

aged. Naturally, such advice would not be accepted *holus bolus*.

Mr. NULSEN: I move—

That progress be reported.

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

Ayes	18
Noes	15
Majority for	3

AYES.

Mr. Coverley	Mr. Millington
Mr. Cross	Mr. Needham
Mr. Doust	Mr. Raphael
Mr. Fox	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. Hegney	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Miss Holman	Mr. Withers
Mr. Marshall	Mr. Nulsen

(Teller.)

NOES.

Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Ferguson	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Doney
Mr. McLarty	

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Wilson	Mr. Brockman
Mr. Collier	Mr. Keenan
Mr. Troy	Mr. McDonald
Mr. Johnson	Mr. J. M. Smith
Mr. Munroe	Mr. Stubbs
Mr. Wise	Mr. Watts
Mr. Rodoreda	Mr. Welsh

Motion thus passed; progress reported.

House adjourned at 10.59 p.m.

Legislative Council.

Tuesday, 3rd November, 1936.

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

QUESTION—KANGAROO SKINS, ROYALTY.

Hon. H. SEDDON asked the Chief Secretary: 1, On what number of kangaroo skins did the Government receive royalty during the year ended the 30th September, 1936? 2, What was the total amount of such royalty?

The CHIEF SECRETARY replied: 1, 759,101. 2, £4,348 8s. 5d.

QUESTION—GRASSHOPPER PEST.

Hon. G. B. WOOD asked the Chief Secretary: 1, Are the Government aware that the measures taken in the past few months to combat the grasshopper pest do not meet with the approval of the farmers most concerned? 2, Are the Government aware that the measures taken have been utterly futile to cope with the pest in an adequate manner? 3, Have the Government considered any future policy to deal with this pest in a more satisfactory manner than that which has been employed in the past?

The CHIEF SECRETARY replied: 1, No. 2, No. 3, Yes.

ASSENT TO BILLS.

Message from the Lieutenant-Governor received and read notifying assent to the undermentioned Bills:—

- 1, Fremantle Literary Institute Mortgage.
- 2, Land Act Amendment.
- 3, Wool (Draft Allowance Prohibition).
- 4, Cue-Big Bell Railway.

MOTION—CONDOLENCE.*The late Sir William Lathlain.***THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.36]: I move—

That this House desires to place on record its appreciation of the public services rendered to the State by the late Sir William Lathlain, who represented the Metropolitan-Suburban Province in the Legislative Council for a period of six years, and to express its sincere sympathy in the loss sustained by his family. That the President be requested to send a copy of the foregoing resolution to his relatives.

I desire to remind members that since this House met last week, we have all been grieved to learn of the death of Sir William Lathlain who passed away last Friday night. The late Sir William was a man who made his mark first of all in the business circles of this State and eventually entered the Legislative Council in 1926 as one of the members for the Metropolitan-Suburban Province, in which capacity he served for a period of six years. He had a very keen sense of application to duty, a sense that, I think, found expression in many directions apart from his parliamentary services, and particularly during the trying war years was he active. Members will recollect that he occupied the chairmanship of many committees, patriotic and otherwise, that were formed at that time, and rendered such valuable aid to the people of this State. He was prominent, too, in municipal affairs. In 1917 he was elected Mayor of Perth and continued in that office for a period of six years, until 1923. In 1930, while still a member of this Chamber, he was elected to the position of Lord Mayor of Perth, the second to hold that office in Western Australia. He was devoted to charitable work and his practical interest in returned soldiers was well known and much appreciated. His worth generally was acknowledged to the extent that, in due course, he received royal recognition when, in 1921, he was created a Knight Bachelor. In all these capacities he served his country well, and we are the poorer for his passing. He was a man of very strong convictions and was courageous to a degree when he had made up his mind on any particular question. Sir William was one of those men of whom the State can well be proud, and we, who were his colleagues in this Chamber, regret very much indeed his passing. We all feel for the bereaved relatives and extend to them our deepest sympathy.

HON. C. F. BAXTER (East) [4.41]: It is always a matter of deep regret when a member or ex-member of this Chamber passes away. The late Sir Wm. Lathlain was a man of outstanding ability who occupied many positions during his lifetime. He was an object lesson especially to the younger generation, because of the useful life he lived. He started on the lowest rung of the ladder and climbed gradually but surely to the highest position available in the commercial world. By his life he showed what was within the reach of all possessing the necessary ability, energy, and inclination. Apart from his commercial pursuits, he had many remarkable traits that dislosed the type of man we have lost. In all public affairs he took an active part. He participated in the local government of the City of Perth, and attained the highest honour in that respect. He carried out wonderful work in the service of the city, and during the course of his administration of civic affairs placed many of its activities on a sound footing. Then, again, his charitable work was extremely commendable and during the period of the Great War his loyalty carried him far beyond that of the ordinary citizen. He was a wonderful man from the standpoint of the Empire, and his loss will be sadly felt. It is true that during the last few years he had not been blessed with good health to enable him to continue participation in public life, but Sir William left his mark on the history of Western Australia as a useful member of the Province he represented in this House, as a councillor and Lord Mayor of the City of Perth, and as a citizen whose loyalty was of the highest degree. He was a man whose charitable efforts were second to none in the State. I join with the Leader of the House in an expression of regret to those near and dear to our former colleague. I regret exceedingly the passing of our old friend, Sir William Lathlain.

HON. J. NICHOLSON (Metropolitan) [4.45]: The very graceful tribute that has been paid by the Chief Secretary to the memory of one of our former members, I am sure, will be endorsed by every member here. The late Sir William Lathlain attained a unique position in our community, and one cannot fail to recognise that that position was attained by sheer ability and outstanding courage in everything that he took

up. He was a wonderful man in many ways, and when he undertook the duties of public service, we saw that he had that unfailing courage and determination to stand up for the ideals that he cherished and held to be the highest and best for the community. Those are great qualities to be found in any public man, for the more determined we are to carry out ideals, the better it is for the life of the community as a whole. One certainly shares that view which the Chief Secretary expressed, namely that as a community we shall be the poorer for the loss of such a fine man. He has left behind him a record of excellent work, not only for the State of Western Australia but for the Empire at large. I ask to be permitted to join in the expression of sympathy which is contained in the motion proposed by the Chief Secretary.

HON. J. CORNELL (South) [4.47]: Before the motion is put, I should like to associate myself with it. The life of the late Sir William Lathlain was one that should be an inspiration to the young men of our community, for it was marked by sheer tenacity and pertinacity, since our late member had really nothing to give him a kick off. Nothing but pertinacity landed him in the high position to which he attained. The ex-service men, in particular, had a full appreciation of the qualities of the late Sir William. He accomplished many worthy objects, and I venture to assert that the greatest that he fathered and sponsored is not generally known. I refer to the State War Memorial. All ex-service men know that the erection of that memorial was largely due to the tenacity of purpose displayed by Sir William Lathlain. That, I am sure, is not generally known. I remember when a few spirits who had the will to the memorial congregated in a small room in the Soldiers' Institute with a view to bringing about their ideal. Previous to that, efforts and expressions of opinion were against the erection of the memorial, and two Governments had refused assistance for the project. Headed by Sir William Lathlain those young men, about ten of them, at that meeting resolved, under the presidency of Sir William, upon the erection of that memorial, and they carried it through to its consummation. In that respect, therefore, the ex-service men generally will remember the assistance given to them by Sir William. It is only from that aspect that I desire to speak, knowing

what Sir William Lathlain meant to the ex-service men. I join with those members who have preceded me in extending condolence to the sorrowing widow and family. I am as certain as I stand here that they will find consolation in the fact that Sir William Lathlain lived for the allotted span, and that his life was uniformly useful.

HON. J. M. DREW (Central) [4.50]: I will support the motion, and deeply regret that the necessity to move it should have arisen. I sincerely deplore the death of Sir William Lathlain. Previous to his entry into this Chamber I had no personal knowledge of him, but I was fully aware of the great public services he had rendered to the community. In this Chamber I gained a thorough knowledge of his character, and the more I saw of him the greater did I admire him. He was strongly opposed to some of the measures I introduced, because they were not in conformity with his views; but apart from that he rendered me great assistance. He had no political bias whatever. I do not regard as biassed a man who is opposed to my own principles, and even shows hostility towards them, and it is in that sense I say that the late Sir William was not politically biassed. On numerous occasions he gave me valuable help. After he left the Chamber, I looked up a tribute that I had felt obliged to pay to him in this House, and I can assure members that it was in strict conformity with my expressed views this afternoon. Sir William had profound experience and a wide knowledge of human nature, and he brought all his knowledge and experience to this House, and gave the House the benefit of them. I sympathise with his widow and relatives, and endorse everything the Chief Secretary has said regarding the loss that Western Australia has sustained through the death of Sir William Lathlain.

THE PRESIDENT (Hon. Sir J. W. Kirwan—South) [4.53]: In putting this motion I merely wish to say that I fully endorse its terms, and that I also agree with every word that has been spoken in tribute to the late Sir William Lathlain. Those of us who were in the House when he was a member will remember how sedulous he was in the discharge of his duties, how useful he was as a member and how interested he was in everything that was brought before the House. But what all had to admire most

about Sir William during his public life was his great moral courage in expressing what he believed to be best in the interests of the country, regardless of the consequences to his own public career. I had one experience which showed me that his thoughts were ever for the advancement of this State. I remember meeting him when he was far away from Western Australia, where there was much to distract his attention from his home land. Notwithstanding the new sights and the new interests that were constantly before him, I found that his chief concern was to know wherever he went whether there was anything he could do in any way that might be of advantage to Western Australia. That was typical of his life, for we knew that his every thought was for the State and the public posts he so capably occupied.

Question put and passed; members standing.

BILL—RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

Third Reading.

Read a third time, and *passed*.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 3).

Report of Committee adopted.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from the 23th October.

HON. H. SEDDON (North-East) [5.0]: This is one of the Bills which must be introduced every session. The land and income tax has always been regarded as the principal means whereby the Government should raise their revenue. The importance of this tax has been overshadowed by the incidence of the Financial Emergency Tax, which the Government propose to amend by a measure that will come before us later. The reason why I secured the adjournment of the debate on this Bill was that I might reiterate some remarks I made at the beginning of the session with respect to the financial condition of the State. Since the

Bill was introduced we have had the returns for October. They make very serious reading. The revenue has materially fallen. The reason for that is the reduction in the amount of help that this State has received this year from the Federal Government as a result of the findings of the Federal Grants Commission. It is interesting to note how much this State is dependent upon the assistance it receives from outside. It is also rather a reflection upon the claims that are made in many quarters that the recovery this State has made in the last two or three years can be ascribed to its natural resources rather than to any help it has had from outside sources. In fact, the Government cannot claim that they have been responsible for the improvement in the situation over the last two or three years. The actual position is that the revenue is down £140,000 and the expenditure is up £70,000. The State will probably find that the premature action that was taken in the past few years may prove disadvantageous to us, especially in view of the position in the farming and pastoral industries. The financial emergency tax is the best immediate indicator of the way in which the revenue of the State is going. If members will take note of the returns, they will see that for October the income is up about £1,500 compared with last year. That tax shows more completely and more immediately than any other indicator how the State's income is progressing. This is the tax which the Government propose to alter. After reading through the proposals placed before the Legislative Assembly, the only conclusion I can arrive at is that if these are put into operation they will result in a material reduction in the revenues obtainable during the present year. The proposals are coming forward at a time when the State's revenue is already depleted by the reduction in Federal assistance. One therefore wonders on what ground the Government are basing their present policy. At a time when the revenue is so much below what it was last year and when the outlook for returns from wheat and wool is so ominous, one is impelled to ask, how do the Government reconcile the inconsistency of their policy with their complaints over the loss of revenue from the Commonwealth? How can the Government excuse the granting of concessions on the one hand when they complain of lack of sympathy on the other? There is no indication as to how they ex-

pect to finish up the year, apart from public accounts. The Premier has said he expects a deficit somewhat similar to that which occurred two or three years ago. The time for reckless and irresponsible finance is past. There is every indication that we are approaching a season when again we shall be confronted with all the disabilities and sufferings that were associated with the depression. The Auditor General's report emphasises that point. This State now has a public debt of about £200 per head. There is an obligation upon the head of every family in this State of an average of £36 per annum, nearly 15s. a week, to meet the interest and sinking fund on that debt. Members will therefore realise the enormous financial burden imposed upon individual citizens, especially those who are regarded as doing their duty towards the State. All these things indicate the need for extreme caution and rigid control of the expenditure. Pseudo generosity is what the State cannot afford. Reference has been made in the Auditor General's report to the position of the agricultural industry and the burden that will be thrown upon the State from that direction. The general taxpayer will be called upon to make up those losses because it will be impossible to recover much of the money that has been sunk in that industry. The report on the State trading concerns also makes sorry reading. It appears that the direct losses associated with these concerns represent, according to the Auditor General, something like £2,000,000. One would think that the Government would be impressed with the necessity of facing the situation with the utmost caution. The outlook for the two major industries, the agricultural and pastoral, is not only very serious, but its effect on the finances of the State may rapidly produce a position that will come to be regarded as desperate. The Government can only continue financing on the deficit so long as they secure assistance from the financial institutions. The financial institutions, however, may find themselves also in a state of serious depression, and a state of affairs may be created that will be critical in the extreme. The course that is being followed by the Government may not only lead to a serious position, but may be followed by repercussions greatly affecting the State's finances in their relationship with the Federal situation. If the State finds itself before the end of the year unable to meet its ordinary commitments, one can

readily realise what the position will be. Cabinet will be faced with two alternatives: either to precipitate a crisis which would be unparalleled in the history of the State, or it might adopt the desperate course that was adopted by one State some four years ago, a course which had repercussions outside the Empire and has not yet been forgotten by those who were endeavouring to give us financial assistance. This time may be regarded as the onset of the second depression, a depression upon which we will enter under circumstances different from the last, a depression that will be regarded by the people in a different spirit compared with what was exhibited at the onset of the last depression. All these factors demand from the Government some appreciation and some evidence of their appreciation of the serious difficulties that will confront them before the financial year closes. I have pleasure in supporting the Bill. I trust that future financial measures will be in keeping with the proposals embodied in this Bill, and will not be in the direction of reducing revenue but will show some indication of a desire to grapple with the problems which face the Government.

HON. J. CORNELL (South) [5.10]: I wish to deal with only one phase of this Bill, namely, the 20 per cent. rebate. Prior to the relief afforded by the disabilities grant no provision was made for a rebate on any part of the tax, but after the grants were made—I refer to the sum of £450,000 which was made available by way of a sop, as it might be called—it was decided to allow a rebate of 33 per cent. upon the income tax. That went on for a considerable time, when the rebate was reduced to 20 per cent. I could never see any valid reason why any part of the income tax should be rebated. If the rate of tax is too high it ought to be reduced. This rebate appears to be going on in perpetuity. I understand it is estimated that £260,000 will be collected from the income tax this year. If 20 per cent. of that is rebated it will mean a sum of approximately £52,000. My suggestion is that, in view of the serious position with which the State is confronted in its need for finance, the rebate should be wiped out. Whether it could be done in this House I do not know. The wiping out of the rebate would provide the State with an additional revenue of £52,000. It would come from sources that

are best able to bear the impost, taking into consideration all the circumstances of the case. According to my observations business people in the metropolitan area do not seem to be hard hit by the bad season, or they do not seem to have a due appreciation of what awaits them around the corner. If this £52,000 were collected it would replace some of the money that has been cut away from us by the Federal Grants Commission. If it was logical to utilise any part of the Federal grant, because of the circumstances that existed at the time, to provide rebates on income tax, it is logical now that the Federal Grants Commissioners have seen fit to take £300,000 off our grant, that we should seriously consider whether we are in a position to continue that rebate. Personally I consider that the financial emergency tax has resulted in one blessing, or perhaps I should say it has pointed the way to reformation in our field of direct taxation. That tax has definitely demonstrated its simplicity; its application is far ahead of the ordinary method of collecting a tax. I would go so far as to favour the abolition of the present income tax and collect what we are obtaining from that source by a method similar to that adopted in connection with the emergency taxation. It is estimated that the financial emergency tax will return during the current financial year £860,000, and I submit to the Minister a suggestion that is worthy of consideration and would popularise the method of collecting a tax, that is to say, collecting it at the source, and, so to speak, week by week or fortnight by fortnight. It would be interesting to get from the Taxation Department the relative costs of collecting income tax by the existing method and the financial emergency tax which is paid at the source. I am convinced that it costs a great deal more to collect the £260,000 which is obtained from income taxation, than it does to collect the £860,000 derived from the financial emergency tax. Moreover, I favour the method adopted by the financial emergency tax, because almost every section of the community has to contribute. Indeed, every section should be asked to contribute a little, though not sufficient to affect the domestic life. All should contribute something, even though it be a mite, towards the revenue of the State. Of course as we got higher up the ladder, so would the grade increase. I have spoken to commercial and professional men on this question, and to those who are or were in Government de-

partments, and all are of the opinion that the simpler and more effective method of taxation is that method which collects at the source. Income tax payments are expected very often when the individual is least able to pay. I intend to support the second reading of the Bill, but I trust the Chief Secretary will consider the suggestion I have advanced.

Hon. A. THOMSON: I move—

That the debate be adjourned.

Motion put and negatived.

HON. A. THOMSON (South - East) [5.20]: My reason for endeavouring to secure the adjournment of the debate to the next sitting of the House was to enable me to investigate the suggestions made by Mr. Cornell. Mr. Seddon struck a note of warning when he advised the Government that it was time every effort should be made to economise. If the Government are going to consider favourably a proposal such as that outlined by Mr. Cornell the question is whether the Government will be able to economise in the direction suggested by Mr. Seddon. Mr. Cornell advocated the abolition of the rebate on income tax. I am one of those who have consistently opposed any increase in taxation. Of course we know that a considerable amount of money has been spent in many directions, and that that expenditure has meant a great loss to the State. Mr. Seddon drew attention to the parlous condition in which the farmers and the pastoralists found themselves. This clearly indicates that from those sources the Government are not likely to derive very much revenue. While the suggestion of Mr. Cornell appears to be reasonable, namely, that the income tax should be abolished, and that another form of taxation to be collected at the source should take its place, I should like to have the opinion of the Taxation Department as to whether the proposal is practicable. Personally I do not think it is. It would be all right as far as salaries were concerned, but professional men and others would not be in a position to know definitely what their incomes were likely to be. I realise that the Bill has to be passed, and therefore I shall not offer any objection to it. But in view of the serious position with which we are faced, it is no argument to say that because the Federal Government have reduced the grant to Western Australia, we should immediately proceed to take another £52,000 from the

taxpayers of the State. If the debate had been adjourned it might have been possible to give this question further consideration; but as one member suggested an increase I thought it my duty to say that until I was satisfied that it was absolutely impossible for the Government to carry on I could not give any support to any suggestion of increasing taxation. While it sounds all right to say that those on the higher grade can better afford to pay, we must realise that all money taken away from taxpayers by way of taxation means less money to be invested in those activities which provide employment.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.24]: I opposed the adjournment of the debate because I could not see that it would serve any useful purpose. Mr. Thomson will recognise that before there can be any radical alteration in the method of taxation, it will be necessary for extensive inquiries to be made and calculations to be arrived at. That would mean considerable delay. Members generally are satisfied that the Government are entitled to have this measure passed as early as possible, particularly in view of the fact that we do not propose any material alteration in the tax at the present time. I cannot accept the suggestion made by Mr. Seddon that the financial policy of the Government is an irresponsible policy. At the same time I was impressed by the fact that the hon. member realised the many difficulties facing the Government. Of course he cannot realise this any more than the members of the Government themselves, and therefore it was rather pleasing to hear more than one member suggesting means by which it might be possible to raise more money by means of taxation. The question of the abolition of the 20 per cent. rebate on the income tax is something to which the Government have not given consideration, but my duty will compel me to refer the remarks of hon. members to the Government, remarks indicating one line by which it might be possible to secure additional revenue.

Hon. J. Cornell: The Government missed the bus when they provided for the rebate.

The CHIEF SECRETARY: I am not in a position to say at the present time what the policy of the Government is in connection with a measure that will be brought down, but in the meantime I hope the Bill

will be passed with as little delay as possible.

In Committee.

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

BILL—ELECTORAL ACT AMENDMENT.

In Committee.

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

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading

HON. J. NICHOLSON (Metropolitan) [5.34] in moving the second reading said: This is a very short Bill, and its object is to amend Section 47 of the Act. The Bill originated in another place. The amendment, if carried into effect, will provide that, where it is decided to release a child under the powers contained in Section 47, notice shall be given to the parents of the proposed release if their whereabouts happen to be known. Provision is also made for an appeal to a magistrate. The section of the Act dealing with this matter is very short and, in order that members may appreciate what is wanted, I shall take the opportunity of reading it. Section 47 is as follows:—

The Governor may, on the recommendation of the Minister, order the release of any ward from the control of the Department, or from any institution, and upon production to the secretary or, in the case of an institution, to the superintendent or matron thereof, of such order, the child shall be forthwith released accordingly.

It is proposed to strike out the reference to the Governor in the first line of the section, and to insert the word "may" after "Minister," so that the section will read that the Minister may order the release of the child; and to add the provision contained in the Bill. The Bill, I understand, was warmly supported in another place by members on each side of the House, although opposed by the Minister in charge of the department. His opposition, I am informed, was made on the ground that the section could probably be considered when an amending Bill was brought down by

the Government, and that unless Section 51 of the Act were also amended, the object of the member who introduced the Bill might not be achieved. The member in the other House who introduced the Bill cited a case which I think was apropos of the amendment sought here. Some children had been placed under the control of institutions under the Act. It appears there was a bitter estrangement between the parents. Certain applications made either by or on behalf of the husband resulted in the children, of whom I think there were two, being released and taken away by the husband. The mother, who naturally had that strong maternal instinct which we find in most mothers, was deprived of the opportunity of gaining access to the children. I think they were taken to New Zealand right out of the jurisdiction of the courts of Australia. The addition of the proviso in this Bill will accomplish what is wanted for the time being to prevent that sort of thing occurring. If it should be found by experience that the present Bill does not amply meet the position an alteration can easily be made. In the management of departmental affairs, it is necessary from time to time to introduce amending measures, and this Bill covers a position it is desirable to meet. I trust it will receive the acceptance of the House. I move—

That the Bill be now read a second time.

On motion by Chief Secretary, debate adjourned.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th October.

THE CHIEF SECRETARY (Hon. W. II. Kitson—West) [5.40]: The Bill proposes to amend Section 56 of the Act to bring the procedure for service of summonses under the Justices Act into line with the procedure under the Local Courts Act. It is provided that summonses for non-indictable offences may, with the approval of the police, the resident magistrate, or the clerk of petty sessions, be served by post. Under the present system all such summonses are served personally. The Bill seeks to remedy a practice which, it is stated, differentiates as between persons liable for similar penalties. Actually, although there may be at times some differentiation on account of

some persons being charged higher costs for service of summonses, this is not a frequent occurrence. Magistrates, before imposing a penalty on an offender, make it a practice to ascertain costs. They then adjust the penalty, having regard to the extent of the costs. In some cases, however, it is admitted that isolated cases of hardship do occur, arising particularly, I think, from the fact that some persons are living a considerable distance from the centre where the summonses were issued. Minimum penalties are prescribed under several Acts. When in such cases the offence calls for a minimum penalty, the magistrate is unable to make an allowance therefrom on account of added costs. While I am not raising strong opposition to the Bill, I suggest that, even if it becomes law, we will not get away from existing anomalies, and there are possibilities latent in this measure for even greater hardships. There is no real comparison between local court and police court cases. Cases dealt with in the local court are of a civil nature relating to debt and so forth. On the other hand, a man's liberty may be at stake in a police court case. Again, in the local courts there is no return date fixed for the summons, and the date for the hearing of a case in these courts cannot be fixed until the defence is entered. If, however, the defence is not entered within a prescribed time, and it is known that the summons has been served, judgment may be entered against the defendant in default of his appearance. Here, again, there are vital differences between local court and police court procedure. At the hearing of a police court case, the defendant must be present, and the time of hearing and expedition in hearing may be very important factors. The date when the case is listed for hearing is set down on the police court summons. It is essential, therefore, that the summons be served in time for the defendant to be present for the case to proceed with certainty on the return date. At present, the police, who service practically all of these summonses, have facilities, by virtue of their State-wide organisation, to make service effective. Thus, if a person summoned moves to another district, the summons can be sent forward for service, while the return date can be amended if the time taken to effect service renders the original date inconvenient.

This procedure definitely ensures that the summons is served in time for the case to proceed on the return date. In the circumstances, the adoption of the local court procedure would seem to be hedged with considerable disadvantages. Many settlers in outlying areas do not receive their mail in person. Instead, the addressees often have letter boxes at some distance from their homesteads and might not get their mail as regularly as would be desirable in the circumstances. Since the Postmaster General's Department will not deliver registered letters except to the addressee in person—

Hon. J. Nicholson: Or to an authorised person.

The CHIEF SECRETARY: That is so—unless the addressee went to town to sign for the letter—an unlikely contingency if he thought that it was a summons—there would be endless delay in obtaining proof of service. Even if letters containing summonses were endorsed with a request to return if not claimed within, say, seven days, there would always be the difficulty that the instruction might not be observed at unofficial post offices in the country districts. Non-delivery might involve two very embarrassing possibilities. A returned letter might not be received till the very day set down for the hearing of the case, and proof of effective service might not reach the court until after the return date. In the latter contingency the case would not be listed, but defendant could say that he had been summoned and so was entitled to be heard on the date set down in the summons. I submit that such a defendant would thus be put to hardship more serious than any he could suffer under the present system of service. There is also the possibility of service by post involving the Government and parties to action in heavy contingent liabilities. Prosecuting parties might be put to heavy expense, since witnesses would have to be paid, and either detained or re-summoned when the case did come on for hearing. As to the use of the postal system for the service of summonses, it is interesting to note that out of the grand total of some 8,000 summonses issued each half-year from the Perth Local Court, approximately 1,000 are by postal service. For the six months ended the 30th June, 1936, 331 of the 1,010 postal service summonses issued in the metropolitan area were unserved—approximately, one in three. No reasons were forthcoming for non-service.

Of the 7,000 summonses issued for personal service, all were served or proper reasons given for non-service. Those figures give some indication of what might be expected if the system of postal service were adopted for police court summonses. Under the present system, the police endeavour to save mileage costs wherever possible, and defendants, when they reside at a distance from the local police, are usually notified by telephone that a summons awaits them. Again, magistrates only fix a penalty after due consideration of what the costs will total. In view of the possibility of inflicting far greater hardships than any that may now exist, there seems little justification for the adoption of the proposal set forth in this measure. I wish it to be understood that I am not strenuously opposed to the Bill, but I thought it only right to give members an indication of the possible effects of the measure.

HON. H. S. W. PARKER (Metropolitan-Suburban) [5.53]: I support the Bill. I fear that the Chief Secretary has been ill-advised. The difficulty arises chiefly out of traffic offences. They are about the only ones involved, apart from private prosecutions of a petty kind, or the service of summonses under the Married Women's Protection Act, the Child Welfare Act, or prosecutions under the Municipal Corporations Act and the Road Districts Act, in which proceedings the police are not concerned. A country motorist might drive his vehicle into Perth without a tail-light, or might park in the wrong place. A summons would be sent to the nearest country police station, and the policeman would have to serve it. If a policeman has a summons to be delivered 20 miles out, he soon finds some Government business to take him to the locality, and gets the 20s. for service of the summons. I am not sure whether in every instance the policeman receives that fee, but if not, it is paid into revenue. Certainly it has to be paid. I am referring particularly to private prosecutions. Proceedings for traffic offences outside the metropolitan area are virtually private prosecutions because the municipalities or road boards take action, and the policeman would then get the fee. The procedure under the Local Courts Act is entirely different. This Bill provides that the service is effective only when the defendant acknowledges receipt of the summons. Un-

less a receipt for the summons is produced in court, the magistrate refuses to take cognisance of it. When a summons is issued against a man living 30 or 40 miles from the nearest police station, a date for hearing has to be fixed even though the summons is served by the police. Frequently when a summons is issued and sent to the local policeman, nothing of it is heard until long after the date fixed for the hearing. Sometimes the reply is that the defendant could not be found, or that the summons had been served only the day before, so that the process of serving has to be observed once more. People in the country often take a sporting risk by attending the court on the morning fixed for the hearing, only to find that the summons has not been served. Usually, though, one can obtain information as to whether service has been effected. If the summons has been served, and the party fails to attend, he incurs the expense of a day's adjournment. The Bill will afford all possible protection. Members should not overlook the fact that with the magistrate will rest the decision whether the summons may be served by post. If a magistrate decided that the summons might be served by post, the date for the hearing would be fixed well ahead. This arrangement would result in the saving of expense to the defendant, and would be a convenience to both parties. Although magistrates do take into consideration the amount of costs when fixing the penalty, there is little consolation for a man charged with a traffic offence involving a fine of 10s. if he has to pay £5 for service fees. The Bill is essential, especially nowadays when such a large number of petty offences are dealt with in the police courts. Service by post will facilitate the business of the courts considerably. Some time ago a summons from the Children's Court was sent to Meekatharra for service. I could not obtain a reply from the local policeman as to whether he had received the summons, whether he had served it, or whether the defendant was there. After sending several telegrams and invoking the aid of the Child Welfare Department, I found that the summons had not been served. The document had to be returned to Perth, and the date had to be altered and the whole process had to be gone through again. If the summons could have been served by post it would have been returned almost immediately by the postal

authorities stating that the addressee could not be found or other reason for non-delivery. It is quite true that if one wants to find a person the police do sometimes find him; but I think the information which the Minister has obtained from the police deals almost exclusively with police charges which are seldom dealt with by summons. They are dealt with direct by complaint and generally by warrant. As regards summonses dealing with private matters sometimes the summons reaches a policeman who is alive and sometimes a policeman who is not quite so alive. Some policemen, possibly with the hope of saving expense, will file away a private summons hoping that the man will come in; and other policemen adopt the same course with the idea that it will be easier to wait until the man comes into town than to go out and look for him. The present system has been found quite unsatisfactory. I fully realise that the Bill has been introduced by a country member who feels how advisable it is to have such a measure passed.

On motion by Hon. J. Cornell, debate adjourned.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [6.2] in moving the second reading said: The need for this Bill was made clear during the local production campaign initiated by the late Mr. John Seadman, and vigorously pursued by Mr. J. J. Kenneally, with outstanding success. The proposed legislation will protect bona-fide manufacturers of goods. That purpose is to establish a method of ensuring that goods offered to the public for sale are true to label; and, further, to prevent the use of false advertisements either in respect of the vending of shares or property, or the disposal of any commodities. In view of the misrepresentations made in the advertisement and sale of certain classes of goods, adequate safeguarding legislation has become essential. Since 1932 frequent requests for legislation of this character have been made by both the wool-growers' and various women's organisations. The Bill seeks to give to the Western Australian community that protection which is already enjoyed

under similar enactments by the peoples of Great Britain, Victoria, South Australia and New South Wales. The "goods" sought to be covered are—furniture, bedding, blankets and flannel; but any other article may be declared by proclamation to be "goods" within the meaning of the measure. Some objection has been taken to that part of the Bill extending the operation of the measure by proclamation. The sole reason for the provision is to ensure efficiency. If the operation were extended by regulation, such regulation would have to lie on the Table in both Houses, and the time thus elapsing would defeat the object of the regulation, to bring an article or a commodity within the scope of the measure. Almost every feature of an article is comprehended under the term "Trade Description" as defined in the Bill. The term includes the place of the article's production, the manufacturer's or producer's name, his method of preparing the goods, the materials or ingredients used in composing the goods, together with the use of trade names. The Bill provides that the name and address of the manufacturer, and a trade description of the goods, shall be attached to goods offered for sale, in such manner as may be prescribed. However, where it is impracticable to state the name and address of the manufacturer, the Bill proposes that this shall not be necessary, provided that the regulations made under the measure make provision to that effect. It will be an implied condition of every sale, or contract of sale, that the trade description applied to goods is true. The description itself, if it is attached to the goods, or used in any manner likely to lead to the belief that it describes certain goods offered for sale, or if used in an advertisement or catalogue, or in any way in connection with the sale or disposal of goods, shall be deemed to apply to those goods. Proclamations made under this legislation may be revoked or varied at any time. The operation of certain provisions of the Bill, either generally or in relation to any particular kind or description of goods, may be suspended by the issue of an appropriate proclamation. When it is intended to proclaim any goods for the purpose of the proposed Act, the Government shall give at least a month's notice of this intention, to enable any interested parties to be heard, either in opposition to or in support of the proposed proclamation. Unless the Commissioner of Public Health considers the step essential for

the protection of the health of the community, the disclosure of trade secrets relating to manufacture or preparation of any goods will not be necessary. A penalty not exceeding £100 is prescribed for the punishment of first offenders publishing false statements intended to promote the sale or disposal of real or personal property, or any commodities. Statements deemed to be published are those inserted in any newspaper, or other publication printed or issued in Western Australia; those exhibited in any public place, or delivered gratuitously to any person; made verbally to any person; or broadcast by radio.

Hon. H. Seddon: Will this apply to Parliamentary elections?

The HONORARY MINISTER: The Bill would create some excitement if it did. It shall be assumed that the person publishing a false statement is cognisant of its falsity, unless he proves either that he had reason to believe the statement to be true or that he otherwise acted innocently in the matter. In respect of the publication of any false advertisement by either a newspaper, job printer, or broadcasting station operating in Western Australia, it is provided that no proceedings shall be instituted against the publisher concerned, unless such publisher has been duly warned by an inspector of the falsity of any statement published. To obviate the necessity of appointing additional officers as inspectors, it is proposed to invest those inspectors already appointed under the Factories and Shops Act and the Consolidated Health Act with authority as inspectors under this proposed legislation. From time to time it has been remarked that much misrepresentation takes place in connection with the advertising and sale of woollen goods. For example, the public have been invited to purchase "woollen" blankets. Examination has often proved that they are almost entirely fabricated from cotton. Again, mattresses have been frequently advertised and offered for sale as being "woollen" mattresses when, in point of fact, investigation has shown that jute flock constituted most of the material used; nor is it unusual for an "all-wool" sock to contain a mixture of lisle and artificial cotton. Although the more glaring misrepresentations have been associated with so-called woollen goods, it is not to be supposed that misrepresentation is not practised in the sale of nearly every class of

commodity. The section of the Bill relating to false advertisements deals with real and personal property, including shares and bonds. It is especially designed to curb the activities of go-getters dealing in land, bonds and shares. Over the last ten years certain land-selling companies have practised a considerable measure of deliberate misrepresentation in offering land for sale to the public. False, picturesquely worded advertisements have also been used to impress upon the Western Australian public the desirableness of purchasing bonds of highly doubtful value. Since the commencement of the present mining boom, unscrupulous promoters have seized the opportunity to foist on the public worthless shares in boosted wildcat shows. The passing of the Bill will not only prevent these abuses but will protect the producers of most primary commodities, and will furthermore be conducive to the establishment of more equitable trading conditions between all persons engaged in the manufacture and sale of goods. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

ADJOURNMENT SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [6.11]: I move—

That the House at its rising adjourn until Tuesday, 10th November.

Question put and passed.

House adjourned at 6.12 p.m.

Legislative Assembly.

Tuesday, 3rd November, 1936.

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

QUESTION—MARGARINE CONSUMPTION.

Effect on Sale of Butter.

Mr. BROCKMAN asked the Minister for Agriculture: 1, How much margarine was used in Western Australia during the year ended the 30th June, 1936? 2, Has he any information as to whether the use of this margarine is adversely affecting the sale of butter? 3, If so, has any estimate been made of the extent of such adverse effect? 4, If the answer to question 2 is in the affirmative, will the department take steps to prevent the sale of margarine in competition with butter?

The MINISTER FOR AGRICULTURE replied: 1, 13,055 boxes of 56 lbs. each. Most of this was used for cooking purposes and could not be confused with butter. 2, 3, and 4, The department has taken steps in accordance with powers contained in the Dairy Industry Act and Dairy Products Marketing Act, but as it is considered that existing powers are not sufficient, it is intended to amend the Acts referred to and make provision that will ensure that the consuming public will know when margarine is offered to them either in shops or on the table.

QUESTION—AGRICULTURAL BANK ACT AMENDMENT BILL.

Mr. SAMPSON asked the Minister for Lands: In view of the Speaker's ruling regarding the constitutional difficulty in respect to the provisions of the Bill to amend the Agricultural Bank Act, 1934, as introduced by the hon. member for Greenough, will he, as Minister for Lands, give consideration to the bringing down of a similar measure?