Church authorities and their solicitors, incorrect descriptions of the properties appear in the Schedule. In regard to the first property mentioned in the Schedule, the addition of the words and figures in paragraph (a) of Clause 2 of the Bill will remove all doubt as to the land referred to. Certificate of Title Volume 1004, folio 542, was omitted from the Schedule and paragraph (b) of Clause 2 will recify the omission. Certificate of Title No. 48/1922 was inserted in the Schedule instead of Certificate of Title No. 48/22 and paragraph (c) of the same clause will correct that mistake. The remaining error in the Schedule was the inclusion of Conditional Purchase Lease No. 627/68, which property, the Church authorities state, was wrongly included. That error will be adjusted by paragraph (d) of Clause 2. I regret the need for these corrections and the inconvenience to the House in submitting them. I move—

That the Bill be now read a second time.

HON. G. W. MILES (North) [6.9]: I support the second reading of the Bill. I rise for the purpose of congratulating the Government on the first indication we have had of economy. I refer to the size of the Bills that are now being presented to Parliament for consideration. They are not printed on such large sheets of paper as formerly.

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

House adjourned at 6.10 p.m.

Legislative Assembly,

Thursday, 18th September, 1930.

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

MESSAGES FROM THE GOVERNOR.

Messages from the Governor received and read recommending appropriation for the purposes of the following Bills:—

1, Traffic Act Amendment.

2, Main Roads.

QUESTION—WYNDHAM MEAT.

Mr. H. W. MANN asked the Chief Secretary: 1, What was the amount paid in commission for local distribution of Wyndham meat for the years 1928, 1929? 2, Was the meat sold under same conditions this year? 3, Have the meat works an office in Perth?

The CHIEF SECRETARY replied: 1, Commission for 1928—£612 14s. 9d. Commission for 1929—£523 14s. 5d. 2, Yes. 3, Yes, at 419 Wellington Street, Perth.

BILL—VEXATIOUS PROCEEDINGS RESTRICTION.

Introduced by the Attorney General and read a first time.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

MR. McCALLUM (South Fremantle) [4.38]: The Minister, when moving the second reading, described this Bill as unique. The only unique phase of it that I can see is that it practically adopts the Bill which

the previous Government brought down. It differs only in one or two respects from that Bill which passed this Chamber last session but which, owing to amendments made in another place, was eventually dropped. The builders and contractors of this country would have had the benefit of these proposed reduced fees 12 months ago had it not been for the action of the Minister's friends in another place. That action has served to debar the contractors—and the owners of buildings, for in all probability these fees are passed on—from the relief they would have received by the reduction of the fees a year ago. The only important difference between this Bill and the previous one relates to the definition of scaffolding, and the provision which excludes all scaffolding less than 8ft. from the horizontal base. That was one of the provisions over which we differed last session, and it does not find its place in this Bill either. On that score, I cannot understand the opposition given to that provision. The Minister, now that he has had an opportunity of looking behind the scenes, has to admit our contention of last session. The idea was to exempt private buildings. Fees are paid on those buildings; the inspector goes to those buildings and inspects the scaffolding, because it has to be in some respects over the 8ft. limit. There is some prejudice which prevents a provision being inserted in our Act, as it is in some of the Acts of the Eastern States. That and one other point constitute the only two features in which this Bill differs from the one brought down by the late Government. The Minister said this Bill makes greater concessions to the small man that was suggested in our Bill. The greater concession that this Bill is making to the small man would equal the munificent sum of 10s. on a £1,000 building. That is the wonderful concession which this Bill proposes over and above what was suggested in our Bill. When moving the second reading of the original Bill I explained that it was not the intention of our Government to make the measure a taxing measure. I did not suggest that the fees be incorporated in the Act itself, for it was our intention as time went on and we were able to judge of the expenses of the administration, to see that what fees we would really get from that source were just enough to pay for the cost of administering the Act. As the fees were included in the schedule to the Act, we could not alter them without the consent of Parliament. When it is realised that on the new University buildings there have to be paid fees totalling over £500 for inspection of the scaffolding, it will be understood what an impost it is on such buildings. I suppose the inspection of the scaffolding on those buildings would not cost the department more than £100, whereas the fees charged under existing conditions total over £500. So I heartily agree with the provisions of the Bill which will effect reductions. As I say, those reductions could have been achieved 12 months ago but for the opposition put forward for other purposes, and which I am even now at a loss to understand. The Minister also explained that he has altered the administration of this law. It will be remembered that when the original Act was going through, Parliament extracted from me a promise that there would be no new department established. Members insisted that there should be no addition to administrative costs, and that no new department should be set up. I gave the necessary assurance, and it was kept. The administration of this law was handed to the Chief Inspector of Factories and Shops. He employed the necessary inspectors and administered the Act himself. No new department was established. But now an alteration has been made and the administration of the Act transferred to the Principal Architect. I considered that idea when the Bill first became law, but I ruled it out on the score that it would place the Principal Architect in a very invidious position. In normal times, either directly or indirectly, the Principal Architect would be the biggest employer of labour in the building industry, and to hold him responsible for the administration of a Labour statute affecting buildings would place him in an invidious position. The Government are doing very little building, and things may be all right while the present position holds good. The previous machinery has, however, been broken down. The Chief Architect has been requested to administer this legislation. It puts Mr. Tate in the position of being an employer administering a Labour law against himself and the men who contract with him, and with whom he is likely to come into contact, and over whom he is supposed to exercise general supervision as an architect. That is illogical and wrong. It effects no saving and will place the Principal Architect

in a most invidious position. Through the country districts we used the Public Works Department inspectors, because the Act has very little effect there. It only covers buildings over 12ft. in height, and that would include 2-storeyed structures, such as picture shows and hotels. It includes no cottage work, and in fact very little work indeed in the country districts. We did not go to the expense of sending out inspectors from the city, but used Public Works Department inspectors for the purpose. During the last few years the building trade has been booming, although that is not so to-day. To hand this over to the Principal Architect, who deals with contractors for all public works from a different angle as compared with the Chief Inspector of Factories, will jeopardise his position and the smooth working of his office as principal architect. It will affect his relationship with the contractors. It is impossible to imagine how he can administer a law against himself and against the contractors, and give satisfaction both to the industry and the employers. I regret that the change has been made. The right attitude was adopted when the administration of this law was handed to the Chief Inspector of Factories. That officer made a study of labour legislation. He administered the Factories and Shops Act, the timber workers' regulations and the Inspection of Scaffolding Act. He has given himself up entirely to a study of these things, and is independent of either unions or employers. He employs no one himself, and comes into contact with employers in now way other than in connection with this legislation. I am sure it is a retrograde step to hand over this Act to the Principal Architect. The Minister boasted that he had effected a saving by the dismissal of two inspectors. When it is remembered that at this time last year there were in the offices of the architects in the city, works to the value of £1,000,000 sterling, and that to-day there is practically no work in those offices, I think the House would have had something to say to the Minister if he had not effected economies.

The Minister for Works: Of course it would.

Mr. McCALLUM: He boasts that he has been able to retrench two inspectors. That is hardly an economy for it would have been an entire necessity in the circumstances.

The Minister for Works: Quite so!

Mr. McCALLUM: The unions connected with the building trade have practically no work now. The Bricklayers' Union used to have a permanent secretary in the office but has now dispensed with his services as such. No one is working in the trade just now, and no scaffolding is being used. Naturally, everybody is looking for some economy and saving to be effected. The fact that the services of two inspectors have been dispensed with does not surprise anyone. This should not be confused with the decision to transfer the administration of the Act to the Principal Architect. One would have assumed that retrenchments would have occurred, wherever the administration was. I propose in Committee to move one or two amendments. Apart from these, the Bill, being largely on the same lines as that introduced last session, meets with my approval. I regret very much that the administration has been taken from the department, which made a special study of Labour legislation. The Chief Inspector was an independent authority who gave his whole time to that type of legislation. Everything has now been handed to a man who, in my judgment, will be placed in an awkward position. It must lead to clashes between Mr. Tate and the unions, and between him and the employers. That is most undesirable for a man holding that office, and should be avoided. Apart from that, I do not propose to offer any objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; the Minister for Works in charge of the Bill.

Clauses 1 to 6—agreed to.

New Clause:

Mr. McCALLUM: I move—

That a new clause, to stand as Clause 12 (a), be inserted as follows:—"No person shall be employed or engaged on or in connection with any scaffolding or gear unless such person has a sufficient knowledge of the English language to enable him to speak such language intelligibly."

This clause already exists in the Mines Regulation Act dealing with the employment of men who cannot understand the

English language. There has been an increase in the number of foreigners employed on buildings in the metropolis. Indeed, the increase is amazing. Members, who will have seen the number of tall buildings that are now going up, must have been impressed with the danger the employees run, through the presence of foreigners. If a man is working alongside a foreigner who cannot understand the English language, and something happens, a most dangerous position arises because the foreigner can neither understand what is said to him nor make himself understood.

Mr. ANGELO: It was suggested by the member for South Fremantle that he had a second amendment to move in connection with this Bill. I trust that both amendments will appear on the Notice Paper so that members may have an opportunity of reading and understanding them.

Mr. McCALLUM: I am sorry I had not an opportunity to put my amendments on the Notice Paper. The Bill was introduced only last Tuesday, and it was only a minute or so before the House met that I received the draft of these amendments. I will have them put upon the Notice Paper in time for the next sitting of the House.

Progress reported.

BILL—ANATOMY.

Second Reading.

Debate resumed from the 16th September.

MR. MUNSIE (Hannans) [4.57]: I do not propose to offer any opposition to the second reading of this Bill. Indeed, I congratulate the Minister for bringing it down. It is a most important and necessary measure. I admit that for the present it will be used only in connection with students of the Dental Hospital. If good times return, as we all hope they will, there will undoubtedly be established a chair of medicine at the University. Should that come about, it is essential that an Anatomy Act should find its way upon the statute-book. There is no reason why the Act should not be passed before that time arrives in order that students at the Dental Hospital may have the benefit of it. The passage of this Bill will save local parents a fair amount of money. I know of boys who, after passing certain educational tests, have decided to go in for dentistry. When the parents have made inquiries, however, they have learned it is useless for their boys to apprentive themselves to dentistry, or even attend the Dental Hospital because of the absence of an Anatomy Act. No matter what certificates they secure, they cannot obtain admission in the Eastern States or the outside world in the absence of the provisions of this measure. Therefore I regard the Bill as advantageous to Western Australia, enabling parents to spend the money on their boys and girls within the State instead of outside it. The Minister said that arrangements had been made for the use of a room at the University for dissection purposes. That is all right, but at present the hospital is not affiliated to the University. If the Government can assist the Odontological Society and the Dental Board to secure affiliation, I hope they will do so. Another point is that if the Bill becomes law the dental hospital will acquire a higher status than it has at present. As the result of inquiries I made when Minister for Health, I learned that the building at present being used for a dental hospital is neither large enough nor suitable. That hospital should be situated on a block of Government land in the city. I believe the Dental Board will be prepared, together with the Odontological Society, to arrange for the financing of the building if the land is made available. I do not know whether the Minister has been interviewed on the subject; but I hope that when the board and the society do approach him, he will show himself sympathetic towards the establishment of a permanent home for the training of dental students here. If the Government have sufficient business to go on with to-day, I will ask the Minister not to take this Bill into Committee at once. There are one or two gentlemen I should like to consult regarding the measure before its provisions are discussed in detail.

MR. RAPHAEL (Victoria Park) [5.3]: Undoubtedly this Bill will supply a long-felt want in Western Australia. In its absence our dental graduates are debarred from practising outside the borders of this State. In order to do so, they would first have to study dentistry in America or Britain or one of the Eastern States. The Minister has touched on all the points of the measure, but I would stress the need for strict supervision regarding parts of the

human body used for dissection purposes. Such parts have been a source of amusement to students in other parts of the world, to be carried around and sometimes dropped over the balconies of theatres. I hope there will be no occasion for complaints on that score here. Our Dental Board are looking for recognition of our students in other parts of the world, and the Minister will probably be asked to consider other portions of our dental legislation which are sadly in need of attention. English dentists coming to Western Australia are not recognised by the board here. On the other hand, dentists not legally registered are practising here. Those men, too, are entitled to registration. They are, in fact, a creation of other local dentists who have taught these men the business for the purpose of securing cheap labour. Now, when the men go into the market to practise for themselves, no provision is made for them. They are legally blackmailed when practising. I just mention these features at present. Perhaps I shall have another opportunity of addressing the House on the subject.

Question put and passed.

Bill read a second time.

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [5.8]: Whilst I do not flatter myself that hon. members have taken much notice of remarks I have made since becoming a member of the House, yet I have so persistently protested against the administration of justice in Western Australia by acting magistrates, and generally against the inadequate tenure of office which magistrates have, that I am sure the House will not be surprised at the measure I now submit. My view is that one of the most important functions, if not the most important, of government is the administration of justice. It must be, in any civilised community, impartial and fearless and skilful. I do not claim that view as peculiar to myself; I believe it is shared by all students of history, whether ancient or modern. I should like to quote to the House the views expressed on the subject by one of the most eminent students of modern history that I know of, and a most lucid writer, Viscount Bryce, in his work "Modern Democracy"—

> There is no better test of the excellence of a government than the efficiency of its judicial system, for nothing more nearly touches the welfare and security of the average citizen than his sense that he can rely on the certain and prompt administration of justice. Law holds the community together. Law is respected and supported when it is trusted as the shield of innocence and the impartial guardian of every private civil right. Law sets for all a moral standard which helps to maintain a like standard in the breast of each individual. But if the law be dishonestly administered, the salt has lost its savour; if it be weakly or fitfully enforced, the guarantees of order fail, for it is more by the certainty than by the severity of punishment that offences are repressed. If the lamp of justice goes out in darkness, how great is that darkness. In all countries cases, sometimes civil, but more frequently criminal, arise which involve political issues and excite party feeling. It is then that the courage and uprightness of the judges become supremely valuable to the nation, commanding respect for the exposition of the law which they have to deliver.

The problem which has faced civilised nations for many years is how to achieve the efficient administration of justice so highly praised by Viscount Bryce. He offers the solution in a later passage—

> Capacity and learning, honesty and independence, being the merits needed in a judge, how can these be secured? Three things have to be considered: the inducements offered to men possessing these merits to accept the post, the methods of selecting and appointing persons found to possess them, and the guarantees for the independence of the judges when appointed. The inducements are three: salary, permanence in office, and social status, this last being largely a consequence of the other two.

There again, the solution offered is not a novel one, but one which has been adopted by most of the other civilised countries of the world. It was really first discovered and put into operation by Britain, and it has been copied by most other modern countries. It is the solution which, in fact, has been adopted in Western Australia so far as the higher grades of the judiciary are concerned. There is significance in the fact that in America it is only the courts which have adopted the English method of appointment, reasonably substantial salary and permanency of tenure, that enjoy the respect of the nation. The judges of the American Federal courts are appointed with absolute security of tenure; they are

paid substantially well, and they enjoy the greatest possible respect from the whole nation. In some States of the American Union the same system is adopted, and there the courts stand high in the public regard. In other States, where judges are elected for a short tenure of office and are likely to be turned out when there is a change of the party in power, the administration of justice is held in contempt, and probably deservedly so. All this little measure proposes to do is to extend to our judicial functionaries of the lower courts the tenure of office which is already enjoyed by those of the Supreme Court of Western Australia. At the moment it would not be possible to extend this principle from one end of the State to the other. The exigencies of so wide a State, with such divergent positions, and the slackness of the public purse, would probably make it impossible, for some time to come, to have in every case magistrates appointed for a long period of time, the whole period of their useful lives, with the qualifications necessary for the position. The principle will have to be extended gradually, until in due course, as the community becomes larger and as finance is freer, we shall see every person occupying a judicial position holding the same independence of tenure and receiving the same adequate salary as are now enjoyed by the judges of our Supreme Court. The magistrates in Western Australia at present are as follows: In Perth, three; in Fremantle, Kalgoorlie, Geraldton, Bunbury, Albany and Northam, one each. That makes a total of nine. In addition, there are magistrates at Carnarvon, Cue and Broome, while at other places there are gentlemen occupying the dual position of magistrate and resident medical officer. That applies at Marble Bar, Port Hedland, Roebourne, Derby and Hall's Creek. At Hall's Creek the magistrate is also the postmaster.

Mr. Munsie: The positions at Marble Bar and Port Hedland are held by the one person.

The ATTORNEY GENERAL: That is so. At one time, there was a magistrate resident at Marble Bar, but since his departure, the gentlemen now occupying that position also undertakes the work at Port Hedland. If the Bill be passed, the intention is to make it operative at the inception with regard to the first nine magistrates I have mentioned.

Mr. Kenneally: With a limit of 12 magistrates.

The ATTORNEY GENERAL: Yes. We provide that extra margin so that as the State progresses, we may extend the operations of the Bill a little further. I shall not ask Parliament to enable the Government to extend the principle substantially, without bringing the matter before the Legislature again. With the provision for an extra three, we would have the power to extend the provisions of the measure to, perhaps, Broome. It seems to me that the Kimberley Division should have the advantage of the provisions of the Bill as soon as possible. If that were done, the magistrate in charge of that district would be given the tenure that will apply to others in the south. With the extension of the air service from Broome and Derby to Wyndham, I do not see any reason why the resident magistrate at Broome should not be able to visit Derby and Wyndham and carry out the requisite duties there. I desire the margin of three so that within the next few years, the provisions of the Bill may be extended, but with the limit of 12 as provided. Should the Government desire to go further than that, then it is a matter that should rightly be re-submitted to Parliament. The real crux of the Bill is contained in Clause 4, which defines the tenure of office these magistrates shall enjoy. That is, they are to be appointed to hold their offices "during good behaviour, provided that the Governor may remove any such magistrate from office upon the address of both Houses of the Legislature praying for such removal on the ground of proved misbehaviour or incapacity." That will place the magistrates in practically the same position as that occupied by Supreme Court judges. I have, however, followed the precedent set by Parliament in the Arbitration Act Amendment Act passed in 1925, when they provided that the president of the court, while enjoying every other characteristic of a Supreme Court judge's position, should retire at the age of 70. I do not really know which is right. Our judges hold office during the term of their lives, subject to removal for incapacity or misbehaviour. That is the practice in England and throughout Australia.

Mr. Kenneally: Does that apply to appointment as well as to continuance?

The ATTORNEY GENERAL: The Bill provides that we shall not appoint anyone

to hold office as a stipendiary magistrate after he has reached the age of 70 years.

Mr. Kenneally: That would entitle you to appoint a man aged 69 years.

The ATTORNEY GENERAL: It would, but that would be an absurd thing to do. At the same time, should the Bill be passed, we may appoint one or two gentlemen who are nearly 70 years of age now. They are acting in a magisterial capacity and there is no reason why they should not be permitted to complete the year or so before attaining the age of 70, so that there could be continuity of their services.

Mr. Kenneally: As a general principle, you will agree that it would be wrong to appoint a man 69 years of age to these positions.

The ATTORNEY GENERAL: Of course it would be, especially to a permanent position. I know that the appointment of elderly men as judges has never been popular with Governments because they can foresee in the comparatively near future that such men will retire. That would confront the Government with the necessity for the payment not only of the salary of a new judge, but also the pension that the retired judge would enjoy.

Mr. Withers: And that is what you want to avoid.

The ATTORNEY GENERAL: Quite so.

Mr. Kenneally: Would you not regard it as inconsistent to put men off in other avocation who had reached the age of 65?

The ATTORNEY GENERAL: That may be inconsistent. For my part I do not like anyone to be retired while he is fit to do his work.

Mr. McCallum: You must take each case on its individual merits.

The ATTORNEY GENERAL: The Public Service Act provides that a public servant may retire at the age of 60 but shall retire at the age of 65. My personal view is that that is wrong. Some persons are good for many more years of service after reaching the ages specified.

Mr. McCallum: Those officers are continued from year to year.

Mr. Raphael: Other members of your Government have discharged men 65 years of age. Are they prepared to support you in this Bill?

The ATTORNEY GENERAL: We shall see. Personally I presume members of the Government will support the Bill. On the other hand, I ask members generally to vote for the measure as they think fit. The Bill is put forward as an entirely non-party measure, and it is for each member to give it the consideration he deems fit.

Mr. Raphael: We can take it that if they support the Bill, they think the wages men should be treated differently from those holding these magisterial positions.

Mr. H. W. Mann: Are you the Leader of your party to-night?

The ATTORNEY GENERAL: I do not suggest that what the member for Victoria Park (Mr. Raphael) indicates, applies at all. There is this to be said in passing, that as the Government are faced with the necessity to put men off, it is fairer to put off those whose term of appointment has expired than to dismiss those not in that position. If there is a man who is 45 years of age and has reasonable anticipation of holding his position until he is 65, and there is another man who has passed the age of 65, should the Government have to dismiss one of them, it would surely be fairer for the man who has passed the age of 65 to be put off. However, I do not see that there is any analogy between that question and the subject matter of the Bill. I have already pointed out that the Public Service Act provides that the permanent employment of an officer shall cease at 65. I am dealing in the Bill with persons who will be outside the scope of the Public Service Act for reasons that appear good to me. I am not prepared to provide that the magistrates shall hold office as long as they live, because while they may not be incapacitated and may not have misbehaved themselves, they may yet be past the time of life at which they can give the close attention and energy that is desirable in connection with the work of those holding magisterial or judicial positions. The precedent having been created in connection with the Arbitration Court, I came to the conclusion that 70 years would be the proper age at which magistrates should retire. If the Bill is passed, it will be impossible in those parts of the State to which it will be applied by proclamation, for anyone to hold magisterial position in an acting capacity, except as a stop-gap. I have made provision so that should a stipendiary magistrate be unable to fulfil his duties through ill-health, absence on holidays or

for some other such reason, an officer may be appointed to act in a temporary capacity. It will be seen, however, that the position such a man will hold will be entirely temporary. When the Bill is considered in Committee, I propose to suggest an amendment providing that should a magistrate retire or die, then the Government may appoint temporarily a man to fill the position for a period not exceeding two months, that being the time deemed necessary to enable us to fill the vacancy. For the sake of argument, should the magistrate at Northam retire, applications would have to be invited from those desirous of securing the appointment. We would seek to get the most qualified man available, and it would take some weeks to go through the applications. Should we appoint a lawyer to the position, he would require some little time to wind up his affairs before taking over his duties. Apart from those considerations, the intention is that no one shall hold a magisterial position in an acting capacity. There are one or two other amendments that I will propose at the Committee stage, and I will give hon. members full notice regarding them. The Bill includes a clause that sets out that the salary of a stipendiary magistrate shall not be decreased during his tenure of office. I consider there should be a proviso and I will propose to amend the clause by adding the words, "except by Act of Parliament." If we agree to the clause as it stands in the Bill, it might lead those who accept magisterial positions to think that their salaries were sacrosanct. If Parliament, in view of the exigencies of the time, considered that the salaries should be reduced, they should have that right.

Mr. Panton: Should there be a 10 per cent. reduction all round, they would escape.

The ATTORNEY GENERAL: They might think they were entitled to escape.

Mr. Panton: They should not escape any more than the rest of the community.

The ATTORNEY GENERAL: I do not think they should and that is why I propose to amend that clause to provide that, in certain circumstances, Parliament shall have the right to alter the salaries. That will mean that the salaries to the magistrates will be no more sacrosanct than those paid to anyone else. It is also intended that those occupying magisterial positions at present shall not be interfered with. We hope to carry on straight away and, although under the existing law no one can be appointed to the magistracy unless he is a qualified solicitor, or has passed the necessary examinations, I propose to amend the Bill to enable us to appoint as stipendiary magistrates under this measure any person whose name appears on the Public Service List for this year as that of an individual holding the position of stipendiary magistrate. Without that amendment, we would not be able to show consideration to some who are in that position to-day. There are several gentlemen carrying out magisterial functions to-day who are not qualified under the two headings I have indicated.

Mr. Angelo: Was not legislation passed some time back to enable those magistrates to be appointed?

The ATTORNEY GENERAL: I do not think that Bill was ever agreed to.

Mr. McCallum: Those men are acting as magistrates now.

The ATTORNEY GENERAL: We wish to have power to appoint them to magisterial positions if we so desire.

Mr. McCallum: But they will come under the clause you mentioned, and be automatically appointed.

The ATTORNEY GENERAL: No one will be appointed automatically.

Mr. McCallum: I thought you referred to those whose names appear on the Public Service List.

The ATTORNEY GENERAL: Those whose names appear on the list will be eligible for appointment. Without the provision I have indicated, there are a number of gentlemen occupying magisterial positions who could not be appointed.

Mr. Marshall: They could make application, the same as anyone else.

The ATTORNEY GENERAL: No, because they are not qualified. They are neither solicitors nor are they qualified by examination. The Bill will mean that we will have no one serving in an acting capacity in the future, and it is reasonable that these gentlemen to whom I have referred shall have an opportunity to be appointed, otherwise they will find themselves without a job. One or two of the gentlemen I have in mind are particularly skilful magistrates, and all are honourable men. We would not like to be compelled to pass them over. The amendment that I have indicated will give us a free hand to make appointments that will

enable them to carry on the positions they are now filling efficiently. As a matter of fact, I anticipate there will be no changes regarding those whose names appear at present in the Public Service List. In bringing down the measure, the desire of the Government is not to disturb any magistrate in the position he is now occupying.

Mr. Marshall: Will you express an opinion on Clause 14, which empowers the Governor to make regulations, bearing in mind your attitude in the past to clauses of that kind.

The ATTORNEY GENERAL: It does seem a little wide.

Mr. Panton: We have just been reading in "Hansard" what you previously said about similar clauses.

The ATTORNEY GENERAL: I shall not be the least bit obdurate if the hon. member seeks to strike out the clause.

Mr. Marshall: It is strange that it should appear in the Bill.

The ATTORNEY GENERAL: I did not notice that it was quite so broad.

Mr. Marshall: I shall see that you do notice it.

Mr. McCallum: Some of the clauses are taken from legislation in the Eastern States. What is the position of magistrates there?

The ATTORNEY GENERAL: As regards all the States, I cannot say. This Bill is largely based on the Victorian Act, where the magistrates are given the same kind of tenure as is proposed here and are excluded from the Public Service Act. I commend the Bill to the House and ask that it be supported. I move—

That the Bill be now read a second time.

On motion by Mr. McCallum, debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [5.32] in moving the second reading said: I suppose that even in the most ideal state of society honourable men will have differences of opinion as to facts and law, which differences of opinion will need to be resolved by litigation. For a long time past I have been of opinion that litigation in Western Australia, in many instances, is both too expensive and too slow. The object of this Bill is, in matters involving not more than £500, to make litigation cheaper and more expeditious. The plan of the Bill is extremely simple. It is merely that instead of, as at present, having to bring every action involving more than £100 in the Supreme Court, such actions up to £500 may be brought in the Local Court, but as we have not yet been able to appoint sufficiently highly qualified gentlemen to act as magistrates of the Local Court to deal with matters of great importance, it is proposed that the person to try an action involving between £100 and £500 shall be a Supreme Court judge. The action will be commenced in the Local Court. The whole of the preliminary proceedings will be conducted in the Local Court, but when the time for the actual trial comes, a Supreme Court judge will sit in place of the Local Court magistrate and try the case. That will substantially decrease expense and increase celerity. The normal course in a Supreme Court action is something like this: A writ is issued, and on the back of the writ is stated in a few lines a precis of the claim. The writ is then served on the defendant, and the defendant has 10 days within which to enter an appearance. This involves going down or sending someone to the Supreme Court and handing in a scrap of paper stating "I enter an appearance to this action." Then the plaintiff has five weeks within which to deliver a statement of claim, that is an expansion of the precis endorsed on the writ. The defendant, having had delivered to him the statement of claim, then has 10 days within which to deliver a defence. If the case requires it, the plaintiff has another 10 days within which to deliver a reply, and in some cases after the reply is delivered there are further pleadings, for each one 10 days being allowed for delivery and rejoinder and so on, perhaps ad infinitum. Having got to that stage, there is generally, in a Supreme Court action, a procedure know as discovery. That is, each side is called upon to produce and show to the other side all the documents it possesses touching the matters in the action. When all that is finished, the plaintiff gives notice of trial and then sets the case down for hearing. It then appears in the month's list; counsel appear before the court on the first day of the month's sitting, the

list is called over, and the judge fixes a suitable date for the hearing of the trial.

Mr. McCallum: No wonder the costs mount up.

The ATTORNEY GENERAL: In important matters, most of the things I have mentioned are probably necessary, but in a great number of cases which at present have to be taken to the Supreme Court, there is no necessity whatever for all that preliminary palaver.

Mr. Marshall: See how easily Mrs. Barlow could have finished her case.

The ATTORNEY GENERAL: Even in spite of the somewhat alarming statement I have just given of the proceedings to be followed in order to get before the Supreme Court, Mrs. Barlow has mastered them and has been able, without legal assistance, to get before the Supreme Court and the High Court.

Mr. Marshall: She evidently understands the system of rejoinder.

The ATTORNEY GENERAL: Yes.

Hon. W. D. Johnson: The trouble is she does not get her husband there.

The ATTORNEY GENERAL: I shall have something to say on the subject of limiting vexatious proceedings when I introduce another short Bill later on. If this measure be passed, most of the procedure I have outlined in actions involving less than £500 can be eliminated. The procedure then will be to issue a summons. That is the blue paper, with which some members may be familiar. The statement of claim is endorsed on the back of the summons, and after it is served the defendant, if in the metropolitan area, has five days in which to enter an appearance. Then the case is set down for hearing and probably comes before the court within two or three weeks. The saving will be substantial, because much less work will be done for the litigant by the solicitor. Efficient trial will be guaranteed by the fact that a Supreme Court judge will conduct it, and the speed with which such actions will be disposed of will be very much greater than it is at present. That is the main principle of the Bill. There are two other matters which I shall mention. At present, under a decision of the Full Court about a year ago, there is no appeal from a Local Court magistrate on what is called an interlocutory matter. Although in the general course of Local Court actions there is no application to the magistrate in Chambers, in some cases there is, and the Full Court, I think, with the greatest respect to them, wrongly decided that there was no appeal from the decision of a magistrate sitting in Chambers. It may be that the statement of claim endorsed on the summons is not full enough The defendant is then entitled to apply for particulars. Suppose the plaintiff mentioned an agreement, the defendant would want to know what sort of agreement it was, whether it was in writing, and what was the date of it. He asks the plaintiff to furnish those particulars. The plaintiff refuses. The defendant may then appear before the magistrate in Chambers and ask for an order for those particulars to be delivered. The Full Court has held that, from that order of the magistrate, there is no appeal. In some cases I think there should be an appeal, and so I am providing that, by leave of the Supreme Court, an appeal may be made to the Supreme Court, but only if the importance of the matter warrants that course. On the other hand, I propose to take away the right of appeal except by special appeal. At the present time a litigant might have judgment given against him in the Local Court in a matter involving some trifling amount. He has an absolute right to appeal to the Full Court and, if he wins, he is entitled to receive costs, which may amount to anything between £30 and £40. That is wrong. In petty matters it should be possible to reach finality speedily. Even where the amount involved is small, there might be an important principle at stake, and it should be possible for a litigant who claims that an important principle is involved to obtain leave of the court to appeal. In that event the court would probably say, "We agree that an important principle is involved, although the amount at issue is only a few pounds. We shall allow you to appeal, but you will have to pay the costs." That might happen in a case where a powerful corporation had sued some apparently poor person for a small sum. Judgment might be given against the corporation, who would desire to appeal. The Full Court would probably hold that while there was a principle to be determined, if the powerful corporation wanted to drag the poor person into the Full Court, where he could not afford to go, they would have to pay the costs. I think this provision will pre-

vent a lot of unnecessary and frivolous appeals, without causing any hardship or defeating the ends of true justice. There are one or two other matters involved by the amendments under this Bill, but I shall comment upon those in Committee, if the Bill reaches that stage. This is entirely a non-party measure. Every member is free to oppose it if he so desires, but I think the House will conclude that it marks a step in the right direction. The only criticism I expect may come from my two learned friends, who may claim that it will operate a little hard on the lawyer in these hard times. I move—

That the Bill be now read a second time.

On motion by Mr. McCallum, debate adjourned.

BILL—MAIN ROADS.

Second Reading.

Debate resumed from the 16th September.

MR. McCALLUM (South Fremantle) [5.44]: The Minister before dealing with the provisions of the Bill, referred to a few points, and on those points I should like to make a few remarks. First of all was his statement that there was actually no unemployment grant made by the Commonwealth for road work. He said that only quite recently he had discovered that the £192,000 made available by the Commonwealth had come out of the Commonwealth road fund. I do not know who advised the hon. gentleman, but there can be no doubt that when the money was made available it was distinctly stated that it came from the general road fund. The conference was attended by the member for Kalgoorlie as the representative of the Government, and not only did he report back to us what happened, but the facts were published at the time that that money which was there in the fund was not being used, largely on account of the State being behind with its programme, and also because the other States were unable to find the 15s. to meet the Commonwealth pound. Thus the money was lying idle, and in view of the unemployment throughout the Commonwealth the Federal Government made the £1,000,000 available. The Prime Minister at the time explained that the only legal authority he had for making the money available was the Main Roads Act; so there can be no question in the minds of those who had the handling of the business at the time as to what was proposed, and that the money came from that particular fund. In proof of that I pointed out that we had to submit to the Commonwealth the work that had been carried out on roads with State money to the value of that amount. We had to prove that we had done the work out of State funds before they made the money available to us. Mr. Tindale, the Chairman of the Main Roads Board, and Mr. Munt, the Under Secretary for Works, spent some time in dissecting the work and putting up the position to Cabinet. Therefore the statement of the Minister for Works the other evening cannot be right. The officers I have named dissected the work that had been done, and we had to prove what we had spent out of State funds before the £192,000 was made available to us. How can the Minister say now that no one understood the position? It was clear, and the conditions were laid down before the money was made available. It is beyond dispute that the money came from the fund, and the arrangements were that the Act would be continued after the 10 years period so as to allow that amount of money to be absorbed. I cannot understand where the Minister got his idea that the money was not made available for the unemployed, and that no one knew about it until I interjected. I assert positively that the Chairman and the Under Secretary dissected the State expenditure, named the roads, and put up the position to us to enable us to submit it to the Commonwealth. All that had to be done before one penny was made available. It was clearly set out and there was no question in the minds of any of those in charge at the time that the money came from that fund. In addition, I remind the Minister for Works that just prior to our leaving office we put up to the Commonwealth Government the fact that in view of the difficulties of the loan market, and also because a great proportion of the State's expenditure on roads came from loan funds, and that the State Government were then unable to go on the loan market, the Commonwealth Government, having their proportion idle, should make it available to us to push on with the work, and that with the improvement of the loan market we

would find our share. Thus under that heading, to relieve unemployment, a further £100,000 was advanced, and in the event of the new agreement not being finalised, the £100,000 had to be refunded. That money came to hand after the elections and it was there for the present Minister for Works to control. So that we have £292,000 under those two headings, and in addition there was a further amount—I am not sure whether it was £60,000 or 80,000—which subsequently had to be reduced on account of the compromise that was arrived at so that the financial position of South Australia might be relieved. In the end I think we got about £40,000, though I am not sure of the exact figures. Thus altogether a substantial sum was made available for us by the Commonwealth, and the Minister was entirely wrong when he said that no grants were made for unemployment. The latest amount that was granted was handed over by the Commonwealth unconditionally: there was no stipulation that it should be used for road work, it was to be spent as the Government thought fit for the relief of the unemployed. The other two sums, however, were for road work. The Minister told us that the Premier had signed a new agreement that gave the Government practically a free hand. The new arrangements are that the Commonwealth collect the money and pay it to the State, and it is to be devoted to road work without any supervision over the expenditure, or any restrictions or hampering arrangements similar to those that were previously in force. The Minister might have been generous enough to admit that that agreement was arranged by his predecessors. He failed to mention that. The Premier, over a number of years, was good enough to assist us in many ways, when we were in office, to try to break down the hampering restrictions that were placed by the Commonwealth upon the expenditure of road money. In one instance in particular the Premier joined Mr. Collier in sending a telegram to the Commonwealth authorities asking that the State be given a free hand in their dealings with the local authorities. The Bruce-Page Government, however, stood adamant and refused to move. They insisted upon all the restrictions that had applied through the whole period of the agreement being enforced, and it was not until the Scullin Government assumed office that we were able to get over those hampering restrictions under which we had up to then been obliged to work. That was arranged at the February conference which was attended by Mr. Collier. The Minister for Works said nothing about that.

The Minister for Works: I did not say I arranged it.

Mr. McCALLUM: No, but the hon. member said the Premier had signed it, and he gave the impression that the agreement had been arranged by his Government, and that his Government had succeeded in having the restrictions removed, hampering restrictions to which we had had to submit for six years. The House knows that in each year, when dealing with the road expenditure, I made the views of our Government perfectly clear. We fought hard for the restrictions to be removed, in season and out of season; we protested to the Commonwealth Government and urged that we would get a better return for the money available if we were left to pursue our own course; that we knew what was wanted and would be able more satisfactorily to meet the requirements of local conditions. We also stressed the fact that 15s. of our money was involved in the expenditure on roads for every pound provided by the Commonwealth. But the Bruce-Page Government went out of office without granting us any relief. I repeat that Sir James Mitchell viewed the position very much in the same light as we did. He assisted us on the public platform, and, as I have already said, joined Mr. Collier in sending a telegram asking Mr. Bruce to lift the restrictions. But I cannot remember one instance in which the Minister for Works gave us any help. He did not hesitate to criticise, but he did not raise his voice to help us in our agitation to remove the restrictions so that the State Government might function freely in respect of the road programme as it is able to do to-day. Every time I was in the Eastern States I hammered away at this subject, and if the Bruce-Page Government had remained in office, I have no doubt we should still be submitting to the conditions they imposed. There has been a great deal of road work done during the last few years and perhaps it has been more expensive than necessary because of the Commonwealth restrictions. Still, anyone travelling throughout the State will admit that the roads from one end of Western Australia to the other have been considerably improved. Go where you will,

to the far Kimberleys in the North down to the extreme south, there will be found the advantage of the work carried out by the Main Roads Board. In the Kimberleys—and the member for Kimberley (Mr. Coverley) can bear me out in this—it used to take weeks to travel from Hall's Creek to Wyndham. Now that trip can be done in about 30 hours. Right through the North-West there were difficulties in crossing streams when the rivers were running, and people were hung up for weeks at a time. We have bridged those streams and the people up there, the pioneers, are getting the benefit of the work we carried out. From here to Bunbury the road has been improved so that the trip that occupied a day can now be done in a few hours. From Perth to Albany, from Perth to Merredin and from Perth to Geraldton, in fact, wherever one goes, there will be found a marked improvement in the state of the roads. I agree that the heavy work is now about completed and that there will not be the same necessity in the future for that class of expenditure, that from now the work need not be as heavy as it has been. The Minister put to the House as something new the proposition about the maintenance of the roads, and the employment of gangs in the different areas. If he will take the trouble to look up "Hansard," he will find that I explained all that 12 months ago. Certainly it has not been put into force throughout the country because the local authorities have not lived up to their obligations; they have not paid; they have repudiated their obligations under the original Act and consequently there was not the money with which to pay for the maintenance that the original Act provided for. I was rather surprised to learn from the Minister that the money derived from the petrol tax prior to its being declared ultra vires has not all been expended. It is over a year ago since I authorised the Main Roads Board to expend the last of that money, consisting of a sum of approximately £20,000. The board wanted money for maintenance, and about this time last year I authorised the board to spend that money on maintenance work. Yet the Minister has said that at the end of June last there was a balance of something like £20,000.

The Minister for Works: To be correct, it was £20,800.

Mr. McCALLUM: Well the Main Roads Board have not lived up to their obligations in that respect, because they have been free to expend that money ever since this time last year. As to the Bill itself, may I say that I have few regrets over decisions and acts of administration that I committed during the six years I was in office. But the outstanding regret I have is that I was ever weak enough to listen to the amendments made by the Legislative Council in the Main Roads Bill as I introduced it. The amendments made to that Bill by the Legislative Council have been the source of practically all our troubles in the department. It was only owing to the anxiety of the Government to have a roads programme—there was the co-operation of the Commonwealth, and such a substantial sum of money being made available that some machinery of control was necessary—that we submitted to the amendments the Council put up to us. But it is a fact that as late as last year Parliament had to revert to the system of finance set out in the original Bill. For years before the Main Roads Bill was brought down the local authorities had been asking Parliament for such a Bill, framed on the lines of the Victorian Act, but once the Bill was put into operation they declined to meet their obligations. When we brought down the proposal that the operations of the Bill should be financed out of the traffic fees, the local authorities objected to it, whereupon the Legislative Council took the scheme out of our hands, and in order to get a roads policy we had to agree to the Council's amendments. But as late as last session we had to go back to the original proposal. I believe, and I think the Minister's statement here the other night shows, that under the new scheme of financing from traffic fees the board is likely to have money for the maintenance of roads which up to date they have not been able to maintain.

The Minister for Works: I did not say that.

Mr. McCALLUM: Then the hon. member said it last session, when the Bill came down. I think the board will now be able to look after their work. It is very regrettable that this scheme was not agreed to when the original Act was passed. Many times have I bitterly regretted that I ever had the

weakness to submit to the Council's amendments.

Mr. Corboy: Had you not done so, you would have lost the Bill.

Mr. McCALLUM: That is so. The Bill now proposes to abolish the Main Roads Board. As a matter of fact, in practice it has been a one-man board ever since its establishment. The practice has been for one man to dominate the board. I do not think that board ever arrived at a decision which was against the views of Mr. Tindale. I believe it has been Mr. Tindale all the time. He has controlled the policy of the board, and has been the dominant figure on that board. Personally I am not going to raise objection to the change-over from the board to a commissioner, but I am going to raise objection to the transfer of the autocratic powers of the board to one individual. To give the power the board has had to one man without any control, without anybody in this House being responsible, is to me repugnant, and against democratic government altogether. I cannot understand why there should be this distrust of a Minister. I do not know whether the hon. member is going to experience the same distrust from another place as I always experienced.

The Minister for Works: My experience is that the Minister is in control.

Mr. McCALLUM: That was not my experience. My experience was that the only member of Parliament unable to influence the board was the Minister. Every other member of Parliament went to the board, told them what he wanted, influenced them, and used his position as a member of Parliament. No one can say that I ever used the slightest influences either with the chairman of the board or with any member thereof, in any respect whatever. I invite the present Minister to ask either the chairman or any member of the board if what I say is not true.

Mr. Angelo: But the board always had a kindly eye to South Fremantle.

Mr. McCALLUM: There never has been any work carried out by the board in my district.

Mr Angelo: What about the Canning-road?

Mr McCALLUM: That is not in my district. I do not think the Main Roads Board ever spent a pennypiece in my electorate.

The Minister for Lands: What about the Rockingham-road?

Mr. McCALLUM: That has been carried out by the local authorities. Only since the hon. member came into office has the Main Roads Board been interested in that road.

The Minister for Lands: What about the Mandurah-road?

Mr. McCALLUM: That is not in my electorate. The hon. member recently settled an appeal against the Main Roads Board taking over that road. So what have you now? What next is there for me to answer?

The Minister for Lands: Where did the money come from?

Mr. McCALLUM: It came out of the traffic pool. The money from the traffic pool is distributed over various roads, "A" class and "B" class roads, on a chainage basis; and according to whether they are "A" or "B," the roads in a road board area are paid for at so much per chain.

The Minister for Railways: Who declares them "A" class or "B" class roads?

Mr. McCALLUM: The Minister.

The Minister for Railways: Of course!

Mr. McCALLUM: What is the implication?

The Minister for Railways: I will remind you of your own statement at the election of 1927, when you boasted that you had given to the Fremantle Road Board what had not been given by any other Minister.

Mr. McCALLUM: Because there had been such an enormous increase in traffic fees my district got more than ever before. It was then I wiped out the "C" class road, leaving only two classes, "A" and "B." So the hon. member cannot say that the Main Roads Board ever spent a penny in my electorate, or that I influenced the board in any way whatever.

The Minister for Railways: I can only say what you said yourself.

Mr. McCALLUM: Whatever I said I will stand to.

The Minister for Railways: Well, you made that boast, which I have repeated.

Mr. McCALLUM: The fact remains that I abolished the "C" class road and continued with only two classes, and put the payment on the chainage basis. And all the time I was there the manner in which the moneys were distributed was published to the whole world, whereas previously one could never find out how they were being distributed. So had there been any fault to find, the

hon. member can be quite sure that the local authorities would have protested; they would not have sat quiet if there had been anything unjust about it. I have seen a statement by the chairman of the Perth board that the Fremantle Road Board had got a dividend out of the traffic pool, although not in the district. There was a statement to make! The whole of the Fremantle Road Board's area is in the traffic pool district, and the only two main roads they have are the road to Mandurah and the road to Armadale. There are just those two main arteries, the only two main roads they have.

The Minister for Railways: Two main arteries? What nonsense! No one ever goes over the Armadale-road, beyond Bibra Lake, or at all events could not 12 months ago.

Mr. McCALLUM: Well, any one can now. It reminds me that the statement I made that the Main Roads Board had never spent a penny in my electorate is not quite accurate, for they did spend some money on that Armadale-road. But that road has been under the traffic pool ever since we have had traffic fees.

The Minister for Railways interjected.

Mr. McCALLUM: But before the Main Roads Bill came in. I think it was the member for Guildford, when in office, who brought in the original proposition dealing with the traffic pool.

The Minister for Railways: You made a road through your colleague's electorate, and called it a developmental road.

Mr. McCALLUM: There have been no roads made other than those made by the Main Roads Board. The Main Roads Board laid down the lot, and I have never yet thought to influence the Main Roads Board in any respect whatever. As I have said, my experience has been that every member of Parliament goes to the Main Roads Board and uses his influence, every member except the Minister. I have never in any way done that. But all the same, whenever anything went wrong with the Main Roads Board or with its work from one end of the country to the other, it was the Minister who was held responsible for it.

The Minister for Works: Quite right.

Mr. McCALLUM: Yes, I agree that it is quite right. But the Minister should have a responsibility under the law,

The Minister for Works: He has it.

Mr. McCALLUM: No. Under the law all that the Minister can do is to supply the money available. He has no say as to what roads are to be built or maintained. The clear understanding in this House was that the Minister was not to interfere.

The Minister for Works: The Minister has to say on what roads the money is to be spent.

Mr. McCALLUM: Of course, the Minister approves of the programme of work.

The Minister for Railways: Is not the Minister responsible for declaring any road a main road or a developmental road?

Mr. McCALLUM: Yes, on the advice of the Main Roads Board. He cannot move of his own initiative.

The Minister for Railways: But if he accepts the board's advice he has to carry the responsibility for it. Your colleague, the member for Mt. Hawthorn, has a developmental road through his electorate, the Wanneroo-road, which is just as much a main artery as any road in the Fremantle district.

Mr. McCALLUM: No. There were two roads respecting which I had difficulty in getting money within this scheme; they were the Wanneroo-road and the Welshpool-road. I have had more trouble over those two roads than over any other two roads.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. McCALLUM: During the tea hour my attention was directed to the fact that the road mentioned by the Minister for Railways as serving the district of the member for Mt. Hawthorn (Mr. Millington) is mainly in the district of the member for Toodyay. As to the Mandurah-road I am advised that a little of that work is in my district, though it is outside the Fremantle Road Board, but the greater portion of it is in the Murray-Wellington electorate. The member for Murray-Wellington (Mr. McLarty) will admit there is very little of that road in my electorate.

Mr. McLarty: That is so.

Mr. McCALLUM: A point has been made that we should have some one independent of politics to control the roads. If that policy is sound for road construction, it should be adopted for all public works. Why make a distinction between roads and railways? If any case can be made out for having roads constructed independently of

the Minister, an equally good case could be made out for our railway system. Why all this suspicion and distrust against a Minister when it comes to building roads? The Minister is the man to whom Parliament looks to expend the money. He, and not a civil servant, should control the expenditure. I entirely disagree with the fundamental principle. It shifts the control of the expenditure of public funds from a Minister, to whom the electors look to shoulder the responsibilities, to a civil servant.

Mr. Millington: It should be from responsible government to a responsible Minister.

The Minister for Lands: The board cannot expend more than £1,000 without Ministerial approval.

Mr. McCALLUM: The Minister cannot initiate any work or move of his own accord; he must have the recommendation of the board.

Hon. W. D. Johnson: Is this Parliament to be called upon to vote sums of money to the commissioner to expend.

Mr. McCALLUM: Yes; the control is to be removed from the Minister.

The Minister for Lands: It is the same with the railways.

Mr. McCALLUM: All loan funds are directly controlled by the Minister. If we are to have a commissioner instead of a board, I know of no one I would favour in preference to Mr. Tindale. He is one of the most competent and energetic public servants in the State. I have no fault to find there. I do not think this State or any other State has a more capable man for the work. But I disagree entirely with the fundamental principle of handing public funds to an official, and removing the control from the Minister who has been elected by the people to control the public purse. Broadly speaking, there are only two principles in the Bill, firstly that of abolishing the board and substituting a commissioner, and secondly the wiping out of the obligations that the local authorities accepted under the Bill passed last session. Under that measure we altered the whole basis of finance as regards the local authorities. They were given the responsibility of meeting their main road obligations out of traffic fees, and they failed to do it. The Minister proposes to wipe out that liability as from June, 1929. I do not agree with the Minister that last session's legislation was retrospective. Under the original Act the local authorities had a financial obligation, and had they honourably lived up to it, they would have set aside the money for the work. They had no right to spend it. The money did not belong to them; it belonged to the public purse. Last year's measure merely called upon them to pay from their traffic fees the percentage according to the district in which they were located, and that obligation should have been met. If the Minister proposes to release them from the obligation, well, that is a matter for him and for the Government. The financial system now proposed will obviate the bad feeling created between the Main Roads Board, the Government and the local authorities. It is a pity the system was not adopted from the outset, as was intended under the original legislation. I wish now to deal with the point raised by the Minister that he will effect a considerable saving by having one commissioner instead of a board of three. I cannot follow his argument. He said the overhead charges last year totalled £65,000 and he admitted that this year they will amount to £26,000. I do not think that is logical argument at all. I have not heard of any business calculating the efficiency of management on such a basis. If we follow that out, we might say that a man with a turnover of £10,000 and overhead expenses of £1,000, by reducing his overhead expenses to £500 with a turnover of only £600, would be engaged in a thriving business. There is only one basis on which economy or efficiency may be judged and that is the percentage of overhead charges to turnover. I wish to make a comparison in that way, and I shall use the figures the Minister quoted, because I have no means of checking them. In the first year the main roads scheme was in operation, the State Government were allowed a pretty free hand. That continued until the time the Nationalist and Country Party members of the Federal Parliament prompted the Commonwealth Government to interfere, purely for political purposes. Certain conditions had to be complied with, but they were not rigidly enforced. In the first year we spent £734,377 and the overhead charges worked out at 4 per cent. Then the Commonwealth intervened and enforced all the conditions; the change-over from day labour to contract

took place, and gradually the cost increased until the position became stabilised. According to the Minister's figures, the board spent last year £1,029,895 and the overhead charges represented 6.3 per cent. I remember one of the road conferences at which the Commonwealth called in the Treasury officials. Our accountants were present, and each State produced figures to show the administrative costs. Ours compared very favourably with those of the other States; there was not much difference between any of the States. The Minister admits that he is free of all encumbrances. The money is handed him to expend as he likes. All the expense attached to making heavy surveys, preparing elaborate plans and specifications, plus the delays in submitting proposals to Melbourne, is now obviated. Mr. Tindale made a speech to the Road Boards Conference in which he outlined a scheme we had in mind at the time, but it was impossible for him to operate it owing to Commonwealth restrictions. The Minister is now quite free from all those restrictions, and naturally we look to him to administer the fund much more cheaply than in the past. With all those advantages, however, the best he can do is an estimate of 6.3 per cent., the same percentage as last year. Where, then, is the saving? He is free of all the hampering restrictions by which we were handicapped and he is in a position to expend the money as he likes, and all he can do, after abolishing two members of the board, is to realise the figures of last year. This, too, after all his boasting. It is time the Treasurer gave the Minister a rap over the knuckles if he cannot do better than that.

The Premier interjected.

Mr. McCALLUM: We got the administrative expenses down to 4 per cent. in the first year, and it is not asking too much of the Minister to get back to that figure.

The Minister for Works: I will get it down lower than that.

Mr. McCALLUM: Parliament has a perfect right to look to the Minister to cut it down still lower. I know what Estimates are. Once an estimate is made it is difficult to get past it. The Premier has a right to see that the Minister does the work cheaper than that.

The Minister for Works: You have said the Minister has nothing to do with it, that it is a question for the board.

Mr. McCALLUM: I am taking the Minister's own words. He told the House what he was doing.

The Minister for Works: I take the full responsibility for it.

Mr. McCALLUM: If he cannot do better than that, it is a poor look out for the State, especially with all the freedom he now enjoys. If he cannot do better, it will not say much for his powers of control or administration. He should certainly not be satisfied with the figures he gave us the other night. I gather the Bill contemplates the creation of a number of expensive sub-departments. I gave an assurance to Parliament that we would use all the existing machinery of the Public Works Department and so save any duplication. I said we would not create any new branches, or set up any new heads or incur fresh expenditure. We have lived up to that. In the matter of accountancy, costs, drawings, surveys and road construction generally, and in all other respects with the exception of one, the existing departments were utilised. The mobility of the drafting room made it possible for the draftsmen there to do the work required for harbours and rivers, water supplies, etc., as well as that required for the Main Roads Board. I frequently had a struggle to live up to the obligations I entered into. Anyone who has been a Minister for some time knows that the tendency in Government departments is to create sub-departments, build up the staffs thereof, and do all those things which will tend to make the positions of the heads more important. I set myself firmly against that. The only transfer out of the Public Works Department was in respect of the correspondence. It was agreed, after investigation, that it would facilitate the administration of the Main Roads Board if the correspondence was kept apart. According to this Bill, as I read it, the contrary is intended. I would like an assurance from the Minister that he does not intend to set up a separate accountancy division, a costing division, a drafting division, and in other respects duplicate the work so as to create another Public Works Department. If we get that assurance from the Minister, I am sure he will endeavour to live up to it, as I did. With the single exception of transferring the correspondence department, which was done to expedite the work, I lived up to all I hold the House would be done.

I hope the Minister will not take the Bill into Committee to-night. I have one or two amendments to draft and submit, and I would like them to appear on the Notice Paper so that members can get a grip of them. Seeing that the Bill was only brought down a little time ago, we have had very little time in which to prepare amendments. I disagree entirely with the principle of giving any individual control of public funds. As to the question of wiping off, this is more a matter for the Government themselves to handle in their relationship with the local authorities.

THE MINISTER FOR WORKS (Hon. J. Lindsay—Mt. Marshall—in reply) [7.50]: I wish to reply to some of the remarks made by the member for South Fremantle (Mr. McCallum). When I moved the second reading of the Bill I referred to the unemployment grant. I said that the opinion of the Premiers of the other States, as well as that of Mr. Tindale and Mr. Munt, and my own, was that when this money was granted it was given as an unemployment grant and did not come out of the Federal Aid Roads chest. The hon. member said he knew about it all along. I have the files here, and will read one or two extracts from them.

Mr. McCallum: You said it was not an unemployment grant.

The MINISTER FOR WORKS: This is a report which appeared in the Melbourne "Age," "A big relief scheme," "One million pounds available from Federal roads fund."

Mr. McCallum: You have just read out the heading, "From Federal roads fund."

The MINISTER FOR WORKS: I said the other night that the money was given to us on the understanding that it was an unemployment grant and had nothing to do with the Federal aid roads fund. The officials of the Department as well as I thought so.

Mr. McCallum: You said the opposite.

The MINISTER FOR WORKS: The hon. member said this £1,000,000 was our own money, taken out of our own chest, and that they would not refund it to us. It had gone though we thought we had it to spend. It is that statement I am now replying to. "The "Age" referred to it as a big relief scheme. In point of fact, it is not a big relief scheme. It is an advance of our own money. The newspaper in question reports as follows:—

> "The immediate object of the Commonwealth Government," said Mr. Scullin, "is to reduce unemployment by arranging for £1,000,000 of accumulated road funds being immediately spent on road works without interfering with the Federal aid roads programme. The Commonwealth Government consider this will be possible without an amendment to the roads agreement."

The Prime Minister uses these words "without interference with the programme." The money was supposed to be given to us to relieve unemployment, and to have been funds within the control of the Commonwealth Government and not our own funds. I mentioned that every Premier in Australia thought the same thing. I have here a letter from the Premier of New South Wales, Mr. T. R. Bavin, and this is what he says—

> Further, in regard to the special £1,000,000 recently made available from the trust funds by the Federal Government for the relief of unemployment, it was very clearly explained both by yourself and the Federal Treasurer, Mr. Theodore, at the conference held at Canberra on the 19th December, 1929, dealing with the matter, that the expenditure of this £1,000,000 was not to interfere with the programme of works.

Mr. Bavin sent me a copy of that letter. I have here the copy of a letter sent by the Premier of this State to the Prime Minister wherein he quotes Mr. Theodore's speech which says—

> I emphasise the point made by the Prime Minister that we have no intenton of dislocating the five-year programme of the States. We do not desire to interfere with that in any sense. It has been laid down after very careful consideration, and it should be completed. We can quite see that inconvenience would follow any interference with it. Our object in proposing the use of this money under these conditions is to supplement the activities already in hand.

All the correspondence on this file is devoted to that question. I have the reply of the Prime Minister here. At the conclusion of his reply to the Premiers of Australia he said that the £192,000 was our money out of our chest which had accumulated, and that he did not intend to give us the £192,000 for this financial year though we had asked for it. He did say, however, that the Commonwealth Government had extended the agreement for six months, making the total period 10½ years, in order that we might get that money then. That is what

I told the House before. The hon. member also dealt with the financial position. His statement was correct when he said that we were allowed to make up the £192,000—a good deal of it on group settlement—so that we would not have to spend out of State funds another 15s. in the pound. The position, however, is not exactly as stated by him. I agree there was £100,000 available when I took office, but I have spent nearly £150,000 *more since then*. The actual position on the 30th June last was that the deficit at the end of that month was £183,000. It was made up in the following way. There was the sum of £111,000 on the 21st February last that the State was supposed to borrow, but the State could not borrow the money and it therefore could not be paid in. That £111,000 was spent. There was £72,000 actually shown as the difference between the figures. In addition to that there was the sum of £22,000 to provide a sinking fund for the previous loan moneys spent on roads. I stated that the money available and spent this year because of that deficit was £299,000. The hon. member talked about the Minister not having control. I thought I had been in control of the Main Roads Board since 24th April. There was no question about it in my mind. Every day Mr. Tindale is discussing problems with me, and he has never suggested I was not in control. During the years when the member for South Fremantle was Minister for Public Works there can never have been any thought that he was not in control, and the Chairman of the Main Roads Board could never have advanced such a suggestion. True, I may not have said to Mr. Tindale that he could not spend money here and there, but every proposal for the expenditure of money is first discussed with me. I take full responsibility as Minister in charge under the Main Roads Act. The Act is quite clear. It sets out the powers and duties of the Commissioner. He certainly can spend money, but cannot spend more than £1,000 without the approval of the Minister, and he does not do it. There is another section which says that the Commissioner, before recommending to the Government that any road be declared a main road must submit maps, plans and estimates to be approved by the Governor.

Mr. McCallum: You are reading from the Bill now.

The MINISTER FOR WORKS: I am replying to the hon. member's statement.

Mr. McCallum: You should say what the law now is.

The MINISTER FOR WORKS: It is the same as the Act itself.

Mr. McCallum: It is not.

The MINISTER FOR WORKS: The wording is not altered. If this had to be carried out in its entirety, it would not be possible to do the work. Always every day in the week I have submitted to me huge lithographs which have to go to the Titles Office after having been signed by me. If the Act were carried out in its entirety it would mean that for every pound spent plans and specifications would have to receive the approval of the Governor or of Cabinet. That would be ridiculous. As regards the other portion, no contract involving an expenditure of more than £1,000 can be entered into without the Minister's consent. In the circumstances I hold that the Minister has full control. The hon. member mentioned the Fremantle-Mandurah road, as to which there has been some cross-firing. The Fremantle Road Board is in the Metropolitan Traffic Trust, and the board's fees are collected by the Commissioner of Police. Like all other boards in the metropolitan area that are similarly circumstanced, the Fremantle Road Board received a certain amount of money back. Now, as mentioned by the hon. member, a deputation from the board waited on me. Why? Because I declared the Fremantle-Mandurah road a main road. I did that because I found that the Fremantle Road Board during the last five or six years had received from the Metropolitan Traffic Trust an average of £3,504 per annum. The road should have been declared a main road right up to the boundary of the municipality, as in the case of the Armadale road. In my opinion that amount of money should not have been allotted. I considered it far too much for the maintenance of that section of the road. My estimate would be £1,000 per annum. The hon. member said a good deal about economy. I have not before me the figures on which I based my previous speech, and therefore I cannot say whether the hon. member's figures are correct. Economies have been effected, however, in more ways than one. Unnecessary plans and specifications have been done away with. Further,

I assure the House that if costs can be cut any more, they will be cut. They have been cut, in the re-organisation, from £65,000 in one year to £26,000 in the next. There were 59 draftsmen and engineers employed; under the scheme of re-organisation 21 are left. The clerical staff numbered 49, and 21 remain. One of my first acts was to scrap 16 motor cars, thereby effecting a saving of £5,000 a year. I again assure the member for South Fremantle that so far as I am concerned the money available will be devoted to road work.

Mr. McCallum: You are still a long way ahead of my figures, anyway.

The MINISTER FOR WORKS: I have £417,000 a year to spend, and my estimated overhead charges are £26,000.

Mr. McCallum: That is over 6 per cent.

The MINISTER FOR WORKS: During the last four years the average expenditure was £798,000, and last year overhead charges were about £65,000, and the previous year about £68,000. For the last three years those charges have averaged considerably over £65,000. I have cut the overhead costs down materially.

Mr. McCallum: You have not cut down the percentage.

The MINISTER FOR WORKS: If it can be cut any further, it will be cut. The hon. member said that I had not in the past taken action to get the agreement amended. But the hon. member must know that that statement is not quite correct. When the Act had been in operation for about a year, the organisation of which I am a member invited Mr. Hill, the then Federal Minister for Works, to visit Western Australia. I saw Mr. Hill privately. On the following day, I went with a deputation from the Road Boards Executive and put up five points to him, points which are in operation to-day. Shortly after, I took the member for Kalgoorlie (Mr. Cunningham) to my district and showed him a road being made by the board. The hon. member was then a Minister, and I requested him to see Mr. McCallum with a view to getting that road cut out, as representing unnecessary expenditure. The member for Kalgoorlie did as I asked. The next development was that each road board in my electorate received a letter asking whether the board was in favour of the five points to which I have referred. The annual conference of road boards was just then being held at Wyalcatchem. I attended the conference and put up the five points, which were adopted unanimously. Then I was one of a deputation which waited on the Minister for Works of that day in Perth, and put the five points up again. One was that plans and specifications should be cut up, and that the work should be done by contract. The Minister was known as a supporter of day labour. He had two engineers in a room with him, and he said, "If my engineers cannot do the work as cheaply by day labour as it can be done by contract I will sack them and get others who will. The policy of the Government is day labour." Though the member for South Fremantle says I have taken no action, I maintain that I have taken all the action possible. I think the previous Minister for Works attended the 1930 Road Boards Conference.

Hon. M. F. Troy: Some of your contract roads have been slummed.

The MINISTER FOR WORKS: Maybe.

Hon. M. F. Troy: I am sure of it.

The MINISTER FOR WORKS: There may be faults. If there are, they will be rectified as speedily as possible. I think I have dealt with all the points raised by the member for South Fremantle. If I suggested that I had made the agreement, I apologise. That was done at the 1930 Premiers' Conference. The Prime Minister and the heads of the various State Governments agreed that the terms should be altered. The Prime Minister stated that it was not the duty of any Federal Government to deal with roads. I agree. He also said that the Act must be amended. He sent an agreement to Western Australia, an agreement to be signed by the Federal and Western Australian Governments. It was sent on to me, and I approved of it; and it has gone back to Canberra. However, it has to become an Act of Parliament.

Mr. McCallum: On both sides.

The MINISTER FOR WORKS: Money can now be spent in accordance with our own Act. I assure the House that it will not be spent in the metropolitan area. The Act distinctly lays down what a developmental road is, and what a trunk road is. A developmental road opens up new [illegible]

try: a trunk road connects important towns. I shall observe the spirit of the Act, and use the money for opening up and developing the country, especially outback. I hope that my reply has cleared matters up. During the last couple of years the member for South Fremantle has used his utmost efforts to get the agreement amended I do not blame him for mistakes made. He could not help himself any more than could the Chairman of the Main Roads Board. I hope the second reading of the Bill will be carried.

Question put and passed.

Bill read a second time.

House adjourned at 8.10 p.m.

Legislative Council.

Tuesday, 23rd September, 1930.

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

STANDING ORDERS.

Report of Committee Adopted.

HON. A. LOVEKIN (Metropolitan) [4.35]: Hon. members will recollect that towards the end of last session the House, by resolution, requested the Standing Orders Committee to consider the operation of the existing Orders with a view to recommending any amendments that might be thought desirable. In furtherance of that resolution, the Standing Orders Committee met and decided to make certain recommendations, which the President has placed before us in a report he laid on the Table. As the President cannot very well move the adoption of his own report, the Committee requested me to undertake the duty. May I say, at the outset, that the Committee appreciate the infinite pains that the President, as Chairman of the Committee, has taken in the preparation of the various amendments, which are now before hon. members in full on the Minute Paper. I have no doubt the House will also feel its indebtedness to you, Mr. President, for your work. The raison d'etre of the resolution last session was that one or two matters had arisen on which there was some difference of opinion. In one instance this was between the Legislative Council and the Legislative Assembly in connection with the Criminal Code Amendment Bill. It has been the practice of this House almost from time immemorial that when a Bill reaches us from another place, and is what I might call an open Bill, such as, for instance, a Bill to amend the Licensing Act, the Municipalities Act, or the Criminal Code, and not a Bill to amend a particular section of an Act, for this Chamber to exercise the right to amend such open Bill in any particular hon. members might deem fit. I ask hon. members to follow me in my references to the proposed alterations and to watch the different recommendations that appear on the Notice Paper in full. By Standing Order 191, any amendment may be made to a Bill provided that it is relevant to the subject matter of the measure, but by Standing Order 309, instructions may be given to the Committee to consider amendments that are not relevant to the subject matter of the Act proposed to be amended. The Legislative Assembly's Standing Order 277 also enacts that any amendment may be made by that House, provided that the amendment is relevant to the subject matter of the Bill, or pursuant to any instructions given to the committee. Order 391 of the Assembly's Standing Orders is different from our own with reference to instructions in that it provides that instructions given to a committee must be limited in the conferring of powers to the making of amendments, which are relative to the subject matter of the Bill. Thus in a Bill to amend, say, the Licensing Act, which has been introduced to limit the opening and closing hours, we might under our Standing Orders add a clause prescribing