# Legislative Assembly.

*Wednesday, 18th September, 1929.*



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

## QUESTION—RAILWAYS, STOCK TRUCKS.

Mr. LAMOND asked the Minister for Railways: 1, Is it a fact that persons wishing to transport stock on the railways must secure trucks through agents? 2, If so what is the reason that stock trucks cannot be obtained direct from the department?

The MINISTER FOR RAILWAYS replied: 1, No, except in the case of trucks for the transport of stock for the metropolitan markets, which must be ordered by a recognised stock agent authorised to sell at such markets. 2, Trucks for the saleyards are ordered in this manner so as to make the best possible use of the truck supply.

## QUESTION—COMMISSIONER OF POLICE.

Mr. MARSHALL asked the Minister for Police: 1, In what year was the agreement made between the Commissioner of Police and a previous Government indemnifying him against an early retirement? 2, Had a similar agreement ever been made with a previous Police Commissioner? 3, If not, what was the reason for departing from the usual rule? 4, What age was the Commissioner at the time the agreement was made?

The MINISTER FOR POLICE replied: 1, 1919. 2, I am not aware of any similar agreement. 3, I have not been advised of the reasons. 4, 52.

## LEAVE OF ABSENCE.

On motions by Mr. North, leave of absence granted to the member for Mt. Margaret (Hon. G. Taylor) for two weeks, on the ground of ill-health; and to the member for Murray-Wellington (Hon. W. J. George) for one month on the ground of ill-health.

## BILL—CHILD WELFARE ACT AMENDMENT.

*Second Reading—Negatived.*

Order of the day read for the resumption from the 11th September, of the debate on the second reading of this Bill.

Question put and negatived.

## BILL—CRIMINAL CODE AMENDMENT.

*Second Reading.*

Debate resumed from 28th August.

**MR. BROWN** (Pingelly) [4.37]: It appears to me that this is the same old Bill brought before us in another name but practically in the same old way. At first glance there seems to be nothing wrong with it and it appears to be a reasonable and feasible measure. I fail to see, however, in view of the Criminal Code we now have that such a Bill is necessary. The mover (the member for Perth) must have gone to considerable trouble to look up ancient history, and the criminal records of people who lived almost in the dark ages. He forgets, however, that we are now more enlightened, and are not living under the conditions to which those people he referred to in such detail were subject. We know that all men are not equal. That would be impossible. Every man has not the same brain power as another, and if he has the brain it is not developed in the same way. That is not to say that if a man is reared in a certain environment he is insane. We can teach a parrot to talk. I have heard birds speak better English than some Englishmen can. I remember on one particular day when I was at a certain house I heard a parrot whistle portion of a hymn. A few hours later I heard another bird talking very good English, but I regret to say that he was using very naughty swear words. This proves conclusively that the whole thing is a mat-

ter of training. Let me go back to the Jukes family to whom the hon. member referred, both on this Bill and on the previous one. Let us look at the environment under which those people were living in 1720. The conditions were appalling. There was no morality about that family. The children were taught to steal and lie, and also by the example of their elders were taught to kill. What else could be expected? When children are brought up in such a dangerous environment and in such an atmosphere, it is only to be expected that they will follow in the footsteps of their parents. Some parents may begin to teach their children at an early age, and others refrain from doing so until they think they are old enough to understand what they are taught. We know what happens when a lot of little children are together. One is probably stronger than the others and begins to bully and cow the rest of them. That is only human nature. We have to teach children when they are at an age to understand the difference between right and wrong. Are all criminals insane? I have here a book on medical jurisprudence which the member for Perth was good enough to lend me. It is written in a certain strain. The object of the writer was to prove that the desire of the criminal to do wrong was inherited from his parents. Let me instance the case of a child born of English parents. Before the child is able to understand anything it may be placed in an atmosphere and environment that are entirely foreign to his nationality. He may be reared by foreign people. Whatever tongue is spoken by the people who rear him that child will inevitably learn it. The human race must be trained. I have been told that it takes three generations to make a gentleman. I know it takes a lot of training to make members of the human race understand everything thoroughly. The effect of the environment in which a child is brought up will remain with that child. Even with all this training and learning we find criminals amongst educated people. Such a criminal is generally a master mind. His acts are premeditated. He does wrong for gain. When a man commits murder for gain and he is an educated man, there is nothing insane in his act. He has planned his work well ahead, and it takes some of the cleverest detectives to run him to earth. We are told that many perpetrators of crimes are never discovered. The man who commits such a crime is a master mind, and is a good deal more clever than the detectives who are engaged to track him up. When such a man is brought to trial, if this Bill is passed, the first thing his advocate will do will be to declare that his client is insane, and was not sane when he committed the crime. I find that the provisions of the Bill set out that in the event of such a man being sentenced to death, the sentence can be suspended until a tribunal, which will have all the powers of a Royal Commission, sits to ascertain whether the man was sane or insane.

Mr. Mann: Surely you do not object to that?

Mr. BROWN: Yes, I do, because I consider the proposal unworkable and too costly. I suppose the board will have power to call evidence from all parts of the world. How will such a board discover all about any individual's antecedents, seeing that we have in Australia people from all over the world? How can such a board ascertain all about the stock from which such a person came? I will be impossible. If the members of the tribunal are to find out that there has been insanity in a man's family, they will have to go a long way back with their inquiries. Even though there may have been insanity in the family in years gone by, that will not prove that the man himself is insane! In many instances insanity is not hereditary. Perhaps local conditions have given rise to insanity. A man may have received a blow on the head or may have experienced great trouble and his mental condition may have become unbalanced, but that will not mean that there will be insanity in such a man's family. On the other hand, if the Bill be agreed to, the children or descendants of such a man, if charged with an offence, may produce evidence of that isolated instance of insanity in the family in order to help them in their predicament. That would not be right, and I do not think such a provision is necessary. Under our Criminal Code and our system of British justice no man would be sent to the gallows if it could be shown that he was insane before or after he committed the offence with which he was charged.

Mr. Mann: Then you will not object to legislation that will enable it to be proved that he was insane.

Mr. BROWN: How could it be proved? If such a man has the assistance of a

solicitor, that legal gentleman will doubtless look up all the points he can find to assist him to prove that his client was insane, should he have no other ground upon which to work. In some cases, circumstantial evidence is all that is available and under such conditions a solicitor will take advantage of all the loopholes he can find. Should it be a clear case against his client, or should his client have been caught in the act, it seems to be customary for a lawyer to endeavour to prove that his client was insane when he committed the deed. The member for Perth (Mr. Mann) is against capital punishment. I think we should retain it. The member for Perth says the death penalty is no deterrent against crime. I maintain that it is. We can consider the position of the savages, and even of our own aborigines. It is well known that the natives have no written law, but there is a well-defined unwritten moral code. Should a man run away with someone else's lubra, in nine cases out of ten the man who has suffered as the result of his compatriot's action, will not rest until he has killed the offender against the moral code of the tribe. Even with the aborigines, death is a deterrent against crime. Any man who commits an immoral act against the tribe knows what is ahead of him. We can go back to the dark ages and we find it has proved a deterrent. I quite admit that the application of the dealth penalty in the instances cited by the member for Perth when children and adults were executed for most trivial offences was altogether wrong. We are living in a more enlightened age nowadays; we are more educated. We are living under conditions that are altogether different from those that obtained 200 years ago. It is only by education and training that we have attained our present stage of civilisation. In the last few decades the world has seen wonderful improvements. They have been attained because the mental condition of the human race has been trained to a higher pitch. With the benefit of that improved training, men of to-day have worked to augment the advantages available to the civilised races by means of inventions and facilities along various lines. We must realise that man is merely a species of higher animal and our humanity has reached the present point of civilisation merely by training. That has helped him to distinguish still more between what is right and what is wrong. Recently hon. members have probably read certain articles that have indicated the world is getting away from Christian teachings. We have gone so far that we find that even men high up in religious circles are advocating birth-control. We find, too, that some advocate the sterilisation of the unfit. I think both those movements are altogether wrong. In the Holy Scriptures we read that even the humblest of men is one of God's creatures, and the same consideration is due to him as to the man with his millions or the man possessed of higher education. As to the Bill itself, I do not desire to go into details at great length because that would merely mean repeating what I have already said. I regard it as unnecessary. The application of it will lead to confusion and tremendous expense. The present system is all that we require. It meets our needs and, with the advantage of our ordinary British justice, we know that any man tried for his life will receive fair play, fair treatment and a proper trial.

Mr. Mann: You know that a man was recently liberated in England. After having been incarcerated for 19 years, he was proved to be innocent.

Mr. BROWN: Yes.

Mr. Mann: What would have happened had that man been hanged?

Mr. BROWN: I do not suggest that a miscarriage of justice may not arise in certain cases, but the case cited by the hon. member is not on all-fours with those he has stressed on the floor of this House. The hon. member refers only to men who are tried for their lives. Our Criminal Code provides already that every such man shall receive a fair trial. With the higher training that barristers and solicitors enjoy, we know that they are keen and quick to take advantage of every opportunity that presents itself to place their clients' interests in a favourable light. There is no possibility of a miscarriage of justice in those circumstances. In sub-paragraph (3) of Clause 2 of the Bill we find the following:—

> For the purpose of the inquiry the board may summon and examine witnesses, and shall have all the powers of a Royal Commission.

Has the member for Perth ever thought of the powers that that will hand over to such a board?

Mr. Mann: Do you consider those powers are too great?

Mr. BROWN: Yes, because it will mean setting up what will amount to another court. Under the existing law, a prisoner has the right of appeal to a higher court. In this instance he will not appeal to a higher court, but will ask that his sentence be suspended while a board may sit to determine his mental condition. Often a man commits a crime and it preys on his conscience to such an extent that he becomes insane subsequently. Owing to jealousy, a man may brood over his wrongs for a long time and then make up his mind to kill the person who has been the cause of his jealousy. When we come to instances of murder that have been premeditated and are occasioned by the dictates of personal gain, they are in a different category altogether. We can go back over the years and contemplate the acts of those notorious criminals, Burke and Hare, who, for a few pounds, strangled and smothered old women and disposed of their bodies to doctors who required them for investigation and experiment. There could be no suggestion of insanity in such cases. They were committing the murders for paltry gain. We have nothing on all-fours with that in our present civilisation. Bodies can be exhumed two or three years after burial should evidence be obtained that pointed to poisoning. Such instances have happened from time to time, and we understand that traces of poison can be found in bodies long after they have been buried. That gives an indication of what our criminal law is. I have not the slightest doubt that the member for Perth is totally opposed to the infliction of the death penalty, because he claims it is not a deterrent against crime. On the other hand, I claim that we should have stricter laws. We should impart a certain amount of fear into the minds of people. They should know what will be result of their criminal actions. In recent times we have had instances of assaults against girls, of rape and so on. I understand that our Criminal Code does not provide for the hanging of such offenders, whereas in the Eastern States it does.

Mr. Mann: There has been no increase in that class of crime since the death penalty was removed.

Mr. BROWN: I do not know about that, but I know there have been such crimes committed. Not long ago I remember one such case and in my opinion it was almost as bad as the Mt. Rennie case in New South Wales, in connection with which four men were hanged. In Western Australia those men would have probably escaped with imprisonment for two or three years. In my opinion our Criminal Code is very liberal indeed. Although the Bill may not do much harm, I fail to see how it can do any good. I do not know that the Bill will be taken to a division, but if it is, I shall vote against it.

**MR. THOMSON** (Katanning) [4.48]: I congratulate the member for Perth (Mr. Mann on his consistency. He has brought this proposal before the House for the second time in the hope of securing an amendment of the Criminal Code. He has certainly altered the Bill slightly, since it provides for a special board to deal with the cases he has in mind. It seems to me that those instances quoted so extensively by the hon. member somewhat weakened his case. The hon. member went away back into ancient history when young boys and girls were daily taken to the gallows in a cart. Thank God we have got away from that, and are no longer living in an unenlightened age! No doubt the hon. member will say we should progress along the lines he favours. It seems to me that in quite a good deal of our legislation we are giving much more consideration to the protection of the unfit than to the elimination of the unfit. The Minister for Health, in moving the second reading of the Mental Deficiency Bill last night, quoted what is being done in regard to our stock. I have long thought and said that we are spending considerable sums of money in training the agricultural mind to see that we should breed from only the best stock. If there be on the farm any animal that is what might be called deficient or not up to standard, we say that from a profit-making point of view the waster should be eliminated, that it does not cost any more to maintain on a farm an animal capable of giving the best results. I know that one is treading on somewhat delicate ground when he aproaches the question of the elimination of the unfit. But I want to take this opportunity to pay my tribute of admiration to the courage of those women who met in conference in Perth recently and who, having the welfare of the girls and womenfolk of the State at heart, advocated the sterilisation of those who

have been committing offences against women and girls. When those women of the conference are prepared to grapple with such a problem and to advocate the sterilisation of the offenders, we should honour those women for their courage in going to the Minister and placing before him a remedy that will surely prevent any repetition of those offences. What the member for Perth has in view is the appointment of a special board when anybody commits a crime that, under the existing Criminal Code, is punishable by death. Then after the case has been heard by the court, and, in spite of all that the barrister for the defence has been able to say the jury have found the prisoner guilty—I have no desire to debar anybody from the right of appeal against any sentence imposed upon him—if it can be proved that away back in the dark ages some member of the prisoner's family was more or less mentally deficient, that is going to be justification for the special board overriding the Act and saving the prisoner from his due punishment under the Criminal Code.

Mr. Mann: That is not right. That, of course, would be one consideration.

Mr. THOMSON: And that one consideration would be held to be justification for bringing the case before the special board. The member for Pingelly dealt with one or two recent happenings in Western Australia. We know that a young girl was seized by two men and outraged. I want to commend the police for the very prompt way in which they did their duty in apprehending those who had committed that very serious crime.

Mr. Griffiths: It was a fine piece of work.

Mr. THOMSON: Those men have been punished in accordance with the law as it stands to-day, but unfortunately in the punishment we cannot in any way alleviate the appalling tragedy that was forced upon that young girl. A very severe penalty should be imposed upon those who perpetrate such offences on our children. Personally I would have no hesitation in following out the unwritten law and making those men pay a very severe penalty. I think the people of the land would applaud any action that a brother, parent or relative of the victim might take to avenge such an outrage upon a young girl.

Mr. Griffiths: And no jury would convict.

Mr. THOMSON: Probably there is not a member in the House who would not with reason argue that when those men perpetrated that outrage on that young girl they were not sane. I do not for a moment think they realised what they were doing; but that should not relieve them from punishment. The member for Perth, in dealing with this question, said that in his opinion punishment for crime was no deterrent.

Mr. Mann: I said "death penalty," not "punishment."

Mr. THOMSON: I am going to say that if it were not for the majesty of the law, even in Perth one would hesitate to allow his womenfolk to walk about unattended. When previously a Bill of a similar character was before the House, I reminded members of what had taken place in Melbourne when the police strike was in progress. I believe that prior to that occurrence in the streets of Melbourne, 90 per cent. of the people of Australia would have said it was impossible for such a thing to happen in Australia. We are all law-abiding ourselves, and we have far too much respect for ourselves to believe it would be possible in Australia for a mob suddenly to rise, smash dozens of shop windows in the main streets in the city of Melbourne, tear out the goods, and hand them to people who in ordinary circumstances would not have dreamed of having anything to do with such a thing. But they were carried away by the spirit of the mob, and I have been informed by those who watched the proceedings that the men who were breaking windows and handing goods out to others who carried them off were not members of the criminal class. The law, in the person of the police, was temporarily removed, and so we had mob psychology fully developed. It seems to me we must continue to have some deterrent. Let me draw attention to what took place in the Old Country years ago when garrotting was fashionable in certain classes. The poor unfortunate victims were half murdered by the garotters, and the position became so bad that nobody was safe in walking about the streets of English cities. But once the judges started to apply the lash to those brave men who thought nothing of hitting people on the head, garotting and robbing them of the few pence in their pockets—once they found the lash was going to be applied to them, they dropped their game and ulti-

mately garrotting was wiped out altogether. Section 52 of the Criminal Code, which the hon. member desires to amend, already provides for accused persons of unsound mind. It reads as follows:—

> If on the trial of any person charged with an indictable offence it is alleged or appears that he is not of sound mind, the jury are to be required to consider the matter; and if the jury find he is not of sound mind, the finding is to be recorded and thereupon the court is required to order him to be kept in strict custody in such place and such manner as the court thinks fit until he is dealt with under the laws relating to insane persons. A person so found to be of not sound mind may be again indicted and tried for the offence.

Then again, a person may be acquitted on the ground of insanity. So it seems our Criminal Code does provide for those in whom the hon. member seems to be taking, not a personal interest, but certainly a peculiar interest. And, as I said in my opening remarks, one honours the hon. member for his consistency. But I entertain no maudlin sentiments for those committing these crimes and misdemeanours. I think I could find plenty of supporters amongst those women who have declared that certain individuals—one can hardly call them men—who have outraged all decencies should be sterilised. The unfortunate tragedy of it is that they have committed a crime against and possibly injured for life some innocent girl. From my own personal knowledge I can say there are held in our hospitals for the insane in this State and other States quite a large number of children that have been brought into the world but for whom it would be a merciful thing if they were humanely put to sleep by a doctor. I know it would be placing a tremendous responsibility upon the medical authorities, but if any member would introduce a Bill to provide for a board with power to deal with some of the awful monstrosities in human form exactly as the S.P.C.A. deals with an animal that is suffering, that is to say put them to sleep in a humane manner, that Bill would have my support. If only we would think along those lines and endeavour to eliminate the unfit, and to relieve the sufferings that many people are forced to endure because the law of the land does not permit——

Mr. Mann: Would you kill a man who had a broken arm or was in some way deformed?

Mr. THOMSON: I wish the hon. member would go with me to Claremont—

Mr. Mann: I have been there.

Mr. THOMSON: Or visit one or two places in the Eastern States where he would be amazed, as I was, to find such beings in human form. That is the class of individual I had in mind. I am not approaching the question from the point of view of an individual who has a deformed arm or a short leg. I am referring to mentally unfit people who are kept for years in a hopeless state, confined within four walls, knowing nothing, knowing nobody. It would be better, in my opinion, if those people were mercifully put to sleep.

Mr. Mann: Do you not think there is any stage between that and the normal-minded person?

Mr. THOMSON: There is, but the present law provides that if such a person commits a crime it is open to him to prove to the court that he was insane at the time.

Mr. Sleeman: But is not there a possibility of mistakes being made at times?

Mr. THOMSON: I am prepared to admit the possibility of mistakes being made at times, but why should we be so anxious to safeguard the mentally deficient? I should not like to think that a mistake had been made, but doubtless mistakes have been made in days gone by and, despite all the amendments that may be made to the law, mistakes will be made again.

Mr. Sleeman: You could alter the law in such a way that there would be no mistakes.

Mr. THOMSON: I do not think that is possible.

Mr. Mann: You agree with the right of appeal?

Mr. THOMSON: Yes.

Mr. Mann: This Bill provides a form of appeal.

Mr. Brown: But the member for Perth wants it in every case.

Mr. THOMSON: The Criminal Code already provides for an appeal practically on the lines indicated by the member for Perth. Throughout his speech he was concerned about people who were not quite normal and did not know what they were doing. If such people commit crimes and have the same privileges as a normal man enjoys, it seems to me we should not waste too much maudlin sympathy over them. I oppose the second reading of the Bill.

**MR. GRIFFITHS** (Avon) [5.19]: The member for Perth has undoubtedly taken untold trouble to prove his case in favour of protecting the mentally deficient or the man who is insane at the time of committing an offence. The member for Katanning quoted Section 652 of the Criminal Code which provides that if a man is proved to be mentally deficient he shall not be condemned, but that further action shall be taken. I realise that what the member for Perth desires is to secure a proper definition of insanity. On that I am with him. Last night the Minister for Health, when moving the second reading of the Mental Deficiency Bill, told us that a psychologist and a medical practitioner would be appointed to examine the mentally deficient. The member for Fremantle (Mr. Sleeman) interjected a little while ago that mistakes might be made. The object of the member for Perth, in introducing this Bill, I take it, is to obviate the possibility of mistakes being made. Still, nothing has been said of the terrible things that have happened. I do not agree with the member for Perth that such crimes have decreased. I am with the member for Katanning in his reference to the Melbourne incident. A son of Naval Officer Burford was in Melbourne on the night of that trouble, and he told me it made his blood boil to see apparently respectable people putting a foot through plate glass windows and handing out jewellery, clothing and other goods, simply because no police were present. We were discussing the powers of the police, and I repeated to him various arguments advanced in this Chamber regarding punishment not being a deterrent. He then related his experience of the Melbourne affair and said it was astounding that such a thing could happen in a city like Melbourne. I am certainly in sympathy with the member for Perth and shall vote with him. Still, I do not hold with the idea of protecting the inefficient, oftentimes to the neglect of those who are efficient or of the poor outraged victims. I am certain that if some of the recently recorded outrages had been perpetrated on little babies, as many of them were, belonging to members of this House, they would have taken the law into their own hands, regardless of their views on capital punishment. They may wish to see capital punishment abolished, but if inoffensive babies of theirs had been outraged, I am afraid they would have taken the law into their own hands.

**MR. SLEEMAN** (Fremantle) [5.24]: It is quite possible that I shall record a vote in favour of the Bill, not that I have very much love for it or because I think it is going to get us anywhere. At present a person charged with an offence can plead lunacy; there is nothing to prevent it. An accused man can be examined at any time, and before the Executive Council decide that the law shall take its course, a convicted person may be examined to ascertain whether he is sane. The member for Perth favours the abolition of capital punishment. One has only to discuss the subject with him to discover that. When he was speaking on the second reading of his Bill, he said he would have gone the whole hog if he had thought there was a chance of getting the approval of both Houses. I firmly believe it is quite as possible to get a measure for the abolition of capital punishment passed by both Houses as to get the present Bill passed, though a Bill that did go the whole way would carry the added advantage if it did pass, that we should be achieving something in the cause of humanity. I do not think the present Bill will get us anywhere. It provides that when a man is convicted of murder he shall be examined by a medical man, an alienist and a psychologist—or as some people might term him, a faddist—but even those three people might make mistakes. We know that mistakes have been made in the past, and it is equally certain that mistakes will be made in the future. If capital punishment were abolished, however, no mistake would be made. No innocent life would be taken and no insane person would have to forfeit his life. It would have been far better had the member for Perth taken the course that he considers to be right. He told us that this Bill would be a step in the right direction. He is content to work piecemeal instead of striving to get the lot at once.

Mr Mann: If you cannot get everything, it is wise to take the best you can get.

Mr. SLEEMAN: I do not think the hon. member has any more chance of getting this measure through. I have no intention of speaking offensively, but if the hon. member comes here and says what he thinks is right, he has as much chance of getting it passed as he has of being successful if he adopts

the attitude of cribbing a little here and a little there. The little gained in that way is not of much advantage. I suppose that at the inquests of 99 suicides out of 100, verdicts are returned that the deceased died by his own hand while temporarily insane. I am quite satisfied that even 99 per cent. of the murders are committeed if not by insane persons, then during periods of temporary insanity. When persons are charged with murder they are supposed to be defended by counsel but a murderer on trial is not given the full assistance that he should receive. If he is to be assigned counsel for his defence he should be given the best brains available in the legal world. The Crown have the best brains on their side but to a murderer there is usually assigned a young barrister, probably one just called to the Bar. A murderer often is not given a fighting chance owing to the counsel briefed for him. There are several grounds on which the abolition of capital punishment can be justified. One is the religious ground and I consider that anyone who calls himself a Christian must take notice of it. Another is the medical ground. Homicide is usually evidence of mental disease. We have that fact established on the testimony of many leading medical men. There is also the utilitarian ground because capital punishment is not a deterrent. The member for Perth made out a splendid case to prove that capital punishment is no deterrent to crime. I believe that any person who commits murder is temporarily insane and does not think of the consequences. He may be mad enough to think that he is a match for all the detectives in the world and will be able to escape them. He does not think of the punishment that will be meted out to him later on. On the legal ground, too, the abolition of capital punishment is justified, because the evidence in murder cases is often circumstantial and once a mistake is made it cannot be rectified. Capital punishment has been handed down from the old barbarous days. Mistakes have been made in the past and I want to prevent mistakes from occurring in future. Insane men have been hanged. Once a life is taken, it cannot be given back. It has been amply demonstrated that if as much as was known afterwards had been known before regarding two crimes, two men would not have been hanged. After one unfortunate wretch had been sent to his doom, it was proved that other members of the family had committed similar crimes in other parts of the world. There is no doubt that those people were actually mad, not merely temporarily insane. Yet they were put to death. We do not find anyone advocating that the man in the Claremont asylum who hit another fellow behind the ear with a piece of lead pipe should be hanged. It was recognised that he was a maniac, and all that was done was to keep him more closely confined than he had been previously. It would be just as feasible to take that man's life as to take the lives of some men, as we do by retaining the system of capital punishment. We know of the famous Oscar Slater case, in which Conan Doyle worked so hard to secure the release of a man who was sentenced to death for the brutal murder of an old lady in Glasgow. Slater narrowly escaped the gallows, more by luck than by any good management on the part of the authorities. His absolute innocence has since been demonstrated. Thanks to the efforts of Conan Doyle and the excellent work he did, the case was referred to the High Court of Scotland, Slater eventually being declared innocent. The British Government have compensated him to the extent of £6,000 for having been wrongly imprisoned for murder. But had he not had the luck to be sentenced to penal servitude for life instead of being hanged, if his neck had been stretched, what good would the £6,000 or any other sum of money have been to him? The mistake could not have been rectified. And mistakes have been made, and they will continue to be made as long as capital punishment endures. I may also refer to a case which you, Mr. Speaker, placed before the House so eloquently and so brilliantly. You, Sir, referred to mistakes of this kind made in Australia. On the eve of the execution of Martha Rendall you quoted such cases, and spoke of mistakes made by doctors. Your words, spoken in 1909, were—

> I place little reliance upon the doctors; not that I have any disrespect for them, but it seems to me that when they are called upon to give evidence they are just as liable to err as any other mortals. I remember a case in Sydney—and no doubt it will be fresh in the minds of members—where a girl had accused a coffee-house keeper of having committed rape upon her. The man was tried for the offence, which in that State was punishable by death; he was sentenced to death, the same as this woman Rendall, on the testimony of the doctor. There was a doctor in Sydney who examined

the woman and gave his certificate that she had been a "virgo intacta." It is one good thing to be borne to the memory of the late W. P. Crick that he was convinced of the innocence of the man, and caused inquiries to be vigilantly and speedily made, and with what result? The news came down from Brisbane that this woman, who was taking a man's life away, had been a registered prostitute in the city of Brisbane; her name was on the police books; there was no question about it. Here was a man condemned by the Executive Council of New South Wales to suffer the last dread penalty of the law, and only at the last minute this conclusive information came down and saved him. On the testimony of the doctors this man was to die. Fortunately that testimony was upset at the last moment, and the man escaped from the gallows, but only by the persistency with which his solicitor sought the evidence necessary to procure his release . . . . . It does not follow because a jury brings in a verdict of guilty that a person is guilty. I might give a case that is a little nearer home. I have no doubt the Premier will remember the case of the man Bishop, of Guildford, who was hanged for having murdered a Chinaman there, and some years afterwards a man on ascending the scaffold to die for another crime confessed that he was guilty of that murder, that he had been present in the court in Perth when the trial was proceeding, that he had heard the evidence, and desired to save the man, but had not the courage to do so at the last moment. Bishop went to his doom, was hanged, and his innocence was afterwards proved. Is it not a fact that this very day the man Smith has been liberated from gaol?

There is evidence given to the House in 1909 of mistakes in cases involving capital punishment. We must be convinced that mistakes are still being made. Nevertheless there are people clamouring for capital punishment, clamouring for the taking of the lives of people who are certainly insane, either permanently or temporarily. Some people quote the maxim, "A life for a life." I think while the member for Perth was speaking the Minister for Justice interjected, "A life for a life." That maxim occurs in the early part of the Holy Scriptures, referring to old Hebrew laws. But there are other maxims to be found in the Bible, and I wish to refer hon. members to Leviticus, chapter 20, verse 10—

> And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adultress shall surely be put to death.

Are we still obeying that law? If a man to-day is proved to have committed adultery, do we consign him to the gallows to be hanged? And yet we adhere to that penalty of hanging for the crime of murder. As regards the other offence, we set up law courts in which the man or the woman who has committed adultery may be separated from the other party to the marriage. Yet the cry is "A life for a life" in cases of murder. Why? Simply because people want the other man's blood. If one man in the course of a brawl with another knocks that other's eye out, do we drag him to Fremantle gaol and there gouge out one of his eyes? Of course we do not. If the old Hebrew law is to stand for the one crime, it should be maintained for all the others. The twentieth chapter of Leviticus, verse 27, says —

> A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death; they shall stone them with stones; their blood shall be upon them.

We no longer believe in wizards, we no longer put people to death on charges of witchcraft. We do not recognise that such beings as wizards exist. But still we say a life for a life in the case of murder. In this year of 1929 we should be guided rather by the words of Matthew, chapter five, verse 44—

> But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.

If we followed that direction we should be nearer to the goal for which we are striving.

Mr. Panton: How long did it take you to find those quotations?

Mr. SLEEMAN: The hon. member interjecting was once a Sunday school scholar. If he will now use his brain to remember what he was taught at Sunday school, he will become a supporter of the abolition of capital punishment.

Mr. Panton: I am entirely with you.

Mr. SLEEMAN: I am glad the hon. member recalls what was taught him in the days of his boyhood. In the nineteenth chapter of Matthew, verse six says

> Wherefore they are no more twain, but one flesh. What therefore God hath joined together, let no man put asunder.

In spite of those words of the Good Book, money is spent in keeping up divorce courts to put people asunder. It is time we got rid of barbarous old laws and became more civilised. I contend that every person hanged in this country is legally murdered.

Man's life was not given by man, and therefore no man has the right to take the life of another. The man who commits murder is mentally unbalanced, and therefore, at all events in my opinion, should not be deprived of his life. During the Committee stage I shall, if possible—I have been told that I shall be ruled out of order—move an amendment to abolish capital punishment. This I shall do by way of ascertaining the opinions of hon. members. If this House gives its vote for the abolition of capital punishment, the reform will be passed by another place. People in general are at last beginning to see the light. If it is good to forget one law laid down in the early portions of the Bible, we should, in this year of 1929, be consistent and spare life. Life was not given by man, and man has no right to take it. I support the second reading, and in Committee I shall endeavour to test the feeling of hon. members on the general question of capital punishment.

On motion by the Minister for Justice, debate adjourned.

## PAPERS—AGRICULTURAL BANK ADVANCES.

Debate resumed from the 11th September on the following motion moved by Mr. Withers:—

That a return be laid upon the Table of the House showing:—1, The total amount advanced to (a) Agricultural Bank clients, (b) soldier settlers at each district office at 30th June, 1929. 2, The amount received by each district office for the six months ended 30th June, 1929, for repayment of principal from (a) Agricultural Bank clients, (b) soldier settlers. 3, The amount received by each district office for the six months ended 30th June, 1929, for interest on loans to (a) Agricultural Bank clients, and (b) soldier setters.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [5.43]: If the mover of the motion requires the information very much, he will do well to amend the terms of the motion. The information for which it asks cannot be supplied, because there is no record of the total amount of advances from Agricultural Bank funds at the district offices. Prior to 1922 the total advances were recorded only at the head office in Perth. In 1922, however, the administration of the Agricultural Bank was decentralised and district officers were created at Bruce Rock, Bunbury, Geraldton, Katanning, Kellerberrin, Kununoppin, Narrogin and Northam. Their records, naturally, are as from 1922 only. Therefore it is impossible to furnish the information for which the motion asks. I have, however, consulted the General Manager of the Agricultural Bank, and he assures me that the information is easily procurable as from 1922, since it is always filed for bank purposes. I have no objection to the motion, but I will move an amendment—

That in paragraph 1 of the motion, between "district office" and "at," there be inserted "as from January, 1922."

The paragraph will then read:

"1, The total amount advanced to (a) Agricultural Bank clients, (b) soldier settlers at each district office, as from January, 1922, at 30th June, 1929."

If the hon. member agrees to that alteration I will supply the information.

Mr. Withers: I agree to the motion being amended in the direction the Minister suggests.

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

## BILL—PEARLING ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. H. Millington—Leederville) [5.47] in moving the second reading said: This Bill has already passed another place and contains two clauses. Its object is to permit the purchase or sale of pearls fished outside Western Australian waters to take place within the State. At the present time Section 63 of the Act prohibits that. It sets out—

No person who is not the holder of a ship, exclusive, general, beachcomber's or pearl-dealer's license shall, within the said portion of the State lying to the north of the 27th parallel of south latitude, sell or deliver for sale any pearl to a licensed pearl-dealer, and no licensed pearl-dealer shall buy or receive for sale any pearl of any such person.

The Bill amends that section and will give permission, subject to necessary reservations, for pearl dealing to take place within the State. The Pearl Fishers' Association have asked for this amendment. They explain that pearls now being fished at Darwin and taken to Broome and lodged there

in the bank, may not legally be dealt with because they have been fished outside Western Australian waters.

Mr. Sampson: It does not deal with culture pearls.

The MINISTER FOR AGRICULTURE: No. The Bill has been introduced at the request of the pearl dealers themselves. The second proposed amendment is in regard to the Third Schedule of the Act which fixes the fee for a ship at £10 per annum. When that amount was decided upon, there was a greater percentage of hand-pump boats in operation. It may readily be understood that £10 is a fair license fee for a boat with engine power. The amount, however, is high for the smaller boat on which air is pumped by hand. I am given to understand that the output of a hand-pump boat is about 4½ tons of shell per annum, whereas that of the engine-pump boat is 10 to 12 tons.

Mr. Angelo: Has this amendment also been asked for by the Pearlers Association?

The MINISTER FOR AGRICULTURE: Yes. As a matter of fact, the amendment will mean less revenue to the department, but it has been agreed to in fairness to the industry. It is considered advisable to encourage the use of hand-pump boats because they are necessary for the employment of apprentices for diving. In these instances, operations are carried on in shallow waters. The Bill passed another place——

Mr. Teesdale: That does not mean that it carries a hall mark.

The MINISTER FOR AGRICULTURE: There are members in that House who, I presume, watch the interests of the pearlers. In any case, the amendments have been asked for and will make for the better working of the industry.

Mr. Sampson: Would it not be better to set out the license fees in the schedule?

The MINISTER FOR AGRICULTURE: No. The license fee in question appears in the Third Schedule, but as I have stated it is considered too high for hand-pump boats. I move—

That the Bill be now read a second time.

On motion by Mr. Teesdale, debate adjourned.

## BILLS (2)—RETURNED FROM THE COUNCIL.

1, Water Boards Act amendment.
With amendments.

2, Roads Closure.
Without amendment.

## BILL—ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [5.55] in moving the second reading said: It will be remembered that in 1926 a measure was agreed to providing for the affiliation of agricultural societies with the Royal Agricultural Society which controls the holding of agricultural shows and the making of by-laws necessary for the administration of the Act. The Bill before the House has two purposes, the first to exempt the Royal Agricultural Society's lands now held, or acquired in the future, from rates under the Municipal Corporations Act, 1906, or the Road Districts Act, 1919, or any other Act enacted afterwards, and secondly to enable the Royal Agricultural Society or any other agricultural society to mortgage is lands with power to the mortgagee to sell the land freed from any trust or restriction as to its subsequent use. Dealing with the question of exemptions from rates, the Municipal Corporations Act provides that land vested "in trustees for agricultural or horticultural show purposes shall be exempt from rates." It appears that some of the land held by the Royal Agricultural Society is so held "in trust solely for the purpose of an agricultural show ground in connection with the Royal Agricultural Society of Western Australia." Some of the land held by the society has no such trust mentioned in the deed. Where land is purchased by the society in the ordinary way of business, the title is clear so far as a trust is concerned. The Act provides that all such land held by the society shall be exempt from rates. This appears to be desirable as the society is an institution of a purely educational character, existing for the purpose of demonstrating to the people of the State the progress the State is making in regard to agricultural pursuits. On the question of mortgaging property there are two Acts at

present in existence which deal with the matter, the Public Institutions and Friendly Societies Lands Improvement Act, 1892 and the Associations Incorporations Act, 1895. The former Act enables public institutions, including agricultural societies, to borrow money, and to mortgage, with the consent of the Governor, for building purposes. In such cases the mortgagee may in default of payment enjoy the land freed and absolutely discharged from the trust to which the same may for the time being be pledged. It will be noticed that the money may be secured only on mortgage for buildings. It is desirable that the Act should be amended, so that the society may borrow money for purposes of the trust.

Mr. Davy: They could not otherwise get the money properly.

The MINISTER FOR LANDS: No. The people who are now backing the society find they have a security which is not negotiable.

Mr. Thomson: The money is simply being borrowed on the guarantors' liability.

The MINISTER FOR LANDS: There is insufficient security for the money. The Associations Incorporation Act, 1895, enables associations registered under that Act to mortgage their properties with the consent of the Governor, but the mortgagee can sell the land in default subject only to the trust and the restrictions as to its use, which, of course, would make it impossible to sell. The Royal Agricultural Society is incorporated under the Associations Incorporation Act, and the restriction as to the use of the land still applies where the land has been granted for the purpose of an agricultural show ground. Briefly the Bill which I now submit, contains in effect the same provisions as are in the Public Institutions and Friendly Societies Land Improvement Act, 1892. As this Act is restricted to borrowing money for buildings only, it does not go far enough, in that the money which it is desired legally to secure to the mortgagee covers purposes other than actual building. It may be that any agricultural society would also desire to borrow money for purposes other than building to enable it to carry on. These are the only principles involved in the measure, which I hope will receive the support of the House. I move—

That the Bill be now read a second time.

On motion by Mr. Thomson, debate adjourned.

## BILL—FAIR RENTS.

*In Committee.*

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

Clause 9—Lessee of part of a building:

Clause put and passed.

Clause 10—Furnished buildings:

Mr. DAVY: I do not know what is in the mind of the Minister in this matter. What is meant by the determination of the court of the amount of rent to be paid for the furnishing of a house? If the court has determined the fair rent for the building, how can it avoid also determining the fair rent for the furniture? I can see no reason for the distinction herein contained between the powers vested in the court. By what method will the rental for the furniture be arrived at? Is 9 per cent. of the capital value of the furniture to be provided, or is the matter to be left to a wild guess?

The MINISTER FOR JUSTICE: After hearing evidence as to the value of the furniture, the court will fix what it deems to be a reasonable sum to allow. No doubt the owner of the furniture will bring evidence to bear on the subject, and in that way a fair rate will be arrived at. It is desirable that the court should be given some discretion in this matter.

Mr. Davy: You are handing over the whole thing to the discretion of the court.

The MINISTER FOR JUSTICE: It is difficult to set down any specific procedure in a case like this.

Mr. Davy: If it is difficult for us, it will be more difficult for the court.

The MINISTER FOR JUSTICE: No great amount of money is involved unless it be in the case of a large furnished house. The evidence given will largely determine the matter.

Mr. THOMSON: Evidently the Minister desires to prevent more rental being charged for furniture than is reasonable. Apparently so much will be charged for the building and so much for its contents. The Bill does not give much protection to those who own the furniture. Some tenants are anything but careful, and will even allow their children to run up and down the keys of a piano that belongs to the landlord. Some provision should be made to cover the risk of damage to the furniture.

The MINISTER FOR JUSTICE: A lot of rack renting is indulged in by persons who let rooms. Comparatively small rooms in the centre of Perth may be let for 17s. 6d. to 25s. per week, whereas the whole house is not worth more than £2 per week. It is quite possible that those who have the letting of these rooms may argue that because the rooms are furnished, even if only sparsely, they are entitled to charge high rents.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. THOMSON: I move an amendment—

That after "furniture," in line 3, the words "and shall also determine in its discretion the amount of rent to be paid for the furniture" be struck out.

The Minister for Justice: If you do that, you had better strike out the whole clause.

Mr. Davy: It would be a good thing if we did so.

The Minister for Justice: The clause would be meaningless without those words.

Mr. THOMSON: The clause does not give any protection regarding the furniture. It would be quite logical to argue that the court could decided what would be a fair rent, irrespective of the furniture.

The MINISTER FOR JUSTICE: The clause was inserted to assure, in connection with apartments or portions of furnished houses that are let, a fair rent being charged for the portion let, plus the furniture. It would be possible for a rental of 10s. to be charged for the room and then another 15s. to be charged for the furniture. That would mean a rental of 25s., and there would be nothing in the Bill to prevent such exploitation. In my own experience, I have had to pay 25s. for a room that contained very little furniture.

Mr. Davy: Was the woman, who was probably a widow, making a fortune out of letting rooms as you suggest?

The MINISTER FOR JUSTICE: I do not know that she was. I have every sympathy with widows who resort to this means of making a living, but I do not know that we should give them the right to charge extortionate rent. The basis on which the Bill is framed will give a reasonable return. Of course, if the woman rendered services such as cleaning the room and so forth, she would charge for those services.

Mr. Thomson: Would that be taken into consideration.

The MINISTER FOR JUSTICE: Yes, for in those circumstances the inmate of the room would be a lodger and as such would make his own arrangements. The clause refers only to people who rent a room.

Mr. Davy: Can you tell me where you can get a room with furniture and no service?

The MINISTER FOR JUSTICE: Yes; any number of married people take a furnished room and the wife looks after the room herself. Between 300 and 400 married people are living in rooms in the metropolitan area.

Mr. Davy: And are the people who let those rooms making extravagant profits and living on the fat of the land?

The MINISTER FOR JUSTICE: I do not say that they are, but people who have to rent rooms are entitled to the protection outlined in the clause.

Mr. Thomson: People who can afford to pay 25s. a week for a room should be able to take a house.

The MINISTER FOR JUSTICE: No, because many of them cannot afford to buy the necessary furniture.

Mr. THOMSON: The reason I raised the question of service is that many people rent dwellings and then convert them into apartment houses. Many widows have done so, and they let one or two rooms to weekly tenants or others. Those women render a certain amount of service.

The Minister for Justice: Then the tenants are lodgers.

Mr. THOMSON: I should say that lodgers were persons who rented a room and had meals.

The Minister for Justice: Then they would be boarders.

Mr. THOMSON: No, not in the sense I mean. No provision is made in the Bill regarding services rendered, and if the Minister will not agree to my amendment he should at least agree to the insertion of the words "and services rendered." Unless we do something along those lines, the clause may injure people it is desired to assist.

Mr. KENNEALLY: From two points of view the retention of the clause is necessary. So far the argument has referred to the person who leases a room from the owner of the premises, but no argument has been raised regarding the person who leases or rents a house as a whole, with the furni-

ture. In many instances women lease large apartment houses and the furniture. If we are to give protection to those who desire to assist, we should give attention to those people who are forced to engage in that business for their living.

Mr. Thomson: They are the people I wish to protect.

Mr. KENNEALLY: And they are the persons who will be refused protection if the amendment be carried. It will simply mean then that power will be given to fix the rent of the house alone and so the extra amount that might have been charged as rent, would be put on the furniture. While I know the hon. member does not intend it to operate that way, that will be the effect of his amendment. From the point of view of a person who rents the room, it would be useless to provide power for fixing the rent of the room alone and leaving it to the owner to fix the amount to be paid for the furniture, because it would simply mean again that the money the owner desired to make up would be transferred to the furniture. That will be the effect unless we agree to the clause and give the court the power to assess the value along the lines indicated.

Mr. Thomson: But that would injure the very people you want to protect.

Mr. KENNEALLY: I do not think so. The amendment will merely leave it to the owner to get an extra charge on the furniture. I do not agree with the interpretation placed on the clause in another sense by the hon. member. The clause states the court shall determine the amount to be paid for the furniture. If the court is to determine the amount for the room, there is nothing to preclude the court from taking into consideration, not only the value of the room, but also the services rendered by the person referred to by the hon. member.

The Minister for Justice: I do not think the Bill will cover lodgers at all.

Mr. KENNEALLY: If justice is to be done to all affected by an increase in rent, we would have to take into consideration that aspect of the question; otherwise we should have a larger number of people being termed lodgers than are termed lodgers at present. If we carry the amendment we shall be giving the owner of the room and the furniture an absolute right to transfer the extra charge from the room to the furniture, which would not then be controlled by the Act.

Mr. DAVY: The farther we go on this clause, the more futile we show the whole scheme to be. We have now a difference of opinion between the Minister for Justice and the member for East Perth as to whether or not the Bill will cover lodgers.

The CHAIRMAN: The hon. member is not in order in discussing that question. He will discuss only the question before the Chair.

Mr. DAVY: I agree that we cannot logically strike out the words proposed to be struck out without creating rather an absurd position—that is to say, if the clause is to be left in. It illustrates the hopelessness, not only of the clause, but of the Bill as a whole. The Minister says we must preserve this in order to protect the person who hires a furnished room from the voracious old lady who runs the house. To suggest that the charges of landladies are to be kept down by a special court is ludicrous, since those landladies have to work very hard for a bare living. I will vote against the whole clause.

[*Mr. Angelo took the Chair.*]

Mr. SAMPSON: If the tenancy of the room or the house is for a short period, I take it the amount will be higher than if it were based on a year. I cannot understand why anybody should pay rent for furniture, since furniture can be purchased on time payment for about 5s. a week. Whatever rent may be in the city, if one is agreeable to live in a suburb a room can be had for 8s. or 10s. per week, which is surely not a high rent if bathroom service is included. In some parts of the world the charge for a bed is very high. For instance, in Canada it goes as high as 10 dollars.

The CHAIRMAN: I am afraid the hon. member is wandering rather far away.

Mr. SAMPSON: The point is that where the demand exists, the rates are proportionately high, and that without any service such as a cup of tea in the morning.

The CHAIRMAN: I ask the hon. member to get back to the clause.

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

| | |
|---|---|
| Ayes .. .. .. .. | 12 |
| Noes .. .. .. .. | 17 |
| Majority against .. .. | 5 |

AYES.

| | |
|---|---|
| Mr. Barnard | Mr. Sampson |
| Mr. Brown | Mr. J. H. Smith |
| Mr. Davy | Mr. Stubbs |
| Mr. Doney | Mr. Teesdale |
| Mr. Griffiths | Mr. Thomson |
| Mr. Maley | Mr. North |
| | (*Teller.*) |

NOES.

| | |
|---|---|
| Mr. Chesson | Mr. Millington |
| Mr. Coverley | Mr. Munsie |
| Mr. Cowan | Mr. Panton |
| Miss Holman | Mr. Rowe |
| Mr. Kenneally | Mr. Sleeman |
| Mr. Kennedy | Mr. Willcock |
| Mr. Lamond | Mr. Withers |
| Mr. Marshall | Mr. Wilson |
| Mr. McCallum | (*Teller.*) |

Amendment thus negatived.

Mr. THOMSON: I move an amendment—

That there be added at the end of the clause the words "and for services rendered."

That must be taken into consideration if we are to be fair to those letting furnished rooms and apartments. I think the Minister agrees with the principle, and therefore the only question is whether this is the right place to insert it. Those who do render services should be entitled to the value of those services.

The MINISTER FOR JUSTICE: The Bill has nothing to do with people who run lodging houses and give services. I do not think any determination about lodgers or services should be considered. If we agree to this, we shall be asked to allow the court to fix the price of board. Services rendered and the necessary attention in lodging houses are entirely outside the scope of the Bill. This Bill deals only with the actual premises, but if the premises contain furniture, it will deal with the furniture also. The amendment is entirely outside the intention of the Bill and would cause confusion as to the scope of the measure.

Mr. Davy: The amendment would make it apply to other services.

The MINISTER FOR JUSTICE: I do not want it to apply to other services.

The CHAIRMAN: I cannot accept the amendment, which I think is beyond the scope of the Bill.

Mr. SAMPSON: The title of the Bill is to provide for the determination of fair rents and for other relative purposes.

The CHAIRMAN: I have considered that.

Mr. SAMPSON: I shall oppose the clause. The Leader of the Country Party has pointed out a real danger. The absence of the suggested amendment may open the door to the imposition of a double charge. The rental could be based on a moderate scale, but charges for other services rendered on a separate account might be excessive.

The Minister for Justice: The court would have no jurisdiction in the matter.

Mr. SAMPSON: Exactly.

The Minister for Justice: If it were done, we could not help it.

Mr. SAMPSON: Some years ago, if one purchased a glass of beer he was given a very good luncheon.

The Minister for Justice: You are ignoring the Chairman's ruling.

Mr. SAMPSON: I am speaking against the clause.

The Minister for Justice: No, you are speaking in favour of the amendment.

Clause put and passed.

Clause 11—Period for which determination is in force:

Mr. DAVY: If a person is given statutory right to break a contract and a promise, he should take steps to enforce that right promptly. The rent might be fixed at £3 a week. Contrary to the determination of the court, a tenant might offer £3 10s. a week and might then wait for twelve months before bringing an action to recover the surplus.

Mr. Kenneally: The landlord would be violating the law with his eyes open.

Mr. DAVY: And so would the tenant.

Mr. Kenneally: The alternative would be to permit them to contract outside the Act with impunity.

Mr. DAVY: No; instead of allowing 12 months, the period should be three months.

Mr. NORTH: Paragraph (i) of Subclause 3 provides that while a determination is in force no application shall be made to vary it unless the outgoings of the lessor in respect of the premises have been increased. That would include extra taxation. A man might purchase a property at a price equal to 50 per cent. in advance of the amount on which the 9 per cent. had been fixed, and yet that rate would have to stand for two years.

The Minister for Justice: Possibly so if the determination were given on the day before the purchase.

Mr. NORTH: The new owner could not say to the court, "I have had to pay £5,000 for a property that you have assessed at

£3,000 on the 9 per cent. basis, and I cannot get my money back for two years." I move an amendment—

That after "increased," in paragraph (i) of Subclause 3, the words "including the case where a sale of the property has been effected during the period" be inserted.

That would protect the new owner, who could then approach the court and show that he had been forced to pay a price 50 per cent. in excess of the capital value on which the court had fixed the rent. He certainly will be penalised in the absence of such a provision.

Mr. Kenneally: Where is the protection for fair rents if that is agreed to?

Mr. NORTH: It is a question of the rents being forced up. Very necessary sales might be killed.

The MINISTER FOR JUSTICE: The Bill is not designed to prevent bone fide purchases for the purpose of occupation. Nor is it designed to give some person two years' lease of premises without responsibility for carrying on the tenancy for that period. In the case of a bona fide sale of property the amendment is unnecessary, because the buyer could take steps to retain the property for his own use. If he buys with the intention of occupying in two years and meantime drives up rents, it is a different proposition. The suggested position need not be discussed now. This clause deals with premises that are subject to the determination of the court. Besides being unnecessary, the amendment would not effect what the mover desires.

Amendment put and negatived.

Mr. THOMSON: What is the reason for paragraph (iii) of Schedule 3? I know of a case in which a lease of premises at a certain rental was made for five years. The owners of the property are bound by the terms of the lease to the lessee.

The Minister for Justice: This clause deals only with cases in which the court has made a determination.

Mr. THOMSON: If the Bill becomes law, the tenant will be entitled to a reduction of rent.

The Minister for Justice: No. The clause deals only with conditions arising after a determination by the court.

Mr. THOMSON: I accept the Minister's statement, but I read the paragraph quite differently.

Mr. DAVY: I move an amendment—

That "twelve," between "within" and "months," be struck out, and "three" inserted in lieu.

If a person is to be given a statutory right to break his promise and to recover money paid on the strength of the promise, he should be made to exercise that right promptly.

The MINISTER FOR JUSTICE: I accept the amendment. Anyone who has cause for complaint can surely make his complaint in a short time, and then take action to recover his rights.

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

Clause 12—Pendency of application:

Mr. DAVY: The clause seems vicious. Under it a tenant who found his lease running out could very shortly before the termination of his lease, shoot in an application to get the fair rent determined. The lease would not terminate until the application had been made, and for six months thereafter. The application could be made for the sole purpose of retaining possession of the property. Even if the court turned down the application, the tenant could not be turned out for six months thereafter. The trouble with legislation of this kind is that the more one looks at it the more amazing are the results.

Clause put and negatived.

Clause 13—Bonus for lease unlawful:

Mr. DAVY: I shall not oppose the clause, because, after all, it has to be there if the Bill becomes law. It is a necessary absurdity, fitting in with the other absurdities. The clause does not provide that it shall be illegal for the tenant to sell out for a bonus. But it does not prevent the lessee from assigning the balance of his lease to another person for any price he can get. If we allow for the moment that there are landlords who, in the expansive language of the Minister, may be described as robbers, then the effect of the Bill as illustrated by the clause will merely change the band of robbers.

Mr. Griffiths: It will not stop the passing of the key money.

Mr. DAVY: No. Key money, which in Sydney is the result of fair rents legislation, is just this very thing. It is money paid by

a person who desires a house occupied by another man more than that man does. The occupier has no security of tenure, but he has command of the key, and the man who wants the house more than the occupier does, comes along and says, "Give me the key and I will pay you £50, and I will then go to the landlord."

The Minister for Justice: That does not give him any rights.

Mr. DAVY: No legal rights, only the right of possession. If I have the key and the rent determined for the premises is £3, whereas the market value is £10, there is nothing to prevent me from selling the balance of my lease for any price I can get. What happens every day, particularly in respect of hotels, is that the lessee sells the balance of his lease and then drops clean out, while the other man steps into his shoes. If a fair rent within the meaning of this measure is determined at less than the market value, the fortunate tenant will have something to sell.

The Minister for Justice: He cannot assign his lease to anybody else without the approval of the landlord.

Mr. DAVY: In every decent lease the provision is that the tenant cannot assign without the consent of the landlord, which consent shall not be withheld in the case of a respectable person. Even if the landlord had an absolute right to refuse consent, what has that to do with it? I have heard of a case in which a landlord said to the lessee who desired to sell the balance of his lease, "Yes, I will consent, provided you give me half the ingoing you get." The Bill will prevent that, and to that extent I approve the Bill. But although the clause prevents a premium being paid by the tenant to the landlord, it does not prevent the lessee selling out to another tenant for anything he can get. The only practical effect will be to change the band of robbers; the net result to the community will be precisely the same. I cannot offer any amendment to the clause, and if we strike out the clause the Minister will have to drop the Bill.

Mr. J. H. Smith: That is what we want.

Mr. DAVY: I agree. The clause is an illustration of the utter futility of the measure.

Clause put and passed.

Clause 14—Notice of termination of tenantry:

Mr. DAVY: Here again——

The Minister for Justice: My word, this is a bad Bill!

Mr. DAVY: It is the very worst Bill ever presented to any House of Parliament in the British Empire. Presumably it is the Minister's ideas that have been put into this priceless form. I admit that the object of the Minister is a laudable one, and if it could be achieved by any legitimate means and without causing all sorts of evils much greater than that it is desired to cure, the Bill would have my hearty support. This clause really has nothing to do with fair rents. In effect it says that a man shall never be asked to leave the premises he occupies with less than 28 days' notice to quit. Suppose that I, the tenant of premises in Perth, have to go to Queensland for three months. I tell my landlord and say I will be back and want the premises again at the end of the three months. He agrees, but when I return I find another tenant in the premises, and he has to be given 28 days' notice.

The Minister for Justice: This is merely for an ordinary weekly tenancy, called a lease under the Bill.

Mr. DAVY: I do not think it means anything of the sort. What it will do will be to give anybody who determines to stay in, the right to persist in that course for at least 28 days.

The MINISTER FOR JUSTICE: To take the hon. member's illustration: If a landlord leases his house for three months and says "I will want it again in three months," he gives more than 28 days' notice; he gives three months' notice, and so the tenant has no right to stay any longer. This is only to prevent an ordinary lessee from being turned out without due notice. If the lease is for a definite period, it means that at the end of that time the lessee must get out without further notice. The clause is to cover leases of no fixed term.

Mr. STUBBS: The clause recalls provisions that have been included in Acts of Parliament governing leases. I am convinced that if it is agreed to it will provide enormous sums in fees to the legal profession to disentangle knotty problems that will come before the court.

Mr. Davy: That is the only merit the Bill has.

Mr. STUBBS: I admire the hon. member for endeavouring to point out some of the

tangles that will have to be unravelled by our courts. I have never known any demand for a provision such as this. In law courts in the Old Country many thousands of pounds have been spent in endeavours by landlords to eject tenants who have refused to leave because the landlords have raised the rents. History will repeat itself in this State if the Bill becomes law. I cannot follow many of the clauses of the Bill, and I do not think they will serve the interests of the people it is desired to assist. Clause 14 would give lessees the right to remain in premises 28 days after the expiration of the lease.

Mr. DAVY: "Lease" is defined as including every letting of a building by a lessor whether oral, in writing or by deed. Therefore if a lessee paid the rent and performed the conditions, the lessor must give him 28 days' notice. If a man were given a lease for three months, the only way in which it could be terminated would be by the lessor giving 28 days' notice.

The Minister for Justice: If that were held in one judgment, a special condition would be inserted in leases to meet it.

Mr. DAVY: What an absurdity! Under the present law for repossession, the court invariably gives the tenant time to get out, even though he has paid no rent for months.

Mr. Thomson: Sometimes the owner has to pay him to go out.

Mr. DAVY: It is extremely difficult to get an obstinate tenant out of a house. The clause is entirely unnecessary and has nothing to do with the principle of the Bill.

The MINISTER FOR JUSTICE: The term "lease" is all-embracing. Unless notice were given to the contrary, a tenant would be entitled to the house so long as he paid his rent weekly, fortnightly or monthly as the case may be, and observed the conditions. Most houses are let on a weekly tenancy, and tenants assume that they will remain for periods of perhaps three, six or 12 months. The determination of such a lease would require 28 days' notice.

Mr. Davy: If you confine the clause to those cases, I shall vote for it.

The MINISTER FOR JUSTICE: My instructions to the draftsman were to cover such cases.

Mr. Stubbs: This is a drag-net clause which will bring in everything.

The MINISTER FOR JUSTICE: There is no nigger in the woodpile.

Mr. Stubbs: If your object is as stated, you should redraft the clause.

The MINISTER FOR JUSTICE: I cannot see how the position mentioned by the member for West Perth could occur.

Mr. Griffiths: If you lease a place for three months, that does not mean three months and 28 days.

Mr. Stubbs: At the end of three months the lessee could say that it was not convenient for him to leave and that under the Act he had 28 days before he could be ejected.

The MINISTER FOR JUSTICE: If that occurred once, lessees would insert a clause providing that the premises were to be repossessed at the end of three months, which period would be in excess of the 28 days' notice stipulated in the clause.

Clause put and passed.

Clauses 15 to 21, Schedule, Title—agreed to.

Bill reported with amendments.

## BILL—AGRICULTURAL PRODUCTS.

*Second Reading.*

Debate resumed from the 11th September.

**MR. SAMPSON** (Swan) [8.57]: It has been said by a very wise man that many a false step has been taken by standing still. That sounds paradoxical, but it is nevertheless true, and it has a special significance to measures relating to the organisation of fruit and vegetable marketing. This Bill represents a step in the right direction. Unquestionably other steps are necessary, but the fact that this Bill has been brought forward is a matter for congratulation. Personally I feel grateful and I believe a great majority of the growers will welcome the measure. I understand that the Minister proposes to enforce the measure only in respect of those industries in which representative growers make a request. It is realised that in regard to some products it would be difficult for the measure to operate at least for a time. It has been urged, for instance, that it would be difficult to frame legislation to prevent topping or provide for the grading of potatoes, but I am not quite sure that that is so. In other countries even potatoes are graded. Again, there is the question of stone fruits, including prunes. For the time being the Minister probably will not seek to make the Bill operative to those particular products. It is remarkable how prone some growers are

to the opinion that the best fruit packs best when it is on the top. This unfortunate belief is responsible for a good deal of heartburning amongst growers, who seek to put up their fruit in a fair and reasonable manner and present it to the public in a proper way. I have been told that Geraldton growers will welcome this Bill. We have had examples of tomatoes from Geraldton arriving in Perth in such a mixed or ungraded condition as to justify this measure. When the Bill does pass, it is to be hoped that Geraldton growers will realise the importance of properly grading their tomatoes, and not unloading upon the metropolitan market worm-eaten tomatoes and those that are badly affected with catface and other diseases.

The Minister for Railways: Give us something about the people of Kalamunda.

Mr. SAMPSON: It will be a good thing for the bulk of the growers in Geraldton and elsewhere inasmuch as they will have the protection of securing a better market for their products because they will reach the market in better form. I should like to see something included to cover immature fruit. I dare say the grading of fruit could easily include that. In Queensland a good deal of difficulty arose because of the habit of pineapple growers of sending immature pines to the market. The effect of that is exactly the same as the effect of sending immature vegetables or fruit to market. Consumption is discouraged and prices are lowered. Potato growers here have suffered because of the lack of consideration given to grading. Not only is there a prejudice against swamp-grown potatoes, but there is a feeling that greater care should be taken in the bagging up of soil. One grower was remonstrated with concerning this, and his reply was, "The soil is very good." In a truckload of potatoes I was assured that the average weight of soil per bag amounted to no less than 21 lbs. The adoption of some standard would limit the weight of soil that could be sent to market, and would also have some effect in respect to defective tubers. Provision should be made for ungraded fruits and vegetables, but to apply only where these are so described. The need for legislation is recognised. We had the example a short time ago of apples sent to the Eastern States turning out very badly. There was proof of carelessness and worse.

Mr. J. H. Smith: The apples were all inspected before they left.

Mr. SAMPSON: I think the hon. member is wrong. We have the assurance of the Minister that they were not inspected, and are not subjected to the same inspection and care as is the case with apples sent overseа. In London and on the Continent Western Australian apples are held in very high regard. The apples in the red case enjoy a high reputation. Covent Garden fruit merchants say that Western Australian apples stand as high as, if not higher than, the best apples from the best apple-producing countries in the world. It is clear that supervision before export to the Eastern States is equally necessary. Western Australia has been injured in the eyes of the Eastern States. This is a great pity because they provide a good market on different occasions for our fruit. It is a sad reflection on certain growers—a small minority—that some apples sent to the Eastern States last season were forwarded in such a condition. I am advised that out of a consignment of 100 cases that were examined and ordered to be repacked only 47 cases of good apples resulted. That is very unfair to good growers. It provides further proof of the unreliability of the small minority of fruit growers. I hope steps will be taken by those interested in fruit marketing in this State and throughout the Commonwealth to urge the Federal Government to bring down a Federal export control measure. We know the great progress which New Zealand has made because of what has been done there. As exporters of fruit we have vast competition to contend with. Whether it is competition overseas or from the Eastern States, it amounts to the same thing. An export trade conscience must be developed. I learned during my visit to California that that country has its eye upon Australia as a market. Already efforts have been made to exploit it. The New Zealand market has very largely been captured by California, in spite of the fact that it is within four days' sail of Australia, and about 20 days from California. In New Zealand, Californian grapes, oranges and other fruits may be purchased in season. Western Australia's future is bound up in export. It may therefore be said that it is bound up in the forwarding of these fruits and other products in good form, properly graded, packed, and true to standard. Not only are we faced with competition in the United States, but

with competition from parts of the British Empire, such as New Zealand, South Africa and Canada. Canada is very much alive to the importance of developing its foreign trade. A commercial intelligence service has been established, the main centre being Ottawa. Last year the Dominion arranged for 24 trained trade commissioners. From recent Canadian newspapers I learn that more men are in training. This is very important, and indicates that other countries realise they are facing a difficult proposition. These commissioners are very keen and alert, and are placed at various strategic points throughout the Dominion and the British Isles. It is anticipated that there will be 100 per cent. increase in the trade of Canada within the next four years. One means by which the enforcement of grading and packing, etc., is secured, is by various standardisation Acts. These include fruit, vegetables, and poultry Acts. That which applies to Canada also applies to California. Western Australia must give consideration to legislation of a similar nature. In California there is the Standard Apple Act. This provides for a number of standard grades. For the information of the House, I would like to quote the standards that have been adopted in that country under the California Standard Apple Act. These are the standard grades for apples packed, shipped, and delivered for shipment in the State of California. The first is—

> The "Extra fancy" grade shall consist of well-grown, properly matured apples of one variety; hand-picked, well-coloured and normally shaped for the locality where produced, free from visible rot, visible dry rot, visible Baldwin spot, Jonathon spot and other diseases, and from insect pests, insect bites, bruises, skin punctures, skin broken at stem and other defects (except such bruises as are necessarily caused in the operation of packing) and virtually free from dirt, and shall be uniform in size and well packed in clean, standard boxes; provided, however, that russeting confined within the basin of the stem shall be permitted, etc.

This shows how very particular are the qualifications set up in respect to that standard. Then there is "the fancy," "the fancy loose," the "C" grade, "the 'C' loose" and "the unclassified." What applies in respect to apples applies in regard to practically every fruit and vegetable. In California the production is on an immense scale, and producers there are tapping the market of every centre that is open to them. It is important to realise the care which is taken in order that the good name of fruit from California shall not be impaired. What applies to California applies to a great extent to Canada. When I was through the province of British Columbia I noticed that very great care was taken in the strict observance of the standardisation laws. If these are not carried out the grower, among other penalties, runs a grave risk of being called upon to repack his fruit. In California it is claimed that one grower of lettuce cultivates an area of 3,000 acres. We can therefore see what tremendous production is going on in that country. Last year it was estimated that the vines were bearing 300,000 tons of grapes. The glut, however, was so heavy that it did not pay to pick this quantity, and it had been decided to leave approximately 150,000 tons of grapes on the vines rather than go to the expense of dealing with the whole crop. It will thus be seen how great a problem competition with this country opens up. Therefore, measures which have for their object the securing of thoroughly graded fruit are in the best interests of all concerned. It might be thought that in the Old Country there is not the same care exercised. We are apt to look upon England as being somewhat decadent. In our youthful conceit, perhaps, we are apt to imagine that the Old Land is not progressing. However, one needs but to go to one of the agricultural shows held in England, where for instance poultry is exhibited, to get an eye-opener. The birds are graded, and it can be said in all truth that those set out in case lots are as like as peas. As regards the classification of poultry, it is interesting to note that at Home there are various grades—asparagus chickens, spring blackberry chickens, country chickens, roasters and boilers. Thus classes and sub-classes are found in this particular line. Weights and weight grades have been adopted for standardisation, and this means the adoption of definite grades. Clearly, England has realised that she can provide much of her own foodstuffs, and thus prevent so large an amount of money leaving for purchases of food on the Continent. I think members will agree that distribution is cheapened when products are graded, that standardisation and the grading system widen markets, improve prices, and promote consumption. Where standardisation exists, there is a common language between buyers and sellers. Grading is facilitated, and a comparison of

market prices becomes possible. Further, the precise character of the goods is of the utmost value; and the goodwill which comes from definite knowledge with respect to the particular grade is created. While the importance of grading can hardly be overstated, there is something the Government might do towards assisting Western Australian fruitgrowers to compete with fruitgrowers elsewhere. Take, for instance, the position regarding the transport of fruit on our railways. I believe that position to-day is much the same as it was a quarter of a century ago. Apples are brought from the great apple-producing districts of Karragullen, Bridgetown and Mt. Barker in trucks covered with tarpaulins, the temperature being fairly high. The result is that the fruit arrives at Fremantle over-heated, and there is no pre-cooling store on the wharf. After being packed on board the ship, these apples require several days for their temperature to be reduced to a reasonable degree. Therefore I say the Government should do their part to assist growers by providing not only louvred, but properly refrigerated trucks. Going to other countries, one finds that primary producers there are given the consideration they need. In California, Florida and Canada one finds that the transport trucks, as they are called, are refrigerated. So far from the fruit requiring special treatment upon arrival at the water front, it is all ready to be put into the hold. It does not suffer as fruit in this country does. Therefore, following the Premier's remarks of last night, that fruit is becoming an important export commodity and that last year's fruit export furnished a record for the State, I contend that the Government should do what is necessary in regard to co-operating with those who are endeavouring to meet the world's competition. That competition is very difficult to meet. We have excellent apple-growing country, but the Government are not quite equal to the country, if I may be permitted to say so.

The Minister for Railways: You should not be permitted.

Mr. SAMPSON: I will not say it if the Minister will promise that refrigerated cars for the proper conveyance of fruit will be constructed, and that the first instalment of these trucks will be available in time for next season's apple crop. The Minister is not answering. I consider that it is his duty to answer.

Mr. SPEAKER: The hon. member has no right to question other hon. members whilst he is speaking.

Mr. SAMPSON: Very well, I will not question the Minister; but I may express to you, Sir, my regret that the Minister has not replied, because it is of importance that we should have these properly constructed and refrigerated cars. You, Mr. Speaker, I am sure will readily agree, in fact every member of the House will agree, that the growers should have the advantage of properly constructed cars. The growers themselves are anxious to do their part, and merely ask that the Government in their turn shall do their part. Our apples have a good name in the Old Country. They will have a better name if after being packed they are not conveyed in a warm atmosphere and placed in the ship's hold at a temperature highly detrimental to the fruit. I hope the Government will do their part. I welcome the Bill, and trust it will have a safe and a quick passage. It does not go over-far, but I think the House will agree with me that the measure is welcome. Notwithstanding that we are young, we are highly conservative in regard to taking steps to ensure the proper marketing of our fruit. I have been discussing this question for several years. The Government, through the Premier, promised in 1924 that a measure to improve fruit marketing conditions would be brought down. It was brought down, but unfortunately never became an Act. We know that everything cannot be done at the first attempt. This is a step towards enabling Western Australia to compete with other countries, and to ensure that the fruit which is on the top of the case is representative of all the fruit in the container.

**MR. THOMSON** (Katanning) [9.27]: I shall not oppose the Bill, in view of the remark of the Minister for Agriculture that the Poultry Industries Association, the Producers' Markets, and so forth, concur, with one exception, as to the desirableness of the Bill. Legislation of this kind is absolutely essential, so that we may keep the cost close down to the minimum. As pointed out by the previous speaker, we have to face very serious competition from other parts of the world. In South Africa, particularly, we have one of our keenest competitors, able to produce commodities under cheaper conditions than we can here. So it behoves us to see that in legislation of this kind we

do not place any undue burdens on the consumer. It is absolutely essential that we should be in a position to compel the untrustworthy producer to fall into line. A large proportion of Western Australian fruit is already being sold oversea.

Mr. J. H. Smith: It is all under inspection now.

Mr. THOMSON: Some of these things are not subject to inspection. I understand there was some dissatisfaction regarding the transport of the fruit from 1923 to 1926. I understand that certain cases that were marked with certain brands of fruit, when opened up in the Eastern States were found to be much smaller than the mark on the cases indicated. I support the Bill because I regard it as a step in the right direction. In view of the fact mentioned by the Minister that various organisations interested met in conference to consider the Bill and approved of it, I think we can with confidence agree to the second reading of the measure.

**MR. J. H. SMITH** (Nelson) [9.31]: Despite the case made out for the Bill by the Minister and the conference that considered it, I oppose the second reading. I cannot see that any good purpose will be served by such legislation. It is far-reaching and will merely serve to create another huge spending department with a large number of unnecessary employees.

The Minister for Agriculture: That is not so.

Mr. J. H. SMITH: I think it will have that effect. The Bill provides for the sale of products. It was interesting to listen to the member for Swan (Mr. Sampson) who made a tour of the world. Legislation dealing with the marketing of fruit is a dream of his. A few years ago he endeavoured to give effect to it in a Bill and tried to influence the fruitgrowers in favour of it. Thank goodness he was unsuccessful on that occasion!

Mr. Sampson: Success was merely deferred.

Mr. J. H. SMITH: The rejection of his proposal was in the interests of the industry. During his visit to California the member for Swan inquired regarding the marketing of products and ascertained that exports were subject to rigid inspection. All the export fruit sent from Australia is subject to a rigid inspection carried out by Commonwealth officers. Each case of fruit has to be branded with the name of the grower and the standard of the fruit, which has to be named. The cases have to indicate whether the size of the fruit is 2¾-inch, 2½-inch, or 2¼-inch.

Mr. Sampson: And they can send anything they like to the Eastern States!

Mr. J. H. SMITH: When 2-inch fruit is sent away, it can be exported only at the grower's risk and not through the ordinary export agents. I do not see how the Bill will be of any use in connection with the fruitgrowing industry. It will deal also with all agricultural products, and that will mean that everything grown on the farm will be subject to its provisions. If poultry, turkeys, sheep or lambs are produced and are sent to the market, there are keen buyers who will merely pay what they consider the product is worth, whether graded or not. Those men are more keen business men than we can pretend to be. They make their livelihood from their business and if poultry is marketed, we can depend upon it that they will not pay more than it is worth. I do not think that the growers are really interested in this question. It is quite possible that a few of the associations mentioned by the Minister wanted something to talk about. You, Mr. Speaker, have probably attended Progress Association meetings. You know that when they find there is nothing much to discuss, they generally take up some subject and send it along to the member for the district for attention. On this occasion I suppose the people who have been mentioned by the Minister had not much to discuss, so they thought they would put something up for consideration by Parliament.

Mr. Thomson: They held a special conference to deal with the question!

Mr. J. H. SMITH: I am glad the potato-growers and fruitgrowers are wise enough to keep out of it.

Mr. Thomson: That is not correct.

Mr. J. H. SMITH: The fruitgrowers do not ask for this legislation.

Mr. Thomson: The Minister told us that they have.

Mr. J. H. SMITH: Have the fruitgrowers asked for it?

The Minister for Agriculture: Yes.

Mr. J. H. SMITH: Perhaps I have been misled and I will accept the Minister's

assurance. I know that the potato growers are opposed to it because they claim that their products are already under inspection. The Minister for Agriculture has power to deal with seed potatoes.

The Minister for Agriculture: I did not mislead you; I said that the potato growers were not keen about the Bill.

Mr. J. H. SMITH: No good purpose will be served by the measure. If we attempt to regulate this business, it will be against the interests of the growers.

The Minister for Agriculture: But you know that the best growers, under present-day conditions, do what is suggested.

Mr. J. H. SMITH: I know that, and also that people go to the markets and give 1s. or 2s. more for fruit grown by certain growers. Another danger that I see is that the growers will be held responsible. The name of the grower must appear on the case. Fruit is bought at the markets, and then is taken elsewhere and displayed in shop windows. The fruit may be labelled with the grower's name, but an unscrupulous retailer may not act properly regarding the fruit and the grower will be held responsible. I hope that during the Committee stage we will have an opportunity to amend the Bill so as to protect the interests of the growers. I do not think it is fair in its application as it stands. The Minister knows that the practice I have hinted at is resorted to to-day, and will recognise the necessity for making provision accordingly. I oppose the second reading of the Bill.

**MR. SLEEMAN** (Fremantle) [9.37]: A Bill of this description is long overdue, but during the course of the debate too much attention has been devoted to the wholesaler's point of view to the exclusion of that of the retailer and the consumer. I would like the Minister to explain how the Bill will affect the retailers in the shops throughout the metropolitan area. We know that "place" will include a shop and "packages" will include a bag or a container. I do not think sufficient power is provided for inspectors to protect the interests of consumers who purchase fruit in retail shops. One hon. member suggested that the Bill was not in the interests of the grower, but, if drafted properly, I think it will be in the interests of all concerned, the grower, the consumer, and the packer. To-day, if a person enters a shop and asks for a dozen oranges or a couple of pounds of apples, beautiful specimens of which he has noticed in the window, he later finds to his disgust that the fruit he has obtained is not by any means true to the samples shown in the windows. Power should be given to inspectors so that on meeting purchasers emerging from a shop, they can stop them, ascertain what class of fruit has been supplied to them and determine whether it is a fair average sample of the fruit displayed in the shop window. I hope the Minister will tell us how the Bill will affect consumers who purchase fruit in the retail shops.

Question put and passed.

Bill read a second time.

*House adjourned at 9.40 p.m.*

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# Legislative Assembly,

*Thursday, 19th September, 1929.*

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

## QUESTION—RAILWAYS, SLEEPER CONTRACTS.

Mr. J. H. SMITH asked the Minister for Railways: 1, Does he know that contracts for wandoo sleepers have been let through the Comptroller of Stores, Midland Junction, a long way below union rates to the following persons:—P. Amidi, Clackline; Piesse & De Bondi, Toodyay; Jones, of Chidlow (carting, Wooroloo); J. Marcellia,