electorate and the country well, but long before he entered Parliament, he was actively engaged in developing the resources of Western Australia. He helped many people, not only in his immediate neighbourhood, but in the northern parts of the State. We all regret the loss that his relatives have sustained, and we shall place on record our regret at the passing of a genial and kindly soul.

MR. THOMSON Katanning) [4.37]: I support the motion. I am sure all must have been somewhat stunned by the suddenness with which death took away from us our old friend Charlie Maley, as we all called him. We feel his loss deeply. He was the son of a very old pioneering family that did so much in the early days to open up and develop Western Australia, and it seems fitting that he should pass away from this earth when in harness. I cordially endorse the remarks made by the Premier and by Sir James Mitchell. We all liked our departed member. He was genial and kindly. I can quite believe there are many in his own district who will miss him very much indeed, not only as their member in Parliament but as one who was always willing to lend his kindly aid to those in trouble. While he had the reputation of being the silent member of this House, I am sure there are many in his district who will miss the services he rendered them during the period he was a member of this Chamber. On behalf of the section I have the honour to lead in this Chamber, I desire to convey to the relatives our deep sympathy.

HON. G. TAYLOR (Mount Margaret) [4.38]: I endorse all that has been said about Mr. Maley's fine sterling qualities. I knew him for some 32 years and was closely associated with him during the whole of that period. Through life I knew him ever to be what members found him to be in this Chamber. He was a man possessed of sterling qualities, always anxious to assist anyone who needed his aid. Apart from being a great man for this State in the task of developing its resources, he was a fine sport in every sense of the term. When a man is a good sport, it conveys to all of us a great deal. I am indeed very sorry he is no longer with us.

MR. J. H. SMITH (Nelson) [4.39]: I wish to pay a tribute to my dear friend. He was the greatest man of all, loved and respected by every member of this House. He worked for the good of every living soul in this country. He sought nothing for himself. He was too big in all things. Although he is departed, he was one of the greatest Western Australians we ever had. May God rest his soul.

Question passed: members standing.

House adjourned at 4.41 p.m.

Legislative Council,

Wednesday, 16th October, 1929.

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

BILL—LAND AGENTS.

Second Reading.

Debate resumed from the 25th September.

HON. A. LOVEKIN (Metropolitan) [4.35]: I will not take up more than a minute or two of the time of the House in discussing the Bill. It seems to me the measure is not calculated to achieve the object for which it has been brought forward. Because there happen to be, as there are in all communities, a few scoundrels, is no reason why the bulk of the honest population should be penalised by legislation. That is what the Bill seeks to do. Therefore I have no option to recording my vote against it.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [4.36]: The debate on the Bill has shown that members are agreed there is need for something to be done to protect the public, particularly from the operations of certain unscrupulous individuals generally known as go-getters. At the same time, one or two members have contended that, while it is necessary to have some alteration in our legislation, the Bill put forward is not satisfactory. It seems to me to be the same old tale: something is required, but it must be something different from this. The basis of the Bill is the legislation that has proved so successful in South Australia. One member pointed out that similar legislation has been rejected in Victoria. I do not think we need pay very much attention to that, for the conditions existing in Victoria are quite different from those in Western Australia. From the remarks of one or two members, I came to the conclusion they had a misunderstanding of the objects of the Bill, but after reading through their remarks a second time I am inclined to think it is not so much a misunderstanding as an effort to misconstrue the purport of one or two of the clauses of the Bill. For instance, Mr. Holmes stated that what the Bill aims at is to fix the maximum price of land. It seems to me that is a ridiculous statement. I cannot by any stretch of the imagination understand how anyone can assume that anything contained in the Bill is going to affect the maximum price of land. There is in the Bill no clause dealing with the price of land, nor is there in the Bill anything to lead one to think that a restriction is going to be placed on the amount anybody can pay for land.

Hon. A. Lovekin: Indirectly there is.

The HONORARY MINISTER: I fail to see how it can operate, even indirectly. There is nothing to prevent any purchaser from paying what he may think fit for a parcel of land, whether bought through a land agent or through any other channel. If the land is put up by auction, the seller can pay anything he likes for it. If a land agent desires to dispose of a block of land and can come to an agreement with a buyer, the buyer will pay whatever he thinks reasonable. There is nothing whatever in the Bill to limit the maximum price to be paid for any parcel of land. Mr. Nicholson raised three or four legal points, and declared that in his opinion the position could be adequately met by an amendment of the Criminal Code. I believe that one or two other members made the same suggestion. But an amendment of the Criminal Code would not come into operation until such time as an offence was committed, whereas the Bill seeks to make it impossible for certain individuals to operate in the future as they have done in the past. The provisions prescribing the licensing of land agents and the registration of land salesmen are inserted with the object of making it impossible for certain classes of people to have the right to deal in land. We claim, and the claim is based on the experience of South Australia, that provisions of that kind can be made very effectual. If a man is not of good character, or if he has an equivocal reputation regarding past dealings, he will find difficulty in becoming licensed as a land agent or registered as a land salesman. There is also in the Bill a provision that no person shall be allowed to sell land through another person not licensed as a land agent or registered as a land salesman. Some members suggested that this was unfair and unjust. I claim it is neither; it is simply a protection for the public who, on too many occasions, have been taken down by persons who are prepared to be utterly unscrupulous when dealing in land. Mr. Holmes also suggested that the Bill was going to provide a method by which the deficit might be reduced, in that we were going to call upon everybody associated with the sale of land to pay £5 for a license.

Hon. J. J. Holmes: Does the Bill not say "any person selling land"?

The HONORARY MINISTER: The hon. member suggested that this would apply to land salesmen and to land agents. If he really thinks that, he misunderstands the Bill. The £5 license fee will apply only to land agents, not to land salesmen. All that the land salesman has to do is to register. And there is a certain procedure laid down whereby he can secure registration, provided his credentials are satisfactory.

Hon. J. J. Holmes: Does not the Bill say "any person selling land"?

The HONORARY MINISTER: No, it says "land agents"; land salesmen have only to be registered.

Hon. A. Lovekin: Is not the land salesman subject to the land agent?

The HONORARY MINISTER: Yes, because in many cases he is employed by the land agent. No reputable land agent should have any objection to a clause of that kind. From my knowledge of at least two or three reputable land agents in the city I should say they would not be much affected by the Bill, notwithstanding the statements of one member that all the land agents are opposed to it. One point raised by Mr. Holmes was with regard to the form of contract. He criticised this on the ground that certain descriptions would require to be entered in the form of contract, otherwise it could be declared void at some future date. When we look into that matter, it is difficult to see anything in it. All that the land agent requires is the ordinary printed form that is in common use. This form will contain certain questions and these will have to be replied to. The questions will relate perhaps to the occupation of the person concerned or something of that kind. I cannot see any strong objection to that.

Hon. J. J. Holmes: You will find from Clause 3 in the definition of "land agent" that this is any person who is engaged in the selling of land whether as owner or otherwise.

The HONORARY MINISTER: The hon. member will also find a definition of "land salesman." If he is not satisfied with these definitions, he can suggest amendments. A land salesman is only called upon to register. Some people object to being licensed for anything. I regard the provision as a good one. The employees of reputable land agents could not have any objection to it. It would in fact give them a better standing. Some land salesmen may be regarded with suspicion because of their occupation. The Bill will have a good effect, and in the country districts people will be better safeguarded than they are to-day. Mr. Nicholson raised two or three legal questions, which I thought it advisable to refer to the Crown Law Department. He said that the Bill would not prevent the operations of fraudulent sellers of land, but that an amendment to the Criminal Code would do so. I referred that to the Crown Solicitor, whose reply is as follows:—

> In my opinion the present provisions of the Criminal Code, added to by the provision contained in Clause 33, Subclause (2), are already sufficient for the purpose, provided the evidence to support a charge is available, and that an amendment to the Criminal Code is not necessary.

My view is that an amendment to the Criminal Code would be as effective as this Bill. The provisions of the Code would not come into operation until the offence had been committed, whereas this Bill will prevent people from securing the right to employment in this occupation if their credentials are not sound or good. Mr. Nicholson also suggested that Clause 36 imposed a hardship upon the vendor. I do not agree with him. This clause deals with the form of contract. I suggest that everything in it can easily be included in a contract, because no information is required of which the land agent would not be possessed, and it will be quite easy by means of the printed form suggested to fulfil all the requirements of the clause.

Hon. J. Nicholson: It would keep the sale open practically for six months. That would be detrimental to both the interests of the vendor and the purchaser.

The HONORARY MINISTER: That is only in the case of the contract being voided. If a land agent is doing his business strictly in accordance with the law, there can be no fear of anything of the kind.

Hon. J. Nicholson: In my view the clause would be detrimental to the interests of both parties.

The HONORARY MINISTER: Only in the case of the contract being voided. I can see no inconvenience to the land agent in this.

Hon. J. Nicholson: The land agent will not take the risk.

The HONORARY MINISTER: I do not know about that.

Hon. H. A. Stephenson: Your argument may be all right if cash is paid, but suppose a man buys on terms, what safeguard is there then?

The HONORARY MINISTER: If there has been a breach of the Act, the land agent must take the responsibility. I see no objection to the clause.

Hon. J. Nicholson: If you were the vendor you would consider it a hardship not to get your money for six months.

The HONORARY MINISTER: This clause has been in operation in South Australia for some time.

Hon. J. Nicholson: And it has caused a great deal of dissatisfaction.

The HONORARY MINISTER: My information is that it has not created dissatisfaction.

Hon. C. F. Baxter: People are crying out against it in South Australia.

The HONORARY MINISTER: I am advised that the Act is working satisfactorily there.

Hon. C. F. Baxter: Not so far as the administration goes.

The HONORARY MINISTER: I believe my statement is quite correct.

Hon. C. F. Baxter: And my information is also correct.

The HONORARY MINISTER: Such great alterations have taken place in South Australia in regard to the sales of land and so forth, that certain gentlemen who were engaged in this occupation there are now plying their calling in Western Australia to the detriment of our own people. Mr. Nicholson said that Clause 38 was contrary to the principles of the law in that it cast the burden of proof of innocence upon the defendant. I referred Mr. Nicholson's remarks to the Crown Solicitor, who replied as follows—

As regards 1 (d), Section 38 deals with civil actions, and the provisions therein contained are not contrary to any principle of law. They are analogous to the doctrine of "Res ipsa loquitur" as applied in actions to recover damages for negligence. In certain actions of this kind, *e.g.*, some injuries to passengers on a railway, the said doctrine, which means "the fact or matter speaks for itself," is applied and then the plaintiff is not required to prove that the defendant was negligent, but the defendant must prove that he was not negligent.

Moreover here is a provision analogous to the provision in Section 2 of the Harbours and Jetties Act, 1928, which holds the owner and master of a ship liable for damage unless it is proved by the owner or master—that is to say the defendant—that the damage was caused by the negligence of the pilot. Section 38 deals only with a matter of evidence, and it is not contrary to legal principle to cast on the defendant in a civil action the burden of disproving something which in most cases it would be impossible for the plaintiff to prove.

Hon. J. Nicholson: Will you read the proviso to that clause and tell me why it has been added—

The HONORARY MINISTER: It reads—

Provided that nothing in this section shall affect any contract which was made prior to the commencement of this Act.

Hon. J. Nicholson: Does that not at once imply that it is at variance with the law as it stands? That proviso would not be necessary otherwise.

The HONORARY MINISTER: I think it is very necessary.

Hon. A. Lovekin: If a person is charged with fraud, he must be proved to have committed fraud.

Hon. J. Nicholson: And it must be proved up to the hilt.

The HONORARY MINISTER: This is a consolidating measure. It contains some of the provisions of the old Act, and certain new provisions which we believe will have a particular effect.

Hon. J. Nicholson: It is the method I object to.

The HONORARY MINISTER: We say by the proviso, that these particular provisions shall apply from the date of the commencement of the Act.

Hon. J. Nicholson: It implies clearly that the enactment in paragraph 1 is at variance with the law as it stands. You are shifting the onus of proof.

The HONORARY MINISTER: It is an amendment to the Act dealing with land agents.

Hon. J. Nicholson: And you are shifting the onus of proof.

The HONORARY MINISTER: There is nothing very wrong with this suggestion; indeed it is a reasonable one and an excellent safeguard for the public.

Hon A. Lovekin: It is like calling upon a thief to prove his innocence. A person who sells under these conditions is liable to a penalty of £200 or 12 months' imprisonment.

The HONORARY MINISTER: This deals with persons engaged in selling land who make a statement knowing it to be false.

Hon. A. Lovekin: The law regarding fraud is the same in civil as in criminal cases.

The HONORARY MINISTER: I do not profess to have legal knowledge, and I have

therefore to be guided by the opinions of the Crown Law authorities.

Hon. J. Nicholson: You are doing exceedingly well.

The HONORARY MINISTER: Though Mr. Nicholson's view is different from that expressed by the Crown Law authorities, I consider that the best reasoning on the Bill is on the side of the department.

Hon. A. Lovekin: That is why they put in the proviso.

The HONORARY MINISTER: The proviso apparently is necessary. It simply means that there is no desire to affect any contract entered into prior to the Act coming into operation. Mr. Nicholson also said that Clause 39 which deals with the duty of a land salesman to register, is inadequate, in that it does not require a land salesman to lodge some security just as the land agent would have to do. I do not know whether the hon. member really wants to call upon every land salesman to lodge a security. It would mean that practically every employee of a land agent would have to put up a deposit. That does not seem quite right.

Hon. J. Nicholson: I want to get at the salesman who goes about the country and who is a menace to the people.

The HONORARY MINISTER: And we are all desirous of getting at that unscrupulous individual who already has robbed quite a number of country people.

Hon. J. Nicholson: And who is still robbing them.

Hon. Sir Edward Wittenoom: Why do people deal with men of that description?

The HONORARY MINISTER: I suppose the hon. member himself has been taken down more than once in his lifetime.

Hon. J. J. Holmes: But he has never run to Parliament for protection.

Hon. Sir Edward Wittenoom: If ever I am taken down I shall deserve all I get.

The HONORARY MINISTER: The object of the Bill is to afford more protection to people buying land than they have at the present time, protection from a class who are unscrupulous and who, in some instances, have practically ruined people who had every reason to believe that they were entering into a sound deal.

Hon. J. Nicholson: And you are still leaving the door open; you are not achieving what you want.

The HONORARY MINISTER: The Bill is a step in the right direction. It may not be satisfactory in every way and it may not cover every point that should be covered, but based on experience in another State it will have the effect of preventing a certain class of people from operating as land agents. All that the Government desire is to have a measure that will be effective. We are keenly anxious that there should be an alteration of the law to enable us to deal with these particular people, and I believe the Bill will be effective, at any rate up to a point. I agree that this legislation may not prevent a few individuals from still carrying on in the way they have been doing in the past, but I do say that if the Bill does come into operation many of those who, during the past 12 months or two years, have been obtaining money from people in the State by other than legitimate means, will find it impossible to continue to do so. A good deal has been said by other members on minor matters but the Bill can be boiled down to two points; firstly, whether any alteration to existing legislation is necessary, and secondly whether those associated with the industry should be licensed in the case of agents and registered in the case of salesmen. The Government say that the Bill is necessary and that past experience has shown that legislation of this kind has proved effective in another State and therefore there is no reason why it should not prove effective here. People desirous of purchasing land will be advised to see that their transactions are carried on through those people who are licensed or registered and then there will be no cause for fear of being taken down. Those who are genuinely engaged in business as land agents are men of integrity and we have no need to be afraid of anything they may do. Neither will they have anything to fear in respect of what is contained in the Bill. On the other hand, those who are used to doing business of a shady character will have everything to fear, and I am certain that if the House will give reasonable consideration to the Bill, it will have the desired effect. If members do not agree with all the provisions in their entirety, we can amend them, but let us have some alteration of our existing legislation so that we may be able to deal with an unscrupulous section of the community.

Hon. J. Nicholson: Will you defer consideration of the Bill so that we may see what can be done?

The HONORARY MINISTER: I have no objection to deferring its consideration for a little longer.

Hon. Sir Edward Wittenoom: No.

The HONORARY MINISTER: It is immaterial to me, but in view of the state of the Notice Paper we must make some progress with the measures before us. If hon. members desire to have a little longer time in which to consider the Bill, I shall raise no objection.

Hon. J. R. Brown: We can discuss it further in Committee.

The HONORARY MINISTER: In any case I submit the Bill for the consideration of the House.

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

Ayes	11
Noes	11
A Tie.	0

Ayes.

Hon. C. F. Baxter	Hon. H. Seddon
Hon. J. Cornell	Hon. H. Stewart
Hon. J. M. Drew	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. H. J. Yelland
Hon. E. H. Harris	Hon. J. R. Brown
Hon. W. H. Kitson	*(Teller.)*

Noes.

Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. E. Rose
Hon. G. A. Kempton	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. Sir E. Wittenoom
Hon. W. J. Mann	Hon. J. Ewing
Hon. G. W. Miles	*(Teller.)*

The PRESIDENT: The voting being equal I give my casting vote with the Ayes to permit of further discussion of the Bill. The Ayes have it.

Question thus passed.

Bill read a second time.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—WATER BOARDS ACT AMENDMENT.

Message from the Assembly received and read notifying that the amendment made by the Council had been agreed to subject to a further amendment.

BILL—FAIR RENTS.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.15] in moving the second reading said: On two previous occasions legislation of this kind has been submitted to Parliament and rejected, but the position has gradually become more acute until to-day it is vitally affecting the economic life of the State to such an extent that the Government consider it advisable again to present a Bill for the approval of Parliament. Land values, of course, are increasing throughout the State, principally as a result of the progress being made in the development of the State. I do not think there would be any objection, provided land values were increased gradually and not in the rapid manner they are increasing at present, particularly in certain districts. In my opinion, the rapid increase in land values in the metropolitan area at any rate is quite unwarranted.

Hon. G. W. Miles: Those values will come back now.

The HONORARY MINISTER: If they do, someone will fall in, and that is a position against which we should try to guard.

Hon. Sir Edward Wittenoom: The money is here all right.

The HONORARY MINISTER: Most of us can remember occasions when Eastern States found themselves in a very serious position as a result of the rapid inflation of land values, particularly in the cities, and I should not like to see a similar state of affairs occur in Western Australia.

Hon. E. H. Harris: Do you think this Bill will prevent it?

The HONORARY MINISTER: I think it will go a long way towards preventing it. Most public men and quite a large number of leading business men have issued warnings regarding this matter. One member of this Chamber has thought it necessary to issue a word of warning by means of Press interviews regarding the rapid increase of land values. I consider that the men who have issued such warnings are perfectly right in their contentions, and it is partly as a result of the position to which they have directed attention that we find it necessary to introduce this Bill. We are told that the cost of production must be reduced.

Hon. H. Stewart: The Premier has said that.

The HONORARY MINISTER: And I say so too. Quite a lot of people have said it. But unfortunately most people, when they talk about reducing the cost of production, see only one way of doing it, and that is by reducing wages.

Hon. H. Stewart: Oh no.

The HONORARY MINISTER: I say most people, when considering that phase of economic life, consider that wages must be reduced.

Hon. G. W. Miles: The bricklayers should lay more bricks than they do to-day.

The HONORARY MINISTER: I am not concerned about the number of bricks that the men lay.

Hon. H. Stewart: It has a very direct influence on rents.

The HONORARY MINISTER: I am satisfied to leave the question of wages to the Arbitration Court. I say definitely that wages have had very little to do with the continued increase in rents, particularly in the metropolitan area. The increase of dwellings in the metropolitan area during the last three or four years has been not quite 4 per cent., and yet during that period rents have increased considerably.

Hon. H. Stewart: People cannot get bricks with which to build. The University is held up for want of bricks.

The HONORARY MINISTER: That has no bearing on the question of rents for houses that were built 20 or 25 years ago, though it may have a bearing on the cost of houses being built at present. No one can deny that there has been a very substantial increase in the rents of dwellings, even in districts where no houses have been built for the last three or four years. There are numerous instances of houses bringing considerably increased rents though nothing has been done to the property by the landlords for lengthy periods, and though there has been no change of landlord either. Usually, when a dwelling changes hands, the rent is put up. It is remarkable how this sort of thing operates. One can read advertisements in the Press that a certain land agent has a property for sale. He points out the percentage return that it shows, which he considers to be very good. As a result, a sale is effected at an enhanced value. It has been proved conclusively that a number of dwellings have changed hands several times in the last three or four years, and each time the rent has been increased, although no improvement has been made to the property. The point that concerns me most is that because of the increase of rentals, principally in the metropolitan area, the Arbitration Court has found it necessary to increase the basic wage. That was done after due inquiry by the court. Had the basic wage been fixed solely on the other considerations, there would have been a reduction of 1s. per week. Owing to the increase of rentals, however, it was found necessary to increase the basic wage by 2s.

Hon. E. H. Harris: For some parts of the State, not the goldfields.

The HONORARY MINISTER: I am speaking of the metropolitan area.

Hon. E. H. Harris: And the country districts.

The HONORARY MINISTER: As a result of the basic wage increase, the industries of the State are being loaded with an additional burden of £600,000 per annum. That is a very serious matter. To pay the increased basic wage to railway men in the districts where it operates has meant an amount running into many thousands of pounds. At the same time we are not permitted to increase railway freights, and the additional burden has to be borne by the railways. The basic wage increase has meant an additional burden on other State activities to the exent of something like £100,000 per annum. But high rentals are having another effect; they are causing people in receipt of no more than the basic wage to live under conditions that in the opinion of the Government they should not be called upon to endure. Instances are increasing of more than one family living in one house, simply because they cannot afford to rent a house each.

Hon. A. Lovekin: No one will build houses if this Bill be passed.

The HONORARY MINISTER: The hon. member may deal with that when speaking on the Bill. In my opinion, the measure provides an excellent margin for property owners, and if the hon. member asked for more than is provided, it would not be fair.

Hon. J. J. Holmes: What is to prevent people from building now?

The HONORARY MINISTER: Somebody said a shortage of bricks.

Hon. H. Stewart: That is so.

The HONORARY MINISTER: That is one reason.

Hon. H. Stewart: And the number of bricks laid per day.

The HONORARY MINISTER: Two or three causes are operating, one of them being shortage of bricks. The workers, however, cannot be blamed for the shortage of houses.

Hon. H. A. Stephenson: Hundreds of people not on the basic wage are living in flats owing to the high cost of building homes.

Hon. E. H. H. Hall: Is it not a fact that people can find better investments for their money than building houses?

The HONORARY MINISTER: I do not know, but I have noticed quite a big turnover in properties. Recently a dwelling not far from Parliament House changed hands three times, and each time the price was increased something like £1,000.

Hon. H. Stewart: And the price will go on increasing if the supply of houses is not increased.

The HONORARY MINISTER: One property changed hands three times within six weeks and at an advance of £500 each time.

Hon. E. H. H. Hall: It evidently suited the purchaser to give the increased price rather than build.

Hon. Sir Edward Wittenoom: Why do the purchasers pay an increased price?

The HONORARY MINISTER: Whoever occupies the property in future will have to pay an increased rental owing to the increased price.

Hon. E. H. H. Hall: The occupier is evidently paying for position.

The HONORARY MINISTER: That is an extreme case, but I have 20 or 30 instances of properties having changed hands in the last two or three years, and each time the rent has been increased considerably. The increase of rentals applies more particularly to business premises. We must remember that when owners of business premises have purchased at inflated values, it is necessary for them to increase the rents. The people who rent such premises refuse to pay the increase out of their own pockets, and simply pass it on. And the poor old worker——

Hon. E. H. H. Hall: Does the same.

The HONORARY MINISTER: No, the poor old worker, whose wages are fixed by the Arbitration Court for 12 months, has to suffer the disability for the greater part of that time. Then, at the end of the 12 months, wages are again increased, and so the vicious circle continues. This measure lays down a basis that I consider is fair to property owners. We do not want to enforce anything that is not fair. The proposition in this Bill should be agreed to, not only in the interests of the people who occupy houses or business premises, but in the interests of the community as a whole. I have already said that the basic wage increase means an added load to industries in this State of something like £600,000 a year. To the State Government it means an added expense of at least £2,000 a year by way of interest on loan funds paid to workers in receipt of the increased basic wage.

Hon. G. W. Miles: You do not preach a reduction of the basic wage.

The HONORARY MINISTER: I do not, and nobody logically could do so.

Hon. G. W. Miles: If you get this Bill through, though, you will.

The HONORARY MINISTER: No. The passing of the Bill will at least assist towards what some hon. members call the stabilisation of rents in the metropolitan area. Stabilisation of rents in itself will, in course of time, go a long way towards stabilising the wages of those on the bottom rung of the ladder.

Hon. A. Lovekin: This will mean a further increase in the basic wage.

The HONORARY MINISTER: I have not said that. I am endeavouring to express myself clearly, and I believe I am doing so.

Hon. H. Seddon: Will the Bill increase rents where it is shown that rents are below present capital values?

The HONORARY MINISTER: I do not know that it will.

Several interjections.

The PRESIDENT: Order! I would suggest that this conversational discussion should cease. Each hon. member will later have an opportunity to make a speech, in the course of which he can ask the Honorary Minister questions, with which the Honorary Minister will deal when replying to the debate.

The HONORARY MINISTER: I do not object to interjections at all.

The PRESIDENT: It is not for the Honorary Minister to say whether interjections are objected to, but for the President. The Honorary Minister will proceed.

Hon. Sir Edward Wittenoom: Are you really serious over this?

The HONORARY MINISTER: Yes, because I know the extremely serious effect

that increased rents have had on numerous people in the metropolitan area.

Hon. J. Nicholson: Do you think the Bill will restrict employment?

The HONORARY MINISTER: I do not think so at all. Those who are desirous of building at present, can do so without any dread of being interfered with by the operation of this measure. If property owners want more than nine per cent. over and above ordinary outgoings in the form of rates, repairs and improvements—

Hon. Sir Edward Witenoom: What about income tax and land tax?

The HONORARY MINISTER: I know of many property owners in the metropolitan area who at present do not obtain that return of nine per cent. The question asked by way of interjection, whether the Bill would cause increased rent in such cases, is extremely pointed. However, the measure will not in fact cause any increase in rentals. Where an owner has been satisfied over a period to receive a certain rental for his property, he is not likely, as the result of the passing of this Bill, to say, "I am entitled to increase my tenant's rent under the measure, as I have been receiving slightly less than the measure entitles me to charge."

Hon G. W. Miles: Is the nine per cent. net after payment of all rates and taxes and repairs?

The HONORARY MINISTER: It would work out in this way: If a house cost £1,000, with the bank rate at seven per cent., plus two per cent. as provided by the Bill, the yearly rent allowable would be £90. Allowing £14 for rates, the owner would be permitted to charge £104 per annum, or £2 per week.

Hon. A. Lovekin: What about property standing untenanted?

The HONORARY MINISTER: No property owner at present suffers much in that way.

Hon. Sir Edward Wittenoom: What about income tax and land tax?

Hon. J. J. Holmes: And depreciation, repairs and maintenance?

The HONORARY MINISTER: I do not blame individual owners for what has occurred and what is now occurring, but it is time Parliament took steps to prevent a continuance of the existing evil. I have already said that I believe the measure will do justice to both landlord and tenant, and will give owners a generous return on their capital outlay, either on buildings now erected or even on buildings purchased. The Bill provides that no premiums will be permitted, either in the form of payment for the key—a practice that I understand has been rather prevalent in the metropolitan area, even as much as £5 being paid for the key to a worker's dwelling—or otherwise. Such a thing should not be permitted to exist in any shape or form.

Hon. E. H. Harris: What is the difference between a premium for the key and a premium for walking on the verandah? None at all.

The HONORARY MINISTER: I understand that in connection with city business premises premiums amounting to considerable sums of money have been demanded and have been paid, the premium in the case of a rather small business property being equivalent to an increase of more than £1 in the weekly rental. Another means by which premiums are extracted is to require the proposed tenant to pay for renovations before going into the property. Such practices should not be tolerated in this community even for a minute.

Member: What about hotels?

The HONORARY MINISTER: Hotels are dealt with in a special Act; but from what has happened during the last week or two, it seems that rapid inflation has also characterised hotel values. However, hotels are not affected by this Bill. The measure is to apply only in districts which will be defined by proclamation. Any lessee or lessor can aproach the court, but a lessee must first tender the amount of rent then owing.

Hon. H. Stewart: What effect will the measure have on holiday resorts such as Bunbury and Geraldton?

Hon. J. Nicholson: They are provided for in Clause 3.

The HONORARY MINISTER: No doubt numerous situations that may arise are not dealt with in the Bill; but the measure will operate only by proclamation, and Mr. Stewart can rest assured that such a point as he has suggested will receive full consideration.

Hon. J. Nicholson: A proviso to Clause 3 deals with that question.

The HONORARY MINISTER: Yes. In the case of separate lessees occupying a building the court may determine the rent of each portion occupied. The decision arrived at will be for a period of not less than six months and not more than two years; while, if there is no period mentioned, the decision is to stand for a maxi-

mum of two years. Parties cannot contract themselves outside the measure. As regards recovery of excess rent, the Bill provides that such rent shall be recoverable only for a period of 12 months preceding the date of application to the court. There is also a provision that the decision of the local court shall be final except in cases where the rent is over £260. In such cases there may be an appeal to the Supreme Court, by leave of a judge. I am of opinion that legislation of this nature will confer a distinct benefit on the community as a whole, and particularly in the metropolitan area, as well as in any district to which the measure may by proclamation be made applicable. Hon. members may have some amendments to suggest, and I shall be quite prepared to consider them. The main object is to have a measure dealing fairly between landlord and tenant. The Bill represents an honest attempt to frame a measure fair to both parties, as I have tried to explain. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East) [4.43]: If a measure of this nature would do good as suggested by the Honorary Minister, every member of the Chamber, I feel sure, would assist in the passage of the Bill. However, there seems to be a tendency towards experimental legislation. Before passing this Bill, we should look to the experience of countries where legislation of the kind has operated for some time. The Honorary Minister did not cite any such country, or state how the corresponding measure had worked there. All the information I have been able to gather goes to show clearly that wherever an attempt has been made to establish what are called fair rents, the result has been disastrous, and has led to increase of slum life and decrease of home life. I am convinced that the Bill would produce similar effects here. With a measure of this kind hanging over their heads, people will not embark on building operations. They simply will not run the risk. The Honorary Minister said the increase in the basic wage had been brought about largely by increased rents. On that point I disagree with him entirely. The basic wage itself is in some degree responsible for the increase in the cost of building houses, and therefore for increased rentals. This is due, not to the wages paid, but to the unfortunate slowing-up which occurs each time a higher wage is granted. When one calls to mind the fact that every industry connected with the building of houses has had increased wages granted to the employees, with consequent slowing-up in production, what else can one expect but increased rents?

The Honorary Minister: When did all those industries have increases in wages?

Hon. C. F. BAXTER: I mean the building trade, and the associated trades, such as brick-making. In these there have been several increases during the past few years.

The Honorary Minister: Will the hon. member say when there was an increase in the rates?

Hon. C. F. BAXTER: I am not here to do that just at the moment, but rather to show conclusively that there has been a slowing-up of operations in connection with various sections of the building trade. Bricklaying is perhaps one of the most important. The average rate to-day for bricklayers is from 350 to 400 bricks per day. I know of one instance in which two men erected a wall that necessitated the laying of thousands of bricks, and they did it in a day and a half, yet the average bricklayer will lay 350 bricks only in a day.

Hon. H. Stewart: He should lay from 800 to 1,000 bricks in a day easily.

Hon. C. F. BAXTER: From my knowledge of the trade, I say unhesitatingly that if a man cannot lay 800 or 900 bricks a day, he should get out of it. There are plenty who are not doing anything like that. The Honorary Minister referred to the rental of city properties. I have not given the question any great consideration, but I do not know how any court we could appoint could arrive at a successful determination of what would be a fair rental for such properties. Let us suppose that a Perth property was purchased for £25,000. When the lease expired the owners would negotiate with the tenants and agree to a further lease on a basis of what would be a fair return on the capital value of the building. The property opposite was, let us suppose, sold for £35,000. As a matter of fact, I know of two such transactions in which the properties were purchased for £24,000 and £38,000 respectively. How could any court decide what would be a fair rental in the circumstances for those buildings, and give the owner of the one a

reasonable chance of competing against the owner of the other building? It is dangerous to deal with such experimental legislation. It would be fallacious to attempt to arrive at what would be a fair rental on the basis of the legislation. Nowadays we seem to be out to do all we can to restrict individual investors. If there is any part of the world where investors should be encouraged, it is Western Australia. On the other hand, we are apparently asked to do everything possible to discourage them. Business people in the city can look after themselves fairly well, but let us consider the position regarding suburban homes, which is a more important phase. If we take the value of those homes at about £900 each, it will be about correct, and, in the circumstances, we may agree that 30s. per week will be a high rental for such properties. When deductions are made for rates, without any allowance whatever for repairs, what return will an owner of such property get on his money?

Hon. Sir Edward Wittenoom: You do not say anything about ingoing.

Hon. C. F. BAXTER: We will leave that out of the question.

Hon. Sir Edward Wittenoom: But the Government do not!

Hon. C. F. BAXTER: No. How could the court balance between buildings erected 20 years ago at far less cost and those that are erected in these days? This sort of thing will mean the end of the speculative builder. I know a number of people who have made a little money and have invested it in town properties, but I do not know that they are satisfied to-day. I know that they are not satisfied. Some of the farmers thought city property would be a good speculation but they are far from satisfied with their investments. If the Bill be agreed to, those farmers will wipe the slate clean and get rid of their city properties as quickly as possible.

Hon. H. Stewart: But the Bill will allow them to get more than they receive now for their properties.

Hon. C. F. BAXTER: How could it do that? Of course, we know that some property owners are receiving about 2 per cent. or 3 per cent. only on their investments. What will happen to them if the Bill be agreed to?

Hon. C. B. Williams: What return do you want? Is not 9 per cent. enough?

Hon. C. F. BAXTER: Would the hon. member be satisfied with 2 per cent. or 3 per cent——

Hon. C. B. Williams: Yes.

Hon. C. F. BAXTER: When he can go to the bank and get double that rate, with no worry and be certain of his return! I do not think we would be satisfied. There are very few who get a return of 9 per cent. on their money. The Honorary Minister quoted one particular instance in which a city property had changed hands, but probably that building was required for flats or the purchaser may have desired to secure it because he wanted a particular style of home. Such a transaction does not prove that we should agree to a Bill like that before us. We know there is competition to-day and that means an increase in the cost of homes. There are not enough buildings under existing conditions, and the Bill will certainly restrict operations. To-day there are a number of speculative builders who go so far as to supply the land and build the home, in return for which they accept deposits ranging from £50 to £150. Most of the deposits amount to £50 and the rest of the cost of the home is taken by way of rent.

The Honorary Minister: How long does it take the purchaser to own his home in those circumstances?

Hon. C. F. BAXTER: What does that matter? If the owner is paying 6 per cent. or 7 per cent. and the Government allow a return of 9 per cent. in the Bill, that provision will be taken advantage of. We have our Workers' Homes Board. How long does it take a purchaser to pay for his home under the Workers' Homes Act? We know that time does not matter so long as the repayments are reasonable.

Hon. C. B. Williams: And so long as the purchaser lives long enough to complete the purchase.

Hon. C. F. BAXTER: That is nothing. It is better to pay off a house over a long period than to pay rent indefinitely.

Hon. G. W. Miles: It is better to pay off a house than to invest money in a motor car.

Hon. C. F. BAXTER: A lot of that is done. If I could see any virtue in the Bill, I would help the Minister.

Hon. V. Hamersley: You would help better by knocking it out.

Hon. C. F. BAXTER: I am not sure that the Government are anxious to place this measure on the statute-book.

Hon. C. B. Williams: You complained about high wages. Have not those wages gone up because of the greed of landlords?

Hon. C. F. BAXTER: I think the hon. member must have been asleep! I said that the housing problem had been largely brought about by the increased wages paid and to a greater extent by the slackening up in building operations. We do not mind high wages being paid. It is a splendid thing for any country when the wages paid are sufficient to enable the worker to live in comfort, and educate his family. What is required, however, is a fair return for the wages paid. If we had a fair return rendered in the building trades, the position would be much more satisfactory.

Hon. C. B. Williams: The men who have money invested look prosperous and happy enough.

Hon. C. F. BAXTER: I do not know to whom the hon. member refers; I am not one of them. From what the Honorary Minister would have the House believe, I should think the return was something like 25 per cent. For my part I doubt if the return has reached 9 per cent., which the Government suggest in their Bill. The only effect the Bill will have will be to restrict the building of homes, and that will create a worse position than we have at present. I cannot see any good that is likely to come from the Bill, but I regard it as of grave danger to the State. It will turn investors against Western Australia as we have turned them away in connection with other activities. Rather than achieve the objective of the Honorary Minister, the Bill will mean fewer homes and an increased number of families living in one house. That sort of thing is not desirable in any community and we do not want it here. It is preferable to continue as we are to-day rather than place such a restrictive measure on the statute-book. I shall oppose the second reading of the Bill.

On motion by Hon. H. A. Stephenson, debate adjourned.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.57] in moving the second reading said: The Bill deals with two matters, namely: (a) power to make by-laws for the control and management of the University grounds and buildings (Clauses 2 to 5): (b) power to make regulations for the internal management of the University (Clause 6). I shall now briefly state the reasons for the measure. Under the existing law, the University has absolute power to exclude the public from its lands if it wishes to do so. The University, however, has always shown that it has no desire to harass the public. On the other hand, it is anxious that its lands may be available for the use and enjoyment of the public, provided that this can be done without loss or damage to University property. Gates and footpaths have been provided to enable the public to cross the University lands from the foot of Myers Street and from the foot of Edward Street. During the last few years, however, the University has suffered loss both by theft and by wanton mischief, and it is now seeking powers whereby it may protect the University grounds and buildings. Otherwise it might be necessary to place greater restrictions upon the use of the grounds by the public, than is desired by the University authorities. The University as a public institution is seeking to make its grounds available to the public, and it desires power from Parliament to make by-laws to prevent damage to the grounds and buildings, such as occurs in public parks. At the present time if persons damage the trees or flowers, or are guilty of disorderly conduct on the grounds, the University can proceed against them only by way of an action for damages. The University considers it is essential to provide some protection for the thousands of young trees and shrubs recently planted at Crawley and which ultimately will beautify those grounds. The Government hold a similar view; hence the introduction of the Bill. Let me explain the various clauses. Under Clause 1 the Senate will have power to make by-laws similar to those that are usual in relation to public parks. Under Clause 2 the by-laws will apply only to the

lands at Crawley used for University purposes. Under Clause 3 the by-laws are subject to the approval of the Governor-in-Council. Clause 4 provides that fines shall be payable to the University. It is not expected that any appreciable sum will be realised by way of fines, and it must be remembered that the University will have to pay the cost of caretakers, etc. Under Clause 5, in order to avoid the trouble of providing a surveyor to prove that the land in which the alleged offence has been committed is University ground, it is to be assumed until the contrary is proved that the land on which the offence took place is University ground. The regulations mentioned in Clause 6 are chiefly details regarding degree courses, scholarships, etc. They occupy the greater part of the University calendar; for example, from page 30 to page 103 of the 1929 calendar. Small alterations are made in these regulations at almost every meeting of the Senate in order to meet the changing conditions of University work. The University Act and the statutes set out the main principles on which degrees are given, and the regulations concern themselves only with minor details. At present, however, these regulations have not the force of law, and the Bill proposes to give the Senate power to make such regulations. I move—

That the Bill be now read a second time.

HON. A. J. H. SAW (Metropolitan-Suburban) [6.4]: I commend the Bill to the favourable consideration of the House. As members know, ever since the inception of the University I have taken a very keen interest in it, and for the last seven years have been its Chancellor. I quite agree with the remarks of the Chief Secretary when he says the University authorities have no desire to debar the public from access to the University land and the peaceful enjoyment thereof, but I want to point out that the University is spending very large sums of money annually in beautifying those grounds at Crawley. As members know, we obtained a magnificent bequest from the late Sir Wintrop Hackett. With the permission of the court, a sum of money was set aside from that bequest for the maintenance of the buildings and grounds at Crawley. We realised it was of no use erecting fine buildings down there unless we could put them in a suitable setting, and that cannot be done without money. So with the consent of the court a sum was set aside for the maintenance of the buildings and the adornment of the grounds. Mr. Lovekin, from his experience in King's Park, will agree that there is a great deal of vandalism perpetrated by the public in these places. The University grounds are not quite on the same footing as the King's Park lands, because the King's Park lands are dedicated to the people, whereas the University lands are dedicated to the use of the University. But the University authorities have no desire to debar the public from entering upon and enjoying those lands and the gardens which we hope to see around the buildings. So it is necessary that the University authorities should be armed with power to take action to protect the trees and shrubs and buildings. We are notified by our solicitors that we have no such power at present. Hence the necessity for the Bill. Something like £180,000 is to be spent on the buildings at Crawley, a sum supplied from the Hackett bequest. In addition, a considerable sum will be spent by the Government in erecting other buildings in those grounds. The power sought in the Bill is required also for the protection of the buildings. I hope the Bill will commend itself to the House and will have the same happy reception it had in another place.

HON. A. LOVEKIN (Metropolitan) [6.7]: I have no intention of opposing the Bill; rather do I cordially support it, because from my experience of the King's Park I know that a Bill of this kind is absolutely necessary. But I am sorry to say I am afraid that in face of an Act of Parliament there will be considerable vandalism at the University grounds, just as there is in King's Park. Any measure that will tend to check it is in the best interests of the community. I rose only to draw attention to Clause 4 of the Bill, which I do not think is going to have any effect, although it should have effect. It will be necessary to insert words to give that clause effect. We have had the same experience of this provision in King's Park. Clause 4 provides that any by-law may impose a penalty not exceeding £20 for any breach or non-observance thereof, and that proceedings for the recovery of such penalty may be taken by any police constable or any officer of the University in his own name, but all pecuni-

ary penalties shall be appropriated and paid to the senate for the use of the University. Unfortunately, the Fines and Penalties Act, No. 4 of 1909, is in force, and one of its provisions entirely nullifies Clause 4 of the Bill. In that Act it is prescribed that—

> Notwithstanding the provisions of any Act to the contrary, every fine and penalty imposed by any court of summary jurisdiction under any Act passed before or after the passing of this Act, for any offences against or breach of provisions of such Act, or of any by-law or regulation made under such Act shall, except as hereinafter provided, be paid to the Colonial Treasurer for the public uses of the State.

The exceptions are of no effect in this instance, for they relate to the sale of fermented liquors and to local authorities. So, unless we insert some words in this Clause 4 to prevent the operation of this Act of 1909, the fines will not go to the University. We on the King's Park board have been met by the same difficulty. It is very necessary that the fines should go to the body concerned, whether it is the University or the King's Park board. To-day the King's Park board cannot afford to prosecute vandals for picking flowers or damaging trees in the park. The penalties go to the Crown, yet we have to send down the superintendent to issue the summons and provide the evidence at the court. The magistrate probably will inflict a substantial fine of from £2 to £5, but the man who prosecutes, the superintendent, who is paid the equivalent of 30s. a day, has allowed to him half a crown as a witness's fee. So the park to-day cannot afford to allow its superintendent to go down and prosecute those vandals as they should be prosecuted, simply because the fines go to the Crown and we do not get the value of the superintendent's wages for the time spent in prosecuting.

Hon. A. J. H. Saw: The University is even more hard-up than is the King's Park Board.

Hon. A. LOVEKIN: I suggest that when in Committee we try to amend Clause 4 by putting in some such words as "notwithstanding the provisions of the Fines and Penalties Act of 1909, these penalties shall go to the University." Without those words the University will not be able to prosecute without loss. I cordially support the Bill.

HON. J. CORNELL (South) [6.13]: I support the Bill, but there are in it one or two provisions needing explanation. We are told that in respect of these regulations the senate will have power to prescribe fees to be charged to the public for admission to the University grounds. Are we to understand that when the grounds are a going concern, so to speak, the public will be charged a fee for admission?

Hon. A. J. H. Saw: I think that is to cover football matches and other matches.

Hon. J. CORNELL: It certainly needs some explanation. I am perfectly satisfied that if the University authorities do provide sports grounds, power should be given them to make a charge for admission on days when matches are being played. However, the meaning of the clause at present is a little obscure. On all other occasions the University grounds, like the King's Park, should be open without fee to all people who decently conduct themselves. Again, it is provided that persons desiring to have access to the grounds shall be furnished with tickets, and shall produce such tickets when required by any servant of the University. I hope I am right in supposing that the University people do not desire that ordinary casual visitors to the grounds shall have tickets. Those are the only two provisions which seem to me liable to misconstruction, and I think it right that they should be definitely cleared up. I will support the second reading.

On motion by Chief Secretary, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Exemption from rates:

The CHIEF SECRETARY: In the course of my second reading speech on this Bill, Mr. Rose made an interjection which I did not clearly understand, and I replied "Yes." If my reply were correct, it would mean that this exemption from rates would apply to every agricultural society in the State. That is not so. It applies only to the Royal Agricultural Society. Even now every agricultural society is exempt from

rates in respect of land held in trust. So far as I know, no agricultural society holds land in fee simple. There has been no demand for an extension of the concession to any other agricultural society except the Royal Agricultural Society, which owns a certain amount of freehold land. The Royal Agricultural Society approached the Government, who decided to exempt that body from rates in respect to that freehold land. They are already exempt in respect of land held in trust.

Hon. J. Nicholson: That is under the general exemption given in the case of philanthropic and charitable bodies?

The CHIEF SECRETARY: Yes. To meet the objection raised by Mr. Lovekin, I propose to amend this clause. I am informed that the Royal Agricultural Society have not leased any land, and are not likely to do so, except for show purposes. Some provision, however, should be made to cover that. I move an amendment—

That the following proviso be added:—"Provided that such exemption shall not apply to any land vested in or held by the Royal Agricultral Society, and leased by the society otherwise than for agricultural show purposes."

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

Clauses 3, 4, Title—agreed to.

Bill reported with an amendment.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 2.

Hon. A. LOVEKIN: I hope the Committee will vote against the clause. It provides for an 8-foot scaffolding and the gear connected with it. To embody such a provision in an Act means the creation of something that will be irksome to the general community and serve no good purpose. If a man stands on steps in order to clean walls, an inspector must inspect the ladder before it can be used. That is going too far. The Master Builders' and Contractors' Association are opposed to the clause, and say it will add enormously to the cost of plastering walls. Plasterers require to move their scaffolding three or four times a day. If the scaffolding has to be inspected every time it is moved, the cost of the work will materially increase and house rents will go up. If we strike out this clause, the rest of the Bill can stand.

The CHAIRMAN: There are two amendments on the Notice Paper. These should be disposed of first, and members can then decide what to do with the clause as amended, if it is amended.

The CHIEF SECRETARY: I move an amendment—

That the following proviso be added:—"Provided that where any gear within the meaning of this definition consists of machinery which is subject to the provisions of the Inspection of Machinery Act, 1921, and the same is inspected and approved by an inspector appointed under that Act, such gear shall, by virtue of such inspection and approval, cease to be subject to the provisions of this Act."

This is in accordance with Mr. Harris's suggestion.

Hon. E. H. HARRIS: Provision is already made under the Inspection of Machinery Act to cover such inspections, and I see no need for the proviso. I shall vote against the clause.

Amendment put and negatived.

Hon. J. NICHOLSON: I propose to move an amendment which reads—

That in the definition of "scaffolding," in Section 2 of the principal Act after the word "work" in the tenth line, the following be added:—"nor any steps and planks or trestles and planks usually used for painting, paperhanging and decorating, and for riveting iron."

This amendment is prompted by the interpretation of "scaffolding" in the Scaffolding Inspection Act of South Australia. At the end of the definition of "scaffolding" in that Act the following has been added:—"but shall not include any steps and planks or trestles and planks usually used for painting, paper-hanging, and decorating, and for riveting iron." It is necessary to modify or alter the definition of "scaffolding" as it exists in the Act now.

Hon. H. A. Lovekin: If it is not above 8 feet we do not want your amendment.

Hon. J. NICHOLSON: There must have been good reason for the Parliament in South Australia to make the provision I have read.

Hon. J. J. Holmes: Why riveting and not nailing or screwing.

Hon. J. NICHOLSON: I have not had the opportunity to find out. The matter was brought under my notice late yesterday by those who are interested here in painting, paper-hanging, etc. and it was because of their representation that I gave notice of the amendment. I do not know why in South Australia they confine themselves to riveting. There must have been a reason for it.

Hon. A. LOVEKIN: The hon. member will see that if the scaffolding is above 8 feet, riveting and everything else will have to come under the Act. We are trying to eliminate the 8 feet provision and if it is eliminated the hon. member's amendment will not be required, because riveting and everything else will apply to the higher scaffolding.

Hon. J. Nicholson: With the permission of the Committee I will withdraw my amendment.

The CHAIRMAN: There is no amendment to withdraw; the hon. member did not actually move it.

Hon. H. STEWART: If Clause 2 is struck out, we shall eliminate the provision to make inspection of scaffolding apply where the scaffolding is more than 8 feet in height; it will not affect the definition of scaffolding. The definition should not apply to every structure on every farm or station; we should limit it to what Parliament intended to apply it.

The CHIEF SECRETARY: The department hold that the amendment set out in the Bill is very necessary. The advice of the Crown Law Department is that "gear" as at present defined, is not subject to inspection under the Act unless it is actually used in connection with scaffolding exceeding 8 feet in height. The Crown Solicitor was asked to advise on the following questions:—(a) Has the inspector power to require this derrick to be erected in accordance with the requirements of Regulation 10 (iii)? (b) If it appears to the inspector that the use of this gear would be dangerous to human life or limb, is he empowered by Section 11 of the Act to give directions in writing to the owner in order to prevent accidents, or to ensure a compliance with the Act? The answer to both questions was "No."

Hon. Sir Edward Wittenoom: Have there been many accidents?

The CHIEF SECRETARY: I will supply the hon. member with the information I have. The adoption of the clause will render all gear used in connection with scaffolding or in connection with the alteration, demolition or the erection of a structure, subject to inspection, and will empower the inspector to take such action as may be necessary to ensure the safety of the gear and the workmen engaged. The amendment was suggested by the Crown Solicitor after he had examined the Bill. The original Act fails to meet the necessities of the situation. Subclause 3 of Clause 2 deals with the 8ft. aspect and it has been found that the exemption from the operations of the Act and regulations of scaffolding under 8 ft. in height affords opportunities which are frequently availed of for the erection of unsafe scaffolding exposing the life and limb of the workers to danger. It is the experience of the department that as a rule no complaint can be made against contractors on a big scale. There are, however, smaller contractors who do not go to the trouble of getting timber of the required strength and as a result some scaffolds are extremely dangerous and those scaffolds do not come within the provisions of the existing legislation. Inspectors are not able to object to them by reason of the 8ft. restriction. Some weeks ago I laid on the Table a list of the accidents that had occurred on scaffolding less than 8 ft. high, and some of them were rather serious. If the provision be passed, it is not intended drastically to apply the regulations in the schedule to scaffolding only a few feet high; it is intended to frame simple regulations, and any member may move for their disallowance if they are unreasonable. It has been held that the owner of a scaffolding is not a workman within the meaning of the Act. On one occasion several persons, including the owner of the scaffolding, the person for whom the building was being erected, and members of his family were working on scaffolding over 8ft. high, and it was claimed, as they were not receiving payment, they were exempt from the Act.

Hon. J. J. Holmes: I, as an owner, would be entitled to get on scaffolding and take the risk.

The CHIEF SECRETARY: I do not think the hon. member should be allowed to commit suicide. It has been questioned whether an overseer or foreman could be

designated a workman. I have an amendment to meet that point. The safeguards I have mentioned will be jeopardised if Mr. Lovekin's view is insisted upon.

Hon. H. STEWART: I notice that this measure is to apply only to the metropolitan area for the time being.

Hon. A. LOVEKIN: Regulations are to be framed for scaffolding under 8 ft. high. If those regulations are to be carried out, it will mean having inspectors on every job, and we do not want to increase costs in that way. The Minister objects to the striking out of the word "gear." Although an inspector may not attend to inspect an 8 ft. scaffolding, he could inspect the gear and so we should get back practically to the 8 ft. limit for scaffolding. There is ample provision in the Inspection of Machinery Act and the principal Act to deal with gear. The workmen are protected in respect to both scaffolding and gear over 8 ft. high. As regards domestic scaffolding for cleaning windows or pictures, or for papering or painting a wall, we do not want legislation that will necessitate work being held up until an inspector can be obtained. This question has been discussed previously and rejected, and we should adopt the same course now.

Hon. J. T. FRANKLIN: It would be a mistake to adopt the 8 ft. limit. If the clause were passed, a plasterer, who could float a room in half a day, must have his scaffolding inspected, and before he could go to another room the inspector would have to pass the scaffolding there. That would merely add to the cost of building. A painter engaged in renovating a room would need to have his scaffolding passed by the inspector and the cost of such work would become excessive. There is very little danger with scaffolding less than 8 ft. high. Existing legislation already provides for the inspection of gear.

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

Ayes	.. .. ..	4
Noes	.. .. ..	18
Majority against	..	14

AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. C. B. Williams
	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. J. T. Franklin	Hon. E. Rose
Hon. E. H. H. Hall	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. G. W. Miles
	(Teller.)

Clause thus negatived.

Clause 3—Amendment of Section 11:

Hon. A. LOVEKIN: I have given notice of an amendment to delete this clause. I need not move that amendment, since the Committee has struck out the provision as to the 8 ft. scaffolding.

The CHAIRMAN: Hon. members desiring to remove the clause from the Bill will vote against it.

Hon. A. LOVEKIN: I have not moved my amendment to delete the clause. The clause need not be deleted now. In fact, it ought to be in, since the 8 ft. provision has been struck out.

The CHAIRMAN: An amendment to delete a clause is never accepted. Hon. members opposed to a clause will vote against it. A whole clause cannot be deleted as a consequential amendment.

Hon. A. LOVEKIN: The clause ought not now to be struck out.

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

Ayes	.. .. ..	12
Noes	.. .. ..	8
Majority for	..	4

AYES.

Hon. J. R. Brown	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. A. Stephenson
Hon. J. T. Franklin	Hon. H. Stewart
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. E. H. Harris	Hon. H. Seddon
Hon. W. H. Kitson	*(Teller.)*
Hon. A. Lovekin	

NOES.

Hon. J. J. Holmes	Hon. E. Rose
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. W. J. Mann	Hon. V. Hamersley
Hon. G. W. Miles	*(Teller.)*
Hon. J. Nicholson	

Clause thus passed.

Clause 4.—Persons employed on scaffolding to have a knowledge of the English language:

Hon. E. H. HARRIS: The phraseology of this clause is not unfamiliar, appearing as it does in the Bill relating to regulation of mines; but what does the phraseology mean? Who is going to apply the language test? What is the provision here for except to serve as political fireworks? The present interpretation of Section 41 of the Mines Regulation Act—

The CHAIRMAN: Order! I hope the hon. member will confine his remarks to the question whether or not any person employed under the Scaffolding Act should have a sufficient knowledge of the English language to enable him to speak it intelligibly and to understand it, and whether or not there is sufficient machinery in the Scaffolding Act to provide for that.

Hon. E. H. HARRIS: Ministers in both Houses have admitted that the corresponding provision in the Mines Regulation Act is valueless. The same thing is imported into this Bill. The Mines Regulation Act provides who is to apply the test. When are the words in the Bill intended to apply?

The CHIEF SECRETARY: I shall quote the reasons of the Chief Inspector of Scaffolding for recommending this provision—

During recent inspections inspectors have experienced difficulty, owing to the employment of foreigners possessing only a slight knowledge of the English language, in securing alterations to scaffolding not erected in accordance with the Act and regulations. The following instances will serve to illustrate a few of the difficulties experienced:—At a job just commenced, it was found that the scaffold consisted of half-inch boards used for the purpose of foot planks, and resting only on fruit cases. Two men were on the job, neither of whom could speak English, and in response to the questions of the inspector all the information he could obtain was "Ja! Ja!" At another job it was found that three men were employed —all foreigners—two being plasterers, and the third a labourer. The scaffolding was badly erected, and unsatisfactory, and before the inspector could have any alterations made he had to get into touch with the contractor, who eventually had the scaffolding demolished. On another occasion four foreigners were found working on a scaffold—three as bricklayers, and the fourth as a labourer. Not one of these men could speak English properly, and in reply to the requests of the inspector for information as to the owner of the scaffolding, he was motioned to another job in the same road. A bricklayer and his labourer—both of foreign nationality—were found on a scaffold partly erected on the front elevation. These men had removed the bottom ledger to put up top, and had fixed no braces to steady the scaffold. The inspector could get no satisfaction from these men, as they could not speak English, and in response to his endeavours to point out to them what he wanted, all he could get was "Beeg Lad Maylan" (big ladder, Maylands). The inspector gained the impression that these men thought he was looking for work. At another job the inspector found certain scaffolding erected around the chimney very unsatisfactory, and in order to get it demolished he had to motion to the foreigners—two bricklayers and one labourer—as they could not speak English. It was also found necessary to replace a short ladder by a longer one, in order that the labourer might with safety descend from the scaffolding. The labourer could speak a very few words of English, but the two bricklayers apparently knew not a word of English.

Hon. H. Stewart: Were those foreigners members of the union?

The CHIEF SECRETARY: That has nothing whatever to do with the case.

Hon. H. Stewart: It would be a protection if they were required to be able to speak English.

The CHIEF SECRETARY: They were employed, and could not speak English.

Hon. Sir EDWARD WITENOOM: Will the Chief Secretary inform the Committee why these foreigners were employed in preference to others who could speak English?

Hon. E. H. HARRIS: I can answer that question, if the Chief Secretary cannot. I presume these men are men who have the preference expressed in those 33 agreements laid on the Table recently. Under the terms of agreements between employers and employees these men are members of the union, and entitled to get the jobs. What will be the penalty for employing foreigners unable to speak the English language? Who is to apply the language test? Back in 1910 it was pointed out by the present Minister for Mines, and again recently it was pointed out by the Honorary Minister here, that foreigners employed in our industries were a danger to fellow-workers by reason of their inability to speak English. The section of the Mines Regulation Act, however, is ineffectual. For that reason I placed on the Notice Paper an amendment relating to another Bill. I have prepared one on similar lines for this clause, providing for the striking-

out of all the words after "person" in the fourth line and inserting "is able to speak the English language readily and intelligibly, and to read it whether printed or written, as is provided in the Mines Regulation Act." Let us have something that will bar those men from standing on a box and saying "Ja ja" when asked a question. Meantime, who is to examine the men in English, and what is to be the penalty for allowing a man to continue at work if he cannot speak English?

The CHIEF SECRETARY: If the hon. member will look at Section 23, Subsection 2, of the principal Act, he will see that the penalty is not to exceed £20. If a man were employed who could not speak the English language, that would be a breach of the Act for which that penalty is prescribed.

Hon. E. H. Harris: Is it proposed that the inspector or the employer shall say whether the worker can speak the English language?

The CHIEF SECRETARY: The inspector will decide the question, and if he thinks the man cannot speak the language he will prosecute the owner.

Hon. C. F. Baxter: That is a dangerous power.

The CHIEF SECRETARY: Should that action be taken, it will be for the owner or contractor to defend himself in court and prove that the man can speak the English language.

Hon. E. H. HARRIS: As we proceed, we collate information that is of interest in connection with the Mines Regulation Act.

The CHAIRMAN: Order! The hon. member must not deal with that Act.

Hon. E. H. HARRIS: I know of a union that endeavoured to get a Government of the day to amend existing legislation in order that powers should be given to inspectors, but that request was refused. In the small Bill now before us it is proposed that the inspector shall have this power. This will be a guide to people in other industries and a point of law that was involved in litigation some 20 years ago cost the Government £700 to find it out. I move an amendment —

That all the words after "person," in line 5, be struck out, and the following inserted in lieu:—"is able to speak the English language readily and intelligently, and to read it whether printed or written."

Hon. C. F. BAXTER: I see grave danger in both the clause and the amendment. It is going a long way to place the responsibility on an inspector and, on the other hand, if the amendment be agreed to, it will mean that many employees who have jobs to-day will find themselves out of employment. There are many people who have been brought here who are not able to read the English language.

Hon. Sir Edward Wittenoom: Do they belong to the unions?

Hon. C. F. BAXTER: Of course, otherwise they could not get any work.

Hon. E. H. Harris: Do you think the clause itself will be effective?

Hon. C. F. BAXTER: I do not.

The CHIEF SECRETARY: I do not regard Mr. Harris's amendment seriously. I would be surprised if the Committee sanctioned it, and the Bill went back to another place with the amended clause.

Hon. E. H. Harris: Are you afraid of another place?

The HONORARY MINISTER: The amendment goes too far. Unfortunately there are a lot of people here who, through no fault of their own, are not able to read the English language. Some of them were born in Australia, and some in Western Australia.

Hon. Sir Edward Wittenoom: Then what is the good of your large vote for education?

The HONORARY MINISTER: Many of these people have not been in a position to enjoy the benefits of our educational system. As a matter of fact, 1.26 per cent. of the male population of Western Australia between the ages of 15 and 64, are unable to read the English language. The great majority of these illiterate persons are engaged on hard manual work in the mining and timber industries, or as labourers. The 1.26 per cent. I have referred to were born in Australia. Of those who are in Western Australia but were born outside the Commonwealth and who are between 15 and 64 years of age, no fewer than 8.21 per cent. are unable to read the English language. I will leave those figures with hon. members and if they think it wise to agree to the amendment, they are at liberty to do so.

Hon. A. LOVEKIN: I do not know that the figures are of much value, because of the age limits. If the Honorary Minister includes men 64 years of age, he is

going back to the time when it was an election cry that the board school system should be adopted and people be taught to read and write, the argument then being that if men read the Bible, they would learn that servants must obey their masters and therefore they would become better servants. If the Honorary Minister took the ages as from 15 to 50, the percentage would not be so high.

The HONORARY MINISTER: I would suggest that the people who are from 50 to 64 years of age are just as much entitled to continue in their employment as anyone else. In fact, in view of their disabilities, they should be allowed to continue at work.

Amendment put and negatived.

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

Ayes	7
Noes	13
Majority against	6

Ayes.

Hon. J. M. Drew	Hon. H. Stewart
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. J. R. Brown
Hon. W. H. Kitson	*(Teller.)*

Noes.

Hon. C. F. Baxter	Hon. E. Rose
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. J. J. Holmes	Hon. H. Seddon
Hon. G. A. Kempton	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. E. H. Harris
Hon. J. Nicholson	*(Teller.)*

Clause thus negatived.

Clause 5—Amendment of schedule:

The CHIEF SECRETARY: I move an amendment—

That in line 8 of subparagraph (3), the word "*calendar*" be struck out.

The sub-paragraph defines a year as being the period from the 1st July to the 30th June next succeeding. That is the usual financial year for business firms and coincides with the financial year of the taxation authority.

Hon. A. LOVEKIN: I have no objection to "calendar" being struck out, but I hold that the provision that one year is to mean the period commencing on the 1st July and ending on the 30th June next succeeding must also be struck out. If those words are left in, the person erecting scaffolding will not get a year's run for his fee if he pays say, on the 20th June; for on the 1st July he will need to pay another fee, which is not intended. However, that would be the effect of the clause. I suggest to the Chief Secretary that we strike out those words and depend upon the words "Covering a period of one year."

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That beginning in line 8 the words "for the purposes of this clause, one year to mean the period commencing on the 1st July and ending on the 30th June next succeeding" be struck out.

With those words in the clause a person will have to pay twice.

The CHIEF SECRETARY: The reason supplied me for the retention of those words is that the period provided coincides with the financial year adopted by the Taxation Department and other departments and authorities.

Hon. A. Lovekin: It means that a person will have to pay two fees in one year.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That there be added at the end of Subclause 1 the following words:—"the foregoing fees may be modified, but not increased, by regulations under Section 25, Subclause 2."

This is to enable Regulation 20 to be amended by the Governor in Council. At present such regulations can only be amended by legislative enactments.

Hon. J. Nicholson: That would enable them to fix a reduced fee for a portion of the year.

The CHIEF SECRETARY: Yes, when necessary.

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

Title—agreed to.

Bill reported with amendments.

BILL—AGRICULTURAL PRODUCTS.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [8.53] in moving the second reading said: For several years re-

quests have been made to the Department of Agriculture to introduce a topping and grading Act for various sections of the agricultural industry. In 1916 a suggestion was submitted by the then senior potato inspector that a topping Act would be of advantage to the potato industry, but the matter was dropped as the suggestion did not receive any special support. Since then, however, the need of a topping Act has been urged on various occasions, and in addition several requests have been received to introduce a grading Act. The poultry framers also desire legislation to enable them to enforce the grading of eggs and to ensure the special marking of eggs which go into cold store. The Fruitgrowers' Association, the Poultry Farmers' Organisation, the Chamber of Commerce, Bunbury, and the Metropolitan Market Trust are in favour of a grading and topping Act. In view of these representations a conference was held at which representatives of the following were present—The Poultry Farmers' Association, Producers' Markets, Packers' Association, Citrus Growers' Association, the Market Trust, the Fruitgrowers' Association and also representatives of the potato growers. As the result of this conference it was evident that, with one exception, all stressed the urgent necessity for introducing a Bill of the present character. The Bill now presented is a simple measure containing only a few clauses, the principal one being Clause 3. The other clauses are machinery clauses designed to give effect to the provisions contained in the clause referred to. Clause 3 makes it illegal to sell any farm produce which has been topped, and further, it makes provision under which the grading of agricultural produce can be prescribed if the condition relating to the production and sale of such produce render it desirable. It will thus be seen that whilst packing to avoid topping is compulsory, grading is not compulsory, but provision is made to enable the Minister to make regulations to bring this about in connection with the sale of any agricultural products when the conditions of that industry warrant it. The Commonwealth regulations at present require that certain produce for export shall be graded, such as fruit, butter and eggs. It has been contended that it would be advantageous for these to be graded for local sale. It is also claimed that potatoes should be graded so as to protect the reputation of the State, enable the export trade to be developed, and also protect the consumer. With reference to eggs, a recent visit to the metropolitan markets disclosed the urgent need for grading eggs. In the absence of such provision it is quite possible for the work of the poultry farmer, who has graded his eggs and placed them on the market in the best condition, to be nullified, as the result of purchasers mixing these eggs in lower grade and under-sized eggs, and disposing of them as a mixed lot. There is already a demand for the grading of eggs, and if legal standards were laid down so that all eggs were sold by quality and weight, it would, in the opinion of the Government after investigation, bring about such an increase in consumption that better prices would be obtained and a further expansion and development of this important industry would be brought about. The compulsory grading of eggs and sale by weight standards is not new. It has been the law in England only this year, but it was in operation voluntarily long before that. In Northern Ireland for the last five years and in Canada for 10 years it has had statutory authority. In both these countries the passing of the legislation was followed immediately by an enormous increase in the consumption, which has led to increased production and general prosperity in the industry. And it was because of this that the British Government framed an Act which came into operation on the 1st March of this year. According to evidence given before the Imperial Economic Committee appointed by the British Government to inquire into the marketing of eggs, it was stated in their report that, as a result of the sale of eggs in Canada on a quantity and weight basis, the increase in the consumption of eggs rose in the five years—1921-6—by 135 eggs per head for every man, woman and child in Canada. If half that increase in consumption were to take place in Western Australia it would need many more producers than are in the business to-day to supply the eggs required. In 1928 Western Australia exported 111,885 dozen. If the consumption in Western Australia increased by one egg per week per head of population, that increase would require roughly 1,750,000 dozen eggs, or more than 15 times as much as that exported in 1928. Egg production in Western Australia has doubled during the last four years. The industry, I am informed, is still expanding rapidly, and in view of the figures I have quoted there seems to be

enormous room for expansion. If egg consumption can be increased by the provisions of this Bill, as it has been increased in other countries, it would be a good thing for Western Australia. As the Canadian population increased their consumption by 11¼ dozen per head, surely it is possible for the Western Australian population to increase their consumption by four dozen per head, or one egg per week. I am satisfied, as a result of conferring with officers of the Department of Agriculture, that if legislation of this kind is adopted, it will have a beneficial effect upon the local industry. I move—

That the Bill be now read a second time.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [9.3]: I have pleasure in supporting the Bill, which is long overdue. During my experience in Western Australia as a produce merchant for the last 32 years, I have been advocating such a measure, not only in the interests of local consumers, but also in the interests of overseas trade and the producers themselves. It is almost impossible to-day to get, in any market in this State, a case of fruit or a box of eggs that is truly packed, in such a way that the bulk is equal to the quantity shown respectively in the mouth of the bag or on the case. In the export of apples there has been a great improvement, but in respect of potatoes there has been no grading and no supervision. Although Western Australia produces a very fine quality of potato, its name in the Eastern States is anything but satisfactory owing to the bad bagging. Last year I received telegrams from two merchants in Sydney who had purchased fairly large quantities of Western Australian potatoes. When the consignment arrived it was found to be in a shocking condition so far as packing and general quality were concerned. The bags contained potatoes of all sizes, and there were stones, dirt and soil in nearly every bag. I was asked to see what I could do with the Government in the matter. I handed the telegrams to the Minister for Agriculture, who said he was sorry he could not do anything because there was no Act in force giving him power to take action. It is surprising that the majority of producers think it is a fair thing for them to get their produce on the market without any grading or proper supervision. This only reacts on them and is a shortsighted policy. A few years ago I had the honour to be one of those who visited the near East—Java, Singapore and the Federated Malay States, to see whether it was possible to bring about an increase in the trade between those countries and Western Australia. It was very disheartening for members of the delegation to be shown day after day quantities of Australian and Western Australian produce that had been badly packed, and was faulty on that account.

Hon. H. Stewart: What was the produce?

Hon. H. A. STEPHENSON: Fruit, potatoes, and biscuits, etc. It applied to almost any produce that had been exported.

Hon. H. Stewart: What kind of fruit?

Hon. H. A. STEPHENSON: There were oranges, lemons and apples.

Hon. H. Stewart: The export of that fruit is now covered by legislation.

Hon. H. A. STEPHENSON: Some members of the delegation were disgusted to find the statements true, and that we had to acknowledge them. Not only were Western Australian products involved, but those from other States as well. Some of the Victorian butter was not up to standard, and, worse still, did not contain the weight marked on the boxes. That was a very serious thing. I have been one of the leading produce merchants in this State for 32 years, and have long advocated that something should be done in the direction aimed at by the Bill. This legislation will be good for the State and in the long run of great advantage to the growers as well.

HON. SIR EDWARD WITTENOOM (North) [9.9]: I support the Bill which I look upon as a useful measure. A lot of trouble has existed for many years concerning the matter raised in Clause 3. In many cases, such as those indicated by Mr. Stephenson, goods have been sent away without having been sufficiently prepared. That is a very unwise policy. I do not buy in wholesale quantities myself, but I sometimes buy a basket of strawberries. Very often the top layer is much better than the bottom layer. The Bill could be improved by the addition of a new clause relating to fruiterers being compelled to sell to purchasers the fruit that is in the window if it is asked for. Very often a window is dressed with beautiful fruit, but when a buyer asks for it he is served with fruit from under the counter. The shopkeeper will say it is just the same as appears in the window, and will not disturb his display. I know of only one exception to that and this was in the case of a

fruiterer in Albany. I went into the shop there and asked for some of the fruit that was in the window. The shopkeeper knew me and advised me to take what was on the counter. I said I would rather have what was in the window, but he then informed me that he kept the best fruit on the counter. So many of his customers insisted on having it from the window, that he kept the second grade fruit there and retained the best inside. He was a smart man and has got on well. It is absurd that a window should be dressed with nice fruit, and the inferior article kept under the counter. The only objection I can see to the Bill is in Clause 7 with regard to inspections. I do not think that an inspector should escape from showing his authority to act in an official capacity. A man may claim that he is an inspector and may do all kinds of mischief when he has no right to the position. He should have to show some authority for what he does. I support the Bill.

HON. H. STEWART (South-East) [9.12]: I support the Bill. I can add nothing to what has been said by previous speakers except to suggest that in the definitions of "lot" and "place" provision is already made for shopkeepers.

Hon. C. F. Baxter: No, it is not.

Hon. H. STEWART: "Lot" is defined as a quantity of loose agricultural products. Surely that covers the position. If the Bill applies to a man who sells 20 lbs. of fruit or a basket of strawberries, it should also apply to the retailer. If the grower has to grade his fruit, the man who sells it should also grade it and anything that is not up to standard should be sold at a lower price. Regarding fruit sent to Java and Singapore, what was described by Mr. Stephenson should never have occurred. The provisions relating to the inspection of fruit have been in operation for a number of years; they were in force when Mr. Baxter was Minister for Agriculture, and consequently what occurred must have been due to neglect on the part of the department to carry out the provisions of the Act. The Bill will do no harm to the man who grows and markets a good article or to the individual who exposes a uniform product for sale. It will, however, operate against those who do not carry on their business honourably. The only fear I have is in respect to the small grower who may send his products to the market and who may not top and grade and who may have a difficulty in sending his products in small quantities. These people are not possessed of the knowledge to enable them to pack and grade as others do, that is, those who do so on a comprehensive scale. But if the small grower is honest the position will not be made difficult for him. The Bill is aimed at the man who is putting up his goods in a dishonest way. I support the second reading.

HON A. LOVEKIN (Metropolitan) [9.20]: I support the second reading of the Bill because it is necessary to prevent a good deal of the fraud that is now carried on by the vendors of fresh fruit. Clauses 4 and 7 require to be looked into. They seem to me to go a little too far and may defeat the purpose the Government have in view. Clause 4 says—

> For the purposes of this Act an inspector may at any reasonable time enter and inspect any place, and examine any products in or on such place, and require the owner or person for the time being in charge of such products to open any package, or, if no such owner or person is present, may himself open any package.

Take the case of a persons sending fruit from the country to a friend in Perth. The clause would apply to that person. An inspector could open the package, and then the clause provides that he may take possession and detain such package until any proceedings that may be taken by him in respect thereof are disposed of. Whatever the consignment was, it would be of no value if it were opened by the inspector, taken possession of, and be kept at the owner's expense and risk until the proceedings had been disposed of. We shall have to make a slight amendment to that clause, which seems to me to go too far.

Hon. H. A. Stephenson: It should only apply to goods for sale.

Hon. A. LOVEKIN: Yes. I suggest we add the words to the effect "where goods are exposed or offered for sale." In Clause 7 Sir Edward Wittenoom said that proof should be given of the authority possessed by the inspector. When an inspector gives evidence the first question asked is, "What are you?" His answer supplies the proof

that he is an inspector. The clause says "No proof shall be required of the authority of the inspector to take the proceedings or of his appointment as such inspector." That is all right. He declares that he is an inspector and it follows therefore that he is the person having the authority to take proceedings. The second paragraph, it seems to me, requires amendment. It says—

In any proceedings in respect of offences under this Act, the person whose name is marked on the outside or inside of any package containing products, or on any label thereon as the seller or packer thereof shall be deemed to be the seller or packer thereof until the contrary is proved.

That ought not to be. If someone sends me a case of fruit and my name is on the case—

Hon. H. Stewart: The sender's name is on the case.

Hon. A. LOVEKIN: But there is nothing to say that the sender's name shall be on it. My name may be marked on the outside as the consignee and I become liable without knowing anything about it. A verbal amendment should get over this difficulty, and I shall endeavour to suggest something when the Bill is in Committee. I support the second reading of the Bill.

On motion by Hon. V. Hamersley, debate adjourned.

House adjourned at 9.23 p.m.

Legislative Assembly,

Wednesday, 16th October, 1929.

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

ASSENT TO BILLS.

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

1, Workers' Homes.

2, Stamp Act Amendment.

3, Industries Assistance Act Continuance.

4, Divorce Act Amendment.

5, Agricultural Lands Purchase Act Amendment.

6, Roads Closure.

IRWIN ELECTORATE.

Seat declared vacant.

MR. SPEAKER [4.34]: I have received the certificate of the death of a member—

We the undersigned being two members of the Legislative Assembly do hereby certify that Charles Crowther Maley, a member of the said House, serving for the Irwin district, died upon the 15th day of October, 1929, and we give you this notice to the intent that you may issue a writ for the election of a member to supply the vacancy caused by the death of the said Charles Crowther Maley. Given under our hands this 16th day of October, 1929. (Signed) J. H. Smith, A. H. Panton.

THE PREMIER (Hon. P. Collier—Boulder) [4.35]: I move —

That the House resolves that owing to the death of Charles Crowther Maley, late member for Irwin, the Irwin seat be declared vacant.

Question put and passed.