be accepted. I suggest we adopt the same procedure as previously and although we delete the clause at this stage, on recommittal a clause may be drafted that will meet with approval.

Hon. L. B. BOLTON: I sympathise with the Minister because the clause does embody some good features. I would like to correct him regarding the number of holidays. There are eight holidays specified in the parent Act, but the Bill provides for eleven, so that the Minister was not accurate in his statement.

The CHIEF SECRETARY: I do not want it thought that I tried to mislead the Committee.

Hon. J. Nicholson: We know you would not do that.

The CHIEF SECRETARY: I pointed out that, as far as I could see, the clause provided for one additional paid holiday. In the section there are certain specified holidays that are paid for and in addition, speaking from memory, there are four additional holidays that for years past have been proclaimed and paid for in the same way.

Hon. L. B. Bolton: I did not suggest you tried to mislead the Committee.

The CHIEF SECRETARY: No, but I point out that last week we passed a Bill dealing with the King's Birthday in order to make the position clear. I am now in receipt of advice showing that my statement was not correct with regard to the holidays. The proclaimed holidays that I referred to do not affect factories. I thought they applied all round.

Clause put and negatived.

Clause 20—Amendment of Section 43 of the principal Act:

The CHIEF SECRETARY: The select committee recommends that the clause be deleted. Here, again, there is no logical reason why males should not enjoy the same benefits as those prescribed for women and boys. The Act sets out that occupiers of factories are to allow a half-holiday on every Saturday when shops are required to close on that day, or an any other day when, by agreement, the half-holiday is observed. Why should not that provision apply to all employees? I suggest that here, again, we adopt the procedure of deleting the clause and deal with the matter further on recommittal.

Hon. J. NICHOLSON: The select committee had to take into consideration an important industry in which the Honorary Minister is interested, namely, the baking industry. In view of the evidence given in connection with this particular clause, the Committee found it best to make the recommendation that has been made. I am prepared to say, and I think the other members of the select committee will agree with me, that if there is a way out of the difficulty we shall be pleased to confer with the Chief Secretary.

The CHIEF SECRETARY: Bakers are covered by an award and this particular clause would not operate in regard to them, but only in regard to employees not covered by awards.

Clause put and negatived.

Progress reported.

House adjourned at 9.33 p.m.

Legislative Assembly,

Thursday, 18th November, 1937.

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

RETURN—RAILWAYS, COAL SUPPLIES.

MR. WILSON (Collie) [4.32]: I move—

That a return be laid upon the Table of the House showing—

(a) the total tonnage of Collie coal used by the Railways for the past ten years, each year ended on the 30th June,

and showing each year separately;
(b) the cost per ton, and the total cost, for the same period; and
(c) the price paid for New South Wales coal for the same period, each year separately.

THE MINISTER FOR RAILWAYS (Hon. F. C. L. Smith—Brown Hill—Ivanhoe) [4.33]: I have no objection to the return being furnished. At the same time, I think the hon. member will find all the information he requires in the report of the Commissioner of Railways.

Question put and passed.

BILL—BUSH FIRES.

Report.

Report of Committee adopted.

Standing Orders Suspension.

On motion by the Minister for Lands, so much of the Standing Orders were suspended as to enable the Bill to be read a third time at this sitting.

Third Reading.

Read a third time and transmitted to the Council.

BILL—HIRE PURCHASE AGREEMENTS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill-Ivanhoe) [4.35] in moving the second reading said: The Bill embodies a short amendment to the principal Act of 1931. The Hire Purchase Agreements Act provides for a system of combined hire and purchase and makes provision for certain rights of those who make purchases under contracts into which they enter. The Act of 1931 gives certain rights to the purchaser of a chattel under that system when such chattels are seized by the vendor. After the seizure has been made, the purchaser may within 21 days demand an account and the vendor has a further 21 days within which to deliver such account. In the account the purchaser has to be credited with the value of the chattel as it was at the time when, and in the place where, it was seized. He has to be debited with instalments of rent overdue, interest at 8 per cent., 90 per cent. of the instalments of rent not yet due, and any other sum necessary to complete the purchase. In addition, he has to be debited with damages suffered by the vendor pursuant to the breach of the agreement entered into by the purchaser. If the parties cannot agree on the account, they have to submit the matter to be decided by the local court. Last year the Police Magistrate, Mr. Moseley, was appointed a Royal Commissioner to inquire into the money lending business and at the same time be carried out some investigations regarding the hire purchase agreement system. It is in pursuance of the recommendations he made that the present Bill has been introduced. The Commissioner considered that the period of 21 days now provided in the Act within which the purchaser could lodge a claim for an account was not sufficient and he recommended that the time should be extended. I am inclined to agree with the Commissioner in that respect. It has not always proved sufficiently long. The Bill, therefore, makes provision to increase the period from 21 days to three months, within which time the purchaser may demand an account. The Bill further provides that whenever a seizure is made by the vendor he must serve on the purchaser a copy of Section 5 of the principal Act, which sets out the rights of purchasers with respect to seizures. Although those details are set out in the Hire Purchase Agreements Act, many people who purchase furniture and chattels of various descriptions under hire purchase agreements are not aware of their rights under the Act. The Royal Commissioner recommended that the Act should be altered so that the purchasers of chattels under hire purchase agreement should be made acquainted with their various rights when seizures were made by vendors. With that object in view, the Bill provides that the Act shall be amended so that when a vendor makes a seizure in future he will be required to supply the purchaser with a copy of Section 5 of the Act and thus make him acquainted with his rights with respect to demanding an account and to appealing to the magistrate if not satisfied with the account that is submitted. The Bill does not contain anything further so there is no need for me to enlarge upon it. I move—

That the Bill be now read a second time.

On motion by Mr. Watts, debate adjourned.

BILL—MONEY LENDERS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill-Ivanhoe) [4.41] in moving the second reading said: The provisions embodied in the Bill are for the purpose of amending the Money Lenders Act of 1912 and are also the result of recommendations made by Mr. Moseley who was appointed a Royal Commissioner to inquire into operations under that Act. The Bill follows in the main the recommendations made by the Royal Commissioner. While all his recommendations have not been included, the Bill contains nothing that was not recommended by him. It is true that the number of witnesses who gave evidence before the Commission was somewhat disappointing. To some extent that limited the evidence placed before the Commission, but nevertheless those who did attend the inquiry gave some very useful information that was helpful to the Commissioner and enabled him to submit a number of recommendations for the improvement of the Act. I would not go so far as to say that the evidence tendered justified all the allegations made in support of a motion when it was placed before members in this House. That motion, of course, was ultimately carried and its object was to secure the appointment of the Royal Commission of inquiry. In his report the Royal Commissioner pointed out that money lending was a very old profession and, apparently, the evidence showed that there continued to be a demand for the rendering of such services. Nevertheless the Commissioner was of the opinion that the business should be better controlled than it is at present, so that those who found themselves compelled by circumstances to have recourse to money lenders in order to surmount temporary difficulties, or had necessity to seek accommodation from them for one purpose or another, should not be exploited. There is no trick in the money lending business that the money lender himself is not aware of. That is so in many other avenues of business. It may be that the borrower will borrow once or perhaps a few times only in his lifetime and consequently he cannot be expected to gain the same experience in connection with the money lending business, even such as would enable him to protect his own interests, as that possessed by the money lender himself who is constantly engaged in the business. Generally speaking the borrower has not a ruling capacity to drive a good bargain, but that cannot be said of the moneylender The Royal Commissioner felt that something should be done to protect the borrower. In the main it can be said that the moneylender can well look after himself. The Commissioner after investigation came to the conclusion that the existing Act did not give sufficient protection to the borrower, and that greater control was necessary. He questioned the wisdom in the first instance of the provision in the Money Lenders Act for their registration. That provision is that in making application for registration they pay a pound and the registration covers a period of three years. The Commissioner thought that a more reasonable proposition would be that the money lender should have to make application for registration each year and that he should have to pay a license fee of £5 for the registration. The Bill provides that no money lender shall be allowed to carry on unless he is so registered. And he must register in his own or in his trade name for each place of business that he conducts. When the application is lodged inquiries will be made and the application will be heard at a court of petty sessions, when evidence will be expected from the applicant in respect of his character. If the magistrate is satisfied that the applicant is worthy of being licensed as a money lender, he will be issued a certificate accordingly. If his application is in respect of several places of business he will have copies of the original certificates given him, so that he will have either the original or a copy at each place of business, and either the original or a copy will have to be exhibited at each place of business conducted by the money lender. The present Act provides that if a borrower should feel himself aggrieved he may make an application to a magistrate for the reopening of the transaction, and the magistrate may reopen the transaction if he thinks that the terms of the contract of the particular transaction are harsh and unconscionable, and that the rate of interest charged is excessive. The Bill proposes to alter that provision slightly. I may say the operation of that section is such to-day that both those

conditions must exist before the magistrate can reopen the transaction; that is to say, he must find that the transaction is harsh and unconscionable and that the rate of interest charged is excessive. But it may happen and very often does happen that the rate of interest charged is not excessive and yet the transaction may be harsh and unconscionable. It can be of such a character owing to the amounts charged for inquiries, for fines, for penalties by way of bonus, or premium charges for renewal; all those may make a transaction harsh and unconscionable and yet the interest charges may not be excessive. So the Bill provides that where the conjunction "and" appears in the present measure in the phrase "harsh and unconscionable and the rates of interest are excessive," "and" shall be changed to "or." So that in either case the magistrate can re-open the transaction. The Bill also provides that compound interest upon interest shall be prohibited.

Hon. C. G. Latham: Will that apply to the banks?

The MINISTER FOR JUSTICE: No, this is a moneylenders Bill. Compound interest is a method of calculation which in some circumstances may be justified on ethical grounds. It would probably be right to say that compound interest was interest charged on overdue interest. Strictly speaking, I suppose that would be regarded as compound interest. The Bill does not prohibit the charging of simple interest on overdue amounts, either principal or interest, but it does prohibit the building up of charges by continually compounding them; that is to say, it prohibits interest on the interest on the interest. Banks do that today, of course. But in the Bill interest charges on interest debits arising out of overdue interest will not be permitted. We have here an example: The principal is £10, and £1 becomes due for interest on a certain date. Assume that the interest is being charged at the rate of 15 per cent. When the £1 becomes overdue the moneylender is entitled to charge 15 per cent. on that £1 overdue. On the next instalment date a further £1 becomes due and overdue, while the first £1 is still outstanding. The money lender is then permitted to charge interest on the second £1 overdue, but is not permitted to charge interest on the interest on the first £1 overdue. If he were allowed to compound the interest in that fuller sense he would be allowed not only to charge interest on the original instalments as they became due, but he could keep on charging interest on any other interest that became due in respect of instalments overdue. And this would go on ad infinitum. This question of interest is a very involved one. The amount of money one is prepared to pay for a short loan would make a calculation involving a very high rate of interest.

Mr. Stubbs: Compound interest.

The MINISTER FOR JUSTICE: Under this measure money lenders are prohibited from the continual charging that exists in respect of a loan. In the rate they charge by way of interest they make every allowance for the nature of the security, and if the security be good the interest rate may be reasonably low, but if it is not so good the interest rises proportionately. So it is felt that whilst the money lenders safeguard themselves against all possible contingencies through the interest they charge and the terms of the contract into which they enter, they have not the same justification for charging continual compound interest on overdue accounts in respect either of principal or of interest or of interest on the interest, as other institutions may do who confine their rates of interest to their loan in the first place on good security, and in the second place to reasonable rates of interest. The present law provides that in respect of a loan bearing more than 12½ per cent. every document is to be issued in duplicate and one copy handed to the borrower, or that a memorandum shall be issued to the borrower setting out the main essentials in the contract. The Bill provides that those documents shall be issued in connection with all contracts, whether the rate of interest allowed for in the contract is 12½ per cent. or less than that rate. It also provides that the borrower at any time during the currency of a loan, or a surety to the borrower, may make application to the lender for a statement of accounts, and the service of that statement must be made on the payment of 1s. It also makes provision for the moneylender to supply the account and copies of all documents relating to the loan or the surety at a reasonable amount, on the tender of reasonable expenses at the demand either of the borrower or the surety. The Bill also provides for a rebate of interest where the loan is paid before the due

date. I understand that does not prevail at the present time. I remember once borrowing a few pounds myself to pay off a mortgage on a house. It was only a matter of £50, and the person from whom I borrowed it was an amateur moneylender. When I borrowed that sum I expected that it would take me some 12 months to pay it off. Some fortuitous circumstance arose whereby I was able to pay it back in two weeks. I went to the person from whom I borrowed the £50, taking the money with me, and he insisted that I should stick to the terms of what was the original contract, and pay him the interest for the whole period, whether I paid back the money immediately or not. As he was an amateur, and I was an amateur, and I had drawn up the mortgage myself, the agent who was acting for me was able to frighten him out of the business by pointing out to him the fact that the mortgage was not in order. Consequently, he was glad to get his £50 back.

Mr. Warner: He had not so much knowledge after all.

Mr. Marshall: He was lucky to get back his £50.

The MINISTER FOR JUSTICE: If I had not been extremely honest, I might have been able to insist upon the terms of the mortgage, which was not in order, being adhered to. The Bill makes provision that where a loan is paid off before the due date, there will be a proportionate rebate on the interest due. Where no rate is mentioned in a contract, but a sum is added by way of payment, which is supposed to represent the cost of the loan, the sums paid are to be apportioned between the principal and interest in accordance with the schedule attached to the Bill. It happens in many cases that a person will borrow a sum of money, but no rate of interest per annum is stated in the contract. A man may borrow £12, and an additional £4 has to be paid by way of remuneration for the accommodation given. If we had a contract of that kind, and the money was to be paid back over a period of 16 months (£12 for the principal and £4 for the accommodation) that would represent an interest charged, if the original sum could be used by the borrower over the whole period, of about 18½ per cent. The Bill provides that the repayment shall be apportioned between the principal and the interest according to the schedule. This schedule provides a rather complicated calculation, which is both in the English Act and the New Zealand Act for that purpose. The first procedure in connection with this sum that has to be calculated is to find out how much the payment of £1 per month represents interest, and how much represents principal. The total payments are to be made over a period of 16 months at £1 per month, and £4 of the £16 represents remuneration by way of interest. Consequently, that £4 represents a quarter of the total sum, and a quarter of the £1 paid each month will be apportioned to interest, and the balance to principal. In order that the borrower may know under a contract of that description what actual interest he is paying, a method of calculation is provided in the Bill, following upon a similar method that is included in the English Act of 1927, and has been introduced into the New Zealand Act since 1933. The actual position of a borrower of a loan under a contract of that description is that there is a sum of 15s. outstanding for one month, 30s. for two months, £2 5s. for three months, £3 5s. for four months, £3 15s. for five months, £4 10s. for six months, £5 5s. for seven months, £6 for eight months, £6 15s. for nine months, £7 10s. for ten months, £8 5s. for 11 months, £9 for 12 months, £9 15s. for 13 months, £10 10s. for 14 months, £11 5s. for 15 months, and £12 for 16 months. These sums totalled together give us the aggregate principal outstanding, and to find the average principal outstanding, we divide the aggregate number by twelve. We have a formula by which we divide the total interest by the quotient of the aggregate principal, divide by twelve, and multiply by 100. It is quite a simple calculation. In this case the amount would be £102 for the whole of the 16 months, this representing an addition of all the sums I have given. It would be divided by twelve, which would give us £8 10s. That would be the divisor of the total interest, and the result would be multiplied by 100, and this would show that under a contract of that system, where one borrowed £12 in the circumstances I have indicated, and paid it back over a period of 16 months, the rate of interest would be equal to 47 per cent. This schedule is provided so that the borrower may know the rate of interest he is paying in such circumstances. It is also provided, on the recommendation of the Royal Commissioner, that preliminary expenses are not to be allowed where a loan results. Very often in an investigation of the securities, etc., considerable charges are built up against

the borrower. These are called preliminary expenses, which increase his liability. The Royal Commissioner felt there was no necessity or justification for such preliminary expenses where a loan results from the investigation. In other walks of life people spend a lot of money for the purpose of getting business. There does not seem to be more justification for a moneylender making a charge for these preliminary expenses than there would be in the case of a person selling some household chattels, such as a lounge suite, when investigating the possibilities of making a sale of such a commodity. It might be a salesman investigating the possibilities of disposing of a household refrigerator. No charge should be made where business results, but where business does not result there might be some justification for imposing a small charge for the inquiries that have been made. The Bill provides, in accordance with the recommendations of the Royal Commissioner, that a charge of 10s. shall be made in such circumstances. The Bill restricts the right of moneylenders to advertise. That is a very desirable restriction to incorporate in a Money Lenders Act. The Bill does not deny them wholly the right to advertise. Advertisements will be permissible where the subject matter is confined to the registered name and address of the moneylender, his telegraph address and his telephone number. He may also advertise a statement that he lends money with or without security, and a statement as to the classes of security he will accept. He will be able to give particulars in such advertisements of the highest and lowest sums he is prepared to lend, and to make a statement of the date as to when his business was established. Advertisements of that kind, confined to the particulars I have detailed, may either be broadcast or published in a newspaper or other periodical publication. A moneylender will not be able nor be permitted under the Bill to issue circulars of any description, even if they are confined to the particulars I have outlined. He will not be permitted to issue circulars for the purpose of inviting business, unless a borrower or a potential borrower makes a request to him in connection with the terms under which he is prepared to make an advance, the character of the advance, its extent, and other information of the kind. He will not be allowed promiscuously to broadcast or send through the post circulars advertising his business.

Mr. Hughes: He will be allowed to advertise in the paper?

The MINISTER FOR JUSTICE: Yes, along the lines I have indicated. If a moneylender, in any document he issues at the request of a borrower, purports to indicate the rate of interest, that must be expressed in the rate per cent. per annum, or if it is an added sum, he must indicate what it represents if the interest is calculated by the schedule of the Bill. No moneylender under the provisions of the Bill will be permitted to employ agents to canvass for business. I do not know just to what extent that is being done at the present time, but it is highly desirable to prohibit the practice, as the Bill will do. There seems to be no justification for moneylenders to employ agents for the purpose of ferreting out people who are in such circumstances that they may become borrowers of money from moneylenders. A practice obtaining frequently in connection with loans is for the moneylender to get a hire-purchase agreement from some person owning furniture, under which agreement the borrower becomes, as it were, the hirer of the furniture and the moneylender the vendor, although in reality no such relationship exists between them. The Bill provides that this shall not be permitted in future. It prohibits the lending of money under a hire-purchase agreement in such circumstances unless a bill of sale over the furniture is given by the borrower, and unless the bill of sale is registered, failing which it shall be void. Hon. members are probably aware that there is now no need for hire-purchase agreements to be registered, and bills of sale need not necessarily be registered either. If a bill of sale is not registered, it is not void because of non-registration.

Hon. C. G. Latham: But a registered bill of sale takes precedence over it.

The MINISTER FOR JUSTICE: That is so, but the unregistered bill of sale is not void. Some moneylenders have a habit of lending money on unregistered bills of sale. Of course they watch the position closely. Whilst they cannot hold their unregistered bills of sale against the holder of a registered bill of sale, yet they can hold their unregistered bills of sale against

the seizure of the furniture by a bailiff, or under distraint for debt. Consequently a practice has grown up of lending money on unregistered bills of sale. In order to protect the business community and the borrower as well, the measure provides that bills of sale on which money is lent shall be void unless they are registered. One or two other recommendations made by the Commissioner have not been incorporated in the Bill. One was that a standard rate of interest should be fixed. A standard rate of interest does not seem to have been provided anywhere in the world. It is felt —and I share the feeling after much consideration of the matter—that, after all, the rate of interest charged should be reasonably commensurate with the risk taken in making the advance. As I pointed out before, there is the aspect of the loan of very small sums of money for which a borrower would readily pay a high rate of interest in order to secure accommodation of a temporary character. Someone might want to borrow £5 for a month and be quite willing to pay 5s. for the accommodation—a very high rate of interest when worked out. In Kalgoorlie I have seen an advertisement offering to lend sums of £1 at interest of 1s. per month. That advertisement appeared on a blind outside a pawnbroker's shop. People may find themselves in circumstances where they need a fiver for the time being and are very willing to pay 5s. for a month's loan of it.

Mr. Hughes: That is the normal pawnbroker's rate, 60 per cent.

The MINISTER FOR JUSTICE: It seems to me neither reasonable nor practicable to include in the Bill a provision limiting the rate of interest which a moneylender may charge; because we have already provided that if a transaction is harsh and unconscionable, or if the rate of interest is excessive, application can be made to a magistrate, who, if he finds that such conditions exist, can re-open the transaction. It was also recommended by the Commissioner that the time within which proceedings may be taken under the Act should be limited. That recommendation did not appeal to me either. I came to the conclusion that as we had prohibited compound interest by a previous provision, the possibilities of debts mounting up rapidly were somewhat curtailed. Furthermore, limitation of the time within which a moneylender may take proceedings might force him to proceed in circumstances where otherwise he would not do so; and thus an injury would be done to the borrower. There was also a recommendation in respect of civil servants. The Royal Commissioner expressed the opinion that the Moneylenders Act should contain a provision whereby civil servants would not be able to borrow from moneylenders without the permission of the departmental head, and civil servants would not be able to endorse promissory notes for other civil servants without such permission.

Mr. McLarty: Why single out the public servants?

The MINISTER FOR JUSTICE: That is what I have asked. If recourse to moneylenders is to be prohibited to any section of the community, then all sections of the community should be prohibited from having dealings with them. Therefore that recommendation does not find a place in the Bill. The subject matter of the measure, as hon. members know, is somewhat complicated, especially when we enter into such questions as interest rates, compound interest, and the making of calculations to discover just what rate of interest is carried by a transaction under which sums of money are paid periodically in liquidation of a loan. I have endeavoured to explain the subject as adequately as is in my power, and I move—

That the Bill be now read a second time.

On motion by Mr. McDonald, debate adjourned.

BILL—FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 16th November of the debate on the second reading.

Point of Order.

Hon. C. G. Latham: I propose to raise a point of order in respect to the Bill, which is at the second reading stage. I consider that this Bill, and the one which follows it on the Notice Paper, and which perhaps you, Sir, will permit me to discuss in conjunction with the present Bill, should be dealt with as private Bills and not as public Bills. The original Act of the Fremantle Gas and Coke Company, passed in 1886, was dealt with as a private Bill and not as a public Bill. It

was introduced as an Act to control the Fremantle Gas and Coke Company, and was dealt with as such. Since then the principal Act has been amended on two occasions—in 1893 and 1897. The amending Bills were also treated as private Bills. I wish to point out especially that the present Bill is of extremely limited application. It should not be regarded as a public Bill under the definition contained in the Standing Orders, when it is confined to the City of Fremantle and its finances are provided by a company operating a concession for profit. Therefore I consider that a Bill of this nature should be introduced as a private Bill. The Government propose to treat as a public Bill this measure which proposes to extend the powers of a private company. I have no objection to the proposed extension, but I repeat that the measure cannot be regarded from any aspect as a public Bill. In support of my contention I quote what "May," Twelfth Edition, at page 595, has to say on the subject—

> Bills for the particular interest or benefit of any person or persons are treated, in Parliament, as private Bills. Whether they be for the interest of an individual, of a public company or corporation, or of a parish, city, county, or other locality, they are equally distinguished from measures of public policy; and this distinction is marked, in the very manner of their introduction. Every private Bill is solicited by the parties themselves who are interested in promoting it, being founded upon a petition which must be duly deposited in accordance with Standing Order.

The Bill comes under the conditions laid down by "May" at page 595. At page 596 appears the following:—

> A Bill relating to a city is usually held to be a private Bill, but, owing to the large area, the number of parishes, the vast population, and the variety of interests concerned, Bills which affect the entire metropolis have, as a rule, been regarded as measures of public policy rather than of local interest.

At page 597 we read—

> Since 1874, Bills for giving further powers to the Metropolitan Board of Works and to its successor, the London County Council, have been introduced and passed as private Bills.

The Bills referred to are the London Subway Bill 1890, the London County Council (General Powers) Bill 1890, etc., the London Sky Signs Bill and the London Overhead Wire Bill 1891, etc. All those are utilities provided for the city of London and as this Bill similarly has a limited application, I suggest that you would have to rule it out of order as a public Bill. I propose to refer to one aspect of the question that you, Mr. Speaker, may take the opportunity to point out to me. Section 57 of the Fremantle Gas and Coke Company's Act of 1886 states—

> This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others within the said colony of Western Australia, without being specially pleaded.

I contend that that does not make a public Act of this piece of legislation at all. It only draws judicial notice to this piece of legislation. If it made a public Act of it, then the Western Australian Bank Act, which could not be regarded as a public Act, would also have to be so regarded, inasmuch as it contains exactly the same provision. It is within your knowledge, Mr. Speaker, and in mine that in recent years an amendment was moved to this Act and brought down as a private Bill. The last section of that Act provides—

> This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices and others within the said colony without being specially pleaded.

That merely provides that a judge shall take judicial knowledge of the fact that it is an Act that may be dealt with by the courts. I think we all agree that once an Act of Parliament is passed by both Houses it must be subject, as all laws are, to any action that might be taken under it. It is provided that judges shall take special notice of this as an Act of Parliament, but that does not make a public Act of it. I draw attention to our own Standing Orders which specially deal with this class of legislation and have particular reference to gas works such as the Bill deals with. At page 113 of the Standing Orders relating to private Bills, it is stated—

> In all cases where application is intended to be made for leave to bring in a private Bill, notice shall be given in the West Australian "Government Gazette" stating the objects of such intending application, and the time at which copies of the Bill will be deposited in the office of the clerk; and if it be intended to apply for powers for the compulsory purchase of lands or houses, or for extending the time granted by any former Act for that purpose, or to amalgamate with any other company or to sell or lease the undertaking, or to purchase or to take on lease the undertak-

ing of any other company, or to amend or repeal any former Act or Acts——

and so on.

——the notices shall specify such intention, and the whole of the notice relating to the same Bill shall be included in the same advertisement, which shall be headed by a short title descriptive of the undertaking or Bill.

Turning to paragraph 3 we find the following:—

In cases of Bills respecting any gas works, the notice shall set forth and specify the limits within which such gas works are intended to be erected or made.

I contend that this Act can be regarded as having application to gas works, inasmuch as while it does not propose to put up a building for a gas works, it proposes to extend the pipes, which of course become part of the gas works. The Bill proposes to extend part of the gas works by extending the pipes into territory outside the 5 mile limit, which is fixed by statute, to an unlimited distance. Special reference to a matter of this kind is made in paragraph 9 of the Standing Orders at page 117 as follows:—

Not less than 21 days immediately preceding the application for any Bill for the erection of works for the manufacture of gas, notice shall be served upon the owner and occupier of every dwelling-house situated within 30 yards of the limits within which the proposed gasworks are intended to be erected or made.

So it is specifically set out in the Standing Orders that any Bills dealing with gas works are simply private Bills and not public Bills. Therefore I contend that the Bill introduced by the Minister should have been brought down as a private Bill and not as a public Bill. What applies to the Fremantle Company applies also to the Perth gas works which operates under an Act of Parliament introduced for the benefit of the Perth Gas Company in the same year as the Fremantle Gas and Coke Company's Act was introduced, namely 1886. There have been two amendments to that Act and both have been made by private Bills. The last private Bill introduced gave power to the company to sell to the Municipality of Perth. The company concerned with this Bill is operating for profit. It is purely an individual company. The Bill is introduced for the benefit of shareholders and cannot be regarded as a public measure. It has a limited application. It is for the benefit of shareholders because the company is run for a profit. I do not oppose the principle of the Bill but I contend it must be ruled out of order on the ground that it has no public function. It is intended purely for private operation and should therefore be introduced by a private member. I admit that the Bill as introduced by the Minister could not have been introduced by a private member inasmuch as it purposes to direct the Governor-in-Council. But a private member can still introduce a Bill to extend the powers by Act of Parliament in exactly the same way as powers were first given under the original Act of 1886. If you, Sir, rule this to be a public Bill, I contend that there will be for ever in the future no such things as private Bills, and we might as well abolish our Standing Orders.

Mr. Marshall: There will be need for private members.

Hon. C. G. Latham: There will be no need for private Bills. If this is regarded as a public Bill, we may as well say that all Bills introduced in the future will be public Bills. There are many private Bills of a similar character to this. I pointed out the provision in the Western Australian Bank Act and there were two amendments to that. I believe that you, Sir, were in this House or in another place when a private Bill was introduced by the then member for Kanowna to provide an amendment enabling the bank to be taken over by another bank. That was introduced in this Chamber as a private Bill. The Acts relating to the Perpetual Trustee Company, the West Australian Trustee Company and the Fremantle tramways were all introduced as private Bills. They have a local application and not a general application and I contend that you have no alternative but to rule this out of order as it is a private Bill with a local application. I know that you will probably quote the section of the Fremantle Gas and Coke Company's Act which I have already quoted, but if that was a public Act why were not subsequent amendments moved by the Government of the day? Why were not the amendments to the Western Australian Bank Act and the Perpetual Trustee Company's Act moved by the Government of the day? They were not. This provision is inserted to ensure that these Acts shall be noted by the judges as being public Acts. It is not there with a view to directing the Legislature. It was only intended to direct judges in the administration of the law and has no reference to the manufacture of the law. There is a

vast distinction. It is only in relation to the administration of the law that we draw the attention of the judges to the Act. The manufacture of the law is a matter for this House. Under our Standing Orders it is provided that such a Bill as this shall be a private Bill and I therefore ask you to rule it out of order as a public Bill.

Mr. Speaker: The Leader of the Opposition has drawn my attention to the Bill introduced by the Minister for Public Works and argues that it is a private Bill. I regret that I am unable to agree with his interpretation of Section 57 of the Fremantle Gas and Coke Company's Act which he has already quoted. I admit that I do not know what was in the mind of Parliament in 1886, but I am going to assume that I am one of the "others" referred to in the section. If Parliament in 1886 declared by that section of the Act that it is a public Act I do not see that I have any option but to accept Parliament's ruling of that particular year. The Leader of the Opposition draws attention to the fact that two amendments have been brought in as private measures since 1886. Like him, I do not know the reason for that either, but so long as that clause remains I have no option but to accept the original Bill as a public Bill and this Bill as an amendment, not to a private Bill, but an amendment to a public Act. Therefore, I rule that the Bill is in order.

Dissent from Ruling.

Hon. C. G. Latham: I am sorry to have to disagree with the ruling you, Mr. Speaker, have given. I contend that if that ruling——

Mr. Speaker: Is the Leader of the Opposition going to disagree with my ruling?

Hon. C. G. Latham: Yes. I move—

That the House dissents from Mr. Speaker's ruling.

If that ruling is to stand there will be no need for any private Bills at all because every Bill must become a public Bill. You have quoted the section of the Act I quoted, but you have told the House that that is a direction for Parliament. I have pointed out, and I believe my interpretation is correct, that it was never intended to be a direction to Parliament, but a direction to judges administering the law in the event of there being any court case.

Mr. Speaker: The section says "judges and others."

Hon. C. G. Latham: "Others" could be magistrates or justices of the peace. The "others" would be anyone administering the law and not anyone amending the law. The section could not direct Parliament. I contend that your ruling is wrong. If it were right, there would have been no need for any private Bill to be introduced. The Government of the day gave their concurrence to the transfer of the Perth Gas Co. to the City of Perth, and it would have been quite a proper Bill to introduce, but in the circumstances they knew it was a private Act and required a private Bill to amend it. In order to distinguish between a public and a private Bill I am moving to disagree with your ruling. A private Bill has a very defined application. This one applies only to Fremantle and to within five miles of Fremantle. It applies to a private company operating for profit. While I have no objection to amending this Act, that is not the point under discussion. That section of the Act is an instruction to those who administer the law; otherwise there will be no need to introduce any private Bill in future. No matter how sectional it is or how confined its application, whether confined to an individual or a company, if your ruling stands, it must mean that the Minister may be asked to introduce and, if he agrees, may introduce it as a public Bill. I have no alternative to moving the motion of disagreement. Our Standing Orders set out clearly the procedure for dealing with private Bills.

Mr. Speaker: The only question is whether that section has a bearing on the matter. But for that section I would be in wholehearted agreement with you. It is not a matter of the Standing Orders.

Hon. C. G. Latham: If the House disagrees with me, will you submit that section to some high legal authority for interpretation?

Mr. Speaker: The Solicitor General has advised me that that is the interpretation.

Hon. C. G. Latham: I do not desire to delay the Bill. If Section 57 of the Act means that all Bills are public Bills and in future may be dealt with by the Government, private Acts must cease to exist. I think my contention is right that the section was intended as a direction to those called upon to administer the Act. Will you, Sir, submit the question to some high legal authority so that we may know the exact meaning of the section? I am not prepared to

accept the decision of the Solicitor General. While I, as a layman, have no right to question his opinion, I still say that the matter is open to the two interpretations, the one I have given and the one conveyed to you by the Solicitor General. The point should certainly be cleared up.

Mr. Hughes: I consider, Sir, that your ruling is in error. The sovereign power of legislation in this State is vested in the Parliament as it exists from time to time. The Parliamentary procedure is governed by the Standing Orders existing from time to time. It was not within the power of the Parliament of 1886 to lay down a definition of what is or what is not a private or a public Bill for the guidance of future Parliaments. If it were so, Parliament would find itself in a very invidious position in that it could not carry on its business because some Parliament in the past had arrogated to itself the right to define questions of Standing Orders for the future. We in turn would have the right to say that a measure passed by us was or was not a public measure for the purpose of binding future Parliaments. The Parliament of 1960 would rightly say, "This is a question of Parliamentary procedure and is a matter governed by our Standing Orders." The Parliaments of the future would be at liberty to amend their Standing Orders, and what might be a private Bill to-day might, by virtue of an alteration of the Standing Orders, be declared a public Bill 20 years hence. If, by inserting in a Bill a clause declaring it a private Bill or a public Bill, we were enabled to bind future Parliaments, we would be taking out of the power of Parliament its right to set down its own procedure and lay down its own Standing Orders. This was never intended; nor is there any power in an existing Parliament to say what the procedure and Standing Orders of a future Parliament shall be. There was no power of the kind in 1886; nor has there been any power at any time since for Parliament to decree that, notwithstanding the Standing Orders, a certain measure should be deemed to be a public Bill. A fair construction of the section is that the Parliament of 1886 —or the Legislative Council as it then was— never intended to arrogate to itself the right to lay down procedure to govern a future Parliament. The word "others" has no reference to the law-making Parliamentary authority. Therefore I submit that you were in error in deciding that what the Parliament of 1886 was pleased to declare a public Bill and what, so far as the Standing Orders of that time were concerned, might have been a public Bill, could not affect the treatment of a certain Bill under an interpretation of Standing Orders 50 years later. That is a right that belongs to the Parliament of to-day; it is a right that cannot be taken away under our Constitution. I submit you were wrong in accepting what was said in 1886 as determining the question of Standing Orders to-day. You should take the Bill as it exists and take the Standing Orders as they exist and make your decision on the Standing Orders, irrespective of what is said in the Act. Even, if in place of the word "others," it was specifically stated that the measure was to be considered a public Act for the purpose of future amendment, I submit that you would still be wrong, because that was a question not for the Legislature of 1886 but for the Legislature of 1937 as governed by its Standing Orders. I support the motion because I think it would be a dangerous precedent if Parliament ever considered it had the right to bind a successive Parliament. I think, Sir, that you should follow your second impulse and decide the question on the Standing Orders and the merits of the Bill in relation to the Standing Orders.

Mr. Watts: I propose to support the motion of dissent. Like the Leader of the Opposition I am not in the least opposed to the subject matter of the Bill, but I think that a very careful distinction should be maintained between public and private Bills. Public Bills affect entirely the general interests of the community, and private Bills, as has been said, are largely in the interests of some individual or corporation. I paid great attention to what you, Sir, said regarding your interpretation of Section 57 of the Act, but I would point out that the use of the word "others" as suggested by you cannot in any circumstances be taken to apply to this House. The section says that the Act shall be judicially taken notice of as a public Act by all judges, justices and others within the said colony. A thing could only be taken notice of judicially by those others if they were sitting in a judicial capacity. Surely this House is not sitting in a judicial capacity!

Mr. Speaker: But I am at the moment.

Mr. Watts: I think the extension to you of a judicial capacity in these circumstances cannot be taken to add you to the list of judges and justices and others referred to in the Act. It seems to me that the section was specifically inserted in order that the Act might be taken judicial notice of in actions in the Supreme Court and other courts without being specially pleaded, and for the life of me I cannot see why the use of the word "others" induced you to believe that a situation that arose when there was no judicial capacity of the nature that this section contemplates under consideration should enable you to say that the word "others" gives you a judicial position that I claim you do not hold. I consider that the section was inserted entirely for a matter of court procedure and not for a matter of this kind. I agree with the member for East Perth that a section inserted in an Act in 1886 could not override the regulations of this House known as the Standing Orders made at a much later date. It seems to me that, taking these arguments collectively, though I wish to see the legislation passed, there is every justification for accepting the point of order raised by the Leader of the Opposition, remembering the necessity for maintaining the distinction between private and public legislation.

Mr. North: I support your ruling, Mr. Speaker, not merely because I am interested in getting this legislation through, but because I think we must take guidance from the course of events in this particular matter. With regard to the second of these Bills, which is equally under dispute because the private company has transferred itself into a public trust, the city of Perth has operated the gas concern and therefore has given point to the words in question which were used in the original Acts about making the statute in question a public Act. They were well intentioned and were justified by events. It is also worth noting that the Perth City Council, which operates the gas business in the second Bill, is also operating the electricity supply, and no one would suggest that that body or trust operating the electricity supply should be the subject of a private Act. If we went back to the history of private Bills we would find that they dealt with matters of a private nature. For instance, a divorce in Great Britain formerly had to be obtained through a private Act of Parliament, and therefore we would be well advised, I consider, to follow the wording of Section 57 in the parent Act and to realise we are concerned with what are really public functions. The handling of gas, electricity and the like are not really private matters any longer.

Mr. McDonald: I am disposed to think that the Leader of the Opposition is correct in this instance. The original Act, with which we are concerned, was introduced as a private Bill, and there seems no doubt that it was a private Bill because it concerned a private company and it involved a franchise over a certain area over which that company is carrying on operations. Thus it was within the meaning of the Standing Orders a private Bill, and subject to the procedure required in the case of private Bills. The particular clause was inserted to show that judicial notice should be taken of the Act. I consider that all that that meant was that any person who might have occasion to rely upon the Act in a court of law would not be required to prove the Act. I have not been able to get one of the text books that I sent for, but I think that in the case of a private Act, a person who relies upon that Act has to prove it in the same way as he would prove a document by showing that it went through Parliament, and that it was assented to by the Governor on behalf of the King. This would prevent the formalities which would otherwise arise if the Act was brought into the courts of law. This Act would allow the company to open up streets and lay down pipes, and there is no doubt that at the time it was thought it would help the position by saying that this should be deemed a public Act or should be taken judicial notice of as a public Act, and in that way save any person proving that it has passed as a private Act. The original measure having been a private Bill, we now have another Bill before us which has exactly the same characteristics as that which became the parent Act. It refers to a private company and it deals with the extension of the franchise over a certain area. I consider that the whole matter can be looked at de novo; in other words we do not want to go back to the original Act now. Therefore it must go through the procedure of a private Bill. That has been insisted on by the House of Commons be-

cause in "May," twelfth edition, page 598, we find—

> Bills concerning only the city of London have generally been private Bills solicited by the corporation itself, which desired special legislation affecting its own property, interests and jurisdiction. Thus even the Bill for establishing a police force within the city was brought in upon petition and passed as a private Bill; and in 1863, when it was sought to repeal this Act by a public Bill (for the amalgamation of the city and metropolitan police) without the notices required in the case of a private Bill, the Bill was not permitted to proceed.

So I think that with regard to the Bill before us we are not concerned with the Act that has been passed, we are concerned with the Bill before us, and we are obliged to look at it as a new Bill in the same light as we would look at any other Bill, and if it has the characteristics of a private Bill, inasmuch as it affects a private company, then we must apply to it the ordinary procedure involved in that kind of Bill.

Hon. W. D. Johnson: I have followed the debate very closely and I am interested in that particular section in the original Act where it states that notice shall be taken of a particular enactment as a public Act. It is too cramped a definition to say that the word "others" could cover Parliament. If Parliament had to take recognition of it as being a public Act or a public Bill, then that would have been said. The Leader of the Opposition has submitted to you, Sir, a section similar to that to be found in other measures that could be regarded as private Bills. Evidently there is some legal meaning for a clause or section of that description. It would not be put there for the sake merely of conveying that those people had certain public rights, as suggested by the member for West Perth. It is true that something of that kind would help, but I do not think the section would have been included unless it was to emphasise that, while it was a private company, it had certain rights to the extent of interfering with a roadway or interfering with public conveniences during the operation of, say, the extension of a pipeline, or such similar work connected with the supply of gas. I suggest that the matter should be adjourned to enable you, Mr. Speaker, to get a wider definition. There must be some reason for a particular section of that description when it is found in more than one statute of this kind. I am not prepared to accept the view expressed by the member for East Perth. In a matter of this kind I would like some other authority to be consulted apart from Parliament itself, and I suggest that the matter be adjourned so that you, Mr. Speaker, might be given the opportunity to give furher consideration to the point raised. If the word has been put in for the specific purpose of overcoming a difficulty, and making a private measure in the ordinary sense a public measure, then it is something that overrides our Standing Orders and requires special examination to convince me that the words "and others" in an Act of Parliament would have the effect set out.

Mr. Sleeman: I move—

> That the debate be adjourned.

Mr. Speaker: I am not certain whether Standing Order 142 gives me the right to adjourn a debate on a point of order. Section 142 says—

> If any objection is taken to the ruling or decision of the Chairman of Committees . . . . the matter shall be laid before the Speaker, and having been disposed of the proceedings in Committee shall be resumed where they were interrupted.

Standing Order 141 reads—

> If any objection is taken to the ruling or decision of the Speaker such objection must be taken at once.

Personally, I have no objection to the matter being adjourned.

Mr. Marshall: On a point of order, on the question of the adjournment of the debate——

Mr. Sleeman: It cannot be debated.

Mr. Marshall: I want to draw the Speaker's attention to Standing Order 138 which reads—

> All questions of order and matters of privilege at any time arising shall, until decided, suspend the consideration and decision of every other question.

I respectfully suggest, Mr. Speaker, that if the debate is adjourned, the House will be prevented from going any further with its business at this sitting.

Mr. Speaker: I cannot accept the hon. member's motion.

The Minister for Works: The Solicitor General did not labour the question at all, he simply referred me to Section 57 of the Perth Gas Company's Act, 1886. That section reads—

> This Act shall be deemed and taken to be a public Act, and shall be judicially taken

notice of as such by all judges, justices and others within the said colony of Western Australia without being specially pleaded.

We cannot get away from that. I remind the House first and foremost that this utility in question is municipally owned.

Sitting suspended from 6.15 to 7.30 p.m.

The Minister for Works: We have had opinions expressed by those with some legal knowledge, but it seems to me that the question resolves itself into a consideration of what meaning we attach to the declaratory sections of the parent Acts, which the two Bills under discussion seek to amend. The parent Acts state definitely in each case that it shall be "deemed and taken to be a public Act." I am always disposed to respect the opinion of the member for West Perth (Mr. McDonald) on questions even other than those of a legal character. On this occasion he quoted an instance in the House of Commons where the Speaker ruled out a Bill introduced by the Government to amend a private Act. I am afraid that in this instance the member for West Perth did not have time properly to ascertain the facts. I am sure that if I went to him for an opinion on this question, he would not give me that which he placed before members to-day. He would indicate that it was true the Speaker of the House of Commons had rejected a Government Bill to amend a private Act, but he would not say that that Act did not contain a provision similar to that to which I have referred. He would not know whether the Bill did not contain a clause that set out that it was to be "deemed and taken to be a public Act." Since the member for West Perth has not all the evidence in his possession, I would mention another law that other members know quite as much about as does the member for West Perth. I refer to the law of averages. As will in all probability be pointed out presently by the Speaker, it is unusual for such a section to appear in Acts.

Hon. C. G. Latham: It is in the Western Australian Bank Act.

The Minister for Works: The hon. member has discovered one. He will soon be informed authoritatively that there are others. The one convincing statement during the debate was that of the member for West Perth, but it did not satisfy me that he had examined the position fully. He quoted from something that he had read; but that was not the point. The important point revolves around the declaratory section that appears in the principal Acts, which the two Bills now before Parliament seek to amend. There are many private Acts that do not contain that declaratory section.

Hon. C. G. Latham: It is not usual for a private Bill to be introduced to amend a public Act.

Mr. Sleeman: Sometimes they are.

The Minister for Works: During the discussion it was suggested that the matter should be deferred in order that other authorities might be consulted. Who is it suggested should be consulted? We cannot go higher than the Solicitor General.

Hon. C. G. Latham: Of course you can.

The Minister for Works: When we introduce legislation of this description we do not run around consulting private legal practitioners as to whether it is all right.

Hon. C. G. Latham: The Speaker ruled one Bill out last session.

The Minister for Works: Not on a legal point.

Hon. C. G. Latham: Then on what did he rule it out?

The Minister for Works: There are two phases to this.

Hon. C. G. Latham: The ruling was based on a purely legal and constitutional point.

The Minister for Works: In the Joint Standing Rules and Orders relating to private Bills, it will be found that special mention is made of the procedure relating to gas Bills. For instance, No. 3 reads—

> In cases of Bills respecting any gas works, the notice shall set forth and specify the limits within which such gas works are intended to be erected or made.

Then in No. 9 it is set out—

> Not less than 21 days immediately preceding the application for any Bill for the erection of works for the manufacture of gas, notice shall be served upon the owner and occupier of every dwelling house situated within 300 yards of the limits within which the proposed gas works are intended to be erected or made.

Regarding the Bills anything that will be entailed in respect of the reticulation of gas will be provided for, either through other Acts or through the parent Acts. It will be settled by the local authorities concerned. The extensions indicated have not been asked for so much by the company as by the municipalities concerned.

Hon. C. G. Latham: We are not disputing that.

The Minister for Works: I do not know of any other means that could be devised to extend the limits set in the parent Acts in the same way as provided for in the Bills. Under the Bills, those limits will be extended as desired by the local authorities and as authorised by the Government. I do not know of any other way. We have gone to the highest authority available, and the Solicitor General has drafted the Bills in the form presented to members. He says definitely that the meaning of Section 57 is as it appears to be, and is not for the purposes indicated by those who have opposed the Speaker's ruling, on the ground that the Bill is not required to be proven. I support Mr. Speaker's ruling.

Mr. Speaker: Before the discussion proceeds further, I agree with the Leader of the Opposition that this is a very important point. It has been asserted, particularly by the Leader of the Opposition, that I should seek some higher authority. I do not know of any higher authority that the Speaker could approach than the Solicitor General. As a matter of fact, this House is the highest authority, and until the House rules otherwise, the Speaker is the highest authority here. Naturally I do not say that in an egotistical spirit, but state the fact. The member for East Perth (Mr. Hughes) argued that the Parliament of 1886 could not bind us.

Hon. N. Keenan: On a point of order! Are you, Sir, closing the debate?

Mr. Speaker: No, my remarks will not close the debate, because I have not moved any motion. The member for East Perth argued that action taken by Parliament in 1886 could not bind Parliament in 1937. I would point out to him that until such time as the Parliament of 1937 repeals something done by Parliament in 1886, we are still bound by the action of the earlier Parliament.

Mr. Marshall: And we are bound by laws similarly.

Mr. Speaker: In addition to that, by a simple majority vote, if the House adopted a resolution to that effect, it could declare these particular Bills to be public Bills. That is the practice in the House of Commons. If that were done, although there is nothing in our Standing Orders referring to the point, that would be sufficient. It should be borne in mind that Standing Order No. 1 reads—

> In all cases not provided for hereinafter or by sessional or other orders, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings in this House.

So that where our Standing Orders are silent, we adopt the customs of the House of Commons. Therefore, if we desired, we could declare by resolution that these Bills were public Bills. If we did so, surely in 1960, to use the words mentioned by the member for East Perth, the Parliament of that day would still be bound by the resolution of this House, until they otherwise decided. During the brief time at my disposal at the tea adjournment, I found that there are six Acts which may be termed private Bills—these comprise the two Gas Acts, Bills to amend which are now before the House, the Western Australian Bank Act, the West Australian Trustee, Executor, and Agency Company, Ltd., Act, the Perpetual Executors, Trustees and Agency Company Act, and the Western Australian Turf Club Act—and in the two Gas Acts and the Bank Act, the declaratory section to which I have referred was included. That section does not appear in the other three Acts. Obviously that section must have been inserted in the Acts for some purpose. The Leader of the Opposition and the member for East Perth argued that it was included for the purpose, purely and simply, of instructing that judicial notice was to be taken of the Acts, without the necessity for special pleading. I find that in the Evidence Act, Section 53 states—

> All courts and all persons acting judicially shall take judicial notice—
>
> (a) of the Commonwealth and the States and of every Australasian Colony, and the extent of their respective territories; and
>
> (b) of all Acts of Parliament of the United Kingdom and of the Commonwealth, and of any State, and of any Australasian Colony, passed before or after the commencement of this Act.

Hon. C. G. Latham: That Act was passed subsequent to the other Acts in question.

Mr. Speaker: The section says, "before or after this Act," and it also refers to "all Acts of Parliament." In the circumstances, surely there is no necessity to put a similar

provision in these particular Bills. I would say there must be some other reason for the appearance of that section in the Acts I have referred to. The only reason that I can suggest, and I have not been convinced otherwise by the arguments advanced this evening, is that the Parliament of that day decided for some reason or other that the inclusion of the words in the two Gas Acts and the Bank Act, setting out that they were to be taken as public Acts, was necessary. Otherwise why would they not insert that provision in the other three private Bills? So I think the ruling I have given is in accordance with facts. This House is the master of its own destiny, but I trust that members will vote in accordance with what they consider to be the facts. Personally I can see no other reason for the insertion of that provision.

Mr. Sleeman: I am sorry the motion for the adjournment of the debate was not carried earlier in the evening, because I wanted time to look up other authorities. I remember that in this House in 1932 when I raised a point of order the then Speaker refused to give a ruling, and it was not until a week afterwards that we got that ruling.

Mr. Marshall: He reserved his decision, whereas the Speaker to-night has given his ruling.

Mr. Speaker: The hon. member need not discuss that.

Mr. Sleeman: I find on looking at the authorities that whether the House upholds the Speaker's ruling or not, this House can decide that it is a public Bill. That has been the practice in the House of Commons and so it can be followed here. In the 11th edition of "May," page 680, I find this passage—

> In 1871 a Bill for regulating the management of certain trust properties of the Presbyterian Church of Ireland was introduced into the House of Lords as a private Bill; but objection being taken to legislation upon such a subject by means of a private Bill, the Bill was withdrawn and a public Bill for effecting the same object was passed by both Houses. In 1905 a public Bill—the Churches (Scotland) Bill—was introduced by the Government to provide for the allocation between the Free Church and the United Free Church of properties belonging to the former. It was a measure of general interest and of general application, but as it affected the property of individuals, it was referred to the Examiners. They held, however, that the Standing Orders relating to private Bills were not applicable to it; and it proceeded, and was passed, as a public Bill.

Then on page 682 there is this passage—

> In 1900, on the second reading of a private Bill promoted by the Metropolitan Water Companies, the Speaker called the attention of the House to the large and important powers which were proposed to be conferred by it upon a public department (the Local Government Board), and which, according to the practice of the House ought to be secured by a public rather than by a private Bill; and the Bill was accordingly withdrawn.
>
> In 1861, the Red Sea and India Telegraph Bill, which amended a private Act was introduced and proceeded with as a public Bill, as it conceived the conditions of a Government guarantee.

So we see that a public Bill can amend a private Bill. At the tea adjournment I had pretty well made up my mind that I would have to vote with the Leader of the Opposition, but having looked up those authorities during the tea hour, I am now disposed to vote with the Speaker.

Hon. N. Keenan: The matter before the House is of great importance because it deals with the Standing Orders, which of course have to be observed. The motion naturally has nothing whatever to do with the merits of the Bill. Even if the motion to dissent from the Speaker's ruling be carried, this Bill can be proceeded with. It is conceded by you, Sir, and by all that have addressed themselves to the matter that this Bill, dealing as it does with only a small and confined locality, is essentially one that should be a private Bill and subject to the procedure applicable to private Bills. But it is alleged that because of a certain section in the original statute that otherwise unavoidable ruling can be departed from. The section relied upon is that which declares that the Act shall be deemed to be a public Act, even without its being specially pleaded. Those words "without being specially pleaded" show the whole intent of the section. It must be borne in mind that this statute was passed long before either our Evidence Act or our Interpretation Act. According to the Interpretation Act, every private Bill that becomes law then becomes a public Act. But those two statutes were long subsequent to this Act. At the time when that was passed this provision would have been necessary, and it would also have been necessary to prove that the measure had been passed and had been assented to. So obviously that is the reason for the insertion of that provision, just as in the statute which authorises the incorporation of

the Western Australian Bank. Since those days it is not necessary to incorporate any such clause in order that the Act might be taken notice of judicially by the courts of this State. May I turn for a moment to the question whether this statute dealing with purely a private matter and being for that reason governed by the procedure dealing with private Bills, should be set aside by you and instructions given to bring it forward as a private Bill. It does not matter whether we agree or disagree with our Standing Orders, so long as they are there we must see to it that they are carried out. Parliament in its wisdom has decreed that matters which do not deal with wide national issues, including territories or vast expanses of land so as to constitute them public matters, are to be dealt with in a certain way in this House. We have to bear in mind that this Bill, even if the Speaker's ruling is supported by the House, will have to pass the scrutiny of another place.

The Minister for Lands: It is not fair to anticipate that.

Hon. N. Keenan: I do it, not out of any hostility, but merely out of a desire to help. I am told that the Solicitor General has given the Speaker advice in this matter, and no doubt he has given the best advice. Still, I do not know why because advice was given by the Crown Law Department the matter should be taken out of the hands of members of this House. I am convinced that the argument of the Leader of the Opposition is absolutely correct and is in accordance with the proper traditions of this House. And it has to be considered with the argument put forward by the member for East Perth (Mr. Hughes) that the original Act was first passed by the Legislative Council as it then was of this colony and that it was a private Bill. Now it is sought to allege that the Legislative Council put this clause into it for the purpose of making it a public Bill. What more ridiculous suggestion could be made? It was passed as a private Bill by the Legislative Council of this then colony, even if that Council did say that for all time it was to be a public Act, for future Parliaments to observe, and reserve for it the procedure prescribed for all public Acts. That would be an abrogation of our authority, because we would be admitting that the Legislative Council of a Crown colony could dictate to future Parliaments long after the State had secured responsible Government. So with all due respect to the Speaker, I hope the House will disagree with the ruling.

The Minister for Lands: The Leader of the Opposition suggested that we should consult other higher authorities. But the Speaker is the authority in this House; there is no higher authority than the Speaker in this House. He has the authority of the Standing Orders, but he has gone further and consulted the Solicitor General. The Speaker has gone to the Crown Law Department and has there been strengthened in his interpretation of this matter. That is all that the House could expect. As to the interpretation placed upon it by legal members of the House, we must not fall into the error of believing that because those members have some knowledge of the law they have the last say in the law. As one leading man once put it—the less knowledge they have the more loquacious they are. This House must not be impressed by legal interpretations because, as I say, those legal members have not the last word in the law. In many cases they rarely get decisions in their favour. I have a great regard for the legal knowledge of the member for Nedlands, but he does not always succeed. Since the Speaker is the supreme authority in this House his interpretation and decision must be respected in this matter. He was not obliged to consult the Solicitor General but he did so. As the Speaker has gone thoroughly and carefully into this question, and has had his interpretation supported by the views of the Crown Solicitor, we may well agree that his ruling is the correct one.

Mr. North: I rise by way of getting an explanation. May I ask if it is possible under our Standing Orders to have two sorts of public Acts? The question has arisen as to what is a public Act. Is it possible under our Standing Orders to have more than one sort of public Act?

Mr. Speaker: I do not know that that comes into the argument.

The Minister for Lands: I do not think you can be called upon to answer that question Mr. Speaker. There is no point of order in it.

Hon. C. G. Latham: That is for the Speaker and not for you to decide.

The Minister for Lands: I am rising to a point of order.

Mr. Hughes: Who is the speaker?

The Minister for Lands: The question put by the member for Claremont is not a point of order.

Mr. North: It is a matter of explanation.

Hon. C. G. Latham: I desire to make a personal explanation. The Minister for Lands said I had questioned your ruling, Mr. Speaker, on the Standing Orders. I did nothing of the sort. I questioned your ruling on the interpretation of the law as defined by Section 57 of the Perth Gas and Coke Company's Act. I had no thought of questioning your ruling on the Standing Orders.

Mr. Speaker: In reply to the member for Claremont, there are three kinds of Bills, public Bills, hybrid Bills, and private Bills.

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

Ayes	17
Noes	27
Majority against ..	10

Ayes.

Mr. Boyle	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Stubbs
Mr. Hughes	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Doney
Mr. Patrick	*(Teller.)*

Noes.

Mrs. Cardell-Oliver	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Rodoreda
Mr. Doust	Mr. Shearn
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Johnson	Mr. Troy
Mr. Lambert	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
Mr. Needham	*(Teller.)*

Motion thus negatived.

Debate Resumed.

MR. NORTH (Claremont) [8.6]: I support the Bill.

HON. C. G. LATHAM (York) [8.7]: Under the parent Act there is a limit of five miles over which operations can be conducted. The Bill proposes to give to the city of Perth, which is conducting business outside its own territory, subject to the approval of the Governor, unlimited scope to extend its operations. It may go to Fremantle or anywhere it likes with the approval of the Government and the local authorities concerned. By another Bill it is proposed to extend to the company that is operating at Fremantle unlimited scope there. In view of the parent Act this House has a right to define the area over which operations may be conducted. We should give authority to extend these operations over seven miles or ten miles, or whatever we think is necessary. I am not in accord with the idea of giving the right to these undertakings to extend their operations over an unlimited area as is proposed by the Bill, and I am not going to support the second reading. The House should not pass a Bill without knowing what it is doing. It is a most extraordinary procedure. Here is a private company in which we have no interest. Parliament proposes to say to it, "You can do what you like; you can extend your operations and go where you please." The City of Perth may feel inclined to induce the City of Fremantle to agree that its operations shall be extended down there. I propose when the Bill is in Committee to endeavour to limit the area to 7½ miles.

HON. W. D. JOHNSON (Guildford-Midland) [8.10]: I do not like these Bills. They are measures that should go before a select committee, or concerning which we should have further information. It is proposed to give certain private companies, and local governing bodies with limited representaton, the right to dispose of a commodity that is required and consumed and used by the whole community. These people are not representative of the community, and have no authority to speak for it. We are brought into the picture to see that the rights of the community are fully protected. In the first place the private company exploited this commodity for profit. There is also a local governing body that is on a limited franchise, whose existence depends upon a section of the community, and it is proposed in both cases to give them extended rights for the purpose of supplying their commodity to the general community. I do not like that, and shall vote against the second reading of both Bills.

Mr. SPEAKER: Order! There is too much conversation.

Hon. W. D. JOHNSON: I shall vote in that way unless we can get further evidence on both measures from the point of view of the general public. We want to know if it is desirable that this extension should be granted. We are dealing with a monopoly. These people have control over a given area, and we propose to extend that area without knowing anything about the proposition. All we have is the information given by the Minister. I should like to know something about the localities it is proposed to serve, the public interests there, whether it is desirable to go fifty-fifty over this particular area, or whether the rights should be denied to the one and given to the other. The fullest possible information should be in the possession of the House before we pass Bills of this description.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair: the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 3:

Hon. C. G. LATHAM: This clause proposes to add certain words to Section 3. I have endeavoured to trace in the Act reference to some authority giving the Government control over the price of this commodity.

The Premier: They did not do that in those days.

Hon. C. G. LATHAM: It is proposed to give the exclusive right to the company concerned to charge whatever it likes for the commodity, and by Act of Parliament we are proposing to enable it to extend its operations.

Mr. Lambert: And in competition with a Government undertaking.

Hon. C. G. LATHAM: Gas is a much more popular form of household convenience than electricity is. Few houses use electric stoves as compared with those using gas stoves. There should be some provision for controlling the price of the commodity. Members anxious to push the Bill through may in future regret the absence of a means of control.

The Premier: The company cannot charge an unreasonable price.

Hon. C. G. LATHAM: The Government would have to furnish an excellent reason for controlling the price charged by the company. The Bill should be referred to a select committee. The company is being given a valuable extension of its concession, and the opportunity should be seized for providing some means of regulation. Claremont people may eventually wish they had gas works of their own. The Perth City Council makes substantial profit out of the sale of gas, and taxes the community in that way. However, the position at Fremantle is worse. I should like to call attention to the difference between the Government's attitude in regard to bulk handling, control over which was retained, and its attitude towards this gas company. The company will not be under the control of the municipality except as regards extensions into new districts. The member for Guildford-Midland said the Bill should go to a select committee, but he did not dare to move a motion to that effect. I hope another place will protect the taxpayer. Even you, Mr. Sleeman, who represent the important city of Fremantle, will be pleased if some control is retained over the price of the commodity.

The CHAIRMAN: That cannot be done in this clause.

Hon. C. G. LATHAM: I think I could easily draft the necessary proviso.

The CHAIRMAN: It might be ruled out.

Hon. C. G. LATHAM: I do not think, Sir, that on second thoughts you would rule it out, though it would not be the first time amendments moved by this side of the Chamber had been ruled out by you. I warn hon. members that we are handing over to a private company the right to distribute a commodity, with power to charge what it pleases.

Mr. NORTH: I support the clause, and urge the member for York to peruse Section 25 of the parent Act if he has not already done so. The section provides that the price of gas to be supplied by the company to consumers shall be uniform within the limits fixed by the Act. So the price charged in Fremantle is the price charged in Swanbourne, and there is no possibility whatever of the company exploiting new districts. If the company desires to raise prices, that must be done uniformly; and then we have the Government policing the service. Electricity is a most superior form of cooking as compared with gas, but that is not

the opinion of housewives. I challenge the Leader of the Opposition to harass housewives by holding up this Bill. Even if there is any danger of exploitation, there is a complementary Bill to follow this, without which the scheme cannot be carried out. The Perth City Council and this company have charted out the proposed territory between them, and so there will be no friction.

Hon. C. G. Latham: Let us know what the scheme is.

Mr. NORTH: Many households have been waiting for months to get connections made.

Mr. LAMBERT: I agree with much of the argument advanced by the Leader of the Opposition. This is a private company operating in Western Australia, the shares being held entirely by people in the Eastern States. There is no analogy between this proposal and the granting of a concession to the Perth City Council, for whatever profits are made by the Electricity and Gas Department of the City Council go towards improvements in Perth. There is a marked difference in granting to a concern like the Fremantle Gas Company an exclusive right to distribute gas over an unknown and undefined area. The Bill should specify what territory is to be traversed in the course of reticulating gas. By proclamation the company can get an extension of its territory to anywhere. The Perth City Council spent an enormous sum to purchase certain rights held by a private gas company. The same question has cropped up in Melbourne and Sydney.

Mr. Marshall: And in Adelaide, too, and in an acute form.

Mr. LAMBERT: Yes. While I did not support the Speaker's ruling as to this being a public Bill——

The CHAIRMAN: That cannot be discussed now.

Mr. LAMBERT: I shall not stress that point other than to say that it would serve a most useful purpose if the Bill were referred to a select committee. Then we could ascertain how the measure will affect the ratepayers, and to what extent the proposed scheme will come into direct competition with a governmental undertaking on which huge sums of money have been spent. The Fremantle Gas Company is a foreign company, and there is control neither over the area which it can eventually reticulate nor over the price it may charge.

Progress reported.

ANNUAL ESTIMATES, 1937-38.

In Committee of Supply.

Resumed from the previous day, Mr. Sleeman in the Chair.

Vote—Unemployment Relief and State Labour Bureau, £68,727:

MR. NORTH (Claremont) [8.30]: In supporting this Vote I compliment the Minister on the able way in which he introduced the Estimates. This is a Vote that sounded far better last night than it did 12 months ago. It occurred to me when listening to the Minister that it was high time the C.S.I.R. gave consideration to the secondary industries of this State. I asked a question yesterday as to whether that was taking place, and a reply was given that the position of the primary industries is still being investigated.

The Premier: For the time being.

Mr. NORTH: We cannot expect this or any other Government to be for ever carrying a large surplus of unemployment when there is so much room for the development of secondary industries. We have opportunities in every direction to develop our secondary industries and I am hopeful that the new Federal Government will pursue the policy outlined during the election campaign of advancing the various industries so that we can absorb locally a great many men now on public relief. There has been a desire expressed by many, including the member for West Perth (Mr. McDonald), that loan works should be cut down now with the idea that in bad times they might be expanded. That is a very good policy, because if we analyse the position it is clear that if depressions do come again they must be due to so many goods having been put on the market that they cannot be absorbed for the time being. That is the very time when the surplus labour available should be beneficially utilised by increasing and improving various public works. The community should be gaining during a depression and not losing. In a sense that has been the position. Looking back for six or seven years, we observe that we have had more done in the way of public works and the improvement of public assets than has been the case at any previous time in our history. If depressions are looked upon as being periods when there is a temporary surplus of consumption goods, we should be justified

in largely increasing the amount of public work undertaken, thereby giving assistance to men who have been displaced from private firms. Unfortunately, six or seven years ago when that position arose, experts not having had the experience that we have since had, advised the undertaking of fewer public works. Therefore we had a terrible time of hardship. It was pleasing to listen to the remarks of the Minister that by undertaking public works in difficult times we were able to increase the consuming power of the people and thus help the private firms. Much could be said on this Vote. I see a very definite improvement in the way matters are being handled, but I would like to stress the difficulties of "C" class men. They are really practically eligible for invalid pensions, but by the wording of the Commonwealth Act they can only receive a pension when they are permanently incapacitated. There have been several cases brought to my notice of men who are definitely incapacitated now and will be for a year or two. One particular case is of a man who suffers from spondilitis. That complaint incapacitates a man for 18 months, but he cannot obtain a Federal pension and is incapable of being put to work by the Minister for Employment. With the object of trying to alter that position I have brought the matter before one of the Federal Senators, and he has promised that he will, if possible, influence the Federal Government to provide that invalid pensions will cover those persons who are temporarily incapacitated, and will apply during the period of incapacity. If that could be achieved, it would be of assistance to those who are on the 7s. rate and cannot be employed. Another feature of this Vote reminds me of a motion on the notice paper which seeks to raise the income in goods and services of those under the basic wage, but according to the general statement of the position made last night, such a motion will hardly be necessary now, because if the whole of the men are back very near to the basic wage, except those with smaller families, there will be no need to try to improve the conditions of those people relative to the average person by making the proposed concessions. Generally speaking, the whole position seems to be far better, and it is interesting to look back six or seven years and think how differently we then viewed this position. I remember quoting on behalf of the electors of Claremont in 1930 the idea of an economist named Bellerby. His idea was that when times were good we should have a very small amount of loan funds in use, and when times were bad the loan funds should be increased largely, and that unemployed men should be engaged on such loan works. That is being considered the right and commonplace idea to-day. How pleasing it is to think that after all these years the general public view is becoming the commonsense view, and we have swept aside those extraordinary mists which surrounded what was called the dismal science, namely economics. It certainly was dismal, but I doubt whether it had reached the stage of being a science.

MR. FOX (Fremantle) [8.40]: I, too, congratulate the Minister on the speech he made when bringing down the Estimates of his department. It is pleasing to see that there will be some improvement in the condition of relief workers in the near future. I am not as optimistic as the member for Claremont (Mr. North) that with the establishment of more secondary industries in this State the need for relief work will vanish. I believe that the number of relief workers will increase, and we will have them with us for all time. Successive Governments will have to make additional provision to absorb the number of men who will be engaged on relief works. I make this statement in view of the trend towards a reduction of hours in other countries throughout the world, particularly in America and some of the European countries, and also in New Zealand. In quite a number of countries, a 40-hour week has been introduced, and that has been the means of providing additional employment. In France, the 40-hour week was responsible for putting an extra quarter of a million men into employment. It would be a good gesture on the part of this Government if they applied the 40 hour week to relief workers. It would be a gesture to the Eastern States and to the Commonwealth that this Government at least was in favour of the introduction of a 40-hour week, and there is no class of worker more deserving of a 40-hour week than those on relief work. The Government would not be establishing a precedent by putting them on 40 hours a week, as previously they have put men in the Government departments on a 44-hour week. Another matter I would like to bring to the notice of the Minister

is the necessity for better conditions where numbers of men are engaged on fairly big relief jobs that are going to last for a considerable period. At one relief job I visited there was a string of camps with a camp fire to each couple of individuals who did their own cooking. It would be a good idea if the department provided a mess-room for each camp. Those mess-rooms could be built in such a way as to permit of their being removed to another job when the work was finished. I noticed that the provision for the staff was better than that for relief workers. None was provided for the relief workers, though adequate provision was made for the staff. I feel reluctant to refer to some remarks made in another place by one of the members for East Province (Mr. Hamersley).

Mr. Cross: He does not know what he is talking about.

Mr. FOX: He cast some very serious reflections on relief workers in the country, saying that they did very little work, that when a car approached whole gangs of them moved to the side of the road and began work and that as soon as the car passed, they left the work again. That was not what he meant; he really meant that they were loafing. It is all very well for Mr. Hamersley, who is able to ride in a comfortable car provided perhaps with very little arduous work on his part.

Mr. Doney: You are talking nonsense!

Mr. FOX: The charge was too sweeping.

The CHAIRMAN: The hon. member is out of order in referring to a speech made in another place.

Mr. FOX: I read a report in the newspaper and I think I am in order in referring to that. The statement was a reflection not only on the men, but on the gangers in charge of the men and on the engineers, inferring as it did that the cost of the job would not be near the estimate. Perhaps the best way to deal with the matter——

Mr. Doney: Having regard to your remark of a moment ago, Mr. Chairman, may I ask whether the hon. member is in order?

The CHAIRMAN: The hon. member is quite out of order in alluding to a debate in another place.

Mr. FOX: I am referring to a report published in the Press.

The CHAIRMAN: The hon. member is alluding to a debate in another place and I cannot allow him to proceed. Standing Order 127 states—

> No member shall allude to any debate in the other House of Parliament or to any measure impending therein.

Mr. Cross: The relief workers will deal with him.

Mr. FOX: I regret that I was not permitted to proceed a little further because I would have liked to give Mr. Hamersley a little of his own medicine. I regret that mention has not been made in the Estimates of provision for a housing scheme for invalids and other people in receipt of relief from the Child Welfare Department. I understand there is a housing scheme for people of that sort, and a substantial sum might well have been voted through this department. I understand that £27,449 19s. 6d. has been expended on erecting homes for people who come under the control of the Minister's department. Of that sum £15,000 was made available through the Commonwealth Unemployment Fund, £5,400 by the Lotteries Commission, £7,000 was supplied by Sir Charles McNess, and £49 19s. 6d. was contributed by citizens of Capel to help one of their number. The latter amount was raised to supplement a sum provided by the housing scheme.

The Premier: They have done excellent work.

Mr. FOX: Yes. Those houses are occupied by invalids or by people in receipt of relief from the Child Welfare Department.

The Premier: Not all of them.

Mr. FOX: Some of them are pensioners, but pensioners are next door to being invalids. Twenty-four homes have been provided for people who are absolutely destitute. They pay no taxes and have been given a life tenure. Seventy-six of them pay 5s. a week, which is sufficient to meet rates and taxes and make repairs necessary for the unfinished buildings. These buildings have not been completed; sufficient money has not been available to permit of their being lined. A couple of rooms have been lined in many of the houses and, if £2,000 or £3,000 could be provided, I believe the whole of them could be lined and finished. The occupants would then be able to enjoy a fairly decent standard of comfort. About 80 or 90 applicants are waiting to be provided with houses. If people knew that there was a chance of

getting houses in this way, I believe there would be many more applications. When we consider that about one-fifth of the number of houses, say about 20, have been built out of funds generously provided by Sir Charles McNess, we must realise that insufficient has been done for those people who are not in a position to help themselves. The generosity of Sir Charles McNess will prove a standing monument to him. It is fully appreciated and the occupants of the homes are deeply grateful to him. It is a great pity that we in Western Australia have not some more public-spirited men like him. I hope something will be done to provide homes for widows, especially those with children, who experience difficulty in living on the limited income received from the Child Welfare Department. The Lotteries Commission is making substantial profits and donates about £1,200 to this scheme annually. If a substantial amount could be obtained from the Lotteries Commission and supplemented by a decent grant from the Government, it would go a long way towards providing much-needed homes for people who are sorely in want. I conclude by paying another tribute to Sir Charles McNess for his generosity in providing such a large amount of money to build homes for people who are not in a position to help themselves.

Progress reported.

House adjourned at 8.55 p.m.

Legislative Council,

Tuesday, 23rd November, 1937.

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

BILL—FINANCIAL EMERGENCY TAX ASSESSMENT ACT AMENDMENT.

Recommittal.

On motion by Hon. L. B. Bolton, Bill recommitted for the purpose of further considering Clause 5.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 5—Amendment of Section 13 of the principal Act:

Hon. L. B. BOLTON: I move an amendment—

That the following proviso be added:—"Provided that this section shall not have any retrospective effect beyond the 31st day of December, 1936."

I move this amendment, following the remarks of Mr. Cornell when the report of the Committee was being considered, because I think it is too drastic for the period during which the employer is responsible under this Act to be jumped from six months to three years. I do not desire it to be thought that I wish to assist the man who is trying to defeat the department, but I have some sympathy for the smaller type of store-keeper and the average farmer who does not keep the books by which he can show proof that the tax has been paid over the extended period of three years. I am not tied to the period of 12 months, but 12 months would be a reasonable time because the Commissioner of Taxation would have 12 months instead of six months for a start, but he would have two years the following year, and after that the three years that is provided for in Clause 5.

The CHIEF SECRETARY: If the Bill remains as it went through Committee the