

**BILLS (3)—RETURNED.**

- 1, Parliamentary Allowances Amendment.
  - 2, Licensing Act Amendment.
  - 3, Road Closure.
- Without amendment.

**BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.**

Received from the Council and read a first time.

**ADJOURNMENT—SPECIAL.**

**THE MINISTER FOR LANDS** [11.3]: I move—

That the House at its rising adjourn till 3 p.m. on Tuesday, the 12th December.

Question put and passed.

*House adjourned at 11.4 p.m.*

**Legislative Council.**

*Friday, 8th December, 1944.*

	PAGE
Assent to Bills .....	2377
Question: Agricultural Bank, as to properties repossessed .....	2377
Motion: Soldier settlement, as to implementing agreement with Commonwealth .....	2377
Bills: Electoral Act Amendment (No. 2), 1s. ....	2377
Financial Agreement (Amendment), recom. reports, 3s., passed .....	2380
Legal Practitioners Act Amendment, 2s. ....	2381
Trade Descriptions and False Advertisements Act Amendment, 2s. ....	2384
University of Western Australia Act Amendment, 2s. ....	2385
Reserves, all stages, passed .....	2387

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

**ASSENT TO BILLS.**

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Companies Act Amendment.
- 2, Pawnbrokers Ordinance Amendment.
- 3, Nurses Registration Act Amendment.
- 4, Builders Registration Act Amendment.
- 5, Supply (No. 2), £1,400,000.

**QUESTION—AGRICULTURAL BANK.**

*As to Properties Repossessed.*

Hon. H. L. ROCHE asked the Chief Secretary:

In how many instances since the 1st January, 1935, where mortgagors have defaulted,

have the Agricultural Bank Commissioners entered into possession.

The CHIEF SECRETARY replied:

Including one (1) eviction, the total number is 3,555.

**BILL—ELECTORAL ACT AMENDMENT (No. 2).**

Introduced by Hon. C. F. Baxter and read a first time.

**MOTION—SOLDIER SETTLEMENT.**

*As to Implementing Agreement with Commonwealth.*

**HON. J. CORNELL** (South) [4.37]: I move—

That in the opinion of this House—

- (i) The Premier should urge upon the Prime Minister the urgent necessity of the early ratification and implementation by the Commonwealth Government of the Soldier Land Settlement agreement agreed to by the last Premiers' Conference; and
- (ii) A special session of Parliament should be held early in the coming year for the purpose of ratifying and implementing the State's side of that agreement.

I think the motion will commend itself to the House, and I hope it will be passed. I intend to ask the Chief Secretary to expedite its passage so that it can be transmitted to another place and its concurrence desired therein. There is no need for me to indulge in recapitulation with regard to the old soldier settlement scheme, nor do I think there is any need to stress to the members of this House, to those of another place or to the Government itself the urgency of something definite being done with regard to future soldier land settlement matters. We are now in the fifth year of the war, and so far all we have secured with regard to that form of settlement is an agreement between the Commonwealth and the States. Over two years ago the Returned Soldiers League in Australia, through its several State branches, broached this question with a view to securing a Commonwealth-wide scheme, so that something comprehensive might be done.

A special conference was convened and two years ago come next February the conference sat. It evolved a series of propositions for consideration by the Commonwealth Government, and its delegates appeared before the Rural Reconstruction

Commission and tendered evidence. The Rural Reconstruction Commission, which inquired into soldier settlement, reported in February last. The Premiers' Conference has agreed upon a definite scheme with the Commonwealth as principal and the State as agent. I do not intend to discuss the merits of the agreement, which has already been determined upon and which meets with the approval of the R.S.L. At the Federal Congress of the R.S.L. held in Adelaide last month, the Western Australian delegates brought forward a comprehensive resolution from their organisation on the lines of the first part of my motion, which is that the Commonwealth should expedite the ratification and implementation of the agreement and give some indication as to the extent to which it intends to go so that each of the States can set about putting its house in order. I know the Minister for Lands is just as anxious as I am, or as any other advocate of soldier settlement is, that something tangible should be done as early as possible. The Commonwealth Parliament is now in recess, and this Parliament will shortly go into recess and, unless action is taken along the lines I propose, it may be that we shall have to wait for another year.

This is the position of a soldier discharged from service in the present war: He does not come under the Soldier Land Settlement Scheme of 1914-18, and the only chance he has of establishing himself on the land is by proceeding as an ordinary settler. If he had a farm on enlistment, or if he has bought a farm since being discharged, there is no way whatever by which any measure of assistance can be granted to him except through the ordinary channels of the Agricultural Bank. The Adelaide Congress also resolved that immediate consideration should be given to the question of granting financial assistance to men of that type and making the requisite adjustment later on. I have it from a reliable source that this phase was agreed to by the Premiers' Conference. While in Adelaide I met at the Anzac Club a discharged soldier from the present war. He had sold out a property in 10-inch rainfall country in South Australia and bought a property at Cranbrook, Western Australia. He, however, cannot get any assistance. That is the essence of the two resolutions unanimously adopted after very little discussion at the soldiers' congress in Adelaide. I am given to understand that every

day inquiries are being made, not only at the headquarters of the R.S.L. in this State, but also at the headquarters of the R.S.L. in other States, as to how far and to what extent a man discharged from service in this war can get assistance to go on the land.

Admittedly the task of properly organising the scheme is beset with great difficulties, but procrastination will only accentuate them. Under the agreement the Commonwealth is to be divided into two parts, New South Wales, Victoria and Queensland being regarded as principal States and the other three as agent States. This means that all the agent States will do will be done at the behest or with the concurrence of the Commonwealth Government. That, however, does not apply to the principal States. In New South Wales a new scheme for the settlement of soldiers from this war has been adopted; in fact, it was adopted before the agreement was arrived at, and that State is placing returned men on the land. The same thing, though to a lesser extent, is being done in Victoria, and the Queensland delegates informed the conference that that State was about to act in a similar way. Western Australia is one of the agent States. If members will refer to the Adelaide "Chronicle" of the first week of November, they will find that a very large portion of the land known as the five-mile creek close to Mt. Gambier, which was swamp and has been suitably drained, is almost ready for allocation to service men from this war.

While I was in Adelaide the South Australian Parliament passed a Bill for the compulsory acquisition of land, and the main reason for so doing was to provide suitable land by way of resumption for the settlement of soldiers from the present war. I understand that in this State inquiries are being made by the Government and that the Minister for Lands is doing his best but, so far as I know, no definite arrangement has yet been made along those lines; or, if so, it has not been made public, and thus the league has not been able to take action. I have already said that I understand the object of the Western Australian delegates in moving as they did at the Adelaide conference was, if possible, to spur on the Commonwealth Government. We have been given to understand that the first move lies with that Government. The agreement has

to be ratified, and my motion asks that the Premier should impress upon the Prime Minister the need for early action. Until such action is taken, this State, I admit, cannot get far. The second part of the motion is contingent more or less upon the first part, assuming that the Commonwealth Government does what is suggested.

The Prime Minister, at a little reception given here, said that he would move in the matter as early as he could, to see that preference and land settlement were brought about; but unfortunately my old friend is in dock for overhaul and repairs. Whether or not he will be in a position to see that the bit of drive he has brings the promise to fruition next February, remains to be seen. I hope he will be. That is the direction in which I hope our Premier will urge the Acting Prime Minister. Then, if an agreement is ratified—and it can be ratified only by this Parliament—it devolves on Western Australia to take appropriate action to give the ratification tangible effect. In the ordinary course of events this Parliament does not meet until the end of July or early in August.

If the Commonwealth does its part and reveals its intentions, it is imperative that the matter should not be permitted to hang over until the middle of next year. There must be a special session of this Parliament. There are other phases which I could stress, but I do not know that it is necessary for me to do so. The policy of the R.S.L. on soldier land settlement, and to whom it should apply, is well known; but I do urge upon the Leader of the House to use his influence with the Premier with a view to arriving at something tangible, so that we may know where we are.

**HON. H. L. ROCHE** (South-East): In seconding the motion moved by Mr. Cornell, may I say it is high time that this House placed its views on record in respect of the matter. Australia has now been at war for over five years; considerable numbers of men have returned, and many of them are wanting to go on the land. Numerous inquiries are being made of members of Parliament and others as to the position that will obtain as regards soldier settlement for the returned men of this country. Unfortunately, up to date it has not been possible to give those

men any satisfactory answer. If the matter is going to drag on until demobilisation takes place, nothing but chaotic conditions can result. Even at this late date there is a big job to be done in providing machinery for the satisfactory carrying-out of the scheme. If some of the recommendations of the Rural Reconstruction Commission's report on soldier settlement are adopted, more particularly with regard to training for men who will want some brushing-up further to perfect their farming knowledge, and if the survey of the land on which they are to be settled is to be adequate, no further delay must be permitted in Western Australia. Even at this stage the State Government may be doing something in that regard; but, as Mr. Cornell has pointed out, up to date we have heard nothing of it. The major responsibility, of course, lies with the Commonwealth authorities.

If this motion, when carried by the House, can be of any use in expediting a decision by that time, it will permit of the institution of soldier settlement for men who wish to become domiciled in Western Australia. In that case I shall consider the time occupied in discussing the subject in this Chamber will be well spent. It is extraordinary that in New South Wales and Victoria it has been possible to institute a measure of settlement and to make preparations for still further settlement in both those States, whilst in Western Australia, where primary industry is still the people's major concern, and where we have better opportunities—so I am given to understand—than any other State possesses, nothing has so far been attempted. In the event of something coming of Mr. Cornell's motion, the holding of a session in the early part of the New Year will be of the utmost importance; for if this matter is delayed still further—say, until the new session begins in July or August—it is to be feared still further extensions will occur. This would certainly not be in the best interests of the men who are either waiting for land or, having returned to land of their own, are not able to make any decision in regard to the carrying-on of their future, activities as soldier settlers in Western Australia.

**HON. H. TUCKEY** (South-West): I desire briefly to support the motion, for the reason that I have had something to do with returned soldiers who have been try-

ing to settle on the land. I believe the State Government has done what it can to bring this very important matter to a head. It is some months now since I went to the Lands Department with a returned soldier to try to get some information, but we were unable even to get that. We were told that the matter now rested with the Commonwealth authorities, and that even the Lands Department could go no further until they had made up their minds. It seems that it is necessary to do something to spur on the Commonwealth Government to reach finality. It is a pity that the returned soldiers cannot get some idea when they will be able to receive assistance to settle on the land. I need not stress the importance of settling the land we have available in this State. Some of the returned soldiers have had practical experience of such work and we should do all we can to accommodate them. I hope the motion will result in the State Government hurrying on the matter.

**HON. C. B. CORNISH** (North): I have pleasure in supporting the motion. I personally know of numbers of men who have returned from the war and desire to take up farming, including poultry and pig farming. Some of them are on the land now. They want assistance from the Government, but it appears that nothing so far has been done in that direction. The whole thing seems to be held up. In view of the importance of Australia producing for our Allies, as well as for ourselves, the matter should be pushed along. I commend Mr. Cornell for bringing the motion forward and hope it will have the support of the House.

On motion by the Chief Secretary, debate adjourned.

## **BILL—FINANCIAL AGREEMENT (AMENDMENT).**

### *Recommittal.*

On motion by the Chief Secretary, Bill recommitted for the further consideration of the Second Schedule.

### *In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

#### **Second Schedule:**

The CHIEF SECRETARY: When the Bill was being considered yesterday, you Mr. Chairman, raised the question as to whether

there was any necessity to submit the two schedules to the Committee. I think you argued that there was no need to submit the second schedule, because it was really an amended version of the Financial Agreement; and that, having ratified the first schedule, which is the agreement between the Commonwealth and the States, there was no need for the Committee to go further. I have since made inquiries of the Chairman of Committees in another place and he informs me that he submitted both schedules to the Legislative Assembly. He also said that, in view of the fact that the second schedule is the Financial Agreement amended to date, in his opinion it is necessary to submit it to the Committee.

The CHAIRMAN: The question is that the schedule on page 10 of the Bill stand as printed. I desire to inform the Chief Secretary that he has told the Committee only part of what I said. The clerk informs me that the Clerk of the Assembly told him that the second schedule was not put, and that it does not appear in the Votes and Proceedings of the Assembly as having been put.

Hon. Sir HAL COLEBATCH: I have just one question to put to the Chief Secretary. I opposed the Financial Agreement originally for two reasons. One was because I thought it entirely unjust to Western Australia; and the other was that I thought it unwise to put it in the Constitution. The reason for putting it in the Constitution was that it should be binding. The method of amending the Constitution is set out in the Constitution itself. This Bill purports to amend the Financial Agreement; and insofar as it amends the Financial Agreement it seems to me that it amends the Constitution. Does it do that? Is this a matter in which the Constitution can be amended? I do not know whether the question has any practical application. Perhaps it is understood that everybody will accept the thing and have done with it. This Bill insofar as it amends the Financial Agreement does amend the Constitution.

Member: There is no doubt about that.

The CHIEF SECRETARY: This is the first time the point has been raised and I am sure the Committee will not expect me to determine it. All I can say is that it was determined between the Commonwealth and States that this agreement should be ratified by every Parliament in Australia. We are

carrying out our part of the agreement by submitting the Bill in this form, the same form in which it has been submitted to every other State and to the Commonwealth. I suggest that if we carry out the same procedure as is carried out by every other State and the Commonwealth we cannot go very far wrong. I do not think there is any need to hold the Bill up; but in view of the importance—shall I say—of the point raised by Sir Hal Colebatch, I will obtain advice and let him know the result.

The CHAIRMAN: I will put the question that the schedule commencing on page 10 stand as printed, but the more I look at it, the more I think there is no necessity for it because the Bill embodies the agreement, and the agreement is set out in the schedule and the signatories to the agreement are at the end. Then comes the second schedule, which appears to me to have nothing to do with the Bill.

Hon. A. THOMSON: Would it not be wise, in view of the point raised by Sir Hal Colebatch, for the matter to be held over until next Tuesday?

The Chief Secretary: If there is anything in Sir Hal's contention, the whole Bill will have to be resubmitted.

Hon. H. S. W. PARKER: What you, Sir, are referring to as the second schedule is the schedule to the schedule. At the bottom of page 8 of the Bill occur the words—

The agreement set out in the Schedule to this agreement shall be taken to be the Financial Agreement, etc.

Clause 2 of the Bill states—

The agreement, a copy of which is set forth in the Schedule to this Act, is hereby approved and ratified.

The Agreement itself is the schedule.

Schedule put and passed.

Bill again reported without amendment, and the reports adopted.

### *Third Reading.*

Bill read a third time and *passed*.

## **BILL—LEGAL PRACTITIONERS ACT AMENDMENT.**

### *Second Reading.*

THE HONORARY MINISTER [5.15] in moving the second reading said: This Bill seeks to amend the Legal Practitioners Act, 1893, for the purpose of establishing a legal practitioners' guarantee fund, to be

utilised in meeting claims by clients against a defaulting solicitor, and for other incidental purposes. Members are aware that in the last few years certain members of the legal profession have been tried and convicted of fraud. The solicitors concerned had improperly used the funds or assets of their clients. In some instances there have been insufficient funds or assets to meet the claims of the persons concerned, and this has created a great deal of financial hardship and suffering for those unfortunate enough to have been involved in the matter. It is considered that such a state of affairs justifies some statutory action by the creation of a fund to meet these cases should any occur in the future, and that is what this Bill proposes to do.

The first point to which I desire to refer is that dealing with the issue of annual practice certificates which practitioners are obliged to take out each year. For some considerable time the fee for a certificate has been £5, although the Act permits a maximum fee of £10. The Act, however, does not permit a fractional fee when a certificate is taken out for a fraction of a year, and to this extent the Act is deficient. The Barristers' Board has asked that this position be rectified, and the necessary provision has accordingly been made in the Bill. It is now proposed that the maximum annual fee for a certificate shall be £10 and that, if a certificate is issued after the 31st December in any year, one-half of the annual fee shall be payable.

To obtain uniformity, the relevant clause in the Bill sets out that all current certificates shall expire together on the 30th June next, and a refund can be made to practitioners whose certificates would have continued beyond that date. This arises out of the fact that the Barristers' Board has been issuing annual certificates, dating from the time of the payment of the fee, so that at the moment there is no uniformity in this respect. The clause also gives the Barristers' Board power to prescribe the amount of annual contribution to be paid into a fund called "The legal practitioners' guarantee fund," which is to be administered by three trustees who shall be legal practitioners, one to be appointed by the Governor, and the other two on the nomination of the Barristers' Board and the Law Society. The Bill sets out that the annual contribution to the fund shall not

exceed £10, and that a practice certificate cannot be issued unless the contribution is paid. It further provides that if the fund is found insufficient to meet any liability, a levy may be struck with the consent of the Governor. A maximum of £10 per annum is fixed for any levy, and no practitioner will be obliged to pay more than £50 in levies during his practising life.

There is a proposal which compels solicitors to keep a trust account at a bank, such account to be used exclusively for trust moneys, which are not to be available for payment of the debts of a practitioner. This provision is important in more ways than one. It protects members of the public who deposit trust moneys, and it is also necessary for the safe working of the fund, as there are provisions in the Bill dealing with audit and examination of practitioners' accounts. The Bill makes it compulsory for practitioners to keep accounts of trust moneys in such a way that they can be conveniently audited, and a penalty is provided for those practitioners who fail to keep proper accounts. Power is also given to inquire into any such neglect on the part of a practitioner. In respect of that part of the Bill which proposes to establish the legal practitioners' guarantee fund, the Bill sets out that the moneys in question shall be paid into a separate account in a bank pending investment, and that the constitution of the fund shall be comprised of—

- (a) Contributions and levies;
- (b) Interest;
- (c) Any money recovered by the trustees through action taken under the Act;
- (d) Any other moneys lawfully paid into the fund.

It then goes on to deal with the manner in which the moneys in the fund may be applied in meeting claims. There are other provisions in the Bill such as those dealing with the appointment of auditors, power of investment of moneys in the fund, provision for penalties, etc. I trust the House will pass the Bill, which is similar to legislation existing in other States of the Commonwealth. If members desire any further information I shall be only too pleased to supply it in the Committee stage. Some amendments will be put on the notice paper by Mr. Parker and myself.

Hon. H. S. W. Parker: There may not be time to do that.

The HONORARY MINISTER: I think there will. I move—

That the Bill be now read a second time.

HON. H. TUCKEY (South-West): The Honorary Minister did not give the House any information as to what trust funds have been misappropriated. This seems to me to be somewhat of a storm in a teacup because I do not know of many instances of the legal fraternity in this State having misappropriated funds in its possession. It seems a rash thing to ask a large number of respectable, honest legal men to pay out their money because of one or two others who, perhaps, do not play the game. We might as well say that the Fremantle lumpers should be treated in the same way.

Member: They do not handle people's money.

Hon. H. TUCKEY: They handle people's goods, and the pilfering on the wharves is something terrible. It would be interesting to know how many thousands of pounds' worth of stuff is stolen each year. I cannot see any difference between stealing goods and stealing money. It is all theft. I cannot make up my mind at this stage to support the second reading, and I will hear what other members have to say.

HON. H. S. W. PARKER (Metropolitan-Suburban): I rather welcome this Bill and I hope it will be the forerunner of other similar measures. It is the idea of the Government that the public should be protected. What is curious, however, is that the Government takes as its example the profession from which the highest in the land are drawn. Our judges, who are the most highly respected people in the country, come from the ranks of legal practitioners. It seems to me to be not generally known that legal practitioners closely police their own members, as also do the judges. If a solicitor defaults and is found out he receives a far greater punishment than does any other person charged with the same offence. It is recognised that if a solicitor is brought before the Criminal Court and found guilty of stealing trust moneys he is sentenced, in every case, to imprisonment for four years. We seldom find a penalty of that magnitude in the case of defaulting clerks, accountants or agents. The people referred to by Mr. Tuckey, the lumpers, are usually fined £10. I under-

stand they each put in a shilling so that the fine is paid without anyone suffering any penalty. I sincerely trust that the Government, having embarked on this legislation, will look into the question of protecting the public where big frauds are carried out.

If one member of the legal profession goes astray it is news, because it is widely advertised in the papers. They make a big feature of it, and on that day we need not worry about war news because we see headline—"Another solicitor gone wrong." I am closely associated with legal practitioners and, if I wrack my brains very hard, I might be able to recall four or five cases of lawyers who have misappropriated funds during the last 30 years. The lawyer just precedes the politician in the minds of the non-thinking public as to integrity. I trust that the Government will consider the necessity for unions, whose members handle goods belonging to other people, entering into some sort of insurance in order to indemnify the persons for whom their members work, in the same way as it is asking the solicitors to do. I also point out that the defalcations of agents and accountants far exceed those of lawyers, because there is not the control over those classes of persons that there is over a solicitor.

Although the law does not compel a solicitor to keep trust moneys in a separate bank account, if it comes to the knowledge of a judge that moneys received as trust moneys by a solicitor are not paid into a separate bank account, that solicitor will very soon be reported to the Barristers' Board. It is an unwritten law amongst solicitors that a separate banking account shall be kept for trust moneys. This Bill will make that law a written law so that it will become a statutory provision. Nobody has any objection to this Bill in one way. Owing to the manner in which the legal profession is slandered, sometimes humourously and sometimes seriously, as regards its honesty, it is well perhaps to give the public some confidence in it. But the self-same people who are so happy and anxious to slander the lawyer are the very ones to rush to him as soon as they are in any sort of trouble, whether it be in connection with their domestic affairs, their business contracts, crimes committed by themselves, or thefts on the part of members of their staffs. That is the person who turns round and says the lawyer is such a scoundrel that he should

have a guarantee fund! The legal fraternity is the only section of the whole community that voluntarily asked Parliament to bring down a Bill giving it permission to subscribe to a Chair at the University for the purpose of training young people to carry out the ethics of the profession and so help the public of the future.

Hon. H. Tuckey: When was that done?

Hon. H. S. W. PARKER: Many years ago. The fund from which the legal profession contributes to the Chair of Law at the University, has a balance of £2,000 odd, and the Government had the temerity the other day to spend £500 of it on books for the Clerks of Courts in various country districts.

Hon. A. Thomson: We should make them put up a guarantee, too.

Hon. H. S. W. PARKER: Yes. This is not generally known. It is news when anything goes wrong. Perhaps the papers are justified in making it news because it is an extraordinary event. Lawyers are now asked in effect to subscribe £50 during their lifetime as a contribution to this fund. Of course, that does not amount to very much. What I am pointing out is that it is not so much what is asked of us as how it is asked that makes us inclined to object. It may be of interest to members to know that this Bill has never been presented to the Barristers' Board nor yet to the Law Society.

Hon. C. F. Baxter: Good heavens!

Hon. H. S. W. PARKER: No doubt that seems rather strange to members.

Hon. C. F. Baxter: And the lawyers have to find the money!

Hon. H. S. W. PARKER: Quite so. I have no objection to the Bill or to complying with the requirements of this legislation. I do say, however, that the Government might have handled the matter somewhat better and consulted the people who know something about it, instead of rushing in with this legislation as it has. I intend to move several amendments. In that regard I draw the attention of members to the attempt that has been made in the Bill to ride rough-shod over our Standing Orders by virtually seeking to amend the State Government Insurance Act. I have handed to the Clerk several amendments and one will provide for the striking out of that part of the Bill.

Hon. A. Thomson: To which part do you refer?

Hon. H. S. W. PARKER: I refer to the second subparagraph of Subsection (1) of proposed new Section 28T, comprising lines 13 to 17 on page 12 of the Bill. I shall support the second reading and trust that members will assist me to have the amendments I desire inserted.

On motion by Hon. H. Seddon, debate adjourned.

## **BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT.**

### *Second Reading.*

**THE HONORARY MINISTER** [5.33] in moving the second reading said: This Bill seeks to amend the Trade Descriptions and False Advertisements Act, 1936, and arises out of the urgent representations of the Commonwealth Government to all States for the passing of legislation to ensure that manufacturers, distributors and retailers clearly show the percentage of wool and other fibres contained in fabrics offered for sale to the public. This action has been taken by the Commonwealth following requests made by all the States, through the Australian Agricultural Council, and by woolgrowers of Australia during recent years, in an endeavour to protect the wool-growing industry against the increasing competition of synthetic fibres which are used as a substitute for natural wool in the manufacture of fabrics.

The Commonwealth Government asked that special legislation be passed to deal with this important matter, and it actually submitted to the Government of this State, as well as to the Governments of all the other States, a draft Bill so that legislation in relation to the sale of textile products might be uniform in its provisions. It was indicated by the Commonwealth Government that in the framing of the draft Bill considerable notice was taken of the provisions contained in relevant legislation of the United States of America and of the Union of South Africa, and I am advised that the various States have either passed legislation or are submitting legislation for Parliamentary approval. After necessary inquiries had been made by the Government it was decided that the best course to adopt in this State would be to amend existing legislation; and this Bill is accordingly submitted.

It will be noted that it proposes in the first place to make provision for the existing Act to be divided into parts or divisions. The Act at present has no such parts or divisions for any class of goods with respect to trade descriptions, and, in the event of the Bill being passed, the Act can be rearranged, thus permitting a special division to be set aside to deal entirely with textile products. The Bill sets out that no person shall deliver for sale or sell any textile product unless there is applied thereto, conspicuously and legibly in such manner as may be prescribed, the full name and the complete address of the manufacturer, and also a trade description of the product containing details of the constituent fibres.

Hon. H. Seddon: Will that apply to a shirt?

The HONORARY MINISTER: Yes, to the material.

Hon. J. A. Dimmitt: It will apply to handkerchiefs and, in fact, to all fabrics.

The HONORARY MINISTER: That is so. As I said earlier the object of this provision is to protect the woolgrowers, and I expect I shall have their support. There is a provision, however, that it shall not be necessary to state the name and address of the manufacturer where it is impracticable or inconvenient to do so. That could apply to the shirt about which Mr. Seddon is concerned. It is further provided that it shall not be necessary to affix the prescribed particulars relating to the manufacturer and to the textile product on, or to, the product itself, but it shall be sufficient if such particulars are attached or applied to any covering, label, reel, placard or thing used in connection with the textile product, provided the notification is at all times in such proximity to it and sufficiently displayed as to be clearly and easily referable to the product by any person proposing to purchase it. That makes it quite clear that the intimation will not be on the shirt itself.

These provisions should enable purchasers to know exactly the quantity of wool or other fibres in any article submitted for sale. The Bill then provides that no trade description shall contain the words "artificial wool," "imitation wool," "synthetic wool," "substitute wool" or any other expression which contains the word "wool" or "woollen" in relation to any substance



that is not wool. A "textile product" is defined in the Bill as—

Woven, knitted or felted or other product manufactured from fibre, and includes such products whether in the piece or roll or in garments or other derivatives thereof, and also tops and yarns.

The term does not include hats, or linings, interlinings or trimmings forming part of a garment, or any article which the Governor by regulation declares shall be excluded from the definition. "Wool" has been defined in the Bill as the natural fibre from any variety of domestic sheep or lamb which has never been reclaimed from a textile product, whilst the words "woollen goods" or "all wool" or "pure wool" mean a textile product which contains 95 per cent. of wool, with 5 per cent. of other material or substance for decoration. This will mean, therefore, that it will be unlawful for any textile to be labelled with these words unless the article in question contains at least 95 per cent. of natural wool. The necessary provisions have been made in the Bill to deal with definitions of "distributor," "manufacturer" and other terms in order to set up requisite safeguards to protect the public from exploitation, whilst provision has also been made for penalties.

Those I think are the main provisions in the Bill which may no doubt appear to be somewhat lengthy to members. Most of the clauses, however, are of a machinery nature, and, as I said at the outset, are deemed necessary to bring about a re-arrangement of the parent Act into parts or divisions, the result of which will be that a separate division will appear in the Act under the heading of textile products if this Bill is passed. There is nothing in the measure designed in any way to restrict the sale of goods or to prevent any person from buying any article that may be for sale. What it does seek to do is to render it legally necessary for a trade description to be properly applied in respect textile products that are for sale, and it will be unlawful for any such product to be labelled as wool unless the article concerned contains at least 95 per cent. of natural wool. The Bill is important, representing as it does part of an Australia-wide effort to protect an industry which is so vitally important to the economic structure of this country, and I feel

that members will give it their utmost support. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

## **BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the previous day.

**HON. J. A. DIMMITT** (Metropolitan-Suburban) [5.40]: Like other members of this Parliament, I have received several communications from various bodies, and one cannot but be struck with one outstanding point, which is that there is a good deal of opposition to the Government's plan to dominate the Senate of the University, as outlined in this Bill. The measure seeks to change the Convocation's representation of 12 out of 18 to six out of 21. This opposition to the change in the constitution of the Senate comes from people deeply interested in the education and welfare of youth. It comes from such bodies as the State School Teachers' Union, which is very emphatic upon this point; from the Guild of Undergraduates, whose spokesmen, in their enthusiasm, sent a circular letter that was couched in somewhat extravagant terms but, on the elimination of some of the verbosity, one discovered that their complaint is just the same as that of the other letter writers. This complaint is that they dislike the change in the representation on the Senate. They also complain of the paucity of the Government grant.

I believe all members have received a long communication from the Warden of Convocation expressing much the same feelings regarding the proposed alteration of the constitution of the Senate. Some have listened to the viewpoint expressed by members of the staff, professors, lecturers and others of lesser degree. I have spoken to graduates and undergraduates. For six years I was in reasonably close touch with the University, due to the fact that I had a son who did the Bachelor of Engineering course there. As a result I came frequently into contact with the professors and the student body connected with the Faculty of Engineering. I have taken an opportunity to renew some of those acquaintances and friendships in the last few weeks; I have spoken to members of the Senate, and I

have summed up what the position will be if this Bill becomes an Act. First of all I should say that the increase in the grant from £34,500 to £40,000 is something for which those associated with the University should be grateful and no doubt are grateful.

I agree with the viewpoint expressed that the University should be a good university, regardless of whether it is free or subject to the payment of fees by students, and unless the degrees of a university are recognised and have reciprocity with universities through-out the Empire and the world, then it is just a waste of money and a waste of the students' time. However, our University does enjoy a reputation that gives it reciprocity with other universities. The fact that the Government recognises that a growing university needs increased income suggests that a frequent review of the financial position should be undertaken so that the Government might keep pace with any necessary change. Secondly, it is obvious that this Bill does provide for a greater measure of Government control and Government influence. In fact, it provides for a Government influence that will mean that the University will ultimately come under the control of political parties which, of course, will not be in the best interests of the institution. Let me say that if the University control became a plaything of politics, it would, in the event of there being a change of Government, be the plaything of a political party having a different outlook from the party at present in power. So this might become a two-edged sword.

I suggest that this Bill should not be considered under any circumstances as a party measure, and its supporters should be mindful of the full implication of this change in the constitution of the Senate. I think members will see in the Bill evidence of an effort to control the University by the Government, and I believe that the University should be free from outside control. The practice of universities throughout the Empire is to have control centred within themselves.

Hon. C. B. Williams: You do not propose to foot the bill.

Hon. J. A. DIMMITT: Yes; if this country decides to have a free University—and I agree with the idea of a free University—it must foot the bill. It has footed the bill in the past and done it well, but there is no reason why it should be made a Govern-

ment University. Of course the Government should have representation, as it already has. I should much prefer to see the Senate built up along the lines of the amendments standing on the notice paper in my name. The sum total of those amendments is that the Government would appoint six representatives, and the Government could easily appoint the Under Treasurer and the Director of Education as two of its six nominees. As a matter of fact, I understand that the Director of Education is at present a Government nominee, and it would have been quite an easy matter some months ago to appoint the Under Treasurer to the Senate to replace Mr. Drew, who resigned his seat on that body. I think the actual issue we have to face is this: Shall control of the University be free from outside dictation or shall it become the tool of political interests? If we give our decisions with this in mind, I feel that I shall get support for my amendments. I shall vote for the second reading.

HON. J. CORNELL (South): I also support the second reading, although I must admit that I do not know much about universities. Perhaps I may claim that the world has been my university. The amendment I have placed on the notice paper proposes merely to reduce the number of co-opted members from four to three, and to allow the Returned Soldiers' League to elect its own representative. Mr. Thorn, M.L.A., and I were deputed by the R.S.L. Executive to interview the Premier in regard to the representation of the League on the Senate. Accordingly, he and I interviewed the Premier, who suggested that when the Bill was in the Council this matter should be considered. I feel the House will agree that co-opted members will not interfere with any other representation on the Senate. I ask, who has a better right than the R.S.L. to representation on the Senate? I do not think any question can be raised, in this connection, as to academic qualifications. If the qualifications of members of the R.S.L. are analysed, it will be found that the membership of that body includes many men of high academic degrees. Should preference be extended, it will be made the guiding principle. That is the only reason why I have risen to speak to the Bill.

On motion by Hon. J. M. Drew, debate adjourned.

**BILL—RESERVES.***Second Reading.*

**THE HONORARY MINISTER** [5.53] in moving the second reading said: This is the usual Reserves Bill, and is submitted for parliamentary authority to deal with certain reserves and other lands. The first proposal concerns reserved land at Merredin, which has been taken over with other land by the Commonwealth for R.A.A.F. purposes. Members will recall that I supplied details of the terms of the acquisition by the Commonwealth Government of land in this town when the Road Closure Bill was submitted during the last sitting of the House. Included in that area acquired by the Commonwealth is portion of Class "A" Reserve 14803, which was set aside for park land and recreation some time ago, but has never been vested in any authority. Arrangements are being made by the Commonwealth with the State for a lease of all the Crown land occupied for R.A.A.F. purposes. This land includes portion of the reserve to which I have referred, but before any action can be taken in connection with the lease it is necessary to excise the area concerned from the reserve, and authority for such a procedure is sought by the Bill.

The next proposal deals with a reserve in the Nedlands Road Board district, namely Reserve 7804, which has been vested in the board for park and recreation purposes, with power to lease for any term not exceeding 21 years, subject to the approval of the Governor. Portion of this reserve was originally purchased by the board, but was surrendered to the Crown to enable it to be set apart for park and recreation purposes. The Government granted other land to the board in exchange, with power to sell, in order to recoup the cost of the reserve originally purchased by the board.

On that reserve are three dwelling houses, which have been let by the board, but its auditors have raised the question of the board's authority to do so. The Solicitor General has ruled that although the board has power to lease for 21 years, it has no authority to let for residential purposes. I am informed that the houses are five to six-roomed weatherboard dwellings, valued at between £350 and £400 each, and that each dwelling is erected on approximately a quarter of an acre of land. As the houses were erected on the land when it was origin-

ally purchased, it is considered that authority should be given to the board for their being let, provided that rentals received are used either for recouping to the board the purchase price, or for improvement or upkeep of the reserve. Authority for this purpose is therefore sought by the Bill. As the reserve is a Class "A," it is thought undesirable to grant authority to let the houses indefinitely. The Bill therefore sets out that if after 21 years circumstances still justify the letting of these houses, parliamentary approval will have to be sought.

The next proposal relates to Reserve 19134 at Serpentine which is held by the Serpentine-Jarrahdale Road Board in trust for the purposes of "recreation, racecourse and show grounds." The reserve in question has been leased under terms which require the lessee to maintain existing improvements, and also to improve the land for the purpose for which it was set apart, in consideration of which the lessee will be entitled to use it for grazing purposes. Recently Whittaker Bros. have been granted by the Forests Department cutting rights in this locality for a period of 10 years, and they desire to obtain a lease of a portion of the reserve, adjoining the railway, for a sawmill site and timber yard. The area proposed to be leased is about 5½ acres, and the rental to be charged is £42 per annum. Authority is, therefore, sought by this Bill for the road board to grant the required lease on the terms I have mentioned; and as all the parties in the proposal are agreeable, I trust that members will also approve.

Another proposal in the Bill relates to Northam Lot 218, which is held by the Northam Municipality in trust for the purpose of a town hall; but the land was not required for this purpose and has been used for recreation for many years. All that it is desired to do is to change the purpose of the reserve; and as the Town Planning Commissioner, the Surveyor-General and the local authority are agreeable, I trust that no objection will be raised. The Bill deals also with Reserve 2166 which is situated at Mundijong, and has been set aside for the purpose of a racecourse. A 99-years lease of this land was issued in 1899 to certain trustees, all of whom have died, and the reserve has not been used for racecourse purposes for some considerable time. The proposal in the Bill

seeks to cancel the reserve and revest the land in the Crown.

The final proposal in the Bill concerns Bunbury Lots 155, 156 and 174, these lots having been set aside as a reserve for recreation purposes. There has been no necessity for using the lots for such a purpose, and the municipal council has used them for a depot site. As the lots are in a residential area, it is considered that it would be in the public interest if they were sold to be utilised in the erection of dwellings, the proceeds of the sale to be applied by the municipal council towards meeting the cost of the acquisition of a new depot. The proposal in the Bill is that these lots shall be revested in His Majesty, with the intent that they shall be granted in fee simple to the Bunbury Municipal Council, with power to the council to sell the lots and retain the revenue received. That is the explanation of all the proposals in this Bill. Plans of the areas concerned are available, and these will be laid on the Table of the House for members' inspection. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Reserve A 7804:

Hon. A. THOMSON: I am seeking information. I have painful recollections of the Lands Department, after making certain land freehold, imposing conditions which I considered to be very unfair to the people who had erected homes on it. Have the owners of the three dwellings mentioned in the clause consented to what is proposed to be done?

The HONORARY MINISTER: The dwellings are the property of the road board.

Clause put and passed.

Clauses 4 to 7, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

#### *Third Reading.*

Bill read a third time and passed.

House adjourned at 6.3 p.m.

## Legislative Council.

Tuesday, 12th December, 1944.

	PAGE
Questions: Kojonup road bus service, as to revenue, expenditure, etc. ....	2388
Lantigen, as to contents and value ....	2388
Abattoirs, Albany and Robb's Jetty, as to sheep and lambs slaughtered ....	2389
Bills: Rural and Industries Bank, Com. ....	2389
Government Employees (Promotions Appeal Board), IR. ....	2415
Lotteries (Control) Act Amendment (No. 2), returned ....	2415

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

### QUESTIONS (3).

#### KOJONUP ROAD BUS SERVICE.

*As to Revenue, Expenditure, Etc.*

Hon. H. L. ROCHE asked the Chief Secretary:

On the Kojonup road bus service for the year ended the 30th June, 1944—

(i) What were the gross proceeds received?

(ii) What were the costs of—(a) general running, (b) maintenance, (c) repairs?

(iii) What was the net profit on the service?

(iv) How many passengers were carried?

(v) Will the Minister suggest to the Commissioner of Railways the desirability of furnishing the above information in the appropriate reports and so obviate the necessity for these questions becoming an annual occasion?

The CHIEF SECRETARY replied:

(i) £7,013.

(ii) (a) £1,370. (b) and (c) £695.

(iii) £4,023.

(iv) 8,667.

(v) Yes.

#### LANTIGEN.

*As to Contents and Value.*

Hon. J. G. HISLOP asked the Chief Secretary:

Will the Minister please state the contents of "Lantigen A, B, C, D, E and F"? If not known, will the Minister arrange for their analysis, and then advise the House of the contents, and also of the value of each in regard to the claims made for it?