

Legislative Assembly,

Wednesday, 30th August, 1922.

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

QUESTION—WAR AND UNEMPLOYMENT DISTRESS FUND.

Hon. P. COLLIER (for Mr. Mun- sie) asked the Minister for Mines: 1, What was the original source from which the money was obtained for the War and Unemployment Distress Fund? 2, Are any donations now being made, or have any been made during the past few months? 3, If so, what are the amounts? 4, (a) What is the amount standing to the credit of the fund at present? (b) Who is, at present, controlling the fund?

The MINISTER FOR MINES replied: 1, The Fund is in no way under Governmental control, but the following information is supplied by the Trustees of the Fund:—Public donations. 2, (a) No; (b) not since 1916. 3, Answered by No. 2. 4, (a) Approximately, £700; (b) His Worship the Mayor of Perth (Chairman), Mr. J. P. Walton (Hon. Treasurer), Messrs. E. S. Lazarus, T. C. Chandler, and Rabbi Freedman, and Mr. I. Crawcour, Hon. Secretary, are the Trustees of the Fund.

QUESTION—PERTH MUNICIPAL MARKETS.

Mr. MULLANY (for Mr. Mann) asked the Premier: 1, Did a deputation from the Perth City Council wait on him on the 2nd February, 1921, on the subject of municipal markets? 2, After the deputation had expressed the views of the council, did he state that he would depute two of his officers to interview the council's representatives, and if their report was favourable that he would give the council the powers they sought? 3, Did he depute Messrs. Hardwick and Golding to interview the representatives of the council? 4, Did these officers report favourably on the council's proposals? 5, Did a further deputation wait on him on the 5th August, 1921? 6, Did he inform that deputation that "the report had been received from the Government representatives and he was prepared to grant the council the power they desired, pro-

vided they were prepared to adequately cater for the market requirements. The next step was to prepare a Bill, and he would arrange for the Town Clerk to interview the Solicitor General on the matter? 7, Has the Bill been prepared accordingly and handed to him? 8, Does he propose to at once introduce such Bill as a Government measure?

The PREMIER replied: 1, Yes, on 7th February. 2, Yes. 3, Yes. 4, Yes, with certain reservations. 5, Yes. 6, Yes. 7, Yes, a draft Bill has been forwarded by the City Council and received by the Solicitor General. 8, No, the City Council have been told that their Bill must be introduced as a private member's Bill.

QUESTION—RAILWAY, NARROGIN-DWARDA.

Mr. JOHNSTON asked the Premier: 1, Has all work stopped on the Narrogin-Dwarda railway? 2, What is the reason for this action? 3, Did the Acting Premier announce publicly early in July last, during the Premier's absence from the State, that Cabinet had decided to proceed with the construction of this line? 4, On what date was the construction started? 5, How much has been spent to date on (a) the survey of the line, (b) construction work? 6, Did he on the 11th August last promise an influential deputation that the work would be pushed on?

The PREMIER replied: 1, Yes. 2, To enable further inquiries to be made as to the route to be followed between Narrogin and Dwarda. 3, The Acting Premier, in announcing that clearing and other work would be commenced within the next week or so on the Nyabing-Pingrup line, stated that the matter of putting in hand similar work on the Narrogin-Dwarda line was under consideration. 4, 14th July, 1922. 5, (a) 2,175; (b) £850. 6, What I said was, "that the work would be pushed on, but I could not tell them anything definite regarding it."

QUESTION—WORKERS' HOMES.

Mr. ANGELO asked the Premier: 1, Has he read a statement made by the Acting Premier, which appeared in the "West Australian" of 4th July, wherein Mr. Colebatch expressed the opinion that if the financial assistance allowed by the Workers' Homes Act were increased for homes in country towns, the drift to the city might be considerably abated? 2, Will he consider the advisability of introducing legislation this session to give effect to the above suggestion, which, if adopted will enable workers in country towns including those in the North-West, to obtain the benefits of the scheme hitherto denied them?

The PREMIER replied: 1, Yes. 2, The amount provided under the Act—£550—is

as much as the funds at the disposal of the Board will permit if the Act is to be available to a large number of persons. Apart from this reason workers cannot conveniently meet interest and other charges on a larger sum. The Board is now erecting workers' homes in country centres for about £250.

LEAVE OF ABSENCE.

On motion by Mr. Munsie, leave of absence for two weeks granted to the member for Murchison (Mr. Marshall) on the grounds of urgent private business.

BILL—BROOME HILL RACECOURSE.

Read a third time and transmitted to the Council.

BILL—DAIRY INDUSTRY.

Second Reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [4.39] in moving the second reading said: This subject is one which exercised the minds of Ministers for Agriculture when they met at the recent conference in this State. Consideration was given to it mainly owing to the apparent intention on the part of the Commonwealth Government to interfere with our own domestic concerns, and particularly in the dairying industry of the various States. In view of these circumstances, this Bill is introduced to anticipate any move that might be made by the Commonwealth Government in this direction should we neglect to do so. The dairy industry in Western Australia is in its infancy. Under the immigration proposals and the group settlement policy in the South-West, the industry should make rapid advancement in the future, so that not only should it supply our own needs but enable us to engage in the export trade. It is necessary to control the industry and maintain it from the cow to the butter factory. The "Statistical Abstract" to the 30th June last shows that we imported butter of Australian origin to the extent of 5,812,201lbs., valued at £444,384. We also imported butter substitutes, margarine, from the Eastern States to the value of £16,338. According to the figures of the Government Statistician to the 31st December last, we produced within the State 2,658,000lbs. of butter and approximately 1,000,000lbs. of margarine, valued at £67,306. This production of margarine constitutes a grave menace to the butter industry. The substitute is a food, and so long as it is properly described nothing can be said against its production and use. We know, however, that margarine

is often coloured and to a certain extent mixed with local butter, and it is used, particularly in the metropolitan area, to take the place of butter. In this Bill we propose to control the margarine industry, and to fall into line with what has been done in the other States. All the States, with the exception of South Australia and this State, have taken steps to prevent the colouring of margarine, and at the recent agricultural conference these two States agreed to make the same provision as the other States with respect to that article. Dairy Industry Acts on similar lines to the Bill now being introduced are in existence in the Eastern States of Australia; and, briefly, the objects are: (1) The control of the dairying industry from the cow to the factory; (2) The grading of milk and dairy products; (3) Registration of all dairy produce and factories, and inspection and instruction conjointly; (4) Issue of certificates or permits to persons competent to grade cream and test milk and cream (only persons with such permits may grade or test); (5) To compel returns of manufactures to be supplied to the Department of Agriculture; (6) Provision for distribution of over-run on a pro rata basis. The Bill might be termed a dairy farmers' protection Act, because it provides for instruction and inspection of both dairy farmers and butter factories by qualified officers of the Department of Agriculture, trained in dairying, who will continue the instruction from the source of supply, through the manufacturing stages, to distribution and selling. When the manufacturing stage is reached, an inspector will instruct in the various faults of manufacture, will check-grade the cream and milk arriving, and, after locating the source of inferior milk and cream, visit the supplier with a view to remedying the faults. The measure will also very materially assist the dairy farmer by providing that the whole of the butter made by the factories shall be paid for. This is assured by making the factories distribute the over-run to farmers, thus preventing the factories from using the over-run—which may be made to vary from 10 to 30 per cent.—to hide faulty management. The Bill is also designed to prevent the pernicious practice of paying top grade price for inferior cream. I say this practice is pernicious because it allows the supplier of the inferior article to remain satisfied with the return he is getting, and thus there is no inducement for him to endeavour to improve the quality of his cream. This tends to retard the progress of the industry. The same provision of the Bill will further benefit the farmer by ensuring that the unscrupulous dealer shall not read the tests down, thus increasing the over-run. It will also prevent factories from paying inflated prices in competition with one another, by making use of the over-run. For the information of hon. members I may mention that the over-run is the difference

between the test result and the churn result of a given quantity of cream. For instance, 200lbs. of cream testing 50 per cent. means 100lbs. of fat, and 100lbs. of fat will make approximately 117½lbs. of commercial butter. Thus the over-run on 100lbs. of butter fat is, approximately, 17½ per cent. This over-run is made up of water, salt, preservative, etc., added to the butter fat during the process of manufacture. When the butter has been graded, advice notices are sent to factories informing them of the condition of the butter, and, if it is inferior, of the cause and the remedy. These notices are followed up, when necessary, by visits with a view to overcoming the trouble and improving the quality. Grading ensures top prices for the good article, and also ensures the prevention of the sale of inferior butter purporting to be such-and-such a brand, because all butter put up in boxes or packages must be graded and must bear the name of the manufacturer. This will prevent the sale of inferior hand-made farm butter in shops as best local butter, best Western Australian butter, or best Western Australian factory butter—a practice which prevails at the present time, and which damages the future sale and reputation of good quality Western Australian factory butter. The Bill aims at regulating and improving the transit and storage of milk, cream, butter, and all dairy products, and also regulates the manufacture of margarine, which is the greatest menace to butter. I say this, because margarine has frequently been placed before the public as butter. To prevent the public from mistaking margarine for butter, it is proposed to prohibit the use of colouring matter. I would point out that Victoria, Tasmania, New South Wales, and Queensland already have legislation on similar lines to the clauses which I have referred to regarding margarine; and at the conference of Ministers of Agriculture held in this State recently, Mr. Pascoe, the South Australian Minister for Agriculture, together with myself, undertook to introduce legislation which would bring South Australia and this State into line with the other States. The Commonwealth dairy expert has also pointed out how margarine may, if allowed to be sent away from any one State coloured, endanger the butter industry of Australia. I have nothing to say against margarine as a food so long as it is properly described to the public. The Bill is one which will go a long way towards putting our dairying industry on proper lines, by enabling the Department of Agriculture to exercise proper control and supervision over the industry. Therefore, I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. M. F. Troy, debate adjourned.

BILL—DAIRY CATTLE IMPROVEMENT.

Second reading.

The MINISTER FOR AGRICULTURE (Hon. H. K. Maley—Greenough) [4.56] in moving the second reading said: The provisions of this measure have for their object the improvement of the dairy herds of this State. It runs through my mind that, practically everything else being registered to-day, architects, nurses, stallions, *et hoc genus omne*, as they say in the Classics, bulls can hardly hope to escape registration. The economic importance of improving the productive capacity of the animals in our dairy herds is well brought out by some trials conducted in America, by which it was shown that better results were obtained with good cows and poor crops than with poor cows and good crops. The average production of 110lbs. of butter fat per cow per annum in this State is entirely unsatisfactory to those interested in the welfare of the dairying industry. For a very long time it has been recognised that the value derived from heredity, by keeping in use bulls of a high-production strain, is very great, the production necessarily being transmitted to the progeny. In time the effect in increasing the flow of milk is very marked. The classic instance is that of a dairy farmer in America who had 12 cows which during a period of 12 months produced a revenue equal to £150. The production value having become so low the owner at this stage procured the service of a bull of high-production strain, with the result that five years later, prices remaining approximately the same for butter fat, the product of 12 animals altogether, namely five cows and seven heifers, all being descendants of the original cows, was worth for a single year £320. It has been truly said that the bull is half the herd. In the instance I have referred to he proved to be more than half the herd.

Mr. Munsie: Do you think that the difference in feeding may have had something to do with the increase?

The MINISTER FOR AGRICULTURE: Feeding was exactly the same at that time. To appreciate the immense economic and practical advantage to be derived from the discovery that high yielding capacity of both milk and butter fat can be transmitted through the bull to his progeny, it is necessary to realise that in a herd of 50 or even more cows their need only be one bull. The readiest and obvious point of attack, therefore, to improve our dairy herds is to take such steps as are outlined in the Bill to discourage the use of bulls from low production cows, and to eventually render it difficult, is not impossible, for dairymen to use bulls other than those from high production dams. We have made great strides in the improvement of the species of our animal, and one can see the obvious effect of the use of the knife in regard to the strain of our horses, particularly in regard to our thoroughbred horses, and breeders to-day naturally

stick to the stallions of recognised high racing strain in order to produce maximum results from a racing point of view. As will be seen from the different clauses of the Bill, the desire is to be reasonable and to adopt our progressive methods to the time, and to suit the circumstances obtaining in our State. The provisions of the Bill do not at present compel owners to destroy bulls, even of inferior or mongrel type, nor in the immediate future to insist upon the use of animals of any special standard or type. For the next two years it simply requires that all bulls shall be registered on payment of a small fee, nor is it intended that the provisions of the Bill shall apply to all districts, but only to those districts in which dairying is actively carried on, or in other districts if leading public bodies desire it.

Mr. Harrison: How far do the dairying districts extend?

The MINISTER FOR AGRICULTURE: Practically throughout the South-West division.

Hon. W. C. Angwin: There is a butter factory at Narrogin, and another one as far north as Geraldton.

The MINISTER FOR AGRICULTURE: We have a wider range and a wider scope in Western Australia than in any other State. Our factories to-day are separated by distances as great as 800 miles. The object of requiring that owners of bulls shall register them, is to enable the special dairy officers of the department to know what bulls are being used, and to more readily get in touch with the owners of bulls of an undesirable standard, so that the advantages of using better bulls may be brought before them. At the end of the second year it is anticipated that the time will be ripe for the introduction of such regulations as will prevent the use of mongrel bulls and to insure the use only of bulls which are the progeny of high production or "good butter" cows. Only the other day while I was at Coolup I saw that many settlers had inferior cows, and I asked what the reason was. They all said the same thing, that it was because they had originally purchased and used cheap bulls. There was a distinct degeneration in the progeny. We have no desire to make a Bill of this kind a revenue producing measure, but it is believed to be desirable to make a small charge for registration. It is anticipated that the fee, small as it is, will act as a deterrent to the owners of young male cattle of little value from a dairy production point of view, and in consequence such animals will either be destroyed or de-sexed, and thus prevented from becoming a menace to our expanding and valuable dairying industry. That improved milk and fat yields of dairy herds is influenced by the use of suitable bulls is conclusively proved by the Danish results obtained in connection with some 15,000 herds including 250,000 cows. Such a number is obviously not confined to the herds of eminent breeders, but includes the herds of many farmers, large and small. The results, which were very credit-

able, from 18 herds, including all breeds, showed that during a period of 14 years the production of butter had been increased by more than 50 per cent., while the yield of milk had been increased about 26 per cent., and this despite the fact that a fairly high standard had already been attained prior to the commencement of the record now being referred to. Not to take advantage of this knowledge would be to neglect an obvious duty, and the Government would be lacking in their duty towards what will be one of the most important industries of the State in the future. We have a lot of ground to pick up before we can meet even our own demand, and practically speaking, the establishment of the dairying industry lies in front of us. Now, therefore, is the time for the Government to assume proper control. I move—

That the Bill be now read a second time.

On motion by Mr. Pickering debate adjourned.

BILL—LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Mr. UNDERWOOD (Pilbara) [5.8]: I would have preferred to have had some time to read this Bill before speaking on the second reading.

Hon. P. Collier: You have had time to read the marginal notes.

Mr. UNDERWOOD: Yes, I could have read the marginal notes. If the Bill had been a straightforward one, I could have read it in the time at my disposal, but when we see a clause in it such as Clause 10, hon. members may imagine the difficulty associated with studying a Bill of such a nature. Clause 10 reads—

Section 5 of the Licensing Act Amendment Act, 1917—
not the principal Act—

is amended by omitting the words "and the newspapers," and inserting the word "and" before the word "tobacco."

When one starts to read a Bill of this description some time is required. I will undertake to say that there is scarcely a member in this House who could read the Bill between the time we ceased to sit last night and this afternoon. Now I am called upon to speak on the second reading before it has been possible for me to go properly through the measure.

The Minister for Agriculture: You need not speak.

Mr. UNDERWOOD: The Minister for Agriculture suggested that I am not called upon to speak, that I could allow the Bill to pass its second reading. I wish to say that we have had sufficient Ministerial administration, and it is time that Parliament had a look at what was being done. I just enter this protest because it seems to me that this is possibly the most important Bill we shall have before us this session. To-day is only

the second day of actual business since the session started, and we are asked to express an opinion on a measure of such importance as this when we saw it only last night for the first time. The Premier told us that we require reform, and he also said that we need revenue from this source. It would be well in my opinion if he separated reform from taxation. However, I will deal with reform and taxation. When we come to reform of this description I am compelled from my knowledge to come to the conclusion that there is an ineradicable tendency in the human character to tyrannise over our fellow man. This has always been done and the same desire is with us to-day. If there is something you do not wish to do yourself, you tyrannise over somebody else, and compel him not to do it. It is nearly always done in a good cause, that is to say, that those who desire to tyrannise over their neighbours do so because it is for the benefit of their neighbours. Let us take our own Christian religion, possibly the grandest that has ever come to the imagination of man. If you condense that religion right down as far as it is possible to condense it, you will arrive at this conclusion, that the very essence of the Christian religion is to love thy neighbour as thyself. Yet we know that in past ages, not because there was a different religion, but merely because there was a slight difference in the form of worship, they burnt their neighbour for their neighbour's good. That spirit lives right down to the present age.

Hon. P. Collier: The fire is not out yet.

Mr. UNDERWOOD: No. If it is out, it might be like Collie coal—liable to spontaneous combustion at any time. I do not speak with disrespect of all teetotallers. There are different classes of teetotallers. Some of the finest men in the world are teetotallers; some are not. We have to be on the look-out for this spirit of tyranny. It is a trait in human character which should not be permitted to develop. If possible it should be diminished. "Pussyfoot" Johnson has been amongst us. I asked for a definition of the term "pussyfoot" and I was informed by the member for Leederville (Mr. Carter) that it was the American equivalent for our term "sticky-beak." Therefore, in referring to Mr. Johnson, I shall use our word "stickybeak," which implies those people who try to stick their beaks into other people's business. "Stickybeak" Johnson is not a tyrant; he is only trying to earn a living and he finds this way more congenial than getting work. We have heard something regarding compulsion. The member for Hannans (Mr. Munsie) and others want compulsory voting. We should resort to compulsion only to prevent people from doing those things which interfere with or are dangerous to their fellow citizens. We should adopt compulsion only when the safety of the community or a portion of the community necessitates it. Outside of that, compulsion should not be resorted to. If a man is doing something which is not dangerous to his fellow citizens, we should not employ compulsion. If a man or a woman does not care

to vote, let him or her stay at home. Why should we compel such a person to vote? It all comes back to that spirit of tyranny which is inherent in all of us.

Mr. Davies: It follows compulsory registration.

Mr. UNDERWOOD: Yes. I think we can learn something from Sastri. One day we were asking him about the control of his subjects in regard to their religion. He said, "We do not interfere with our people regarding their religion. So long as they obey the law and pay their taxes, we are satisfied." I think Western Australia can adopt the Tongan doctrine that if its citizens obey the laws and pay their taxes, that is sufficient for the Government. We have heard many statements regarding alcohol. We have heard that it braces a man up and knocks him down. The member for Kanowna (Hon. T. Walker) assured us last night that alcohol would poison us. I believe the member for Kanowna lives out Mt. Lawley way. If he can stand the water supplied to that district last summer, a drop of whisky would not hurt him.

Hon. T. Walker: I do not indulge in the local supply; I have a windmill.

Mr. UNDERWOOD: I take it the hon. member patronises Walker's special.

Hon. T. Walker: I avoid all poisons in I can.

Mr. UNDERWOOD: We have heard a great deal of the crimes committed through drunkenness or excess of alcohol, but we have never heard the other side. We never hear anything of crimes committed by teetotallers and it has never been suggested that these teetotallers would not have committed their crimes had they taken a drop of stimulant. But it might be right all the same. Judges, who I think should be debarred from making comments—they should content themselves with announcing their decisions—seem to think that if one has been on a racecourse drinking, that is the end of him; but when it comes to a Sunday school teacher or one high in the church, it is never contended that the crime was due to the lack of a drop of stimulant. Everyone can remember men who have robbed women and children most cruelly, men like Larkin and like Crooks of the Commercial Bank in South Australia, religious teetotal Sunday school teachers whose crimes were most cruel. I know of no worse social crimes than those committed by teetotallers, Sunday school teachers and people high in the churches. I mentioned Larkin and Crooks; I might also mention Balfour. Where is the drunk who did anything so bad as Balfour? The worst that a drunk does is to injure himself.

Mrs. Cowan: If he did only that, it would not matter.

Mr. UNDERWOOD: We of the bush know of what is called dry horrors. "Stickybeak" might tell us about wet

horrors—a man by excessive drinking of alcoholic beverages becoming almost mad and seeing snakes, adders and such like things. But there are dry horrors, too. We read of Turks killing the Armenians and Christians, and massacring their fellow beings wherever they can. It is quite possible that they suffer from the dry horrors. If they had some alcohol to tune up their systems, they would not feel inclined to kill their fellow beings. I believe it is quite true that if the Turks and Armenians and others who massacre each other had a friendly good-fellowship drunk, they would live in amity as we in Australia live with one another. The Turk goes out and kills because of the dry horrors. One should avoid the wet horrors—I have not tried them—and there are dry horrors which equally should be avoided. The Premier in introducing the Bill told us that the Federal Government were collecting about £600,000 a year from this State in respect of taxation on liquor, and that it was up to the State to collect something.

The Premier: No.

Mr. UNDERWOOD: I understand it in that way. If this principle was applied all round, it would be right to argue that, because the Federal Government are collecting a considerable sum by a land tax and we are collecting very little, we should increase our land tax.

Mr. Lutey: The Government will not come at that.

Mr. UNDERWOOD: No, but it is the logical sequence. We have heard a great deal about Federal taxation. The mere fact of the Federal Government taxing alcohol is no reason why the State should do the same. Out of the taxes collected by the Federal Government they are paying in the first place our war debts, in the second place the pensions of our crippled soldiers and soldiers' dependants, in the third place old age and invalid pensions and in the fourth place—of which I do not think so much—they are paying the maternity bonuses. We have heard a deal as to what the Federal Government have taken from us.

Hon. W. C. Angwin: And they have a surplus after all those things are paid.

Mr. UNDERWOOD: We hear of what the Federal Government have filched from us, and we are advised to secede from Federation. Before we secede, a lot of people in this State will want to be assured that these pensions, which the Federal Government are now paying, are secured and that the State will pay them. Even though we are paying taxation to the Federal Government, we are at least getting some return by way of the pensions I have mentioned. As to the question of closing hotels, it is admitted that this will cost some money. We are in this extraordinary position: those who want the hotels closed say to us who do not want them closed that we have to pay for the closing of them. If the member for Kanowna and the mem-

ber for West Perth want the hotels closed, why compel us, who do not want them closed, to pay for it? I cannot imagine anyone suggesting this save a mean, grasping wower. If we want something done, we put in our money to get it done. These people, I presume, are rolling in wealth. They point out to us the millions we have lost and the millions we have wasted through alcohol. They tell me what I have wasted, but I am still here. Seeing they have not been guilty of this waste, they must be rolling in wealth in addition to having escaped poisoning. They should be both healthy and wealthy. Yet they say—“We want these hotels closed and you have to pay for their closing.” It is not logical. It will take the member for Kanowna (Hon. T. Walker) all his time to get over that point.

Hon. P. Collier: You are not generous.

Hon. W. C. Angwin: He is not advocating that.

Mr. UNDERWOOD: The Bill says that.

Hon. T. Walker: Why are you down on me? I once shouted for you.

Mr. UNDERWOOD: Perhaps so. If these people, however, want to have the hotels closed, let them put in their own money. Do not let us pass a law to put it on to me, who do not want to see the hotels closed.

Mrs. Cowan interjected.

Mr. UNDERWOOD: I will deal with those aspects later on. I contend it is being put on to me as I have suggested.

Hon. W. C. Angwin: Don't be frightened; no hotels will be closed up.

Mr. UNDERWOOD: When a tax is put on to the trade, who has to pay it? It is not the hotelkeeper; it is the consumer who has to pay.

Mr. Davies: Every time.

Mr. UNDERWOOD: The consumers must pay it. We now come to another proposition, which relates to the establishment of magistrates and courts. Here we find we are concerned with taxation to the extent of £100,000 or so. There is provision for spending £2,000 or £3,000 in the appointment of new magistrates. They are to appoint three magistrates. Let us follow that out. These magistrates will require an office; they will require a secretary; they will require a typist.

Mr. Willcock: Dozens!

Mr. UNDERWOOD: In addition to that, they will want an office boy, and, generally speaking, all the paraphernalia of a sub-department. Is there any complaint concerning the way the work is done now?

Hon. W. C. Angwin: They will be wanting an aeroplane.

Mr. UNDERWOOD: They may want that too. At any rate, they will want their travelling expenses. The Bill provides they may delegate their authority to someone else. During winter time no doubt, these magistrates will find it necessary to take a trip to Wyndham. That is the best time for a sea trip North. The magistrates, of course, will

not go for the sea trip but to look after the interests of the people in the North, and to see that the Act is being administered properly there! Hon. members will find that when the magistrates come to administer the Act, we can be sure that these magistrates will deem it necessary to go North to look into something or other.

Hon. P. Collier: There will be no check upon them because there will be no Minister to control them.

Mr. UNDERWOOD: We heard the member for Bunbury (Mr. Money) talk about co-ordination. We have co-ordination in this question. When we come to think of it, as I pointed out on the Address-in-reply, we have taxation on one hand and, on the other hand we have waste. We are to get £100,000 out of this. That would not be a bite for the Minister for Education; he would "do that in" in no time. Thus we have co-ordination here—taxation and waste! They talk about co-operation and co-ordination! I do not know whether this is the co-ordination the hon. member was looking for. That is what we are getting under the Bill. We come to something more practical now, and that refers to country hotels. I say in all seriousness and with every desire to impress it upon hon. members, that in Western Australia we have incomparably the finest country hotels to be found in any part of Australia.

Hon. P. Collier: Some of them are better than those in the city.

The Premier: They are the cheapest hotels in the world.

Mr. UNDERWOOD: On the other hand, what do we find when we come to some of the sidings along the country railways? We find it most markedly in the wheat belt. There is no hotel. On the other hand, there is a bit of a shanty and even I, who am not particular, do not feel too comfortable when in one. The shanty is a boarding house! Put an hotel there and we will have first class accommodation. Who has the right to close such an hotel? Is there any hon. member in this Chamber who says he has the right to take that first class accommodation away from people who are opening up the back country of Western Australia? I ask those who are talking about taxation and prohibition, and who talk about doing things for their neighbour's good: "Are you sure you are doing a good thing in closing these hotels? Are you sure you are doing a good thing in taxing these hotels, or by taxation, increasing the burden on these hotels? Are you sure you are entitled to do that?" I am sure hon. members and those persons to whom I refer, are not entitled to do any such thing. There is another point that affects the hotels very much. I refer to bona-fide travellers. We are told that the bona-fide traveller section is to be abolished because it has been abused. If we are to go on those lines, we should say that men should not have pockets in their clothes because there are pickpockets. I do not agree with that contention or that line of thought. I do not agree that because there

has been some abuse, we must cut out the clause. There must be a line drawn somewhere. Are there no bona-fide travellers? If so, are they not worth looking after? I think there are bona-fide travellers; and they should be considered. We have been told that there is more rejoicing "over one sinner that repenteth" than over the ninety and nine who need no repentance. In this case, we should rather consider the one bona-fide traveller, who is being inconvenienced, than the ninety and nine imposters who are imposing on the community, these ninety and nine disreputable citizens who commit breaches of the Act.

Mr. Willecock: You do not suggest that is the proportion?

Mr. UNDERWOOD: It is not nearly that proportion; in fact, I believe there are more bona-fide travellers than there are imposters. If we hark back to what we were taught, and realise that there is only one who is affected, that one should be looked after. We are told that this is to be done, owing to the abuse of the section. Let us find where the abuse is. Where is it that anyone is injured by these lawbreakers, these wretched villains, these blood-stained fellows who get drunk? I will freely admit that this is a most awful crime! As soon as one endeavours to find out where these crimes are committed, one learns that it is at Claremont or Fremantle or Midland Junction. There is no complaint from anywhere else. The member for Perth (Mr. Mann) tells us to go round Perth at 10 o'clock at night. That hon. member can only see Perth.

Mr. J. H. Smith: He used to go about town at 3 a.m. at one time.

Mr. Richardson: He was not out at 10 o'clock.

Mr. UNDERWOOD: If the House is satisfied that there has been sufficient abuse of that section in the metropolitan area, then let prohibition apply to that metropolitan area. Again I say, do not penalise the people in the country for abuses that have occurred in the electorate represented by the member for Perth. It seems to me absurd to talk of remedying the abuses which have occurred in an infinitesimal part of the State by applying the penalty over the whole State. As to local option, I do not know that I have ever agreed—as a matter of fact, I have never agreed—that my neighbour has any right to tyrannise over me, locally or at large. The proposition in the Bill is that we shall wipe out local option and take a poll throughout the whole State on the straight-out question of prohibition. I think that is preferable, but at the same time I declare it to be my opinion that no body of people have the right to take away from these country hotels which have been serving such a good purpose where men are engaged in opening up the State.

Mr. Mann: They will not be taken away if they are serving a good purpose.

Mr. UNDERWOOD: It is preferable that we should take a vote every few years, and the provision for a three-fifths majority on a 30 per cent. vote certainly gives the proposal some more reasonable basis. In saying that,

however, I again reiterate that my neighbour has no right to interfere with me. At the same time, if there be a three-fifths majority in Western Australia, with a solid vote, then the minority can bow to that decision. We should have a solid majority, for such a decision should not be based on a mere whim or circumstance. Reverting to the question of the right of men or women to think for themselves, I claim that we should at least be allowed the choice of our own destinies. I have heard the member for Kanowna talking about the fine prepossessing young woman in the fulness of her youth and physical attractions, carrying a salver with blood red wine and light blue lemonade and effervescing soda water. For my part, I claim regarding these things that a man should have his choice.

Hon. P. Collier: Yes, woman, wine or lemonade.

Mr. UNDERWOOD: Or soda water.

Mrs. Cowan: I would rather see the woman drink the soda water.

Mr. UNDERWOOD: I contend the hon. member has no right to say I should not have the choice as to what I would drink, so long as I do not interfere with my fellow man. When a man interferes with his fellow man, we have the right to use compulsion. Until then, there is no such right. I must be master of my own life. I have come to my conclusion. We have heard a great deal about "the man who might have been." Poets have written concerning that theme all down the ages. Henry Lawson, in one of his poems, says—

What's the use of keeping sober,
Fellers rise and fellers fall;
What might have been and wasn't,
Didn't trouble him at all.

But Lawson scarcely believed that, and he finished up saying that he had been travelling round those wretched stations where white men carry swags, and that—

When the tucker-bag is empty and the track
Is growing dim;
"What might have been and wasn't"
Comes along and troubles him.

I have thought this out, and I have thought of the man I might have been had I been born of generations of teetotallers. I might have been a Turk. I might have been following the pleasing occupation of massacring my neighbours. I might have had a harem. I might have been like "Sticky-beak" Johnson—a lecturer. I might have been even as great as the member for Kanowna. Thinking of all those things I might have been, I am impelled to the conclusion that I have not missed much.

On motion by Mr. J. H. Smith, debate adjourned.

BILL—AGRICULTURAL SEEDS.

Second Reading.

Debate resumed from the previous day.

Hon. M. F. TROY (Mt. Magnet) [5.47]: Apart from the decisions of various Ministers for Agriculture, there has not been any public demand for the Bill. Of course, that is

not to say the Bill is not necessary; because it frequently occurs that farmers are compelled to buy from vendors seeds which do not germinate. In such case the greatest loss is not the loss incurred in the purchase of the seed, but the loss of the season and the preparation of the land without the reaping of any result. The ordinary person, of course, being once bitten is twice shy, and does not again purchase seed from the same vendor. Still, the vendor is not liable to any penalty, and in consequence, being an agent for the seed he imports, he puts it forward for sale again next year, and so somebody else is bitten. Even the Agricultural Department have distributed seed which did not germinate. Apparently the department were taken down by those from whom they purchased the seed. The Bill exempts the farmer who sells seed to his neighbour. It is the custom of farmers to buy and sell seed among themselves. Generally the purchaser is able to see the crop from which the seed is produced, and so knows what he is buying. It is not sold to him as first-class seed, but simply as the seed he saw growing, and so he knows what he is getting, and pays a price according to the quality of the seed. In such a case there is no hardship in exempting the farmer from the Bill. But there are in this State farmers who make a practice of growing seed and advertising it for sale as first-class seed, frequently giving a guarantee with it. In my opinion such a grower and vendor of seed should be placed in the same category as a merchant, and brought under the Bill. At present the merchant is not severely handicapped. He knows what he is buying. If he buys from a local producer he buys on sample and has the option of refusing to take delivery if the parcel is not up to sample. There have been many instances of merchants refusing to take delivery of the local producer. But the farmer who buys from the merchant has no opportunity to test the seed. He does not know that it will not germinate, and so, trusting implicitly, he puts it in the ground and loses the season, waiting for the seed to come up. It is no concern of the merchant. He has his money, and that is the end of it. So, as I say, the merchant is under no handicap whatever. If the farmer growing seed for sale and advertising it as of first-class quality were brought under the Bill, it would remove my sole objection to the measure. In my opinion noxious weeds are propagated largely by the purchases of seed between farmers. Imported seeds are not responsible to any appreciable extent for the bringing in of noxious weeds. However, the chief point I take is that the farmer who is making a business of the production and sale of seed should be brought under the Bill.

The Minister for Agriculture: I will look into that.

Hon. M. F. TROY: If that can be done I will support the Bill. Still, I hope it will not be made an excuse for increasing the cost of administration. It provides for the appointment of inspectors.

The Minister for Agriculture: We have all the necessary inspectors under the Plant Diseases Act.

Hon. M. F. TROY: Since the Bill provides for registration and for the payment of fees and fines, the cost of seed will be increased; but as the producer is to get the protection of the measure, he must be prepared to pay something for it.

Mr. PICKERING (Sussex) [5.56]: Here we have an illustration of the disadvantages of changing private members' day from Wednesday to Thursday. Yesterday we had seven introductory speeches by Ministers—

Mr. SPEAKER: The hon. member cannot now discuss the action of the House.

Mr. PICKERING: Still, it is impossible for members in so short a time to have given attention to the material in those seven speeches. The Premier would be well advised to consider reverting to the old order.

Mr. Wilson: Move to that effect.

The Minister for Mines: It can only happen once in a session. What would you have?

Mr. PICKERING: I congratulate the Minister for Agriculture on the introduction of the Bill. For years have the farming community been working for it, and the Primary Producers' Association have brought it up for consideration at successive conferences. Considerable loss accrues to the farming community as the result of getting inferior seed from the merchants. I have had instances of it on my own farm. I am opposed to the bringing of the farmer under the Bill, as suggested by the member for Mt. Magnet. The seedsman purchasing his seed stipulates to pay on sample; if the bulk be not up to sample, he refuses to take delivery. Any first-class seedsman has all the apparatus for the extraction of impure seeds. He can take every precaution to reduce to a minimum the seeds untrue to name. It is not expected of the farmer who grows wheat, oats, or Indian corn and the like, that he should be in a position to understand as much about seeds as seedsmen such as Sutton, and others. It is unreasonable, if a farmer is able to supply a certain amount of seed wheat on a sample that is approved by his customer, that this should be brought under the provisions of the Bill.

Hon. W. C. Angwin: Does it apply to Government seed farms which send out a lot of seed?

Mr. PICKERING: It should apply to them, because they cater for the supply of seeds true to name.

Hon. W. C. Angwin: But they become farmers, and the Bill, you say, should not apply to them.

Mr. PICKERING: They enter into competition with the seedsmen in the supply of seeds. When a farmer applies to a State farm for seed, which is advertised as being true to name, he would naturally expect every guarantee that seed supplied from Government sources should have. If the State farms continue to supply such seeds they should be brought under the jurisdiction of the Bill.

Mr. MONEY (Bunbury) [6.2]: I wish to draw the attention of members to the position as it is to-day, without this Bill. Under the law as it stands, it is clear that if a vendor sells seeds as being pure, he is responsible in full for any damage suffered by the purchaser of such seeds. This Bill restricts that liability, and imposes in lieu of it a penalty not to exceed £20, although there may have been damage caused from the use of such seed to the extent of £100. I do not know whether it is intended to protect the users of seeds by reducing the liability of the vendor, but clearly that is the case as outlined in the Bill.

Mr. Latham: Clause 21 deals with that.

Mr. MONEY: Clause 6, Subclause 3, limits the liability of the vendor in damages to the value of the seed. He shall not be liable in damages for breach of any warranty for an amount exceeding the value of the seed.

Mr. Latham: It does not prevent civil action being taken.

Mr. MONEY: The Bill says the vendor shall not be responsible in damages. Instead of its being left to the purchaser to take civil action against the vendor, and recover full damages by means of such civil process, the Bill limits the liability of the vendor in the way I have pointed out.

Mr. Latham: It does not interfere with the purchaser's right of action.

Mr. MONEY: Probably the Minister will be able to tell us whether that is the position or not.

The Minister for Agriculture: I will deal with that in Committee.

Mr. MONEY: Most vital principles are affected by this Bill, and if I do not draw attention to them on the second reading stage my discussion in Committee may be limited. This Bill almost assumes that there is no liability on the part of the vendor of seed other than that the seed shall be as described. Under the law to-day there is almost an unlimited liability. In principle the Bill is very like the Bush Fires Act. It says, "If you do a certain thing in the future you will be dealt with by a magistrate on summary jurisdiction and you may be fined up to £20." I see nothing in the Bush Fires Act limiting the amount of damage. If there is an offence under the Bush Fires Act the common law damages remain the same. I do not see why there should be any limitation as to the amount of damages in the Bill now before us. Clause 6 says the damages shall not exceed the value of the seed.

The Minister for Mines: For a breach of that warranty only.

Mr. MONEY: The only civil remedy lies in getting damages, and to-day a person can sue for damages. If I were to sell seed that caused certain damage to the purchaser I could claim that under this measure I am not responsible for more than the value of the seed.

The Minister for Mines: If you are suing for damages because of a breach of another Act, you will get damages.

Mr. MONEY: If I am suing for a certain purpose I can only sue for a breach of warranty. If damages for breach of warranty are reduced by this Bill, the responsibility of the vendor is also reduced.

Hon. W. C. Angwin: You cannot make two cases out of the one offence.

Mr. MONEY: If I have to pay damages under this Bill I cannot be made to pay twice in the same action. I may get out of responsibilities valued at £500 by simply paying the value of the seed, namely, £1. I should look upon it as a good defence if I paid in damages the full value of the seed, and I should then only be paying damages once. This Bill appears to me to be a two-edged sword. It may be intended to protect the vendor of seeds, and may not be altogether for the benefit of the purchaser. As it stands it does not appear to be as represented to the House.

On motion by Mr. Piesse, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—MINER'S PHTHISIS.

Second Reading.

Debate resumed from the previous day.

Mr. MUNSIE (Hannans) [7.32]: I commend the Minister for having introduced something as a start to deal with the dread disease of miner's phthisis. Unfortunately I cannot altogether agree with the measure before us. I trust that before the Bill passes this House the Minister will go before the mining community to explain it, so that those who will be affected by the measure will have a chance of learning from him, and of discussing with him, what the Bill really means. It is, I understand, the Minister's intention to adopt that course; and I am very glad of it. I realise that the Minister on this occasion has an opportunity which should not be missed by any Government to take advantage of the services of the two Commonwealth experts stationed at Kalgoorlie. The Bill has only two principles, so far as I can discover. First the measure provides for compulsory medical examination of the men working in the mining industry. Secondly there is the principle of compulsory retirement of those working in the industry who are found to be suffering from tuberculosis. Beyond those two principles, the Bill does not contain much, though there are one or two little provisions. One is that by reason of the medical examination no miner shall lose time or be out of pocket; the examination is to be made in the employee's time. Another provision is that the employee who is declared to be suffering from tuberculosis shall have the right of appeal to a board if another medical practitioner is prepared to issue to him a certificate stating that the man, in his opinion, is

not suffering from any of the diseases. In that case the miner can nominate whom he likes to represent him on the board—even the medical man who has given him the certificate. The Government and the Principal Medical Officer nominate the other members of the board. There is no mention in the Bill of how the expense of such an appeal is to be defrayed. If a man loses time by reason of the appeal, is he to be recompensed for that? And similarly as regards costs incurred by him? The Bill makes no provision in those respects. It is, of course, one thing to say that a man found, upon medical examination, to be suffering from tuberculosis shall leave the mining industry, and it is quite another thing to make provision for that man and his dependants after he has left the industry. In his second reading speech the Minister predicted that there would be criticism of the Bill on the ground that it made only those two provisions which I have described, and did not go any further. I want the Minister to go to the fields to discuss the point of after employment with the men.

The Minister for Mines: I did discuss it with the men, and they agreed that this was all that could be done at the present juncture.

Mr. MUNSIE: I am pleased to get even that assurance from the Minister. Anybody who knows the men working on the goldfields, and particularly on the Golden Mile, must know that there are considerable numbers of them still working in the industry who are in the early stages of tuberculosis. They work right on until they cannot possibly work any longer, and then they are examined and go to the sanatorium. The measure makes no provision whatever in the matter of what is to be done for those men after they have left the industry. I agree with the Minister that it is absolutely useless for any Government to tinker with the subject in the way of providing benefit funds for men stricken with miner's phthisis or tuberculosis, without getting at the root of the matter and trying to prevent the spread of the disease. The Minister will recollect that during the time he was Premier of the State two attempts were made by the Labour Government to do something for men compelled to leave the mining industry because they were suffering from miner's phthisis or tuberculosis. We introduced amendments of the Workers' Compensation Act to provide for industrial diseases. Unfortunately on both occasions we failed to get the Bill through another place. Now we have a Bill debarring such men from working in the mining industry, and making no provision whatever for their future or for that of their dependants.

The Minister for Mines: I do not think so.

Mr. MUNSIE: The Bill makes no provision in that respect.

The Minister for Mines: The Bill says they are not to work in the mining industry, but they are not prevented from taking other work.

Mr. MUNSIE: The mere fact of a miner having been pronounced a sufferer from tuberculosis by a medical board is going to prevent him from obtaining other employment. Who is going to employ him? I admit that the Bill says his name shall not be divulged. However, the mere fact of his having been put out of the mining industry will practically debar him from obtaining employment anywhere else. It is useless for the Government to relieve the mining industry of that man and put him among other people, if he is suffering from tuberculosis. He should be isolated and provided for, with a view to his being cured, and also with a view to preventing the spread of the disease to other people. But this Bill attempts nothing of the sort. The Minister says he already has an assurance from the men, as the result of discussion, that they will accept this proposal. I say again I am pleased to hear that, but I am not too sure whether, when the provisions of the measure become known on the goldfields, the men will accept it very readily. I wish to draw the Minister's attention in this connection to the Mine Workers' Relief Fund. On the Golden Mile at present that is the only means of relief afforded to a man suffering from miner's phthisis or tuberculosis, and I should add, that man's family. It is a condition of employment now on the Golden Mile that a man before getting employment shall produce a clean bill of health. He must produce a doctor's certificate before he can get work on the mines. However, when the Mine Workers' Relief Fund was first established, the intention of the Government and the intention of those who controlled the fund was that all men then working on the mines should undergo medical examination. The workers point-blank refused that offer. The result is that the men who have been miners all along have not yet undergone any medical examination. It is only the new man coming on who undergoes examination. When the men know what the Bill means, they must realise that a considerable number of them at present working there will have to be put off.

The Minister for Mines: Not any considerable number.

Mr. MUNSIE: Unfortunately I am of opinion that the number to be put off will be considerable.

The Minister for Mines: You are quite wrong. This Bill does not refer to miner's phthisis. It is only the tuberculous cases that will have to come out.

Mr. MUNSIE: I know that. I admit that it would be a much bigger thing to provide employment or sustenance if men suffering from miner's phthisis had to come out as well. Seeing that the Bill refers only to tuberculous cases, I urge on the Minister the necessity of providing support for such men and their dependants.

The Minister for Mines: Find the man employment if he is able to work. We do not want to make him a charge on the State if he is able to work.

Mr. MUNSIE: I hope the Minister will make that point as to finding employment pretty definite. The Bill says nothing about finding employment. The Bill merely speaks about preventing the man from working on the mines.

The Minister for Mines: That applies now to many industries.

Mr. MUNSIE: I am not aware that it does.

The Minister for Mines: Yes, it does. It applies under the Pure Foods Act.

Mr. MUNSIE: I quite agree in that respect, but it does not apply as regards the agricultural industry or any other industry in this State. I hope the Minister is right in his view that very few men will be affected by this Bill. The fewer there are affected, the easier it will be for the Government to devise some means of providing for them and their dependants. I trust the Minister will give serious consideration to the matter of providing sustenance. It is not a new thing. The report quoted by the Minister last night deals with it. Under the conditions of South African legislation provision is made for the miner found to be suffering from tuberculosis. I will quote the paragraph—

Compensation to miners who have been stopped from working underground on the scheduled mines owing to tubercular. (1) A miner who is found by the bureau to be suffering from tuberculosis will receive the same compensation as that paid to a miner who is in the primary stages of miner's phthisis. (See table II.). If the tuberculosis is complicated by silicosis (miner's phthisis), he will be paid the same compensation as for the secondary stage of miner's phthisis. (See table 11.)

The table 11 referred to is based on the man's earnings. In South Africa they take the last 156 days worked by the man in a mine, and average his earnings per month on those 156 days. The scale runs from £20 to £70 per month. I will take the man with £20 per month. A man earning £20 a month and who, though tuberculosis, has been debarred from going underground, receives £10 per month. A man with a wife receives £12 per month, a man with a wife and one child £13 per month, a man with a wife and two children £14 a month, and a man with a wife and three children £15 a month. That is the provision in South Africa. Here we are going to carry out an exactly similar provision so far as debarring men from working is concerned, but we are not making any provision for the wife and family.

Mr. Underwood: There should be such a provision.

Mr. MUNSIE: I quite agree that there should be. This is the condition existing in South Africa. I will read it—

For the secondary stage the compensation will be paid for life to those residing

in South Africa, but ending as soon as £750 has been paid when a beneficiary leaves South Africa permanently or without the written permission of the board.

If it is the case of a married man, and he leaves his employment through being unable to work, the payment goes on until he is dead, irrespective of the amount he may have collected. If he dies and his widow remains in South Africa, the payment goes on irrespective of the time and amount. Payments go on until the children reach the age of 16 years and so far as the wife is concerned, for the remainder of her life while she remains in South Africa. I hope the Minister will be successful in freeing the mining industry of men who are suffering from tuberculosis. As the Minister has pointed out, it has been proved beyond all doubt that a tubercular subject working underground is a menace to the other men who are also working below the surface, inasmuch as the germ lives and thrives. Everyone knows, too, that men working in gold mines are liable to suffer from either silicosis, phthisis, or pneumoconiosis, brought about by dust on the lungs. And immediately the lungs are affected, particularly by quartz dust, the lungs begin to cut away and the more liable then does the individual become to contracting tuberculosis. I want to see as soon as possible every tubercular man refused the right to go underground. For the man's own sake this should be done. It is a dangerous practice to allow these people to continue to work underground, but at the same time, if this course is taken, provision should be made for such men to obtain work elsewhere. On two occasions we have tried to do something for these people through the Workers' Compensation Act. Queensland has already done something. That State has included industrial diseases in its Workers' Compensation Act, and under the conditions prevailing there a man receives £1 a week and 10s. for each child under the age of 16 years, with a maximum of £2 10s. per week, or a total that can be drawn of £400. Previously the amount for an individual who was totally incapacitated was £750, but the amending Act reduced that to £400. I realise that the Minister here is placed in an awkward position in connection with bringing about relief, or providing for those sufferers through an amendment of the Workers' Compensation Act, because he has not been able to convince his colleagues that the provision is a wise one to make, and even if he did succeed in doing so he would have a job in similarly convincing the Legislative Council. I hope he will make some suggestion before the Bill is passed, in the direction of providing for those who will be debarred from continuing to earn their living underground. At the present time I feel disposed to support the second reading of the Bill, but if no such suggestion as that I have outlined is made prior to the Committee stage being reached, I do not

give the Minister much hope of meeting with success.

Mr. Davies: Do you mean for the men who are totally incapacitated or only partially incapacitated?

Mr. MUNSIE: There is no mention of phthisis cases other than for record purposes.

Mr. Davies: A man totally incapacitated would be eligible for relief through the usual agency.

Mr. MUNSIE: A man may not be totally incapacitated, who is proved to be suffering from tuberculosis; he may not have worked in a mine for years.

Mr. Mann: Is it not wise that when they are in that state, they should come out of the mines?

Mr. MUNSIE: Yes, and I applaud the action of the Minister in introducing a provision which will prevent tubercular patients working underground, but I do not want to see the Minister do that at the expense of those poor unfortunates unless something is done for them afterwards.

Mr. UNDERWOOD (Pilbara) [7.53]: I feel somewhat interested in this Bill, and I regret that I have not had an opportunity of reading it before having to deal with it. I consider that the unwritten law that Bills must not be distributed to anybody before the second reading stage is reached, is wrong. As one who has been a Minister, I can say that I committed several breaches of that unwritten law.

Hon. P. Collier: Breaches of privilege.

Mr. UNDERWOOD: I have made compound fractures of that unwritten law, because I desired to get the opinions of those who were likely to know.

The Minister for Mines: I have done the same thing.

Mr. UNDERWOOD: According to the Minister's speech, there were others who could give him advice on this subject, but we have never had an opportunity of seeing the Bill. We are compelled to come here and deal with measures which we have not had time to read, and we are expected to rush them through. The rule existing which prevents the distribution of Bills until the second reading stage is reached is, in my opinion, quite wrong, and should be cut out. If there was anything I wanted to know about a Bill which I was introducing, I would distribute a draft of it to those people who, in my opinion, were familiar with the subject.

The Minister for Mines: I discussed the principles of the Bill with those people directly affected even before I drafted the Bill.

Mr. UNDERWOOD: To a considerable extent I am directly interested in this matter. Having listened to the Minister's speech and to the remarks of the hon. member who has just resumed his seat, I consider that there is another point which deserves consideration.

The Bill deals with tuberculosis, which is dangerous not only to the patient himself but to others who may be working with him. Silicosis is a grit which lacerates the lung and renders the patient more susceptible to tuberculosis. There is another disease termed fibrosis. I know two or three men, good friends of mine, who contracted fibrosis and who are no danger to others. The lungs simply become covered with dust, and becoming solidified cause the death of the sufferer. We may, however, do something to save the lives of those who have fibrosis. Of my own knowledge I know of two or three cases where, if men had been pulled out of mines a year or two earlier, those men would be alive to-day. I am not going to speak about the provision which should be made regarding compensation or anything of that description, but I do consider that we should try to take out of the mines those men who have dust on their lungs. If we can get them some other work, well and good, but there are those who will find work for themselves, live for many years, and become good citizens. Leave them in the mines and the end is death. These men want looking after just as much as those who are suffering from silicosis. The whole subject requires much more consideration than can possibly be given it to-night, or even in a week or a month. It is a most serious question and one that deserves the best attention that we can give it. We certainly cannot do it in connection with a Bill which we really have not read.

On motion by Hon. P. Collier, debate adjourned.

BILL—ATTORNEY GENERAL (VACANCY IN OFFICE).

Second Reading.

Debate resumed from the previous day.

Hon. T. WALKER (Kanowna) [8.0]: I think this measure has been hastily conceived and has sprung perhaps from ambition on the part of the present occupant of the office. I know that the Premier was not familiar with all the facts when he moved the second reading of the Bill. The information he gave us was exceeding meagre and most decidedly requires amplification. He stated that the object of the Bill was to give general authority to the Minister for Justice for the time being to do such things as the Attorney General is authorised to do. That is a very wide statement, and certainly cannot be endorsed by the House. The Attorney General is an officer qualified by legal training, after a course of study, to advise Ministers, and in other respects to administer the law and be able by his legal knowledge to take the responsibility of his actions. That cannot be said of a layman. It is impossible that Mr. Colebatch, for instance, can have those qualifications which render him independent of the judgment of his subordinates. That is the point I wish to emphasise. He is obliged to be guided by his

law officers. It is true the Attorney General may be more or less so guided. He may consult them and be advised by them, but the responsibility of the final judgment is his. He has to assume that responsibility. As a member of Cabinet he exercises that responsibility, and in that capacity is responsible to this Chamber and to Parliament. We cannot possibly say that responsibility attaches to a layman in the same capacity. He must be guided by the law officers of the Crown who virtually become the law rulers. We cannot reach them; we cannot even touch them, and yet they control the law destinies of the State. I may venture the opinion that in consequence of a course of this kind, we have had several very disastrous adventures in government during late years, and for that matter during the last few months. We have taken the guidance of law officers who may be influenced—I am not saying one word about their honour—from external sources or might have independent opinions of their own as civil servants, and may act, therefore, conscious that the responsibility in the ultimate is not theirs.

The Premier: It would not be a junior officer.

Hon. T. WALKER: It would not be theirs even in the case of superior officers. It is not theirs until we make it theirs. The full responsibility rests with the Minister who is the responsible person. I submit that we cannot make a layman responsible in that sense. He must be guided and must do as he is told, directed or advised—put it in any phase we will. The cause of his action is beyond him. He is merely a recorder. A clerk could do it just as well. The latest recruit could do precisely that work in the circumstances, and that would be the end of responsible Government. If the law department of the State is of any value at all, it should be preserved. If it has been found necessary all through the history of constitutional government to have a law adviser, in other words to have an Attorney General—

Mr. Davies: How could you have one if there was not one in the House?

Hon. T. WALKER: It is quite possible.

The Minister for Mines: Suppose there was no lawyer in the House.

Hon. T. WALKER: It is still possible. That, however, cannot be argued on this occasion. There are lawyers on the Government side, one of whom could be made Attorney General, if so desired. If one of them did not fit, another could be appointed. I do not accuse the Premier of intentionally misleading the House when he said that this was following the usual practice.

The Premier: It has often happened.

Hon. T. WALKER: It is not the usual practice. If the law department has hitherto been considered necessary, it should not be abolished. The Premier must admit it is an important part of government, in fact one of the most important parts of the Government, and has ever been recognised as such in every constitutional Parliament of the

world. Therefore it cannot be lightly set aside as if it were of no value. It is considered a vital element in responsible Government. If we are going to have law advisers, then they should be responsible not to a layman, but to this Chamber. I submit that we can get this. It has not been the usual custom, either here or elsewhere, to substitute a Minister for Justice for an Attorney General. There have been occasions when we have had a Minister for Justice, but in those instances an acting Attorney General was appointed. I wish the Premier to keep this in mind, because it was more or less an unintentional misleading of the House to say that what was now proposed had been done. When I had the honour of being asked to take my part in the Scaddan administration, I had not qualified by admission to the bar to act as Attorney General and for a few weeks the office was left vacant, but only for a few weeks.

Mr. Davies: You had it for months before that in the Daglish administration.

Hon. T. WALKER: I shall point out the difference. On that occasion a constitutional course was taken. An acting Attorney General was appointed. In the "Gazette" of the 10th August, 1904—the very day when the offices of the Crown were filled—I find this—

His Excellency the Governor in Executive Council has been pleased to appoint William Frederick Sayer, Crown Solicitor, to be acting Attorney General.

Mr. Davies: Did that continue while you had a Minister for Justice?

Hon. T. WALKER: Yes, all the time. There was no member of the Ministry who could be appointed to the Attorney-Generalship. Mr. Hastie was appointed Minister for Justice, but at the same time Mr. Sayer was appointed acting Attorney General. We did not do without an Attorney General, and he became responsible to the Crown in that capacity.

The Minister for Mines: Only for administration purposes.

Hon. T. WALKER: I do not care for what purposes, administration purposes or advisory purposes.

The Minister for Mines: Through his Minister.

Hon. T. WALKER: He did everything that an Attorney General could do for and on behalf of the Government except draw the salary. In the "Gazette" notices after that, we find Mr. W. F. Sayer, acting-Attorney General, saying, "I certify that the foregoing by-laws are not contrary to law," and again "His Excellency the Governor in Executive Council has been pleased to appoint William Frederic Sayer, Crown Solicitor and acting-Attorney General to be one of His Majesty's Council, etc., for the State," thus recognising the position absolutely. With the little hiatus between my accepting office and being called to the bar, the principle mentioned by the Premier has not been followed until lately, when Mr. Colebatch was appointed Minister for Justice. The Government have

suffered already, and if I took up the time of the House, I could show that it is inimical to the welfare and good government of the State. I trust this innovation is not going to be made perpetual; unless we wish to say law is of no value to the Government, they can do as they please as they have done with the law advisers we have, costing the State, I suppose, hundreds of thousands of pounds in the ultimate. If we have any regard for the constitutional government which has come down to us and any desire to continue responsible government, instead of making irresponsible officers entitled to all the government of the State, without supervision or correction, we must not pass this Bill. Without labouring the point, I wish to draw attention to the danger.

The Minister for Mines: How would you have corrected Mr. Sayer when he was acting Attorney General?

Hon. T. WALKER: He was absolutely responsible as acting Attorney General and could be called into Cabinet—

The Premier: He was not a member of Cabinet.

Hon. T. WALKER: He could be called into Cabinet to advise.

The Premier: So he could be as Solicitor General.

Hon. T. WALKER: Let us have the proper designation. Let us not forget this office. I admit there are times when we cannot fulfil every letter of the law, but as soon as the Premier can possibly make a change, he should alter the existing position and not provide a method of forever doing without an Attorney General and thus banishing the law from its share of responsible government. I would advise the Premier to do that. I fear that under this Bill we are preparing for the adoption of a dangerous course. The passing of the Bill will mean the handing over to laymen for the future, the administration of a department which should be in the hands of a qualified legal man. I trust, therefore, that the Bill will not be passed. Let us recognise the importance of the legal branch of Government by appointing an Acting Attorney General, thereby admitting the importance of the functions of an Attorney General. Let us appoint an acting Attorney General and then, at the earliest opportunity, appoint a genuine Attorney General, one who is entitled to the distinction of being a Minister of the Crown and one who has all the necessary qualifications for that office.

Hon. W. C. ANGWIN: (North-East Fremantle) [8.16]: I am in accord with the member for Kanowna in his remarks concerning this measure. He has not, however, pointed out that this Bill is retrospective.

Hon. T. Walker: That is so.

Hon. W. C. ANGWIN: Apparently something has been done contrary to the law.

The Premier: I do not know anything about that.

Hon. W. C. ANGWIN: In the past, I have drawn the attention of the House to the probability of honorary Ministers carrying

out certain functions which should be legally attended to by portfolioed Ministers. There is no difference so far as this Attorney Generalship is concerned. There was a precedent which was introduced by the late Mr. Daglish when he was Premier. In those days it was found necessary to appoint an Attorney General to carry out certain provisions of various Statutes. On the very day the Daglish Ministry was sworn in, the Governor appointed an Acting Attorney General. You, Mr. Speaker, were a member of that Ministry, and you will remember that there was no legal gentleman sitting on the Government side of the House. It was recognised that it was only right that there should be a legal man to carry out the duties assigned to the Attorney General. It is a matter of great importance not only to the Government, but to members of this Chamber to see that the man who is to have the last word and carry the responsibility regarding legal matters, should hold the office of Attorney General.

The Premier: Surely he must be a responsible Minister!

Hon. W. C. ANGWIN: Not necessarily. There is no doubt that an Acting Attorney General can discuss questions with Cabinet, as the Solicitor General does to-day.

Mr. Davies: Does it really matter what you call him?

Hon. W. C. ANGWIN: According to the Constitution and various Statutes we have passed, there are certain provisions that must be carried out by an Attorney General.

Mr. Willecock: Only an Attorney General can do the work.

Hon. W. C. ANGWIN: There are certain papers that only an Attorney General can sign. There are various matters which in his capacity as Attorney General he would have to discuss with the Governor, matters involving the legality of different questions affecting the State.

Hon. P. Collier: He has to advise the Governor on matters affecting prisoners.

Hon. W. C. ANGWIN: I did not wish to refer to that aspect, but it is true that the Attorney General has to advise the Governor regarding capital punishment and so on.

The Minister for Mines: The members of the judiciary are always available for the Governor—

Hon. W. C. ANGWIN: Should he desire to call upon them for their advice.

The Minister for Mines: That is so.

Hon. W. C. ANGWIN: It would be only on rare occasions that a Governor would call in members of the judiciary rather than consult the legal head of the Crown Law Department.

The Minister for Mines: I do not think there is close enough touch between them.

Hon. W. C. ANGWIN: That is another question altogether. It is necessary that a legal man shall be included in any Cabinet that is formed. There are times when it is impossible to include a legal man and, in such

circumstances, we must adopt the next best procedure and appoint a lawyer for the express purpose of guiding Cabinet and Parliament alike. The Bill aims at doing away with a system that has always been followed since Western Australia secured responsible Government.

Hon. T. Walker: Or any other form of government.

Hon. W. C. ANGWIN: There is no necessity if the Bill be passed, to ever again appoint a legal gentleman as a member of Cabinet. In that event we would have no person with legal training, except an officer who would carry no responsibility. Hon. members must remember that the Minister for Justice must carry the responsibility if this Bill is passed. This is a step in the wrong direction. We should always get the best advice to carry on the affairs of State, and we should not place such important matters in the hands of laymen.

The PREMIER (Hon. Sir James Mitchell—Northam—in reply) [8.22]: I admit the value of a legal man in a Cabinet and I admit the importance of the work of an Attorney General. I have always contended that when an Attorney General is appointed to any Government, he should confine his attention to the legal work involved in the work of government and not worry about other matters at all. It has been said that Mr. Sayer, acting as Attorney General, and Mr. Sayer as Solicitor General, not being a member of this Chamber or of Cabinet, are quite different. I cannot see that Mr. Sayer, the Solicitor General, will be any different from Mr. Sayer as acting Attorney General.

Hon. T. Walker: You would give him a legal standing. You are the same man in or out of the House; but you are in it and you have to carry the responsibility attaching to your position.

The PREMIER: That is just the point. Can it be said that the advice given by Mr. Sayer as Solicitor General is any less valuable than would be his advice given as Attorney General?

Hon. T. Walker: I do say so.

The PREMIER: The member for Kanowna (Hon. T. Walker) knows very well that even an Attorney General seeks the advice of his legal officers.

Hon. W. C. Angwin: He would discuss matters with them.

Hon. T. Walker: The responsibility rests with the Attorney General.

The PREMIER: There are law officers attached to the different branches of the Crown Law Department, and the head of that department would consult with those in charge of the different branches.

Hon. T. Walker: They always do so.

The PREMIER: The Attorney General would not say, "I am Attorney General. I know all about it."

Hon. T. Walker: Certainly not. He would consult with his other officers.

The PREMIER: The position was the same when Mr. Sayer was nominally Attorney General in the Dalglish Government. We had Mr. Hastie as Minister for Justice, and later Mr. Nanson was also Minister for Justice until he was admitted as a practitioner of the Supreme Court. Strange to say, the member for Kanowna (Hon. T. Walker) was in precisely the same position.

Hon. W. C. Angwin: Only for five weeks.

The PREMIER: I admit it was only for a short while.

Hon. T. Walker: And the work was held up until I was admitted.

The PREMIER: Although it was only for a short period, the position was just the same. An Attorney General should be a responsible Minister of the Crown. It cannot be claimed that a lawyer who is not a member of this Chamber will be the same as an Attorney General sitting in Parliament to answer for all acts of government. The member for Kanowna said that the position of the lay Minister would be no better than the most recently joined clerk. I cannot admit that. I think the judgment of a member of Parliament, particularly of one having experience as a Minister, must surely be better than that of a recently joined junior clerk.

Hon. T. Walker: So far as the taking of the advice of his officers was concerned. That was what I referred to.

The PREMIER: Even an Attorney General would take the advice of his law officers.

Hon. T. Walker: Not necessarily.

The Minister for Mines: If that were not so, you could not carry on any department. What about the Colonial Secretary, who has to deal with medical matters? That Minister has expert medical officers and has to take their advice.

Hon. T. Walker: The Colonial Secretary has to exercise his judgment.

The Minister for Mines: So has the Minister for Justice.

Hon. T. Walker: There is no parallel. One is the vital life of his department and the other is not.

Mr. SPEAKER: Order!

Hon. T. Walker: Here it is a matter of a High Court.

The PREMIER: It might be argued that the Colonial Secretary, who is in charge of the Medical Department, should be a doctor, and that a Minister in charge of the Works Department should be an engineer. I do not propose to say that there is any parallel.

Hon. P. Collier: If that were the position, the only Minister in the present Cabinet who would be in his right place, would be the Minister for Works.

The PREMIER: It has been suggested that the State may have lost £200,000 because of a decision of the legal head advising the Government, whereas the Minister for Works, if he is not an engineer, might cost a fraction of that amount. I know that we cannot compare the two positions.

Mr. Willecock: A Treasurer might be a banker and yet have a deficit.

The PREMIER: It has been said that bad advice has cost this country £100,000.

Hon. P. Collier: But he won all the cases before the High Court.

The Minister for Mines: He won one before the Privy Council.

The PREMIER: The principal cause was the result of the work done by the Crown Law Department.

Hon. P. Collier: When you had an Attorney General?

The PREMIER: Yes, and we are reaping the harvest now. That was when there was a legal gentleman at the head of the department.

The Minister for Mines: Even lawyers disagree.

The PREMIER: I never knew them to agree.

Hon. P. Collier: They would never make a living if they did.

The PREMIER: I do not say that we have been in any worse position during the last 18 months than we were before. I have already told the House that on three occasions we have had Ministers for Justice. On two occasions they were appointed for short periods, but when they were appointed those gentlemen were law students, who became Attorney Generals before they had been admitted. It is quite a coincidence that Mr. Nanson and the member for Kanowna passed the examination in order to become Attorney General. Mr. Nanson, I remember, came from England to take the position.

Hon. T. Walker: But he was qualified.

The PREMIER: Yes, but not admitted. Mr. Nanson had to be six months in the State before he could be admitted. If hon. members would like to limit the operation of the measure, I have nothing to say against that.

Hon. P. Collier: Limit it until such time as the Government can secure the services of a qualified lawyer.

The PREMIER: No. I was going to say, until such time as my friends opposite come over here. My friends apparently fear that if the Bill remains on the statute-book indefinitely, the legal gentlemen will not come into their own.

Hon. T. Walker: No; that the State might lose the services of a responsible Minister. It is for the want of a responsible Minister that we make bad laws.

The PREMIER: I think that we make very good laws, but that very often they are badly administered by the lawyers.

Hon. T. Walker: Whilst Rason was Premier, M. L. Moss was Attorney General. The member for North-East Fremantle has just looked it up.

The PREMIER: I am aware of it. Twice has an Honorary Minister acted as Attorney General, but in each case the Honorary Minister was a member of Parliament and responsible to Parliament. That is quite a different position from Mr. Sayer being appointed to act as Attorney General. To-day we have a Minister for Justice and the staff of the Crown Law Department. The member for

Kanowna argues that that position would be improved if Mr. Sayer were called by some other name.

Hon. T. Walker: You could appoint somebody else.

The PREMIER: But that was the basis of my friend's argument. However, I think it is necessary to pass the Bill. We should make it quite legal for the Minister for Justice of the moment to perform the functions which the statute says must be performed by an Attorney General. The statute, of course, never contemplated that the Attorney General would be other than a Minister.

Hon. T. Walker: It shows what an innovation you are proposing, when all your statutes are based on an Attorney General.

The PREMIER: The statutes never contemplated the Attorney General not being a member of Parliament. At no time was it contemplated that the Attorney General would be merely an officer of the Government, and not a member of either House. I hope hon. members will agree to the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Minister for Justice may be appointed to exercise powers of Attorney General:

Hon. T. WALKER: What is the exact meaning of the opening words of this clause, "Whenever there shall be any vacancy in the office of Attorney General"? The vacancy may be forever. The vacancy may be without any necessity. Does the clause mean that the office of law adviser of the Crown shall be abolished forever?

The Premier: No.

Hon. T. WALKER: It seems so. There is a vacancy in the office now, but not because there are no lawyers on the Government side of the House. There is a lawyer sitting behind the Premier now, and the vacancy can be filled to-morrow. The vacancy is not a matter of necessity at all, but a matter of choice. Under this clause, if ever there was a Premier with a prejudice against members of the legal profession, he could invariably do without a lawyer in the Government. The present position is simply that the Government will not fill the vacancy; and so we are asked to hand over to the whim of the Premier the existence of the office of Attorney General. Is the meaning of the clause that the vacancy shall be only one of necessity? I think not.

The PREMIER: A lawyer is now asking a layman to explain a clause drafted by a lawyer. The clause means that whenever there is a vacancy in the office of Attorney General, the Premier of the day may appoint a layman to be Minister for Justice.

Hon. T. WALKER: I move an amendment—

That after the words "Attorney General," in line 2, there be inserted "occasioned by the inability of the Government to appoint an Attorney General for any reasons whatsoever."

The PREMIER: I should like to have this amendment interpreted by my legal friend opposite. Upon the hon. member's argument there are at least 100 men in the city of Perth, not members of Parliament, who might be appointed Attorney General.

Hon. T. Walker: There is nothing in the Constitution to prevent it.

The PREMIER: I see. Then what the hon. member means is that if it is impossible to appoint an Attorney General from inside Parliament, we are to go to a lawyer outside Parliament.

Hon. T. WALKER: The amendment means that whenever from inability on the part of the Government to appoint an Attorney General—whether because they cannot see the virtues of the lawyers sitting behind and supporting them, or whether those lawyers have no faith in them and will not take the billet—the office is vacant, the Government shall be permitted to appoint a Minister for Justice.

The Premier: You are an interested person.

Hon. T. WALKER: No, I would not take a portfolio with the present Government for all the gold that glitters. Anyhow, you have your own men behind you.

Mr. Underwood: Yes, I am a hush lawyer.

Hon. T. WALKER: It is the responsibility of the Government to fill the office of Attorney General. If they admit their inability to do so, the amendment will allow them to appoint a Minister for Justice.

The PREMIER: It is impossible to seriously entertain the amendment. I hope the hon. member will withdraw it.

Amendment put and negatived.

Mr. JOHNSTON: Under the clause, any person, even though not a member of Parliament, may be appointed Attorney General. Is it the intention of the Government to appoint an extra Minister?

The Premier: No, we have a Minister for Justice now.

Mr. JOHNSTON: But he is a Minister of the Crown already. The clause opens the door for the appointment of one who may not even be a member of Parliament. I move an amendment—

That after "person" in line 2 "being a Minister of the Crown" be inserted.

The PREMIER: There is no intention to amend the Constitution. All that is provided in the clause is that someone must be either Attorney General or Minister for Justice. A member of the public appointed to the position would have to become a member of Par-

liament, and similarly a member of Parliament, on appointment to the position, would have to go back to his constituents.

Hon. W. C. ANGWIN: I do not think the amendment will secure the hon. member's object. If the Governor appoints any person a Minister, that person immediately becomes a Minister. There is no limit to the number of Ministers or advisers the Governor may appoint. The Bill is not for the appointment of a Minister for Justice, but merely to give the Minister for Justice the powers exercised by an Attorney General.

Mr. Lutey: But he need not be a member of Parliament.

Hon. W. C. ANGWIN: No, but once he is appointed Minister, he must become a member of Parliament. I agree that the Minister should be a member of one House or the other.

Amendment put and negatived.

Mr. PICKERING: I move an amendment—

That after "person" in line 2, the words "being a member of Parliament" be inserted.

I am not satisfied with the Premier's explanation that it will not be possible, under the clause as printed, to appoint other than a member of Parliament. It is not the desire of the Committee that other than a member of Parliament should be appointed. Seeing that we have sitting behind the Government in this House one member and in another place two members of the legal profession, the Government should have no difficulty in appointing an Attorney General. If they wished, they could meet the position by appointing an honorary Minister.

Hon. T. Walker: On your argument you should have voted against the second reading of the Bill.

The PREMIER: It does not matter a jot whether the words are inserted or not; I am not going to object to them. Mr. Scaddan was appointed a Minister before he won the Albany seat. If it is desired to appoint a Minister who is not a member of Parliament, he may be appointed to any other office than this.

Hon. T. Walker: You never put a fifth wheel to a coach.

The PREMIER: Yes, you do.

Amendment put and passed.

Hon. P. COLLIER: As the amendment has been accepted, I intend to vote against the clause. The amendment was entirely unnecessary. Provision regarding the qualifications for a Minister of the Crown is made in the Constitution Act and not in a Bill, such as this. If we want to lay down whether a Minister shall be a person who is not a member of Parliament, the proper place to do it is in the Constitution Act. Any such provision made in a Bill of this kind does not affect the position. The clause authorises the appointment

of a Minister for Justice. I was under the impression that Mr. Colebatch had been Minister for Justice for the last 2½ years.

The Premier: On four occasions we have had one. He has been acting for 18 months.

Hon. P. COLLIER: If this clause is necessary it is clear that we have been pursuing an illegal course for the last 18 months. The Minister for Justice has evidently been doing those things which the Bill is designed to enable him to do.

Hon. W. C. Angwin: There is a possibility of what he has done being illegal.

Hon. P. COLLIER: He has evidently been doing some things for which there was no statutory authority. If the Premier says that, through an oversight, the Minister for Justice has been doing things for which there was no power, I see no alternative to ratifying actions which otherwise might be declared illegal. The Premier ought to explain the need for the Bill.

The PREMIER: The Bill is necessary to confer upon a layman as Minister for Justice the right to fulfil functions which under certain statutes must be fulfilled by the Attorney General. An Attorney General must be a lawyer. The Minister for Justice has been doing this work for the past 18 months and previously it was similarly done for a period of five weeks.

Hon. T. Walker: No.

The PREMIER: Then the hon. member did not do it for five weeks, but only drew the salary.

Hon. T. Walker: I was Minister for Justice and Minister for Education.

The PREMIER: We ask that these acts of the Minister for Justice be confirmed.

Hon. W. C. Angwin: There was only one instance.

The PREMIER: I am advised by the Crown Solicitor that this is necessary.

Hon. T. WALKER: By the speech he has just delivered the Premier has emphasised everything I urged against the second reading of the Bill. It is admitted that it has been brought down because for 18 months the Government have acted illegally. During the five weeks I was in office nothing was done to cause a violation of the law.

The Premier: You must have done something.

Hon. T. WALKER: But not illegally. During the past 18 months, however, something has been done that is not in harmony with the law. This measure is to put right what has been wrongfully done.

The Premier: But not wrongly done.

Hon. T. WALKER: It has been done without legal sanction and in spite of legal forbiddance.

The Minister for Mines: It is not an unusual course to follow in Parliament. We have done it frequently in the case of local authorities.

Hon. T. WALKER: A wrong is done. We appoint a Commission to paint black white. A wrong has been done during the past 18

months, and we bring down a Bill to give it a decent funeral.

The Minister for Mines: It is strange that the Crown Law authorities did not draw attention to it before.

Hon. T. WALKER: The argument is put forward that because we had no legal adviser for 18 months we did not know we were doing wrong. The Government now want to give an eternal crown to wrong doing. This is not a measure enabling the Government to appoint a Minister for Justice, but a measure asking the country to put into the bonds of law the forgiveness of the Government for their misdeeds and their apathy. We may forgive the Government for their wrongs, but who will forgive us? Members should hesitate before passing this clause.

Hon. W. C. ANGWIN: This clause is unnecessary, for the following clauses give the Government all they require. Clause 2 makes it compulsory for the Governor to appoint a Minister for Justice if he does not appoint an Attorney General, but that power is already given under the Constitution. It would be wiser to delete the clause and leave the matter open.

The PREMIER: If an Attorney General is not appointed, a Minister for Justice must be appointed to do the work which would otherwise fall upon an Attorney General. Clause 2 provides for the appointment in question, and I hope it will be allowed to stand.

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

Ayes	15
Noes	10

Majority for	5
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AYES.

Mr. Angelo	Mr. Pickering
Mr. Carter	Mr. Piesse
Mrs. Cowan	Mr. Richardson
Mr. Durack	Mr. Scaddan
Mr. Hickmott	Mr. A. Thomson
Mr. Johnston	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
Sir James Mitchell	(Teller.)

NOES.

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Walker
Mr. Collier	Mr. Willcock
Mr. Corboy	Mr. Wilson
Mr. Heron	Mr. Munzie
	(Teller.)

Clause, as amended, agreed to.

Clause 3—Minister for Justice heretofore appointed deemed to have had powers of Attorney General:

Hon. P. COLLIER: This is the ratifying clause which will make legal everything done by the Minister for Justice during the past 18 months. The Committee should not pass the clause in the dark. It has always been recognised that retrospective legisla-

tion should be avoided if possible. It would be easy for an act of injustice to be done to members of the community if the clause is agreed to in its retrospective aspect. Citizens have their legal rights.

The Premier: Those rights have not been violated.

Hon. P. COLLIER: For all we know, we may be asked to pass this clause to cover something that has been done illegally.

The Minister for Mines: That is not the position. This is simply asking the Committee to ratify what the Minister for Justice has done as Attorney General.

Hon. P. COLLIER: And we are asked to make the Minister for Justice retrospectively Attorney General. In other words, by passing the clause we will say that for the past 18 months we have had an Attorney General.

The Minister for Mines: Some of the Acts provide that certain things can only be done by an Attorney General, not the Minister in charge of the department.

Hon. P. COLLIER: It is remarkable that we have gone along in this lackadaisical manner for 18 months and have only just wakened up to the position.

The Premier: We have been in session for only five weeks.

Hon. P. COLLIER: What has happened during the past 18 months regarding those documents which should have been signed by an Attorney General? It is an extraordinary reflection upon the Crown Law officers that this position should not have been pointed out earlier.

The Minister for Mines: Who should know better than the member for Kanowna, who is an ex-Attorney General?

Hon. P. COLLIER: Do not forget that he is "ex." We are not supposed to keep the Government advised on these matters. We are now endeavouring to rectify the drafting of a simple measure like the one before us. I can conceive of a situation where a man might be sent to prison through a document requiring the signature of the Attorney General. As such a document might be signed by the Minister for Justice, that man would be illegally detained.

The Premier: Well, he will get out, and a good job too.

The Minister for Mines: What about the men who have been released on the signature of the Minister for Justice?

Hon. P. COLLIER: They are entitled to their liberty because of the way the law has been administered. The Premier has been away for five or six months and does not know what may have happened. He does not know what he may be asking us to ratify.

The Minister for Mines: We want to get this through before the Premier wakes up.

Hon. P. COLLIER: What are some of these actions of the Minister for Justice that we are asked to ratify?

The PREMIER: The Leader of the Opposition knows full well that the purpose of the Bill is not to ratify anything that has been done illegally by the Minister for Justice acting as Attorney General. The passing of the Bill will not deprive any citizen of any rights he may possess. No injustice can be done to any citizen. Some statutes require the signature of the Attorney General. This measure is prepared by a lawyer and will be the only one on the statute-book apart from certain portions of the Land Act, which will not provide that an Act may be administered by the Attorney General or "by such other Ministers as may be in charge of the Act for the time being." If the Acts which require an Attorney General alone were strictly adhered to, Western Australia could not remain for five days without an Attorney General, and certainly the Attorney General could not leave the State.

Mr. Corboy: You have done it for years. The PREMIER: Yes, but, strictly speaking, it can not be done. Is a man to stay in prison for weeks waiting for the Attorney General, who has fallen sick, to return to his office? Of course not.

Hon. W. C. Angwin: Imprisonment is under the control of the Colonial Secretary.

The PREMIER: This Bill does not seek to ratify anything illegally done, but merely to provide that the Minister for Justice may act in place of the Attorney-General. I am surprised that this amendment of the law has not been proposed by any Attorney-General during the last 20 years. Every one of them must have known that if he was absent from the State, or absent from his office through sickness, certain things could not be done at all. We could not have an acting Attorney General.

Hon. T. Walker: You have had one.

The PREMIER: The clause cannot do any injustice to a single man in the country.

Hon. T. WALKER: If that be so, the Bill is absolutely unnecessary. The Government say, "We have done no wrong." Then there is no necessity to ratify anything. Nobody in the State has suffered the slightest wrong from what has been done during the past 18 months. Very well; then I say, "Continue doing wrong to nobody." This is a Bill to ratify everything that is right, and so the Bill is another proof of the need for a legal adviser on the Treasury bench. The Premier says the clause is needed because there may be a man to let out of gaol. The Government have done that within the last three months without an Attorney General. Let us adjourn the consideration of the Bill so that we can have a list of all the acts done by Mr. Colebatch as Minister for Justice during the past 18 months which need ratification.

The Premier: That is absolute nonsense.

Hon. T. WALKER: We must know what we are asked to ratify. What is there the Government cannot do now, without this clause, that requires doing? What is the

hurry for the Bill, since we have waited 18 months already? The measure proposes an alteration of the Constitution, and of precedent, and of the law of Parliamentary government.

The Premier: Nothing of the kind.

Hon. T. WALKER: By this Bill the Premier is belittling the value of law in his own Ministry. Let us have a list of Mr. Colebatch's acts needing ratification.

The Premier: You are not going to get such a list. It means every file signed by him as Minister for Justice.

[Hon. G. Taylor took the Chair.]

Hon. T. WALKER: We require to see the records of the acts performed by Mr. Colebatch as Minister for Justice. We are ignorant of those acts. Why is this ratification necessary?

The PREMIER: The hon. member is endeavouring to fool the House.

The CHAIRMAN: The Premier is not in order in saying that.

The PREMIER: I withdraw and apologise. The hon. member was endeavouring to inform the House, but has not succeeded. He wants a list of all documents signed by the Minister for Justice during the past 18 months. Of course, if any wrongful act had been performed during that time, the lawyers would have had the matter in hand long ago. The right thing has been done, even if in the wrong way. Apparently we have not followed the letter of the Act in all instances, and that is why we are asking for this ratification of the actions of the Minister for Justice. Hon. members can safely pass the clause.

Hon. W. C. ANGWIN: Whenever a breach of the law has been committed by a local authority and has had to be ratified by the House, a full explanation of the breach has been given to hon. members. Therefore we are justified in asking what the actions of the Minister for Justice have been. Why can we not report progress until the Premier furnishes the list? Then, on resuming the discussion, we shall be able to vote for the clause with our eyes open.

The Minister for Mines: That will require nine days.

Hon. W. C. ANGWIN: It is not wise to ratify something we know nothing of. We do not know what actions the Minister for Justice has performed which may have been prejudicial to somebody.

Mr. JOHNSTON: I find it hard to believe that the Premier, who is always opposed to retrospective legislation, should want this provision unless there is good reason for it. If there be no reason for it, surely we shall be better without it. I do not know what actions of the Minister for Justice require to be ratified. It is only fair that we should know why the clause is required. Of late there have been many appeals by the Government against rulings of the court, and I want to know whether

the clause is going to affect the rights of parties in those cases.

Mr. A. THOMSON: I move—

That progress be reported.

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	14

Majority against .. 2

AYES.

Mr. Angwin	Mr. A. Thomson
Mr. Chesson	Mr. Walker
Mr. Collier	Mr. Willcock
Mr. Corboy	Mr. Wilson
Mr. Heron	Mr. Munsie
Mr. Johnston	(Teller.)
Mr. Lutey	

NOES.

Mr. Angelo	Mr. Piesse
Mr. Carter	Mr. Richardson
Mrs. Cowan	Mr. Scaddan
Mr. Durack	Mr. Stubbs
Mr. Hickmott	Mr. Underwood
Mr. H. K. Maley	Mr. Mullany
Sir James Mitchell	(Teller.)
Mr. Money	

Motion thus negatived.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Minister for Justice to represent Attorney General:

Hon. W. C. ANGWIN: This clause is merely a duplication of Clauses 2 and 3 and there is no necessity for it.

Hon. P. COLLIER: I agree with the member for North-East Fremantle. I fail to see any distinction between it and Clauses 2 and 3.

The Minister for Mines: The one time Attorney General drafted it.

Hon. P. COLLIER: I presume it was drafted by a legal gentleman. There is not the slightest power granted by this clause which is not already provided for.

The PREMIER: I promised to report progress before dealing with Clause 6. I am prepared to report progress now.

Progress reported.

House adjourned at 10.22 p.m.

Legislative Council,

Thursday, 31st August, 1922.

Address-in-reply, Eighth day

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

ADDRESS-IN-REPLY.

Eighth Day.

Debate resumed from the previous day.

Hon. E. ROSE (South-West) [4.32]: In supporting the motion for the adoption of the Address-in-reply, I join with other members in tendering to you, Sir, hearty congratulations on your elevation to the high office of President. You said it had been your ambition to attain that honour. As you have been connected with Parliament for so many years, we feel perfectly safe in entrusting the duties to you. I must express deep regret at the loss of our former President, Mr. Kingsmill. He was of very great assistance to this House, and we shall miss him greatly. We shall also miss other members who were defeated at the recent election. I was pleased at being again returned to take my share of the responsibilities in assisting to develop this great State, and I thank members for their welcome. Two items in the Speech stand out prominently, those dealing with the financial position of the State and the immigration policy of the Premier to settle our vast empty spaces. The success of the second will go a long way, if not all the way, towards overtaking the deficit which has been mounting up for so many years. I had hoped that ere this the Government would have devised means to check the deficit which is now in the vicinity of six millions of money. This is a huge amount for so small a population. I hope the Premier's immigration policy will prove successful, for if it does, I believe we shall soon overtake the drift, and before many years have passed will be on the road to prosperity. I agree with the Premier's group settlement scheme. In our vast areas there is room for not 75,000, but for 700,000 more people than we have at present. The area of Western Australia is so great that the State of Victoria could be put in the South-West corner and not be seen. The fact that we have a total population of only 340,000 men, women and children gives one cause to think. It is regrettable, so many members have said, that the Government cannot carry out a land settlement policy without the risk of running the State into insolvency. The group settlement scheme is a first class scheme. I am pleased that the Premier has introduced it, and I pray that it will be the success he hopes it will. In the South-West we have a huge area of timber and fruit and wheat-growing lands, and there as well as in the northern