

has happened because a man cannot get a shower. If he requires information he can get all he wants.

Mr. McCALLUM: I asked the question early in the session, because I knew how acute the position was last summer, and I accepted the Minister's word that there would be an improvement.

The Minister for Works: The Minister does not break his word.

Mr. McCALLUM: I gave him credit for not doing so.

The Minister for Works: I am not responsible, because you cannot get a shower.

Mr. McCALLUM: I am told I am talking Tommy rot when I tell the Minister what I know about my own house.

The CHAIRMAN: The Minister has withdrawn that; get on with your speech.

The Minister for Works: Why do you not come to the department instead of wasting our time like this?

Mr. McCALLUM: I shall take as much time as I like.

The Minister for Works: I will not listen to you.

Mr. McCALLUM: It does not trouble me what the Minister does.

The Minister for Works: Nor does it trouble me what you do.

Mr. McCALLUM: The Press have published certain information indicating that the Government were making certain improvements in the water supply, and that there would be no water famine again in the metropolitan area. We have to pay heavy rates for our water and people are paying for water they never get. There is a new house going up now in my electorate and a request has been made that water should be laid on by means of a pipe line running a few hundred yards down the street. The Minister refused to do this unless there was a guarantee that the cost would be met for the current year, notwithstanding that water rates have been paid for many years past for nothing. The administration of our water supply is undemocratic. It shows incompetency, and lack of imagination as to the requirements of the people. Public utterances have been made about an improvement in the position, and now, before the summer has fairly started, people are unable to get sufficient water for domestic requirements. When one asks for information from the Minister one is treated in an uncouth manner, and he leaves the Chamber and declines to answer questions. All we get is this spoilt child attitude on the part of the Minister who runs out because he feels hurt, just like the little boy who refused to play with another on account of an argument he has had with him. The whole thing is childish. He will not play in our back yard because he has had a row with the boy next door. Perhaps it is no wonder the people of the metropolitan area will have to go without an adequate water supply. They will not tolerate it, and will keep him busy with their complaints be-

fore the summer is out. I will see that all the complaints that come to me regarding water supply troubles in my district, are despatched to the Minister. I will see he is bombarded with them.

Hon. W. C. ANGWIN: I am sorry the Premier did not agree to postpone consideration of this vote. There are many complaints voiced in my electorate regarding the water supply. Probably no district in the metropolitan area is progressing more than East Fremantle. People there have offered to pay a guarantee but the Government have not provided the necessary water supply, because they cannot find the money to put down the pipes. There is a very fine reservoir within a stone's throw of where these people require a service. That water is mostly needed for shipping purposes. For many years, the Fremantle water supply contributed handsomely to the revenue of the State. When the Fremantle scheme was linked up with the metropolitan scheme, the rates were doubled but the people have been suffering from greater disadvantages than they experienced previously. The people in the Fremantle district have now to pay their share in the big capitalisation of the whole metropolitan scheme. With rates doubled, the people naturally expect better supplies. I had anticipated that the Minister would have made a statement to the Committee dealing with the metropolitan water supply, regarding which the people are becoming rather uneasy. Certain provisions should be made to cope with the developments which will take place in the future.

Progress reported.

House adjourned at 11.45 p.m.

Legislative Council,

Tuesday, 29th November, 1921.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the under-mentioned Bills:—

- 1, Stallions.
- 2, Wheat Marketing.
- 3, Evidence Act Amendment.
- 4, Reciprocal Enforcement of Judgments.

BILL—CONSTITUTION ACT AMENDMENT.

Report of Committee adopted.

BILL—AUCTIONEERS.

Second Reading.

Debate resumed from 24th November.

Hon. J. J. HOLMES (North) [4.35]: When the Bill was introduced by the Leader of the House last week, he pointed out some amendments that it was necessary to make to it. In order to give members an opportunity of perusing the Bill, I moved the adjournment of the debate. The Bill is designed to bring the auctioneering business in Western Australia into line with other parts of the Commonwealth. It is purely a Committee Bill. I understand that several necessary amendments will be made to it at the proper time, and some of the amendments I have already seen will have my support. As an example of the necessity for scrutinising this Bill, indeed almost every Bill that comes before us, I would refer to Clause 19, which makes the measure an unworkable one. It was inserted at the instigation of a private member in another place and agreed to by the Government. Under this, an auctioneer has to be satisfied that the person he sells the goods for is the legal owner of them. I do not know that any obligation of that kind is put upon any other section of the community, and it should not be put upon the auctioneer. A private person can sell anything he likes, and no responsibility attaches to him to satisfy himself that the vendor is the legal owner.

Hon. E. H. Harris: You evidently did not read the Gold Buyers Bill.

Hon. J. J. HOLMES: We are dealing with a different class of people.

Hon. J. Cornell: I do not know.

Hon. J. J. HOLMES: The Bill goes further, and says that the proceeds of the sale shall be paid into a trust account and remain there until subsequently paid to the vendor. Anyone with a knowledge of business in this State knows that in the case of a large transactions, the auctioneer invariably finances the deal by means of bills. The auctioneer gives terms extending over six, 12, or 24 months, as the case may be, and he does not see the proceeds until the bills have matured.

Hon. J. Duffell: He can liquidate the bills.

Hon. A. Lovekin: Why should he have to?

Hon. J. J. HOLMES: The mover of the clause I referred to has told me he did not see the far-reaching effect it would have, and that he now finds it should not occupy a place in the Bill. I understand that in Committee this unreasonable clause will be removed. With these remarks, I support the Bill.

Question put and passed.

Bill read a second time.

BILL—STAMP.

In Committee.

Resumed from the 24th November; Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 60—Bills of lading:

Hon. A. LOVEKIN: I move an amendment—

That in paragraph 2 the words "makes or executes" be struck out and "issues" be inserted in lieu.

In practice the master of a vessel generally signs the bill of lading and leaves it to the agent to be issued. Under this clause if the master signs a bill of lading and does not stamp it, he is liable to a penalty. It should be sufficient, for the purposes of the Bill, for the agent to issue the bill of lading and see that it is stamped. This will be a convenience to shippers, and will not affect the collection of the necessary stamp duty.

The MINISTER FOR EDUCATION: The clause as it stands has been in existence for a very long time. There has never been any complaint so far as I know.

Hon. A. Lovekin: My attention was drawn to the matter, hence my object in moving the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 61 to 70—agreed to.

Clause 71—As to conveyances on any occasion except sale or mortgage:

Hon. J. NICHOLSON: I move an amendment—

That after "trustee" in line 8 the following be inserted:—"or any conveyance or transfer under which no beneficial interest passes in the property conveyed or transferred or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied."

The object of the amendment is to make it clear that conveyances or transfers made to beneficiaries, shall not be charged a higher duty than 10s. Some little misunderstanding existed in connection with this matter and the Solicitor General has issued directions

that the duty in such cases shall be chargeable at the rate of 10s. The amendment will merely make the position clear.

The MINISTER FOR EDUCATION: I have no objection to the amendment. It simply expresses what is the practice to-day.

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

Clause 72—Certain contracts to be chargeable as conveyances on sale:

Hon. J. NICHOLSON: I move an amendment—

That "or" in line 5 of Subclause 1 be struck out, and the following words be inserted, "situated within Western Australia or any real or personal" in lieu.

When the Bill was before another place, it was the intention of an hon. member to move a similar amendment. This clause gave rise to a considerable amount of misunderstanding. In the past, when parties entered into an agreement or contract for the sale of a piece of land, the department have exacted duty on the agreement in respect to the sale of the land. There are many transactions in land throughout Australia under agreement orders which are not fulfilled. It is not fair that the parties to that agreement, which is not fulfilled, should be charged ad valorem duty until such times as the transfer is actually completed. Recently the Solicitor General issued amended instructions, and the amendment I propose will facilitate the position that is now created.

The MINISTER FOR EDUCATION: I have no objection to the alteration. The clause as it stands is a copy of the Imperial Act and of our local Acts.

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

Clause 73—Stamp duty chargeable on gifts inter vivos, as on conveyance of sale:

Hon. Sir EDWARD WITTENOOM: I understand this clause is an attempt to prevent people making presents during their lifetime to their heirs so as to escape death duties. The existing law provides that if a person makes a provision for a property to pass to his heirs a certain time before his death, he is not liable to probate duty.

The MINISTER FOR EDUCATION: The clause merely gives effect to an amendment which we agreed to some time ago.

Hon. Sir Edward Wittenoom: What was that amendment?

The MINISTER FOR EDUCATION: This clause was not brought under my notice and consequently I have not made the necessary inquiries to be quite clear on the position, but I know that some years ago an amendment was made and the clause does not make any alteration to the existing law.

Hon. J. Nicholson: The amendment was made in 1916 or 1919.

The MINISTER FOR EDUCATION: It merely provides that persons making over

property in the manner described, shall be liable to duty in the manner indicated.

Hon. Sir EDWARD WITTENOOM: I am not discussing the clause from any controversial point of view, but in order to get information. I take it that means that these gifts can be stamped almost the same as would be the case if probate duty were paid. I understand that the cost of stamping will not be quite so severe as the cost of probate duty.

Clause put and passed.

Clauses 74 to 90—agreed to.

Clause 91—No policy of marine insurance to be for more than 12 months:

Hon. A. LOVEKIN: I see nothing in the Bill, except this clause, which purports to deal with open marine policies. The clause goes too far in limiting the period to 12 months. The goods might be on the high seas when the policies lapse. Unless the Minister can show us some other provision under which an open policy is dealt with, it will be highly inadvisable to pass the clause with such a restriction in it.

The MINISTER FOR EDUCATION: I cannot tell you off-hand. The words "subject to any Statute for the time being in force in this State" refer to any Commonwealth Statute.

Hon. A. LOVEKIN: There should be some other reason for the clause. Will the Minister agree to postpone it?

The Minister for Education: Let us pass it and, if necessary, recommit it.

Clause put and passed.

Clause 92—agreed to.

Clause 93—Policies of re-insurance to be exempt from stamp duty:

Hon. J. NICHOLSON: We are accustomed to dealing with transfers of fire insurance policies by merely endorsing a simple form of transfer. No duty is exacted. I think it should be made clear that those endorsements are not chargeable with duty. I move an amendment—

That after "chargeable" in line 1 "on a transfer or assignment of a policy for fire insurance nor" be inserted.

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

Clause 94—Cancellation of stamps on policies of insurance:

Hon. A. LOVEKIN: This is in the same category as Clause 91, affecting the open policy. If we pass it, it can be recommitted.

Clause put and passed.

Clause 95—agreed to.

Clause 96—Stamp on receipt shall be cancelled by the person giving the same:

Hon. A. LOVEKIN: I move an amendment—

That the following proviso be added:—
"Provided that whenever any person in

receipt of salary or wages is called upon to sign a pay roll or salary or wages book in respect of such salary or wages, it shall be sufficient compliance with this section if the person paying such salary or wages fix and cancel one or more stamps of equivalent value to the duty chargeable, as if such stamps had been separately and individually affixed and cancelled. Provided further that notwithstanding anything in Section 14 of this Act contained, it shall not be deemed an offence on the part of the payor of any salary or wages to supply and charge for any stamp or stamps or to accept any contribution towards any stamp or stamps used for purposes mentioned in the first proviso to this section.

The amendment is intended to promote the convenience of persons who pay wages to a large number of men.

The MINISTER FOR EDUCATION: It is a question whether it is more desirable to put this in the Act or leave it, as in the past, to be determined by regulation. The Act of 1918 gives power to make regulations under which the Commissioner in special circumstances may permit of the duty being paid other than by means of stamps on receipts, and it is intended to continue that power. A regulation has been framed providing that when there is more than one payment, the duty may be acknowledged by one stamp. I am not prepared to say off-hand whether the amendment is better than or as good as the existing regulation.

Hon. A. LOVEKIN: That regulation is contrary to the Act.

The MINISTER FOR EDUCATION: No, the Act gives power to make regulations. I have no particular objection to the amendment, but I do not want to find afterwards that it does not meet the circumstances as well as does the regulation.

Hon. A. LOVEKIN: But such a regulation is *ultra vires*, for the clause distinctly states that the stamp upon a receipt shall be cancelled by the payee before he delivers the receipt out of his hands. Any regulation providing an alternative to that must be *ultra vires*. Instead of leaving it to regulation we should put it into the Bill.

The Minister for Education: I have no fixed objection to the amendment.

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

Clause 97—Terms on which receipt may be stamped after execution:

Hon. A. LOVEKIN: I move an amendment—

That the following proviso be added:—
“Provided that no fine shall be imposed where the person giving the receipt satisfies the Commissioner that he was unable to purchase or procure the necessary stamp within the period of 14 days.”

This merely provides some protection for the public. A man up country may not be able to procure the necessary stamp forthwith, and in consequence, under the clause as it stands, he is liable to a fine of £5. If the person satisfies the Commissioner that he could not obtain a stamp within the period allowed, no fine should be imposed.

The MINISTER FOR EDUCATION: If we set out to provide for every emergency that may arise, I fear we shall fail. At present the Commissioner, in his discretion, imposes no fine if any reasonable excuse is offered to him. If he does impose a fine at all, he uses his discretion as to the amount of the fine. The £5 is the maximum. To say that in certain circumstances there shall be no fine, will almost be a direction to the Commissioner that those are the only circumstances in which excuses shall be accepted. Thus it may become difficult for the Commissioner to waive fines in other reasonable cases.

Hon. J. DUFFELL: The Minister's explanation seems convincing on the face of it; but the way in which the Minister has put the case does not represent what prevails at present. An error, no matter how it arises, brings the person making the error into touch, not with the Commissioner, but with the Supreme Court, which strikes terror into the uninitiated, who pay rather than go to court. Mr. Lovekin's proviso is very desirable.

The MINISTER FOR EDUCATION: I direct the attention of the Committee to Sub-clause 2 of Clause 25, enabling the Commissioner to remit partly or wholly the fine in various circumstances. Therefore a suggestion in the present clause that the Commissioner shall remit in certain cases suggests that in other cases he shall not remit. The effect of the proviso is to take away the discretion of the Commissioner.

Hon. A. LOVEKIN: I am sorry I cannot follow the Minister. Clause 97 is a later clause than No. 25, and I think the last section in an Act of Parliament is held to be the latest word of the Legislature. Clause 97 is mandatory. Under Section 29 of the Interpretation Act—

The penalty or punishment, pecuniary or other, set out (a) in or at the foot of any section of an Act, or (b) in or at the foot of part of any section of an Act shall be considered the maximum. But this £5 is not a penalty or punishment set out in or at the foot of the clause.

The Minister for Education: This penalty is in the clause.

Hon. A. LOVEKIN: But this clause says a receipt can be stamped by the Commissioner on payment of the duty and on payment of £5. The £5 is not a penalty. I submit with all confidence that the present clause gives the Commissioner no discretion whatever to act under Sub-clause 2 of Clause 25. I want to protect, not by the grace of the Commissioner, but by statute, the people in

the country, especially in the North, where it is often difficult to obtain a stamp.

Hon. J. J. Holmes: Fourteen days is not much good in the North. Fourteen months is wanted there.

Hon. A. LOVEKIN: The amendment represents a fair thing to the settlers in the backblocks.

Hon. A. SANDERSON: The question whether the £5 in the clause represents a maximum, can be referred to the Crown Law authorities. To protect the public I am prepared to vote with Mr. Lovekin. I do not think we can thank Mr. Lovekin too much for looking after these points. But if the omission to stamp a receipt results from gross carelessness, should not there be a penalty?

Hon. A. Lovekin: If it is not stamped within fourteen days?

Hon. A. SANDERSON: If it is not stamped within fourteen days, it will probably not be stamped at all.

Hon. A. Lovekin: In that case the man is liable under another clause.

Hon. A. SANDERSON: I pass by the question of whether the £5 represents a maximum or a fixed amount. A fine is reasonable if a receipt is not stamped within fourteen days. Does the hon. member agree to that?

Hon. A. Lovekin: Not at all. I propose to give the man in the backblocks a reasonable time to stamp a receipt.

Hon. A. SANDERSON: What is a reasonable time?

Hon. A. Lovekin: Fourteen days.

Hon. A. SANDERSON: I fear I cannot support the amendment.

Hon. J. J. HOLMES: We all desire to tender our thanks to Mr. Lovekin for the attention he has given to this Bill. But it is our duty to consider the interests of the State as well as those of the individual. When an amendment of the Stamp Act was before us last session, we had illustrations of how the law had been evaded, and those illustrations impressed upon me, at all events, the necessity for closing up every possible loophole, in order to prevent infringement of the Stamp Act. It is clear that the Commissioner of Taxation has power to remit fines, or, if a reasonable excuse is offered, to refrain from punishment. It is not disputed, either, that the Commissioner does so refrain. In view of these facts, the Committee should pass the clause. The question as to who is right or wrong regarding the Interpretation Act is a matter for the Crown Law Department. Mr. Lovekin should remember that while we desire to protect the people in the outback parts, we have a duty to the State to see that the stamps which should be affixed are affixed, and that any loopholes are closed up. The amendment would give an opportunity to evade the Act and I shall, therefore, oppose it.

Hon. A. LOVEKIN: If a man was paying wages to 50 or 60 employees, and two or three of them had not a penny stamp—

Hon. Sir Edward Wittenoom: He would give them the stamps.

Hon. A. LOVEKIN: He might not have stamps to give them. The inspector might come around on the following day and find that two or three stamps had not been affixed.

Hon. J. J. Holmes: All the others would be stamped.

Hon. A. LOVEKIN: Yes, but he would proceed to make the employer pay the duty and would impose the fine. The result would be that employees, in such circumstances, would not be paid their wages until they procured stamps. In the country there has been considerable difficulty. I had an experience at Kororocking of the difficulty of getting stamps for a promissory note—

The Minister for Education: What right had you to put stamps on a promissory note?

Hon. A. LOVEKIN: It was the best thing which could be done in the absence of an impressed stamp. The moment a payment is made and the stamp is not affixed, an offence is committed. Every penny is wanted by the Treasury and should be collected, but people should not be harassed and penalised in this way.

Hon. J. A. GREIG: The amendment is reasonable and will have my support. Clause 92 provides a penalty of £20. I know that this is the maximum penalty but this sub-clause says that the duty must be paid "and a fine of £5."

Hon. A. Sanderson: The Minister has conceded that.

Hon. J. A. GREIG: If the fine of £5 were set out in a separate paragraph, it might come under the Interpretation Act and be regarded as the maximum.

The MINISTER FOR EDUCATION: The Interpretation Act is quite clear and Mr. Sanderson and Mr. Nicholson, with their legal knowledge, will bear me out when I say that the penalty set out in or at the foot of any section of any Act is the maximum.

Hon. Sir Edward Wittenoom: Is "fine" synonymous with "penalty"?

The MINISTER FOR EDUCATION: Yes. Clause 25 of this measure gives the Commissioner power to remit the whole or part of any fine.

Hon. A. Lovekin: That is an earlier clause.

The MINISTER FOR EDUCATION: But there is no conflict on that account. I hope the amendment will not be agreed to. It always has been, and always will be, the practice of the Commissioner to impose a fine only where it is justified. If members support the setting out of the exact conditions under which the Commissioner may remit a fine, they will limit his power to remit fines under conditions which cannot be foreseen.

Hon. J. NICHOLSON: I agree with the remarks of members as to the necessity for guarding the rights of citizens. At the same

time we have to look at the difficulties which confront the Commissioner. The amendment would undoubtedly limit the Commissioner's powers. Under the Interpretation Act this must be the maximum penalty but, if there should be any doubt, it would be a simple matter to make the intention clear. There is nothing in this measure which compels a person to give a receipt immediately the money is paid over, and no Commissioner would impose a fine for not giving a receipt immediately, if the person had not a stamp. A man in such circumstances would write stating that he would be sending a receipt as soon as he could get a stamp.

Hon. A. Lovekin: Read Subclause 2 of Clause 98. It provides that a receipt must be given straight away.

Hon. J. NICHOLSON: The Commissioner, as a rule, asks for a declaration setting out the reasons for not stamping, and the matter is given proper consideration.

Hon. A. Lovekin: Strike out those words and put in "penalty £5."

Hon. J. NICHOLSON: We can recommit the Bill if necessary. I assure the hon. member that the Commissioner does look upon these matters in a reasonable way. He takes a declaration from the parties. If you give a reasonable and feasible explanation, the Commissioner will also be reasonable and will free you from liability.

Hon. A. LOVEKIN: If the Minister would agree to strike out the words after "duty" and insert "penalty £5" there would be no doubt whatever about it.

Hon. H. STEWART: Mr. Lovekin desires to provide for cases where one cannot get stamps within the period available. I intend to support Mr. Lovekin's proposal. I cannot see why the Leader of the House does not accept the amendment which makes the position perfectly clear.

Hon. J. W. KIRWAN: It seems to me on again reading the clause that there is a good deal of doubt as to its meaning. I am not so sure that the Interpretation Act applies to this particular clause. There are grave grounds for doubt as to the meaning of the clause, and I suggest that before the House is asked to vote upon it—more especially as a legal member of the House does not seem to be quite clear as to its meaning—that perhaps the Leader of the House will get the opinion of the Crown Law authorities.

The Minister for Education: I have already done so.

Hon. J. W. KIRWAN: Then what reasonable objection can there be to the inclusion of the words "not exceeding"? Their inclusion will move the question from the realms of doubt.

Hon. J. NICHOLSON: Mr. Kirwan seemed to think that I was in some doubt in regard to the Interpretation Act. I stated that I considered, in applying the Interpretation Act to this clause, the penalty would be regarded as the maximum. Section 29 of the Interpretation Act provides, as the hon. member will see. "The penalty or punish-

ment, pecuniary or other, set out in or at the foot of any section of any Act." It is not required that the penalty shall be stated at the foot of the section. I am quite prepared to go into the matter with Mr. Lovekin, and if the clause requires amendment I will be only too pleased to assist him. It would be far better to pass the clause as it stands, and if necessary we can recommit the Bill.

Hon. A. Lovekin: The Minister might agree to postpone the further consideration of the clause.

The MINISTER FOR EDUCATION: I have no objection to that.

Further consideration of the clause postponed.

Clause 98—Penalty for offences:

Hon. A. LOVEKIN: Under this clause a person receiving money is bound to give a receipt immediately he receives such money. I move an amendment—

That in Subclause 2 line 3 after the words "does not" the words "within a reasonable time after the receipt" be inserted.

This Bill merely protects the Commissioner of Stamps, whereas it should be a protection for the public.

Hon. A. J. H. Saw: So many people are dishonest.

Hon. A. LOVEKIN: We are legislating to harass the many because a few are dishonest.

Hon. Sir Edward Wittenoom: What would be considered a reasonable time?

Hon. A. LOVEKIN: That would depend on the circumstances. I would give a longer time to a person in the country than to one in the town.

The MINISTER FOR EDUCATION: This would be a most dangerous provision to insert in the Bill. I do not know what "reasonable time" means. No penalty is imposed upon anyone who does a reasonable and straight thing. Directly a person receives money he should give a receipt for it and stamp the receipt. The amendment proposed might enable persons to set up a frivolous defence for a deliberate offence against the Act.

Hon. A. J. H. SAW: In the hon. member's anxiety to legislate for exceptional cases, he runs a risk of opening wide the door to fraud. Many people resort to all kinds of devices to evade the Stamp Act, and we should be careful lest we make it even easier for them to go on doing this.

Amendment put and negatived.

Hon. Sir EDWARD WITTENOOM: It would be far better to add a penny or two-pence to the income tax than to be worrying people about stamping this or that document, and obliging them to carry stamps wherever they go. A person may pay money into a bank to his own credit, but if anyone else does it, a stamped receipt has to be given. Under Clause 100, however, apparently a stamped receipt is not required

in such circumstances. This is an irritating state of affairs and the system brings in very little revenue to the country. Will the Leader of the House explain the anomaly between the two clauses?

THE MINISTER FOR EDUCATION: The hon. member's argument applies better to Clause 100. This clause is necessary as an exemption. When money is paid in to a person's account at a bank, it is not intended that it should carry a receipt.

Hon. J. NICHOLSON: I move an amendment—

That the following words be added at the end of Subclause 3:—"nor to any moneys deposited with or paid to the employee of any person and to be used on behalf of such person in his business or any branch thereof."

In the case of receipts given between a branch of a business and the head office it should not be necessary for one official to give a stamped receipt to another.

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

Clause 99—Receipt duty as between principal and agent:

Hon. Sir EDWARD WITTENOOM: I will vote against this clause. It is one of the most paltry efforts at extorting money from the public I have ever heard of. It reads as follows:—

Where money has been received by a solicitor or agent on behalf of his client or principal, and a duly stamped receipt has been given by such solicitor or agent to the person by whom the payment was made, the receipt to be given by the client or principal when such money is paid to him or accounted for by such solicitor or agent shall be subject to the stamp duty of one penny and no more.

The Minister for Education: It would be dangerous to strike it out.

Hon. J. NICHOLSON: The clause has been found necessary in transactions between solicitor and client. In some cases a receipt duty has had to be paid two or three times over instead of only once.

Hon. Sir Edward Wittenoom: A man should not have to give a receipt for receiving his own money.

Hon. J. NICHOLSON: If the clause were struck out it would inflict an injustice upon the client, because he is usually debited with such sums. I would suggest that the words "stamp duty of one penny and no more" be struck out and "shall be exempt from stamp duty" be inserted in lieu. On the other hand, the clause is a safeguard to the individual and might be allowed to remain.

Sitting suspended from 6.15 to 7.30 p.m.

Clause put and passed.

Clause 100—Receipts for bank deposits:

Hon. Sir EDWARD WITTENOOM: At the present time any person putting money into the bank on behalf of anyone else, has to fully stamp the receipt. It is a pernicious proceeding to insist upon the stamping of a receipt handed to the person on whose behalf the money is received, instead of the bank stamping it. It only amounts to inconvenience, and it would be better if the penny stamp were placed on the receipt than that it should be placed on the bank receipt.

THE MINISTER FOR EDUCATION: This is a question that caused a lot of discussion for many years. It was settled last year after a conference with the banks and in a manner approved by the banks. It has worked satisfactorily ever since. For the purposes of the present argument, there are three classes affected. The first is the payment by the individual or the servant of the person to whom the money is owing. No stamp duty is required there. Then there is the payment by the agent who collects and pays the money into the bank. In that case there would be the formal stamping provided for in the previous clause. Then there is the third person who pays a debt, and instead of paying by cheque direct to the individual, pays it into the bank. Obviously that payment for a debt should be acknowledged by a stamped receipt. In the past the obligation was cast upon the bank to put on the stamp. The banks rightly complained that it was impossible for them to know what was the character of the payment, whether it was money paid in by the employee of a person to whom the money was owed, or an agent, or whether it was in payment of a debt. In consequence, in 1920, after consultation with the banks, this clause was agreed to, and the purpose is to cast the responsibility on the person paying in the money, to see that it is correctly stamped. That person knows what it is paid in for. If he is paying it in as a servant, there is no question of duty and there is no responsibility cast upon him to stamp the receipt. If it is collected by the person paying in as the agent, for rents, he knows that he must put on the penny stamp. If it is paid in as a debt, he knows that it is a payment of that nature, and the obligation is thrust upon him to see that the proper stamp is affixed, and that it is cancelled by the bank. The clause further provides that the stamp duty "provided on receipts for money deposited in the bank, shall be deemed to have been paid at the request, and on behalf, of the person to whose credit such money is deposited and the depositor may deduct the amount of the duty from the payment to be made by such deposit, and the acknowledgment shall be an acquittance of the sum expressed to have been received by the bank with the amount of stamp duty added." I do not know that any complaints have been made regarding the operations of that provision. There were many complaints before this pro-

vision was inserted in the clause and since then, there have been none that I know of.

Hon. Sir Edward Wittenoom: After the explanation by the Leader of the House, I withdraw any objection to the clause.

Clause put and passed.

Clauses 101 to 102—agreed to.

Clause 103—Duties in respect of all bets:

Hon. Sir EDWARD WITTENOOM: I cannot refrain from recording a protest against what I consider is a very inconsistent state of affairs. The law prohibits betting and makes it illegal. We are asked to agree that the Government shall take advantage of an illegal practice by allowing them to collect stamp duty on betting tickets. I hardly like to be a party to such inconsistency without drawing attention to it.

The MINISTER FOR EDUCATION: The only explanation I can give is that some four years ago the Government endeavoured to amend the existing legislation so as to prohibit bookmaking. They were defeated in their effort and seeing that bookmakers had to go on, the question arose as to whether they should go on with or without taxation. It was decided that they should be taxed. Unless we agree to tax the bookmakers, we will place those clubs who are running totalisators, in an unfair position.

Hon. J. W. Kirwan: Is betting illegal?

The MINISTER FOR EDUCATION: Yes.

Hon. T. Moore: Then why not wipe it out?

Hon. A. LOVEKIN: I understand that bookmakers enter the bets in their books long before races take place. Do they have to issue tickets?

Member: Yes.

Hon. J. Duffell: That is absolutely the worst form of betting.

Hon. J. W. KIRWAN: I support the protest by Sir Edward Wittenoom. If we pass the clause we legally recognise betting, and we will agree to something which will tend to bring the law into contempt. At present the legislation declares betting to be illegal. The passing of such a clause will tend to create confusion in the minds of the public. Either betting should be made illegal and put down with all the force of the law, or we should make it clear that betting is legal, and taxation can then be imposed upon those who conduct that business. The present is a most unfortunate position. Surely the Government should consider the possibility of doing something to make the position less anomalous and inconsistent than it is at present. They should take some action to make the law respected. If the law cannot be carried out, we should alter it and not permit it to be brought into contempt by being continually ignored.

Hon. A. Lovekin: Is it not a fact that betting is legal because of the passing of some private Act, giving certain powers to turf clubs?

The Minister for Education: No, that is not so.

Hon. T. MOORE: I support the protest raised by other members, because I do not think that this is the proper form with which to deal with such a question. After hearing the explanation by the Leader of the House, I am not clear as to what he meant to convey. He said, in effect, that an effort had been made to wipe out the bookmakers, but Parliament would not agree to that step. I understand that the law says that betting is not legal now. Yet we are asked to agree to what is an infliction upon those who carry on that business, because we want some money. It is a very slipshod manner of dealing with such a question. I am not at all in favour of wiping out the bookmakers. We have many respectable men engaged in that business, and while they are allowed to carry on their calling, although Parliament says it is illegal, the passing of such a clause as that under discussion will certainly create an anomalous position.

Hon. J. Duffell: This is almost presented at their own request. They are willing to pay this amount.

Hon. H. Stewart: Yes, it would amount to recognition of their calling.

Hon. T. MOORE: The clause brings up a similar position to that which we discussed a little while ago when we considered the legalisation of lotteries. It is certainly wrong altogether. If we are content to allow these people to carry on their illegal operations and we are to shut our eyes to that fact, well and good; but if we legalise them in the sense that we tax them on their operations, there is certainly something wrong with the system which prevails.

Hon. J. Duffell: The Commonwealth tax Tattersalls!

The MINISTER FOR EDUCATION: The position is that we have had repeated police reports that the Act as it stood did not permit of the suppression of betting. A Bill was introduced in this Chamber, I think, to give the necessary power for the suppression of betting. This Chamber inserted a provision for the licensing of bookmakers on the racecourse. The Government, rather than agree to a provision which practically recognised the bookmakers, dropped the Bill and, instead, put up this proposal to tax them. I do not pretend that it is a satisfactory position. I should like to bring forward that Bill again and make another attempt to do away with the bookmaker. Whether we would succeed or not I do not know. In the circumstances, we would sooner leave the bookmaker in his present position. We have tried to wipe him out and failed. We leave him in his present insecure position rather than put him in a secure position, and, in the meantime, we propose to tax him.

Hon. A. LOVEKIN: I hope the Government will take steps in the direction indicated by Sir Edward Wittenoom. Only the other day I tried to get in an amendment prohibiting the sale and acceptance of tickets. In the Children's Court last week two

girls, aged 13 and 14, admitted that they had written out tickets in respect of raffles for goods that had no existence and that they had met with some success in the selling of those tickets.

The Minister for Education: They were committing an offence against the existing law in that they were obtaining money under false pretences.

Hon. A. LOVEKIN: No doubt, but those who bought the tickets did not know that. We should put a stop to traffic of that sort.

Clause put and passed.

Clause 104—agreed to.

Clause 105—Production and inspection of betting tickets:

Hon. A. LOVEKIN: Subclause 3 is going a little too far in providing that any officers so authorised may require any bookmaker to answer questions touching his betting transactions. Some subordinate officer might go to a bookmaker and question him with the ulterior motive of finding out the state of the betting market.

The MINISTER FOR EDUCATION: I do not think any officer is likely to ask questions impertinent to what he has a right to find out. His questions will relate mainly to the collection of the tax.

Clause put and passed.

Clauses 106 to 113—agreed to.

Clause 114—Attempted offences:

Hon. H. STEWART: This is a particularly drastic provision. It make an attempted offence punishable as if an offence had been committed.

Clause put and passed.

Clause 115—Penalty in cases not provided for:

Hon. Sir EDWARD WITTENOOM: This seems to provide for a double penalty. Clause 28 provides certain penalties, and this clause provides further penalties.

The Minister for Education: Only for offences for which no penalty is otherwise provided.

Hon. Sir EDWARD WITTENOOM: So long as we are clear about that, it is all right.

The MINISTER FOR EDUCATION: For a number of offences penalties are provided; for others no penalty is provided. The clause covers the latter class.

Clause put and passed.

Clauses 116 to 118—agreed to.

Clause 119—Regulations:

Hon. A. LOVEKIN: Paragraph (b) provides for the framing of regulations for the purpose of allowing the powers of the Commissioner to be exercised by subordinate officers. We should not permit the delegation of the Commissioner's duties to subordinate officers. I move an amendment—

That paragraph (b) be struck out.

The MINISTER FOR EDUCATION: I remind the hon. member of the argument he has been using in connection with other clauses, namely the vast extent of the State. It is not possible for the Commissioner to be everywhere, and so he must delegate certain of his powers to his officers.

Amendment put and negatived.

Hon. J. NICHOLSON: Paragraph (d) provides that returns shall be furnished under the Act. I cannot recall any returns which have to be furnished.

Hon. T. Moore: What about the bookmakers and their tickets?

Hon. J. NICHOLSON: The bookmakers answer questions. They are not required to furnish returns of betting tickets.

The Minister for Education: A return of the racing clubs is required.

Hon. E. H. Harris: Clause 106 provides for the making of returns.

Hon. J. NICHOLSON: Is it proposed to ask private individuals to make all sorts of returns?

The Minister for Education: No, certainly not.

Hon. J. NICHOLSON: So long as that is clear, I am content.

The MINISTER FOR EDUCATION: The paragraph gives no power to compel any return except a return under the Act. Where the Act requires a return, a regulation will be framed setting forth the form in which that return should be made.

Clause put and passed.

Postponed Clause 97—Terms on which receipt may be stamped after execution:

The CHAIRMAN: To this an amendment has been moved to add to the end of the clause, "Provided no fine shall be imposed when the person giving the receipt satisfies the Commissioner that he was unable to purchase or procure the necessary stamp within the period of 14 days."

Hon. A. LOVEKIN: I have scarcely had time to look into this matter. Perhaps the Minister will agree to take the clause after the schedules.

The Minister for Education: Why not pass it and, if necessary, recommit.

Amendment put and negatived.

Clause put and passed.

First Schedule—agreed to.

Second schedule:

Hon. A. LOVEKIN: I have an amendment to move to paragraph (3) of the exemptions to agreements requiring a half-crown stamp. I move an amendment—

That in line 2 "sale of any goods, wares or merchandise including" be struck out and "supply or sale of any goods, wares or merchandise, or any order calling for the rendering of any particular service including the supply of" be inserted in lieu.

I put to a taxation officer the case of my writing to an engineer to know could he render me certain services and the engineer replying in the affirmative; and the officer declared that that would also be a contract. I cannot follow the officer on that. Again, I can understand a contract for the sale of goods in a store; but I think one can hardly sell an advertisement.

Amendment put and passed.

Hon. A. LOVEKIN: I consider that industrial awards should be exempt from stamping.

The MINISTER FOR EDUCATION: Section 118 of the Act of 1912 exempts industrial awards.

Hon. H. STEWART: With reference to stamp duty on land transfers, referred to on page 47, what is the purpose of the words appearing at the close of the paragraph, "and until the 30th day of June, 1924, additional duty, equal in amount to the duty as prescribed by paragraphs (a) and (b)"? Why is the additional duty necessary for a certain period only?

The MINISTER FOR EDUCATION: It is hoped that by the end of that period we shall be able to lighten the burden.

Hon. J. NICHOLSON: This provision was introduced during the war, in the year 1918, for a period ending with the year 1920. I think it is unfair to charge this extra duty on land transactions, which it was generally agreed should pay 10s. stamp duty for every £100. Suddenly that tax was jumped up, but only as a temporary expedient, we were told. Instead of the increased tax being temporary, however, it seems likely to become a permanent provision. In all fairness we might ask that this provision should be deleted.

The Minister for Education: Seeing that the country is so prosperous?

Hon. J. NICHOLSON: No; seeing that there is a prospect of economics being effected by the Government in other directions. We want to see land transactions taking place; we do not want to block them.

The MINISTER FOR EDUCATION: This additional duty was first imposed in 1918, for a period of two years, until 1921. Last session's amendment Act provided that the figures "1924" should be substituted for "1921." Therefore this provision merely repeats what was decided upon last year.

Hon. A. LOVEKIN: I do not think Mr. Nicholson appreciates fully the position of the Government, with a few millions of deficit. The money that is being lost owing to men walking about the streets of Perth inspecting the buildings instead of being at work, and the few hundred pounds, for example, that were lost through sending the "Kangaroo" on a voyage with her bottom foul, must be made up from somewhere.

Hon. J. NICHOLSON: I move an amendment—

That in the paragraph of the Second Schedule referring to "land transfer under the Transfer of Land Act, 1893" the following words be struck out:—"and until the 30th day of June, 1924, additional duty equal in amount to the duty as prescribed by paragraphs (a) and (b)."

The carrying of this amendment will mean a reversion to the tax of 10s. per cent.

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

Ayes	..	..	..	..	7
Noes	..	..	..	..	11

Majority against 4

AYES.

Hon. J. Cunningham	Hon. T. Moore
Hon. J. Duffell	Hon. J. Nicholson
Hon. A. Lovekin	Hon. Sir E. H. Wittenoom
Hon. J. Mills	(Teller.)

NOES.

Hon. F. A. Baglin	Hon. J. W. Kirwan
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Stewart
Hon. E. H. Harris	Hon. E. Rose
Hon. J. J. Holmes	(Teller.)

Amendment thus negatived.

Hon. J. DUFFELL: I move an amendment—

That under "exemptions" on page 53 the following be inserted to stand as paragraph 21: "Receipt given for a subscription or contribution to any association or society formed and carried on for a benevolent object and which is dependent only on voluntary contributions."

In Western Australia quite a number of associations carried on for purely benevolent purposes and dependent on voluntary contributions, should be exempt from stamp duty. It is over-reaching on the part of the Government to tax an amount voluntarily given to such an institution.

Hon. H. Stewart: The Government can exempt them by proclamation under paragraph 21.

Hon. J. DUFFELL: But they have refused to do so time and again.

Hon. G. W. Miles: Does not exemption 18 meet the case?

Hon. J. DUFFELL: No. The society for the Prevention of Cruelty to Animals is not covered by that paragraph.

Hon. H. Stewart: Is that a benevolent society?

Hon. J. DUFFELL: Purely; I am astounded at the hon. member's question. The people who benefit most from the operations of the society are those in the back country. The society is doing good work, and should enjoy this exemption.

The MINISTER FOR EDUCATION: I would like to help the hon. member, but I cannot see that the amendment will achieve his object. The question is whether the so-

ciety is a benevolent institution. I say it is and, as such, is entitled to exemption under paragraph 18. The amendment, however, only repeats what is already in the Bill. Has the hon. member tried to get exemption?

Hon. J. DUFFELL: Yes.

The MINISTER FOR EDUCATION: On what ground was it disallowed; was it on the ground that it was not a benevolent institution?

Hon. J. DUFFELL: I cannot say.

The MINISTER FOR EDUCATION: It seems to me that the institution is entitled to exemption under paragraph 18. If it has been ruled that the society is not a benevolent institution, the amendment will not assist the hon. member.

Hon. A. LOVEKIN: This society is as much a benevolent institution as a hospital. It cares for the sick, maimed and helpless animal. If the hon. member pressed the matter with the Commissioner, he would have no difficulty in getting an exemption.

Hon. A. J. H. SAW: If the S.P.C.A. is not a benevolent society under paragraph 18, it will not become a benevolent institution by inserting a special proviso and calling it No. 21. I think it is a benevolent institution which should be exempted.

Hon. J. DUFFELL: I appreciate the remarks which have been made, but the fact remains that the society have been compelled to pay stamp duty; for what reason I cannot say. The work is done without charge for the benefit of those who require the services of the society, and it seems unfair that the society should have to give a receipt for any contributions sent to them. Can the Minister suggest how the difficulty might be overcome?

The MINISTER FOR EDUCATION: I would readily undertake to bring the matter under the notice of the Commissioner and urge my view which, I think, is the view of the Committee, that the society is a benevolent institution.

Hon. J. W. KIRWAN: The society ought to be included amongst benevolent societies but, if the Commissioner rules against the view expressed here to-night, the Government might exempt the society under paragraph 21.

Hon. J. DUFFELL: In view of the Minister's assurance, I ask leave to withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: I move an amendment—

That under "exemptions" on page 53 the following be inserted to stand as paragraph 21: "Receipts, copy or copies thereof where the original has been duly stamped."

This raises the vexed question of duplicate and triplicate receipts. There are a number of business firms who have only branch offices here; the head offices are in London or in the Eastern States, and they require for auditing and other purposes duplicate and triplicate receipts. The Orient Company require five copies, and where the duties are high, it is very hard that the person receiving

the money should have to give five stamped receipts.

The MINISTER FOR EDUCATION: I agree with the hon. member that it is well to let people go straight when they can do so, but in a Bill of this kind it is necessary to prevent people going crooked. The hon. member's proposal would open the door to many abuses.

Hon. J. Nicholson: The amendment would come in very properly amongst the exemptions under the heading of "duplicate or counter parts."

Hon. J. J. HOLMES: I am unable to support the amendment. It is a question in this case of the innocent being penalised for the action of the guilty. Until we made duplicate receipts subject to duty, I understand many business people never issued original receipts at all, and in that way evaded the Stamp Act. They issued a receipt and marked it "duplicate." That is the kind of thing we cannot tolerate.

Amendment put and negatived.

Hon. J. NICHOLSON: An amendment was made to Clause 98 setting out that receipts given by employees in the case of a business, or between employees and the department, would not be subject to the provisions of that clause. When the commercial community are looking at the Stamp Act they are usually guided very largely by the schedule. It might therefore be advisable to add these words to the schedule to stand as paragraph (1): "Receipts for any moneys deposited with or paid to the employee of any person and to be used on behalf of such person in his business or any branch or department thereof."

The MINISTER FOR EDUCATION: There is no need to insert that provision twice.

Hon. J. Nicholson: The commercial community do not take the trouble to go through all the sections of the Stamp Act; they merely look at the schedule. It is always easier to follow.

The MINISTER FOR EDUCATION: The exemptions are for something that is provided in the Act; now the hon. member wants to put in an exemption for something that has already been exempted.

Schedule, as amended, put and passed.

Schedule 3—agreed to.

Bill reported with amendments.

BILL—GRAIN.

Received from the Assembly and read a first time.

BILL—PUBLIC WORKS COMMITTEE.

Second Reading.

Debate resumed from 22nd November.

Hon. J. W. KIRWAN (South) [8.55]: I intend to say very little on this Bill, but I

feel I ought to say something with regard to it because twice before in this Chamber I supported a Public Works Committee Bill. A Bill was brought before the Legislative Council in 1911 for the establishment of a public works committee, and on that occasion I spoke and voted in its favour. In the following year the Bill was again brought forward, and again I voted in favour of it. The present Bill is different as regards the functions of the committee proposed to be established, and it is also different inasmuch as the circumstances under which it is introduced differ considerably. For these reasons I intend to vote against it. When the Public Works Committee Bill was brought before this Chamber in 1911, and subsequently in 1912, the country was then engaged in a public works policy which meant a huge expenditure, and there was an intimation that the Government intended to go in for many new works, new railways, etc. In the four years 1911-12 and 1914-15 inclusive, just up to the time war broke out, the State expended something like 14 or 15 millions sterling on public works. That expenditure called for a considerable amount of information for Parliament to determine whether or not those new works ought to be sanctioned. Prior to that time, certain public works had been put through and Parliament did not have sufficient information in regard to them. One public work that cost the country a great deal of money, a public work about which I have no qualms of conscience because I did my utmost to block it, and after the Bill was passed I was instrumental in having carried a resolution that the work should not be gone on with, was the Fremantle dock. That work, despite the resolution of this House, subsequent to the passing of the Bill, was proceeded with and cost the country over £200,000. That money might just as well have been thrown into the sea, because there was nothing to show for it. Because of the great blunder which had been committed in connection with that work, and the huge public works policy which the then Government were embarking upon, I thought it desirable to have a committee from both Houses which would report on new works. I do not know of any new works of any magnitude that the present Government intend to embark upon. The only works that are at present in progress, or are likely to be in progress, are certain railway works which are outside the scope of the Bill. The public works of the future, so far as any statements made by the Government are concerned, are not going to be of an extensive nature. I do not know that it would be wise in the present state of our finances, and our credit abroad, to go in for any very extensive policy of public works expenditure. The Government seem to recognise that a public works committee, formed to report on new works, would not have a great deal of work to do in the future. If we passed this Bill the major portion of the work that the committee would have to do would have

reference to such questions as the management or working of the Government railways, tramways, and other public works that come under the provisions of any statute, or the services rendered thereby, or the proposed discontinuance of any railway or tramway. It is quite evident that the second paragraph of the Bill dealing with the functions of the committee indicates the real purpose for which this public works committee is to be established. The purpose of the public works committee proposed to be established by the Scaddan Government in 1911 and 1912, was solely to inquire into new public works, but as we are not going to have any public works of an extensive nature it is now evidently intended to inquire solely into matters connected with the management of the railways and tramways, and with the discontinuance of any railway or tramway. I, therefore, take it that the main purpose of the public works committee, as now proposed, is to carry out work which has hitherto been carried out by the Government, work for which the Government have hitherto accepted the full responsibility. I should like to remind members that some time ago the Government was constituted without any honorary ministers. The Premier was asked why it was that the system of appointing honorary ministers was dropped, and he replied that six portfolioed ministers were quite capable of carrying on the work, indicating that they evidently would not be overburdened. If that is so, why is it the Government want so much of the work that has hitherto been carried out by Ministers, transferred to a public works committee? Another point that was brought forward in order to support the Bill was that public works committees established by Parliaments in the other States had been very successful. The facts do not bear out that statement. I have yet to learn that the public works of New South Wales—a public works committee has been in operation there for more than twenty years—has been marked by any less extravagance or any less number of mistakes than have characterised the public works in any other quarter of the Commonwealth.

Hon. C. F. Baxter: No State has shown so much waste.

Hon. J. W. KIRWAN: I am not sufficiently conversant with the position in that State to endorse that remark in its entirety, but I do know that in New South Wales charges are continually being made regarding public works there, charges of extravagance in the way the policy is carried out. The public works committee, about which I have sought to discover some information, is that which has more recently been formed, namely the public works committee of the Commonwealth. I can well remember when that committee was formed. The general idea abroad at the time was that the cost of the committee would not exceed, if it actually reached, £2,000. The Bill was passed in 1913, and the amount that was

embodied in the Bill, by way of expenditure of fees for members on that committee, was £2,000 per year. The comments that were made at the time indicated that the amount would not be reached, and that in no case would the £2,000 be exceeded in expenditure upon fees. That amount has not been exceeded, and it cannot be exceeded under the Act, but one or two remarkable things have taken place. I notice from the Commonwealth estimates of receipts and expenditure for last year that, although the £2,000 was not expended, the public works committee went very close to doing so. The exact amount expended was £1,998, all of the £2,000 except £2. I was interested by the fact that the committee could fit in their expenditure exactly with the amount that was allotted to them. I looked up the previous year, and found that there was almost as remarkable a position there as there had been in the other case. The actual amount expended in that instance was £1,996, or £4 less than the allowance. I notice that for this year the Treasurer has placed another £2,000 on the estimates, and consider he was extremely wise in making that allowance, knowing that he would not be very wide of the mark. Under that Act the chairman receives for each sitting £2, and the other members receive 30s. It was remarkably good management for members of that committee to reach within £2 of their allotted amount in one year, and within £4 in another year. The appointment of this public works committee led to the establishment of practically a new department. Associated with the committee have grown up a number of officers. It is rather difficult to find the exact amount the committee has spent. There are a few figures which indicate what the committee is costing the country. This committee was started under somewhat similar circumstances to the committee which it is now proposed to start here. Under the heading of "Parliamentary Standing Committee on Public Works," I find a list of salaries given, quite independent of the amount of £2,000 allowed to the members of the committee. During last year the secretary received £575, and a similar amount it is estimated will be spent this year. There is also a clerk who received £310 last year, and the estimate for this year is £245. The messenger who has been appointed to attend on the committee received £182. There is also a cost of living bonus, under which £40 was spent last year, and £124 appears on the estimates this year. There is also an item on the estimates, basic wage allowance including child endowment, of £37. The total salaries for 1920/21 for the staff associated with this committee amounted to £1,041. For the current year the expenditure is still higher, and has crept up to £1,163. Then there is the heading "Contingencies." Under that heading there is a long list of items, some of which are small and some large. I will mention one or two of the larger items. There is an amount set down for travelling expenses,

which is not complete by any means, and the actual sum was £510, the estimate for this year being £350. There is also an amount for witnesses' fees and travelling expenses, for assessors' fees and travelling expenses, and there is another item, office rent and cleaning. The actual amount spent last year under this heading of rent and office cleaning was £211, and the estimated expenditure for this year is £200. Then there are telephone services, incidentals, petty cash, temporary services, etc. These come under the heading of "Contingencies," and the total expenditure, not including the salaries I have mentioned, was £1,068 for last year. There is one item that gives an indication as to what the real expenditure may be. These Estimates show that the total cost of printing was only something like £10. It is impossible to believe that the printing in connection with a committee like that could possibly be reduced to £10. The additional cost, I suppose, is hidden away somewhere else so that we do not know the real cost of printing and of the employment of "Hansard" reporters or shorthand writers generally. To show hon. members what one particular undertaking is costing the Commonwealth, I refer to the inspection by a sub-committee of the proposed route of the railway from North to South. There is an item "towards expenses." What "towards expenses" may mean I do not know, but the actual expenditure in 1920-21 on that one inspection was £3,909. That particular inspection is evidently not complete, because there is another item in the Estimates for 1921-22 for an additional £1,500, which, added to the amount already expended, amounts to £5,409. I am quite convinced that the details on the page from which I have quoted do not cover the whole of the expenditure on the Public Works Committee. A good deal of expenditure will be found smothered up under other items. I know that in the Eastern States, if the question were raised amongst any body of men who know anything about public affairs and public expenditure, one would find that the extravagance and lavish expenditure of the Federal Public Works Committee are regarded in some quarters as a joke, and in other quarters as amounting almost to the proportions of a scandal. Whenever any suggestion is made regarding new Commonwealth public works, immediately some members of this committee rush off and report upon it; evidently they are very pleased at the opportunity for doing so. From all I could learn in the Eastern States, the amount of benefit that committee has conferred upon the public is certainly not worth all the expenditure it has entailed. For these reasons, I think the present is not the occasion for the appointment of a committee of the kind proposed in Western Australia. The objections to the establishment of a public works committee are, to my mind, much greater than the advantages that would accrue. The

appointment of such a committee means the transfer of responsibility from the Government to the committee. To that, I strongly object. It seems to me there is a very remarkable tendency, not only in Western Australia but in other Parliaments as well, for Parliament itself to lose control to a certain extent of public affairs. We constantly see the Government embarking on important enterprises without Parliament being consulted. This happens more or less frequently during recess or during the latter portion of a session, or at a time when Parliament has not a proper check upon what is being done. We see the affairs of the country gradually slipping from the hands of Parliament and going into the hands of the Ministry. Now there seems to be a tendency for them to slip out of the hands of the Ministry and to be placed in the hands of boards and commissions. Thus, the real authority, who it was intended by the people should manage their affairs, are losing control of the people's concerns. I refer to Parliament itself. For those reasons, I will vote against the second reading of the Bill.

Hon. J. A. GREIG (South-East) [9.6]: The Bill, with the addition of one or two amendments, I consider a reasonable one. I look upon it as a reasonable and honest attempt on the part of the Government to secure some assistance in handling the affairs of the State.

Hon. C. F. Baxter: It is a very forlorn hope.

Hon. J. A. GREIG: I agree with the Leader of the House that the arguments used 10 years ago against a similar Bill—it was asserted that, because things were going well with the country and with the Government, there was no necessity for such a Bill—do not stand to-day. If we agree that, owing to the conditions that obtained 10 years ago, a similar Bill was not required then, I think the logical deduction is that to-day such a Bill is required and that such a committee will render some assistance to the Government. I presume that if the Bill is agreed to, the present railway advisory board and other boards, which have been set up throughout the State, will be abolished and the public works committee will be allowed to do the work, and thus save the expense involved by the creation of the other boards to which I have referred. When Sir Edward Wittenoom was speaking he said the Bill was not necessary. He referred to years ago when he was Minister for Posts and Telegraphs, Mines and Education. He said that in those days Ministers carried out the business of the State without requiring the assistance of any committee such as that suggested. I agree that what Sir Edward said was quite correct, and I think we should feel proud of the way in which Ministers in those days carried on the business of the State. Since then, however, we have passed many Acts of Parliament, and each additional Act means that we are increasing the responsibility cast upon Ministers. Take, for in-

stance, the position of the Minister for Works to-day. He has, in addition to his other tasks, the duty of looking after State trading concerns.

Hon. G. W. Miles: Get rid of them.

Hon. J. A. GREIG: I am in favour of that, but while we have them the Minister for Works has to pay attention to them, and the result is that he has less time to look after other matters which come under his control.

Hon. J. J. Holmes: This committee cannot help him in that direction, because the committee will have nothing to do with these trading concerns.

Hon. J. A. GREIG: This committee can undertake any duties which the Government or Parliament see fit to ask it to undertake. At the present time, a great complaint against the Government is that we are asking them to do the impossible. We are asking them to do too much and to keep their expenditure within the limits of their income.

Hon. E. H. Harris: Do you not believe in that?

Hon. J. A. GREIG: I do, but I do not believe in people who are always insisting upon the Government living within their income, also insisting that the Government shall continue to provide public utilities in the direction of various services and insisting that the workers employed in those public utilities shall be paid more than the undertakings can earn.

Hon. J. J. Holmes: The public works committee will not rectify that position.

Hon. E. H. Harris: Yes, it will.

The PRESIDENT: Hon. members must not interject to a speaker, but for one member to interject to another, is grossly out of order.

Hon. J. A. GREIG: I think some of the public utilities could be better carried out by private enterprise. If the committee were appointed, the question of reporting upon the State trading concerns could come within its jurisdiction. The committee would be able to give the Government a fair and reasonable report. One amendment which I will propose in Committee—

Hon. G. W. Miles: The Bill will not reach Committee.

Hon. J. A. GREIG: If the Bill does reach the Committee stage, however, I shall move an amendment that the committee shall not be appointed as proposed under the Bill but that the members shall be elected by the House on a secret ballot. I would like to see each member of the House handed a ballot paper containing the names of all the members of this Chamber. I should like to see members, who are not prepared to sit on the committee, notify the Clerk, who could then remove their names before the ballot papers were issued to members.

Hon. J. W. Hickey: You have been watching things lately.

Hon. J. A. GREIG: When the ballot papers had been distributed, members could elect to the committee those members this House

would require to serve on the committee, not the members the Government would require. It has been inferred that the public works committee will be a white-washing body appointed by the Government, or, as the Bill provides, shall be appointed after the manner adopted in the appointment of members of a joint select committee. If elected by secret ballot, members will vote for the men who, they consider, will give honest service on the committee. There is another amendment I would like to see accepted and that is that the members of the committee shall be appointed for a period of 12 months or two years, and not for the life of the Parliament. This Bill should be passed on the same conditions as the Industries Assistance Act and the Wheat Marketing Act, which are passed for a certain period and "no longer." If that provision were made, the Government would be compelled to ask the House to have the committee re-appointed. If the House were convinced that the committee was not doing a fair thing for the State, then they would have an opportunity of saying they would not appoint it for a further period. If members, however, were satisfied that the committee had justified its existence and that it would be a good thing for the State to continue the existence of that body, the House would be given an opportunity of deciding accordingly. If the amendments I have suggested are agreed to, I will support the measure; if I am not successful in getting those amendments agreed to, I will not support it. When Mr. Holmes spoke, his remarks were to the effect that the Government would appoint their own cronies on the committee.

Hon. J. J. Holmes: No. I said "any old thing would do."

Hon. J. A. GREIG: It is very much the same thing. If the amendments I suggest were approved by the House, such a state of affairs could not exist as, according to the suggestion made by the hon. member, the creation of a committee simply to favour the building of the tramway extension to Como. Mr. Holmes also referred to the Wyndham Meat Works. He said that £38,000 had been spent in 1920 and a further £15,000 in 1921, and that the Minister knew nothing about it. Had such a committee been in existence, probably they would have been asked to inquire into the Wyndham Meat Works before the Royal Commission was appointed. The Bill provides that the committee shall report on all works of the value of £20,000 or over, but it is further provided that the Governor may ask them to report on anything, even under the £20,000. Mr. Stewart referred to the Torbay-Grassmere drainage scheme, which was estimated to cost £10,000 and has cost £15,000, notwithstanding which he says it is of no use. The Minister, he told us, said that this must have immediate attention, despite which nothing has been done. If a practical board had reported on that scheme years ago, they would have come to the same conclusion as Mr.

Stewart came to when he saw those works. I do not profess to know anything about engineering, but as a practical business man, I will say that Mr. Stewart has put up the only reasonable solution of the scheme. The first engineer who reported on it made a mistake, and, of course, Ministers have to depend on their departmental officers.

Hon. G. W. Miles: Why do not they pay decent salaries and get good men?

Hon. J. A. GREIG: Even if they did, if the first man who reported made a mistake, he would be supported by other heads of departments, because heads of departments continually hang together. In view of what I have seen, I am disposed to the view that in the interests of the State it would be better if some of them were hanged separately.

Hon. C. F. Baxter: That is not correct.

Hon. J. A. GREIG: It is only natural that they should all agree with the original report.

Hon. G. W. Miles: If the proposed committee make a mistake, will they not all hang to it?

Hon. J. A. GREIG: No, their successors would give the real facts of the case.

Hon. H. Stewart: Should not the Minister or Cabinet show some backbone, and act without waiting for the committee?

Hon. J. A. GREIG: They have to rely on their experts. This proposed committee would not be afraid to say honestly what they thought.

Hon. G. W. Miles: Whereas Ministers are?

Hon. J. A. GREIG: Sometimes they are. Mr. Stewart referred also to the technical knowledge required, and said a committee appointed from members of this House would not have that knowledge. I agree. But frequently technical men are not practical men, and I have seen instances of practical men being able to instruct technical men on certain points.

Hon. J. W. Hickey: We had a good illustration of that the other night.

Hon. J. A. GREIG: Personally, I do not like the system of payment of fees per sitting, because, as has been pointed out this evening, it is likely to lead to certain results. Apart from that, there was a time when Honorary Ministers in this State worked in an honorary capacity. Mr. Holmes said the other night that we as members had departed from the position of statesmen and become professional politicians.

Hon. F. A. BAGLIN: He was speaking for himself.

Hon. J. A. GREIG: Even if we have so departed from that high standard which it is considered members of Parliament should attain, I am sure there are still to be found in Parliament five men prepared to work on this proposed committee in an honorary capacity.

Hon. F. A. BAGLIN (West) [9.20]: I rise to support the Bill, although I think it has met its fate. Many are saying that the Bill will not reach the Committee stage. I

think the heads have been counted; certainly there is abroad an impression that the Bill will be defeated. I want to congratulate the Government on having seen the necessity for introducing the Bill. In 1911 the Labour Administration had the foresight to see that the Bill was required. If it had not been for the pig-headedness or lack of intelligence displayed by this House the Bill would have been law many years ago. However, it is never too late to mend, and it is gratifying to see the present Government following the policy of the Labour Administration of ten years ago.

Hon. G. W. Miles: They are good successors to your party.

Hon. F. A. BAGLIN: One of the members from the North-West told us the other day that the Government were not capable of administering the Wyndham Meat Works, that they did not know how to control or run those works. Following on that a select committee was appointed to tell the Government what to do in respect of those works. We have had a report from that committee. The reading of that report will put me in a better position to discuss those works than I am in to-day. In the same way the proposed public works committee will supply information necessary to the guidance of members of Parliament. We have been repeatedly told that the ever-increasing deficit is largely due to the great loss sustained by the railways. That is true. Unfortunately, the railway officials have not been able to stop that drift.

Hon. G. W. Miles: Why not get a new Minister?

Hon. F. A. BAGLIN: That would not do much good, but if we had the proposed committee to make the necessary inquiries and bring down the information to the House, we would be in a better position to determine where the leakage was taking place. It should not be forgotten that in other States of the Commonwealth similar legislation exists. In Victoria they have had such a committee for the past 25 years, in New South Wales for a number of years, and in South Australia since 1912. In none of those States is there any outcry for the abolition of the public works committee; indeed, we are told that in each instance the committee has done very valuable work. Since those States which have such committees are content to continue the system, surely we should be wise in following their example. I have heard nothing to convince me that any of those States shows the least desire to get rid of its public works committee. On the other hand, we find successive Governments in New South Wales making provision for the continuance of the public works committee in that State. What we here are concerned about is the principle involved. Mr. Kirwan pointed to the amount of money spent by the Commonwealth Public Works Committee. But because other committees have spent a lot of

money is not to say that our committee will do the same. We have to decide whether the principle is sound, and to make up our minds as to the necessity in this State for a public works committee. I cannot join with the member for the South Province when he says that in 1911 he supported the Bill—

Hon. J. W. Kirwan: That was a very different Bill.

Hon. F. A. BAGLIN: Still, he voted for the principle, whereas he will vote against it to-day because, as he alleges, there are no public works of any importance to be carried out. We must not forget that side by side with the development of the State the Government of the day must embark on a public works policy. We cannot develop the State without public works. To refrain from public works would be to cripple the State.

Hon. J. W. Kirwan: Why, the Government cannot complete the works which Parliament has sanctioned!

Hon. F. A. BAGLIN: We should not wait until those works are started. We require the proposed committee forthwith, that it may get on with its investigations, so that when the time arrives for embarking upon public works Parliament will have the necessary information to hand. The State trading concerns, chief bugbear of Mr. Mills, will come under the purview of this committee.

Hon. G. W. Miles: Do you mean Mills or Miles?

Hon. F. A. BAGLIN: Even the construction of the projected North-West railway will come within the purview of the committee and have to undergo the criticism of that body. Perhaps that is what the hon. member is afraid of. However, I will support the second reading.

Hon. C. F. BAXTER (East) [9.29]: The proposed committee will inquire into railways and tramways and all other public works. It means the establishment of another large department. The expenditure will not end with the committee, because it follows that the committee will soon have a big staff to assist them in their work. The tendency in Australia when an officer is appointed to look after some small concern, is that the officer quickly builds up a staff around him. Indeed, the increases of salaries granted to officers encourage that system. The larger the staff an officer controls, the more his salary grows. Mr. Baglin referred to the fact that the Commonwealth Government and certain Eastern States Governments which have had standing committees on public works for years, still continue them. Surely Mr. Baglin recognises that when a Bill of this nature is passed and a committee appointed, the practice is to continue on the same old lines. These committees take a great deal of responsibility off the shoulders of Ministers, and naturally Ministers will not suggest their discontinuance. Mr. Baglin referred to the railways,

and said that the proposed committee would assist to put the railways on a sound financial footing. But the difficulties of our railways are such that no Minister and no committee and no management can make them pay, at all events under the present system. Going back a number of years, one can blame the policies of past Governments for the present condition of our railways. Instead of the country being settled on sound lines, people were allowed to select land all over the State. Naturally, the settlers in various districts asked for railway communication; quite rightly so. As a consequence our railway system has the appearance of a spider's web. We should have settled one portion of the State at a time, and then run our railways into that portion, and proceeded steadily on that policy.

Hon. J. Duffell: That is what the committee will do.

Hon. C. F. BAXTER: I doubt very much whether the committee would or could. As for the committee inquiring into public utilities, the less political interference there is with these utilities, the greater their chances of success. From the information made public, it seems that the intention of the Government is to refer practically all important matters to the committee, namely, to begin with, the management and working of public utilities, including railways and tramways; to inquire whether the usefulness of those public utilities can be increased by the development of our lands and by development of the various industries; to inquire whether trade developments will help us; to ascertain to what extent we are to apportion our loan expenditure for development purposes; to decide how much of the annual loss on utilities the general taxpayer should be called upon to meet; to determine how much more should users of the utilities pay for services received; to inquire into public services which are considered general, such as water supplies, harbours, and so forth; to resolve whether farmers should be charged higher freightage on their products, or sawmillers pay increased rates on timber; to consider the construction of new works; to ascertain what expenditure is reasonable in the matter of oil discovery, and what expenditure is desirable for the development of the Irwin and other coal discoveries, and what expenditure is warranted in connection with new gold mines and other mines found; to inquire regarding the further development of the agricultural and pastoral industries away from existing railways; to ascertain whether road tractors can be used instead of railways; to settle the question of the housing of Government departments. In fact, it seems to be the intention of Ministers to refer to the committee all matters of importance.

Hon. G. W. Miles: Where did you get that information from?

Hon. C. F. BAXTER: From public statements made by the Government. Clause 15 of the Bill provides—

When Parliament is not in session, the Governor may refer to the committee any matter of inquiry such as mentioned in Section 12.

Clause 12 provides that the committee shall consider and report upon—

every Government railway, tramway, or other public work to be executed after the passing of this Act in all cases where the estimated cost of completing the work exceeds £20,000; any matter relating to the management or working of Government railways, tramways, and other public works under the provisions of any Statute, or the service rendered thereby, or the proposed discontinuance of any railway or tramway.

It does appear to me that if the committee should be appointed, further radical alterations would be involved. We should not need any Ministers. We should simply appoint committees. If we continue to create boards as will be done under much of the legislation of this session, we shall soon all be public servants, and there will be no need for any Legislature. The intention of the Government appears to be that Ministers should have neither work nor responsibility. The proposed committee would usurp the functions of Ministers under the Constitution. Constitutional government implies that Ministers should take responsibility. If the Government consider that they have not officers upon whom they can rely, they should change those officers. That is the logical conclusion.

Hon. J. Duffell: Even the Agricultural Department is affected by this.

Hon. C. F. BAXTER: I think the Agricultural Department is almost wiped out. If any change is needed, it is a change in the Government's officers. It really does seem from this Bill that Ministers have no confidence in their officers—I do not refer to any individual department. There is nothing in this Bill to encourage me to support it. I hold that the measure, so far from putting power into the hands of Parliament, takes power out of the hands of Parliament, and destroys constitutional government. I oppose the second reading of the Bill.

On motion by Hon. J. Nicholson debate adjourned.

BILL—BANK HOLIDAYS AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch) [9.37] in moving the second reading said: This is a very short Bill for the purpose of substituting the 1st May for the 21st October as a Public Service and bank holiday. The reason for this is that in the past Proclamation Day, the 21st October, has been observed in the metropolitan portion of the State, and I think in other parts of the State, as Labour Day. Now that Labour Day has been altered to the 1st

May, it is proposed to alter the other holiday, so that instead of having two holidays, one on the 1st May and one on the 21st October, there will be only one holiday, on the 1st May. The measure applies only to the banks and to the Public Service. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 1—agreed to.

Clause 2—Substitution of May Day for Proclamation Day as a holiday:

Hon. G. W. MILES: The Minister has not given any reason for the proposed substitution. The 21st October was set aside to celebrate the proclamation of Responsible Government in Western Australia. It was a red letter day in the history of the State. Personally I think it is a holiday that we should continue to observe.

Hon. T. Moore: What about Labour Day?

Hon. G. W. MILES: Let Labour Day be made to fit in. Is the idea to make a holiday for the Labour Party, or for the public of this country? However, I can quite understand the introduction of this Bill, seeing that it is brought forward by a Government carrying out the Labour policy.

Bill reported without amendment, and the report adopted.

House adjourned at 9.40 p.m.

Legislative Assembly,

Tuesday, 29th November, 1931.

Questions: Hospital Equipment, Merredin	1954
Railways, Suburban Fares	1954
Personal File, C. P. J. Leschen	1955
Assent to Bills	1955
Bills: Grain, 3a.	1955
Licensing Act Amendment, Message, 2a.	1955
Land and Income Tax Assessment Amendment, Com.	1961
Local Courts Act Amendment, returned	1958
Permanent Reserve (Point Walter), returned	1958

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

QUESTION—HOSPITAL EQUIPMENT, MERREDIN.

Mr. HARRISON asked the Colonial Secretary: 1, Will he cause inquiries to be made regarding the inability of the Merredin hospital authorities to treat Joseph Jackson on the 11th inst.? 2, Does he know that it is alleged Jackson had both legs badly broken, and had sustained other serious injuries, as the result of an accident in the Merredin railway yards? 3, That he was kept at the Merredin hospital for four hours and then carried back to the railway station and put on a train (in charge of a nurse) and started on an eight hours' journey to Perth hospital? 4, That on the way down he collapsed, and was removed from the train at Northam, where he was treated by a doctor, but died on the same day? 5, That at the inquest held on the 14th inst., the doctor admitted in answer to a question by a jurymen that Jackson would have had a chance of living had the Merredin hospital been equipped sufficiently to enable him to have been taken in and treated there? 6, If the circumstances are as stated, will the Minister have the hospital so equipped as to enable such cases to be treated?

The COLONIAL SECRETARY replied. 1, This has been done. 2, One leg only was broken, whilst there were other minor injuries. But the injury to the thigh was of such a severe nature as to require an operation of considerable magnitude. 3, Yes. 4, Yes. 5, Yes; the doctor referred to the absence of a sufficiently large staff and a thoroughly equipped up-to-date operating theatre. 6, The Merredin hospital is not a Government hospital, but a committee-controlled institution. It is only possible to maintain at the smaller institutions a staff adequate for average requirements, and as regards the provision of a fully equipped operating theatre, this is not usually provided until the surgical needs of a district demand it.

QUESTION—RAILWAYS, SUBURBAN FARES.

Mr. PIESSE (for Mr. Sampson) asked the Minister for Railways: 1, Has his attention been directed to the statement appearing in the "West Australian" of the 24th inst. that Perth railway fares are 9 per cent. higher than those in Sydney, 40 per cent. higher than in Melbourne, and 47 per cent. higher than in Adelaide? 2, Are these figures correct? 3, In view of the heavy burden which the projected addition of 10 per cent. on monthly and weekly fares will place on users of the railways, will he reconsider the decision to increase railway fares? 4, Will the already restricted time-table and the projected increase in fares have the effect of improving returns?

The PREMIER (for the Minister for Railways) replied: 1, Yes. 2, No. The fact is that, taking ordinary fares, and monthly