

penalties, thus obviously providing revenue—I do not know whether that is the idea—for the Government and creating a multitude of inspectors already authorised under other Acts. We would find the duties and powers of inspectors under this Bill conflicting with and overlapping the duties and powers of inspectors under the other Acts. If, for example, there happened to be two inspectors, appointed under separate Acts, visiting the mill on successive days, each might order the manager to do certain things. Under the separate Acts he would be liable to penalties provided, simply because he found it impossible to carry out the instructions given him, one order overlapping the other. It would mean practically that, the industry would be brought to a standstill.

Hon. E. H. Gray: That might happen if the Act were administered by lawyers.

Hon. J. NICHOLSON: I have stated the position as it actually is. Since there is nothing to justify the Bill, I move an amendment—

That “now” be struck out, and “this day six months” be added.

On motion by Hon. E. H. Gray, debate adjourned.

House adjourned at 10.35 p.m.

Legislative Assembly,

Wednesday, 24th November, 1926.

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

QUESTION—ALBANY ROAD, DIS-REPAIR.

Mr. E. B. JOHNSTON asked the Minister for Works: 1, Are the Government aware that the main road from Albany through Williams to Armadale is in an appalling condition of disrepair, comprising a succession of holes, bumps, and ditches, which in many places are almost impassable? 2, When do the Main Roads Board propose to commence the reconstruction of this important highway? 3, Will the Government in the meantime have this road repaired and made fit to carry the present traffic?

The MINISTER FOR WORKS replied: 1, The Government are aware that re-conditioning of the Albany road is necessary. 2, The Main Roads Board are now preparing for an early commencement of necessary work. 3, The responsibility of maintenance rests with the local authorities until such time as the road is declared a main road.

QUESTION—ELECTORAL FORM.

Hon. Sir JAMES MITCHELL (without notice) asked the Minister for Justice: Will he lay upon the Table of the House the file that led to the issuing of the form headed, “Protection of enrolment of person whose occupation is of a nomadic nature?”

The MINISTER FOR JUSTICE replied: I have no objection to laying the file on the Table to-morrow.

BILLS (4)—FIRST READING.

1, Dried Fruits.

Introduced by the Minister for Railways (for the Minister for Agriculture).

2, Government Railways Act Amendment.

3, Police Act Amendment.

Introduced by the Minister for Railways.

4, Mt. Barker-Manjimup Railway.

Introduced by the Minister for Works.

BILLS (3)—THIRD READING.

1, Legal Practitioners' Act Amendment.

2, Ejanding Northwards Railway.

3, Boyup Brook-Cranbrook Railway.

Transmitted to the Council.

BILL—ROYAL AGRICULTURAL SOCIETY.

Third Reading.

THE MINISTER FOR AGRICULTURE

(Hon. M. F. Troy—Mt. Magnet) [4.43]: I move—

That the Bill be now read a third time.

A question was raised when the Bill was last discussed as to whether the term "agriculture," used in the Bill, included "horticulture." I told members that if I found it did include horticulture, I would introduce an amendment to overcome the difficulty. I have consulted the Crown Solicitor, who states that he does not consider an amendment is necessary at all. Whereas the term "agricultural products" does include all products of the soil, the word "agricultural," used in connection with societies and shows referred to in the measure, is general, and not specific. Therefore it would not apply to horticultural shows. That being so, horticultural shows would be horticultural shows and nothing else. The same applies to viticultural shows. Applying the term "agriculture" generally to all products of the soil, it will mean that an agricultural show will embrace all products of the soil, but the specific terms "horticulture" and "viticulture" will not be included in that generalisation.

Question put and passed.

Bill read a third time, and transmitted to the Council.

BILL—JETTIES.

Second Reading.

HON. J. CUNNINGHAM (Honorary Minister—Kalgoorlie) [4.45] in moving the second reading said: The jetties and wharves in this State are at present controlled by the Fremantle Harbour Trust, the Bunbury Harbour Board, the Railway Department, and the Harbour and Light Department. The Fremantle Harbour Trust and the Bunbury Harbour Board have their own respective Acts, and the jetties under the jurisdiction of the Railway Department are controlled under the Railways Act, while all the others such as Wyndham, Derby, Broome, Cossack, Onslow and Carnarvon, are controlled by regulations framed under the Jetties Regulation Act of 1878.

That Act provides for the making of regulations for the use and management of jetties and similar works, but at the time of the passing of that legislation there were no large structures such as the Carnarvon, Broome and Beadon jetties, which are connected with the townships by steam tramways and over which passes a volume of business equal to that of a small harbour trust. The powers contained in the Act of 1878 are certainly not definite enough to control the working of the steam tramways, goods sheds and yards in connection with those jetties; in fact, it is in the goods sheds and yards that most of the responsibilities of the department lie. There are certainly regulations dealing with berthage, wharfage, handling and storage, and there are also tramway regulations, but the scope of the Act is not wide enough to govern those regulations, and when cases have been brought before the court, the regulations have been declared ultra vires. There is not sufficient power within the Act to permit of the framing of regulations to carry out the various requirements for the control of jetties. The proposed legislation contained in this Bill is largely on the lines of that of the Fremantle Harbour Trust and similar authorities in Western Australia and in other States of the Commonwealth. The various terms employed in the Bill are clearly defined, and the powers proposed to be conferred conform in the main to the regulations now in existence. The chief purpose of the Bill is to give the necessary power to make regulations in connection with the mooring of vessels, landing of passengers, receiving of cargo, and the imposition, collection and payment of the various charges for berthage, wharfage, handling, storage and such like operations. Power is also given for the construction, acquisition, leasing or removal of any jetty, and for the granting of licenses to persons for the erection or construction of jetties, provided that no such jetties shall be erected or constructed unless a license be granted under this measure. It has been found necessary within recent years to grant licenses to certain persons residing along the shores of the Swan River for the construction of private jetties. At times those jetties revert to the Public Works Department or to the Harbour and Rivers Department. When private individuals no longer desire to utilise their jetties, it is customary for them to approach the Harbour and Rivers Depart-

ment or the Public Works Department with a view to handing over their jetties. We also include in the Bill provisions contained in the Jetties Regulation Act Amendment Act of 1912, placing the responsibility for injury to jetties on the owner or master of the vessel and causing him to be answerable in damages to His Majesty for such injury. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—DENTISTS ACT AMENDMENT.

Second Reading.

HON. S. W. MUNSIE (Honorary Minister—Hannans) [4.52] in moving the second reading said: This is a very small Bill and I hope members will assist me to secure for it a safe passage through this House and another place.

Mr. Teesdale: We have a lot of influence with another place!

Hon. S. W. MUNSIE: The object of the Bill is a simple one. In April last the Dental Board, accompanied by members of the Odontological Society, waited on me as a deputation to urge the necessity for establishing a dental hospital in the metropolitan area. I must admit that the deputation presented a wonderfully good case for the establishment of such an institution. I believe that a dental hospital will mean from a dental point of view to the people who at present patronise the Perth Hospital what the Perth Hospital means from a medical and surgical point of view. While we are making fairly adequate arrangements for treatment of sickness, medically and surgically, there is no accommodation for the treatment of people dentally. I admit that members of the society attend the hospital in an honorary capacity, and when extractions are necessary they do the work free of charge. When it comes to replacing teeth, however, there are no arrangements or conveniences for such treatment to be given at the Perth Hospital. That is one of the chief reasons for the establishment of a dental hospital. The Government agreed to the establishment of such an institution, and it was then discovered that the present Dental Act restricted the Dental Board in the expenditure of their funds. The board have funds derived from various sources,

including apprentices' fees, but under the Act they are prohibited from expending those funds except in certain directions. The board are prepared to devote a portion of their funds to a dental hospital. I, as Minister, have agreed to subsidise them pound for pound to equip a dental hospital. Suitable buildings have been acquired in Murray-street, opposite the Public Health Department, just below the Perth Hospital. I am informed by members of the Dental Society and by medical officers that the buildings are thoroughly suitable for the purpose. When it was found that the Dental Board could not devote portion of their funds to a dental hospital, I was asked to give a guarantee that if some of the funds were expended in that way, the Government would see that the board were not mulcted in damages by any of the members. I was not prepared to do that, but I expressed my readiness to introduce an amending Bill if necessary. After consultation with the Crown Solicitor, I found that it would be necessary to introduce a small Bill. All that the measure provides is power for the Dental Board to devote some of the funds they have in hand to assist the Government in the establishment of a dental hospital. I do not think any member will offer objection to that being done, seeing that the dentists who contribute to those funds have unanimously agreed that an amount should be made available for the purpose. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

BILL—ALBANY HARBOUR BOARD.

Received from the Council and read a first time.

BILL—ROADS CLOSURE.

Returned from the Council with an amendment.

BILL—DAIRY CATTLE COMPENSATION.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

In Committee.

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

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. Sir JAMES MITCHELL: This Bill provides for the payment of compensation to dairymen, and is not intended at present to cover cattle generally throughout the State. I take it that any portion of an electoral district can be defined as a district under the Bill. It would not be a good thing to cover an entire area in which there may be several farmers who are keeping a couple of cows for their own use, and who do not wish to be brought under the Act. In fact, only those dairymen who apply to be brought under the Act should come under it. It would also be a great nuisance to a number of people, who are not dairymen, to have to send in returns.

The MINISTER FOR AGRICULTURE: Everyone resents having to send in returns. We cannot have a successful scheme of compensation unless the insurance is made compulsory. If that were not so, a dairyman could refrain from coming under the scheme until such time as he became suspicious of some of his cattle, when he would desire to receive compensation for those that would die. I considered the question of making this compensation optional, but was advised that it would not be practicable to do so. There would be a danger of having only the doubtful cows on the fund, and of the whole thing falling to pieces. There are not sufficient inspectors to examine every beast before it is purchased by a dairyman. If registration were made compulsory it would spread the burden over more people.

Hon. Sir James Mitchell: Spread it over everyone.

The MINISTER FOR AGRICULTURE: It will spread later on. The Bill refers to cows that are kept for dairy purposes. It is intended later on to apply it to other parts of the State, but some time must elapse before this is done.

Hon. Sir James Mitchell: What is the registration fee?

The MINISTER FOR AGRICULTURE: About 2s. per annum. I know the liability to pay these fees will be irksome, but if we are to have successful legislation this must be the system adopted.

Hon. Sir JAMES MITCHELL: The Minister calmly says that cattle will not be in-

spected before registration, and yet the Bill provides that they shall be so inspected. I never heard of such an admission. The Premier said no other Bills were to be brought down this session, but we have had 20 since then, and apparently we shall have more. This measure provides for compulsory contribution to an insurance fund, and will apply generally throughout the State. If a man has 20 cattle on his farm and is milking one cow for his own use, he will pay the fee on the 20 cows. Many people do not bother to send a census return, although they know if they neglect to do this it will cost the State 25s. per head per annum. That being so, they may well object to sending in returns under the Bill. Apparently every single cow belonging to a farmer will have to be registered and inspected. It is all very well to apply the Bill to dairy herds that are kept solely for dairying as a means of livelihood. But is the measure to apply throughout the agricultural districts? Probably the Minister will want to apply it to the whole of the South-West.

The Minister for Agriculture: I have not the staff to look after the whole of the South-West. The operation of the measure will have to be extended from time to time.

Hon. Sir JAMES MITCHELL: But the Minister said he was not going to have inspection.

The Minister for Agriculture: That is all right.

Hon. Sir JAMES MITCHELL: It is not all right. The Minister cannot obtain inspection. There would have to be a fresh inspection every time a new cow was brought into a district to which the measure applies. The cows are inspected now, and there will be no greater degree of protection under the Bill than exists at present. This is merely a measure for insurance; and people should be allowed to insure or not, as they choose. Let us not impose trouble on the people unnecessarily. I know, of course, that the Minister can define the boundaries of an inspection area within the boundaries of an electoral district. Where a number of cows are fed at the same trough on artificial foods, disease develops; but it does not develop among cattle in open spaces. I hope the Minister will see that the form of return is a simple one to fill in. Many workers own an odd cow, and if their districts are covered by the measure they will have to send in returns.

Hon. G. TAYLOR: Under this Bill "dairy cattle" presumably means cattle kept for dairying purposes, and presumably the measure will not apply to persons having a couple of cows for their own use, and making no butter.

The Minister for Agriculture: Yes, it would apply. In such a case the cows would have to be registered. They would be dairy cattle.

Hon. G. TAYLOR: By the time the measure has operated fully in the larger dairying centres, the Minister and his officers will have become so accustomed to administering it that there will be little difficulty in applying it to other areas. I do not think the hardship feared by some members will be actually felt, because people will have become used to the measure and will have appreciated its benefits. Cattle owners will have realised the benefit of receiving compensation for cattle destroyed, and the general public will have experienced the benefit of an improved milk supply. The Leader of the Opposition is afraid that the measure will bear harshly on the person having one or two cows, but by the time the larger areas have been cleared up, the danger of tuberculosis will be realised generally. All our laws are restrictive on the individual for the benefit of the community as a whole. Apparently the Leader of the Opposition is not worrying about the damage a diseased cow may do before she dies. Perhaps the measure will at first be irritating to a man having cows calving at different periods in the year, with the result that he has to send in a fresh return whenever a calf is eight or nine months old.

Mr. LINDSAY: I recently received a letter from the South-West stating that inspectors or veterinary surgeons are travelling through the district and testing cows for reaction to the tuberculosis test. The letter also states that some cows have been destroyed, of course without compensation. The people in the South-West think it a strong proceeding to condemn a cow on the first test, and they have asked me to do what I can in the matter. Have the departmental officers been travelling through the South-West, and particularly the group settlements, testing cows as described?

The Minister for Lands: It has been done by the Agricultural Department acting on behalf of the Group Settlement Board.

Mr. LINDSAY: The people consider that the cows reacting to a first test should be isolated and, after a period, tested again.

The Minister for Lands: If a cow is found to be tuberculous and is destroyed, the group settler has not to bear the loss.

Mr. LINDSAY: If the price of the cow is written off his account, it is all right. Evidently the settlers thought they were being charged with the cost of cows destroyed. I understand from the Minister that for a beginning the measure will apply only to the metropolitan area. Later, no doubt, it will be extended throughout the State, and then group settlers whose cows are destroyed will receive compensation under the measure. Is that so?

The Minister for Agriculture: Yes.

Mr. LINDSAY: The matter does not concern my electorate particularly, but I thought it well to bring this aspect of it before the Chamber. Are cows tested before being supplied to group settlers?

The Minister for Agriculture: Cows for group settlers are tested beforehand, and all cows imported from the Eastern States are quarantined for tuberculosis.

Mr. LINDSAY: I presume that any cows found to be affected with tuberculosis are destroyed.

The Minister for Agriculture: They are all quarantined for three months.

Mr. LINDSAY: I have no objection to the Bill, and congratulate the Minister on having brought it down.

Hon. Sir JAMES MITCHELL: Contrary to the belief of the member for Mt. Margaret this is a Bill to provide compensation for those whose cows are condemned and destroyed. It is merely an insurance measure, and it will not entail any more inspection than is now done under the Stock Diseases Act.

Hon. G. Taylor: With the Stock Diseases Act in existence all these years, there should be no tubercular cattle if the inspectors have done their duty.

Hon. Sir JAMES MITCHELL: There is probably no herd of cattle in the world free from tuberculosis, except perhaps the Herefords. Although when conditions are not favourable to the spread of the germ a cow may not react to a test, it is not to say that she has not the disease latent in her. However, what we are discussing is the payment of compensation for the destruction of cows suffering from disease. The Bill is not designed to protect the consumers of milk, al-

though, incidentally, it may have that effect. Why did the Minister fix the age of a heifer at 12 months?

The Minister for Agriculture: I had to fix some age.

Hon. Sir JAMES MITCHELL: But she could hardly be called a cow before she reached two years.

The Minister for Agriculture: I have seen many a cow 18 months of age with a calf.

Hon. Sir JAMES MITCHELL: The registration has to be made when the heifer reaches 12 months and when the bull reaches nine months. In both instances, the age seems very young. The Minister will say he has been asked to introduce the Bill, and that the people want it. He would not have brought down the Bill had it not been requested by the dairymen.

The Minister for Agriculture: The suggestion must have come from somewhere. Even your suggestions come from somewhere.

Hon. Sir JAMES MITCHELL: And the Minister follows them all. I am obliged to him for his compliment. The Minister introduced the Bill at the request of the dairymen, and probably the dairymen want every detail provided in the Bill. The Minister should regard it as an insurance measure and apply it only to those who want it. A man with a valuable bull or horse or cow insures his animal with an insurance company.

The Minister for Lands: The rates are very high.

Hon. Sir JAMES MITCHELL: Yes, too high for ordinary stock. Moreover, it would not pay the companies to insure cattle of indifferent class.

The Minister for Lands: Then that is the class of work that ought to be left to the Government—work that it will pay no one else to do.

Hon. Sir JAMES MITCHELL: The Minister for Agriculture told us it was an insurance Bill, but now he says that everybody must be brought in, in order that the fund may be sufficient to meet all claims.

Hon. G. TAYLOR: I do not want the Leader of the Opposition to think I was not aware that the Bill is an insurance measure. The Minister, on the second reading, declared that the Bill was satisfactory to the dairymen of the metropolitan area, and the member for Leederville last night told us the dairymen in his district were well satisfied with the Bill, and had been in consulta-

tion with the Government over its framing. For those reasons I will not offer any opposition to the measure. I am not concerned about what effect it will have in the country, since I do not think it will get there for some years to come.

Mr. SAMPSON: I move an amendment—

That after "actinomycosis," in the definition of "disease," the words "pleuro pneumonia contagiosa" be inserted.

Pleuro pneumonia is a well known bacterial, contagious disease affecting cattle. While the herds in this State are said to be immune, cattle imported from the Eastern States are sometimes affected by it.

The Minister for Lands: They are not allowed to be landed from any place where there has been pleuro in recent years.

Mr. SAMPSON: Not if it is known. The disease, although not disclosed by a test made this year, may next year give definite results under test. However, pleuro is a highly contagious disease, and to include that malady in the definition of "disease" would increase the effectiveness of the Bill. In the Victorian Act pleuro is so included, and "disease" has a corresponding interpretation. The Victorian Act applies to all cattle, but of course the Bill before us will apply only to dairy cattle, and will be restricted to a certain area. Nevertheless, I think the insurance should extend to covering pleuro-pneumonia. Research under the strongest microscope has failed to identify the pleuro microbe. The effect of pleuro on the meat of afflicted animals is very marked. A condition that resembles that of contagious pleuro-pneumonia is the so-called septic pneumonia seen in recently calved cows. In the latter case, however—

The Minister for Agriculture: How does what you are reading apply to the Bill?

Mr. SAMPSON: I am attempting to describe pleuro-pneumonia, and to show how widespread the disease may become because of its contagious nature. The Bill will become more useful if pleuro-pneumonia is added.

THE MINISTER FOR AGRICULTURE: The question is as to how far it will be possible to meet the requirements of the measure by means of taxation. The hon. member's amendment implies an increased appropriation and therefore, on a point of order, I contend he cannot move the amendment.

THE CHAIRMAN: On the ground mentioned by the Minister for Agriculture, I

have no alternative but to move the amendment out of order.

Mr. SAMPSON: May I submit—

The Minister for Agriculture: Why discuss it? The amendment has been ruled out of order.

Mr. SAMPSON: I have no wish to do anything that may reflect on the ruling, but I desire to draw attention to the reserve fund built up in Victoria.

The Minister for Agriculture: On a point of order, you, Mr. Chairman, have given a ruling and the hon. member must either accept it or disagree with it. He cannot now discuss what happened in Victoria.

The CHAIRMAN: I take it the hon. member has abandoned his amendment, which has been ruled out.

Mr. SAMPSON: May I express regret that you have ruled the amendment out of order. I did want to remind the Minister that the fund established under the Cattle Compensation Act of Victoria has a reserve of £17,500.

The CHAIRMAN: The hon. member is not in order in discussing that matter at this stage.

Mr. SAMPSON: It is difficult for me to continue, since to continue might suggest a lack of respect for the ruling of the Chair.

The CHAIRMAN: Order! Such remarks are not necessary.

Mr. THOMSON: I would like to know from the Minister whether he has considered that the proposal means an increase.

The CHAIRMAN: Order! The hon. member is discussing the ruling.

Mr. THOMSON: No, Mr. Chairman.

The CHAIRMAN: Yes, the hon. member is discussing the very question that has been ruled out of order.

Mr. THOMSON: I am not dealing with the matter referred to by the member for Swan; I want information from the Minister as to other diseases which may or may not be included in the interpretation.

The Minister for Lands: Does it not stand to reason that the more you put in, the greater will be the cost?

The CHAIRMAN: Subclause 4 deals with the question the hon. member wishes to refer to. He can discuss the matter at that stage.

Mr. THOMSON: I only want the Minister to tell us what induced the department to include only the two diseases, tuberculosis and actinomycesis.

The MINISTER FOR AGRICULTURE: Under the Stock Diseases Act we destroy in cases of those two diseases only, and so, having destroyed the stock, we now propose to provide compensation.

Mr. Thomson: That is all I wanted to know.

Clause 3—agreed to.

Clause 4—Districts:

Mr. SAMPSON: I understand that the Act will apply to districts to be proclaimed from time to time, particulars of which will be published in the "Government Gazette" and in the newspaper circulating in the particular area. Will the Minister inform the Committee whether the proclamation can be relied upon to follow the request of a majority of dairymen in any particular district?

The Minister for Agriculture: Yes.

Hon. G. TAYLOR: I presume the Minister will be empowered to declare any area a district without a recognition of what are known as electoral districts; will it be possible for him to declare any area he likes?

The Minister for Agriculture: Yes.

Clause put and passed.

Clause 5—Compensation to owners:

Mr. SAMPSON: There is a proviso to Subclause 2 which reads, "Provided that in no case shall the value as so determined of one head of any cattle exceed £15." I move an amendment—

That "£15" be struck out and "£25" inserted in lieu.

Hon. G. Taylor: You can rely on that amendment going out. The previous ruling will apply to this one all right.

Mr. SAMPSON: The Minister is sufficiently difficult to handle without the hon. member assisting him. The Bill as it stands is an insurance against the use of diseased meat for food purposes rather than an insurance in connection with the destruction of valuable cattle. We should go further than is proposed by giving dairymen full compensation.

The CHAIRMAN: The hon. member's amendment cannot be accepted. I rule it out of order.

Mr. THOMSON: I intend to move that the proviso be struck out altogether. I consider that to limit the amount that should

be paid is very unfair. If in the interests of the community it is necessary that cattle should be slaughtered, and the owners themselves have contributed 2s. per head towards the compensation fund, it should be reasonable and fair that the individual whose cattle are slaughtered should get full value. If it is fair to give a man full value less 10 per cent. in respect of an animal worth £10, surely we should pay higher compensation when a pedigreed animal that may be worth £25 is destroyed.

The Minister for Agriculture: It may be worth £100.

Mr. THOMSON: I move an amendment—

That the proviso to Subclause (2) be struck out.

The CHAIRMAN: I cannot accept that amendment either. I rule it out of order.

The MINISTER FOR AGRICULTURE: I move an amendment with the object of making the clause clearer—

That after "determined," in line two, the words "as if such cattle were free from disease" be inserted.

That will make the position clearer. Perhaps it might be said that the cattle were worth nothing because they had suffered from tuberculosis. With the amendment I have proposed, it will mean that the animal will have to be valued irrespective of tuberculosis and as though the cow had been free from the disease altogether.

Mr. Sampson: That is a very equitable amendment.

Amendment put and passed.

Mr. THOMSON: Does the Minister desire to retain the proviso?

The Minister for Agriculture: Yes.

Mr. THOMSON: I am sorry to hear that.

The Minister for Agriculture: According to the information at the disposal of the department respecting the possible liabilities under this legislation, we cannot exceed the amount specified at present. There is nothing to prevent Parliament amending the Act in the future when the fund has become sufficiently financial.

Mr. THOMSON: If the Minister requires the proviso, I will not waste further time in endeavouring to have it deleted, because he has his majority.

The Minister for Lands: If you insure your life for £200, you will have to pay more than if you insured it for £100.

Mr. THOMSON: I recognise that, and I have already paid a tribute to the Government for introducing the legislation. At the same time we must recognise that the owners of the stock are to contribute 2s. per head, whereas the Government will provide only 1s. per head. It seems to me that the principle to which I take exception is unsound. I admit that this provides a form of insurance for the cattle owners, but the title of the Bill sets out that it is for the purpose of providing compensation. If the cow that is destroyed is of greater value than £15, that fact should be recognised in the compensation payable.

Mr. C. P. Wansbrough: But it could be recognised only by paying increased premiums.

Mr. THOMSON: At the same time, if the dairyman has a "scrubber" that has to be destroyed, he will receive the full value of the animal, less ten per cent. It should be remembered, too, that we are extending every encouragement to these people to improve their herds.

The Minister for Agriculture: They get nothing now.

Mr. THOMSON: I appreciate that and have already commended the Government for what they are proposing. If land is resumed, the owner receives full value by way of compensation.

The Minister for Agriculture: But that land would not be dangerous to anyone.

Mr. THOMSON: It might be, from the standpoint of progress. Then again, full compensation is paid in accordance with the schedule under the Workers' Compensation Act.

The Minister for Agriculture: That is only a portion of what the man might like to get.

Mr. THOMSON: It is not competent for us to increase an impost so that greater compensation may be paid, and as the Minister will not agree to deleting the proviso it is useless combating it further.

Clause, as previously amended, put and passed.

Clause 6—Application for compensation and conditions:

Mr. THOMSON: The clause provides that no compensation shall be payable unless the owner of an animal that has been destroyed shall have made application in writing to the Agricultural Department for compensation, and that the application

shall be made within 21 days after the destruction of the animal. It also sets out that no compensation shall be payable if the animal destroyed was visibly affected with tuberculosis or actinomycosis, and if the owner failed to give notice pursuant to the Stock Diseases Act, 1895. I trust the Minister will see that the owners will be advised, when their cattle are destroyed, that they should make application for compensation from the fund. Men in the bush are not conversant with these matters and should be notified.

The Minister for Agriculture: That is so.

Mr. THOMSON: It may be that the owner of an animal may not know that it is visibly affected with tuberculosis.

The Minister for Agriculture: Then his plea of ignorance would be a just one.

Mr. THOMSON: In view of the way other Acts have been administered, we know that ignorance will not exonerate a man.

The Minister for Agriculture: Only in extreme cases will a man be penalised, provided he has registered.

Hon. Sir James Mitchell: But the cattle owner will have to obey the law.

The Minister for Agriculture: It is within the power of the law to accept a man's plea of ignorance.

Hon. Sir JAMES MITCHELL: We need not worry so much about the position of a man whose farm is close at hand, because that will enable inspectors to visit the property and advise the owners regarding their rights. What will be the position of an owner in some distant part where an inspector cannot get to the farm and order the destruction of an animal? Then again, is it only in respect of an animal actually destroyed by order of an inspector that compensation is payable? Does it mean that if an animal dies from the disease before it can be inspected, no compensation will be payable?

The Minister for Agriculture: It applies to animals actually destroyed.

Hon. Sir JAMES MITCHELL: It would be possible for an animal to die before the inspector could reach the farm, and then no compensation would be payable!

The Minister for Agriculture: That would not happen very often because animals do not die quickly from these diseases. They may suffer for years before dying.

Hon. Sir JAMES MITCHELL: The Minister has indicated that inspectors will be few and the animals that may have to be inspected will be many. He cannot blow hot and cold. He knows that inspectors cannot be sent to many places in different parts of the State at one time. It is wrong to provide that compensation shall be payable only in respect of animals destroyed by order of an inspector.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMSON: I should like the Minister to explain the meaning of Subclause 2 which reads—

No compensation under this Act shall be payable if the animal destroyed was visibly affected with tuberculosis or actinomycosis, and the owner failed to give notice thereof pursuant to the Stock Diseases Act, 1895.

What notice would be necessary to entitle the owner of a diseased cow to receive compensation?

The MINISTER FOR AGRICULTURE: The owner must make application in writing to the department within 21 days after the destruction of the animal. Section 11 of the Stock Diseases Act reads—

Every owner of infected stock or of stock suspected to be infected shall, within 24 hours of the time when he shall have discovered or suspected such stock to be infected, give written notice thereof to the nearest inspector, and shall thenceforth keep such infected or suspected stock from coming into contact with other stock until otherwise ordered by an inspector.

Subclause 2 of the Bill was taken from the Victorian Act and I was assured that it had operated satisfactorily there. An owner of stock could not be penalised if he did not recognise disease, or had not noticed signs of it.

Mr. Heron: That would not always be accepted as an excuse.

The MINISTER FOR AGRICULTURE: No difficulty has been experienced in Victoria.

Hon. Sir James Mitchell: Victoria has an army of inspectors.

The MINISTER FOR AGRICULTURE: That would not make any difference. The obligation there rests on the owner to give notice of any animal visibly affected.

Hon. Sir James Mitchell: In Victoria an owner would be informed if his cattle were affected.

The MINISTER FOR AGRICULTURE: The provision is a reasonable one, and no difficulty need be contemplated.

Hon. Sir JAMES MITCHELL: To plead ignorance of the fact that an animal showed disease would not be an excuse. Still, I do not see how the measure would be satisfactory without some provision of the kind. What I am concerned about is that an animal may not be destroyed by order of an inspector, because there will be so few inspectors. If an animal is destroyed by order of an inspector and the value is fixed, I do not see why a formal claim should be required from the owner. We should make it easy for owners to recover compensation, particularly as they will subscribe most of the money. The position in Victoria is in no way analogous to the position here. I think the measure will cause a good deal of soreness. It will be useless to have other than a qualified veterinary surgeon to deal with the diseases enumerated, and a qualified man will not be available in many country districts. The Minister will be under an obligation to serve the people whose money he accepts, and if he does not do so, the people will complain.

Mr. THOMSON: I do not like Subclause 2 and I suggest that the Minister should move to delete it with a view to inserting Section 11 of the Stock Diseases Act in lieu. That would be much more satisfactory.

The Minister for Agriculture: The Victorian Act contains both provisions.

Mr. THOMSON: The owner of stock will have to register under this measure, and yet compensation will be denied him if he does not give notice of affected animals pursuant to the Stock Diseases Act. Section 11 of the Stock Diseases Act would protect subscribers to the insurance fund. I do not wish to give even a government department an opportunity to wriggle out of its liability on a technicality. I want to protect those who are contributing to the insurance fund.

The MINISTER FOR AGRICULTURE: The Victorian Act provides that no compensation shall be paid in cases where the head of the animal destroyed is found to be affected, or where the animal is visibly affected with diseases. Many other penalties are also provided there, but have not been embodied in the Bill. Seeing that only two diseases are mentioned in the Bill I am not going to relieve the owners of dairy herds of all responsibility. Of course, if a veterinary surgeon was unable to detect disease in

any animal, the owner could not be charged with neglect in the matter.

Mr THOMSON: I am not satisfied with the position as it has been disclosed. I move an amendment—

That Subclause (2) be struck out.

In place of this subclause I intend to move that Section 11 of the Stock Diseases Act be inserted. If the Minister will examine Section 11 of the Stock Diseases Act I think he will find that it will give him practically all he wants.

Hon. G. TAYLOR: The effect of carrying the amendment would be to duplicate Subclause 1, under which a notice is provided. The Bill is to operate in conjunction with the Stock Diseases Act. "Visible infection" is easily diagnosed in the case of lumpy jaw, for instance, and there is no excuse when the visible stage has been reached. The ordinary layman, however, has no knowledge of tuberculosis. The qualified inspector must recognise that in this respect he has advantages over the layman.

The Minister for Agriculture: The subclause applies where an owner suspects an animal to be infected and does not notify.

Mr. Thomson: How do you know that the owner suspects?

Hon. G. TAYLOR: The inspector would have to make it clear either to the Minister or to a magistrate that the owner of the stock knew it to be infected, and the inspector would not be too anxious to have the task of proving that. The subclause would only have been included after careful consideration at the conference between the Minister, the department, and the metropolitan dairymen.

Mr. SAMPSON: Subclause 2 should remain, having evidently been inserted to protect the great body of dairymen against the possibility of some careless dairyman allowing stock visibly and obviously infected to remain on his dairy and taking no steps to protect either himself or his neighbours who are engaged in the same industry. Compensation should be withheld in such a case.

Amendment put and negatived.

Clause put and passed.

Clause 7—Registration of dairy stock:

Mr. THOMSON: Subclause 2, which authorises prosecution for the keeping of

unregistered cattle, should also provide for proclamation of the district.

The Minister for Agriculture: The district would be proclaimed by publication in the "Government Gazette."

Mr. SAMPSON: Subclause 4 provides for annual registration on payment of a fee. I move an amendment—

That after the word "fee," in line two, there be inserted "with a maximum annual registration fee of 2s., which shall be levied on a percentage basis commensurate with the registered value of the cattle concerned."

The subclause would then read, "Registration shall be effected annually in the prescribed manner on payment of the prescribed fee, with a maximum annual registration fee of 2s., which shall be levied on a percentage basis commensurate with the registered value of the cattle concerned." In Victoria the maximum value of an animal is fixed at £25, but the value may be less in accordance with appraisal arrived at after inspection; and whatever is the registered value of the animal, up to £25, is chargeable at the rate of one penny in the pound. Under this subclause a uniform fee is to be prescribed, no matter what the value of the cattle. That is manifestly unfair, inasmuch as the greater the value, up to a maximum of £25, the greater the responsibility of the insurance fund for compensation. Therefore it is with some degree of confidence I submit the amendment.

The MINISTER FOR AGRICULTURE: I do not quite follow the hon. member's intention. In order to ascertain the value of the cattle on registry, there would have to be a valuation board to determine the value of the cattle in each district. That would be equivalent to the creation of another department before cattle could be registered, and it would heap up expenses.

Mr. Sampson: Victoria is able to assess the value of the cattle beforehand.

The MINISTER FOR AGRICULTURE: In Victoria the beast to be valued is killed and sold.

Mr. Sampson: No.

The MINISTER FOR AGRICULTURE: Yes. In Victoria a value is obtained because a price is obtained. The value is determined before any tax is paid at all.

Mr. Sampson: A very good time to determine the value.

The MINISTER FOR AGRICULTURE: The amendment asks us to establish machinery for valuing cattle in order to arrive at

what the hon. member calls a fair percentage. I hope the Committee will not agree to the amendment, which will prove cumbersome and expensive. It is not likely that the department will create a fund which will have more money than is intended by the measure. The registration fee will be kept as low as possible, simply because we do not desire the money. The Treasurer cannot use that money; nobody can touch it; it cannot be used except for the purposes of the measure.

Mr. Sampson: Those who are insured for the larger sums should pay the larger fees, in accordance with insurance values.

The MINISTER FOR AGRICULTURE: We have no way of determining the value. In Victoria the animal is first sold, and so its value is easily determined.

Mr. SAMPSON: Under the amendment each dairyman would become his own valuer, and would value his cattle when first they were registered and, presumably, in good health. In the event of the appraisal being unduly high or low, it would be competent for the inspector to vary it. The method in the Bill is unfair and inequitable, inasmuch as the owner of valuable cattle would pay no more than the owner of less valuable animals.

The Minister for Agriculture: It is provided that the value of the animal shall be as if it were free from disease. So the owners get the full value of their cattle.

Mr. SAMPSON: But the fee payable should be consistent with the returns likely to be secured in the event of an animal contracting disease. In Victoria the maximum amount payable is 2s. 1d., and the charge is levied only when the cattle are sold, whereas the Bill makes provision for an annual payment. I hope the amendment will be approved by the Committee.

Amendment put and negatived.

Mr. SAMPSON: I cannot understand the need for Subclause (7), providing that all dairy cattle shall be inspected by a Government veterinary officer before the first registration of those cattle. Does that mean that, unless the cattle are in good health, they shall not be registered? If so, the usefulness of the measure will be impaired. All dairy cattle ought to be registered, irrespective of their health at the time.

Mr. THOMSON: I agree with the hon. member. The Minister, in moving the second reading, said there were 6,000 dairy cattle in the metropolitan area, and that it was not

intended to put on extra officers to inspect them, but simply to have it done by the veterinary staff at the Agricultural Department.

The Minister for Agriculture: The work of inspection in the metropolitan area is practically completed.

Mr. THOMSON: Then there is no need to discuss the matter further.

Hon. G. TAYLOR: I take it from the Minister's statement that it will be sufficient for the purposes of the Bill if the cattle are inspected under the Stock Diseases Act. Am I right in that?

The MINISTER FOR AGRICULTURE: The Bill does not give any power of inspection; that is conferred by the Stock Diseases Act.

Hon. G. Taylor: But in the Bill you take power to prescribe regulations and do certain things.

The MINISTER FOR AGRICULTURE: Under the Stock Diseases Act the department already has power to inspect and, if necessary, condemn cattle. That work is continually going on. I think I can say the greater part of the cattle in the metropolitan area have been inspected by the Government veterinary officers. All the inspections are conducted under the Stock Diseases Act, the Bill being merely to provide for registration and compensation.

Hon. G. TAYLOR: When, under the Stock Diseases Act, a Government officer condemns a beast, it is destroyed, and that is the end of it. In future, however, it will not be the end of it, for under the Bill the owner of the animal destroyed will be compensated, provided the animal was registered. The only point I want to be sure about is that the two measures, the existing Act and the Bill, will not run counter to each other.

The Minister for Agriculture: They will not.

Hon. G. TAYLOR: So long as inspection under the Stock Diseases Act is sufficient for the purposes of the Bill, I am satisfied.

Mr. SAMPSON: When, a little while ago, I submitted an amendment for the appraisal of stock so that the registration fee might be assessed, the Minister implied that in its working it would be cumbersome and impracticable. But in the subclause now being considered provision is made for the inspection of all dairy cattle. If such inspection is impracticable, why not strike out the subclause?

The MINISTER FOR AGRICULTURE: The hon. member is only wasting time. Even if the subclause were struck out, the veterinary officer would still have to inspect under the Stock Diseases Act. The subclause provides only that after the stock inspector has carried out his duties under the Stock Diseases Act, the stock must then be registered. I do not propose to discuss valuation. It is the business of the stock inspector to inspect animals, but not to value them. Somebody else is called to value.

Mr. SAMPSON: I asked a question which has been overlooked by the Minister. Could the inspector refuse to register if he found that a particular beast was affected with disease, and by so refusing render compensation non-payable?

The MINISTER FOR AGRICULTURE: If the inspector finds an animal diseased his duty is to destroy it. The animal must be destroyed under the Stock Diseases Act.

Mr. Sampson: Until full registration is effected a dairyman may suffer severely.

The Premier: No more than he suffers now.

Mr. SAMPSON: The owner would be deprived of compensation which, under the Bill, he would obtain. Would it not be fair to the dairyman to give him an opportunity to make a start without having to suffer serious loss which the subclause will entail.

Hon. G. TAYLOR: Before you can compensate a person he must have contributed something to the fund and he must have registered his stock. Once the stock has been inspected and registered, the owner is then eligible for compensation in the event of destruction of the stock.

Clause put and passed.

Clause 8—Dairy Cattle Compensation Fund:

The MINISTER FOR AGRICULTURE: I move an amendment—

That the following be added to stand as Subclause (4):—"If at any time the amount to the credit of the fund is not sufficient to provide for the payment of the proportionate part of compensation payable under this Act and chargeable to the fund, the Treasurer may advance the amount required for the time being, and such advance shall be repayable out of and shall be a charge on the fund."

It is possible that at the beginning there may be some heavy charges and these may be recouped later.

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

Clause 9—agreed to.

Clause 10—Burden of proof:

Mr. DAVY: This appears to me to be a very bad clause.

The Minister for Agriculture: It is a common rule.

Mr. DAVY: I do not think it is. Last session we had a similar clause put up in connection with the Petrol Tax Bill, and the House voted for it. Two members on the Government side, Mr. Chesson and Mr. Panton, helped to vote it out. The clause to which I am now objecting says that in proceedings for failure to comply with the provisions of the act, the averment in a sworn complaint shall be *prima facie* evidence thereof in the absence of proof to the contrary. Thus, if some person chooses to prosecute some other person and states in the complaint certain facts, those facts are proof until they are disproved. We thrashed this out pretty extensively last year when considering the Petrol Tax Bill, and the Premier quoted various instances where similar provisions existed under the present law. All of them were of the character where a man was found in possession of goods of some kind which were reasonably supposed to have been stolen. Then the onus was thrown on the defendant. Such provision may or may not be necessary in those cases, but before we agree that the onus of proof shall be thrown on a man accused of a crime, we should regard it with the greatest possible suspicion and we should hear the strongest possible arguments in favour of it. The police have the whip hand all the time. They have every possible opportunity to gather facts to convict people of crimes with which those people are charged. I can see no reason why an allegation that a person is the owner of a particular animal should be proof of that until the contrary is proved. Someone might aver that the Premier was the owner of a cow suffering from actinomycosis, or whatever the extraordinary word is. He is then driven to the court to prove to the contrary and until he does so he is guilty of the offence which follows from it. I ask the committee to vote out the clause unless the Minister can put up a powerful case in its favour. I do not think he can.

The MINISTER FOR AGRICULTURE: I am not surprised that the hon. member has raised this objection, because I have heard him on it before.

Hon. G. Taylor: With some success on the Petrol Tax Bill.

The MINISTER FOR AGRICULTURE: That is so. This is not a tax Bill. This is a Compensation Bill. Under the Workers' Compensation Act a person who claims compensation must prove his claim.

Mr. Davy: He is the plaintiff, but the police are the plaintiffs in this case.

The MINISTER FOR AGRICULTURE: This is not a new provision in legislation. I find in the Dairy Cattle Improvement Act, which is not a compensation act, that a similar provision occurs in Section 12. When I came across that section I was not convinced of the justice of it. In the Act that deals with gold stealing, the same thing applies. When a person is found with gold in his possession he must prove his innocence. The onus of proving his innocence is upon him.

Mr. Davy: I gather you disapprove of that.

The MINISTER FOR AGRICULTURE: I do disapprove of it, but the Bill we are now discussing is not a Bill of that character; it provides for the payment of compensation. It is entirely a different principle. The other is an Act to impose penalties. The Bill provides for the payment of compensation to persons whose cattle are destroyed, and it is a protection for the people who subscribe to the fund against those persons who may take advantage of the Act or of the fund. It is impossible for the Crown to have officers who are able to get the necessary information. We are not able from this fund to provide means to pay officers to discover whether people are guilty or not.

Mr. Hughes: If you were to lay a complaint, would not the police carry out the investigations?

The MINISTER FOR AGRICULTURE: We have made complaints under the Abattoirs Act that people have been illegally slaughtering stock within an abattoir area. Although we know it has been done, the police have not been able to secure convictions. Moreover, the police have not the time necessary to enable them to catch the offenders. Personally I do not like such legislation, and when the Bill was under discussion I considered that phase. In this instance, however, the power should be given in order to protect the compensation fund, and I justify the inclusion of the clause on that ground and on no other.

Mr. HUGHES: As the member for West Perth pointed out, a person has a lot against him because of the machinery of the police,

when he is accused of an offence. I am opposed to the extension of the principle under which a man charged with an offence has to prove himself innocent.

Mr. Davy: Do not let us extend that principle.

The Minister for Agriculture: Then you should wipe it out of existing Acts as well.

Mr. HUGHES: A man who is charged with an offence is confronted with the necessity for proving himself innocent, and that is largely a matter of money.

Mr. Sleeman: And British justice goes by the board.

Mr. HUGHES: If such a man proves his innocence, will he be compensated for the expense he has had to go to? It would be possible for a person with a grievance, who felt maliciously disposed towards another individual, to lay such a charge against him. The individual charged with contravening a law will have to incur considerable expense, but will not receive any compensation from the Crown should he prove his innocence! We have an elaborate police force throughout the State, and they can make investigations when a complaint is lodged regarding the contravention of any law. It is the business of the police, in those circumstances, to secure convictions. The individual should not have to face expenditure by securing legal assistance, and in other directions, to prove his innocence.

Mr. E. B. Johnston: Members of the legal profession could give their services for nothing.

Mr. HUGHES: In this State, I think a man can buy his defence as he can buy a suit of clothes. It is unfortunate that it is so. I believe the legal profession in this State has got down to such a level that a man can buy his defence. The controlling authority is largely responsible for that, through standing by and allowing things to go on that ought not to be allowed. That is too well known to need any elaboration.

The CHAIRMAN: And I think it is wide of the clause under discussion.

Mr. HUGHES: A man who is charged with an offence and has no money to enable his defence to be adequately presented, is in a serious position. All the talk of British fair play and justice in the world will not free a man from a charge, if he has no adequate defence to put forward. I know of an instance regarding a boy in East

Perth who was given a month's imprisonment without the option of a fine for his first offence. He was alleged to have stolen a quantity of coal worth 7s. 6d. He was sentenced merely because he had no one to defend him. He did not serve the sentence because representations were made to outside authorities, and he was released.

Hon. G. Taylor: I suppose the bench were satisfied on the evidence tendered that the lad was guilty.

Mr. HUGHES: But when the facts were placed before the authorities, they were satisfied that the sentence was absurd. Many crimes go undetected, but that is no reason for shifting the onus of proof of innocence on to the person charged. The Minister might well agree to delete the clause altogether, for the principle is bad and we should not extend it.

Hon. G. TAYLOR: The argument advanced by the Minister regarding the principle being included in gold stealing legislation, furnished no reason why we should support its inclusion in the Bill.

Mr. Sleeman: If it is bad in principle, it should not be supported in any direction.

The Minister for Agriculture: The principle is not bad in this Bill.

Mr. Davy: If it is bad, it is bad in any Act.

Hon. G. TAYLOR: The inclusion of the clause will necessitate a person proving his innocence, and yet he will receive no compensation when he does so, either monetary or in respect of the injury to his feelings. With the police force available to carry out investigations, the inclusion of the clause is unnecessary. It is absurd, and it is my intention to divide the Committee on it.

The MINISTER FOR AGRICULTURE: I hope the Committee will not be misled by the opposition to the clause. The principle may be bad where the liberty of a person, or his honour, is at stake. It is a different proposition when the principle is applied to conserve a compensation fund created by the Government and the owners of cattle for a specific purpose.

Hon. G. Taylor: The man that would get that compensation by fraud would not be much of a man.

The MINISTER FOR AGRICULTURE: But what if such a man succeeded and secured compensation?

Mr. Hughes: Is not a fraud a fraud in any circumstances?

The MINISTER FOR AGRICULTURE: The fund is for the specific purpose of compensating stock owners whose cattle have had to be destroyed, and no person should be allowed to do anything contrary to the intention of the legislation.

Hon. G. Taylor: Our contention is that you do not require the clause in order to protect the fund.

The MINISTER FOR AGRICULTURE: Who would the better be able to say whether cattle were dairy cattle, the police or the owner? The only man who would know would be the owner. If he wished to defeat the purposes of the legislation, he would say that one part of his herd comprised dairy cattle and that the other part did not represent dairy cattle. How could the police or the departmental officials prove the one section comprised dairy cattle unless they stopped there, and saw what use the stock were put to?

Hon. G. Taylor: The police have proved much more intricate cases than that.

The MINISTER FOR AGRICULTURE: But they could not prove that! No one could come to my farm and say that some cows were dairy cows, if I said they were not. They could not do so unless they watched them on the spot, or unless the department went to great expense.

Hon. G. Taylor: You want to put the onus of proof on the owner.

The MINISTER FOR AGRICULTURE: He is the man who knows.

Mr. Davy: Who knows better than a murderer if he murdered his victim?

The Minister for Lands: That is different altogether.

The MINISTER FOR AGRICULTURE: I am surprised at that interjection.

Mr. Davy: It is precisely the same.

The MINISTER FOR AGRICULTURE: The purpose of the Bill is to compensate a person whose cattle have been killed because they have been shown to be suffering from tuberculosis or actinomycosis. The power should be provided in order to protect the fund.

Hon. G. Taylor: I would agree with that if the Bill were tried for 12 months.

The MINISTER FOR AGRICULTURE: Without this provision the object of the Bill might be nullified. Who is in the best position to prove the ownership of cattle in a district, the owner, the police, or the officers of the department?

Mr. Davy: The owner, of course.

The MINISTER FOR AGRICULTURE: We have no means of discovering the ownership otherwise.

Hon. Sir James Mitchell: There are registered brands.

The MINISTER FOR AGRICULTURE: We would have to go to the trouble of looking up registered brands, and then we would have the trouble of proving ownership, because the brands might be those of other persons. We have had difficulty of proving the ownership of orchards in the hills, and we had to amend the Plant Diseases Act in order to force people to carry out the provisions of that legislation. In view of the difficulties I have mentioned, the powers sought in the clause should be conceded. Unless the department had a big staff to watch and prove those things, there would be great possibilities of fraud. An owner might say that certain cattle were not dairy cows and refrain from registering them, and later might claim compensation for those beasts. How could the department prove ownership?

Hon. G. Taylor: Your stock inspectors should be able to do so.

The MINISTER FOR AGRICULTURE: We have not an army of stock inspectors. An owner might register a number of cattle and refuse to register others on the plea that they were not dairy cattle. How would the department be able to discover that?

Mr. Maley: Will not you provide for a registered brand?

Mr. Davy: No.

The MINISTER FOR AGRICULTURE: There are great possibilities of fraud, and this power is necessary. There might be objection to giving such power under other statutes, but there cannot be objection in this instance.

Hon. G. TAYLOR: The Minister has argued that it would be difficult for the officers to prove the ownership of a beast. I was mixed up with stock in my younger days, and I could always tell whether I was on the track of my own cattle or not. A man can track his own horses through hundreds of other tracks.

The Minister for Lands: Did you ever find stock with wrong brands?

The Premier: The young men of to-day are not what they used to be.

Hon. G. TAYLOR: The Minister's contention is too absurd for words, or the stock inspectors must have a lot to learn. I do not think they will be too pleased when they hear that the Minister is of opinion that

they cannot tell cattle when they see them. Any number of men in this country could tell a cow from the hide after it had been plaited into a whip. The Minister's argument is exceedingly weak.

The Premier: Those were the days to get rich.

Mr. DAVY: The clause has nothing to do with the protection of the compensation fund. There are certain offences mentioned in the Bill, a conviction for some of which would be a distinct reflection on the honour of the person convicted. Any person applying for the registration of cattle knowing or having reasonable cause to suspect them to be diseased shall be guilty of an offence. Would any member, from the point of view of his honour, like to have a conviction for that offence? Any person who buys or sells or attempts to buy or sell cattle knowing or having reasonable cause to suspect them to be diseased and with the intention of making a claim for compensation, shall be guilty of an offence. Would any member, from the point of view of his honour, like to have a conviction for that offence?

The Minister for Agriculture: Suppose such a man did commit fraud in that way, would not that be an attempt to get at the fund?

Mr. DAVY: Perhaps so in that case, but that does not matter. The Minister says the necessity for this extraordinary provision—he admits it is extraordinary—

The Minister for Agriculture: It is a common provision in our legislation.

Mr. DAVY: There are five or six instances.

The Minister for Agriculture: Your party introduced it.

Mr. DAVY: Do not drag my party into it! What has my party to do with it? Does this depend on party? Last year when I raised a similar point, various members of the Minister's party voted with me.

The Minister for Agriculture: But you would not vote with them.

Mr. DAVY: I would.

The Minister for Agriculture: You have never yet been guilty of voting with the present Government.

Mr. DAVY: The Minister is wrong. I have voted with the Minister's party several times when I considered it right to do so.

Hon. Sir James Mitchell: When the Minister was absent.

Mr. DAVY: I should like the Minister to catch me voting with any party if I thought it wrong to do so. Why drag in party? I cannot imagine any discussion that should concern party less than this one. I have raised the question in a non-party way. I am not attacking the Government for having introduced this provision because probably Cabinet did not consider it. If they had considered it, it would probably have been rejected. Provisions of this kind come up departmentally. The party on this side of the House are just as likely to have to father a similar clause as are the party on the Government side. Departmental officers want to make their own road easy.

Mr. Lindsay: They want more power.

Mr. DAVY: Of course they do. When it is necessary to prosecute people for offences, they meet with difficulties, because the enemies of departmental officers—members of my profession—find little gaps in their cases. It is the duty of the legal profession to do that, and so the departmental officers wish to make things easy and simple for themselves. Departmentally many of them would like in all offences to place the onus of proof on the defendant. I have come into contact with the official attitude and understand it. The departmental officers have not to pay any costs. The police prosecute and no costs are given against them if they lose a case, but a citizen is dragged to the police court and has to pay a lawyer to appear for him.

The Minister for Agriculture: And he wants a loophole.

Mr. DAVY: He does not. The Minister is becoming personal again. A minute ago he inferred that I was speaking from a political point of view. Now he suggests that I am speaking as a lawyer. The departmental officials want life made easy.

Hon. G. Taylor: Our life is not too easy—trying to convince members opposite.

Mr. DAVY: When the police charge a man with an offence, no costs are awarded if the defendant is successful. Such a provision as this will encourage people to bring charges, because there will always be the possibility of the other side not being able to disprove the allegations. If the other side could disprove the allegations, it would not matter.

Hon. G. Taylor: It is all to nothing.

Mr. DAVY: Yes, it is a beautiful situation. The Minister has candidly admitted that the principle is wrong, but he thinks

it is justified in this instance. I admit there may be circumstances in which such a provision may be justified. I am not prepared to say what those circumstances are, but they are extraordinarily rare. The Minister has not made out a case to justify a reversal of the normal procedure, and I hope the Committee will vote the clause out.

Mr. SLEEMAN: For once I find myself in agreement with the member for West Perth.

Mr. Davy: That has happened several times.

Mr. SLEEMAN: In years gone by members now on the Opposition benches created a precedent for this procedure and it has been adopted on various occasions since. I consider that it strikes at the fundamental principle of British justice and I shall vote against the clause.

The MINISTER FOR AGRICULTURE: The clause is worth fighting for, because I see great possibility of fraud unless it is included. The member for West Perth waxed eloquent over the desire of officers to obtain convictions. Why single out officers for special reference? This legislation is proposed by the Government, not by the officers. If the hon. member objects to a reference that he deems to be personal to himself, he should set an example when discussing people. The hon. member adopted an altogether high and honourable attitude.

Mr. Davy: I do not believe in the principle.

The MINISTER FOR AGRICULTURE: Yet to-morrow I do not think he would have any scruple at all—

Mr. Davy: You apparently hold a very low opinion of me.

The MINISTER FOR AGRICULTURE: To-morrow he would go into a court in a gold stealing case and claim all that the legislation gave him in respect to the possessor of the gold having to prove his innocence.

Mr. Davy: What a wretched argument that is! If I go into court, I am hired to do a job and I do it honourably.

The MINISTER FOR AGRICULTURE: Because he is hired to do something that is wrong—

Mr. Davy: Not at all.

The MINISTER FOR AGRICULTURE: The hon. member said he was hired to do it.

Mr. Teesdale: What has that to do with the Bill?

Mr. Davy: I am hired to represent the law.

The MINISTER FOR AGRICULTURE: I candidly confess that I do not like the provision, but in this instance it is absolutely necessary. The hon. member picked out a few of the provisions for offences, but forgot that there are other provisions.

Mr. Davy: I think there are only three offence provisions.

The MINISTER FOR AGRICULTURE: The instances he gave were not so important as the matter I have mentioned that, despite what the member for Mount Margaret said, departmental officers would not be able to trace the ownership of cattle. It is utterly impossible. We do not all possess the gifts of the member for Mt. Margaret. Apparently there is nothing beyond his capacity. In this case we are dealing with ordinary human beings. The departmental inspectors do not pretend to possess the remarkable qualities that are found in the hon. member.

Hon. G. Taylor: It is only a matter of experience and practice. You show how little you know about the conditions you are advocating.

The MINISTER FOR AGRICULTURE: I do not pretend to be an exceptional man. No doubt the hon. member is one. If an inspector said he could tell a certain beast because he saw its hide in a tannery, he would be a remarkable man.

Hon. G. Taylor: I could tell your hide on a bush.

The MINISTER FOR AGRICULTURE: If the hon. member could do so, it would be readily distinguishable from his hide by reason of the toughness of his.

Hon. G. Taylor: And the thickness of yours.

The MINISTER FOR AGRICULTURE: Only a man with a tough hide could make that assertion. If the member for West Perth heard an inspector say these things in a court of law he would laugh the man out of court.

Mr. Davy: You say that only because the member for Mt. Margaret belongs to the party of which I am a member.

The MINISTER FOR AGRICULTURE: I hope the hon. member will control himself for a moment. These stock inspectors do not pretend to be geniuses.

Mr. Teesdale: Or Ministers either.

The MINISTER FOR AGRICULTURE: No. There are very few geniuses, but

apparently they sit on the opposite side of the House. I would not pretend to justify this clause but for the fact—

Hon. G. Taylor: You cannot justify it. Abuse is no argument.

The MINISTER FOR AGRICULTURE: The hon. member sets a fine example.

The CHAIRMAN: Members must discuss the clause.

The MINISTER FOR AGRICULTURE: Members opposite say this is bad legislation. I look forward to the time when the member for West Perth, who raises so many objections to it now, will find himself in the position of having to put it forward. He will then see the necessity for it.

Mr. Davy: If members on this side did not raise their voices against such a principle, it would be found in every Bill.

The MINISTER FOR AGRICULTURE: Provisions are placed in Bills because they are thought to be necessary. This principle is recognised as an important one in certain types of legislation.

Mr. HUGHES: The fact that this obnoxious principle is embodied in other Acts is no reason why it should be continued further. I move an amendment—

That the following words be added:—"Provided that when any person charged under this Act is acquitted he shall be provided with full compensation for any expense or loss incurred as the result of being so charged."

If the onus of proof is placed on the defendant, and the defendant proves that he is not guilty, he should be compensated for loss. In this country we can get as much justice as we can afford to pay for. I have formed that opinion as the result of reading the proceedings of our law courts over the last two or three years. There have been cases in which the jury has refused to accept certain established alibis. Either the jury was incompetent to handle the case, or there is a good deal of perjury committed in our courts. If a man has plenty of money with which to have a defence manufactured he can generally get off.

Hon. Sir James Mitchell: That is going too far.

Mr. HUGHES: I often wonder why no prosecutions for perjury are ever launched.

Mr. Davy: That is a matter for the Government.

The MINISTER FOR AGRICULTURE: I could not accept the amendment, because it would prevent the proper administration of justice. It introduces a new principle.

Despite what the member for Mt. Margaret has said, there are not sufficient stock inspectors. It is impossible to find enough to keep in touch with all the stock that is registered in any proclaimed area. Dairy-men might register half their herds, and then ring in cattle that had not been registered. The owner has not to state any specific means by which it will be possible to identify an animal. He registers only a cow, and not the brand of the cow. He does not indicate the points of the animal. How can an inspector keep track of stock of that character? Because of the danger of the position I ask the Committee to give the power set out in the clause. If that be refused, there is grave possibility of fraud being committed.

Hon. G. TAYLOR: Notwithstanding the Minister's artillery of abuse—

The Minister for Agriculture: That is not in order.

Hon. G. TAYLOR: That is as mild as it can be put.

The Minister for Agriculture: Those words are a reflection on the Chair. The Chairman does not allow abuse.

Hon. G. TAYLOR: The Minister has not to tell the Chairman what to do.

The Minister for Agriculture: I ask that the hon. member withdraw the statement.

The CHAIRMAN: The member for Mt. Magnet takes exception to the words "artillery of abuse."

Hon. G. TAYLOR: You did not, Sir.

The CHAIRMAN: The member for Mt. Magnet has raised objection to the words.

Hon. G. TAYLOR: In that case I withdraw them, certainly. I do not care what the Minister's knowledge of the Agricultural Department or of the Stock Branch may be: any stockman in the country could identify these cattle.

The CHAIRMAN: The question before the Committee is the amendment moved by the member for East Perth. After that has been disposed of, the clause can be discussed.

Hon. G. TAYLOR: I have no desire to discuss the amendment.

Mr. DAVY: I should feel much inclined to agree with the amendment if it were more general. I have always thought it a gross injustice that costs are not allowed against the police. I can tell the Committee of a recent case where a man was charged, at the instance of a private person of course, with maliciously burning certain property. The

justices convicted the defendant on miserable, ridiculous evidence, and punished him with a sentence of six months' hard labour. He took out an order nisi to review before the Full Court, which made the order absolute without calling upon the other side. The Crown Prosecutor did not even offer any resistance. The man—as things turned out, wrongfully charged, wrongfully convicted, and rightly upheld by the Full Court—had to pay the costs all the way up. He was a poor man, and the expense in which he was involved amounted to £30 or £40. Is it necessary that such a state of affairs should exist in order that the administration of justice may be carried on? The principle involved in the amendment is not at all ridiculous. Take traffic cases. I venture to say that if the police—not the individual policeman, of course, but the Crown—were liable to pay costs in unsuccessful traffic prosecutions, there would be far fewer of them.

Mr. Panton: And a great many more people would be killed, I suppose.

Mr. DAVY: No. I do not suggest for a moment that in the majority of cases traffic prosecutions are not very proper. In many instances the penalties awarded are perhaps too small. But a great many of the persons charged in the Police Court with traffic offences ought not to be charged with quasi criminal offences at all, and would not be so charged if the police knew that failure of the prosecution would result in the Crown being mulcted in costs. I would not agree to the passing of this clause merely because of the amendment moved by the member for East Perth. The clause must be regarded as *prima facie* very bad indeed, and as necessitating a very strong case in its favour. I challenge members to say that a strong case has been put up in its favour. The shifting of the onus of proof has relation to charges for criminal offences only. How would the Minister like it if he were charged with being a person applying for the registration of cattle while knowing, or having reasonable cause to suspect, such cattle to be diseased, and the onus of disproof were put on him?

The Minister for Agriculture: The owner is the only one who can disprove this charge.

Mr. DAVY: Sometimes the only person who could disprove a charge of murder would be the person charged with the crime. It would be extraordinarily convenient for

the police to be able to arrest a man and say to him, "You disprove the charge."

The Minister for Agriculture: The only man who can give the necessary proof in this instance is the owner.

Mr. DAVY: It is not always easy to disprove a charge, and as a general rule it is much easier to prove the affirmative than to prove the negative.

Mr. SLEEMAN: It would be much better if the member for East Perth withdrew his amendment for the time being. That would not get over the difficulty, but if the clause were carried there should certainly be a proviso for granting compensation. Let us dispose of the clause first.

Hon. G. TAYLOR: If the clause is passed, the member for East Perth will not be able to move any further amendment.

Hon. Sir James Mitchell: The member for East Perth could move a new clause.

Hon. G. TAYLOR: While there may be some justification for the amendment of the member for East Perth, I do not know that we should be justified in making the police responsible for costs under one measure only.

Mr. HUGHES: Other measures are not before the Chamber at present. One might equally well argue, why strike the provision out of this Bill when it appears in existing Acts? The best way is to dispose of the clause, and then there will be no need for the amendment. But what will be the position if the clause is not disposed of?

Hon. G. Taylor: Then a new clause can be moved.

Mr. HUGHES: I will gamble on the clause being disposed of. I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Mr. BROWN: As one who has had considerable experience with cattle, and particularly with dairy cattle, I have been much amused by the remarks of some hon. members. What constitutes a dairy cow? Any cow of whatever breed, if she is milked and if the milk is used for human consumption, is a dairy cow. Jerseys, Frisians, and such like are dairy cattle. A herd of Jersey cows on a station might never be milked, but be used purely for breeding; yet as soon as one of those Jersey cows is sold to a dairyman, she becomes a dairy cow. A cow may be a Hereford or a polled Angus, or anything else; so long as she is used by

a dairyman, she is a dairy cow and the dairyman should register her. A dairyman with 20 cows might have 20 different breeds, but they are all dairy cows if he uses them for milking. Every dairyman has his particular fancy.

Hon. G. TAYLOR: Notwithstanding that I am made the object of the Minister's vituperation—

The Minister for Agriculture: You will get to a civil word soon.

Hon. G. TAYLOR: —I shall not allow the Minister to go scot free in respect of his assertion that his departmental officers are incapable of knowing a dairy cow when they see one. It is hardly conceivable that stock inspectors on fairly decent salaries are not able to tell the head of their department when they see a dairy cow.

The Minister for Agriculture: That is not the point.

Hon. G. TAYLOR: The point is that they can identify dairy cattle.

The Minister for Agriculture: You are wrong. The point is that they cannot tell if one cow is substituted for another.

Hon. G. TAYLOR: Can a man with an understanding of cattle be hoodwinked as to the identity of an animal? It is too absurd for words. To say that people who rear cattle do not brand them is also absurd. The calves are branded when they are let out as weaners. They are not turned out as clear skins. The owner of a dairy herd has his registered brand under the Brands Act, and can identify his stock.

The Minister for Agriculture: The owner can identify them because he knows their peculiarities, but the stock inspector, who only sees the animals casually, cannot identify them.

Hon. G. TAYLOR: If these inspectors understand stock as I hope they do, they cannot be dodged. A man cannot miss his own cattle, and a man accustomed to stock can always track them because of peculiarities that can be identified and sworn to.

The Minister for Agriculture: I am not speaking from that standpoint. The owner knows his stock, but the departmental officer does not know the peculiarities.

Hon. G. TAYLOR: If the departmental officer does not know his business, why should the owner of the stock be put to the expense of proving his innocence?

Mr. Davy: What about a man not the owner of the stock?

Hon. G. TAYLOR: If the owner of the stock is to be put to that expense, it will be unfair. Surely the Minister's officers can identify a milking cow!

Clause put and negatived.

Clause 11—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—STATE CHILDREN ACT AMENDMENT.

Second Reading.

Debate resumed from 4th November.

MR. SAMPSON (Swan) [9.48]: I understand the Bill is necessary because of badly drafted legislation, which has occasioned difficulties in respect of maintenance of children cases. The Bill of 1921 repealed the Bastardy Act, but the action taken was found to be faulty, and consequently the amendments now before the House have been introduced. The question of the legitimacy of children also is dealt with, and the status of those constituting the court is considered. In Clause 8 will be found a provision similar to that recently dealt with in the Dairy Cattle Compensation Bill. Here again the principle of British justice is assailed. When Clause 8 is reached in the Committee stage, I hope it will be treated just as that provision in the Dairy Cattle Compensation Bill was treated. I will support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutley in the Chair; the Hon. J. Cunningham (Honorary Minister) in charge of the Bill.

Clauses 1. to 3—agreed to.

Clause 4—Amendment of Section 19:

Mr. DAVY: This is a remarkable clause. It amends Section 19 of the principal Act, which provides that, in the event of the Children's Court being divided in opinion, the opinion of the special magistrate, or if no special magistrate be present, the opinion of the senior member present, shall prevail.

The clause provides that if a special magistrate is not present, the case shall be reheard in the presence of a special magistrate. If a "special magistrate" meant anything special, one would agree with the proposal. But "special magistrate" is set forth as meaning a police or resident magistrate or a justice of the peace specially appointed. So far as I can see, special magistrates of the Children's Court have no special qualifications whatever, no training, no particular length of service. Yet if a person has the misfortune to be charged before the Children's Court, and one of these special magistrates is not present, then in the event of the bench being equally divided, the unfortunate citizen must have a new trial before the special magistrate; and of course that citizen has to pay his own costs each time, since it is the police that are prosecuting.

The Premier: What happens in the ordinary course when a court is equally divided?

Mr. DAVY: I think the case would be dismissed.

The Premier: But does not one of the members of the bench preside?

Mr. DAVY: I think the chairman would have a casting vote. But in this extraordinary Children's Court some special faith is placed in a special magistrate.

The Premier: They are supposed to be persons who have studied children and taken special interest in their mentality.

Mr. DAVY: Assuming that a special magistrate had made a special study of child mentality, how much help would that give him when faced with the problem of deciding whether Smith or Jones was the father of an illegitimate child, perhaps not yet born? The Children's Court has to decide all cases of illegitimate paternity, the court consisting probably of a special magistrate and two ladies. It is an extraordinary situation, when the court created to deal with children has to decide all cases regarding the paternity of illegitimate children. Moreover, the court has to decide all offences alleged to have been committed against children, although the accused may be a man. Of course, the motive underlying the creation of the State Children's Court was that it was bad for children to be brought into the environment of the police court. But somehow these other phases of the broad question have been grafted on to it, and so quite frequently adults are tried by this extraordinary bench. The rules of the House

would not allow me to say all I should like to say about this Court, but at least I may remark that a man charged with being the father of an illegitimate child gets the glassy stare as he walks into the court. All there are trying to do their best, but still the cards are stacked against the accused.

The Premier: You would not say that these special magistrates are less well qualified to hear such cases than are ordinary justices?

Mr. DAVY: No; they are not, but just the same we are there creating an extraordinary judiciary. I suggest to the Minister he ought to think out various aspects of this Act, and consider whether we have not gone beyond what was justified by the principle that originally actuated those who put the Act on to the statute-book. I think we are now being pushed a little further into the extraordinary situation. We should amend the definition of "special magistrate," making it mean only a police or resident magistrate.

Hon. J. CUNNINGHAM: The object in having cases adjourned after having been dealt with by two justices who cannot agree is that it will give the best possible security to the person charged with being the parent of an illegitimate child. There are people in this country who have taken a keen interest in the welfare of State children and have made a study of the work of the court, and irrespective of what may be said to the contrary, these people are looked upon as having gained a full knowledge that would qualify them to fill the position of a special magistrate.

Clause put and passed.

Clauses 5 to 7—agreed to.

Clause 8—Amendment of Section 74:

Mr. DAVY: I move an amendment—

That all the words after "and" in line 8 be struck out.

We had a somewhat similar provision to this a little while ago and the Committee struck it out.

The Premier: The proviso you wish to strike out is what exists at the present time.

Mr. DAVY: No. This business of proving means, is found first of all in the provision relating to judgment summonses. In the good old days if a man had a judgment given against him and could not pay, he could be imprisoned for debt. That was wiped out some time ago and the sole relic of it is that if one obtains judgment against

a man in the local court and the man does not pay, a judgment summons may be taken out and if the individual is duly served with that summons and provided with conduct money, then if the plaintiff can prove that he has or had means to pay the debt, an order may be made by the magistrate that he pay either the whole sum immediately or so much a week, or in default go to gaol, not for not paying, but for contempt of court. That has been incorporated in the Bastardy Act and now in the State Children Act, and there has to be proof that the man can pay before an order can be obtained, I submit rightly, because unless you can prove that, it would be unjust to send him to gaol for failure to pay.

The Minister for Lands: Then you would make the woman pay?

Mr. DAVY: No, I am not suggesting that the burden should be on the woman or on the State. It is wrong to place a person in a position of being liable to be sent to gaol unless the case can be proved against them. After all it is not a difficult thing to prove means. It is done every Thursday morning in the local court.

The Minister for Lands: You would rob a mother of what she would be justly entitled to receive.

Mr. DAVY: I am not prepared to send a man to gaol because he has no money.

The Premier: The reason very often is that the man is a loafer and will not work. He may have worked and earned some money, but may have spent it in pubs and then is unable to pay. Should not such a man go to gaol?

Mr. DAVY: Let us prove it. The clause proposes that we shall merely aver it. I assure the Premier that to be charged with an offence in the Police Court places a man in a disadvantageous position. A man should not be judged as being able to pay when he cannot pay.

Hon. J. CUNNINGHAM: This clause arises out of a question that was submitted to the Full Court in an appeal against an affiliation order and it covers two points. The first is that the onus should be on the defendant to prove inability to comply with an affiliation order made against him. It brings the defendant into line with the cases of legitimate children. The other point is to validate all existing orders made in the Children's Court since the repeal of

the Bastardy Act. It has been pointed out in connection with the work of the Children's Court and also the work of the State Children Department that at times there are certain people who are ever ready to escape their responsibilities. We have to deal with those people that are prepared to put up every conceivable kind of defence. In other legislation there are similar provisions in existence and when we find as we often do in connection with the work of the Children's Court that women are called upon to shoulder the greatest part of the responsibility, and in quite a number of cases where an order is made successfully against the parent of the child, that parent comes along and declares that he cannot pay, then a provision of this kind must find a place on the statute book. All we ask him to do is to prove his inability to comply with the order. The Committee would be well advised to agree to the clause as it stands.

Mr. DAVY: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clauses 9 to 14—agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—NAVIGATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd November.

HON. G. TAYLOR (Mt. Margaret) [10.18]: I support the second reading of the Bill. No new principles are involved. It is merely an administrative measure repealing certain sections of the parent Act that deal with steam navigation only. The Bill makes provision for the control of oil-driven ships and launches, and provides for surveys that I regard as highly necessary. We can more fittingly deal with the Bill in Committee. It is a technical measure relating to nautical matters and unless a member is well up in that subject it would be well to accept, generally speaking, what is included in the Bill on the advice of the expert officers.

MR. THOMSON (Katanning) [10.20]: I read with interest the speech delivered by the Honorary Minister when moving the second reading of the Bill. He said that the Federal Navigation Act provided for certain requirements, and that it was necessary to amend our Act in order to bring it into line. If there is one piece of legislation under which Western Australia is suffering, it is the curse of the Federal Navigation Act. I speak feelingly on that question because Albany, the port that I and my electors desire to use, has suffered severely by reason of the intrusion of the Commonwealth into navigation matters here. You, Mr. Speaker, may be surprised to know that if you lived at Albany and desired to travel to the Eastern States, you could not do so by means of boats that call at Albany. You could do so if you desired to go to New Zealand.

The Minister for Lands: You can travel by the interstate boats.

MR. THOMSON: Yes, but the curse of the Navigation Act is that it is driving from the Australian coast ships that used to call at Albany.

The Minister for Lands: That applies to Fremantle as well as to Albany.

MR. THOMSON: Not as much as it applies to Albany.

MR. SLEEMAN: On a point of order. Is the member for Katanning in order in discussing the Federal Navigation Act when speaking on the Bill before the House?

MR. SPEAKER: The hon. member is in order in discussing the relationship of the Federal Act to the amendments proposed in the Bill when they are relevant.

The Premier: But they are not relevant.

MR. THOMSON: According to the Honorary Minister's statement, when introducing the Bill, it is necessary to bring our legislation into line with the Federal Navigation Act.

HON. J. CUNNINGHAM: I pointed out that the Federal Navigation Act had no jurisdiction within State waters. That was the only reference I made to the Federal Act.

The Premier: And that is not referred to at all in this Bill.

MR. THOMSON: What the Honorary Minister says is correct. I merely wish to point out the effect of the Federal Navigation Act upon Western Australia. We have our two State ships.

MR. SLEEMAN: Do you want to encourage black crews?

MR. THOMSON: The point is that the restrictions imposed by the Federal Navigation Act have proved detrimental to the shipping of this State, because rates and conditions have been prescribed that have adversely affected our shipping trade in Western Australia. While it is necessary to amend our Navigation Act, nevertheless our State legislation is overridden to a great extent by the conditions imposed by the Federal Navigation Act. I wish to emphasise that point.

MR. SLEEMAN: You cannot discuss the Federal Act now.

MR. THOMSON: The member for Fremantle can interject as much as he likes; he is too much one-eyed.

The Premier: On a point of order. I take no exception to the hon. member making references to the Federal Navigation Act, but to his action in debating that Act. It has nothing to do with this Bill.

MR. THOMSON: That is not so.

MR. SPEAKER: I think the hon. member has proceeded quite as far with his references to the Federal Navigation Act as is relevant to the Bill. I hope he will confine himself to the measure before the House.

MR. THOMSON: That is my intention. I was merely expressing regret that the Federal Government had passed their Navigation Act, which is so at variance with our State legislation, and which, unfortunately, has proved so detrimental to our interests. I would prefer the State to have been allowed to trade under our own legislation without the interference of the Federal Navigation Act.

MR. SPEAKER: That is not under discussion.

The Minister for Agriculture: We sympathise with you, but your Federal Government—your Country Party Government—have power to alter it.

MR. SPEAKER: Order! I hope the hon. member will discuss the Bill before the House.

MR. THOMSON: I am endeavouring to do so, but I would dearly like to reply to the interjection of the Minister for Agriculture.

The Minister for Agriculture: Yes, and the tariff too.

HON. SIR JAMES MITCHELL: The Minister is not a free-trader; he favours high protection.

MR. THOMSON: If the Minister continues to interject, I will reply to him. I recognise that the amendments suggested by

the department are necessary for the proper administration of our shipping. I do not know what the intention of the Government may be when they propose that the Chief Harbour Master may cause examinations to be held of persons desiring to obtain certificates of competency as marine motor engine drivers for harbour and river vessels propelled by mechanical power other than steam. While it is necessary to get a license before a person is entitled to drive a motor car, if the Bill will make it necessary for the driver of every small launch that may carry half-a-dozen passengers along our rivers or across our harbours, to pass an examination to secure his certificate as a marine motor engine driver, I consider it is going too far. When we deal with the Bill in Committee I hope the Minister will be able to justify the inclusion of such a provision in the Bill. I recognise it is necessary to provide that ships conveying passengers are seaworthy, even though they may be small launches running about the river. I hope the Bill will not result in additional restrictions, although I quite admit that, no matter how small a boat may be, we should see to it that it is seaworthy and that the passengers may travel by it in safety. The Bill provides for the appointment, after examination, of marine motor engine-drivers. I should like the Minister to explain the department's intention in deciding to issue a marine motor license. What class would it be? When the Minister moved the second reading he quoted the State vessels "Kybra" and "Koolinda," which would carry motor engineers, and said it was necessary to amend the Act to provide for such engineers. I hope it is not the intention of the Chief Harbour Master that the owner of a small motor launch carrying 10 or 15 passengers should have to comply with this provision.

Mr. Chesson: He should be in the same position as an engine-driver who has to pass an examination for his certificate.

Mr. THOMSON: One relates to a large sea-going vessel that requires expert knowledge, but small launches such as I have in mind would be within sight of land the whole time.

Hon. Sir James Mitchell: As a rule those small boats have only a motor engine.

Mr. Chesson: The driver should be licensed.

Mr. THOMSON: On our roads, I regret to say, we have drivers in charge of passenger-carrying motors that travel 40 or 50

miles an hour and the lives of those passengers are as valuable as are those of passengers in a motor launch. Yet the driver of the road motor pays a license fee of only 5s. and the examination is only a casual one—the applicant enters a motor car and is told to go forward and reverse, and change gears.

Mr. Chesson: When a driver travels at such a high speed he is a danger to pedestrians.

Mr. THOMSON: Yes, but I am drawing a comparison between the experience necessary to drive a motor car at that rate as compared with the experience necessary to drive a launch on the river. I should like to know the Government's intentions regarding the small motor launches.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; Hon. J. Cunningham (Honorary Minister) in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2:

Hon. Sir JAMES MITCHELL: What does the Minister intend by the term "limited coasting voyage"? The provision is a new one and should be explained.

Hon. J. CUNNINGHAM: Clause 2 provides wider interpretations that are necessary for the enforcement of the Act. It is necessary to define "limited coasting voyage" in order to provide for small coasting vessels trading along the North-West coast. "Limited coasting voyage" means trading from a port to another point on the coast to land stores and goods for inland stations.

The Premier: The kind of boat the Leader of the Opposition was on when he nearly got wrecked.

Hon. Sir JAMES MITCHELL: Evidently it is intended to fix a run for a boat, say, between Bunbury and Busselton or Busselton and some point towards Cape Naturaliste.

Hon. J. Cunningham: Any section of the coast.

Hon. Sir JAMES MITCHELL: The old "Duchess" would not be suitable for a trip around the Leeuwin.

Mr. Thomson: If she attempted it she would never come back.

The Premier: We would have her well insured.

Hon. Sir JAMES MITCHELL: I suppose limited coasting voyage is included because a boat will require a license to carry passengers for a short and approved run. If that is so, I have no objection to the clause.

Hon. J. Cunningham: That is so.

Hon. Sir JAMES MITCHELL: That was not what the Minister said previously. If the Government are imposing this limitation with a view to safeguarding the general public, I approve of it.

Mr. THOMSON: The definition of vessel is a wide one. It includes any ship or boat or any other description of vessel used in navigation. What does that mean?

Hon. J. Cunningham: You have already told us.

Mr. THOMSON: The Act refers to every description of vessel not propelled by oars. Apparently the Honorary Minister wishes to include every dinghy or tin canoe on the river. Why has this been done?

Hon. J. CUNNINGHAM: The principal Act refers only to ships, but the Bill refers to vessels. It is necessary to widen the definition because of the number of new craft that are now afloat. We now have motor-driven vessels. For instance, we have the "Kybra." It is necessary to have a wider definition. Many small craft ply for hire on the river. Some of them carry 10 or 15 passengers, who have to pay their fares. It is deemed necessary in the interests of public safety that competent men should be in charge of these vessels.

Mr. Thomson: Should they have to pass the same sort of examination as would have to be passed by the "Kybra" engineers?

Hon. J. CUNNINGHAM: Men who handle the engines on small craft must be competent to do so. The definition with regard to coastal voyages is intended to relieve the position in respect of the class of craft that carries stores between ports.

Mr. THOMSON: It appears to be intended to force a man, who is in charge of a small vessel plying for hire, to undergo the same class of examination as is necessary in the case of an engineer on the "Kybra."

The Premier: It would not be the same examination.

The Minister for Lands: It is only a certificate to prove that he can handle the engine.

Mr. THOMSON: Sometimes an Evinrude engine is attached to a dinghy. Before the

dinghy can be used must the man in charge have a certificate?

The CHAIRMAN: That matter can be dealt with in a subsequent clause.

The Minister for Lands: Some of the vessels on the river are dangerous, and should be blocked.

Mr. THOMSON: The Bill has passed another place, and I do not intend to fight the question.

Progress reported.

House adjourned at 10.51 p.m.

Legislative Council.

Thursday, 25th November, 1926.

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

SITTINGS—ADDITIONAL HOURS AND DAY.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I move—

That on and after Tuesday next, and for the remainder of the session, the House do meet at 3 o'clock p.m., on Tuesdays, Wednesdays, Thursdays, and Fridays.

It is the desire of the Government that the present session of Parliament should terminate not later than the 16th December. There is still rather a lengthy programme of legislation to be dealt with, but much of it is in no way contentious, and I have no