of local production. 2, Yes. 3, No. All licenses under the Licensing Act, 1911, for the sale of wine authorise the sale of any wine made in the Commonwealth. The exemption in paragraph (b) of Subsection (1) of Section 44 of the principal Act (which enables the occupier of a vineyard to sell on such vineyard wine manufactured by him, the product of fruit of his own growing) is amended by Clause 17 of the Bill before Parliament, on the recommendation of the Royal Commission, by substituting for the words ‘of his own growing’ the words ‘grown within the State.’ The effect of that amendment will be to permit the occupier of a vineyard within the