

Legislative Council,

Wednesday, 15th September, 1915.

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

PAPERS PRESENTED.

By the Colonial Secretary : 1, State Steamship Service—File relating to the purchase of Diesel ship. 2, Government Abattoirs, Kalgoorlie—Audit of accounts. 3, Albany Cold Stores—Audit of accounts. 4, Public Service Act, 1904—Amendments to Public Service Regulations from 1st July, 1914, to 30th June, 1915.

JOINT SELECT COMMITTEE, HORSE-RACING CONTROL.

Hon. F. CONNOR presented an interim report of the committee on horse-racing.

Report received, read; ordered to be printed, and to be taken into consideration on the next Tuesday.

QUESTION—STATE STEAMSHIP SERVICE, DIESEL SHIP.

Hon. W. KINGSMILL asked the Colonial Secretary: In relation to the purchase of the new Diesel ship for £140,000. 1, Who are the insurance companies referred to as financing the purchase? 2, Why has it been deemed necessary to take the unusual step of providing collateral security for a State loan? 3, By whom will the inscribed stock issued as collateral security

be held, what amount will be issued, and to whom will the interest on the same be paid?

The COLONIAL SECRETARY replied: 1, The name of the insurance company has not yet been stated by the Agent General. 2, The issue of the stock referred to was one of the conditions of the loan. 3, The stock will be held by the insurance company, the amount issued is £175,000, and interest will be paid to the insurance company.

QUESTION—ADVERTISING THE STATE BY PHOTOGRAPHS.

Hon. C. F. BAXTER asked the Colonial Secretary: 1, In view of the splendid opportunity of advertising the productive value of the State, have the Government considered the advisability of taking advantage of the good season by securing photos. of different views to advertise the State in the other States and abroad? 2, If not, will they take steps immediately to secure good views for future use in this direction?

The COLONIAL SECRETARY replied: 1 and 2, The Government are fully seized of the advantage of judicious advertisement by photographic illustration, and no opportunity is lost of securing suitable views for this purpose.

QUESTION—WATER SUPPLY, GREENMOUNT AND BLACK- BOY HILL.

Hon. A. J. H. SAW asked the Colonial Secretary: 1, Are the Government aware that during the last summer the residents of Greenmount were unable to obtain water during the day time and even up to late at night, owing to the heavy draw on the supply by the military authorities? 2, Is it the intention of the Government to provide additional storage tanks at Greenmount in order to supply during the day time the local residents with water in the summer months? 3, If so, will the work be put in hand immediately? 4, What action do the Government intend taking as re-

gards providing an adequate water supply for the military camp at Blackboy Hill during the summer months?

The COLONIAL SECRETARY replied: 1, Yes. 2, No. It is proposed to make other arrangements to ensure a supply. 3, Answered by No. 2. 4, The Defence Department is providing storage tanks at Blackboy Hill camp.

BILL — GOVERNMENT ELECTRIC WORKS ACT AMENDMENT.

As to Select Committee.

Debate resumed from the previous day on the motion of the Colonial Secretary that the House resolve into Committee to consider the Bill, and on the amendment of the Hon. J. F. Allen that the Bill be referred to a select committee.

The PRESIDENT: The original motion was that the House resolve into Committee to consider the Bill, to which an amendment was moved that a select committee be appointed, consisting of three members with power to call for persons and papers, which amendment has been seconded. The amendment is now the substantive motion before the Council.

Hon. W. KINGSMILL (Metropolitan) [4.40]: I hope the leader of the House, and the House generally, will consent to the appointment of the committee. If the case is as good as the hon. member says, undoubtedly there is nothing to be feared from the appointment of a select committee. I should like to explain personally why I want to see the select committee appointed for two reasons. In the first place, I want it to be accurately laid down before the Bill is passed to what extent the Bill is calculated to interfere with municipal and local government rights which the Government seem to hold in a great deal of detestation; and, secondly, I want to find out to what extent the Bill is justified and necessary. There seems to be a large amount of well justified speculation on this point. The leader of the House assures us that there is no contract, ar-

range, or agreement entered into with the Federal authorities to supply electric current to the Naval Base. At the same time we have a member in this House who has in his possession a telegram from a member of the Federal Parliament, Mr. Burchell, in reply to a request from the mayor of Fremantle that Fremantle should be allowed to tender for the supply of electric current, in which the mayor is told that his request is too late because arrangements have already been made with the State Government. There is a direct contradiction which, if nothing else, would justify the appointment of a select committee. I want to see the point cleared up. It is a great pity that there is so much doubt about it. Therefore, I hope for those two reasons which I have already given, and in order that we may find out to what extent the municipal authority is interfered with in the Bill by the Government, and as has been interfered with in other Bills, to clear up that point about which there is a great deal of doubt, I shall support the motion for the appointment of a select committee.

Hon. F. CONNOR (North) [4.45]: I think there should be a select committee appointed. To my mind the action of the Government in this matter, whether it is from a political or any other point of view, is tantamount to confiscation of the rights of a municipality, which has put money out when the necessity arose and to which the Government now say, "You have to scrap your works." I also resent the style which was adopted by the Colonial Secretary. It is idiotic to a degree and undignified that any hon. member should use language of that description on this question. I also object to the tone taken up by the hon. Mr. Lynn. In the course of his remarks last evening he threatened the House that if the committee was not appointed no other committee would be appointed so long as he could prevent it.

Hon. R. J. LYNN: No, I do not.

Hon. F. CONNOR: The hon. member did say so. This is the sort of element we want to keep out of the House. I resent the statements of both of these hon.

gentlemen, and I think their language should have been couched in different terms. The necessity arises that we should have this select committee and I have great pleasure in supporting the motion.

Hon. J. F. CULLEN (South-East) [4.46]: I would not have spoken on this question only that my remarks on the second reading of the Bill seem to have been somewhat misrepresented. On that occasion I expressed a doubt as to whether, under cover of this Bill, it was open for either this House or a select committee to go back upon the construction of the electric works. This Bill simply says that the Government, having erected their works, and created an enormous power, want the right to use that power for Government purposes, wherever these purposes may be required. That is all the Bill asks. I expressed a doubt whether, under this Bill, it was open for this House, or a select committee, to make inquiry into the construction of these electric works. The inquiry may be very desirable but I do not think, under cover of this Bill, it can be made.

The Colonial Secretary: Hear, hear.

Hon. J. F. CULLEN: I was baldly reported as saying that I was in favour of a select committee. I do not like to vote against the appointment of such a committee. Whenever a committee can be held without unduly delaying a Bill there is not any hon. member in this House who would like to interfere with such an appointment, but on looking at the whole matter I would strongly advise the hon. Mr. Allen and the hon. Mr. Lynn, much as I sympathise with the position of their municipality and with their representation of that municipality, not to press for this appointment. The vote of this House affirms the view that I threw out in the debate, that there seems to be no ground for preventing the Government from using the power they have on hand for the supply of Government institutions either at Fremantle or in any other accessible district. It would be an unheard of exercise of authority to say "You must not use your power but you must buy from a

semi-public body who also supply that power."

Hon. R. J. LYNN: The Fremantle council is a public body.

Hon. J. F. CULLEN: It is not representative of the whole of the country, as the Government are. It is a question between the whole country and a municipal area within the country.

Hon. F. CONNOR: It is a question of right or wrong.

Hon. J. F. CULLEN: If power was to be given to the Government to go into that area and compete with the Fremantle municipal authority for the supply to private consumers, without the consent of that authority, it would be a different matter, but the Bill does not ask that. The Bill simply would give power to the Government to supply their own institutions. Seeing that this House has by an emphatic vote of something like four to one said that this is a proper proposal, I would advise the representatives of Fremantle not to press for the inquiry, especially if they are thinking of reopening the enormous questions on which we have so few advisers able to say what is right, what is best, what is second best and what is bad. We have so few people qualified to advise us. They would only be saddling themselves with a piece of work which would overwhelm them completely. If, on the other hand, the members representing Fremantle can hold out any hope that, by referring the Bill to a select committee, they would find some way of making the loss they fear less to Fremantle, and some way to arrange between Fremantle and the Government for taking over the Fremantle works—

Hon. W. KINGSMILL: It is quite possible.

Hon. J. F. CULLEN: Then I say we could not object to a select committee. But if their main object is to go into a question which is entirely beyond the scope of a select committee, I am sure they would be well advised not to press their motion.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.52]: We know that the intention of a select committee is either

to block a measure or procure information which is really necessary. Without repeating what I said on the second reading may I ask what the power house, so far as this Bill is concerned, has got to do with the question and all these technical terms which we have heard of. I am very glad that some senior member of the House drew attention to the acidity of the debate. I suppose one must use a technical term, and I will therefore refer to the debate as an alternating current passing from one side of the House to the other. I tremble when I think that my genial friend, the hon. Mr. Lynn, has threatened us that if he cannot get this to a select committee—

Hon. R. J. Lynn: It has no effect.

Hon. A. SANDERSON: We shall be unable to get any other select committee; at all events we shall not get it if he can help it. I want a select committee on one or two things. Am I to vote in his direction simply to get the select committees I may want? Surely we should be left free to exercise our own judgment on each particular case, and to take up a judicial attitude in a matter of this kind. I shall certainly be very much distressed to think that, by voting against sending this Bill to a select committee, I am imperilling my own chance of obtaining any select committee in the future. I shall, however, vote against the appointment of a select committee on this occasion. If it has the effect of blocking the Bill it seems to me that such an appointment would be unreasonable after the division taken on the second reading. It appears to me that the information we have got on the position of the power house, and all these highly technical details, have nothing whatever to do with the Bill. If the select committee was designed to inquire into the power house or the Government it might meet with my approval.

Hon. J. Duffell: Hear, hear!

Hon. A. SANDERSON: I may point out, in conclusion, that the second reading of this Bill has already been passed by this House by a very large majority.

Hon. J. W. KIRWAN (South) [4.55]: I desire to express my admiration for the hon. members for Fremantle. Those who

have been many years in Parliament, or who have taken an interest in the public affairs of the State, will, I think, agree that the two members who have spoken on this Bill have displayed all the characteristics that are so indelibly associated with the members for Fremantle. Fremantle has this to its credit, that it always sends men to this House, and to another place, who in season and out of season never fail to advance the claims of Fremantle. To them Fremantle is all-important. The interests of the country certainly do receive consideration at their hands but Fremantle is the hub of the universe to the members for Fremantle.

The PRESIDENT: It would be better if the hon. member would call these gentlemen "members for the West Province" and not "members for Fremantle."

Hon. J. W. KIRWAN: I think that hon. members of this House will understand what part of the State these gentlemen really do represent, irrespective of whether we describe them as members for the West Province or not. The works of Fremantle to-day constitute a monument to the zeal of past members, shall I say, for the West Province. I am surprised at these hon. gentlemen but cannot help admiring them for their astounding audacity in coming here, and for their wonderful ability in making out a case when they have absolutely no case whatsoever. I ask any hon. member who has any doubt upon the point to read the circular issued by the Fremantle Town Council. It is the strongest argument in favour of this Bill and puts in a few lines exactly what the Government ask. It asks for—

Leave to run a transmission line through the municipality in order to supply the electric current required by the Fremantle railway station, the harbour works, and other Government departments, and also by the Naval Base at Cockburn Sound.

This Bill merely asks that we who represent the whole of this State should give power to the people, whom we represent, to supply themselves with electric power, and also to supply the Government which also represent the people of Western

Australia, as well as the whole Commonwealth. It is greatly to the credit of these hon. gentlemen's cleverness that they can stand up here and make an attempt at putting forward a semblance of a case at the request of the municipal council of Fremantle. All I can say is that this body ought to be well pleased with the representation of these gentlemen. There is no single point which has not been put, and well put, from their point of view, and when men such as they can come forward and present a case of that sort, it shows how careful we ought to be to examine all the arguments which have been advanced by several of the clever men of this House, so that we can be sure that we are not being absolutely bamboozled. There can be no reasonable objection to the reference of any Bill to a select committee, provided we are perfectly certain that by this means we are not imperilling that Bill. What has it meant in the past, this reference of Bills to select committees? It has meant adjournment, asking for leave to sit again, taking further evidence, and so on, with the result that the Bill is ultimately shelved. We all know that it is the desire of all parties to close the session within a reasonable time, but if we submit this Bill to a select committee is there any guarantee that it will be dealt with this session? I just wish to refer to the constitution of the committee, as mentioned by the hon. member who proposed it. He named the Hon. H. P. Colebatch, Hon. J. Cornell, and himself. These are three gentlemen for whom I have very great respect, but two of them have pronounced their strong opposition to the Bill, and in a House where the voting was 20 to 5 in favour of the second reading, two out of the three men—the Hon. H. P. Colebatch not being present—would on that committee represent the minority, whereas only one would be serving as representing the majority. I would not say that these gentlemen are consciously biased in their opinions in regard to the Bill—we are all subject to unconscious bias more or less—but at any rate these gentlemen have shown by their votes, and their

speeches, what their opinions are and we can fairly assume what the report of the select committee will be. I do not think that anyone has the slightest doubt that two of those hon. members will decide against the Bill and one in favour of it. When they ask us to refer the Bill to a select committee in order to arrive at a decision, they know before hand what the result will be. It is too much to ask, especially when we realise that the fate of the Bill will be imperilled. Those hon. members who will vote in favour of the amendment will have to consider that to refer the Bill to a select committee will probably mean the rejection of the Bill altogether.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.3]: I think it is somewhat regrettable that a select committee has been asked for at this period to inquire into the circumstances surrounding the erection of the power house and machinery and everything in connection with the Government Electric Works Act, 1914. We have before us an amendment of the recently passed Act which asks for permission to allow the Government to carry their cables through any municipality or local governing bodies' dominions to supply current to their own institutions or to other bodies, Commonwealth or State, outside the metropolitan area. I do not know what a select committee can do seeing that the Government have already gone to the expense of something like £250,000 in connection with the plant. It is the height of folly to do anything which will prevent them supplying current to those avenues which are rightly theirs. At the same time I realise that at a later stage it might have been a reasonable request to make to appoint a select committee to inquire into certain things in regard to the working of the Act as applied to the machinery and power house. I do not lose sight of the fact that conflicting statements have been made in this Chamber in regard to information which has been asked for. I refer now to the question asked by an hon. member of the Colonial Secretary with regard to the Naval Base and the right to supply it with current. The Col-

onial Secretary informed the House that no arrangements had been made. On the other hand, we hear that a request was sent from the Mayor of Fremantle to a member of the House of Representatives, the reply to which was that arrangements had already been completed. As I stated previously these statements were conflicting, and I think we should have further light thrown on the matter, but to move for a select committee on the Bill which provides for an amendment of the Act, is inopportune. I should regret exceedingly if a select committee were appointed and the objects of the Bill were for the time being shelved. We realise that the work is now nearing completion and it is absolutely necessary that the avenues outlined in this amendment should be made available to the Government. At the present time there is reason to doubt whether they have any legal right to go through any municipality. We want that doubt removed so far as the local bodies between Perth and the Naval Base are concerned. I am satisfied, whether this Bill is carried or not, it will make very little difference so far as Fremantle is concerned. I know that Fremantle with the power they have at the present time have a certain monopoly, and they want to retain that monopoly and they are prepared to strain every point to retain it. I contend that the action of any local governing body which has for its object preventing the Government from extending cables to any place to which they may desire to supply current, is not in the best interest of the country generally. We must recognise that these works belong to the people and it is proper to protect the rights of the people, and to do all we can to place within the power of the authorities the right to supply the current which they generate. I shall have much pleasure in supporting this Bill and voting against the appointment of a select committee.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.8]: Both Mr. Allen and Mr. Lynn possess in an eminent degree one of the admirable characteristics of the British race. They do not

know when they are beaten. They made a very pathetic appeal to this House but I am sure it will not carry conviction to the majority of members. The principle of the Bill has already been endorsed by this House and it has been endorsed, too by the large majority of 19 to 5. The House has now been asked to appoint a select committee to investigate matters not only in connection with this particular Bill but with a variety of other subjects. Mr. Lynn has stated what those subjects are and the list is as long as my arm. All these matters would be investigated if a select committee were appointed. If hon. members want a select committee on the subject of the power house, if they want to make extensive investigations in connection with it, there is nothing to prevent them asking that a select committee be appointed. There is a motion before the House for the production of papers in connection with the power house and it would be easy to move an amendment to that motion to provide for a select committee to make full inquiries. If Mr. Lynn's motion is carried and a select committee is appointed to make these extensive investigations, six months at least must elapse before a report is possible. The practical result would be that if Parliament closed down in four or five weeks' time there would be no report, and consequently the Bill would not become law. That is a splendid strategical move on the part of Mr. Lynn. At first he attempted a frontal attack, and now he is attempting a turning movement. With regard to the contract I was advised and I am advised now that there is none in existence, for the simple reason that there is no legislative power to enable the Government to make arrangements with the Federal authorities. I am certain that the majority of members will not sanction any move that will tend to the holding up of this Bill, but if they want a select committee they can have one as far as the Government are concerned.

Hon. J. F. Allen rose to speak.

The PRESIDENT: The mover of an amendment has no right of reply.

Amendment (select committee) put, and a division taken with the following result:—

Ayes	10
Noes	14

Majority against .. 4

AYES.

Hon. J. F. Allen	Hon. R. J. Lynn
Hon. C. F. Baxter	Hon. W. Patrick
Hon. E. M. Clarke	Hon. C. Sommers
Hon. F. Connor	Hon. Sir E. H. Wittenoom
Hon. W. Kington	Hon. H. Carson

(Teller).

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. C. McKenzie
Hon. J. F. Cullen	Hon. E. McLarty
Hon. J. M. Drew	Hon. H. Millington
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. Sir J. W. Hackett	Hon. G. M. Sewell
Hon. A. G. Jenkins	Hon. A. Sanderson

(Teller).

Amendment thus negatived; the Committee stage made an Order of the Day for the next sitting.

BILL—SUPPLY (No. 2), £650,000.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.15], in moving the second reading said: This Bill covers a period of two months' supply, up to the end of October. The No. 1 Supply Bill already passed covered supply up to the end of August. The estimates were brought down to the Legislative Assembly last night, and this Bill covers supply, as I said, until the end of October. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

Standing Orders Suspension.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [5.17]: I move—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through its remaining stages at this sitting.

Question put and passed.

Mr. PRESIDENT: I declare that this question has been passed by an absolute majority of the House.

Third Reading.

Bill read a third time and passed.

BILL—WEIGHTS AND MEASURES.

Second Reading.

Debate resumed from the 9th September.

Hon. C. F. BAXTER (East) [5.19]: I can compliment the Government on bringing forward an amendment of the existing Weights and Measures Act. But I did expect that, when bringing forward an amendment of the Act, they would introduce something that would not be abortive and would not be found so inconsistent as this amending Bill. The Bill is badly framed and, to my mind, it will prove unworkable. Its provisions are cumbersome, and a number of the clauses are of such a character as will make it impossible for the measure to be of any use to citizens generally. Many of the anticipations of this amending Bill cannot possibly be realised. In so far as the existing Act is concerned, the only practical attempt to make any use of it has been in the metropolitan area. Elsewhere the officers appointed to carry out the duties has made them a side line. In a matter of such importance as a Weights and Measures Act, the endeavour should be to ensure uniformity and accuracy in business transactions, and to prevent fraud; but there should be no attempt to interfere with ordinary business people by compelling them to have their weights and measures tested unnecessarily. (Going closely through the Bill one finds that its effect will be to harass tradesmen.

That is the effect from beginning to end of this Bill.

Member: Do you intend to vote against the Bill?

Hon. C. F. BAXTER: I shall not vote against the second reading of the Bill, because I recognise that we should have some useful weights and measures legislation, but I think that can be achieved without harassing honest traders. I will deal particularly with Clauses 5 and 6. Clause 5 provides that, subject to the control of the Minister, this Act shall be administered by the Commissioner of Police and inspectors. I maintain that, if this Act when passed is to be administered by the Commissioner and his staff, that is a wrong procedure. I have already mentioned that one of the reasons for the non-success of the existing Act is that it has been made largely a side line, and this Bill will be nothing less than a side line if its administration is to be left in the hands of the police. That department has already sufficient measures to administer. The Minister stated that if this Bill was to be administered properly, it must be carried out by those who have specialised in that kind of thing, that their whole time must be given to it. I agree that this question needs a great deal of study. It is quite different from the ordinary weights and measures legislation we have known existed and suited the conditions 10 or 15 years back. That does not lead one to the opinion that this Act can be carried out successfully by the police. The fact is apparent that the police following their particular profession, tend toward criminal procedure, and will have an inclination to harass honest traders, and we do not want any feeling in that direction to be imported into the administration of a Weights and Measures Act. There is no need for it. Just in illustration: supposing a police officer goes into a tradesman's premises to inspect the weights and measures. There may be nothing wrong, but the conclusion might be taken by his customers and the public generally that there was something wrong. To my mind, there is no need for legislation cal-

culated to harass the genuine trader in this way.

Member interjected.

Hon. C. F. BAXTER: I am quite willing to admit that some grocers give short weight, but why harass the honest trader for the purpose of trying to punish those who trade dishonestly. I feel sure we can frame an Act and give to that Act good administration without harassing traders, and at the same time be in a proper position to punish those who are guilty of unlawfully trading. Inspectors under this measure should have scientific knowledge, as well as practical experience. Is it considered that members of the police force generally have that scientific knowledge and practical experience? I think it will be agreed that they have not. I have already said that we should have qualified persons and persons of experience and knowledge to administer this measure. In regard to the examination of weighing and measuring machines, it is necessary that those persons dealing with the subject shall have made a study of it. It is necessary, when dealing with such delicate implements. In addition, the whole of their time should be devoted to the task if they are to make a success of it. Such being the case, why give the control of this Act to the police? Is there any need for it? I again say that there is not. Speaking generally, the police cannot be said to know anything of that particular class of work. Therefore why ask them to specialise? If the administration be placed with the police, it will mean that additional hands will have to be put on to carry out those duties, and then there is to be remembered the time which will be taken up by officers in learning their work. It has to be remembered that the duties of inspectors under this Bill will not come into force at the end of the 12 months mentioned in the Bill, but right from the moment that the Act is passed. It will be necessary for them to at once get to work advising traders as practically all traders will come under this Act and will need educating. An instance occurred the other day when one of the metropolitan inspectors went into a store conducted by a

lady and found a quarter pound weight under the scales. In reply to his query he was told "I found that my scales wanted adjusting. The butcher next door weighed a pound of meat and on trying my scales with this adjustment I found that it was exactly right." The experiment has been tried in the Eastern States of administering the Weights and Measures Act through the police, but they have made no progress. They have been unsuccessful. The experiment has been an absolute failure. Yet it is proposed here to hand over the new legislation to their absolute administration. One hon. member has said that a dishonest trader is as bad as a pickpocket. I am quite ready to admit this; but the dishonest trader will not be caught by a police officer in uniform. We want to treat them in the same way as the Health Department treated dishonest traders under the Bread Act. An inspector dressed in civilian's clothes would be able to catch offenders easily and red-handed but not so an officer of the police. I want it to be thoroughly understood that I am not speaking in any way derogatorily of the police. In connection with their particular duties, they are doing good work; in fact they compare more than favourably with the forces in the Eastern States. I do not intend to oppose the second reading, but in Committee I shall move several amendments. Instead of the administration being placed in the hands of the Commissioner of Police, I think it should be entrusted to the Commissioner of Public Health. My reason is that the officers of that department have made a study of the matter and already have a certain amount of experience, and they are fairly competent to undertake the administration of such a measure right away and to educate any additional officers required for the work. The Health Department officials have been very successful in their administration of the Bread Act. They have secured a number of convictions and have been instrumental in the public getting a fair deal. It must be recognised that with them the administration of the Bread Act has been

only a side line. If they had had no more than this one Act to administer, they could have specialised in the work and have been even more successful than has been the case. The Health Department also controls factory and industrial matters, and the administration of the weights and measures law would be more in keeping with the duties of that department than those of the Police Department. The Health Department possesses the machinery and it is a great deal in favour of the officials that they have a certain amount of experience with which to start right away. If the staff of the Health Department were increased, no difficulty would occur in the direction of giving effect to such an Act. I suggest this course in order to ensure the successful operation of the measure. It is of no use going to the trouble to frame legislation and put in on the statute-book if we feel that it is not likely to achieve the desired end, and I cannot see how his measure can possibly prove beneficial if the administration is placed in the hands of the police. I have already dealt sufficiently with Clauses 5 and 6 of the Bill. Subclause 2 of Clause 16 reads—

No person shall sell or buy by any denomination of weight or measure other than the standard weights or measures or some multiple or part thereof.

That is a far-reaching and very drastic provision. Certain articles are now sold by reputed weight or measure and it will be found most difficult to deal in such articles if such a provision as this becomes law. An ordinary plug of tobacco is sold by reputed weight and a pot of beer is sold as a pint. The same principle applies to a hank of twine, a coil of electric wire and a hundred and one other things. Paragraph (c) of Clause 17 applies to drugs which, when sold by retail, may be sold by apothecaries' weight, but there is no definition of "drugs."

Hon. W. Kingsmill: Beer is a drug.

Hon. C. F. BAXTER: How can we define what a drug is? What position would the Commissioner be in when trying to give effect to such a provision?

How could he arrive at a decision as to what constituted a drug? Again I would direct attention to the words in the same paragraph "when sold by retail." When does wholesale end and retail begin? So small a quantity as one grain of certain drugs might be wholesale. The Bill bristles with difficulties of this description, and to overcome this particular one, I intend to move to delete the words "when sold by retail" because I cannot imagine how the paragraph will be workable if those words are retained.

Hon. J. Cornell: Drugs are not usually sold by the ton.

Hon. C. F. BAXTER: Clause 18 reads—

In any contract for the sale by the bushel of any articles mentioned in Schedule D, the bushel shall be determined by weighing; the weight equivalent to a bushel of any such article being that stated in the said schedule.

At the end of Schedule D provision is made for the weight of seed wheat, namely 60lbs. The Colonial Secretary, when moving the second reading of the Bill, said this was for the protection of the farmers when disposing of their produce. I wish the House to know that this provision would not protect the farmer's in any way. There would be no protection whatever in connection with the sale of bulk wheat. I recognise that there would be a difficulty in arriving at the weight of bulk wheat, and I intend to move an amendment to meet this difficulty, but why should the Minister adduce the argument that such a provision is for the protection of a certain section of the community when in reality it affords no protection at all? That statement by the Minister was entirely misleading. Clause 19, subclause 1, reads—

No person shall sell by retail any article by weight or measure unless by net weight or measure.

This would be another difficult provision to give effect to. Does this mean that the grocer must sell by net weight and not follow the practice dictated by hygienic reasons of putting paper on the scale in order to keep the article clean

Hon. Sir E. H. Wittenoom: According to the marginal note, this is taken from the New South Wales Act.

Hon. C. F. BAXTER: I cannot see how it could possibly be put into operation. The net weight is clearly stipulated and that could not include the weight of the paper. Imagine a grocer endeavouring to give heed to such a law: One customer might want butter and it would be weighed on the bare scale; another might order preserved fish, sugar, flour, soap, and so on. The clause would be unworkable and from a hygienic standpoint it is certainly an impossibility. Further, it cannot be said that the tradesman, by placing the paper on the scale and weighing it, would gain anything because paper to-day costs 4½d. to 5d. per pound, and the bulk of the articles sold would not average anything like the same value per pound. Subclause 3 of Clause 19 is another provision which will be very difficult to give effect to. It will be very hard for traders to display the net weight on every package containing an article exposed for sale and it is unnecessary. Provision is made for the exemption of articles by regulation and I fear it will require a list of tremendous proportions to contain all the exemptions necessary under this measure. I do not know whether the framers of the Bill had this point in view, but if the Bill becomes law, they will find themselves overburdened by the proportions of the exemption list.

Hon. J. F. Cullen: It may be decided that nothing is to be exempted.

Hon. C. F. BAXTER: Perhaps that would be the easier way out of the difficulty for them. Paragraph (a) of Clause 20 provides that in connection with any prosecution it shall be sufficient defence if the seller produces from the person from whom he purchased an article a written guarantee that the weight or measure displayed on the package is correct. A purchaser should be able to produce such a guarantee because it ought to be supplied him when making the purchase. Members are aware of the experiences of the inspectors dealing

with milk adulteration, how time after time they have been beaten through the production of faked warranties. If a person obtains a guarantee the inspector has a chance to administer the law thoroughly and well. Clause 21 is likely to prove a stumbling block to the inspector. It reads—

Where any person in a shop or other place or in any vehicle, pack, basket, or other receptacle offers or exposes for sale, by retail, by weight or measure any article, he shall have in a convenient place capable of being easily seen by the purchaser a suitable weighing instrument or measure, with the necessary weights for weighing such article.

Do members realise what that will involve to prove a case? It will be almost an impossibility. It will place the inspector in a position when dealing with those who unlawfully dispose of goods by selling under weight of being unable to secure a conviction. I shall move for the deletion of a portion of the subclause so that it will provide that any person offering an article for sale shall at the request of a purchaser weigh or measure it in the presence of the purchaser. Such an amendment would give an inspector an opportunity to obtain convictions.

Hon. J. F. Cullen: He might get a conviction without a case.

Hon. C. F. BAXTER: Clause 25 provides that weights and measures for re-verification and restamping shall be produced at the office of an inspector. Picture an inspector at Kalgoorlie having to establish an office if he is deputed to reverify weights and measures in that district. What is the reason for stipulating that weights and measures be produced at the office of the inspector? It should be possible for an inspector to stay in any convenient place when engaged in testing weights and measures. This clause strikes at the main principle of the measure, and in itself would cause it to prove a failure. Under Clause 34, Subclause 2—

Any weight, measure, or weighing or measuring instrument which is not stamped as required by this Act, or

which is incorrect or unjust, may be seized by an inspector.

The inspector may seize such incorrect or unjust instruments, but what is he to do with them after that? He seizes them, and that is all he can do. The clause does not say that he can carry them away. On this point I have an amendment to move in Committee, which will provide that such instruments when seized shall become the property of the Crown, but that an appeal may be made within seven days to a magistrate, who shall either confirm the seizure or order the return of the instrument. With that amendment, the inspector will be in a position to carry out the measure, which at present is, in my opinion, impossible. Again, no provision is made whereby an inspector may take proceedings without express warrant. An inspector should be in a position at any time to take proceedings, and in Committee I intend to move a new subclause as follows:—"An inspector may, by virtue of his office, and without receiving express authority from the Commissioner, institute and carry on proceedings against any person for an alleged offence against this Act or any by-law or regulation made thereunder; and he shall be reimbursed all costs and expenses which he may incur or be put to in or about such proceedings." That amendment will put the inspector in a position to proceed at any time. Whilst not opposing the Bill—for the State is badly in need of a good, serviceable Weights and Measures Act—yet I consider the Bill unsound in some respects. Therefore, I shall support the second reading with a view of having the measure reasonably amended in Committee.

Hon. J. CORNELL (South) [5.57]: I desire to offer a few remarks in support of the second reading. The attitude of Mr. Baxter has somewhat perplexed me. At the opening of his remarks, I thought the hon. member viewed the measure with lively enthusiasm; but as he proceeded I came to the conclusion that he had studied the Bill too closely, and that, as a consequence of his doing so, much of it had run together in his mind and

that therefore he had got mixed. In my opinion, the Bill as framed must commend itself to every member of the House. The fact that it was almost unanimously adopted as submitted in another place affords an indication that the Bill has the backing of every member of another place, which represents every man and woman in the community. I always take that as my barometer. It is a fairly good guide, and works out well in the long run.

Hon. C. F. Baxter: What need of this Chamber then?

Hon. J. CORNELL: I do not know whether there is any need for it or not. The question is probably one of degree. There is room for difference of opinion on it. It is not my intention to go into the clauses as Mr. Baxter has done. Committee, I think, is the stage for that. There is only one principle of the Bill, it seems to me, with which Mr. Baxter really differs; and that is as to who shall administer the measure if it becomes law. The proposal of the Bill is that the administration shall be in the hands of the police. That is the position which obtains in New South Wales. Mr. Baxter said the measure had been a failure in New South Wales. Still, it has not been repealed there. Of all the utility services of the Crown, commend me to the police. I know a lot of people appointed justices of the peace to whom the policeman is a godsend when they take a seat on the bench. If the policeman can instruct people with sufficient backbone to take the position of justice of the peace, then the policeman has sufficient initiative to carry out the administration of this measure.

Hon. C. F. Baxter: What nonsense! This is a different thing altogether.

Hon. J. CORNELL. The hon. member knows something about nonsense, inasmuch as he dispenses it. The hon. member's counter proposal to place the administration under the Health Department will involve a considerable amount of expenditure which is neither warranted nor required. Officers of the Health Department administering this

measure will have to learn, just the same as the police will have to learn. In any case, there are not sufficient inspectors at work to-day to administer the Factories and Health Acts as they should be administered. Two large centres like Kalgoorlie and Boulder—which I mention not for parochial reasons, but for the sake of illustration—have only one inspector between them for the administration of those Acts; and he is not there for the whole of his time. If this measure is going to be a success, its whole success will lie in administration; and there is no branch of the public service better qualified to administer this legislation than the police force are. A policeman is to be found where no other public servants are to be found, and it would be the function of a constable, wherever stationed, to administer this measure. Mr. Baxter has described the Bill as stringent and far-reaching. Once, when attempting to draft union rules, I was told by a lawyer that when one sets out to draft either rules or Acts of Parliament one should so draft them that no individual can escape their operation. If this measure is so drafted, the unscrupulous will feel its effect. Ever since 1899 there has been nothing that could be described as administration of weights and measures legislation, and now we have a proposal to put a comprehensive measure upon the statute-book. We have also a concrete proposal for its administration. Mr. Baxter contends that in the hands of the police the measure will become a side line. To that contention, I reply that if left to the Public Health Department the measure will become a hobby, which is worse than a side line. The honest and scrupulous trader will have nothing to fear from the operation of the measure, but the unscrupulous man will have much to fear. It is the duty of this Chamber to place at the disposal of the administrators of this country a measure which will rope in all, if necessary. I feel confident that the second reading will be agreed to, and I hope that when the measure gets into Committee hon. members, in their good sense and wisdom, will not adopt Mr. Baxter's attitude.

Hon. J. F. CULLEN (South-East) [5.55]: I have had representations made to me on this Bill by two local authorities, and I shall mention the difficulties they have pointed out, in the hope that the Colonial Secretary, when replying, will be able to show cause why the provisions involving these difficulties should be inserted in the Bill. The first representation is that to change the administration from that now operating, to the police, would be a great mistake. It has been pointed out to me that this function would be entirely beyond the ordinary qualifications of a policeman.

Hon. Sir E. H. Wittenoom: It is not necessary to be a policeman in order to be appointed an inspector under this measure. Apparently the Commissioner of Police can appoint civilian inspectors.

Hon. J. F. CULLEN: The appointees under the Police Department are always policemen.

Hon. Sir E. H. Wittenoom: Is that distinctly stated?

Hon. J. F. CULLEN: Is there anything under the administration of the police for which any but members of the force have been appointed? The very fact of the inspector being a policeman would be damaging to any business house he might enter. I have no doubt the Colonial Secretary will be able to explain in this connection what the faults of the present administration are, and what led the framer of the Bill to propose to hand over the administration to the police. Another objection raised to the measure is that as regards the producers of this State, nearly all the weighing is railway weighing; and railway weighing is not covered by this Bill. I am not saying that railway weighing should be covered by it; I am merely mentioning the difficulty of our producers. All their products are weighed on railway weighbridges.

Hon. Sir E. H. Wittenoom: Those weighbridges have to be stamped.

Hon. J. F. CULLEN: No. This Bill does not touch railway weighing.

Hon. Sir E. H. Wittenoom: It includes all weighing machines, I think.

Hon. J. F. CULLEN: There is no provision to compel the checking of the railway machines.

The Colonial Secretary: I propose to move an amendment in that direction.

Hon. J. F. CULLEN: That is very interesting to hear. I shall leave that point until the Bill gets into Committee and I learn what the Colonial Secretary has to propose. Then in Clause 33 there is a rough and ready reference to the custom of trade. Paragraph (d) provides that the Governor may make regulations for the sale of all grain, and the mill products of such, delivered in bags or sacks at the gross weight, according to trade custom. The local authority which referred this matter to me pointed out that this trade custom grew up when bags were cheap, and it was considered a fair thing to sell the bag with the wheat, but that probably next harvest the bags will be worth twice or three times as much as the same weight of their contents. Yet the Bill unnecessarily stereotypes this trade custom. There is no need at all for those words, no need to provide by Act of Parliament that the bags shall be sold with the wheat.

The Colonial Secretary: It was copied from the New South Wales Act.

Hon. J. F. CULLEN: I think not. I think it was put in in another place, and probably with the best intention. But there is no need to stereotype what grew up as a matter of custom under entirely different conditions. It is a question that can be arranged between the seller and the buyer. We know that many of the merchants and millers are providing their own silos in order to take delivery in bulk, and in consequence the bags can be carried back by the producer. In my town the foundations are in for one of these silos, and no doubt this will be the first step towards bulk handling, and many other merchants and millers will follow this example. But there is no need for the words in the Bill, and when in Committee I will move for their deletion. I am sorry I did not hear the Colonial Secretary's explanation of the Bill. If good cause can be shown for com-

pletely throwing out the existing Act without attempting to amend it, and for bringing in an entirely new Bill, I will be prepared to do my part towards making it as perfect as possible. It is probable that the Minister, when in Committee, will be able to explain away some of the objections which seem so serious to Mr. Baxter.

On motion by Hon. Sir E. H. Witenoom debate adjourned.

BILL—ROADS ACT AMENDMENT AND CONTINUATION.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [6.5]: In moving the second reading said: The purpose of this short Bill is to re-enact until the 31st December, 1916, the present Road Act, which expires at the end of December next. I need not detain the House long in explanation of the measure, except insofar as it seeks to regularise a procedure which has been followed in the past where new districts have been formed, or subdivisions of existing districts created, but in connection with which there is doubt among legal authorities as to whether it is in accordance with the law. For this purpose the opportunity presented by the necessity for the re-enactment of the 1911 Act has been availed of by the Government to make necessary amendments. It is believed that the procedure referred to is in order, but so as to put the matter beyond dispute or question certain amendments have been inserted in the Bill. The Crown law officers have pointed out a difficulty which has arisen in some reconstructed districts regarding the allocation of unexpended loan balances. This difficulty has caused inconvenience, not only to the department in the administration of the Act, but also in some instances to ratepayers. Similarly on the creation of a new district there are always arrears of rates outstanding, and difficulty arises in determining whether those arrears are properly the revenue of the old board which struck the rate, or of the new board which has been amalgamated with the old.

Under the Bill it is proposed to leave the decision in such matters as this in the hands of the Minister charged with the administration of the Roads Act. At present there exists some doubt as to who is the proper authority to arbitrate in these cases. It has been done by the Minister in the past, but it is questionable whether he has the necessary power. The Bill makes the point clear. I may explain that the need for the admendment referred to is emphasised by the fact that it is anticipated that during the coming year there will be created one or two new roads boards. They will be taken out of old roads board districts, and consequently there will be necessity for legislation dealing with many questions likely to arise. Therefore, the passage of this amending measure will, it may be anticipated, remove the cause of considerable misunderstanding and annoyance in the very near future. I move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [6.8]: I do not propose to detain the House on the second reading. It is to be regretted that the Bill is not confined to re-enacting the existing measure. This afternoon I introduced a deputation to the Minister for Works, and although the discussion occupied from 50 to 60 minutes, it did not then seem quite clear to all present what the result of the passing of this Bill might be. I would be very sorry indeed to try to block the amendment, if it is as simple as the Minister appears to believe it to be. The Minister explained that the question had arisen in the Crown Law Department, and although we had a 50 or 60 minutes' discussion amongst members of the Perth Roads Board, we were not able to arrive at a definite decision as to the position of affairs. In these circumstances it will be readily understood that it is necessary to go further into the matter, which, of course, can only be done in Committee. I hope other members who are interested in roads board work will look into the matter and learn what the roads boards require. I have not a definite opinion on the subject, but I am convinced that the

matter requires consideration, for this measure is not quite as simple as we are led to believe by some who have spoken on it elsewhere. I ask hon. members to carefully consider the matter and consult any available authorities to see if the clause really has the effect which we all desire. I am merely uttering a note of warning and have no idea of delaying the passage of the Bill.

On motion by Hon. C. Sommers debate adjourned.

MOTION—STATE IMPLEMENT WORKS, TO INQUIRE.

Debate resumed from the 9th September, on the following motion by Hon. C. F. Baxter:—"That a select committee be appointed to inquire into the conduct and management (past and present) of the State Implement Works."

Hon. J. DUFFELL (Metropolitan-Suburban) [G.12]: On the previous occasion I simply asked for the adjournment believing that another member who was at the time absent desired to speak. I have since learnt that the mover of the motion is not anxious to proceed with it. I expect he will return to the Chamber in a few minutes and withdraw the motion. I hope, and I believe, that the Royal Commission recently appointed will go fully into the question, which is all that is desired by Mr. Baxter.

On motion by Hon. J. F. Cullen debate adjourned.

House adjourned at 6.15 p.m.

Legislative Assembly,

Wednesday, 15th September, 1915.

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

PAPERS PRESENTED.

By the Premier: 1, Papers *re* purchase of Diesel ship for State Steamship Service, 2, Amendments to Public Service Regulations made between 1st July, 1914, and 30th June, 1915.

By the Minister for Agriculture: 1, Audit of accounts of the Government Abattoirs, Kalgoorlie. 2, Audit of accounts of Albany Cold Stores.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Adoption of Children Amendment.
- 2, Land and Income Tax.
- 3, Fremantle Municipal Tramways and Electric Lighting Amendment.

QUESTION—SLEEPER FREIGHT AGREEMENT, CANCELLATION.

Hon. J. MITCHELL asked the Minister for Works: What amount of compensation was paid by the Government for the cancellation of the freight agree-