Legislative Council,

Tuesday, 6th September, 1921.

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

QUESTION—RAILWAYS, Mr. BACKSHALL'S APPOINTMENT.

Hon. A. H. PANTON asked the Minister for Education: 1, What was the date of Mr. Backshall's appointment to his present position in the Railway Department? 2, What was the salary attached to the position at date of appointment? 3, Has his salary been increased since appointment, if so, by what amount?

The MINISTER FOR EDUCATION replied: 1, 10th November, 1919. 2, £350 per annum. 3, Yes, by £59, in common with all members of the salaried staff in consequence of increase in basic wage awarded by the Court of Arbitration.

MOTION—ELECTRICITY GENERATION AND DISTRIBUTION.

To inquire by Royal Commission.

Order of the Day read for the moving, by Hon. J. Ewing, of the following motion:—"That in the opinion of this House the Government should appoint a Royal Commission for the following purposes, viz.:—1, To investigate the working, sale, generating and distribution of the Perth Electric Power Station. 2, To report as to the best means of generating cheap power for all purposes within the State. 3, The best location for the establishment of such a plant."

Hon. J. EWING (South-West) [4.34]: Is it permissible that I withdraw the notice appearing on the Notice Paper and substitute another? The notice on the Notice Paper is not worded very well, does not correctly state my meaning, and therefore I should like to withdraw it and substitute the following:—

> "That in the opinion of this House the Government should appoint a Royal Commission for the following purposes:—1, To investigate the working of the Perth Electric Power Station and the generation, sale and distribution of electricity. 2, To report as to the best means of generating cheap power for all purposes within the State. 3, The best location for the establishment of such a plant."

The PRESIDENT: In a case of this sort it is, I think, necessary to obtain the opinion of the House. A notice of motion appearing on the Notice Paper is read with interest by hon. members, and it is quite possible that they may regulate their attendance, or the time of their attendance, by the terms in which such notice is worded. In these conditions, it must be obvious that an alteration in a notice of motion is more serious than appears on the surface. I propose, however, in this instance to ask leave of the House that the notice of motion read by the hon. member shall be substituted for that appearing on the Notice Paper.

Leave given.

Hon. J. EWING (South-West) [4.36]: I move—

> That in the opinion of this House the Government should appoint a Royal Commission for the following purposes:—1, To investigate the working of the Perth Electric Power Station and the generation, sale and distribution of electricity. 2, To report as to the best means of generating cheap power for all purposes within the State. 3, The best location for the establishment of such a plant.

I thank hon. members for the leave given to substitute the motion. Its intention is practically identical with that of the one withdrawn. Last session, on the 18th November, I moved the following motion:—

> That in the opinion of this House the Government should appoint a Royal Commission to inquire into the feasibility of generating electrical energy at Collie and transmitting the same from there with a view to reducing the cost of the supply of power for industrial and domestic purposes at centres where it is required.

It will be noticed that the motion I have now moved is somewhat different. Owing to what appears to me to be a very serious position in regard to the Electrical Department and the working of the power house, I now desire that a closer inquiry should be held than the one I outlined last session. I think I shall be able to satisfy hon. members that the position in regard to the generation of electricity in this State is, to say the least of it, unsatisfactory. Without wishing to cast reflections on anybody connected with the power house, I desire to trace the history of that institution, point out that what was anticipated has not been found possible, and suggest that there may be certain things in respect of which an outside expert would be able to give very great assistance. The general manager, Mr. Taylor, is not personally known to me. No

reflection whatever will be cast upon that gentleman in the course of my remarks; because I realise that he is a first-class expert, and from some correspondence which I will read to the House it will be seen that he is held in the very highest esteem by the Government, and particularly by the Minister for Railways, under whose jurisdiction he is. When I moved the motion last session it was perhaps, my fault that I was not able to impress the House, or may be the House was not in a humour to undertake the discussion of what appeared to me to be a very serious position. If it was serious then, it is a great deal more serious to-day. My motion of last session was from time to time postponed. Among others Mr. Lynn spoke to it. I did not get from him the support I had expected. On almost the last day of the session the Minister for Education asked leave to discharge my motion from the Notice Paper. He said that he would see to it that the fullest investigation was made during the recess. That has been done as far as I have been able to do it, and I wish to place before the House some correspondence to show that the Minister for Railways is not sympathetically disposed towards my motion. I had hoped, I still hope that the position of the electrical works in Perth will arrest the attention of hon. members. I am taking this course from a sense of public duty. I do not profess to be an electrical engineer, and so I shall not deal with electricity to any great extent. But I hope that hon. members who have a greater knowledge of such matters will give attention to this very serious position. Mr. Lovekin disappointed me last session. He has a wide knowledge of this subject, and has had opportunity for travelling under special circumstances and investigating electrical works in other parts of the world, especially in America. I hope he will give the House the benefit of the knowledge he has acquired. Mr. Stewart is an electrical engineer, and I am sure he can throw a strong light on this subject. I hope that if I am wrong in my contentions he will criticise me severely. I trust that the members I have mentioned, and others who are interested in electrical matters, will take an interest in this discussion and either prove my contentions to be wrong, or whole-heartedly support me. I do not intend to read the letters I have written to the Minister for Railways in order to call his attention to this matter. The first letter I wrote was in April. In that I said that no investigation, as promised by the Minister for Education, had been carried out. In reply to that I received a very significant letter from the Minister for Railways which showed me at once that he was not at one with me in my attitude. Here is the letter—

> I have to acknowledge the receipt of your letter of the 20th inst. relative to the question of generating electricity at Collie. I am submitting your letter to the general manager of our electricity supply for his comments. I note your desire that experts should be appointed to inquire into this matter, but, judging from the success of our power station under Mr. Taylor's control, and comparing it with those of other States, and also taking into consideration the world wide experience which our manager has had, and the confidence reposed in him by such a reputable firm as Messrs. Merz and McClellan, I do not know of any one who would be more capable to give expert advice than Mr. Taylor himself. However, when I receive his report I will give the matter further consideration.

That showed me that the way was not all clear in this matter and that the confidence the Minister had in Mr. Taylor, led him to believe that Mr. Taylor was able to give all the information that the Government required. Mr. Taylor is the manager of the tramways and is also Superintendent of electricity supply in Perth. I thought if he had all the knowledge in the world and was the last word in electricity, as the Minister evidently regards him, that Mr. Taylor had not the time to give consideration to this important matter. It was, therefore, necessary to get some other advice in order to assist Mr. Taylor and the Government in bringing this question to some sort of finality. I again wrote in reply to that letter in practically the same strain as I had done before. I received from the Minister a rather lengthy but very important letter. There is an underlying principle in this which I do not like. I do not think it has the support of the Government; and it certainly cannot have the support of a large number of members. In reply to my letter the Minister wrote as follows on the 13th May, 1921:—

> I have to acknowledge receipt of your letter of the 29th ulto, which has remained unanswered owing to my absence from the State. In reply I have to advise you that I am quite cognisant with the desirability of obtaining expert advice; the only point on which you do not appear to follow me is in the fact that we have the best expert advice available.
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> Mr. Taylor is no doubt immersed in his work here, but part of that work is to keep himself au fait with such matters as the Morwell scheme and other such undertakings, and use his judgment in making comparisons between the likelihood of their success here as compared with Melbourne.

This evidently means that Mr. Taylor is the last word in electricity—

> I attach hereto some newspaper cuttings in the light of which your original estimate on the report of that Committee will probably have to be recast. You will see that Mr. Stone—

Mr. Stone was a member of the original committee which reported to the Victorian Government upon the Morwell Scheme—

—has criticised the action taken by the Electricity Commissioner—

That is Sir John Monash.

and from a perusal you will find answers to several of the questions your communications contain. I am sorry you do not agree with the policy of the Government in expending money on the present generating station at Perth. Before any additional buildings are erected at East Perth and plant installed, the question of railway freights would have to be considered with a view to reducing the cost of coal to approximately 16s. 10d. per ton at the power house; also the advisability of owning a coal mine to supply the requirements of the power station, as it is obvious that the cost and the getting of coal must be in our hands and not at the will and pleasure of colliery companies or coal tribunals.

This suggests another State trading concern. It is an alarming attitude for the Minister to take up, seeing that the Government at present in office are entirely opposed to State trading concerns. I do not think we can get any more evidence of the position as to the action of the Government than we get from this paragraph. I regret to see it in the letter. It is an interesting letter, and shows the real reason for the high cost of electricity to-day.

If coal costs, including railway freights, cannot be reduced and the demand for electric power warranted a generating station of greater capacity than the East Perth station no doubt such should be as near the coalfields as possible, subject to an ample supply of circulating water. This is of vital importance. It must be remembered, however, that to erect an electric power station equivalent to the East Perth one to-day, would cost at least two and a half times what it has done up to the present. Our present station is ample to supply the requirements of Perth and the metropolitan area for the next five or six years. In addition the transmission lines (these would need to be in duplicate) would of themselves cost to-day nearly as much as our original station in Perth. Under such circumstances how would you suggest that our industries be given cheap electrical motive power? The cost of the coal and the cost of establishing such works in themselves preclude the possibility of cheapening power at the present time. Take coal alone, and in this you are particularly interested. When the power station was established in 1914, the cost of coal for this station (smalls) was 4s. per ton, freight 6s. 4d. or a total cost per ton at the station of 10s. 4d. To-day 1921, the cost of coal (smalls) at pits' mouth is 12s. 6d., 8s. 6d. increase in the cost of coal, freight 11s. 8d., increase 5s. 4d., or a total of 24s. 2d. per ton.

I realise all that. Hon. members may be surprised that I am quoting these figures showing the high cost of coal, but they indicate how interested I am in the progress of the State. My desire is to see that cost reduced.

It is impossible to make a comparison between the Perth scheme and the Morwell one, in view of the great difference in population. We have in Perth a population of 130,000 whereas Melbourne has 800,000. The great difference in the cost of coal at Morwell, which is given at 2s. 3d. per ton, compared with Collie smalls at 12s. 6d. per ton here, will further demonstrate to you the impracticability of any such scheme at the present juncture.

So far as the Morwell coal is concerned, this is only about two-thirds as good as Collie coal. Indeed it is quite inferior to Collie coal.

Undoubtedly, if our population were about ten times as great as it is, it would be a financially sound matter to establish an electrical power house at Collie for the supply of cheap power, but under existing conditions, and as far as can be seen, for the immediate future, it would simply be a lamentable waste of public funds to take into consideration such a proposition as you suggest. It would not need a Commission, Royal or otherwise, to come to that conclusion—it could be seen here from a cursory investigation of the facts as they exist.

There is a great deal in this letter which is quite correct and true. The Government and the people of Western Australia have my sympathy, owing to the circumstances which compel them to face this high cost of electricity. My object is to point out how this came about, and see if it is not possible to induce the Leader of the House to represent to the Government that in the best interests of the State it is necessary to have an immediate investigation. I have a long paragraph here which I hope will appear in "Hansard," if I may put it in as a sort of exhibit without reading it.

The PRESIDENT: The hon. member must read it.

Hon. J. EWING: I wanted to save the House the necessity of listening to this long and not well-printed letter. However, the effect of it is that Mr. Stone, who took exception to Sir John Monash's scheme, pointed out that in his opinion the hydro-electric scheme for Victoria would be the better one. That was three weeks prior to the address given by Sir John Monash on the subject of electricity. As far as I can remember, this address stated that he (Sir John Monash) was entirely opposed to the hydro-electric scheme for Victoria, that it would not pay, that in many cases electricity generated from coal was cheaper. He went on to point out that Mr. Stone was not correct as to the cost of generating electricity at Morwell. Sir John Monash is a responsible man, and is at the head of affairs in connection with the Morwell scheme. He stated on July 9th, 1921,

that he was going straight ahead with the scheme, and guaranteed to the people of Victoria to deliver this energy from Morwell at a cost of about .45 of a penny, or at all events under ½d. per unit. I think Sir John Monash was appointed to this position to show whether or not he could do this. Operations had been going on for a long time in connection with this scheme, and Sir John Monash had all the facts and figures before him. He has contradicted the statement made by Mr. Stone, which the Minister for Railways sent to me. In Sir John Monash's opinion everything is in order and the scheme is going to be an electrical success and will give to the residents of Melbourne and people in the surrounding areas concerned electricity at something under ½d. per unit. When he made that remark there were vociferous cheers, and the people felt they would ultimately be relieved of the iniquitous cost of electricity from which they have been suffering for a long time. I hope the Press will re-publish this statement so that hon. members might see what is going on with regard to the Morwell scheme.

Hon. A. Lovekin: Where was that delivered?

Hon. J. EWING: It is a lecture by Sir John Monash, the head of the Morwell electricity scheme, as published in the Melbourne "Age."

Hon. A. Lovekin: Where is the current going to be delivered?

Hon. J. EWING: In Melbourne, a distance of about 95 miles. That is what I am aiming at for the people of Western Australia. I wish to say a few words in connection with the power house and the agreement with the Perth City Council. It is necessary to follow rather closely the passing of the Act, and see how it was that the Parliaments of Western Australia did not thoroughly get a grip of the matter and prevent this measure from becoming law. It will be seen from the accounts for last year that the position has become a very serious one. The return from the power station for the 30th June, 1921, shows the following position: the total capital account, £456,274 earnings, £92,312; operating expenses, £74,978; net revenue after paying operating expenses, £17,334; interest charges, £20,644; balance after paying interest charges, £3,310 deficiency; antiquation charges, £6,250; balance after paying interest and antiquation charges, £9,560 debit. Although they are charging this high price for electricity they have lost the sum of £9,560.

The Minister for Education: You are referring to the figures up to the 30th June, 1921?

Hon. J. EWING: To the 30th June of this year. The operating expenses per unit sold amount to: management 0.05d., generation .72d., distributing (which is almost equal to the amount they are charging the Perth City Council for distribution) 0.02d., or a total of .079d. The charges per unit: antiquation .07d., interest .22d., total .29d.; giving a total cost per unit sold of 1.08d.

Hon. H. Stewart: Do you know how long the agreement with the Perth City Council will last?

Hon. J. EWING: I will tell the hon. member all about that, and I hope all hon. members will listen to what I have to say. That is the position with regard to these electrical works in Perth for the year ended the 30th June, 1921. Now let me draw the attention of hon. members to the fact that in 1913 the Government of Western Australia, Mr. Scaddan being Premier then, entered into an agreement with the Perth City Council.

The Minister for Education: In 1912.

Hon. J. EWING: No; in 1913. The agreement may have been made in 1912, but the Act was passed in 1913. I shall not labour the question; hon. members can examine the position for themselves. Paragraph 6 of the agreement with the Perth City Council states—

> Subject as hereinafter provided, the price to be paid to the Government of Western Australia by the Corporation for current supplied to it hereunder shall be at cost price to the Government.

That is where it did not end, however, and I am very sorry it did not end there. If the Government at that time could have foreseen what was going to happen—I do not say for a moment that they could—they would never have made such an agreement. However, the then Ministers must have known that they could not in an arbitrary manner fix a price, in the absence of knowledge of what industrial conditions were going to be. Unfortunately, industrial conditions have proved far worse than could possibly have been anticipated when the agreement was made. However, it is an unstatesmanlike action to fix a price in that way. Nevertheless, had the paragraph ended there, all would have been well, because the Perth City Council would have been paying to the Government whatever the cost of the electricity was to the Government. But there is a proviso to the last paragraph—

> Provided always that the cost per unit to be charged by the Government for current supplied by the Government to the Corporation pursuant to this agreement shall not exceed ¾d. per unit.

That, of course, is where the mistake was made. I cannot imagine how any responsible Government could fix a price in that manner, having no idea of what industrial conditions were going to be in 10 or 15 years' time. Indeed, within about five months the Government became alarmed at the position, and saw how serious the matter was going to be for the people of Western Australia as a whole. In passing, although I take exception to all this I am not blaming the Perth City Council one jot, nor the Fremantle Municipal Council either. Those two councils got the best deal they

possibly could, and a mighty fine deal it was. All I am now seeking to do is, not in any way to raise the price to those two councils, but to see whether we cannot produce electricity at a price even lower than that which the councils are paying to-day, thereby benefiting both those bodies and at the same time rendering an incalculable service to the people of Western Australia. One of the good things supposed to accrue to the Government from the agreement was the supply of electric light to all their buildings at 1½d. per unit; that is, Government buildings within a radius of five miles from the Perth General Post Office. I am satisfied to-day that that did not represent any great benefit to the Government. Even to-day, with a small plant, the Government could generate their own electricity and supply it in any quantity required to the various Government buildings in the metropolitan area at less than 1½d. per unit. It is not costing the Perth City Council anything like that rate; they purchase at ¾d. per unit, and make a profit. Therefore the argument as to supply of electricity to Government buildings is not worth further note. The most alarming part of the agreement, however, is to be found in paragraph 18—

> This agreement shall remain in force for 50 years, and during that period there shall be an antiquation fund of two per cent. and a sinking fund of one per cent.

The Perth City Council to-day, under certain conditions with which I am not fully conversant, are contributing so much towards the sinking fund. That fund is being built up. But now let hon. members listen to the next portion of the paragraph, as to what is to happen at the end of 50 years, or, to be strictly correct, at the end of 48 years—two years prior to the termination of the agreement—

> If the Government shall be a party to giving notice to the determination of this agreement within two years prior to the determination thereof, the Government shall pay to the Corporation a sum equal to all the contributions that the Corporation shall be deemed to have made to the sinking fund by virtue of paragraph 6.

I cannot conceive what the Government were thinking of. They gave the Perth City Council everything they asked for; and, later on, the Perth City Council are actually to become part owners of the scheme.

Hon. J. Duffell: The Perth City Council did not get everything they asked for, though.

Hon. J. EWING: They got most of it.

Hon. G. W. Miles: Did not Parliament agree to that provision?

Hon. J. EWING: Of course Parliament did. We have to be careful not to agree to too many things. I am of Mr. Sanderson's opinion, that we are not allowed sufficient time for consideration of these matters. Let me repeat that I regard the position under this agreement as most alarming. Here the State is tied up for 50 years, and if the cost of production does not come down I do not know where we shall be. Presently I will tell hon. members what, in my opinion, it will cost the country in hard cash if the consumption remains what it is and the cost of production does not come down. Now let me review briefly the passage of this Bill through another place and through this Legislative Council. By doing so I feel sure I shall secure the hearty support of the Leader of this House. The then Premier, Mr. Scaddan, introduced the necessary Bill into the Legislative Assembly during October or November of 1913. Hon. members will see from the then Premier's remarks that he considered he had the advice of the best electrical experts in the world—just as to-day he considers Mr. Taylor's advice the best he can possibly secure. For my part, I care not who the adviser may be: there are just as good men, and probably better men, to be found. I consider that there is always wisdom in giving numbers access to a matter of this kind. Mr. Scaddan said—

> We shall make a profit out of the council although we supply the current at cost.

I want to know what profit the Government are making to-day. I have given the figures, and it is a simple calculation. Mr. Scaddan proceeded—

> If the Government gave two years' notice prior to determining, the Government would have to repay all the contributions of the council.

I have dealt with that aspect of the matter. The whole of this business arrangement is based upon the sale of coal at 6s. per ton at the pit's mouth. The price of the same class of coal has doubled since, the present price being about 12s. per ton at the pit's mouth. When Mr. Scaddan was moving the second reading of the Bill he said that the supply of electricity was based on the purchase of coal at 6s. per ton at the pit's mouth. Another factor, and a most important one, is that double the former railway freight is now being charged on coal. In that matter the Government are absolutely "hoist with their own petard." Formerly the freight on coal was ½d. per ton per mile; now it is 1d. per ton per mile. This fact has alarmed those in charge of the electrical works, so alarmed them that they are looking around for cheaper supplies of coal. What I have quoted from "Hansard" was all I could find of special interest in the second reading debate. Hon. members in another place did not appear to regard the matter with any great degree of concern. All they were concerned about was that the municipalities outside the five mile radius from the Perth General Post Office should get the same cheap supply as the Perth City Council; and that matter was fixed up in the course of the passage of the

Bill. The crux of the whole thing, the position in which the State was going to be placed by this bad agreement, did not seem to attract the attention of hon. members with one exception, Mr. Wisdom. Mr. Wisdom saw right ahead, saw the danger, and he pursued the matter as far as he could in another place. During the Committee stage, Mr. Wisdom, who was the then member for Claremont, said—

> It was a good agreement for the Perth City Council, but a very bad one for everyone else. He did not believe that the Government could produce current at ¾d. per unit.

In order to show how members in another place were put off the track, let me quote what the then leader of that House said in reply—

> I am not prepared to accept your advice. I think you are foolish to waste your time here if you can give better advice than Merz and McLellan.

Those engineers advised the Government that the power station could be built for about £200,000. It has actually cost over £400,000. The capitalisation I mentioned here to-day is £456,000. They also advised the Government that electricity could be generated by those works at .54d. per unit. Had that position been attained, it would have been a magnificent one, and I should not be here now endeavouring to secure the appointment of a Royal Commission to inquire into the matter. But almost within two months of the making of the agreement with the Perth City Council, those engineers wrote to the Government stating that they could not supply the electricity under .85d. per unit. However, it was then too late—the Perth City Council agreement had already been made by the Government. If Merz and McLellan are expert advisers, all I can say is that I do not want them to advise me, anyhow. If experts tell me to-day that I can build a house for £1,000, and six months later come along and tell me that it will cost £2,000, I have no use for them. I am concerned to think that a Government of this State should have had so much confidence in those men. I am concerned also to think that the present Government are supposed to be in touch with those experts. I do not know whether I am right in making that assertion but I am given to understand that they are still, to a certain extent, connected with the Government in regard to these matters. When we remember that instead of supplying electricity at .54d. per unit it is costing 1.08d., what position are we in? Mr. Wisdom went on to point out that in the old world, where the best machinery and the best of coal for generating power were at hand, costs were very much higher than were anticipated by the Government in their agreement with the Perth City Council. In Manchester the cost was .83d., in Glasgow .93d., and in Leeds .914d. Yet a man like Mr. Wisdom who tried to do something for the State only met with ridicule. I do not know what Mr. Wisdom's capabilities in this direction were, but I cannot help thinking that he must have studied this subject considerably or he could not have forecasted the position so closely as he did. This is the reply he got from the Premier—

> Were he not satisfied in regard to expert advice received and paid for at a high figure, he might have wondered if the hon. member (Mr. Wisdom) was not the leading electrical expert in the world.

That is what Mr. Wisdom got when he tried to do his duty and that is the sort of ridicule that is heaped on other members who try to do their duty. They are ridiculed because they stand up in the House and fight for a cause somewhat forlorn perhaps, but a cause in which they believe. If members in another place had taken notice of Mr. Wisdom, the State of Western Australia would be in a far better position to-day.

Hon. G. W. Miles: Bounce and bluff.

Hon. J. EWING: The Premier went on to say, and this is a most remarkable statement—

> From the Government point of view a risk had been taken as to whether we could produce at .75d. per unit, but we had accepted the best expert advice available.

My reading of the Premier's statement is that he was willing to accept that advice against the advice given him by his own engineers. Someone must have been telling the Government that this was a bad scheme. Yet in spite of that, although a doubt had been raised in the mind of the Premier of the day, he was so satisfied with Merz and McLellan that he said—

> "Go right ahead and all will be well."

There is another significant passage in the Premier's speech, which bears out what I believe is true. It states:—

> The Government have no right to extract money from the pockets of one set of people to put it into the pockets of another set of people.

Why should the Perth City Council and the Fremantle people have cheap electricity while other people in the State have to help to pay for it?

Hon. J. Nicholson: That applies to everything, wheat and all.

Hon. J. EWING: Then it has no right to apply. This is all due to this foolish agreement. The Premier went on to say:—

> The Government were well protected by the maximum price.

How well protected hon. members will know when they read the figures. The Government were not protected at all and the people of the State were not protected. This is all of importance that happened in another place. In this Chamber the Bill came forward on the last day of the session, almost in the last hour of the session and the Leader of the House, Mr. Drew, certainly did not

put the matter clearly before members.. He did not mention anything about the ¾d. a unit. He merely spoke in a general way, and members did not realise the seriousness of the position. If they had realised it, if the Leader of the House had foreseen what he afterwards realised, this agreement would never have come into existence. On the last day of the session when the business was being rushed through, this important measure was rushed through without any comment from any private member with the exception of the remarks made in Committee by Mr. Sanderson, Mr. Davies and the late Mr. Gawler. Even they were not concerned about what it was going to cost the State; they did not have time to consider the figures. What they were concerned about was the adjoining municipalities, and as soon as the Minister in charge of the Bill assured them that arrangements would be made to supply cheap electricity to districts outside the five miles radius, they said nothing more. If the debate had been adjourned for a day or two, the present Leader of the House would have made the speech which he made some two years afterwards.

The Minister for Education. I regarded it as compensation to the City of Perth for having been deprived of the trams.

Hon. J. EWING: Then it is compensation which is going to cost the State a lot of money. The Bill passed its second reading practically without discussion and went through the Committee stage in about five minutes without any discussion beyond what I have already indicated. Now it is the law of the land. Two years later the present Leader of the House, who then sat in the seat now occupied by Mr. Stewart, became alarmed at the position and, as a good public man, he expressed his opinion regarding this matter. On a motion to return certain files to the Railway Department, which files I believe were of considerable bulk, he made this comment:—

> I have no hesitation in saying that, after receiving a very handsome fee, Messrs. Merz and McLellan established this power house at a cost exceeding 66 per cent. the estimate which they submitted to the Government and that the generating cost will be 53 per cent. in excess of their estimate. If any firm had treated a client in that way, I venture to say that client would not have been so warm in defending those engineers as the Government seem to be in defending Messrs. Merz and McLellan.

The hon. member also dealt clearly with the generating cost and capital cost of the power house. In Mr. Merz's report the capital was given as £205,810, or roughly speaking £200,000. The estimate for 12 million units of electricity was .54d. per unit. Last year the power house produced 22,596,330 units and the cost was 1.08d. So far as I can see the greater the number of units produced the greater the cost will be. Members can see the disparity in the actual figures and the figures quoted by the present Leader of the House when he was occupying another seat. The hon. member at that time was very much concerned about the position. He added:—

> The work is even now incomplete. The cost instead of being £200,000 will be close up to £400,000 and the cost of producing a unit of electricity, instead of being .54d. will be, according to Merz and McLellan's latest estimate .827d., which is very much nearer a penny than the halfpenny.

That is what the hon. member said after two years experience of the works.

The Minister for Education: I regarded it as compensation to the City of Perth for the Government having taken over the trams.

Hon. J. EWING: It is compensation which will prove a very serious thing for this State. I have already told the House that after seven years of working this plant, the generating cost is 1.08d. per unit and the Government are selling to the Perth City Council for .75d. per unit, a loss of .33d. per unit last year. The Perth City Council consumed 8,337,893 units last year and, therefore, the loss was £11,500. I cannot understand and I do not think any other member will be able to understand why the Government, after two years' had elapsed and when they had the advantage of the speech made by the present Leader of the House and the advantage of their two years' experience of the works, made an agreement with the Fremantle Municipal Council. I do not contend that the Fremantle Council should not have electricity from the Government works at as cheap a rate as the Perth City Council, but the Government actually entered into an agreement with the Fremantle Council for 25 years with the right of renewal for another 25 years, according to the wishes of the Council, to supply current at .85d. per unit. I am credibly informed by those who know much more about the subject than I do that, allowing for conversion, transforming, etc., the Fremantle Council are receiving their current at a lower rate than the Perth City Council. Yet this second agreement was entered into with a full knowledge of two years' working and with a full knowledge of the loss which was being incurred during that period. I cannot say for certain, but I believe that to-day the manager is stretching out east and west and north and south to get as much trade as he can in order to endeavour to reduce the generating cost, and is selling current at a price which means that he must reduce his costs enormously if he is going to cut out the loss which will accrue to the State. I am informed that he is doing things which the Perth City Council would never have dreamt of doing, incurring costs which should not be incurred and involving the State in enormous loss. That is why I ask for an inquiry. It is useless for me to make an assertion and for the Minister merely to write to the manager asking him if he is doing this or that. No doubt Mr. Taylor is

doing his best. The price of coal has gone up and the cost of other requirements has gone up and the position is a parlous one, but that is no reason why there should not be an inquiry into the matter.

Hon. J. Duffell: Mr. Taylor deserves very great credit for what he has accomplished.

Hon. J. EWING: Yes, and I give him full credit for it. I am not criticising Mr. Taylor, but I want to have the whole matter inquired into.

Hon. A. Lovekin: Is not the only way to decrease his costs to increase his output?

Hon. J. EWING: Yes, and he is endeavouring to do that. At the same time these losses are being incurred. Why should the Government have entered into the agreement with the Fremantle Council for practically 50 years? The Fremantle Council is getting power on practically the same terms and conditions as the Perth City Council. Without taking into account the cost of transforming or converting, it means a loss of .23d. on every unit supplied to the Fremantle Council. The consumption at Fremantle was about 4,000,000 units last year. Therefore the loss represented about £3,833. If we add this to the loss on the current supplied to the Perth City Council, we have a loss of £16,000 for last year, a sum which will be lost every year until the rates are increased. The greater the consumption of electricity, the greater the loss to the State will be.

Hon. J. Duffell: The loss would be greater if the power had to be transmitted from Collie to Perth.

Hon. J. EWING: I am not arguing that at all. All I ask is that the Government grant us an inquiry. I may be entirely wrong in my arguments. The Minister for Railways stated I had no knowledge of what I was talking about, but that is merely the opinion of one man. What the opinion of three or four men after investigating the matter would be I do not know.

The PRESIDENT: Order! It is necessary at this stage for the House to express an opinion as to whether the motion should be proceeded with.

Resolved: That motions be continued.

Hon. J. EWING: I thank the House for having allowed me to proceed. I desire to deal with this question thoroughly so that there will be no need to ask the House to devote attention to it on another occasion. I desire if possible to arouse enthusiasm on this question. I want members to stand up and tell me whether I am wrong in my arguments. If I am wrong I am perfectly willing to accept the position. The time has come when an inquiry is necessary, and that is the only reason why I have brought this matter before the House. The total consumption by the Perth City Council has risen by two million units per annum. For every year since 1918 up to the present, there has been a gradual increase in the consumption of electricity until it is now up to over eight million units. They are able to cope with that output and there is no trouble in dealing with it. It shows that as the population increases, and as our secondary industries increase, so we must have an increase in the units used. That very position makes it all the more important that we should have a thorough investigation to see what we may expect during the next four or five years. The present loss is at the rate of £16,000 per annum under existing circumstances. Should they continue as at present—which I do not contemplate for a moment—for a period of 50 years, then Western Australia would have lost about £800,000. We hope the present conditions will not continue, but if the costs do not come down, and the consumption does not increase, that will be the position calculated on the present basis. If, however, the consumption increases and the costs do not come down, no hon. member can tell me what will be the cost of supplying the city of Perth and its suburbs as well as Fremantle. No one could possibly estimate what the position would be under those circumstances. Unless we can get the cost of coal and other things decreased, we will not be able to say what the position will be. Unless improvements are made in the direction I have indicated, the State will not be in a position to supply current except at a serious loss. That is another matter which should be inquired into in order to ascertain if there is any way of avoiding that position or arriving at another scheme which will lift us out of our present slough of despond. Let us have this inquiry to see whether or not the decision would be in favour of the scheme I am advocating. Take the position of the Perth tramways: Someone said the other night that they were the worst conducted trams in the world. I do not know anything about that position because I have not travelled recently. I think Mr. Panton and others said that nowhere else in the world were the trams so badly conducted as here.

Hon. R. J. Lynn: That was an exaggeration.

Hon. A. H. Panton: I said the Western Australian trams were the worst and so they are.

Hon. J. EWING: At any rate it is not my statement. I heard it mentioned and therefore drew attention to that matter. Those hon. members who are more fortunate than I am, have been able to travel about the world and they gave us that information as their definite opinion. The loss on the tramways last year, notwithstanding the increased fares, was over £10,000. I want hon. members to realise that the Government are up against their own actions. The cost of electricity to the Perth trams to-day is 1.24d. per unit according to the statement by the engineer in charge.

Member: That is the cost of the current.

Hon. J. EWING: That is .49d. more than the figure at which the City Council receives

it. If we could knock off the .24d. it would wipe off £6,000 of the loss; if it were reduced another farthing, we would wipe out that loss of £10,000. The power station is supplying the Perth trams from the Perth station at an enormously high rate, making it difficult and almost impossible for the manager of the tramways, Mr. Taylor, working in conjunction with the Perth electric power house, to make a success of the tramway operations at a price of 1.24d. per unit. Can hon. members mention any part in the world where any tramway concern has to put up with such a charge as that? No wonder Mr. Taylor cannot make a success of the Perth tramways. Circumstances are all against him and it is a matter of impossibility to achieve good results. How can we remedy that position? Let us see if anything can be done through the inquiry I am advocating, to establish a system which will improve the position. The bulk supplies of current were increased to nearly eight million units and they were sold at .99d. per unit, or nearly 1d., practically a farthing less than its cost, to the Perth City Council. The increase in the units generated last year was 6,149,134 units compared with the previous year, and it cost .19d. per unit more to generate it. In view of that fact, where is the argument that increased consumption reduces cost? This is the parlous position we are in at the present time. We generate roughly seven million units more and lose .19d. per unit in the process. I cannot understand the position; and I hope I have been able to place this clearly before members. The initial mistake was made, as I have already mentioned, in not fixing the price for current at cost price. Had that been done, it would have been a very fair thing. I advocate that the Royal Commission should be appointed at once. The Government should realise the seriousness of the position and should say that there shall be no great expenditure in connection with the power house until the inquiry is completed. I understand it is contemplated spending £180,000 at the power house. If the Government go on building at that rate, they will find themselves with an enormous expenditure to shoulder when they decide to generate electricity elsewhere. That is a very serious position and should be considered by the Government. The Government should recognise that no more money should be expended until a thorough inquiry is made along the lines I am advocating. That inquiry will take some considerable time and it will cost some money, but in the interests of the State it is essential.

Hon. J. W. Hickey: The agreements which have been entered into cannot be varied.

Hon. J. EWING: These agreements have been made, signed, sealed, and delivered. An honourable agreement entered into must be observed by the parties. I do not see any loophole of escape regarding these agreements. I advocate this inquiry, however, to show where the position is leading us. We should be able to find out whether or not it is possible to generate electricity and so relieve us from the burden of these agreements. If electricity can be generated as at Morwell, where it is conveyed for a distance of 95 miles and supplied to the consumers in Melbourne at under ½d. per unit, while it costs us over a penny to secure our supplies in Perth, surely we can find some means of generating electricity and carrying it to Perth at a cheaper rate than we are getting it today.

Hon. C. F. Baxter: The capitalisation of the East Perth power house has to be borne in mind. The new scheme would have to bear that capitalisation.

Hon. J. EWING: I do not know whether that is so. Certainly the scheme would have to carry some of the capitalisation, but if we could reduce the present price of electricity to ½d. per unit, the scheme would carry a lot of capitalisation. If we could deliver current to any part of Perth and suburbs and to Fremantle at ½d. per unit, we would have done one of the best things to serve the best interests of the State. There is no doubt about that. Let us have the inquiry. It is no use the Minister for Railways saying that he has received the last word from the manager of his department, Mr. Taylor. Mr. Taylor is a man who has a multitude of duties to perform. He has far too many things to attend to, to be able to go into all these matters as thoroughly as I should like. He would be the most marvellous man in the world if he were able to do everything and still be able to say the last word on this question. We should have an inquiry which would be made both in and around Perth as well as elsewhere, to see whether the scheme I am advocating is possible or not. Sir John Monash stated in the report I have referred to that he did not believe in the hydro-electric undertakings which required to be located in inaccessible and uninhabited highlands. To show how thoroughly disinterested I am, and how I simply want to procure a cheaper supply of electricity current to the people, I do not intend to advocate Collie for one moment. Personally I believe that Collie is the only place where we can get the necessary conditions to enable us to get such a supply of cheap electricity as I am advocating. I do not want that opinion, however, in any way to affect this inquiry. I desire to have a free inquiry. We have to remember that we have no high snowclad mountains in Western Australia, and I do not for a moment suggest that we can supply from the Collie river itself enough water to enable a great scheme to be carried out, but I want to bring under the notice of the Government, however, the fact that in the South-West, and especially in Bunbury, certain men are of the opinion that at Dampier Flat, along the Collie river, sufficient water can be conserved to enable the generation of sufficient electricity to supply Western Australia for all time.

Hon. H. Stewart: For all time?

Hon. J. EWING: That is so. I am told that there is no limit to the water to be conserved there. I am not giving that statement as coming from myself, but that is the opinion of engineers and laymen and others enthusiastic in the development of an electric power scheme at that centre. They contend that for a small expenditure we could conserve seven times the amount of water contained in the Mundaring reservoir.

Hon. R. J. Lynn: Would you call them optimists?

Hon. J. EWING: I do not know whether that is the true position or not, but I think it is a matter that should be inquired into as well as every other aspect regarding the generation of electricity in Western Australia.

Hon. C. F. Baxter: Are you wanting a report from Merz & McLellan?

Hon. J. EWING: I hope the Government will secure the services of the best expert who can be secured in Australia. I presume the Government will say to me, as the Minister for Railways has already said, that it is ridiculous to talk about such a scheme at the present time as we have not got the population. I understand that the consumption is to be increased enormously, and if we can give the people a cheaper supply of electricity, who can say what development will follow? We shall be able to increase our secondary industries and, in fact, it will be a wonderful thing for Western Australia. Regarding the financial aspect, Sir Thomas Armstrong & Company—I think that is the name—is a very old firm in England.

Hon. A. Sanderson: It is Sir William Armstrong, not Sir Thomas.

Hon. J. EWING: That firm has already sent out an expert to Sydney and in conjunction with an engineer has taken an office in that city. The firm has already secured one small contract for the generation of electricity and the principals are prepared to spend any money on a good scheme. At the present moment their engineer is at home, but he will return to Australia in a few months. The financial aspect need not trouble us at all. If there is any money in it Sir William Armstrong will investigate the whole matter, and he will decide whether he can offer the Government a supply of cheap electricity which will be a God-send to Western Australia. There is a lot of talk about State enterprise and private enterprise, but if Sir Willian Armstrong came out here and spent a million or two millions of money, in providing electricity which could be made available to the public at ½d. per unit, it would be a splendid thing for this State. Let us have this inquiry. I take it that I shall be refused this Royal Commission because the Minister for Railways has told the Government, as he has told me, that he does not believe in it. I ask the Government to rise above the advice of a Minister and see whether there is anything in this scheme. The Leader of the House agrees with me to a great extent because he has informed the House to that effect himself. I know he never says anything but the truth and, in the circumstances, I know he will give me assistance in connection with this very important matter. Surely if the Government can appoint a Commission to inquire into our necessary educational requirements, which inquiry cost a few thousands, and also are to appoint a Commission regarding our lunacy laws, as well as Commissions upon a hundred and one other things, surely they can find money for the purpose of this very important inquiry. The Government should be prepared to find money to pay for the services of experts to inquire into the whole subject. I want a thorough investigation and if I get that I shall be more than satisfied. Mr. Lovekin has some knowledge of this subject, and if he is so inclined, I am sure he will be able to give the House some valuable information about what he has seen in other parts of the world, and thus convince the Government that what I have been talking about is not altogether nonsense. I therefore appeal for his support, as well as that of Mr. Stewart who is an engineer, and also that of Mr. Lynn which I did not receive in connection with a somewhat similar motion last year. I also ask hon. members generally to assist me in endeavouring to secure this inquiry. It should not cost the State a very considerable sum of money; I do not suppose the total expenditure would exceed £4,000 or £5,000. The inquiry should be thorough so that we might learn whether we can go in for a large scheme or not. If the outcome of that inquiry be to generate electricity in such a way as to provide a cheap supply for the State, the result will prove a great blessing to Western Australia. I thank hon. members for having listened to me so patiently. I can only express the hope that I have placed some interesting figures before them, and that if they accept those figures as worthy of consideration, they will speak to the motion with a view to securing its passage through the House at an early date. I have no doubt that the Leader of the House will facilitate this as he has done on other occasions. Then if the motion be accepted, it is my intention to ask that it be transmitted to another place for its consideration, and if it be accepted there as well, the Government will understand that the legislature is satisfied that the expenditure which will be involved should be incurred in the interests of the State.

On motion by Hon. H. Stewart debate adjourned.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—STATE CHILDREN ACT AMENDMENT.

Second Reading.

Hon. A. LOVEKIN (Metropolitan) [5.30] in moving the second reading said: For many years, you, Sir, have taken a great interest in various movements appertaining to the welfare of children, and I am very pleased to see that the efforts which are being advanced in this direction to-day are being reinforced by the members of the Labour Party who have instituted a campaign on lines similar to those which you and others have been working on for some years past. At the outset I wish to congratulate the Labour Party on what they are doing, and to assure them of my support in their endeavours to promote the welfare of the children of the State. I have travelled a good deal and I have always taken advantage of the opportunities that have offered themselves to inquire into what has been done with regard to child life in other parts of the world. I make bold to say that so far as I have been able to judge, the legislation and the methods which are, and which have for some time past been employed in Western Australia are second to none. I have visited most of the States of America; I have seen the childrens' courts there, and have investigated the childrens' welfare movement. I have also attended several of the Canadian courts and inquired into the methods in operation there. I have also seen a British court and some of the courts in the other States of Australia, and while the systems in force are somewhat different from our own, we have little to learn. In regard to the children's courts in America, as well as in many other places, the magistrates and those connected with the institutions are paid officials. In South Australia they have a State council. Here we have an honorary court composed of 10 men and five women justices of the peace. I believe that the honorary court is the best of all, and that it is capable of doing better work than the paid courts of other places, or even the State council of South Australia. For instance, we do not wrangle, as I am told they wrangle in the neighbouring State, where one section tries to gain an advantage over another. All our efforts are directed to the main object, that is, the welfare of the children. In my travels I have been asked to supply copies of our legislation to let them see what methods we follow. At Vancouver especially steps are now being taken to bring into force, almost verbatim, the very Act under which we in Western Australia are working to-day. Nearly everywhere it was admitted that our system was better than theirs, largely because of the wide discretionary powers given to the court under our law. I propose now that our existing powers shall be even further widened. If hon. members will bear with me for a few moments, I will give them an idea of the procedure which is followed by the Children's Court in Perth. As I have stated, the court consists of 10 men and five women justices selected by the Government. The members of the court hold regular meetings once a month, and if there are any cases which involve problems—and I can assure hon. members that there are many of them—those cases are discussed and a decision is arrived at as to what should be done in the circumstances. From time to time reports may be seen in the newspapers as to what takes place at the Court, but those reports do not convey anything like the real work which is done by the members of the Court. The members of the court when adjudicating adopt a view such as this: They say "If we were the parents of these particular delinquent children, what would we deem the best action to take for the correction, the reformation, and the future welfare of those children." We forget for the time being that we are members of a Court sitting there to avenge the law or to punish the children; we consider what steps should be taken in order to make of the children good and reputable citizens. Then instead of sending the children to reformatories or prisons, we place them out on probation. The result of that system is that two of the reformatory schools, Redhill and Glendalough, have been closed for want of boys. That has proved a saving to the State. On the one hand the course we follow must be of great advantage to the boys, because those boys who are criminally inclined, if placed with other similar lads, are less liable to become amenable to reformation, whereas if we segregate them there is a better chance of bringing about their reformation. At our meeting in February or March we had the probation officer present and we went through the list of 93 boys out on probation. Of that number all but four had responded to the more lenient treatment received, which I think is a very good record indeed. As for the younger children the policy of the court has been to put them into families with foster mothers, and in homes, so that they might have some measure of home life, instead of being turned out from institutions, machine-made children. During last year alone—the secretary of the department is to be congratulated on his efforts in this direction—85 or 87 children were adopted. Many of the adoptions were by foster parents with whom the children had been placed and whom the State had been paying. If members will make a calculation on an average length of time of 10 years for which foster parents are required, and the cost at a minimum of 10s. and a maximum of 15s. per week, it will be seen that the adoptions during that year saved the State £20,000. The placing of boys on probation has also been the means of saving a substantial sum, inasmuch as we are no longer under obligation to maintain the reformatory schools. I am in hopes that before long some more of those institutions will be closed and the children now there placed in homes, for the

benefit of themselves and of the State. The members of the court do not confine themselves to sitting on the bench and adjudicating upon cases. They take an interest in the cases after the court has adjourned. It is because of that we are asking the House to give us still wider discretion. Let me quote one or two instances in which the discretion we already possess has been used. I will mention only such cases as I have personal knowledge of. A little girl nine years of age was brought before the court, charged by her mother with being an uncontrollable child. The mother wanted the child placed in an institution. The child seemed careworn and sick. The mother, in her evidence, declared that she could do nothing with the child, who was in the habit of running away from home and playing truant from school. We exercised our discretion. We remanded the child for one month. When the court rose, Mr. Goode and I took the mother and the little child into my car and drove up to the Children's Hospital. On the way Mr. Goode bought the child a box of chocolates. At the hospital we got the authorities to keep the child for a month and watch her. We told the mother to go home and bring the child's clothes. As she left the hospital she stole a towel and took a child's chocolates. As the result of inquiries we found that, instead of the child being a delinquent, it was the mother who was to blame. It turned out that the child was compelled to get up at 5 o'clock in the morning, clean out the fowl-house, milk the cow, then walk 2½ miles to school, having of course 2½ miles to walk back home again, very often to find her mother out. The child had to get her own tea and the mother's also. The story of the running away from home was based on the fact that one evening the child accepted the invitation of some other children to go and play with them. They all played together until dusk, and in attempting to return home the child in question got lost, and was picked up by a publican and taken to his home, where she was looked after for the night. In the meantime, the mother, without making any inquiry from neighbours or communicating with the police, quietly went to bed at 9 o'clock and left the child to the mercy of the world. We used our discretion and put the child in proper quarters, making the mother pay. The child is developing into a bright little thing, and doing very well at school. That case could not have been dealt with in that way but for the discretion permitted us by the Act. Another case has somewhat peculiar features. A woman whom I will call "A" co-habited with a man whom I will call "B." They lived together several years and had five children, three boys and two girls. After the birth of the fifth child "B" married the woman, and the result of the marriage was two other children, a boy and a girl. Then "B" died. The woman came to Perth and lived with another man whom I call "J." She had by him one child, a boy. "J" then married her. After they had been married three or four years the woman left "J" and went to live with another man whom I will call "K." At this point she disappears from the scene. The two little children born after the marriage with "B" and the little child born of the cohabitation with "J" were brought before the court, charged with being neglected children. Sergeant Smith, a most humane officer, conducted the case. He told us that the first five children of the partnership of "A" and "B" were thieves, vagabonds, and prostitutes, and as bad as they possibly could be. The three little children were charged before us with being neglected children. It appeared from the evidence that the man "J," with whom they lived, was a drunken sweep, and would come home very late at night and turn out the three little children into the street before going to sleep. The only redeeming feature about "J" was that he supplied plenty of food. When the children were turned out from home they sheltered wherever they could until "J" went away again, when they returned to the house and got some food. Eventually "J" let half the house to two prostitutes, whereupon the women police came on the scene and arrested the three little children. I have never seen anything more pathetic than the presence of those three little children in the court. The eldest was a girl under 14 years of age, and there was a boy of seven and another boy of five. The little girl pleaded that she should not be taken away from her two little brothers. She said, "I am their mother. Please do not take me away from them." She told us that she cooked the meals for "J" and for the children and did all the washing and mending. This story was vouched for by the police. This man "J" had bought a sewing machine on time payment, and she begged to have the machine, so that she could continue to make the clothes for the little boys. We concluded that if we were to take those two little boys away from that little girl, we would be taking all that was bright out of the child's life and, probably, she would thereupon go to the pack, as her brothers and sisters before her had done. We decided to keep her with the little boys, and to buy her the sewing machine, so that she might go on with her work. We put the three of them with one foster mother, or rather we ordered that to be done. The children were taken to the detention home until a foster mother could be found. On the following Sunday the daughter of a member of the court went to the detention home, taking some little cakes to the children. The little girl said to this visitor, "Why cannot we go to Sunday School?" The visitor asked if she had been in the habit of going to Sunday school, and the little girl told her that she had. The visitor thereupon went home

and told the story, with the result that reference was made to Mr. Watson.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. LOVEKIN: On the day following the Sunday to which I referred the members of the court were informed by Mr. Watson that the directions of the bench to keep these three children together could not be complied with inasmuch as two of the children, namely, the girl and the boy belonging to the parentage of "B" were Roman Catholics and the boy belonging to the parentage of "J" was a Protestant. These three children, therefore, instead of being kept together had to be sent to three separate institutions. Having heard the story about the girl wishing to go to Sunday school we got together this same Bench which gave the directions, and brought the children up again, although there was really no authority at the time under which we could take that course. We went into the matter and had a chat with the minister of the Sunday school at which these children were said to have attended. He informed us that they had been attending there for over two years and were very good children. We, therefore, certified the whole of the three children to be Protestants, and they were then sent to one foster parent and kept together. They were sent to a Scotch lady and the girl is now mothering the other two children. The girl is making their clothes, and although she is only just over 14 years she is earning 16s. a week. She gives this to the foster mother, and is helping the two boys, who are doing well. I hope by the discretion exercised by the Bench that at least three children out of the eight will be saved, and become good and reputable citizens. In Committee I shall be able to apply that case to one of the clauses of the Bill. I wish to quote another case regarding a further clause in the Bill. A girl of 17 was charged before the court with having stolen various articles of clothing and jewellery. She had been in the habit of going round to the back premises of residence, in Perth and stealing anything she could lay her hands upon. The evidence before us showed that she had been a bad character all her life, and was not only a thief but was walking the streets. The police evidence was that no institution would take her; that she was bad and no one wanted her. We had difficulty at arriving at any conclusion regarding her. Obviously she could not be allowed to remain at large, and for the time being we sent her to the Fremantle gaol, requesting that she should be kept apart from the other prisoners. A day or two afterwards four members of the court visited the gaol to see if anything could be done to assist the girl. The matron said, "It is no good keeping this girl separate lest she should come to any harm from the other women prisoners, because the other women prisoners are more likely to come to harm through her." The lady members of the court had a chat with the girl. We went to the Home of the Good Shepherd, but the sisters told us that they would not on any account take the girl as she was too bad and a regular outlaw. The only people who would take the girl were the Salvation Army authorities. We were then faced with the religious difficulty, because the girl was a Roman Catholic. We went to Archbishop Clune and placed the facts before him, and he said, "Whatever you think is best for the girl let it be done." We then placed the girl in the hands of the Salvation Army. Mrs. Rischbeith, who was one of the members of the bench, saw the girl, who told her that she had never had a chance in life, that when she in her earlier days had been to the Fremantle gaol the first person she saw was her own mother, and that if she could get a chance she would avail herself of it. Mrs. Rischbeith entered into a compact with the girl and arranged for a weekly correspondence between them. The girl went to the Salvation Army home, and Mrs. Rischbeith has corresponded with her ever since. The other day she brought the girl up to Perth for a holiday. The girl stayed with her and she took her about. Finally Mrs. Rischbeith got a place for the girl, who is now on her way to better things. I wish to show the House what work the court is doing, and leave members to say whether we are on the right or on the wrong track. If we are on the wrong track the sooner we are told about it the better. Some time ago there were brought up to us every week a number of municipal cases of boys breaking boughs from trees, kicking footballs in the parks, etc., all petty matters. In one week there were 16 of these cases brought up before the bench, on which I happened to be sitting. We thought there must be something wrong, and we suggested to the inspector that instead of taking the names and addresses of these offenders and contenting himself with summoning them to the court, he should talk to the children on the spot and point out to them how wrong it was to do these things.

Hon. A. H. Panton: Or take them home to their father and let him deal with them.

Hon. A. LOVEKIN: The inspector replied that it was not his job. We then told him that if he continued to bring into court all these petty cases we would not listen to him. During the next week 30 cases were listed before us. The mayor addressed the court and objected to the attitude the bench was taking up.

Hon. J. Duffell: Do you mean the mayor of the city of Perth?

Hon. A. LOVEKIN: Yes, Sir William Lathlain. He made a long speech to us. We pointed out the position to him and I think he was impressed. Shortly afterwards the Act of 1919 was passed under which, instead of summonses being issued, a letter might be sent to the children or their parents. After that the number of cases diminished, because the inspectors began to do what we thought was

the right thing, that is admonish the boys on the ground and take them home and talk to their parents. The municipality then took the matter out of the Court's hands and dealt with the boys themselves. We agreed to that and since then the number of cases has been very greatly reduced. The mayor of Perth has been round the schools several times exhorting the children not to commit these acts of vandalism, and so forth. For the last 18 months we have not had a single case of this kind before the court. This has represented a saving to the State. It has been better for the children to be reprimanded by their parents or some municipal official than to be summoned before the court, and it has been better for the parents in that they have not had to lose a day's work while the children have not had to lose any time from school, and the State has been saved the cost of the services of the police in serving the summonses. Clause 2 of the Bill proposes to give discretionary powers to the bench where children are fined. Under the Justices Act it is provided that if a child or a person is convicted there shall be imposed an alternative to the payment of a fine either by execution, or by a term of imprisonment in the case of adults, or so many days in a reformatory school in the case of a child. When I first joined the court there were children of poor parents who came before us. There was no alternative but to convict these children, although we knew the parents could not pay the fine. It would have been a monstrous thing to send these children to a reformatory merely because their parents could not pay the fine. In those days I used to pay the fines myself in many cases. Later on we came to the conclusion that it would be better not to order an alternative, but to allow the fine to stand as a warning or deterrent, thus avoiding the inhumanity of the other course. Recently the Auditor General is looking after the finances of the State surcharged the officers of the court with these fines. He said the law prescribed that there should be an alternative for every fine; that if there was no alternative the prosecuting officer must get the bench to make an alternative or be surcharged with the amount. I was asked to make an alternative but I refused. The case in which the application was made to me was rather a sad one. A woman with five children to support, and receiving weekly assistance of £1 14s. from the State, had failed to send her children to school on two days, the reason being, she stated, that on those two days there was no food in the house. The Education Act accepts no such excuse, however. Now, I certainly was not going to say to the woman, "If you do not pay the 5s. fine you must go to gaol and leave those five children to look after themselves." I care not what the law my be, I will not do such a thing. However, I was told by the clerk of the Children's Court that if I did not impose an alternative he would have to pay the fine. I replied, "You shall not pay the fine, but I will see if we cannot discover a remedy." There was some correspondence between the Auditor General and myself on the subject. That correspondence is summarised in the following letter from the Auditor General to myself, under date of the 22nd July last—

> Further to my letter of the 20th and our conversation yesterday, it appears to me that where a fine is inflicted by the Court the conviction or order should direct that the fine shall be recoverable, in default of payment, by execution against the goods and chattels of the person liable, and that in default of payment and of sufficient goods and chattels he shall be imprisoned for a period determined under the Justices Act, except where the justices decide that in lieu of recovery by execution and in default of payment the person shall be imprisoned for the term provided in the Justices Act read in connection with Section 28a of the State Children Act. I may say, however, that I am not familiar with these Acts, as the only thing that concerns me is the recovery of fines, which belong to the Consolidated Revenue Fund; and the officer responsible is surcharged if proper steps are not taken to collect the fine. In practice, if a warrant of execution is issued, it is considered that the prosecuting officer has carried out his duty, or if the authority of the Governor in Council is used for remitting the fine. In the case of fines in the Children's Court it should not be difficult to arrange periodically to obtain the Governor in Council's authority to remit fines which it is not intended to enforce. No doubt, if the Crown Law Department were approached, they would advise as to the procedure.

All that is quite true, of course. Application could be made to the Government to remit the fines, and I have no doubt the Government would in every case remit them; but what is going to happen whilst application is being made to the Government to remit the fines? Some officious official may take the case in hand, and the damage will be done: the person concerned, if an adult will go to prison, or if a child will go to the reformatory school. Accordingly, Clause 2 of the Bill asks that the court be given discretionary power to say whether an alternative shall be fixed or not. It may be argued that if there is no alternative people will get to know of it and will ignore any fine. However, all that the Bill asks is the granting of discretionary power to order an alternative or not. Hon. members can rest assured that in those cases where an alternative is warranted, the court will order it. I have made Clause 2 apply only to children, but if any hon. member thinks fit to go further and make the clause apply generally, I shall be glad. That can be done by striking out the words "any child" at the end of the clause. I personally entertain the strongest objection

to ordering imprisonment for a person who is unable to pay a fine. I have in view more especially education cases, where poor parents have not the means of paying fines. Clause 3 authorises any member of the Children's Court to visit any public institution, such as a gaol or reformatory, at any time. Some of the cases which I have quoted show that this power is necessary. So far as I can learn, the only institutions which raise any objection to this proposal are Government institutions. The Catholic institutions, instead of trying to keep visitors out, endeavour to keep them in, and to show them everything possible. Clause 4 provides for the striking out of the proviso to Section 18 of the Act, which provides that where bastardy cases are tried by the Children's Court a special magistrate shall be a member of the court. The members of the court say that if they are fit to be members of the court they are also fit to try these bastardy cases in the Children's Court just in the same way as they may try those cases outside the Children's Court. Any two justices can try affiliation cases outside the Children's Court. This clause cannot be productive of harm, and may result in a great deal of good. Many affiliation cases require to be dealt with quickly, as otherwise the defendant absconds, leaving the State to foot the bill. Within the past couple of months or so two such cases have occurred, by reason of the special magistrate not being available promptly; otherwise the fathers would have been made to pay. Complaints were laid against the fathers, but the girls afterwards refused to go on with the cases. Section 18 of the State Children Act refers to the Bastardy Laws Act of 1875. Some little time ago I consulted the Leader of the House as to whether, seeing that the Children's Court now hears all these bastardy cases, it would not be desirable to merge the Bastardy Laws Act of 1875 into the State Children Act. That Act of 1875 was evidently drawn by one of the old Equity pleaders, who took a page and a half to say what a modern draftsman expresses in ten lines. On looking into the question, it was found that for every section of the Bastardy Laws Act of 1875, there was a corresponding section either in our State Children Act or in our Justices Act, dealing with the subject in a better manner. For instance, Section 4 of the Bastardy Laws Act provides that the evidence of the mother shall be corroborated in a material particular. Part V. of the State Children Act provides the same thing, and adds that no order shall be made against a man where the woman is proved to be a common prostitute. That is still better.

The PRESIDENT: I do not know that the hon. member is quite in order.

Hon. A. LOVEKIN: The repeal of the Bastardy Act, Mr. President, is provided by this Bill. Under that old Act a man has six days before he is called upon to answer to a summons. During that interval he is apt to go away. Furthermore, a man has a month in which to comply with an order under the Act of 1875, whereas under the State Children Act the procedure is far more expeditious. Really, this Bill repeals the Bastardy Laws Act by implication. I consulted Dr. Stow on the subject, and the amendment contained in the schedule to this Bill will, he states, cover the position. The State Children Act, curiously enough, applies these provisions to State children only. If we deleted the word "State" from those sections of that measure, then the provisions in question would apply to any child as well as to State children. I do not think I need say much more regarding the Bill, seeing that most of the remaining clauses represent amendments which are desired by the State Children Department, and which I am very glad to assist in bringing about. Earlier in the evening I said that I knew of only one provision from the corresponding Acts of other parts of the world which I considered to be of advantage to us. The exception is a section in the Act of the State of New Jersey, which provides that when a State child reaches the age of 17—and a child is a child there until the age of 17 has been reached—all records concerning that child shall be destroyed. The object is to give the boy or girl when it enters manhood or womanhood a clean start in life. That is impracticable here because of the way the records are kept, but I am suggesting a clause which is very similar. It reads—

> Whenever any child who has been committed to the care of the State or who has been committed to an institution or who has been convicted under this Act, attains the age of 18 years, the fact of such committal or conviction shall not be admissible as evidence in any court of law. Any official or other person who makes public, or is privy to making public the fact that any child has been committed or convicted under this Act, shall be deemed to be guilty of an offence.

This means that when a child attains manhood or womanhood it shall have a clean sheet and evidence shall not be given to show that the boy or girl was a reformatory boy or girl, and no official who has access to the books of the department shall be able to noise it abroad that a certain child when nine or 10 years of age was convicted or had been an inmate of a reformatory. I think this is the only section of any other Act which would be of any advantage to us. I have recast the New Jersey section in this form and I hope members will agree to it, so that a child on attaining manhood or womanhood may get a clean start in life. To me this is an important subject and I have tried as well as I could to place the matter fairly before the House.

Hon. A. H. Panton: What is the explanation of Clause 10?

Hon. A. LOVEKIN: The officers of the department want the power to go into theatres and other places of amusement

where children are employed to ascertain whether they are being properly treated.

The Minister for Education: To see that children under age are not employed.

Hon. A. LOVEKIN: That is so.

Hon. A. H. Panton: That is already provided for in the Factories Act.

Hon. A. LOVEKIN: Yes, so far as factories are concerned. The object of this provision is to empower the probationary officer to enter theatres and such like places and look after the children. The work of the factories inspector ceases with the closing of the factories, but the probationary officer is out at all hours of the night and will be able to visit theatres and other places of amusement. If members desire any further explanation I can supply it when the Bill reaches the Committee stage. I move—

That the Bill be now read a second time.

Hon. J. NICHOLSON (Metropolitan) [8.4]: In supporting the second reading of the Bill I feel sure that I am only expressing the opinion of every hon. member here when I say that the greatest possible praise must be accorded not only to Mr. Lovekin, who has so identified himself with this work in connection with the Children's Court, but to other members of the court for the excellent work which has been done, and above all things for the excellent results achieved amongst the juveniles of this State. The work of reclamation among the young members of society is one of the greatest works which anyone could undertake. I hope the work which has been carried on so efficiently will be continued with the same if not a greater degree of success than that which has marked it in the past. The various cases which have been narrated by Mr. Lovekin are such as will arouse the sympathy of every member of the public, and serve to emphasise in a very marked way the necessity for fuller discretionary powers being vested in members of the court who have shown such great ability in meeting the condition of affairs which our other courts were quite incapable of dealing with. We must appreciate the fact that in connection with juvenile offenders, we are confronted with a phase different altogether from the ordinary man or woman who deliberately commits an offence. Mr. Lovekin gave instances of offences against municipal regulations, breaches of which probably all of us were guilty of in our younger days, when the offence lay not so much in doing a certain thing as in being caught in a mischievous act which anyone might commit without any malicious intent. Yet the boy or girl, for having committed such an offence, was branded with a conviction which might last for ever and might be brought up in evidence against him or her in later years. This is not the sort of thing we wish to see in this enlightened century. It is very creditable indeed to know what has been done through the agency of the members of the Children's Court to remedy a condition which should never have existed. The powers asked for are such as will be readily conceded by every member here as being reasonable. The best guarantee that these proposed discretions will be wisely exercised is the record of the work of the Children's Court. Anyone looking at this record must realise that sympathy for the child is the outstanding feature, a desire to make, even of admittedly bad children such as those mentioned in the stories recounted by Mr. Lovekin, good and useful citizens.

Hon. J. Cornell: Through circumstances over which they had no control.

Hon. J. NICHOLSON: Quite so. If we can, through the agency of a court such as this, reclaim these fallen children, we will be achieving something in the way of improving our social conditions of which we might well be proud. I recognise that the Bill seeks to vest large discretionary powers in the court, but how can they be exercised otherwise than by giving such discretionary powers to the court? How can we look for social progress if the Children's Court is caged in with such provisions as Clause 2 seeks to remedy? I may refer members to provisions of the Justices Act by way of emphasising the necessity for the amendment outlined by Mr. Lovekin. Section 155 of the Justices Act states—

> When a conviction or order adjudges or requires the payment of a pecuniary penalty or compensation or sum of money or costs, then the conviction or order shall direct that the same shall be recoverable in default of payment by execution against the goods and chattels of the person liable, and that in default of payment and of sufficient goods and chattels he shall be imprisoned for a period determined in accordance with the provisions of section one hundred and sixty-seven, and subject to the provisions of that section: Provided that the justices, in lieu of directing that such penalty, compensation, or sum of money or costs shall be recoverable by execution, may direct that in default of payment the person in default shall be imprisoned as aforesaid.

This quotation shows that it is absolutely compulsory that a conviction or order shall direct that the sum be recoverable or enforced in a certain way. Now look at the consequences of this provision. The Auditor General's Department say, "We are here to look after the collection of revenue, and the Justices Act lays down that you shall do a certain thing; therefore you must make your order in such a way that there are certain alternatives attached to it. If you do not recover the penalty we shall surcharge the man who fails to recover it." That attitude might be all right with regard to a man or a woman who is convicted of an offence, but in the case of children, we are dealing with those whom we hope will be made good citizens and

not bad citizens. By removing this obstacle and giving this discretionary power asked for, we will be accomplishing something which will aid in the reform of children as against the practice of branding them with an effence for which afterwards they will probably have cause to be sorry. Members will recollect that some discussion took place, when the amending Act of 1919 was before us, as to whether the whole of the members of the court should be given leave to visit institutions. So far as I remember I supported the idea that members of the Court should be given leave, and I hope consequently that this time the words, which it is suggested shall be struck out, will be left out of the legislation. At the present time the inclusion of these words renders it necessary for members of the Court wishing to inspect an institution to be authorised by the Government to do so. It is surely unnecessary for members of the court who are—perhaps the Minister will tell me if I am wrong—appointed by the Government to get that specific authorisation.

The Minister for Education: That is so.

Hon. J. NICHOLSON: That was one argument that was advanced when this matter was debated when the last measure was before this Chamber. The members of the court should most certainly be given the power which is sought for them. The other provisions of the measure, particularly those with regard to the repeal of the Bastardy Act, are such as to commend themselves to every hon. member. Clause 10 to which Mr. Panton alluded is one which I think, on closer study, he will admit is of advantage in every way.

Hon. A. H. Panton: I was only looking for information.

Hon. J. NICHOLSON: That clause is in every way an advantage to the children and to the community. I welcome the suggestion made by Mr. Lovekin as to the desirability of preventing any records against children being used against them when they reach years of discretion.

Hon. J. Cornell: It would be a good thing if that applied to members of Parliament as well.

Hon. J. NICHOLSON: There might be some advantage in that too, but we certainly should desire to see that children get a fair chance in life. They have burdens enough with parents who do not look after them as they should. If we, as members of this Chamber, have any opportunity of helping these children we shall be neglecting our duty if we do not avail ourselves of that opportunity. I have much pleasure in supporting the second reading of this Bill.

Hon. A. H. PANTON (West) [8.19]: I do not propose to take up much time in supporting the second reading of the Bill. After all is said and done, the Bill is one to give the court fuller discretionary power. From my knowledge of the members of the Children's Court, I am prepared to give them that power. In the circumstances, they are doing good work. Mr. Lovekin saw fit to throw bouquets at the Labour Party, and it is not often that we receive them from that quarter. I do not look for bouquets, but when we were asked to participate in the child welfare movement for this month, we did so and set out, as far as we could, to point out the cause of the lack of child welfare at the present time, namely, the economic position we are in to-day.

Hon. J. Cornell: Booze has a good deal to do with it, too.

Hon. A. H. PANTON: Anyone who takes an interest in the operations of the Children's Court from the little news we do get through the Press, must have been struck—and I was pleased that Mr. Lovekin dealt with that aspect to-night—at the number of cases taken before the court which appear to be frivolous ones. I agree with Mr. Nicholson that there are very few members of this Chamber who were not bad boys in their young days at one time or another. The boy who does not throw a stone or "pinch" a peach on odd occasions, will not make much of a man when he grows up. I am very sorry for the little boys who do nothing wrong at any time. While the court is asking for discretionary powers, I am sorry that the officials—I do not desire to say anything derogatory to the officials—do not use a little more discretion. There are some officials, not only in this department, for it applies to other departments as well, including policemen and so on, who think that if they are in an official position they are not carrying out their jobs unless they pile up convictions. That is altogether wrong, more especially in a department such as the one under review. When these inspectors catch boys kicking a football in the park against the regulations of the City Council, it would do a lot more good if they were caught by the back of the neck and taken off to their fathers rather than to the court. In my opinion 95 per cent. of the cases which come before the court on charges involving the breaking of the City Council regulations is due to the greed of the landlords of the city. If it were not for that aspect we would have more playgrounds or, at any rate, bigger back yards which would be better still. If we had these there would not be so many cases of breaking trees in the City Council's parks. The trouble to-day is that in most parts of the city the back yards are not big enough for the children to play there. In consequence, the children are forced out in the parks and gutters where, perhaps, they pelt stones at Chinamen.

Hon. J. Cornell: There are plenty of parks in Sydney, but the people there prefer to live in flats.

Hon. A. H. PANTON: I am not talking about Sydney. I was there recently, and I got back to Perth as quickly as I could. That is my opinion of Sydney. I am satisfied that the Children's Court or any other court would be working along the right lines if they en-

deavoured to get bigger playgrounds for the children, and provision were made whereby there would be bigger yards in connection with the houses. If that were done there would not be so many trees broken in our parks. I hope Mr. Lovekin and his colleagues in the Children's Court will be able to use their influence with the inspectors and give these youngsters a chance. I have two boys myself. If they went to kick a football and the ball was stuck in a tree, does any hon. member think that boys such as I have or any other boy would look around for someone to get the ball down for them? On the contrary, any youngster would at once climb a tree in order to get the football down. Then what happens if the boy knocks down a branch? An officer comes up and hauls him off. If the officer were to take the boy to his parent, it would be better, for the parent could deal with him straight away.

Hon. R. J. Lynn: The father might deal with the inspector.

Hon. A. H. PANTON: The father would rather deal with the youngster than lose a day in going to the court. I realise the difficulty the court is up against. I want to add my congratulations to the court for the good work the members of that tribunal are doing. I believe that in the circumstances they have given many a young girl especially an opportunity to retrieve her footsteps. I believe the average youngster is not born a criminal. In fact, I am certain that very few are born criminals. It is their environment that causes the trouble. When the inspectors are going round and notice a girl with a mother such as the one referred to to-night, it should not be a case of taking the girl before the court but rather one of putting the mother aside somewhere and getting someone decent to look after the girl. I support the second reading, and I hope the members of the court will induce the inspectors to use a little more discretion.

On motion by Hon. F. E. S. Willmott debate adjourned.

BILL—COURTS OF SESSION.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.25] in moving the second reading said: The law relating to the courts of general and quarter sessions of the peace is contained in an old ordinance dated so far back as 1845. It is entitled "An ordinance to make provision for the trial of criminal offences at Albany and other remote places." It is hardly to be wondered at that of recent years difficulties have been experienced in administering this old ordinance, the circumstances of the State having altered so vitally from what they were when the ordinance was passed. It is thought that better provision should be made for the local administration of the criminal law in the interests of economy so far as the State is concerned and of the saving of time and money to the people directly concerned. This Bill is presented for that purpose and for the constitution of courts of session. It is provided that the State shall be divided into sessions divisions. Each division will consist of one or more magisterial districts and a court of session will be established for each division. The Bill does not make it compulsory to have a court of session for every part of the State. That is a matter which is within the discretion of the Governor in Council. In some cases it will be quite unnecessary to establish such courts of session. For instance, in Perth and in the surrounding districts where the Supreme Court serves the purpose, it will be unnecessary to establish a court of session. The Bill provides that the court shall be constituted and held, before a chairman who must be either a police magistrate or a resident magistrate, or a court may be held before a chairman and any one or more justices of the peace or before a judge of the Supreme Court. It is provided that no justice shall be competent to sit on the court unless he is a justice of the peace for the whole State or else for some magisterial district that is included in that particular sessions division. A judge will only sit by virtue of a special writ which may be issued at the instance of the Attorney General. It is also provided that the judge shall preside over the court alone and it will not be competent for a justice of the peace to sit when a judge is presiding. The provision of such courts as these will secure a certain amount of decentralisation in the administration of the criminal law and that will be undoubtedly of advantage to the parties concerned. It will also ensure that the judge will be available and will try those cases which should be tried before a judge. Of course, courts of session will be debarred from trying certain cases except when a judge is presiding over the court. These cases include murder and wilful murder, treason, sedition, offences against the executive or legislative power or political liberty, and piracy. Trials will in all cases be by jury and the general method of trial will be practically the same as in the Supreme Court. Provision is contained in the Bill for the compilation of jury lists for each sessions division. Appeals from decisions of justices of the peace may be heard before a judge or a commissioner sitting in the court of sessions in the division in which such decision was given. So far as the details of the Bill are concerned, there are only a few clauses to which I desire to direct the attention of hon. members. Most of the clauses are of a purely formal nature and are clear in their wording. Referring to Clause 4 the reason that the Perth, Swan and Fremantle districts are deemed to constitute one magisterial district, is that they are already treated as one under the Jury Act Amendment Act of 1905. They are treated as one for the purpose of compiling the jurors' book from which jurors are chosen for the trial of proceedings in those districts. As I have already intimated,

it is not likely that a sessions division will be proclaimed in that portion of the State covered by these districts, because it is sufficiently served by the Supreme Court; but if a sessions division is proclaimed it will have to include all three districts so as to harmonise with the existing arrangements in reference to juries. The proviso relating to the districts of East and West Kimberley is inserted so as to preserve the existing provisions of the Act 50 Vict. No. 27 so far as they can be applied to courts of session.

Hon. G. W. Miles: Is it proposed to send a judge to try those cases?

The MINISTER FOR EDUCATION: If they were cases which could not be heard except before a judge, then a judge would either go to the place of hearing or else the case would be brought to Perth, whichever would be the best and the cheapest method of doing it. At the present time so far as trials in the North are concerned, the practice is in the case of tribal murders to issue a Commission, and the Commissioner who is appointed tries the case. In those cases which are of a more serious nature it is usually more expeditious to bring the case to Perth for trial rather than to send a judge there. Clause 12 makes provision for the appointment of a Commissioner in certain circumstances, but, as provided in the Supreme Court Act 44 Vic. No. 10, and also the Supreme Court Act 1903, any Commissioner who is appointed must be a legal practitioner of at least seven years' standing or else a magistrate of a local court. The jurisdiction of the court, as I have already explained, is limited to this extent, that only when a judge is presiding can certain cases such as murder, wilful murder, or treason be heard. Clause 16 is modelled on Section 577 of the Criminal Code, but whereas that section gives power to remove a case from one court to another court of competent jurisdiction, this clause gives power to a judge to order a case to be removed to a court, which, without the order, would not be competent to try the case. Clause 21 makes provision for adapting the provisions of the Jury Act to magisterial districts which are comprised in or constitute sessions divisions. Under the Jury Act, a jurors' book is made up for each magisterial district, but Perth, Swan, and Fremantle are, as has been stated, treated as one district. This clause substitutes the sessions divisions, wherever they are established, for the magisterial districts, and directs the jurors' books to be made up for each sessions division. As the time for making up the jurors' books is January in each year, Subclause 3 gives the Governor power to make special provisions to make up the first book for a sessions division, as the division might be established some time after the ordinary time for making up the jurors' book had passed. Clause 34 makes provision for appeals. Appeals under the Justices Act, 1902-1920, are of two kinds—direct, and by way of order to review. In the former case the appeal must be made, firstly if the decision appealed for was given in a circuit district to a judge at the circuit court in such district, or secondly, if the decision was not given in a circuit district, to a judge in Perth. In the latter case an order to review the decision must be obtained from a judge, and this is made returnable before the Supreme Court or a judge of the Supreme Court. The effect of this clause is to give an option to appeal, under Section 183, against a decision given in a sessions division to the court of sessions of that division, or to have the order to review a decision given in a sessions division made returnable before the court of sessions of that division, instead of in the Supreme Court. But in either case the court of session must be held before a judge. Clause 35 amends Section 9 of the Circuit Courts Act. It may happen that a sessions division may cover the whole or part of a circuit district. In that case Section 9 of the Circuit Courts Act would stand in the way of the court exercising its jurisdiction, for that section says that accused persons committed to take their trial in a circuit district shall be committed to take their trial at the circuit court. Consequently, if that provision were allowed to stand, it would be impossible to send them for trial to a court of session. The clause in the Bill proposes to remove that difficulty by substituting "may" for "shall." The remaining provisions of the Bill are very simple, and I commend them to the favourable consideration of hon. members. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—RECIPROCAL ENFORCEMENT OF JUDGMENTS.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.36] in moving the second reading said: This is a very simple measure. It follows closely on the lines of Part 2 of the English Administration of Justice Act of 1920. The objects of the measure are to provide for the enforcement in Western Australia of judgments obtained in superior courts in other British dominions, and also to provide for the issue by the Supreme Court of certificates of judgments with a view to the judgments being enforced in other British dominions. The Bill is made to apply directly to the United Kingdom, and it will not apply to other British dominions until the Governor extends its application to those dominions, and such extension will only be made on the Governor being satisfied that reciprocal provisions have been made by the legislature of that country. That is the sole purpose of the Bill. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.39] in moving the second reading said: This also is a small Bill to make two necessary amendments to the Local Courts Act. The first is to permit of a judgment creditor being represented at the hearing of a judgment summons by a clerk or a servant in his or his solicitor's employment. At the present time a judgment creditor, if he does not attend in person, must employ a solicitor, unless the magistrate otherwise orders, and I believe it generally happens so far as some of our courts are concerned, that a magistrate refuses to "otherwise order." The object of the judgment summons, as members are aware, is to have a debtor examined as to his means, and if he has means and refuses to pay he may be sent to prison for contempt of court. It will readily be understood that when a case reaches that stage the creditor's chance of recovery is rather small, and it is hard that he should be put to what is considered unnecessary expense to further prosecute what little chance he has. It is considered that a debtor can easily be examined as to his means by a clerk in the employ of the solicitor.

Hon. J. Nicholson: And it is good practice for him too.

The MINISTER FOR EDUCATION: The second amendment provides for a plaintiff getting summary judgment on application to the magistrate without waiting for the day of trial. It is well known that many defendants give notice of defence simply for the purpose of delaying a claim, without having any intention of disputing it. The object of the amendment is to enable a plaintiff to call upon the defendant to appear in chambers to show cause why judgment should not be entered against him, and unless the defendant shows he really has a defence, the magistrate will be empowered to give judgment for the plaintiff straight away. The procedure has been adopted for years in the Supreme Court.

Hon. J. Nicholson: It is commonly known as Order 14.

The MINISTER FOR EDUCATION: It has been in force for many years in the Supreme Court. It is understood that this amendment will only apply to cases for debt. It cannot apply to cases in which damages are claimed. These are the only two matters dealt with in the Bill. I move—

> That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—EVIDENCE ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [8.42] in moving the second reading said: This also is a very small Bill. Its purport is to amend the law of evidence. The necessity for it arises out of the evidence given before the Royal Commission on the Pillaging of Cargo. In that inquiry the late Chief Justice Madden expressed himself as follows:—

> We also think, having regard to the persistent recurrence of difficulties of this kind in such cases as this, that the legislature might be acting wisely in declaring by Act of Parliament that apparently genuine shipping documents shall be admissible in evidence on presentation. As the law now stands it is almost impossible to obtain a conviction against the objection to their admissibility which will of course be raised. It appears to us that the matter is one which might be efficiently and justly dealt with by the legislature.

The measure is undoubtedly necessary, for without it it would often be impossible to prove the ownership of goods stolen from ships or wharves, unless the court, as contemplated by this measure, is authorised to accept shipping documents as prima facie evidence of the ownership of the goods. A similar Act has already been passed in Tasmania. I move —

> That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.45]: Surely this is a very different proposal from the last two which we put through so expeditiously. This is a matter which alters the law of evidence in a criminal case. The first glance tells us that here is a decision given by the Supreme Court of Victoria in 1917. Is that binding on the courts in Western Australia? Do we look to Victoria as our guide in criminal law? Apart from that, we are told that a Statute has been passed in New South Wales and in Tasmania. Why has not the Act been passed in Victoria? I only mention that, after having a glance at this memorandum to the Bill. I hope hon. members will agree that it calls for a little inquiry. I do not suggest that after we have more evidence on the point we may not put it through, but I do not think it will be very satisfactory if we rush the Bill through without further evidence. This is not a simple Bill, as the others were, and so it demands further consideration.

On motion by Hon. A. Lovekin, debate adjourned.

BILL -OFFICIAL TRUSTEE.

'econd Reading.

The MINIST 'R FOR EDUCATION (Hon. H. P. Colebatch- -East) [8.47] in moving the second reading ..id: This Bill has been drafted in accord nce with an arrangement come to between His Honour the Chief Justice, the Minist controlling the Crown Law Department, a . the Public Service Commissioner. Its c ject is to more effectually deal with the tr t funds in the Supreme Court. The Supr e Court holds trust funds of varying c .racters. First there are the moneys put int court in trust for minors or others or in ' tions; then there are moneys belonging t the estates of lunatics, moneys belonging o the estates of convicts, moneys in the he ds of the Official Receiver, and moneys in t e hands of the Curator of Intestate Estates. 'n the past these have all been dealt with by ifferent officials and under various controls. ome have been controlled by the Master. The Master is an officer of legal qualifications, but not necessarily of accountancy qualifications, which are more or less required in dealings with matters of this kind. It is thought desirable to concentrate the whole of these funds under one officer having special knowledge of financial transactions. But, as various Acts provide that the Master shall control certain of these accounts, it is necessary to bring in a Bill to legalise the altered methods which, as a matter of fact, have already been brought into practice. Under the new system the various officers of the staff dealing with these accounts will be placed under the Official Receiver as the Official Trustee, and he will take the responsibility of the financial side of the transactions, the Master being left to deal with the legal matters of the Central Office. These alterations have been in contemplation for quite a considerable time. But it happened that there were amongst the higher officers of the Supreme Court a number who were on the verge of the retiring age. It was thought undesirable to make the changes until those officers reached the retiring age. Now they have reached that age and left the Department, and therefore it is a convenient time for making the general re-organisation and reconstruction. There has been completed an audit inspection of the Central Office and the lunacy estates, and the report shows that the books balance with the Treasury, and also that all the securities, etc., are in perfect order. But the audit also disclosed—and this, I think, was quite expected—a number of minor discrepancies in book-keeping, due to the fact that the officers in the Central Office are not accountants or book-keepers, but men appointed for their legal knowledge, and acting under the Master of the Court. The importance of having this matter put on a sound business foundation will be realised when the size of these accounts is taken into consideration. The balance at the end of the financial year showed that we had in hand £27,000 in lunacy estates, £23,000 in trust in the Supreme Court, while the year's transactions of the Curator showed moneys protected to the value of £22,000, making a total of £72,000 dealt with in these three main offices, in addition to which there are funds in the hands of the Official Receiver and a few small amounts invested on account of prisoners. Some time ago an endeavour was made to carry out the South Australian system of investing all these trust funds in Government securities, the funds being put into the Treasury at the ordinary Government rate of interest. This, however, received a good deal of opposition from trustees and solicitors in charge of estates, because they realised that in many instances the result of this investment meant a considerable loss to the estates.

Hon. G. W. Miles: Moreover it would not be safe for the Treasury to have the handling of that money.

The MINISTER FOR EDUCATION: That aspect of it was not taken into consideration. In one instance an amount of £1,000 was in trust for the support and education of a child. The interest then payable by the Government did not leave sufficient money to carry out the purpose, whereas the money might be quite safely invested outside at a higher rate of interest, and so carry out the wishes of the person who had left it. Although in each instance no investment of this sort took place without the consent of the trustee or solicitor acting for the parties on whose behalf the money was held, such investments by the Master without the necessary machinery to continually watch these matters were to a certain extent risky. The main object to be now achieved is to have a proper official with a proper staff to control all these moneys and attend to the various details required. The having of this department means no increase of officers, but merely a readjustment of duties. In fact it will result in a decrease of officers and considerable economy in administration. Moreover by having these matters under one head, better all round results will be given to those whose moneys are entrusted to the Supreme Court. The expense in connection with the matter is defrayed by the commissions allowed under the different Acts for the handling of those funds. I move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [8.53]: I have only just discovered that we are dealing, not with the Minister for Education, but with the Minister for Justice. I could not understand how all these legal Bills had so suddenly made their appearance here, until I discovered that the hon. member is also Minister for Justice. Apparently the new broom is sweeping very clean. I realise that as usual the explanation given by the hon. member was very lucid and persuasive. But here again I hope the House will not put this Bill through merely because we have had the usual clear and lucid explanation.

The Minister for Education: We are not asking you to put any of them through to-night.

Mr. SANDERSON: I have known the Minister for a good many years, and whenever he brings in a Bill I view it with suspicion, whatever it may be. That is why I sit here all the time I can to watch him, to see that he does not do any more damage to this country. Here we are dealing with trustees. That should make us careful. Here we are dealing with official Trustees. That should make us doubly careful, and here we are dealing with the Minister for Justice. If after our painful experience of the past five years that does not make us careful, I do not know what will. I hope the second reading of this Bill will not be put through this evening.

The Minister for Education: Move the adjournment.

Hon. A. SANDERSON: I do not want to move the adjournment. I do not want to waste any time. We are all here to watch the Minister for Justice. If he can commend himself to the Chamber, very well. If hon. members do not want this debate adjourned, I have no desire to block public business.

The PRESIDENT: The hon. member must debate not the adjournment, but the Bill itself.

Hon. A. SANDERSON: I do not wish to debate the Bill, until we get into Committee. I hope some hon. member will move the adjournment, and that we shall have a full discussion later on.

On motion by Hon. J. Ewing, debate adjourned.

House adjourned at 8.55 p.m.

Legislative Assembly,

Tuesday, 6th September, 1921.

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

QUESTION—GOVERNMENT MOTOR CARS.

Mr. McCALLUM asked the Premier: 1, How many motor cars have been purchased for the use of Government officers in all departments during the past two years? 2, What was the cost of each car so purchased? 3, What is the official position held by each officer for whose use the car is mainly required? 4, Are all the cars employed in the metropolitan district housed at the Government garage attached to the Works Department? 5, What are the names of the officers controlling cars which are retained at their private residences or elsewhere than at the Government garage?

The PREMIER replied: 1, 2, and 3, Agricultural Department one, £324—dairy and pig expert; Agricultural Bank three, £210, £385, £305—field inspectors; Colonial Secretary's Department one, £550—Inspector General of the Insane; Government garage four, £543 7s. 6d., £350, £310, £350—general purposes; Lands Department three, £265, £265, £265 10s., £368 14s. 4d.—pastoral lease inspectors and district surveyors: Public Works Department ten, £575—building inspector. £615—Chief Engineer for Water Supply, £595—Principal assistant to Engineer-in-Chief, £357 10s.—Northam Water Supply Department, £350—Kalgoorlie Water Supply Department, £205, £357 10s., £305, £300, £300—State Implement Works travellers; Workers' Homes Board one, £305—inspector; Police Department one, £324—police purposes generally. 4, No. 5, Agricultural Banks Inspectors E. G. Kelso, T. Hickey, J. A. B. Philip; Inspector General for the Insane, Dr. J. T. Anderson; Lands Districts Inspectors G. P. Camm and A. W. Canning; Public Works Department, E. Tindale, P. V. O'Brien, F. E. Shaw; Tramway Department, W. H. Taylor (manager); Water Supply Department, E. B. Roark (engineer)—at private residences; Police Department, car kept at police garage; Workers' Homes Board, car kept at rear of office.

Hon. P. Collier: No wonder there is a deficit.

The PREMIER: Those officers have to do their work. All of the cars are not new ones.

BILLS (2)—MESSAGES.

Messages from the Governor received and read recommending the following Bills:—

1, Wheat Marketing.

2, Grain.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Read a third time and transmitted to the Legislative Council.