

into their cases to get the rights of the matter. God knows I could not have done more! The facts are that I did my best to get at the truth in order to do justice to these people, and that I did not forfeit their blocks at all. In point of fact, I did not refuse Mr. Wertheimer's transfer either, because that transfer was never put to me. He had proposed to give a transfer to certain people. The facts of the case, so far as I know them, are these: Mr. Wertheimer did not make the improvements. He held the lease as a returned soldier, certainly. He never complied with the conditions, so far as I can learn from the file. The other parties state they made the improvements after they purchased the leases. They had the advantage of holding leases for which no rent was paid because they were held under a returned soldier concession. After seeing a representative of these people, I saw Mr. Marshall and Mr. Cowan. Eventually I sent an officer, Mr. McLean, to look into the matter personally and get the facts on the file. After Mr. McLean had gone into the question, I reinstated the majority of the leases. I did say to Mr. Nairn: "The leases are forfeited, but I will do this much: I will try to protect your improvements." Really the improvements belonged to the Crown. However, I was giving the benefit to these persons. And yet charges of unfairness are made against me! It might easily be said by members of this Chamber if they are malicious enough, that in considering the cases of White and Langford for four months after their leases had been forfeited by another Minister, I was considering my friends. I held up the cases for four or five months in order to get at the facts—not to do these people an injury. On the other hand, my alleged friend Mr. Rodan got the short shrift of six weeks. So it will be seen that I find it difficult to understand the hon. member's statements. I do not like to express my opinion of him. Never before have I heard such malice, misrepresentation and abuse. Finally, after having indulged in that sort of language all the evening, the hon. member sneaks out of the Chamber, leaving a trail of slander behind him. That is all. I thank hon. members for the consideration they have given to the Estimates, and I shall do my best to meet them in regard to suggestions which have been put forward. I assure the member for York that persons who are bona fide occupying grazing leases and making im-

provements need not fear the residential condition if they approach the department for consideration on their merits.

Vote put and passed.

Notes—Agricultural Bank, Industries Assistance Board, Soldiers' Land Settlement £83,704, Group Settlement £2,039, Immigration £6,767—agreed to.

Progress reported.

House adjourned at 10.9 p.m.

Legislative Council,

Wednesday, 23rd October, 1929.

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

QUESTION—ROAD BOARDS, REVENUE

Hon. E. H. H. HALL asked the Chief Secretary: What road boards derived less revenue, from the general rates only, than £600 per annum during the two consecutive financial years 1928-1929?

The CHIEF SECRETARY replied:

Name of Board.	Amount collected.			Amount collected.		
	1927-1928.			1928-1929.		
	£	s.	d.	£	s.	d.
Coolgardie	542	12	7	448	10	9
Greenbushes	316	6	6	226	2	11
*Lawlers	523	12	8	545	14	0
Mt. Magnet	722	14	3	510	4	3
Mt. Margaret	343	10	5	321	1	0
Nannine	329	13	8	331	0	8
Norseman	117	1	5	188	0	8
Nullagine	505	7	3	538	12	4
Port Hedland	468	7	4	530	9	0
Roebourne	586	10	8	453	1	3
Shark Bay	216	19	7	280	18	0
Table Land	569	13	2	493	1	7

*Lawlers Road Board has now been abolished.

The clause in the Bill now before the House is permissive only, and even if it is passed as printed, the department will certainly not abolish some of the boards on this list.

ASSENT TO BILLS.

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

- 1, Easter Day.
- 2, Supply (No. 2) £1,210,000.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Read a third time, and returned to the Assembly with an amendment.

BILL—AGRICULTURAL PRODUCTS.

Recommittal.

On motion by Hon. A. Lovekin, Bill re-committed for the purpose of further considering New Clause 5.

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

New Clause 5.

Hon. A. LOVEKIN: When the Bill was before the Committee yesterday, Mr. Nicholson secured the insertion of the following new clause, to stand as Clause 5:—

Nothing in this Act contained shall apply to any products or lot or portion of products consigned or forwarded to the consignee for the purpose of manufacture or processing or packing, and marked or branded as may be prescribed.

It will be seen that under the terms of the new clause, the Act will not apply to products that may be prescribed by regulation. I do not think we should make provision for any matters to be prescribed by regulation. The requirements should be set out clearly in the Act. The people concerned reside in the back blocks and cannot secure copies of the "Government Gazette" every week. If they could, they would not have time to study them. In those circumstances they would not know what the law was from time to time, whereas if we insert all the requirements in the Act, they will know exactly what they are supposed to do. I propose to delete the new clause and substitute another that will avoid the

necessity for regulations and will be much better. I move an amendment—

That Clause 5 be struck out, and the following be inserted in lieu:—"Nothing in this Act shall apply to any package of products or any lot or portion of a lot consigned to or in possession of any person, which is marked, branded or labelled as being for the purpose of manufacture or processing, or which is particularly described on the package as being ungraded or unwarranted as to quality."

The CHIEF SECRETARY: Mr. Lovekin's amendment really re-introduces the amendment that was abandoned by Mr. Nicholson yesterday.

Hon. A. Lovekin: It is rather different.

The CHIEF SECRETARY: It is much different from the amendment agreed to yesterday. Mr. Lovekin now proposes to exempt products that are marked "ungraded" or "not warranted as to quality." Any person desirous of evading the provisions of the Act has only to print in ever so small letters the word "ungraded." Clause 3 will be destroyed if the amendment be agreed to, for it will enable an unscrupulous person to avoid with ease the provisions of the legislation.

Hon. H. A. STEPHENSON: I do not agree with the Chief Secretary. It is absolutely necessary in the interests of the producer that Mr. Lovekin's proposal should be adopted. Do members realise what the measure means? Many small lots of fruit and other produce grown in Western Australia are sold locally and it is impossible to grade them. In dry seasons fruit is often very small, but producers want something for it and they send it to market with the idea of getting the best price it will bring. Mr. Lovekin's proposal will protect men who require protection.

Hon. J. NICHOLSON: I realise the force of Mr. Lovekin's argument as to embodying the conditions in the measure instead of prescribing them by regulation. That is an excellent idea so long as it can be carried out by the department. The Bill represents an effort to overcome trouble occasioned by unscrupulous persons putting high-class stuff on top of a package and thus implying that the general quality is in accordance with the top layer. Buyers have thus been deceived and many complaints have been made. We desire to get at the man who would victimise an innocent buyer. If we adopt Mr. Lovekin's proposal—

Hon. E. H. Harris: It will make things more complicated than your new clause.

Hon. J. NICHOLSON: Exactly. The Bill is an experiment to protect the innocent buyer. I agree with the Chief Secretary that the amendment would enable an unscrupulous vendor to evade the penalties provided in the measure.

Hon. A. Lovekin: In what way?

Hon. J. NICHOLSON: All that a grower would have to do would be to print in the smallest type and in the most obscure corner of the package—

Hon. A. Lovekin: The Bill provides just the opposite.

Hon. J. NICHOLSON: The actual words proposed are "which is particularly described on the package as being ungraded or unwarranted as to quality." Are we going to assist the unscrupulous vendor and render the Bill a nullity? The measure can be made effective only by providing the machinery for the working out of the scheme by the departmental heads.

Hon. A. Lovekin: The size of the letters could be fixed by regulation.

Hon. J. NICHOLSON: The whole proposal is in the experimental stage and it would be simpler to deal with the matter by regulation. Legislation might be found to be inoperative while Parliament was in recess and a delay of months might result before an amending Bill could be passed. A regulation could be framed at any time and submitted for approval when Parliament met.

Hon. A. Lovekin: That would be legislation by regulation.

Hon. J. NICHOLSON: As a general rule I am opposed to legislation by regulation, but this is an occasion when resort to regulations would be beneficial and would achieve the purpose applauded by Mr. Lovekin on the second reading. It would be much better to give the regulations a trial.

Hon. A. LOVEKIN: The Minister's objection is that some dishonest person might label a package in microscopic letters. To meet that objection we could stipulate 12 or 24 point letters.

Hon. J. Nicholson: What would apply to a punnet of strawberries would not apply to a case of fruit.

Hon. A. LOVEKIN: Inch letters on a punnet of strawberries would be quite prac-

ticable. That is an objection which does not weigh in considering the larger issue. The Governor would still have power to make regulations to give effect to the measure and the size of the lettering could be prescribed, though I would prefer to see it embodied in the measure.

Hon. G. W. Miles: How would a farmer know the size of 12 point letters?

Hon. A. LOVEKIN: Twelve point type is an inch.

Hon. G. W. Miles: Then call it an inch.

Hon. A. LOVEKIN: There is no objection to that. Mr. Nicholson said the department do not know what is required at present and so the matter should be left to regulation. That is a good reason for objecting to regulations. If we cannot now prescribe what is required, it cannot be done by regulation without inflicting harm on people in the back blocks. The producer should be protected against regulations about which he knows nothing. It is all very well to talk about dishonest people, but that is no reason why we should penalise honest producers. There always will be scoundrels. If every time we find a scoundrel in the metropolitan area, we introduce laws that will have a harsh effect on the men outback, we shall never reach a solution of our difficulties. In principle it is right to embody the desired conditions in the measure and not leave them to be prescribed by regulation.

Hon. E. H. HARRIS: I object to groping in the dark where amendments are concerned. Yesterday Mr. Nicholson submitted a new clause of which he had a typed copy, but I do not know whether anyone else had a copy of it. I did not like the phraseology of it as he read it to the Committee. Mr. Lovekin has now submitted a proposal and only the Chairman and the Minister have copies of it. Consequently members are at a disadvantage. A horse and cart could be driven through the new clause adopted yesterday.

Hon. A. Lovekin: I let it go yesterday because I knew we could recommit the Bill to-day.

Hon. E. H. HARRIS: But unless I have a copy of Mr. Lovekin's proposal, I cannot grasp its effect. I suggest that if Mr. Lovekin and Mr. Nicholson sat together, they might agree upon a provision that would meet with the approval of the Government.

The CHIEF SECRETARY: It is desirable that Mr. Harris's suggestion should be adopted and to give members an opportunity to consider the amendment I shall ask you, Sir, to report progress.

Progress reported.

BILL—TREASURY BILLS

Received from the Assembly and read a first time.

BILL—TRANSFER OF LAND ACT AMENDMENT (No. 2).

Report of Committee adopted.

House adjourned at 5.7 p.m.

Legislative Assembly.

Wednesday, 23rd October, 1929.

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The DEPUTY SPEAKER (Mr. Panton) took the Chair at 4.30 p.m., and read prayers.

OBITUARY—MR. C. C. MALEY, M.L.A.

Letter in Reply.

The DEPUTY SPEAKER: I have the following letter, addressed to the Speaker—

Will you please accept and kindly convey to members our very deep gratitude for the expression of sympathy conveyed in the terms of the resolution passed on the death of our brother, Mr. C. C. Maley. I thank you on behalf of his relatives. Yours sincerely, H. K. Maley. October 20th, 1929.

ASSENT TO BILLS

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

1, Easter Day.

2, Supply (No. 2) £1,210,000.

QUESTION—RAILWAY², BROAD GAUGE.

Kalgoorlie-Perth Survey.

Mr. GRIFFITHS asked the Minister for Works—1, Has the Engineer-in-Chief concluded his examination of the alternative projected broad gauge railway route following approximately the route of the suggested Yarramony line through to Toodyay, and the Avon Valley to Midland Junction? 2, If so, can the Minister inform the House whether a cheaper line and better grading can be obtained than on the old suggested route? 3, Has the Engineer-in-Chief's report been handed to the Commonwealth Government?

The MINISTER FOR WORKS replied: 1, Yes. 2, It is not clear as to what is meant by the words "old suggested route." 3, Yes.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Lutey (Brownhill-Ivanhoe) on the ground of ill-health.

BILL—TREASURY BILLS

Message.

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

Third Reading.

Read a third time and transmitted to the Council.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

MR. MANN (Perth—in reply) [4.36]: I think there is a genuine feeling amongst members generally that a Bill of this kind is necessary; it is just a question whether