

Hon. Sir JAMES MITCHELL: An inquiry will do harm. The hon. member has not justified his request and the House should reject the motion.

On motion by Mr. Lambert, debate adjourned.

House adjourned at 10.26 p.m.

Legislative Assembly,

Thursday, 4th September, 1924.

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

QUESTION—FRUIT MARKETING LEGISLATION.

Mr. SAMPSON asked the Minister for Agriculture: 1, In view of the importance of correct data being available in connection with the proposed introduction of an Act on the lines of the Queensland Fruit Marketing Organisation Act, and for other purposes, have the Government decided to proceed with the taking of a census of fruit trees, including particulars of varieties, acreage, etc., as recommended at a conference of inter-State representative fruitgrowers? 2, Have the growers been supplied with the necessary forms? 3, If not, when will this be done?

The MINISTER FOR AGRICULTURE replied: 1, 2, and 3, The matter is now under consideration.

QUESTION—KANGAROO PEST.

Mr. C. P. WANSBROUGH asked the Honorary Minister (Hon. S. W. Munsie): That in view of the serious depredations and loss to settlers by kangaroos, will the Minister put into effect Clause 7 of "The Game Act, 1912," which vests in the Governor power to proclaim part or parts of the State into districts for a period of, say, twelve months, to enable the pest to

be dealt with, such districts to be proclaimed at the requests of the local governing bodies concerned?

Hon. S. W. MUNSIE replied: No request for this to be done has yet been made, but when the necessity arises, careful consideration will be given the matter.

LEAVE OF ABSENCE.

On motion by Mr. C. P. Wansbrough, leave of absence for one week granted to the member for Williams-Narrogin (Mr. E. B. Johnston) on the ground of ill-health.

BILLS (2)—FIRST READING.

- 1, Trust Funds Investment.
- 2, Bunbury Road Board Rates Validation.
Introduced by the Minister for Works.

BILL—INSPECTION OF SCAFFOLDING.

Read a third time and transmitted to the Council.

BILL—ROAD DISTRICTS RATES.

In Committee.

Resumed from 2nd September.

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

Clause 2—Extension of time for registration of transfers:

The CHAIRMAN: The member for Murray-Wellington at a previous sitting, submitted the following amendment—

That the following words be added to the clause:—"but subject, as regards any registration after the commencement of this Act, to the payment by the transferee, before the registration of the transfer, of any rates for the time being due in respect of the land, including rates and charges due and payable under any Act relating to water supply, sewerage, or drainage."

I have considered the amendment and decided that it is out of order, on the ground that it is not relevant to the subject-matter of the Bill.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—JURY ACT AMENDMENT.

Second Reading.

Debate resumed from 2nd September.

Hon. Sir JAMES MITCHELL (Northam) [4.40]: We have heard a good deal concerning the iniquity of special juries, and the iniquity of the special qualifications for

jurors, but we know as a matter of fact it is only a matter of degree. This Bill is not altering the qualification for jurors, but proposes to wipe out altogether special juries.

The Minister for Justice: To give everyone the same chance. People who can afford to pay for a special jury can have one now, whilst others who cannot afford it have to go without.

Hon. Sir JAMES MITCHELL: It is ridiculous for the Minister to assert that because a man happens to add to his worldly goods from £150 to £500, he is no longer honest.

The Minister for Justice: I do not say that, but that people who can afford special juries can have them when they want them.

Hon. Sir JAMES MITCHELL: I do not know that a man possessing £500 is any better than he who has only £150. The qualification does not make any material difference; at all events it does not make a man any worse.

The Minister for Justice: If there is no difference between them why have a distinction?

Hon. Sir JAMES MITCHELL: It is not fair in a wholesale fashion to accuse people of dishonesty. One would think that special jurors constituted a herd of wealthy men, whose sole object was to attack the poor man. The Minister for Works the other night said he had been convicted by a special jury. Nothing of the sort occurred. He was sued for damages as a result of the publication of a circular. The charge set out that he had conspired to injure, I think, a butcher. He was sued for damages, and as a result was put to considerable expense. The Minister explained that he did not know what was in the circular, but was taken before the court and fined. There were two parties in that case, the man who was injured—

The Minister for Works: He had the jury well on his side.

Hon. Sir JAMES MITCHELL: And the Minister who was accused of having caused the damage. Apparently, someone at the Trades Hall had issued a circular in his name, and this resulted in the action. The Minister said he should have been tried by his peers, by someone interested in the trade union movement. If special juries were empanelled along those lines, we should be justified in wiping them out. The contention appears to be that the man who suffered ought not to have a special jury to try the case, and, that if he had such a jury, it should have been drawn from amongst those connected with the trades union movement. That principle I regard as wrong.

The Minister for Works: I argued that members of trade unions should not be debarred, as they are debarred by the existing law.

Mr. Latham: They are not debarred if they have the property qualification.

The Minister for Works: That is the bar. It is only another way of saying that they are debarred.

Hon. Sir JAMES MITCHELL: At least a third of the members of any special jury would be working men.

The Minister for Works: I venture to say there are not three men on the Government side of this Chamber whose names are on the special jury list.

Hon. Sir JAMES MITCHELL: I said workers, not members of Parliament.

The Minister for Works: If the Speaker were up for trial, the jury would be all from the other side.

Mr. Latham: Nothing of the sort.

Hon. Sir JAMES MITCHELL: Mr. Speaker would get justice.

Mr. Taylor: Nobody would be more pleased than Mr. Speaker to be tried by this side.

Hon. Sir JAMES MITCHELL: The statement which the Minister has made on the basis of his personal experience, is quite wrong.

The Minister for Works: The system gave the man who charged me a packed jury, and it refused my class the right to sit in the jury box. Of the two special juries I had to face, not one member had ever belonged to a trade union.

Hon. Sir JAMES MITCHELL: The hon. member knows that the jury gave the case against him.

The Minister for Works: Once they did; not the other time.

Hon. Sir JAMES MITCHELL: No doubt in one case the Minister got justice, and in the other mercy was shown him. The Minister uses those two cases to show how iniquitous the special jury system is, and how impossible it is for men who own £500 worth of property to do justice to a Minister of the Crown—although the hon. gentleman was not then a Minister of the Crown. A great deal of fuss has been made about nothing. In many cases special juries have proved very useful.

Mr. Millington: Useful all right!

Hon. Sir JAMES MITCHELL: It is not alleged that special juries have not done justice in the cases heard before them. The only reason given for abolishing special juries, so far as I can see, is that a special juror must have a little more money than an ordinary juror. When the Minister says it is impossible for a man possessing £500 to do justice to men possessing less than £500, it is time to protest. I do not know much about special jurors, but I am aware that in many cases it is well to have men with that special qualification, to try the issue. In the case which has been quoted a butcher was apparently damaged by reason of a circular issued over the signature of the present Minister for Works. The Minister says he did not write or see or read the circular, or know anything about it. However, it went out over his name. The law says, rightly, that if one

man damages another he must pay for it. The fault lay, not with the butcher, but with the people who wrote the circular. The Minister for Works suffered for the wrong of another, and that often happens. I do not consider that any case has been made out for the abolition of special juries.

The Minister for Justice: Has any case been made out for their retention?

Hon. Sir JAMES MITCHELL: When one seeks to alter the law, one must give some reason for the proposed alteration. The Government say there should be no special juries.

The Minister for Justice: Yes, for the reasons set out.

Hon. Sir JAMES MITCHELL: No good reasons have been given. The only reason advanced has been the alleged want of honesty on the part of special jurors.

The Minister for Justice: No.

Mr. Millington: Is it wise to limit the choice of jurors?

Hon. Sir JAMES MITCHELL: Often it is wise to limit the choice to men of special knowledge. In a mining case the hon. member interjecting would make an excellent juror. If it were a question relating to railways, the Minister for Railways would make an excellent juror.

Mr. Millington: Why not draw on the whole community?

Hon. Sir JAMES MITCHELL: That is not the point. The House and the public ought to know that special jurors are not necessarily rich men, but mainly men of small possessions, and that all men who sit on juries have to be possessed of some property qualification. All this fuss and noise about the alleged want of honesty on the part of some people because they have £500 worth of property while others have not, is utterly beside the mark. I hope the Minister for Works will have better luck next time, and I am glad that last time he did not get what he deserved, or perhaps what he expected, having regard to the nature of the circular.

The Minister for Works: I knew I was gone from the start.

Hon. Sir JAMES MITCHELL: During the last general election there was issued a circular which I am sure the present Minister for Works did not read, a circular entitled "The Indictment." I think there was not a word of truth in that circular. But in Beaufort-street they have a way of using the Minister's name. I believe the Minister was in the habit of using a stamp signature instead of writing his signature. The practice is dangerous, because the stamp signature can be so easily used. Apparently the stamp signature is used occasionally at the foot of circulars sent out from Beaufort-street.

The Minister for Works: It has done good service.

Hon. Sir JAMES MITCHELL: Yes, from the Minister's point of view, but I am sure the Minister would not send out anything that was untrue, and certainly not anything that would get him into danger. I hope the House will realise that there has been very little complaint of special jurors. Recently there was a case in a town, the name of which I will not mention, where a man pleaded guilty; I think he made a written statement admitting his guilt. Nevertheless a jury of 12 good men and true who had the qualification of £150 let him off.

The Minister for Justice: Wouldn't a special jury have let him off?

Hon. Sir JAMES MITCHELL: That was a very special jury. Sometimes there is miscarriage of justice before juries, just as there is sometimes before a magistrate or a judge. The question whether the jury system ought to remain or ought to be abolished might well receive serious consideration from the Government. The system may have outlived its usefulness. Reverting to the case in which the Minister for Works was interested, I would point out that if the Minister had the right to claim his own jury, so would the other man have the right to claim a jury for himself. I believe that in the Minister's case justice was done. Here are a few occupations of special jurors, taken from one page of the special jury list: sawmiller, compositor, saw expert, labourer, merchant, importer, fitter, carrier, clerk.

The Minister for Works: It is not stated whether the carrier is a master carrier, and the fitter might be in business for himself.

Mr. Millington: There is a Legislative Councillor who describes himself as a labourer.

Hon. Sir JAMES MITCHELL: I do not know what labour he does.

The Minister for Works: I have heard the member for Murray-Wellington (Mr. George) call himself a fitter or an engineer.

Hon. Sir JAMES MITCHELL: For electioneering purposes, I am afraid, members call themselves the thing they think will appeal most to the electors. The Minister for Works, to give one illustration, called himself a bookbinder. The occupations I have quoted from one page of the special jury list show that special jurors are drawn from every section of the community. It is quite wrong to attack special jurors, and to infer that they are not capable of giving an honest decision, even if they are working men, simply because they happen to possess £500 worth of property. The Minister's proposed method of enrolling women jurors is rather clever and unique. The wording of the clause is very funny. They are not expected to sit on juries, but, upon application, they may sit. That is rather a clever way of getting out of the trouble. After a few months we shall see how many women

desire to sit on a jury. I should be opposed to women doing so and I think other members would agree with me. It would be rather interesting if both husband and wife were taken away from their home and their family for two or three weeks during the hearing of a long trial. They would be shut up night and day and would not be allowed to look after their family or their property. It would be unwise to permit that. In addition, I do not know that a husband and his wife should sit on the one jury.

Hon. S. W. Munsie: That would be better than the husband and somebody else's wife sitting on the jury!

Hon. Sir JAMES MITCHELL: Is the husband to be consulted before his wife asks that she shall be enrolled on the jury list?

The Minister for Justice: Parliament recently passed a measure dealing with the status of women.

Hon. Sir JAMES MITCHELL: Does the Minister intend that the husband's consent shall be obtained first?

The Minister for Justice: Why should he?

Hon. Sir JAMES MITCHELL: I am afraid the Minister will be called upon to settle family difficulties because, if the wife asks to be placed on the jury list and her husband objects, he will go to the Minister with his complaint.

The Minister for Justice: We do not ask women if they want to be placed on the electoral rolls.

Hon. Sir JAMES MITCHELL: I do not know that this is quite fair to accused persons. I do not think accused persons will thank the Minister if women are placed on the juries to deal with their cases. However, the Minister has met the difficulty cleverly in providing that women may apply for permission to sit on juries. I hope no eligible bachelor over 30 years of age will be tried before a special jury of ladies; they would show him little mercy. It was very wrong indeed for the Minister to attack, as he did, the fairness of special juries because the men comprising those juries possess qualifications that represent a little more wealth than must be possessed by a common juror.

Mr. CHESSON (Cue) [5.4]: I support the Bill. I am opposed to special juries. Such a system affords an opportunity for people in good circumstances, when involved in a civil action before the Supreme Court, to secure the advantage of a special jury by merely putting up the necessary money and securing the consent of the judge or the commissioner. When a union or an industrial worker is proceeded against—I refer to such cases as those involving conspiracy charges—the common jury is regarded as quite satisfactory for the purposes of the action. On the other hand, however, those bringing an action for damages arising out of an alleged conspiracy, have the right to pay the extra expense for

a special jury and so secure an advantage over the industrial section. The worker has very little faith in special juries nowadays. There is nothing wrong with the common jury system. Anyone between 21 and 60 years of age who possesses real or personal estate of the value of £50 can be placed upon the common jury list which is compiled by the police. At intervals the magistrate and local justices of the peace sit to revise the jury lists, and anyone suffering from deafness or other complaints may put his position before them and have his name removed from the list. My experience of juries in the back country is that a person appearing before them receives justice. The men comprising those juries are generally men of the world, possessed of a good deal of experience. They are drawn from a radius of 60 miles, and on the one jury it is often possible to see pastoralists, business people, prospectors, miners, and people following other occupations. If there is any doubt, the prisoner is always given the benefit of it by back country common juries. If they lean at all, it is towards mercy.

Hon. Sir James Mitchell: Which is the honest section of those you have referred to?

Mr. CHESSON: I make no imputation suggesting dishonesty. Those who sit on juries are honest men. I am against the principle of special juries on the ground that that system accords a privilege to a certain section of the community. I remember the *Wells v. the Cue Miners' Union* case being tried in Perth before a special jury. The organisation was proceeded against on a conspiracy charge, the effect of which was that the union had prevented Wells from getting a living by working in a certain mine. Certain supposed members of the union were proceeded against, including a man named Bert Smith. The jury returned a verdict against all who were charged with the conspiracy. The fact remained that Bert Smith was not a member of the miners' union at the time. The secretary and the chairman of the union gave evidence to prove that he was not a member of that body. The books were produced to substantiate that statement. Nevertheless Smith and the rest of them were found guilty. It will be said that the union had the right of appeal. That is true, but the union also knew what the cost of such proceedings would be.

Hon. Sir James Mitchell: Did they prevent Wells from getting work?

Mr. CHESSON: No. The position was that they would not work with him; they did not prevent him from getting work. I am pointing out that a special jury held the union responsible, including one man who was not a member of the union at all. Another case arose in the Murchison district. The Youanmi Miners' Union, the Sandstone Miners' Union, the Murchison District Council, and several business people were included in a charge of conspiracy.

A verdict was given against all who were joined in the charge, although one of them was a widow. The charge against her in support of the conspiracy allegation was that she had refused to give board to one individual. It was proved that the person concerned was hardly ever sober and had set fire to the place on one occasion. Because of this the widow ordered him from the boarding house as she did not want him there any longer owing to the risk. It is no wonder that members of industrial unions have no faith in special juries! I realise that at times special juries are required. I would instance coroners' inquiries following upon mining accidents.

Hon. Sir James Mitchell: Why is that?

The Minister for Justice: Because special knowledge is required.

Mr. CHESSON: The police officer in charge of the district where such an accident occurs is supposed to see that a majority of the jurymen are practical men. Such jurymen may be mine managers or workers; it matters not, so long as they have had experience in connection with the mining industry. That is only right, for it could not be expected that business men without such experience would be able to descend into a mine and subsequently give an intelligent decision as to whether the mine was safe and well secured. If a jury were required to go down a mine to view the scene of an accident, a business man would not be likely to give a satisfactory and intelligent verdict. In fact, business men have asked to be exempted from coroners' juries chosen to investigate mining accidents in which expert evidence and technical knowledge has been required.

Hon. Sir James Mitchell: You do not object to special knowledge?

Mr. CHESSON: No. In some instances the venue of a trial involving conspiracy charges has been shifted from mining areas to Perth, and men who have sat on the cases have had no knowledge regarding local conditions. How can such men give an intelligent verdict? I do not say that in such instances the jurymen would be dishonest, but I do claim that the system has outlived its usefulness. I have no fault to find with common juries. I know that there was a hue and cry on the part of many people in Perth in connection with a case dealt with in Cue. Meetings were called and much comment was heard regarding bush juries. Many people made themselves busy and said all sorts of things about juries in the back country. If I had to be tried for an offence I should prefer to be tried by a bush jury; for such juries are composed of intelligent men ready to give the prisoner a fair deal. The special jury has outlived its usefulness. I know of no demand that women should be placed on the jury list. Women are more emotional than are men, and so are prone to judge on appearances. I should prefer to be tried by a jury of men.

Mr. Latham: But a jury of women would be sure to let you off.

Mr. CHESSON: If women are to be placed on the jury list, they should be put on all-fours with jurymen; they should not be asked to make application to be added to the list, for under that system we shall have on the jury only those women who love the limelight.

Mr. George: You would be in favour of exempting a woman nursing a baby?

Mr. CHESSON: I would exempt the lot of them. I agree that the fees paid to jurymen should be increased. Frequently a juror is called up 40 or 50 miles, and has to lose a shift. He is allowed 10s. a day as jurymen. What is that to a man who loses his day's wage of 14s. or 15s.? It is certainly time the jurors' fees were revised.

Mr. TEESDALE (Roebourne) [5.18]: I was surprised at the extraordinary degree of heat displayed by the Minister for Works when moving the second reading of this harmless measure. It seemed to me totally unnecessary. There was no occasion for the immoderate and altogether unreasonable language used by the Minister. I deplore the tone of the Minister for Works right through this debate. I had hoped that when the responsibilities of office were fully taken on by that gentleman, he would have moderated his excessive language. Had one closed his eyes when the Minister was speaking, one might have imagined himself on the Yarra Bank or on the Esplanade, instead of listening to a responsible Minister of the Crown. We over here have been interested in the total change in that hon. minister's attitude since he accepted office, and we were pleased to think he had shown a great improvement on his past. A man in the position of Minister for Works should be an illustration to men like the member for Murchison (Mr. Marshall); the Minister's attitude should be calculated to repress the turbulence of many of his followers. It is a great pity the Minister should have given such an exhibition as he gave the other night, causing new members to think that this is a hear garden where anything can be said. I am sorry for it, and I know that many others are equally sorry. It has been discussed in the city, and numbers of the Minister's friends deplore the extraordinary lapse of which he was guilty the other night. It might have been that he was a little bit liverish, and that the injustice to which he claimed to have been subjected at some time in his career was stinging him. Even that could not justify his immoderate language. The Minister condemned every man of a property qualification above that of common juror. Anyone in business or occupying a position of trust was dubbed a scoundrel, not capable of going into court and giving a fair decision on the evidence. It is possible that no merchant or business man of Perth is capable of doing a fair thing to

anybody, no matter what the charge or the accused's position?

The Minister for Justice: Nobody said that.

Mr. TEESDALE: The Minister for Works said that. He said it was impossible for a man qualified to sit as a special juror to give a fair decision. All such men, he said, were biased and prejudiced; and he quoted his own experience as an illustration. It is well known that every man who loses a case squeaks about having been treated unjustly. We all do it. Several of us here have been before the police magistrate. I myself plead guilty. I felt very wild when I was fined a fiver, and I made many uncomplimentary remarks about the magistrate. There was no jury up there—it wouldn't be quite safe for a jury up there. However, I do not think any man in that district would be prepared to seriously denounce that magistrate.

The Minister for Works: You gave him a send-off at the boat, did you not?

Mr. TEESDALE: I can make allowances for the Minister feeling a bit upset about that thousand pounds he spoke of. By the way, he declared that he had not the property qualification of a special juror. If that is so, it would be interesting to know what has become of that farm of his, which I have heard spoken of as a valuable property. Does that not qualify him as a special juror? It may be he has taken precautions and settled the property on his wife, which in the circumstances is a very satisfactory thing to do. I settled a little property on my wife when I first came down here. It is just as well I did, for otherwise it might have gone as the rest has gone. Probably the Minister has done that, and now wants to pose as a man treated unfairly, as one who, although a Minister of the Crown, is not qualified to sit on a special jury. I am inclined to think that he, and his colleagues also, are particularly well qualified in respect of property.

The Premier: I am not. Why drag me in?

Mr. TEESDALE: Then you, too, have been doing as I suggest. Joking apart, if the Minister for Works is not qualified to sit on a special jury, I ask why did he not endeavour to prove the authorship of that pamphlet?

The Minister for Works: Oh, never mind all that. Come to the Bill.

Mr. TEESDALE: If you will pose as a martyr, you must wear the crown of thorns. That thousand pounds is your crown of thorns. It is very dangerous to pose as a martyr in Western Australia. The public's plaudits are fleeting, as we over here have seen. The multitude are apt to rend their gods in twain. I have a lively recollection of one apostle of the proletariat who fled from the wrath to come and hid in a meat safe. The Minister might yet have to seek protection at the hands of those whom he

reviled the other night; when the gods rend him because he has feet of clay, by God! he might have to go there too. Anyhow, this one lapse on the part of the Minister will be pardoned. Provided we have no repetition of it, I shall not make any more offensive remarks about him for the time being.

The Minister for Justice: You are very magnanimous.

Mr. TEESDALE: The principal provision in the Bill is that dealing with women jurors. To my mind women are too illogical to sit on a jury. They are apt to judge rather by intuition than by reasoning out the evidence placed before them. This would be a very serious matter when a man's liberty was at stake. Again, women are likely to be influenced by their husbands. We know those little talks that would take place at the breakfast table, just when the wife was leaving home for her onerous duties at the Supreme Court. If the accused should be a friend of the juror's husband, what an opportunity for that husband to get in a word with his wife beforehand! One can imagine that the husband would do his best for his friend. Then again, consider how greatly women are influenced by what they read in the newspapers. When they see some sad story published, and read that some man has been guilty of something that they think dreadful—if they got the chance, wouldn't they rock it into him? Their sympathies are very easily aroused in such cases. Then I doubt whether they are quite competent to carefully reason out the pros and cons put before them; they will be blinded by the one impression upon them when they enter the court, and so they will not be able to see the case in the right perspective. Again, numbers of women judge a man by his face.

Mr. Corboy: That accounts for your objections to them.

Mr. TEESDALE: This is apt to be very hard on men with faces such as—, but I shall not mention names. Anyhow, there are women who should be taken care of by a paternal Government. They should never be let loose on suffering manhood. They do nothing but raise trouble and strife from morning till night. Such women have a grievance against men in general, but none in particular. I know one or two of them in the Labour cause and they are pretty successful in creating strife. Some of my friends opposite know them. Just imagine having 12 of that sort let loose on one! What sort of a chance would one have? Buckley's. One would get it in the neck as hard as they could give it him. I like to think of women as being sympathetic and kindly. I like to think of them as being always on the side on the underdog, helping all they can. I do not think those characteristics are likely to be improved by the filthy and squalid cases heard in our courts. I try to think as kindly as I can of women-folk—some of them we cannot think kindly of—but at the same time the court is no

place for a woman. The following lines indicate my opinion:—

A man's a fool who tries by force or skill,
To stem the current of a woman's will,
For if she will, she will—you may depend
on't,
And if she won't, she won't—and there's
an end on't.

That expresses in tabloid form why I object to women sitting on a jury.

Hon. W. D. JOHNSON (Guildford) [5.33]: I congratulate the Government on having introduced the Bill, and I am particularly pleased with the proposal to abolish the special jury system. I am not going to deal with the delicate matter as to whether the sexes should have equal right to sit on a jury, but while I escaped that which was recorded in "Hansard" by the Minister for Works, I know that the operation of the special jury system has had the effect of preventing justice being done in many cases. Let me record an experience I had when a Minister of the Crown. It was my special responsibility at that time to be associated with the establishment of State trading concerns, and I came in for a good deal of public comment and adverse criticism. As we proceeded with the establishment of trading concerns, the attacks became more pronounced, more definite, and more personal. Ultimately the newspapers became absolutely desperate, and were not at all discreet in the way they handled the question. On one occasion the leading newspaper saw fit to publish a very scurrilous article attacking me personally, and insinuating all sorts of corruption and dishonesty. The writer did not limit himself at all. I had suffered for a considerable time, but this article went a little too far, so I consulted one of our leading counsel. He went exhaustively into the matter and told me there were five distinct libels in the article. I asked whether it was advisable for me to proceed against the newspaper, and whether he considered I would be able to get justice, seeing that there was a provision for a special jury. Counsel was particularly careful about expressing an opinion as to the justice or otherwise of a particular statute, but this counsel—a K.C.—told me it was questionable whether I could succeed, seeing that the jury would be composed of men particularly hostile to the policy of the Government. While the prospects of getting a verdict were almost undoubted, the verdict might be so low that the full responsibility of establishing it would be mine. My funds were totally inadequate to take such a risk, and I had to suffer the libel. There is no question that the writer of the article had boasted in the corridors of Parliament House that he would write me out of public life; he used the newspaper to gain that end and undoubtedly succeeded.

Mr. Hughes: And he is squealing now about the abuse of privileges.

Hon. W. D. JOHNSON: I wish to point out what a man may suffer because of lack of opportunity to clear himself. Members should appreciate the injustice of a statute of this sort. While a Minister of the Crown, I travelled from the Eastern States on one of the mailboats and came into contact with two of the leading merchants of Perth. We met in the smoke-room and discussed State trading concerns and all the political problems that had occupied the public mind for some years. After rounding Rottneest one of them came to me and suggested a parting glass. Over the glass he said, "Look here, Johnson, I am glad I met you. Honestly I looked upon you as one of the biggest scoundrels in this country, but having met you, I do not think you are half a bad fellow."

Mr. Sampson: Did you have only one glass?

Hon. W. D. JOHNSON: I explained that I did not mind his holding that view, because I could see his reading was limited to the daily Press. "You do not have an opportunity to hear the debates in Parliament," I said, "and to keep in touch with public events you read the daily papers. If you accept what you read in the daily newspapers, unquestionably I must be an undesirable character." We parted, and I was going off to pack my bag when the other merchant came along to say farewell.

Mr. Taylor: Another whisky and soda?

Hon. W. D. JOHNSON: He told me he had been under the impression that the Labour Government were an unscrupulous lot of men in the administration of public concerns. Both those gentlemen had been influenced by articles like the one to which I have referred. There was no opportunity for me to correct the impression conveyed by the article, because of the existence of the special jury provision. Had there been no provision for a special jury, I would have sued the newspaper proprietors because there would have been an opportunity for me to get justice, equally with the defendants. The jury would have represented my ideas politically as well as those of my opponents, because the selection would have been unlimited. As the selection was limited, the writer of the article had an advantage over me and I had to suffer.

Mr. Mann: One of the leaders of the Labour movement was successful recently with a special jury.

Hon. W. D. JOHNSON: That is so.

Mr. Hughes? Were not you surprised when the verdict came out?

Hon. W. D. JOHNSON: There was very grave doubt as to the wisdom of that hon. member proceeding. He was advised that he was on dangerous ground, because of his having to appear before a special jury.

Mr. Thomson: That goes to show that a man does get justice from a special jury.

Hon. W. D. JOHNSON: The member for Forrest (Mr. Holman) was successful on that occasion, but he took action against

the advice of quite a number of authorities, who pointed out the risk he was running owing to the case being tried by a special jury. My experience was not limited to one article. Year after year we were subjected to this sort of thing. I have been looking up the records to ascertain why special juries were established. There have been quite a number of amendments of the Jury Act, but I have been unable to find exactly how the special jury provision originated. Right through the democratic thought that was so limited in the nineties, we find men like Mr. Vosper pointing out the danger of such a provision and how it could operate in only one way. Mr. Ewing, now Chief Justice of Tasmania, was a member of the Chamber at that time, and he expressed doubt as to whether justice could be guaranteed under a special jury system and whether it was right to have the qualification based on money rather than on education. We find that in those days there were expressions of doubt as to whether it was fair to introduce methods of this description in connection with the administration of justice. The Minister for Works went through his ordeal and suffered. I hesitated, and did not proceed, but there were a number of instances where one would have been tempted to go to court to demonstrate that the articles written by the Press were not always based on fact, that they were tainted by political bias. There is no doubt that the articles that appeared at the time I became associated with the State trading concerns, were published because the authors were aware of the protection they had, and they knew that the affected party would hesitate to go before a special jury to defend himself. The special jury system is a relic of the dark ages, and I am pleased that one of the earliest measures to be submitted by the Government deals with the abolition of special juries.

Mr. THOMSON (Katanning) [5.48]: When the Minister introduced the Bill I was under the impression that it was a mild sort of measure, but having heard the various arguments advanced, one is almost forced to conclude that juries of all kinds should be a thing of the past. I was sorry to note the warmth imported by the Minister for Works into his speech when he was referring to special juries. He accused special juries of not having given him justice, though he had to admit that whilst on one occasion he was found guilty, on another he was acquitted. The whole trend of the Minister's argument was that by virtue of having special juries, the movement he represented could not get justice. If that be correct, then we should abolish special juries. But one is constrained to consider the position from the other aspect. If the feeling displayed by members is anything to go by, then all I can say is that if we are to depend on common juries, God help a certain section when they expect to

get justice. I am merely analysing the arguments that have been advanced. We have been told that it is quite possible for one man on the jury to bring all the others to his way of thinking, and we had instances quoted by the member for Claremont (Mr. North) and by the member for Que (Mr. Chesson).

Mr. Chesson: I said nothing against common juries.

Mr. THOMSON: If the Government had brought in a measure to delete all the qualifications excepting that relating to the £500 I believe I would have supported the Bill. I give the Government credit for the honesty of their convictions. We know that the Minister for Works, when sitting on this side of the House, introduced a measure with the object of abolishing special juries. The member for Guildford (Hon. W. D. Johnston) said that special juries prevented justice being done. That was a very serious statement to make. If such a charge can be laid against a man who has taken an oath to return a verdict according to the evidence, then it will be possible for a miscarriage of justice to take place. This can happen not only with a special jury, but with a common jury. If those who make up the special juries are "crooks," there is nothing to prevent common jurors being "crooks" also. After every thing we have heard in the course of this debate, I think we would be justified in doing away altogether with the jury system, and ask that on an impartial man the duty should be imposed of returning a verdict according to the evidence submitted.

The Minister for Mines: What is the justification for a special jury?

Mr. THOMSON: There are cases to be heard where expert knowledge on the part of the jury is needed.

The Minister for Mines: They are never selected for that.

The Minister for Justice: They are selected haphazard. You cannot pick a jury.

Mr. THOMSON: I must confess, from the statements made by members on the other side of the House, that I look askance at the jury system, and I feel disposed to vote against the Bill altogether.

Mr. Holman: What will you put in its place?

Mr. THOMSON: To my mind if we struck out these qualifications "A justice of the peace, a bank director, or a merchant not keeping a retail shop," and left in that part relating to personal estate of the value of £500, all purposes would be served. It is absurd for members opposite to say that a great majority of the workers would not be eligible as special jurors. In this State many workers have homes of their own.

Mr. Heron: Absolutely wrong.

Mr. THOMSON: I am not wrong.

Mr. Hughes: Of course you are.

Mr. THOMSON: There are many workers in this State who have the title deeds of their homes, or are going through the process of acquiring the deeds, and we have more of such people than any other part of the world. I am proud to know that.

Mr. Holman: Can you tell us where those homes are?

Mr. THOMSON: In the suburbs.

Mr. Hughes: You should look at the municipal rate book of Perth and see how small is the percentage.

Mr. THOMSON: We are not dealing with the city. You do not expect to find workers living in the capital city.

Ministerial Members: You are quite wrong.

Mr. THOMSON: I know I am right. Many homes have been built in the suburbs under the Workers' Homes Act.

The Minister for Lands: But all are not owners.

Mr. THOMSON: A big majority of them are.

The Minister for Lands: Those you have in mind are not.

Mr. THOMSON: There are many freeholds as well as leaseholds, and a great majority of those workers would be eligible to serve on a special jury. At any rate we are entitled to raise our voices in protest against the proposals contained in the Bill. Again, I have a strong objection to women serving on a jury. As has been outlined, the Minister proposes to throw the responsibility to serve on the jury, on the women themselves. In a majority of cases, particularly criminal cases, I should be sorry to think that any women related to me were desirous of being selected. The majority of men are only too pleased if they can succeed in keeping off a jury. I know that when I was eligible, I did my utmost to dodge serving on juries. I regret that the Government have introduced the measure and I regret the spirit in which it has been debated and the statements advanced that it was not possible to get justice at the hands of a special jury. That is wrong. The member for Forrest (Mr. Holman) went before a special jury and got justice.

Mr. Holman: I did not go; I was forced.

Mr. THOMSON: All I know is that he won his case. I once met an honest lawyer who gave me good advice.

The Minister for Lands: Only once?

Mr. THOMSON: I have stuck to him ever since. He said, "You have a good case, and the probabilities are you will win. I feel confident you will win, but is it worth it? When a man goes in for litigation he is somewhat in the position of the two who engage in a fight. If he wins he is badly bruised, and suffers probably as much as the other man. My advice is to cut your first loss." I have followed that principle right through. Instead of attacking special juries, because some people have suffered through deliberate misrepresentation in the Press, we should

amend the Act so that we may deal with the slanderers and those who take shelter behind privilege. No paper has any right to slander a man.

The Minister for Lands: The Leader of the Opposition cast aspersions on us to-day.

Mr. Holman: My case proved that the Press does not enjoy privileges beyond those enjoyed by the ordinary individual.

Mr. THOMSON: I oppose the second reading.

Mr. SAMPSON (Swan) [6.3]: There is a lack of logic about this Bill. A common juror must be possessed of £50 worth of land or £150 in cash. It is only a question of degree between him and the special juror.

The Minister for Justice: That is not in the Bill.

Mr. SAMPSON: I know that. There is a property qualification in both cases.

The Minister for Justice: Why have any distinction?

Mr. SAMPSON: The special juror must possess £500 worth of land or some qualification in respect to the position he holds.

The Minister for Justice: Why have any distinction between them?

Mr. SAMPSON: If I had my way I would do away with the jury system. It has long outlived its usefulness. There is a sentimental regard for trial by one's peers, but I am strongly of opinion that the jury system is open to very grave objection. It is frequently corrupt.

Mr. Tecsdale: Not here.

Mr. Holman: Cite a case.

Mr. SAMPSON: I would prefer to be tried by a judge.

Mr. Davy: If you had a good case.

Mr. SAMPSON: I would prefer that in any case.

Mr. Marshall: You would want to shake hands with him before you went up.

Mr. SAMPSON: A judge, with his training, his clear mind, and ability to weigh evidence, is better able to come to a decision than any jury, however qualified it may be.

Mr. Hughes: The facts do not support that. Look at the number of decisions that are upset on appeal.

Mr. SAMPSON: Very frequently juries disagree. There is more than suspicion in some cases that the jury has been tampered with. I do not say that all men are liable to corruption, but I do say the jury system is bad. The sentimental regard that permits the system to continue is an anachronism. The member for Claremont (Mr. North) referred to the influence that a strong man on a jury has in swaying those of weaker mentality. That is well known. Everyone who has served on a jury realises that the strongest character on it possesses a power he should not have over his fellows, if he cares to exercise it.

Mr. Holman: Your argument is that the strong man is a crook.

Mr. SAMPSON: Not at all. There are men who serve on juries who are not qualified to weigh evidence, and the decision they give is often that of the stronger-minded man who has been empanelled with them.

Mr. Chesson: That is not my experience. You often see them divided in opinion.

Mr. SAMPSON: Perhaps the hon. member was influenced by one of those strong-minded men.

Mr. Chesson: They do not exercise that influence.

Mr. SAMPSON: I hope in committee the Minister will agree to strike out the clause relating to women. If every member had his way, I am sure he would desire to see that clause eliminated, particularly because of the method suggested.

The Minister for Lands: That is the only method I would support.

Mr. SAMPSON: It is a particularly bad one.

The Minister for Lands: I do not agree.

Mr. Thomson: One would hardly think a woman would submit her name under such conditions.

Mr. SAMPSON: I do not say I would not be equally prepared to be judged by a jury comprising women.

Mr. Holman: You might even try yourself under that clause.

Mr. SAMPSON: Women are proving themselves to be thoroughly competent in matters where intelligence is required. Many women in Perth are devoting themselves to sociological questions, and doing a great deal of good. The method of enrolling women as jurors, as outlined in the Bill, is a bad one. Either we must add the names of all women who have the qualifications that men possess to act as jurors, or we must leave them out altogether. I feel inclined to suggest to the Government that the measure should be withdrawn. It must have been brought down under a misapprehension in respect to the desires of the people.

Mr. MARSHALL (Murchison) [6.10]: I admit that a lot of the fire has been taken out of me since the speech of the member for Roebourne (Mr. Teesdale). My intention was to follow in the wake of the Minister for Works. If I had done so, I believe my remarks would have done more for the emancipation of the working classes than anything the member for Roebourne could ever say. I have nothing to say ill of any person, be he wealthy or poor.

Mr. Sampson: You are getting on.

The Minister for Justice: He is a democrat. All men are equal.

Mr. MARSHALL: The tenor of the speeches from the Opposition side of the House has been in the direction of endeavouring to impress the public with the fact that members on this side hold the opinion that a person earning £500 cannot conscientiously mete out justice. I say he

can do so. The Leader of the Opposition, from his point of view, is conscientious. He believes what he says. He is just as conscientious a man as I am.

Mr. Sampson: You are going too far.

Mr. Holman: Do you not feel flattered?

Mr. MARSHALL: I could not pay him a higher compliment. As the member for West Perth (Mr. Davy) said, the whole thing depends upon education. After he had heard the definition from the member for East Perth (Mr. Hughes), I take it he meant a person with worldly experience, broad-minded, travelled; one who understood the habits and customs of all people in all walks of life. How are we going to secure such an individual? Are we to get him from the universities and the colleges, and from the descendants of the wealthy, whose sons have had no occasion to understand the lower walks of life? See what education has done for the member for West Perth—I mean a certain class of education.

Mr. Davy: I bet you I had less money to spend as a boy than you had.

Mr. MARSHALL: The hon. member was unlucky. Fortune has smiled upon him, since he was a boy, to a greater extent than it has upon me. He said, "I do not desire to labour the point, as I do not think the Bill is worthy of much notice." That is what education has done for him—a certain form of education, such as we might call technical education. Later on he said, "The third clause of the Bill is aimed at providing against a prevailing wickedness, an objectionable factor, something we must all dislike." I would never have been acquainted with the facts but for the member for West Perth. He also said, "It provides against the prevailing wickedness that has been manifested in the Eastern States."

Mr. Latham: Are you reading from "Hansard"?

Mr. MARSHALL: No, from my own notes. My memory is better than that of the member for York.

Mr. Latham: It is a very convenient one.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MARSHALL: Before tea I was trying to define the form of education which fits a person better to sit on a jury, and was trying to show the advantages which have accrued to the member for West Perth (Mr. Davy) from the form of education he received during his youth and has been receiving ever since. In the first place he declared that the Bill was unworthy of notice, that it had no feature of any value. Then he went on to point out that the last part of the Bill provided against a great deal of corruption prevailing in other States. And that is the Bill

which the hon. member said was of so little value as not to be worth paying any attention to! It all depends upon the point of view. I do not take to task the people who happen to possess wealth, nor do I speak disparagingly of them as regards the quality of justice they mete out. But I do contend that a person's environment would influence his decision. Unless he has industrial experience, and worldly experience, and broad experience, he is very apt to judge solely from his particular point of view. The Bill before the House seeks to obviate those disadvantageous circumstances, and to render actual the possibility of people who understand practically every plane of life becoming qualified to sit on juries. If I have any fault to find with the Bill, it is on the score of the measure not going far enough. Legislation of similar character in Queensland is far more democratic. Every adult in Queensland, I believe, is eligible to sit on a jury. Why is not every adult in this State similarly qualified? Why should I, or any person, because in possession of some material wealth, have the right to say to others, "I have so much more wealth than you, and therefore I have so much more intellect than you"? The argument puts me in mind of the old contention that whiskers are wisdom, that one must be 99 years of age before one knows anything. In the history of all countries, right back to the Dark Ages, one observes that every time the hand of progress has been lifted, it has been slashed down by the affluent and the influential. I am surprised that the member for West Perth, a young man, and I believe a man who would feel offended if he were called illiterate, should have made such a statement as he made last night. The hon. member further said that the Bill does not overcome the invidious distinction of a minimum property qualification of £150 to entitle persons to act on common juries. He practically says, "Because you don't go the whole hog and wipe out the qualification entirely, your measure is unworthy of notice." Such an argument would imply that if the hon. member fought a case for a client—and naturally lost it—and at the settlement the client said, "Mr. Davy, I regret that the costs are £50, but I have only £49 19s. 11½d." the hon. member would reply, "Get out of my office; I will take the lot or nothing." That would be an argument of the same character. I regret that the Bill has not gone the whole hog and given to every man and woman in this State who are in a position to use the senses of seeing and hearing, the right to sit on juries. It is all very well for Opposition members to try to draw a red herring across the trail, to try to make out that there is nothing of any importance in the Bill. Anyone who has travelled and understands the wire-pulling and the string-

pulling and the manipulation that go on, can detect the desire of those who always stand behind Conservatism. Those people want to make out that there is no element of reform in the Bill. In truth, however, the measure represents one step nearer towards what we term democracy. It is a step closer to that stage where money will not count, where any individual can stand and sit or walk on the same plane of life as the multi-millionaire. That is the only reason why, as regards this Bill, we are subjected to hostility from the other side of the Chamber. We can, of course, expect hostility towards any of our measures. The Ministry, I have no doubt, were quite aware of that circumstance when they decided to bring down this Bill. The Minister in charge of the measure, from his experience as an industrialist, would naturally look for the opposition we have actually encountered. Right through the history of our own country, this radiant region of the British Empire, every effort made by the representatives of the workers, or by the workers themselves in the form of open violence, or else of constitutional agitation, to secure any reform whatsoever, has always been confronted by the agents of Conservatism. It would appear that in this allegedly enlightened twentieth century we have not advanced very far beyond the Dark Ages, despite the valuable assistance rendered by education. We still meet with the contention that wealth should predominate over spiritual considerations. Just imagine, because a person has £500 worth of property, he is to have the right so truly depicted by the Minister for Works last night! I hold the very views expressed by the Minister. Not that I am prejudiced against, or desire to speak disparagingly of, people of wealth; but I am openly hostile to a principle that does not give me and the next man equal rights with any other citizen of this State. That is a principle to which I take strong exception, but I am pleased that the Minister has brought down this measure with a view to alleviating, as far as he thinks proper on this occasion, the existing position. The measure also provides for equality of the sexes.

Mr. Taylor: Not quite.

Hon. Sir James Mitchell: There is a little bit of difference.

Mr. MARSHALL: As I said a little while ago, it all depends on the point of view. At any rate, the Bill has for its object the extension to such members of the female sex as desire it, the right to sit on juries. Unfortunately a woman has to be in possession of £150 worth of property to be eligible to sit on a jury; but this Bill tells such a woman that if she desires the right, she may sit on juries. I have heard many arguments against that proposal.

Hon. Sir James Mitchell: You have not heard one.

Mr. MARSHALL: When we get one argument from the hon. gentleman, we shall be fortunate.

Hon. Sir James Mitchell: Where are the perambulators to be put?

Mr. MARSHALL: Whether those members who have displayed open hostility to the proposal that women shall have the right to sit on juries are married or single, I am unable to say; but I did form the impression that one speaker had oftener than once been crossed in love. He was patently hostile to women. Probably he has been hen-pecked for years, and is showing the effects of it here. After a lengthy experience of this planet, I have no fault to find with the opposite sex. I do not know whether that is the case with the members for West Perth (Mr. Davy) and Roebourne (Mr. Teesdale). What is wrong with the female sex? Nothing.

Mr. Latham: And that is why we want to know the reason you have for desiring to punish women.

Mr. MARSHALL: There is only one logical deduction to be drawn from the contention that women are not equal to men, and it is that our mothers were certainly no good. I am not prepared to subscribe to that declaration; other members can please themselves.

Hon. Sir James Mitchell: That has nothing to do with the Bill.

Mr. MARSHALL: It has a lot to do with this "Bill," anyhow. I disagree with the idea suggested by some members, that if we aim at giving women the right to sit on juries, we should let them try civil cases, and let the entire jury consist of women. I am not prepared to back up that point of view.

Hon. Sir James Mitchell: Why not? You may get a jury composed entirely of women.

Mr. Taylor: That would be a blue look-out for some people.

Hon. Sir James Mitchell: They would be on an equality with men regarding the jury.

Mr. MARSHALL: The only conclusion I can come to regarding the attitude of some hon. members concerning women sitting as jurors is that those hon. members are possessed by fear that they will commit some crime.

Hon. Sir James Mitchell: You are the only man who has said you don't want a jury of women.

Mr. MARSHALL: I say emphatically that I consider females, if they so desire and are not put under compulsion, have a mentality equal to that of the male sex. Women can sit and reason quite as well as men can. As to the argument that women are apt to be very vindictive, cat-tish, and lopsided in their views, I must say I have found them comparatively different from that.

Mr. Taylor: You are not old yet.

Mr. MARSHALL: That discloses the sentiments of the interjector. Whiskers mean wisdom! The hon. member infers that one must be bald-headed and long-whiskered and have lived for a century before wisdom can be attained.

Mr. Taylor: You got your knowledge very early.

Mr. MARSHALL: I do not see why women should be debarred from sitting as jurors.

Hon. Sir James Mitchell: We are not debarring them.

Mr. MARSHALL: If the Leader of the Opposition had his way, he would not allow them to sit on juries.

Hon. Sir James Mitchell: I would not compel them to do so.

Mr. MARSHALL: No effort is being made to compel them. If the Leader of the Opposition, after his long experience, has slipped back, I am not responsible.

Hon. Sir James Mitchell: One gathers a lot of wisdom here.

Mr. MARSHALL: The wisdom of the Premier will not enlighten me.

Mr. Taylor: Not of the Premier surely!

Mr. MARSHALL: I apologise to my leader. I meant to refer to the ex-Premier. I am satisfied that the Bill is democratic and is one that the people have waited for for a long time. I regret that provision is not made that the only qualification necessary to enable anyone to sit on the jury is that he or she shall be 21 years of age. I hope the Minister will not agree to make amendments forecasted on the Notice Paper, but will stick to the Bill as it stands.

The MINISTER FOR JUSTICE (Hon. J. C. Willcock — Geraldton — in reply) [7.50]: It would be difficult to reply to all the statements made during the debate. When a Bill is introduced in this House one replies at length to criticism when it is such that the Bill would appear to be in danger at the second reading stage. Although seven or eight different principles are embodied in the Bill, hon. members have dealt with various ones singly. As each of those principles will have to be discussed at length in Committee, I do not propose to say much about them at this stage. The opposition to the Bill as a whole has not been serious. The Leader of the Opposition said there was no distinction between special juries and ordinary juries. If that be so, why the opposition to the Bill because of its references to special juries? If there is no difference, why should it be necessary to have special juries at all? I have not said there is no distinction between them.

Mr. Taylor: Could we do without juries altogether?

The MINISTER FOR JUSTICE: The Bill does not deal with that point and I do not wish to discuss it either. If the hon. member thinks fit, he may introduce a Bill to give effect to his views. There is one point to be remembered apart from the question of distinction between a special jury and the ordinary jury, and that is that the very fact that provision is made for special juries destroys the confidence of many people in our judicial system.

Whether warranted or not I cannot say, but it is a fact that many people have an idea that because provision is made for a special jury, that provision is there for a special reason. I cannot ascertain any such special reason for them. I have never had any justification for the special juries placed before me. If that is the position, I do not know why provision for special juries should remain on the Statute-book. If there were some special necessity for special juries, it would go to show that the people who have not the means to pay for special juries are greatly handicapped.

Mr. Davy: The cost is about £3 10s.

The MINISTER FOR JUSTICE: It is money just the same, and we do not desire to make the legal process different for one section of the community compared with another section. As the Act stands at present, the rich man is given an advantage over the man who cannot afford to pay for a special jury. I will not say that there is a difference, from the standpoint of ability, in favour of special jurors. I do not think there is. I do not see the necessity for special juries at all. Many people are under the impression—we have had an indication of it this evening—that if a case is brought before a special jury, the opportunity of securing justice is not the same as if a common jury were empanelled. I do not say that that is so, but the fact remains that there is that impression abroad. The result is that the confidence of a majority of the people in our judicial system is destroyed. In these circumstances we desire to wipe out the provision. References have been made to women acting as jurors and to the proposals outlined in the Bill. Although the Leader of the Opposition declared that our proposals were clever, they are merely evidence of a process of evolution by which we hope to attain our objective gradually. When women's suffrage was brought forward 20 years ago, it was said that women did not want the vote and there was no necessity to make any such provision. Probably at that stage there was not.

Mr. Taylor: Motor cars have been invented since then.

The MINISTER FOR JUSTICE: I do not think motor cars have influenced the problem to any extent.

Mr. George: I know lots of people who will not go to a polling booth unless taken in a motor car.

The MINISTER FOR JUSTICE: We may see fit to introduce a Bill to do away compulsorily with the use of motor cars on election day.

Members: Hear, hear!

The MINISTER FOR JUSTICE: Although that may have been said 20 years ago when women's suffrage became prominent, it must be remembered that during the period that has elapsed, women's interests have been extended, and to-day they show as much, if not more, desire to exercise the franchise as do men. Of those en-

rolled, the average number of women who vote is, I think, greater than that of men. The same thing may apply in relation to the jury system. We desire to give women an opportunity to show whether they wish to sit on juries, and if our experience shows that women generally desire to do so, we will give them the opportunity. Last year's legislation dealing with the legal status of women left an element of doubt as to whether the Master of the Supreme Court, the Clerk of Courts, or whoever compiles the roll, has the right to place the names on the list.

Hon. Sir James Mitchell: They cannot be enrolled under that measure.

The MINISTER FOR JUSTICE: That Act set out that wherever a male person was indicated, the female person also should be included. The Jury Act says that a male person may be placed on the jury list. Last session's measure provided that the females should have the same right. It is questionable, however, whether women are eligible to be placed on the jury list.

Hon. Sir James Mitchell: I am glad the House will not agree to that provision.

The MINISTER FOR JUSTICE: It is not a question of what the House will agree to now, but what it agreed to last session.

Hon. Sir James Mitchell: You are quite wrong.

Mr. Taylor: I do not think the Minister is wrong.

The MINISTER FOR JUSTICE: I do not know that the legal practitioners who have been consulted say that it is wrong.

Hon. Sir James Mitchell: No.

The MINISTER FOR JUSTICE: I do not know that the Leader of the Opposition consulted any legal man about the matter.

Hon. Sir James Mitchell: Yes, I did.

The MINISTER FOR JUSTICE: Well, I have indicated what was the legal advice I received. The Bill will remove any doubt as to women having the right to be enrolled on the jury list, should they so wish. We desire to make the status of women equal to that of men, but we do not wish to force upon women anything they do not desire to have. If women wish to be placed on the jury list they will have that opportunity. If they desire to remain off the jury list they need not make application, and their names will not appear on that list. In any case, the Bill will not affect many women, because not many have the necessary qualification enabling them to be enrolled, even though they might desire to have their names on the jury list. So there will not be very many women entitled to go on the list.

Mr. Davy: You are keeping up the invidious distinction of wealth.

The MINISTER FOR JUSTICE: No, I am saying we are not a revolutionary Government, but believe rather in evolution, being satisfied with one step at a time. We desire to give the same rights to all persons,

whether rich or poor. However, all these points no doubt will be debated again in Committee, so I will leave it at that.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 5—agreed to.

Clause 6—Amendment of Section 11:

Mr. SLEEMAN: I have an amendment to move.

The CHAIRMAN: The hon. member's amendment is a new clause, and must be taken at the end of the Bill.

Clause put and passed.

Clauses 6 to 24—agreed to.

New clause:

Mr. SLEEMAN: I move:

That the following new clause be inserted: Section five of the principal Act is hereby amended by striking out the word "man," in the first line, and inserting the words "person, male or female," in lieu thereof; by striking out all the words after "colony" in the third line down to "shall" in the sixth line; and by adding a proviso as follows—"Provided that any female may by notice in writing addressed to the resident or police magistrate for the district in which she resides, indicate that she does not desire to serve as a juror, and upon receipt of such notice by the resident or police magistrate she shall be excused from any service whatsoever as a juror."

If it be right for women to be on the jury list, they should be given equal rights with jurymen. Some say that women should be debarred from serving on juries. I do not agree with that. Others say that many women will be left on the jury list unwittingly, and will have no way in getting off it. That is ridiculous because, this being new legislation, the women will be notified that their names have been placed on the list, and will be given ample time to enter their objections, if any. The member for Roebourne (Mr. Teesdale) objected to women serving on juries because, he said, women judged men by their faces. I think it might with greater justice be said that men judged women by their faces.

Mr. Davy: It is fifty-fifty.

Mr. Marshall: You were on velvet, Joe, in your young days.

Mr. SLEEMAN: I am going to do my best to see that, in respect of the jury list, women are placed on a level footing with men. As for the property qualification, I agree that it ought to be abolished. Persons of property are not necessarily more intelligent than those that have none. On the present basic wage, the working man has no chance to accumulate property.

The MINISTER FOR LANDS: The hon. member has mixed up in his proposed new clause two entirely different matters. Moreover, the proviso is in direct opposition to Clause 6, which we have already passed.

The Premier: Yes, it is quite contradictory to Clause 6.

The MINISTER FOR LANDS: Having passed Clause 6 we cannot, I submit, even consider this proviso.

Mr. SLEEMAN: If any mistake has been made, it is not my fault. Apparently the old heads have got to work on this. I am not satisfied that I have been given a fair deal. Before the passing of Clause 6 I rose to move my amendment, but you, Sir, would not take it. Now the heads come along with a point of order. Presently I shall move that the whole Bill be recommitted.

Mr. CORBOY: The hon. member certainly did attempt to move his amendment on Clause 6, but you, Sir, said he would have to move it as a new clause.

The Minister for Lands: That does not put him in order.

Mr. CORBOY: No, but he has good reason to complain. He attempted to move it at the proper time, and the Chairman said he would have to wait until the end of the Bill.

The CHAIRMAN: He wished to move it as an amendment to Clause 3. The hon. member is out of order at present.

Hon. W. D. JOHNSON: If the hon. member moves a new clause and it is passed, surely the other amendment becomes consequential.

The CHAIRMAN: No, we cannot go back.

Hon. W. D. JOHNSON: The member for Fremantle attempted to raise the point at the proper time. Surely it would have been fair to notify him that unless he amended Clause 6, the proposed new clause would not be in order. I suggest that the Minister might well agree to re-commit the Bill.

The MINISTER FOR LANDS: I did not adopt any unfair tactics. I did not notice the effect of the amendment until Clause 6 had been passed. I think members know me sufficiently well to be satisfied that I would not adopt unfair tactics.

The MINISTER FOR JUSTICE: There is no desire to take advantage of any member. If the member for Fremantle so desires, he may move for the recommitment of the Bill on the motion for the third reading.

The CHAIRMAN: Standing Order No. 295 reads—

On the motion for the adoption of the report the whole Bill may, on motion, be recommitted, and further amendments made, but a subsequent day to that on which the second report is brought up shall be fixed for moving the adoption of such second report: and the Bill as reported with such further amendments shall in the meantime be printed. If no amendments have been made, the report may be at once adopted.

Title—agreed to.

Bill reported without amendment.

BILL—NOXIOUS WEEDS.

Second Reading.

Debate resumed from the 2nd September.

Mr. LATHAM (York) [8.21]: One can excuse the Minister for having changed his mind because, when he spoke on the previous occasion, he spoke as an individual member seeking to safeguard the interests of his own electors only, whereas to-day he is looking after the interests of the whole of the State. It is somewhat strange, however, that an alteration was not made to the Bill, because when the previous measure was before us he, together with the present Minister for Lands, in no uncertain language showed his disapproval of the proposals. Therefore one would have expected a new measure on this occasion. Some legislation is necessary, particularly in view of the fact that we are getting a great number of stock from the Eastern States that are bringing noxious weeds here. There is no legislation to deal with that phase of the difficulty, but a very small amendment to existing legislation would have met the position. The existing statute makes it incumbent upon the Government to see that the law is enforced, but under the Bill before us, the Government will be shirking their responsibility and placing it upon the local governing bodies. Similar remarks were made by Mr. Troy and Mr. Angwin when the previous Bill was before us. It is grossly unfair to pass legislation that will make demands upon the revenue of local authorities when that revenue has been collected from ratepayers in order to provide roads. Yet that is what will happen under this Bill. There is no provision to deal with noxious weeds growing on Crown lands, on lands outside the jurisdiction of a road board, or on railway reserves. I pointed out previously that the greatest difficulty experienced in the country was to deal with noxious weeds growing along railways, because the seeds that have fluffy tops are carried many miles by passing trains and then deposited, and thus the spread of noxious weeds goes on. I admit that under Section 193 of the Road Districts Act of 1919, boards may be required by the Minister to clear the roads, reserves, commons, and other lands of noxious weeds and apply revenue to that purpose. The power already exists, but it has never been exercised, and year after year noxious weeds are being broadcasted. No attempt has been made by any Government for many years to stop the spread of noxious weeds. There is only one feature of the Bill that commends itself, and that is contained in Clauses 21 and 22, which deal with the introduction of noxious weeds from the Eastern States. Every State has a Noxious Weeds Act, but

every one except Western Australia, so far as I can gather, makes provision for dealing with noxious weeds on Crown lands. Here, however, no attempt is to be made to do that. When the previous Bill was before the House, the present Minister for Lands pointed out that it would be unfair to local governing bodies to require them to carry out the work as it would harass them. It would be as well for members to hear the opinions that were expressed by the present Ministers for Agriculture and Lands at that time. According to page 2336 of "Hansard," 1922-23, Mr. Troy said—

I have seen fields out of cultivation for some years, and there has been no hope of placing stock on them because of the danger of the weeds. It (the double-gee) is a most difficult weed to eradicate. Land may be cultivated for years, but the weed will reappear. The Bill provides that the local authorities as well as the Government shall have authority to appoint inspectors, and the board shall have power to give notice to a mortgagee, occupier, or owner of land, or the person in possession to eradicate any weed deemed to be a noxious weed under this measure. . . . It is very drastic, and the weakness is that the local board will not carry out the measure. Some of the greatest sinners are members of local boards. . . . I shall vote against the second reading for the simple reason that the greatest culprits in the propagation of noxious weeds are the Government. Until they come into line and undertake the eradication of noxious weeds on Crown lands, it is unreasonable to ask people who buy land from the Crown to incur the great expense of eradicating such weeds, when just outside their boundary fences nothing is done by the Government. I am surprised that a Minister representing an agricultural district should advocate additional burdens on the people he represents, and suggest that they be harassed and handicapped by fines and penalties, when alongside their property are Government lands for which no provision is made at all.

Mr. Angwin remarked—

Under the Bill there may be a number of areas to clear of noxious weeds, and it may take a large sum of money to do it. Where are the local bodies to get the money from?

That same question might well be asked to-day. Where are the local authorities going to get the money with which to carry out this big work?

What money they may have is required for other purposes. The Bill asks the local bodies to do something they cannot possibly carry out. It is provided that the Government may appoint an inspector. Whether that inspector can enforce an order on a person and compel the local authority to pay for it, I do not know.

If I mistake not, the Government inspector will have full power, and that power may be given to him by regulation. He goes on to say—

I know that they will not be able to do the work. It is the duty of the Government to do it. The Government appear to be attempting, as far as possible, to get rid of everything they possibly can. So long as other people can raise money with which to carry on work, and so relieve the Government of responsibilities, the Government are satisfied. The Bill is wrong in principle, and I intend to oppose the second reading.

It is extraordinary that we should now have a similar Bill introduced, in which only two clauses are necessary, but containing penalty clauses that if the local governing body does not carry out the wishes of the Agricultural Department, a Commissioner will be appointed to do so. The Commissioner will not only pay his own salary out of the road board revenue, but do the work, and all things required under the Bill. One would at least have expected a Bill casting upon the Government the responsibility of sharing the cost.

Mr. Panton: It is another case of a different point of view.

Mr. LATHAM: As we change sides in the House, so do we change our views. The Bill I speak of did not go to the vote. No doubt the Minister of the day withdrew it because he knew it was impossible to get it through. I cannot believe that the Minister for Agriculture thinks differently from what he thought when he spoke against that other Bill. I have read his speech, and cannot think he has changed his views. His departmental officers have pointed out to him the necessity for some legislation, and he has agreed to it. But in putting through this legislation, the Government are saddling it in the way I have indicated. I guarantee that the entire revenue of the State would not be sufficient to eradicate stinkwort along the Great Southern line alone.

Mr. C. P. Wansbrough: Why the Great Southern?

Mr. LATHAM: I take that as an instance. It would be impossible to eradicate it. Of what use is legislation of this kind when it is impossible to carry it out? In the past it has only been shelved. In the "Government Gazette" of the 29th March, 1923, stinking roger is also described as a noxious weed. I defy anyone to eradicate that once it has got a hold in sandy or light country.

Mr. George: And there is the Guildford weed, too.

Mr. LATHAM: Why include that in a Bill of this kind?

The Minister for Agriculture: Why cry stinking fish?

Mr. LATHAM: A Bill of this kind gives unnecessary publicity to the position. Why include all these things in the schedule that

will have to be attached to the Bill, setting out the various noxious weeds? What are noxious weeds? In the "Government Gazette" I refer to, certain valuable fodder plants are included in the list. Not only are they valuable in dry seasons, but generally speaking stock will eat them readily. Under the Bill each local authority will have power to make its own by-laws. That is a dangerous proceeding. If we are to have a new Act, let us have one based on a uniform system of administration and by-laws. There may be two road board districts divided by an imaginary line, and on one side there may be certain by-laws, and on the other side a totally different set. When we pass legislation there should be some possibility of its being carried out.

Mr. George: And it should be uniform.

Mr. LATHAM: Yes. We should have uniform by-laws dealing with such a big subject, and uniform administration. I defy the Minister to show how it is possible for a local governing body to administer legislation of this kind. Why impose an impossible task upon the local authority, one that will absorb all the revenue it requires for building feeder roads and maintaining the public thoroughfares in its area, when it is already short of funds? No money is made available for carrying out the provisions of this Bill, and it is wrong to divert local funds for the eradication of noxious weeds, which is a national and not a local matter. The revenue of the State for five years would not be sufficient to eradicate stinkwort. It could not be eradicated in one year. We can deal effectively with Bathurst burr. There is very little of it in the State, and the seed is not blown about but carried by stock. It is a weed that might well be put into the schedule. I should like to see the local authorities along the Midland railway close to Midland Junction try to deal with nut grass.

Mr. George: Or even along the Albany road.

Mr. LATHAM: It is useless to legislate for the eradication of this weed. Prickly pear might be included in the list, because we have very little of it here. Stock will fatten on Spanish radish, and yet that, too, is to be included in the regulations governing noxious weeds. Sweet brier, Cape tulip and Paterson's curse are other weeds referred to as being noxious. Some of these can be effectively dealt with. Star thistle can also be coped with. It is questionable whether blackberry is a noxious weed. In some places it is grown for the edible fruit upon it. African boxthorn is a plant useful for hedges, and should not be included in the list without further consideration.

Mr. C. P. Wansbrough: It is a menace.

Mr. LATHAM: Not all over the State. Before long we shall have to think about planting some arborial shelter, especially where our heaviest timbers were growing in the wheat areas. People are removing every tree and the road boards are assisting by

cutting down the trees along the road. Before long some protection for stock must be provided.

Mr. Thomson: The Telephone Department is cutting down the trees now.

Mr. LATHAM: Settlers are clearing their land holes and holes. We shall have to plant shelter for our stock, and do something to prevent the land from being blown away. Coffee bush, star thistle, stinking roger, double-gee, carnation weed, gooseberry cucumber and other weeds are set out in the list published in the "Government Gazette." Imagine anyone trying to eradicate double-gees in the North-West! It is grossly unfair to place upon the local governing bodies the responsibility of eradicating noxious weeds. This is a national matter. In Section 5 of Victorian Statute No. 3195, it is set out—

It shall be the duty of the following corporations, viz., the Board of Lands and Works, the Victorian Railway Commissioners, the State Rivers and Water Supply Commission, the country road boards, the Closer Settlement Board, the Forests Commission and the State Electricity Commission of Victoria, respectively, from time to time, to destroy and suppress all noxious weeds on such lands.

It is pointed out that it is the duty of the Government to carry their share of the responsibility. A similar provision was taken out of our Act so that the Government might shirk their responsibilities. Provision is also made in the Victorian Act that when Crown lessees spend more than £100 in the eradication of noxious weeds, the Government pay the balance. If a man were to take up a block of land covered with noxious weeds and had to destroy them without any assistance, there would be very little encouragement for him to go on the land.

Mr. C. P. Wansbrough: That does not apply now.

Mr. LATHAM: Even if the local governing bodies had the money with which to carry out this legislation, there would be no end of trouble with the railways and Crown lands, as well as land that has been abandoned and is now held by the Agricultural Bank. These are breeding grounds for the propagation of noxious weeds. I am sorry the Government did not bring down a better measure, particularly as the other Bill was so bitterly opposed by the hon. member who has introduced this one. If it does pass the second reading, I intend to move an amendment in Committee to provide for the insertion of Section 14 of the Act as it is to-day. This sets out that the Railway Commissioner and the Department of Lands shall carry their responsibility by removing the weeds from their property. If members pass the Bill as it is, it will break every man on the land along the Great Southern, and in parts of the South-West, who has noxious weeds on his place.

Mr. Thomson: It is impossible to eradicate stinkwort.

The Minister for Agriculture: Do you know anything about the Bill?

Mr. LATHAM: I do.

The Minister for Agriculture: You are talking a lot of nonsense.

Mr. LATHAM: It is practically the same Bill that was introduced a year or so ago.

The Minister for Agriculture: You do not know the Bill.

Mr. LATHAM: I have checked it with the Bill that was introduced before, and was so strenuously opposed by the Minister.

The Minister for Agriculture: You are exhibiting a colossal ignorance of the provisions of the measure.

Mr. LATHAM: I am not exhibiting ignorance any greater than was exhibited by members in this Chamber on the previous Bill. The very clause to which the Minister now refers was included in that Bill.

The Minister for Agriculture: You do not know the present Bill.

Mr. LATHAM: Will the Minister say that this Bill is not the same as the previous Bill in respect of that particular clause?

The Minister for Agriculture: I will say that you are speaking of a measure you do not know.

Mr. LATHAM: All I can say is that the Minister did not know what was in the Bill introduced two sessions ago.

The Minister for Agriculture: I know this Bill.

Mr. LATHAM: The only alterations in this Bill as compared with the previous measure are represented by two clauses—one dealing with importation of seeds by animals and so forth, the other rendering it more impossible, if I may use that expression, for local governing bodies to refuse to observe the measure after it has been passed.

The Minister for Agriculture: You are hopeless.

Mr. LATHAM: The Minister knows what Clause 28 of the Bill proposes—a Commissioner to be appointed by the Minister if he thinks the duties imposed on local governing bodies are not being carried out by them. The prescribing of areas by the Minister is fairly sensible. Stinkwort may be eradicated in the eastern part of the wheat belt to-day.

The Minister for Agriculture: Now you are getting on to the Bill.

Mr. LATHAM: I know what is in the Bill. The very clause with regard to which the Minister is trying to pump me, was in the previous Bill, and was then condemned by the present Minister for Agriculture. I hope hon. members will bear in mind that this Bill contains nothing to say that the whole of the South-West will not be a prescribed area for the eradication of stinkwort; and the Minister knows that. He may reply that the measure will be administered on common sense lines.

Mr. Thomson: Ministers always tell you that.

Mr. LATHAM: I know what local governing bodies will do. They have only to make application to the Minister to have anything proclaimed a noxious weed.

Mr. Panton: You are speaking of past Ministers now.

Mr. LATHAM: The previous Minister for Agriculture realised, when he had introduced his Noxious Weeds Bill, that the measure was not acceptable; and so he dropped it. The present Bill contains a clause which holds the whip over the heads of local governing bodies, saying in effect, "If you don't do what we wish under this Act, we will put a Commissioner over you and use the whole of your revenues for the eradication of noxious weeds." We are not legislating for this year, or for three years, but possibly for a much longer period. There is no more justification for passing this Bill than there was for passing the measure of two years ago. Members on the Government cross benches should read "Hansard" and ascertain what the present Minister for Agriculture said on the almost identical Bill introduced previously; and then they should vote accordingly. I do not believe any member on either side of the Chamber wants to impose an impossible task on any settler or any local governing body. By passing this legislation, however, we are likely to do it. The Government have no right to introduce this Bill, under which all sorts of things can be done in the way of declaring any weed a noxious weed and proclaiming any area. I hope the House will materially amend the measure if it passes the second reading. There is no necessity for the Bill. The 1904 Act is quite sufficient with an amendment to the effect of Clauses 21 and 22 of this Bill. I hope the Minister will consider whether it is not better to amend existing legislation than to push additional responsibility on to voluntary bodies of workers. The local governing bodies are doing, free of cost, a wonderful work for Western Australia. The Minister is trying to harness the willing horses more and more and give them an ever heavier burden. Already the local governing bodies have Health Acts and a number of other statutes to observe. There should be uniform administration, and then there would be a uniform set of by-laws throughout the State. If the measure passes the second reading, I trust substantial amendments will be made in Committee. The Government are shirking their own responsibility in the matter of the eradication of noxious weeds; otherwise they would have included Clause 14 of the original Bill, which provides for the Government carrying their responsibility in the matter of the eradication of weeds. The Commissioner of Railways, as head of the Railway Department, is the greatest offender in the State with regard to noxious weeds.

Mr. Kennedy: Does not the Commissioner clear the permanent way every year?

Mr. LATHAM: All he does is to put a fire through. The hon. member interjecting represents an area which this measure will affect vitally. It is up to him to support me in this matter; otherwise he will impose on the settlers in his constituency a burden which they cannot possibly carry. The hon. member represents an area previously represented by a Minister for Agriculture. Let him give consideration to this question, and look at it not only from the point of view of the Commissioner of Railways, but from that of the people who have to pay—the settlers and the local governing body. There are many weeds in the hon. member's constituency: double-gees, for instance. This is not a laughing matter, but one that will cost the country a great deal of money. The greatest care will have to be exercised in passing legislation that will impose penalties on men who are doing their utmost for the State—the farmers first, and the local governing bodies next. I hope hon. members will consider the Bill from that point of view rather than from the Government point of view.

Mr. THOMSON (Katanning) [8.56]: I give the Minister credit for having frankly admitted, in introducing the Bill, that he felt himself to be in a somewhat invidious position. To use an oft-quoted quotation, "The hand was the hand of Esau, but the voice was the voice of Jacob." I am confident that if the Minister had had his own way, he would not have introduced the measure at all. I must confess my surprise at the Government bringing down a Bill which throws great responsibility upon local authorities, and, as pointed out by the last speaker, authorises the Minister, if he considers that a local authority is not carrying out the work of eradication in accordance with the regulations, to appoint a Commissioner, with the result that all the revenues of the particular local authority will be swallowed up. In plain English, the Minister will put the bailiffs in. Lest the Minister should accuse me of not having read the measure, I say that I have gone through it carefully. The more I have studied it, the less I have liked it. Under it any local authority may give notice in writing to an owner or occupier of land within its district to destroy noxious weeds. The owner may not be in a position to carry out the instruction, and then the board can put in a man to eradicate a weed which the Government have declared a noxious weed, and the cost will be charged to the unfortunate settler. What would members opposite say if a Bill were introduced empowering the Government, or any other authority, to enter a man's house and charge the cost of entry to him? We have heard a great deal about democracy to-night; yet here we have a Government, claiming to be democratic, introducing such a measure.

The Minister for Agriculture: What is the matter with the Bill?

Mr. THOMSON: Certain provisions of the measure are most undemocratic.

Mr. Lindsay: They are autocratic.

Mr. THOMSON: Clause 16 provides that a notice to a man to clear his land shall be deemed to have been well and sufficiently served upon him if it has been affixed or displayed on a conspicuous part of the land, and left so fixed or displayed for at least three days. Fancy passing a Bill containing such a provision! A notice is simply to be pasted on the land of a man who perhaps holds 3,000 or 4,000 acres. He may never know anything about the notice, but it is sufficient notice within the meaning of the measure, and the owner thereupon becomes liable to the penalties provided by the Bill. Then again another clause says that if a copy of the notice has been posted to the person who, on a search at the Titles Office being made, appears to be the owner, that will be sufficient. It has not to be delivered, but merely posted! The owner of the property may be out of the State or may be in some other part where it will be impossible for him to despatch a reply inside a month. I hope the Minister will agree to amendments should the Bill reach the Committee stage. I trust it will not do so. I will vote against the second reading in the hope that the Bill will be defeated. It is wrong to introduce legislation of this description which imposes upon the local authorities and upon private landowners very severe penalties for non-attention to the eradication of noxious weeds for the distribution of which, to a great extent, the Government themselves will be responsible. As the member for York (Mr. Latham) pointed out, the Railway Department is not affected. The Bill will penalise the unfortunate settler whose land adjoins a railway line but the land controlled by the Railway Department will be untouched. No provision is made for dealing with Crown lands. I will appeal to the Minister in charge of the Bill not in my language, but in his own. I will appeal to him in the words he used in this House last year.

Mr. Taylor: Here is "Hansard" again!

Mr. THOMSON: Yes, "Hansard" is handy at times, although sometimes it is embarrassing. On page 2837 of "Hansard," 1922-23, the present Minister for Agriculture, when discussing the Noxious Weeds Bill introduced by the late Government is reported as follows:—

Local boards are particularly venal in matters of this kind. They make regulations and appoint inspectors, but in my opinion they are the last authorities to be entrusted with the superintendence of work of this character. The work requires proper supervision and prompt attention. The Bill provides for fines and penalties, but whereas it insists that the land holder shall be liable, the greatest sinners with regard to the propagation of noxious weeds—the Government—are to be exempt.

Mr. Taylor: That was the last Government, not this Government.

Mr. THOMSON: Yes. The Minister continued—

The Bill apparently proclaims the doctrine that the King or the Crown can do no wrong. Whereas every occupier of land shall be deemed guilty of an offence if he does not eradicate noxious weeds, the Government are to be exempt. The Government hold large areas of Crown land which are the breeding places for vermin and noxious weeds. The Railway Department too have miles of country adjacent to railways, which are the breeding places for noxious weeds, and result in the spread of those weeds from place to place. Yet the Government are to be exempt. That is the fatal objection to the Bill.

That is the Bill that the Minister, as a private member, objected to last year, but he has introduced it again this session with two new provisions. He continued—

It is utterly unreasonable, and it is neither just nor equitable, to introduce a Bill insisting that a person buying land from the Government shall, under penalty, be harassed in this way by inspectors, while the Government themselves take no action.

If I spoke for hours I could produce no more convincing argument than the words of the Minister himself when he spoke as a private member during the last Parliament. There are two clauses in the Bill of which I am in favour. Notwithstanding that, however, I shall vote against the Bill. Had the Government indicated that they were prepared to find a proportion of the expense involved, seeing that this is a national work, and to ask the local authorities to also impose a tax to assist in the work, one would have realised that the Government were desirous of assisting in the task and in the expense involved in the eradication of noxious weeds. Judging by the conversation being indulged in by members about the House, very little interest appears to be evinced in the discussion; it is easy to see that this Bill affects the country districts!

Mr. SPEAKER: Order!

Mr. THOMSON: Dealing with Clause 21, which gives the Government power in respect of quarantine and the inspection of imported stock to prevent the introduction of noxious weeds, I suggest to the Minister that all that is required is a slight amendment to the Stock Diseases Act of 1895, Section 13 of which reads as follows—

No stock shall be imported into the colony unless accompanied by a certificate from a duly qualified veterinary surgeon, who shall be approved of by some person authorised in that behalf by the Governor that the stock when placed on board the vessel conveying them were in a sound and healthy condition, entirely free from any disease, or any indications of it.

If that section were amended the Government could go further regarding stock. In fact there is more to be afraid of from imported stock, because they bring in pests such as lice, tick, and so on. Some stock—

owners in the Great Southern areas go so far as to say that no sheep should be allowed to enter the State unless shorn, so as to make sure that they were free from these diseases. If the Government in their desire to protect the State from the introduction of noxious weeds, dealt with stock as well, they would realise two objectives. They could then see that stock were free from noxious seeds as well as from pests such as I have mentioned. I frankly confess that after reading the statement by the present Minister last year, I do not think he can be quite sincere in his desire to have the Bill passed as it stands. I believe he will be amenable to reason and will not be so insistent as his colleagues have been in demanding that Bills shall be passed without amendment. If the second reading of the Bill be agreed to, I hope he will give members time to insert one or two amendments. The Bill is too drastic and places too great a burden upon local authorities, and also upon those men who give their services to the State voluntarily.

The MINISTER FOR AGRICULTURE (Hon. M. F. Troy—Mt. Magnet—in reply) [9.10]: I have been wondering whether the objection to the Bill is really sincere.

Mr. Latham: My word, it is!

The MINISTER FOR AGRICULTURE: The member for York (Mr. Latham) was particularly lame in his address to the House. If he knew the contents of the Bill, he side-stepped the important provisions in order to make out a case to his own satisfaction. The hon. member suggested the impossibility of eradicating certain weeds in parts of the State where those weeds had secured a foothold. He referred to such weeds as the double-gee, stinkwort, Guildford grass, and others that he said could not be eradicated except at great expense. If the hon. member has read the Bill he must know that the measure does not apply in that way. The Bill is not designed to do impossibilities. It merely gives the Government power to declare noxious weeds in clean districts. If the double-gee is found in a district that has been clean, then it may be declared a noxious weed there.

Mr. Thomson: Where does it say in the Bill "in a clean district"?

The MINISTER FOR AGRICULTURE: If stinkwort has not been growing in the Northern areas and the wheat belt and then makes it appearance, the Government may at that early stage declare it a noxious weed. The Bill has one purpose, and that is to keep clean areas that are already clean.

Mr. Thomson: The Bill does not say that.

The MINISTER FOR AGRICULTURE: It is in the Bill. Where the work of eradication can be undertaken at a reasonable expense, we seek to secure that end. We candidly admit that stinkwort grows so prolifically in the South-West and the Great Southern areas as to be beyond eradication.

We are told it is good feed, and that therefore it is not a noxious weed. In my electorate it will be a noxious weed because it is not there at present.

Mr. Thomson: It is not good feed anywhere.

The MINISTER FOR AGRICULTURE: If a weed is not good feed and it so encumbers the ground that cereals will not produce the crops they should do and thus cause injury to the country, that weed is a noxious weed. In those circumstances that weed would be a great pest indeed. As a matter of fact, stinkwort did make its appearance in my neighbour's field. Because he did not eradicate it, I sent my man on to his holding and we cut the weed out ourselves. The double-gee in that district cannot be eradicated; it has too great a hold. If the double-gee makes its appearance in other parts of the State, so that we may deal with its eradication, we shall declare it a noxious weed in that area. Where can be the objection to such a proposal? Hon. members who object to it cannot have read the Bill.

Mr. Thomson: We must take the Bill as it stands, not as it is "intended" to operate.

The MINISTER FOR AGRICULTURE: I remind those hon. members that in speaking as they have done, they make themselves appear extremely foolish.

Mr. Thomson: What about the "Hansard" report of your remarks?

The MINISTER FOR AGRICULTURE: I will come to that. It has to be remembered that the two members who have spoken are the leaders of the two sections of the Country Party. If they show such ignorance of the provisions, how can we expect the rank and file to do otherwise?

Mr. Thomson: Abuse is no argument.

The MINISTER FOR AGRICULTURE: That is not abuse.

Mr. Thomson: It is.

The MINISTER FOR AGRICULTURE: These people are not the only ones concerned with the operations of a Noxious Weeds Act. There are on this side also members who are concerned, probably even more so than is the member for Katanning (Mr. Thomson), who said he could not support the Bill because it was unworkable. I candidly admit having opposed the Bill last session. I then said the greatest sinner in the propagation of noxious weeds was the Railway Department. I said also the Government had not done their duty. But whereas the late Government did not do their duty, I can now say that we have put £1,000 on the Estimates with a view to doing our duty. Moreover, the Railway Department has given me an assurance that they, too, will do their duty.

Mr. Thomson: Why didn't you embody it in the Bill?

The MINISTER FOR AGRICULTURE: The fact that the Government have placed on the Estimates £1,000 for the eradication

of noxious weeds is evidence that we are prepared to do our duty where the late Government failed. What I complained about last session I am now repairing to the full extent.

Mr. Thomson: Why not embody it in the Bill?

The MINISTER FOR AGRICULTURE: How can it be embodied in the Bill? There is another sample of extraordinary brilliance! We have put £1,000 on the Estimates—

Mr. Latham: Why didn't you tell us that when you were moving the second reading?

The MINISTER FOR AGRICULTURE: Because I wanted you to fall in. I told the hon. member privately.

Mr. Thomson: You did not tell me.

The MINISTER FOR AGRICULTURE: Another complaint is that I said the local boards were the least competent to administer this measure. I repeat that. But in the Bill provision is made that if the local board does not do the work, the Government will step in and do it. Are hon. members prepared to oppose the Bill and then go back to their constituents and say that pests are spreading in clean districts and nothing being done to combat the nuisance? I am told there is a possibility of the Bathurst burr getting abroad in the country. There are on the file telegrams from Brookton and other places, drawing attention to the mischief that pest may do. It is up to us to take action. We are already making arrangements to wipe out that weed at Kalgoorlie before it becomes established.

Mr. Latham: Why not use the existing legislation?

The MINISTER FOR AGRICULTURE: Because it does not give us the necessary power. Another hon. member said this was an extraordinary measure to come from a so-called democratic Government. What is there undemocratic about the Bill? It gives the local authorities full power.

Mr. Latham: It takes their revenue from the roads.

The MINISTER FOR AGRICULTURE: Somebody must provide the necessary revenue. Hon. members pretend to see in the Bill a means for exploiting the local authorities. But the same power is given under the Vermin Act.

Mr. Latham: Under that Act we have power to strike a special rate.

The MINISTER FOR AGRICULTURE: Under the Bill by-laws can be framed for the striking of a special rate. In every measure certain powers that may be termed autocratic are given the Government.

Mr. Thomson: If the Bill means the imposition of taxation, you could not properly introduce it without a Message.

Mr. Latham: And you cannot impose taxation by by-laws.

The MINISTER FOR AGRICULTURE: I think I have dealt with the main objec-

tions of hon. members. They quoted with glee my speech of last year. Their chief objection to it was that I said the late Government had not done their duty. I repeat it. The then Minister for Agriculture did not explain to the House that the Government intended to do their duty. I have been able to tell the House that the present Government are doing their duty, and have made the necessary provision on the Estimates.

Mr. George: The sum of £1,000 would not clear stinkwort off the railways.

The MINISTER FOR AGRICULTURE: The hon. member's Government did not spend £20. The railways have now undertaken to do their share of the work. One hon. member said the railways had dealt with the pest along the railway lines. I know that in destroying weeds the railways have destroyed good fodder plants, such as the lupin.

Mr. Taylor: How are you going to manage about the Midland line?

The MINISTER FOR AGRICULTURE: The Midland Company will have to do their duty. Their land comes within road board districts. I opposed the measure last year, but the House must admit that I have justified my attitude, because I am repairing the omissions I then complained of. There need be no fear of any autocratic administration of the measure. We do not propose to interfere in districts where certain noxious weeds have too great a hold. The department is not unreasonable. Under other existing Acts the department could even now harass settlers, but it does not do so. We could so administer the Vermin Act as to make the conditions pretty harsh for the settler in the wheat belt. Other Acts, also, could be harshly administered, but we do not do it. The Bill gives the Government power to declare a noxious weed in a clean district, and so grapple with the problem in the most effectual manner.

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

Ayes	..	..	23
Noes	..	..	18
Majority for			7

AYES.

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Collier	Mr. Munzie
Mr. Corboy	Mr. Pantou
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wab-brough
Mr. Holman	Mr. Wilcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(Teller.)

NOES.

Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. Stubbs
Mr. George	Mr. Taylor
Mr. Griffiths	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
Mr. Mann	(Teller.)
Mr. North	

PAIR.

AYES.	NOES.
Mr. Lambert	Mr. Teesdale

Question thus passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Repeal:

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

Ayes	..	..	..	22
Noes	..	..	..	15

Majority for .. 6

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Munsie
Mr. Collier	Mr. Pantou
Mr. Corboy	Mr. Sleeman
Mr. Coverley	Mr. Troy
Mr. Cunningham	Mr. A. Wansbrough
Mr. Heron	Mr. Willcock
Mr. Holman	Mr. Withers
Mr. W. D. Johnson	Mr. Wilson
Mr. Kennedy	(Teller.)
Mr. Lamond	

NOES.

Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. Stubbs
Mr. George	Mr. Taylor
Mr. Griffiths	Mr. Sleeman
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
Mr. Mann	(Teller.)
Mr. North	

PAIR.

AYES.	NOES.
Mr. Lambert	Mr. Teesdale

Clause thus passed.

Clause 3—agreed to.

Clause 4—Governor may declare plants to be noxious weeds:

Mr. THOMSON: The Minister said it was intended to apply the measure only to new districts. I move an amendment—

That after "defined," in line 3, the words "as a new district" be inserted.

Mr. Taylor: I think the Minister said clean districts.

The MINISTER FOR AGRICULTURE: I oppose the amendment because it conveys no useful meaning. What is a new district?

Mr. Thomson: That is what you mentioned.

The MINISTER FOR AGRICULTURE: I said that if a noxious weed infested one district and the cost of eradicating it would be too great, we would not attempt to deal with it, but if it made an appearance in a clean district, it would be declared a noxious weed in that district. The Governor may declare noxious weeds generally, or in any locality.

Mr. LATHAM: The clause is not sufficiently definite. Fluffy seeds may be carried from an infested district to an adjoining district, and how could the latter be kept clean? I cannot see how the Minister can possibly give effect to his wishes under this clause. The Minister spoke about putting £1,000 on the Estimates. I do not know how he proposes to expend it, but that will be a fleabite compared with what will be required to eradicate noxious weeds in new or clean districts. In nearly every district there is double-gee on the jam patches.

The Minister for Agriculture: On new areas?

Mr. LATHAM: Yes, on the soldier settlements in my district. Stinkwort is often found in patches right out in new districts, and is that £1,000 to be used to keep Crown lands clean or to assist the settlers?

The Minister for Agriculture: It is £1,000 more than you provided.

Mr. LATHAM: We rejected the previous Bill.

Mr. Withers: You were prepared to let the weeds grow.

Mr. LATHAM: Existing legislation is sufficient to deal with these pests.

The Minister for Agriculture: Then why were they not dealt with?

Mr. LATHAM: I cannot answer for previous Governments.

The Minister for Agriculture: You do not want the weeds dealt with now.

Mr. LATHAM: Yes, I do, but as a national work and not by settlers only.

The MINISTER FOR AGRICULTURE: The returned soldiers will have to stand up to their responsibilities the same as other settlers.

Mr. Latham: Whether they have money or not?

The MINISTER FOR AGRICULTURE: The same argument could be raised in behalf of every individual in the community. In the interests of the industry in which the hon. member's constituents are so vitally concerned, some action must be taken. The Spanish radish in the Geraldton district is regarded by graziers as good feed, but to the wheatgrower it is a curse. That seed blows about, but the farmers combat it.

Mr. Latham: It does not blow about like other seeds.

The MINISTER FOR AGRICULTURE: It is intended that the Governor may declare any plant to be a noxious weed generally or in any district, so that the people will be able to eradicate it before it gets too great a grip on the country.

Mr. Griffiths: You must have the power to declare noxious weeds.

Mr. C. P. WANSBROUGH: I support the Minister's contention. Old settled districts may become infested with a new pest and we may need the assistance of the Government to eradicate it. It is questionable whether some of the plants mentioned in the schedule are noxious weeds in the true sense of the word. I have a vivid recollection of the benefit stinkwort proved to the community in 1914. It practically saved the sheep in my district. In the group settlement areas it is called the South-West lucerne. Sufficient power should be given in Clause 4 to apply the Bill to any district.

Mr. TAYLOR: The clause goes further than stated by the Minister, but while he is administering the Bill, I do not think any hardship will be caused. Power should be given to eradicate noxious weeds that crop up in any new district, and for the immediate removal of any objectionable plant that is likely to cause trouble.

Amendment put and negatived.

Clause put and passed.

Clauses 5, 6—agreed to.

Clause 7—Power to destroy after notice:

Mr. THOMSON: I hope the Minister will accept the addition of a new subclause that I propose to take from Section 14 of the Act of 1904. I, therefore, move an amendment—

That the following be added to stand as Subclause 5:—"On a report being made to the Minister by any municipal council or road board, or the advisory board of the Department of Agriculture, that any noxious weed is growing upon any Government railway reserve, stock route, or camping ground, or unoccupied Crown lands within one mile of cultivated land, all such reserves, routes, grounds, or lands shall from time to time be cleared by the Minister for Lands and the Commissioner of Railways, respectively."

The MINISTER FOR AGRICULTURE: I rise to a point of order. It is not permissible for a private member to move an amendment that imposes a charge upon the revenue. The amendment is, therefore, out of order.

Mr. THOMSON: I knew the amendment would be out of order, but in view of the statement made by the Minister last year, I thought he would agree to embody these words in the Bill. If he is consistent I do not see how he can refuse.

The Minister for Agriculture: The hon. member cannot debate a matter that is out of order.

Mr. THOMSON: This clause places the whole responsibility of destroying weeds upon the local authority, and also imposes penalties. The Bill further provides that the local authorities shall destroy all noxious weeds on their roads.

Mr. George: That is already included in the Road Districts Act.

Mr. THOMSON: Last year the Minister took the view that Crown lands were breeding places for vermin and noxious weeds. If the Minister is consistent he must accept my suggestion.

The MINISTER FOR AGRICULTURE: I have no intention of accepting the suggestion.

Mr. Taylor: It is all right in opposition to hold those views.

The MINISTER FOR AGRICULTURE: I shall administer the Act with discretion, and without imposing hardships upon the community. I shall not ask a local authority to do that which the Government would not do.

Mr. George: You may have an unreasonable successor.

The MINISTER FOR AGRICULTURE: If the Government took up that attitude the local authority could defy them.

Mr. Latham: Every other State has included that section in their Acts.

The CHAIRMAN: I cannot accept the amendment.

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

Ayes	..	..	..	21
Noes	..	..	..	15
Majority for				6

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Munzie
Mr. Collier	Mr. Panton
Mr. Corboy	Mr. Sleeman
Mr. Coverley	Mr. Troy
Mr. Cunningham	Mr. A. Wansbrough
Mr. Heron	Mr. Willcock
Mr. Holman	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(Teller.)

NOES.

Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. George	Mr. Taylor
Mr. Griffiths	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Richardson
Mr. Mann	(Teller.)

PAIR.

AYES.	NOES.
Mr. Lambert	Mr. Teesdale

Clause thus passed.

Clause 8—Local authority to destroy weeds on road:

Mr. SAMPSON. I move an amendment—

That after "authority" the words "if instructed by the Minister" be added.

Without these words the clause would be mandatory.

The MINISTER FOR AGRICULTURE: I see no necessity for the amendment. If the Government have declared that certain weeds are noxious in any district, it is clear the intention is they should be removed.

Mr. SAMPSON: Must it be specifically declared a noxious weed for a particular locality before this would become obligatory on the local authority?

The Minister for Agriculture: Certainly.

Amendment put and negatived.

Clause put and passed.

Clauses 9 to 15—agreed to.

Clause 16—Manner in which notices may be served:

Mr. THOMSON: I move an amendment—

That in Subclause 1, paragraph (a), the word "three" be struck out, and "fourteen," inserted in lieu.

In the circumstances, three days' notice is altogether insufficient.

The MINISTER FOR AGRICULTURE: I will accept that amendment.

Mr. TAYLOR: A notice of fourteen days might cause much inconvenience. Many noxious weeds would be seeding in about that time.

The Minister for Agriculture: The period might be made seven days.

Mr. THOMSON: An owner might not be resident in the district, or he might be away; and it might take fourteen days for the notice to be received by the owner.

The Minister for Lands: This provision deals with an owner not in the State, and either seven or fourteen days might not make any difference as compared with three days.

Mr. THOMSON: But the owner might have an attorney or friends who would notify him by telegram.

Amendment put and passed.

Mr. THOMSON: Is it the intention merely to fix a notice on the land, or will a letter to the owner be posted at the same time?

The Minister for Agriculture: Both must be done.

Mr. THOMSON: That disposes of an objection I intended to raise.

Clause, as amended, agreed to.

Clauses 17 to 20—agreed to

Clause 21—Quarantine and inspection of imported stock to prevent introduction of noxious weeds:

Mr. LATHAM: If sheep that are going to be used for exhibition purposes, are going to be carriers of noxious seeds, what protec-

tion will the State have? Some such words should be added to Subclause 2 as "providing such sheep are not sold in the State," or "providing such sheep are shorn before they are brought into the State." The subclause does not provide that the Minister shall be satisfied the sheep are clean.

Mr. C. P. Wansbrough: That is provided in the previous subclause.

Mr. GEORGE: At the Royal Agricultural Society's Show probably 400 sheep from all parts of the State will be exhibited, and imported sheep will be shown as well. The latter will probably be carriers of the seeds of noxious weeds, and these seeds will be dropped, and subsequently other sheep will pick them up. It is ridiculous to suggest that for the purposes of exhibits we should allow the introduction of any weed that might prove dangerous to the country. The Minister should consult his officers on the point.

Mr. C. P. Wansbrough: But that is provided in Subclause 1.

Mr. GEORGE: Sheep for exhibition purposes should not be exempt.

The Premier: The clause does not say that the sheep shall be exempt. Exemption is optional with the Minister.

Mr. GEORGE: But should the matter be left to the Minister? The introduction of this Bill amounts to an admission that noxious weeds are proving a great menace to this State. Therefore no loophole should be left for the introduction of noxious weeds.

The Minister for Agriculture: The Minister has power to exempt only if it has been proved to him that the sheep are clean.

Mr. GEORGE: No; that the sheep are intended for exhibition purposes.

The MINISTER FOR AGRICULTURE: Hon. members are under a misapprehension. First of all an examination will be made in the State from which the stock are sent, and the stock come over here with a certificate from the Chief Inspector of Stock for that State. Then an examination is made of the stock at Fremantle. If no exemption is made in respect of stock for show purposes, then stock will not come here for the purposes of exhibition, because the man who owns sheep wants to show them in the wool. If we provide that the sheep must be brought here shorn, it detracts so much from the value of the exhibition that the owner will not bring them here. It will be the duty of the Minister and his officers to see that no risks are taken in this connection.

Mr. LATHAM: I am unable to read the Minister's statement into this subclause.

The Premier: The Minister has discretionary power to exempt.

Mr. LATHAM: All he needs to satisfy himself of is that the sheep are intended for exhibition purposes.

The Premier: No; also that they are clean.

Mr. LATHAM: To make the matter quite clear, I move an amendment—

That in Subclause 2, line 3, after the word "purposes" there be inserted "and that they are entirely free from noxious weeds."

The Minister for Agriculture: The Minister would not exempt them otherwise.

Mr. LATHAM: The subclause contains nothing definite as to that.

Mr. C. P. Wansbrough: Subclause 1 covers the position.

Mr. LATHAM: Not at all. That deals with sheep which are shorn.

Amendment put and negatived.

Mr. KENNEDY: I move an amendment—

That after "State" in line 3 of Subclause 3 the words "by trans-Australian railway" be inserted.

Wool is often brought down from the back country through the goldfields to Fremantle. The bales are bulky and sometimes the oscillation of the train shakes them off the trucks. The bales are burst asunder, and the contents are scattered for miles along the country.

Mr. Sampson: Could not they fall off on the journey to the Eastern States as well?

Mr. KENNEDY: But the danger would not be so great to Western Australia along the sand plains.

The Minister for Lands: What if the wool were shorn down here?

Mr. Thomson: That is the point I wish to make.

The MINISTER FOR AGRICULTURE: The clause provides for wool landed at the port of disembarkation as well as for that consigned for carriage to Kalgoorlie. The amendment would not safeguard the community, for the sheep might be shorn at Geraldton, Albany, Bunbury, or other places.

Mr. Kennedy: Sheep brought to Kalgoorlie by the trans-Australian railway are shorn there.

The MINISTER FOR AGRICULTURE: The amendment does not provide for that.

Amendment put and negatived.

Mr. GEORGE: Subclause 3 appears to be ambiguous when compared with Subclause 2. The latter provides that sheep must be kept in quarantine until shorn, unless the Minister is satisfied that such sheep are intended for exhibition purposes, and exempts them from the provisions of the clause. Subclause 3 refers to wool shorn from such sheep, which has to be immediately baled, and is not to be sold or dealt with otherwise than for export, unless it has been certified by a Government inspector to be free from seeds of noxious weeds. If the wool is certified as free from seeds, why the necessity for shearing? It is absurd.

The MINISTER FOR AGRICULTURE: Subclause 2 has to be read in conjunction with and refers to the stock dealt with in Subclause 1.

Mr. THOMSON: The subclause indicates that the wool has to be exported. What would be the position if some were brought to Albany where there are woolen mills? It would be safe enough to use the wool there, and not insist upon it being exported.

The Minister for Agriculture: We cannot provide for everything in the Bill.

Mr. THOMSON: It is possible that a hardship may be inflicted respecting sheep imported into the Great Southern areas through Albany.

Mr. GRIFFITHS: The member for Roebourne mentioned the menace of aeroplanes in spreading seeds of double-gees throughout the North-West.

Mr. Taylor: That is a serious thing up there.

Mr. Chesson: Motor cars spread the seed more than do the aeroplanes.

Mr. GRIFFITHS: I understand that steps have been taken by the Federal authorities, but I just mention the matter for the information of the Minister.

Mr. SAMPSON: I regret that the member for Avon has not seen fit to move an amendment. His warning is warranted because the rubber tyres of aeroplanes pick up seeds and the vibration during the flight causes them to drop off, thus spreading the seeds throughout the country.

The Minister for Lands: Can you classify aeroplanes as stock?

Mr. SAMPSON: Perhaps not, but we are justified in drawing attention to the gravity arising from this position seeing that the aeroplanes spread seeds over far wider areas than is possible with any other form of conveyance.

Mr. MARSHALL: This matter has received serious attention at the hands of the Federal authorities, who have been experimenting with a view to avoiding the transference of double-gees by means of aeroplanes. I do not know if it is possible to overcome the difficulty. It is too much to ask the Minister for Agriculture to arrange sidings throughout the North in order to inspect 'planes as they go by.

Mr. Griffiths: No one suggested anything so silly.

Mr. MARSHALL: Instructions have been given to those in charge of aerodromes to clean up the ground every time it is used by a 'plane. I do not know that anything else can be done. Motor cars are also a factor in spreading seeds.

Mr. SAMPSON: If it is not competent to move an amendment at the present stage, perhaps the Minister will have an amendment prepared so that it may be inserted in the Bill at a later stage.

The MINISTER FOR AGRICULTURE: The only thing that can be done is for the local governing bodies to declare the

double-gee a noxious weed in the localities affected, and then compel the aerodrome authorities to clean up their grounds. Aeroplanes land only in a restricted area and the cleaning up of those areas is practically all that can be done.

Mr. Griffiths: Would the local authorities have any power over the Commonwealth grounds?

The MINISTER FOR AGRICULTURE: At any rate, that is all that can be done.

Mr. CHESSON: Double-gees are to be found throughout the Murchison district and the North-West. Motor cars and sheep spread the seeds. Stock owners are convinced that the galahs should be protected as they are doing more than anything else to eradicate the double-gees.

Clause put and passed.

Clause 22—agreed to.

Clause 23—Revenue of local authority may be expended:

Mr. THOMSON: I oppose the clause. Had the Government inserted "and such sum shall be subsidised on a pound for pound basis by the Government," one would have felt that they were prepared to shoulder a portion of their responsibility. I cannot move an amendment because, as it would impose taxation, I would be out of order. Section 14 of the Act, which the Government have been careful to omit from the Bill, threw upon the Government and the Railway Department responsibility in respect of noxious weeds on railway lines, stock routes and camping grounds; while Section 23 provided that all expenses incurred in the administration of the Act should be paid out of moneys to be appropriated by Parliament for the purpose. It is not fair that the Government should shift that responsibility on to the local authority. The Minister has told us the Government have provided £1,000 from the Estimates; but I should prefer to see a provision in the Bill subsidising the local authorities.

The Minister for Lands: We cannot make the local authorities clear Crown land.

Mr. THOMSON: If it is not intended, why was that section of the existing Act dropped? I will vote against the clause.

Mr. SAMPSON: Clause 8 provides that the local authority shall destroy noxious weeds growing on any road or land under its control; while Clause 4 provides that any plant may be declared to be a noxious weed.

Mr. Marshall: On a point of order. Is the hon. member in order in discussing clauses we have already passed?

The CHAIRMAN: The hon. member is referring to earlier clauses in order to illustrate the clause under discussion.

Mr. SAMPSON: Under Clause 8 the local authority must destroy poison grow-

ing along the roads. Clause 23 refers to the finding of money by the local authority. Every year increased obligations are thrown on the local authorities. I hope the Minister will not impose this added obligation on their already straitened finances. Their position is almost intolerable now.

The Minister for Lands: You admit it was the duty of the local authority to clear noxious weeds off the roads?

Mr. SAMPSON: No; I have not expressed an opinion on the point. In some districts local noxious weeds do not constitute a danger. I appeal to the Minister not to place this proposed added burden on the local authorities.

Mr. LATHAM: I strongly object to the clause, because it seeks to impose upon local authorities work that should be carried out by the State. If the Minister had given the local authorities power to strike a rate for the purpose, it would have been evidence of his earnestness. In the first few years after the measure is proclaimed, very little revenue will be left to provide water supplies and roads.

The Minister for Agriculture: You have power to increase your rate.

Mr. LATHAM: Yes.

The Minister for Agriculture: Is not that as good as striking an additional rate?

Mr. LATHAM: The rate was struck on the 1st July.

Mr. Sampson: And many boards are on the limit now.

Mr. LATHAM: It is impossible to get revenue this year, and money will be required for eradicating stinkwort, which is a summer weed.

The Minister for Agriculture: The measure may not be proclaimed by then.

Mr. LATHAM: If we struck a sixpenny rate every penny could be advantageously used for roads and water supplies.

The MINISTER FOR LANDS: Clause 8 limits the responsibility of road boards to the clearing of roads and lands under their control. The Government intend to provide £1,000 this year, and by the time that expenditure is authorised, it will represent a fairly large sum for the balance of the financial year. In addition, arrangements have been made with the Railway Department to keep their reserves clear of noxious weeds. Is it more objectionable for road boards to use their revenue to clear noxious weeds than poison plants? Under the Road Districts Act they may use their revenue to clear poison plants.

Mr. Latham: And noxious weeds also.

The MINISTER FOR LANDS: Unless this clause be included it will be impossible for road boards to give effect to Clause 8. How many road boards strike a sixpenny rate?

Mr. Latham: The limit in their power is threepence.

The MINISTER FOR LANDS: It is six-pence in some districts.

Mr. Sampson: Only with special permission.

The MINISTER FOR LANDS: I am not concerned with the qualification. I was in the House when a Minister—not a Labour Minister—was compelled to insert a clause stipulating the striking of a minimum rate by road boards before they received a subsidy. A certain line of action has been decided upon, and the local authorities must have money to carry out the work. Is it intended that there shall be a general rate to clean the property of private owners?

Mr. Latham: No, it is the commons and camping grounds about which I am worrying.

The MINISTER FOR LANDS: It will not be necessary to strike a rate for lands owned by road boards. The measure may have the effect of bringing under cultivation large areas now controlled by some local authorities, for which application is frequently being made. I do not say there should be no reserves in a local authority district; rather do I hold the contrary opinion. It would be impossible under this Bill for a local authority to clear its roads and the land it controls without this clause.

Mr. Sampson: Some of the road boards will be given an impossible task.

The MINISTER FOR AGRICULTURE: Surely the hon. member was a member of the party that supported the Bill brought down by Mr. Maley, and which contained a similar provision to this. In eradicating noxious weeds we are increasing the value of the land for the owner, and he should contribute towards the expense of the work.

Mr. Thomson: You ought to give a subsidy.

The MINISTER FOR AGRICULTURE: I am not going to provide that in the Bill. If the Government fail to carry out their duty in regard to Crown lands, the local authority will have a big argument in forcing the Government to assist in the eradication of these weeds.

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

Ayes	..	..	..	21
Noes	..	..	..	13

Majority for .. 8

AYES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lomond	Mr. Wilson
Mr. Marshall	

(Teller.)

NOES.

Mr. Barnard	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. George	Mr. Taylor
Mr. Griffiths	Mr. Thomson
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Maley
Mr. North	(Teller.)

PAIR

AYES.	NOES.
Mr. Lambert	Mr. Teesdale

Clause thus passed.

Clauses 24, 25—agreed to.

Clause 26—By-laws:

Mr. DAVY: This clause is particularly obnoxious in the direction of by-law registration. There is an increasing habit on the part of members to delegate the functions of Parliament to local authorities and the Executive. Here we have a clause that confers upon the local authority power to make any by-laws it thinks necessary or convenient. This confers upon it more power than it should have.

Mr. Hughes: The by-laws have to be approved by Parliament.

Mr. DAVY: No. Parliament may veto them, that is all. This is not a proper safeguard for the people concerned. In the last clause of the Bill the Governor may make such regulations as are necessary for the purpose of carrying it into effect. There will thus be two separate authorities making regulations on the one subject. The time has come when we should go back to the practice of considering Parliament the best body to make laws for the people of this country. The paragraph in question represents mere laziness on the part of the draftsman or of the people who prepared the Bill. I move an amendment—

That the following words be struck out:—“The local authority may also make by-laws prescribing any matters which may be necessary or convenient to prescribe for the purpose of carrying this Act into effect.”

The striking out of that paragraph would still leave the local authority with specific power to make by-laws.

The MINISTER FOR AGRICULTURE: In every Act we pass we have to make provision for eventualities which may arise in the administration of the measure. During the evening we have had complaints that local authorities are not given sufficient power; now we have a complaint about power being given to local authorities. Every session by-laws are laid on the Tables of the two Houses, and they do not become law until they have lain there for a certain time; moreover, they can be disallowed by a vote of either House.

Mr. Davy: No by-laws were made under any Act 20 or 30 years ago. We made our Acts complete then.

The MINISTER FOR AGRICULTURE: We legislate just as well and just as efficiently now as we did 20 years ago. The amendment is unnecessary.

Mr. LATHAM: There are 116 road boards making by-laws in this State.

The Minister for Lands: They make by-laws suitable for their respective districts.

Mr. LATHAM: Carrying the amendment will not interfere with the power to make by-laws under the first portion of the clause. If the Government are going to force this, let us have a uniform set of by-laws in connection with this measure. Surely it would be enough if the Government took power to make regulations for any particular district.

Mr. DAVY: Within strictly defined limits it is right to give into the hands of local authorities the power to make subordinate legislation. But the paragraph proposed to be struck out would give local authorities wide and undefined powers. The safeguard as to the laying of by-laws on the Table is insufficient. Many by-laws are never looked at here. Under the Interpretation Act by-laws become law the moment they are gazetted, and a period of one month is given for their disallowance.

Amendment put and negatived.

Clause put and passed.

Clause 27—agreed to.

Clause 28—Power of Minister in case local authority makes default in carrying out this Act:

Mr. LATHAM: I would like to see progress reported. This is a fairly debatable clause.

Mr. THOMSON: I strongly object to this clause. Just fancy the Minister appointing a commissioner to exercise the powers of the local authority, his salary having to be paid out of the funds of the local authority, and he to be deemed the local authority for the purposes of this measure! Moreover, the local authority is to be responsible for all the commissioner's acts, and for all expenses incurred by him.

Progress reported.

House adjourned at 11.11 p.m.

Legislative Council,

Tuesday, 9th September, 1924.

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

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE DEPARTMENT SELECT COMMITTEE.

Extension of Time.

Hon. A. LOVEKIN (Metropolitan) [4.33]: I move—

That the time for bringing up the report of the select committee be extended for four weeks.

At the outset we were delayed for some time in waiting for the 1924 figures from the department, and then we had to wait for the return of the engineer, who was on leave, but is now back in Perth. Consequently, the select committee have not been able to make the progress that was expected. I am asking for an extension of four weeks, but if we have the report ready before the expiration of that period, we shall be able, under the Standing Orders, to present it.

Question put and passed.

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT [4.34]: I have to report that I presented to His Excellency the Administrator the Address-in-reply agreed to by this House. His Excellency graciously received it and returned the following reply:—

Mr. President and Hon. Members of the Legislative Council.—I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) R. F. McMillan, Lieutenant-Governor and Administrator.