Legislative Assembly.

Wednesday, 2nd November, 1938.

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

QUESTION—UNIVERSITY.

Agricultural Science and Junior Certificate.

Mr. SAMPSON asked the Minister for Agriculture: 1, Is he aware that the University has decided to delete Agricultural Science as a subject qualifying for the Junior Certificate? 2, What are the reasons for the decision? 3, Does he consider it wise and well justified? 4, Is he aware that the syllabus was devised by Professor Paterson, first Professor of Agriculture, and an outstanding authority on this subject? 5, Has he been advised that a vigorous protest expressed by the Teachers' Union has been disregarded? 6, Having in view the large dependence of Western Australia on agriculture, does he not consider that the deletion of agriculture as a subject, without adequate substitute, is a retrograde move?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, The Professor of Agriculture objected on the grounds that there was little or no agricultural science in the subject. To a committee of the Inspectors' Institute the Professor expressed willingness to consider any syllabus under the title of "Elementary Agriculture." 3, I would prefer to see Agricultural Science included. 4, Yes. 5, Yes. 6, See answer to No. 3.

QUESTION—NATIVE ADMINISTRATION ACT.

Children's Cottage Home—Quarter-castes.

Mr. NULSEN asked the Minister representing the Chief Secretary: 1, Has the Children's Cottage Home, Queen's Park, been declared a Native Institution? If so, why? 2, Are quarter-caste children subject to the Native Administration Act? 3, Is the superintendent of the Cottage Home, or are the trustees, free to procure situations for girls and boys under their charge, and to change the situations for others if they think fit? 4, Will quarter-caste girls and boys over the age of 21 be able to marry whom they like, exactly as white boys and girls can do? 5, Must quarter-caste girls and boys have permits for city and towns? If so, why? 6, Are quarter-castes appearing before a magistrate allowed legal assistance?

The MINISTER FOR JUSTICE replied: 1, It has been declared an institution in accordance with Section 2 of the Native Administration Act to enable the department to assist and co-operate with it. 2, Yes, except as provided in Section 2 (b) (i) of the Native Administration Act. 3, Yes, subject to the Commissioner's consent while they are under 21 years of age. 4, Yes, after they are 21 years of age. 5, Those under Sister Kate's charge would not, neither would those who are not natives in law. In certain circumstances others might where such a system is in operation. 6, If they are over 21 they can do as they like. If under 21 it would depend upon circumstances, but the department would provide legal assistance if necessary.

QUESTION—EDUCATION.

Teachers' College, Junior Lecturer.

Mr. STUBBS asked the Minister for Education: With regard to the position of junior lecturer at the Teachers' College, advertised in the "Education Circular" for September-October, 1938, will he inform the House: 1, Whether the successful applicant for this position will be required primarily to instruct trainees in the work pertaining to one-teacher country schools? 2, Why the Director of Education deems a Diploma in Education a necessary additional qualification when this diploma may be obtained by very young men and women whose experience does not extend beyond a few months' monitorship, and in some cases not even to

that? 3, Will the absence of the additional qualification debar thoroughly experienced and efficient country teachers with other high academic qualifications from obtaining the position? If so, how will this be in the best interests of our Education Department? 4, Does the Director of Education intend that the successful applicant shall be employed in any way on purely University work such as the Diploma of Education? 5, If the preceding question is answered in the affirmative, will the Director state explicitly the work to be done by the successful applicant at the University and by whom he will be paid for such work?

The MINISTER FOR EDUCATION replied: 1, No. 2, A lecturer in Education should have the highest theoretical qualifications which can be obtained in the State. 3, Answered by No. 1. 4, No. 5, Purely a Teachers' College official, and nothing to do with the University.

EDUCATION SYSTEM SELECT COMMITTEE.

Extension of Time

MR. BOYLE (Avon) [4.36]: I move—

That the time for bringing up the select committee's report be extended for three weeks.

The members of the committee have been ready for the past fortnight to go on with their work, but the "Hansard" staff has not been available. A Royal Commission, which I do not think should come before a select committee of this House, has engaged the attention of "Hansard" for a considerable period. The select committee has found itself in the unfortunate position of being told by the "Hansard" staff that none of its reporters can be made available to report the select committee's proceedings. It is no fault of the committee that its members are not well on with their work.

Question put and passed.

BILL—WHEAT PRODUCTS (PRICES FIXATION).

Introduced by the Minister for Lands and read a first time.

MOTION—COMPASSIONATE ALLOWANCE.

The late Paul Casserley's Dependants.

MR. LAMBERT (Yilgarn-Coolgardie) [4.38]: I move—

That in the opinion of this House, the Treasurer should make a substantial compassionate allowance to the widow and children of the late Paul Casserley, who lost his life in an heroic attempt to rescue a fellow-worker overcome by fumes in a mine at Edwards' Find outside of Southern Cross.

I do not know that it would serve any very definite purpose were I to attempt even in the slightest degree to stress the tragic circumstances that led to the loss of the life of this heroic miner, other than to say that by his death he has inscribed his name on the list of hundreds of miners, who, if degrees of heroism could be compared, would rank in point of distinction with men who sacrificed their lives under any other circumstances. The details of Mr. Casserley's sacrifice must be fresh in the minds of most members. The industry has a noble record of miners prepared to go down below and risk their lives for the chance of saving a mate from certain death. It is not asking too much of the Government that a substantial contribution should be made towards the support of the widow and children of Mr. Casserley. When a young husband loses his life in such circumstances, the least the community can do is to grant a compassionate allowance commensurate with the situation of the widow and orphans.

MR. FOX (South Fremantle) [4.40]: I second the motion. In my opinion, the Government and the people of Western Australia should show, in some tangible form, their appreciation of the heroic deed performed by Mr. Casserley. This appreciation could be expressed in no better way than by the raising of a sum of money sufficient to maintain the widow and children of the late Mr. Casserley until each of the children attains the age of 16 years. That is the least we should expect of the people of Western Australia. Mr. Casserley sacrificed his life for a fellow worker in an attempt to rescue him from a winze laden with poisonous fumes. No man knew better than Mr. Casserley the risk he was taking when he got on the bucket to go down the shaft to rescue his mate; never-

theless, he did not shirk what he felt to be his duty, because he well knew the imminent danger his mate was in. Obedience to duty at all costs and all risks is the essence of our civilisation and when the call came to Paul Casserley he was not found wanting. He gave his life in an attempt to save the life of another. He might have been justified in hesitating and refusing to take the risk, but he did not do so. Had he failed, he would have been haunted for the rest of his life with the thought that possibly, had he taken the risk, he would have succeeded in saving his mate. He was unable to stand at the mouth of the shaft doing nothing, and so decided to make the attempt. Soldiers on the battlefield, amid the flash of bayonets and the boom of guns, often take risks and perform heroic deeds, even sacrificing their lives, for their country. But here the circumstances were altogether different. Everything was quiet and Mr. Casserley had time to consider what he was doing; in spite of that, he took the risk and lost his life in the attempt. None knew better than he when he started to ascend the shaft that the danger was not over; he was aware that when he came near the surface where the air was less dangerous, there was grave danger of his losing his hold, because a man who has been for some time in air charged with gas is likely to collapse when he gets into fresh air. One can imagine this man's feelings when he found himself weakening as he neared the surface and knew that he could not reach it except by a miracle. I trust the Government will recognise this heroic deed. I know that money is no compensation for the loss of a husband and father. I knew Mr. Casserley and can speak feelingly on the matter. He was a fine citizen and a good comrade. He deserves something more than the tears of his widow and aged mother on his grave. I hope that as a result of this motion a sum will be raised sufficient to place his widow and children beyond want until his children each attain the age of 16 years.

MR. LEAHY (Hannans) [4.45]: I support the motion. I have been associated with the mining industry for many years and was also friendly with the late Mr. Casserley, and knew the good type of man he was. So that the House may realise to the fullest extent his heroic action in descending the shaft to go to the assistance of a man whom he did not know at the time, I would point out there are two types of gas which occur in all winze sinking and developmental work. Both types of gas are exceedingly dangerous. The average miner, however, would not stop in the circumstances to consider the presence of the fatal gas, carbon monoxide. Anyone who has been associated with mining well knows that carbon monoxide is a gas so deadly that there is little chance of recovery if one becomes affected by it. Mr. Casserley did not stop to consider that fact; he simply went to the assistance of his mate. Such deeds make heroes throughout the world, and are worthy of the award of the coveted V.C. decoration. At all times a miner is subject to disaster such as that which occurred near Southern Cross at Edwards' Find. Yet miners are prepared at any moment to go to the assistance of their mates in danger. I sincerely hope the Government will consider the advisability—I know the Minister for Mines has already given the matter consideration—of making provision at all mines against accidents of this kind. Throughout the Golden Mile outfits are provided that afford reasonable security to a man going to the assistance of a mate in similar circumstances; but, unfortunately, that is not so in the outlying mining districts. The Minister for Mines has, I know, issued instructions for gas masks to be provided at all small mines, as well as at the larger mines. I am pleased the Minister has decided to make a regulation to that effect. I trust the Government will seriously consider this matter and render assistance to Mr. Casserley's dependants. I feel sure the people of the State will appreciate this heroic deed.

On motion by the Premier, debate adjourned.

MOTION—WORKERS' COMPENSATION ACT.

To Disallow Regulation.

MR. McDONALD (West Perth) [4.50]: I move—

That regulation No. 19, made under the Workers' Compensation Act, 1912-1934, as published in the "Government Gazette" on the 30th September, 1938, and laid on the Table of the House on the 12th October, 1938, be and is hereby disallowed.

A similar motion has been moved in the Legislative Council and partly debated there, and I do not want to take up time in duplicating the discussion on this subject. I feel, however, that I should say a few words as to what is involved. The Minister has tabled 19 regulations, of which the first 18 are an improvement on the regulations at present in existence. They deal with medical referees and other subjects. The 19th regulation, however, deals with a different matter. With the objective the Minister had in mind, I think the whole House will agree. The aim, no doubt, was to deal with the employer who unreasonably terminates weekly payments of compensation to a worker and a regulation to that effect might well be supported, because although I do not believe that kind of thing happens very often, it would be very much against everybody's conscience if an employer or an insurer did so terminate weekly payments of compensation unfairly, and possibly with the idea of forcing, or trying to force, the worker to accept a lump sum payment in satisfaction of his claims. That would be something nobody could possibly palliate.

The regulation, however, is not in those terms. In effect, it provides that the employer must, week by week, pay compensation to the worker, and in default of doing so he becomes liable to prosecution and a penalty of £10. If the worker has produced a certificate from his medical practitioner as to the probable duration of the incapacity, it appears to be an offence under the new regulation if the employer fails to make a weekly payment during the period of probable incapacity set out in the certificate of the worker's medical attendant. The worker may be examined by other medical men, and their opinion may differ from that of his own medical attendant. His medical attendant may think the man is still suffering from the results of the accident, whereas two or three other reputable medical practitioners may be firmly of the opinion that the worker has recovered from the effects of his accident, and is thus able to return to work. Under the regulation, however, the liability of the employer to prosecution seems to depend upon compliance with the certificate of the worker's medical adviser. While due weight should be given to that certificate, it does not seem reasonable on principle that more weight should be attached to the certificate of the worker's medical adviser than to the certificate of the employer's medical adviser. It would be very hard if the worker's situation were to depend solely on the certificate of the employer's medical practitioner, or the practitioner engaged by the employer, and on principle it would seem also undesirable that the employer's liability to prosecution should rest, as it appears to do under the regulation, solely on the certificate of the worker's medical adviser.

Quite apart from the question of the continuity of the incapacity of the worker, the right to terminate weekly payments of compensation may arise from other circumstances. For example, evidence might come to the employer that the injury had been self-inflicted. Even if the worker's medical adviser had said he would be incapacitated for the next three months, it would be very hard to tell the employer he had to keep on paying, if he had reasonably good evidence that no payment should be made. Again, the worker may be receiving payment on account of the number of children he has, and evidence might come to the employer that he did not, in fact, have that number of children. Or, maybe the worker would be receiving payments of compensation based on his earnings during the previous 12 months, and evidence might be produced that those earnings had not been as great as the employer was originally informed. All these would be good causes to review or terminate the payment of compensation. It must be borne in mind that the worker, in any event, has a civil remedy the moment compensation is terminated. If the worker thinks that the termination of the payment is unjust, he can, the following day, issue a summons in the local court and have the matter determined by a magistrate.

I ask the Minister to review regulation No. 19 and I feel that if he does so he will agree that, in its present form, it is not fair and reasonable. If the Minister withdrew the regulation and substituted one to the effect that if the employer terminated weekly payments without just cause he should be liable to prosecution and to a fine up to £10, that would be reasonable, and I would support it. I hope the Minister will review the regulation, with the idea of substituting one that would more fairly meet the case, and would not penalise the bona fide employer who has reason to terminate the pay-

ment of weekly compensation pending a determination of his liability to continue it.

On motion by Hon. N. Keenan, debate adjourned.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Third Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [5.0]: I move—

That the Bill be now read a third time.

MR. CROSS (Canning) [5.1]: I was rather surprised that the second reading should have been allowed to slide through as easily as it did. Last year there was an objection raised to the continuance of this legislation, the object of which is to protect a certain section of the community. At the same time it penalises another section. The Act has been in operation for seven or eight years, and we know that there are people that have money invested and, because of the existence of this law, are unable, or perhaps I should say, it is difficult for them, to secure its return. Those who are deriving benefit from the Act could, if they wished, secure finance in other quarters, and possibly at a cheaper rate. In any case, the interest rate would not be any greater than that being paid by them now. To meet the position, some indication of the termination of the legislation was given when the measure was before Parliament last year by the inclusion in Section 2 of the Act of the words, "The principal Act shall remain in force until the 31st December, 1938, and no longer." Surely that meant that the end of December of this year would see the termination of this particular statute. At any rate, that is what I thought. Now we propose merely to change "1938" to "1939," and carry on the law for another year. We also permit the words "and no longer" to remain. I should like to know the real meaning of those words "and no longer." Hon. members may laugh, but I assure them it is not a laughing matter for a section of the community that is suffering because of the existence of this legislation. I should like to know how much longer it is likely to remain in force, because the people who are obtaining protection under it should be given a reasonable amount of time to make other arrangements. I enter a protest on behalf of the people I represent, people that are suffering as a result of the continuance of the measure. The apparent intention of the Act has not been carried out. That is to say, Section 2 has already provided that the legislation shall terminate on a certain date, and to emphasise the position, the words "and no longer" are added. What is the real meaning of those words? Have they any meaning if we propose to insert them year after year? We are not giving a fair crack of the whip to every section of the community.

Mr. Raphael: Does that apply to starting-price bookmakers?

Mr. CROSS: The Act is inflicting grave hardships on some of the poorer and older people of the community, those possessing only a few hundred pounds on which they had hopes of living to the end of their days. The existence of the statute affects their old age pensions, because they are not able to get the full amount to which they should be entitled.

Mr. Sleeman: What about the people that are getting relief under this legislation?

Mr. CROSS: The hon. member knows that to-day it is possible for those people to obtain cheaper money if they want it, cheaper than the rate at which they are getting it with all the protection that the Mortgagees' Rights Restriction Act gives them. Trustee companies have considerable sums of money to invest, provided the security is good, and we know that the security is good, because those companies make sure of that before they make an advance. Those that are being penalised are the people with only a few hundred pounds, representing perhaps their life savings.

Hon. C. G. Latham: What rate of interest do you think the mortgagors would be paying?

Mr. CROSS: Most of those protected by the Act would pay probably 6½ per cent., and we know that it is posible to borrow money at 5 per cent. Thus no undue hardship would be inflicted if the measure ceased to exist.

Mr. Raphael: Where can you borrow money at 5 per cent?

Mr. CROSS: From trustee companies. I am raising my protest at this late stage in the hope of being able to find out whether the Act is likely to remain in force for another year, or for ten years. I am aware that many agriculturists are tied to the

chartered banks, but that is not the position in the metropolitan area. Therefore some protection might be given to those in the agricultural districts. Metropolitan investors, however, should be given some indication of the time when they are likely to obtain relief.

MR. NORTH (Claremont) [5.7]: I support the remarks of the member for Canning, because I too have had four or five complaints from people in the district I represent, people who wish to get their money released from mortgages. I am aware that those who have mortgages in the country must have them continued. But it might be possible for this House and another place to arrive at an agreement whereby the measure could be made to apply, not throughout the State, but only to the country districts. It is worth while giving consideration to the idea that the legislation should continue for a period in respect only of the country districts. I would support such a proposal.

HON. C. G. LATHAM (York) [5.8]: If there is cheaper money available a person can make application to the court—that is if he has the money to enable him to get there. That is the obstacle in the way of some of the old people to whom the member for Canning has referred. I do not believe that cheap money is as readily available as the hon. member would have us believe. I have attempted to raise money to release some of the aged people, but I have not found it an easy matter. The hon. member talks airily about what we ought to do, but when we attempt to carry out what he suggests we should do, difficulties present themselves. Possibly the hon. member is right in voicing his views and if we can get for those aged people the money that they have set aside for their declining years, we should do so. The trouble, however, is that it is not easy to do so. The Premier once stated that it might be necessary to amend the law so that the mortgagor would have to make application instead of the mortgagee. Even then a great deal of hardship would be created for those who happen to be the mortgagees. So the whole matter is not capable of simple adjustment. I commend the hon. member for the views he has expressed but I repeat that the solution is not simple.

MR. HEGNEY (Middle Swan) [5.10]: I am not in agreement with the member for Canning and what he suggests would be a wrong attitude to adopt. While there may be a few cases of hardship in connection with the application of this law, in the main most of the people who come under it are workers in the metropolitan area, and they would be involved in difficulties if the legislation were lifted. Take the case of a worker who had a contract at the time the depression set in when rates of interest were from 7 to 9 per cent. On a weatherboard home the interest would be 8 per cent. and with the 22½ per cent. reduction that would mean 4s. 6d. in the pound. Thus a person who had a contract to repay the principal on the basis of 8 per cent. obtained a reduction of 36s., which would bring the interest rate down to £6 4s. Even that would be fairly high and the worker would still be struggling to pay it. The Act provides for a reduction of 22½ per cent. and the same thing applies in connection with brick properties. In 1930 the interest rate on such properties was 7 per cent. Now, with the protection afforded, the rate is reduced to a little over 5 per cent. So I think the time is not ripe to lift this legislation. Not only would such action have its repercussions amongst the wage earners, but also amongst the farmers. The Minister might be able to indicate when the legislation will be terminated, though I do not suppose he is in a position to forecast the economic conditions that are likely to be experienced in the future to the extent of enabling him to say when this statute will no longer be re-enacted. We know what the prospects in the agricultural districts are and also that the pastoralists are no better off, whilst many workers who entered on obligations to provide homes for themselves, are still out of employment. If the Act were not continued, they would be involved immediately. Many workers in the Inglewood, Bayswater and Greenmount districts would, I am sure, be in difficulties if this law were discontinued. Whilst many hardships may occur in the opposite direction, we have to do the greatest good for the greatest number. I am opposed to the point of view advanced by the member for Canning (Mr. Cross), and will support the third reading.

MR. THORN (Toodyay) [5.16]: I agree with the views of the member for Middle

Swan (Mr. Hegney), and am surprised at the change of front displayed by the member for Canning (Mr. Cross) who says he wants to give everyone a fair deal. Evidently he has been going round in a circle, and has now come to a different point. The Act provides that people may approach the court if they think they can get their money back. Reference has been made to those who were badly affected at the beginning of the depression. I live in the electorate of the member for Guildford-Midland (Hon. W. D. Johnson).

The Minister for Mines: What has he done to deserve that?

Mr. THORN: I know of ex-employees of the Midland Junction workshops who were getting on in years, and were retrenched during the depression. Had it not been for the protection afforded to them by this legislation, they would have fallen into difficulties. The Act was brought in to protect people of that description, as well as men on the land. No doubt there are numerous elderly people in the Guildford-Midland and Middle Swan electorates, who are looking eagerly towards this House for a re-enactment of this particular law. The Act is the only protection they have. I am surprised at the attitude adopted by the member for Canning.

MRS. CARDELL - OLIVER (Subiaco) [5.18]: It is not often I wholeheartedly uphold the member for Canning (Mr. Cross), but I do so this afternoon. Last year I spoke upon a Bill similar to this and expressed certain views. Those views are my views to-day. We have continually heard during the discussion that the Act provides for people who suffer under it, that as soon as they do suffer they can apply to the court for relief. It is very difficult for many people to apply to the court. Last year I saw an account from a solicitor who charged over £60 for getting quite a small mortgage liquidated.

Hon. C. G. Latham: How much?

Mrs. CARDELL-OLIVER: The account was for over £60. I can show the receipt to the hon. member.

Mr. Raphael: You do not suggest that any lawyer would be dishonest?

Mrs. CARDELL-OLIVER: It is said that the same work could have been done by other solicitors for £7. Some elderly people have not even £7 to spare, and are living upon their friends or charity. All they have is tied up in some particular mortgage. The member for Canning is right in his deduction about the inclusion of the words "no longer," indicating that after the lapse of a certain period the Act should cease to exist. I hoped that some member would make a reference to this yesterday, but somehow the Bill was rushed through in the usual manner, and we now find ourselves debating the third reading. I am glad the member for Canning has made this protest, but it is no use any member making a protest unless he follows it up with some suggestions. This legislation should not apply to the whole State. Possibly residents in the country might suffer if the Bill were not passed, but those in the metropolitan area are in a different position. The Government should bring down a special Bill to deal with the metropolitan area. Failing that, it could perhaps buy the assets of the poorer people, and take over their mortgages. I refer particularly to people over 60 years of age, whose estates are worth under £1,000, and who can get no old age pension. It should be the responsibility of the Government to look after such persons.

Mr. Raphael: Do you know that you are advocating socialism?

Mr. Patrick: The Workers' Homes Board might take over such mortgages.

Mrs. CARDELL-OLIVER: The Government should do something to relieve these people. It is useless to say they can apply to the court when they have not the money with which to do so.

Hon. P. D. Ferguson: Have not individuals in the metropolitan area derived benefits from the Act?

Mrs. CARDELL-OLIVER: Some have done so, but many have suffered because of it. I am specially concerned about those who are over 60, and have less than £1,000 tied up in a mortgage, that being their all. I reiterate, the Government should help those people.

MR. RAPHAEL (Victoria Park) [5.20]: I hope the third reading will be carried. It was not my intention to speak but for the remarks of the member for Subiaco (Mrs. Cardell-Oliver). She suggested that extreme hardship was being inflicted upon those who could not obtain old-age pensions

because they possessed certain assets. She quoted instances of lawyers having charged exorbitant fees for rendering only small services.

Mrs. Cardell-Oliver: I said one lawyer did.

Mr. Sleeman: That matter should have come before the select committee.

Mr. RAPHAEL: Yes, and possibly some of the overcharge would have been returned to the client. People who are in indigent circumstances have nothing to fear when it comes to seeing a lawyer. At the Supreme Court is an officer who gives free service, attention and advice to those who cannot afford to engage a solicitor. The member for Canning made special reference to the use of the words "no longer" in respect to the duration of this legislation. Many Bills contain similar words to indicate that such and such measures will endure for two, three or six years and no longer. The hon. member also said that money was available at five per cent. It is very difficult to get money for mortgages in Victoria Park at five per cent. For wooden properties the rate of interest would not be less than eight per cent. and for brick properties from 6½ to seven per cent. Banks will not lend money at less than six per cent. unless there is an extremely good guarantee behind the mortgage. Some 12 months ago it was fairly easy to raise money from the banks, but since then they have tightened up materially and it is almost impossible to get advances from that source. The people about whom we are talking, because the banks have tightened up so much on their lending policy, would experience great difficulty in raising the necessary money to replace existing mortgages; unless those concerned were ready to pay a higher rate of interest. No doubt the member for Canning has voiced his opinion from conscientious motives, but I hope members will realise that money is not available as readily as it was 12 months ago, and that in all the circumstances it is advisable to continue this legislation.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet—in reply) [5.25]: I protest against the statement of the member for Subiaco (Mrs. Cardell-Oliver) that this legislation has been rushed through. It has been on the notice paper for at least a month.

Hon. C. G. Latham: The hon. member was in the Chamber last night when the Bill was discussed.

The MINISTER FOR LANDS: Members have been given the fullest opportunity to discuss the Bill. Possibly since last night approaches have been made to them from new directions. I, too, have been approached with respect to this legislation. I know some people have taken advantage of it in a way that was not expected, but certain individuals will always take advantage of any concession that is given to them. Having regard to the larger aspects associated with this question, the Government feels that the Act should be continued for another 12 months. If members did not like this legislation, they had the fullest opportunity to say so. They could have moved to refer it to a select committee, and by that means have obtained information that is not available to me or to the Government. There would have been plenty of time in which to make the fullest investigation. I feel sure there must be instances in which mortgagees are having a bad time; on the other hand, with the position as it is, there must be many more people who would have a particularly bad time but for this legislation. Western Australia is in danger of falling into the difficulty in which it found itself in 1931. The Leader of the Opposition said the principal obstacle that prevented people from making application to the court was lack of funds. That position has always appertained in respect to these matters, and is nothing new. It has been the trouble from the beginning. If that is the only objection to the passage of this Bill, then it should have been raised at the outset. I regret the necessity for this legislation, which does not appeal to me, but all things considered, the Government feels that it must ask Parliament to re-enact it.

Question put and passed.

Bill read a third time, and transmitted to the Council.

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

Read a third time, and transmitted to the Council.

BILL—LAND TAX AND INCOME TAX.

Returned from the Council without amendment.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Reports of Committee adopted.

BILL—WORKERS' HOMES ACT AMENDMENT.

Report of Committee adopted.

BILL—COMPANIES ACT AMENDMENT.

In Committee.

Resumed from the 19th October. Mr. Sleeman in the Chair; Mr. Sampson in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 3 had been struck out.

Clause 4—Requirements as to prospectus:

Mr. SAMPSON: As the clause is supplementary to Clause 3, which was defeated, I hope the Committee will strike it out.

Clause put and negatived.

Clause 5—Restrictions on offering of shares for subscription or sale:

Mr. WATTS: I move an amendment—

That in line 3 of Subclause (1) the word "purchase" be struck out and the word "sale" inserted in lieu.

We have defined "sale" as including exchange, and so the amendment will not alter the meaning of the clause.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That the following proviso be added to Subclause (1):—"Provided that this subsection shall not apply to shares in a company to which the Registrar of Companies has granted a certificate of exemption from the provisions of this subsection. Such exemption may be in respect of the whole State or any particular district or districts thereof to be specified in the certificate and may be for a specified period only.

The Registrar shall not grant any such certificate unless he is satisfied that it is necessary and desirable for local or special reasons to grant it.

Every person acting under any such certificate shall produce the same or a copy thereof certified as such by the Registrar of Companies to any person to whom he is offering shares, and permit such person to inspect such certificate or certified copy thereof."

During the second reading debate I gave my reasons for the proviso. Obviously, if we are to prohibit house to house offering of shares for sale, without any possibility of exemption from the application of Subclause (1), grievous harm may be worked upon certain country companies that are floated for local purposes and for which canvassing is essential if the concerns are to function for their various purposes. This portion of the measure will also have a bearing on co-operative companies of which quite a number are doing useful work in the country districts. Furthermore, the Registrar of Companies should be in a position, if he thinks circumstances warrant his doing so, to give a certificate of exemption from the provisions of this clause. Unless some such procedure is set out, undoubtedly hardships will be inflicted from time to time. I regard the inclusion of the proviso as essential if the Bill is to become law.

Mr. SAMPSON: This question has been discussed fully with the draftsman, and I agree that the inclusion of the proviso will greatly improve the Bill.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 6 of Subclause (2) the word "purchase" be struck out and the word "sale" inserted in lieu.

The reason for the amendment is the same as I indicated regarding a similar amendment to Subclause (1).

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That in lines 11 to 14 of Subclause (2) the words "or in case of shares in a company incorporated outside Western Australia either by such statement as aforesaid or by such a prospectus as complies with this Act" be struck out.

The Bill as now amended deals only with hawking and "go-getting" sales of shares. The words proposed to be struck out have reference to foreign companies, the relative portion of the Bill to which has already been struck out. The words therefore are now outside the scope of the Bill as amended.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 4 of paragraph (a) of the proviso to Subclause (2) the word "recognised" be struck out.

The paragraph refers to permission granted by any recognised stock exchange in the Commonwealth to deal in shares. No definition is included to indicate what is a recognised stock exchange, and I do not know what meaning would attach to this reference if left in the measure. In Western Australia we have only one stock exchange, and there are not many in the other States. Those that I know of are regarded as satisfactory and bona fide. If the word "recognised" be left in, confusion may result because if more than one stock exchange were established in a city the question would arise as to which was the recognised institution.

Amendment put and passed.

Mr. SEWARD: I wish to move to delete paragraph (a).

The CHAIRMAN: The hon. member is too late to move in that direction. The paragraph has already been amended, and he cannot go back beyond the word "recognised."

Mr. SEWARD: Then I shall oppose the paragraph.

Mr. SAMPSON: I move an amendment—

That paragraph (b) be struck out.

The paragraph alludes to shares that a company has allotted or agreed to allot with a view to their being offered for sale to the public, and is an exemption that should not be granted.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in Subclause (3) the words "any characters used in the offer or in any document sent therewith" be struck out and the words "the type known as 8-point face" inserted in lieu.

The subclause might be construed to mean that, if the document was headed in large letters, the whole of the statement must be printed in type of the same size. The ordinary type in which our notice paper is set is known as 8-point face and is quite legible.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in line 3 of paragraph (b) of Subclause (4) the word "recognised" be struck out.

This is another reference to any recognised stock exchange.

Mr. Withers: The hon. member will not recognise his Bill presently.

Amendment put and passed.

On motion by Mr. Sampson, clause further amended by striking out of the last line of Subclause (4) the word "where" and inserting the word "were" in lieu.

Mr. WATTS: I move an amendment—

That Subclause (7) be struck out.

Apart from an objection to the "nots," I cannot agree to the subclause. Apparently the intention is to provide that if a person is already a shareholder in a company, he is to be treated as a member of the public as regards being approached to buy more shares. If a shareholder has received satisfaction from the shares he has held, there can be no objection to asking him to acquire more if he is in a position so to do. If, on the other hand, he has not received satisfaction, nobody would be likely to persuade him to buy more. It would be a question of once bitten twice shy. Therefore the provision is unnecessary.

Mr. SAMPSON: The object of the Bill is to prevent the hawking of shares.

The Minister for Employment: Cannot you find any word other than "hawking"?

Mr. SAMPSON: In deference to the Minister's feelings, I shall use the word "touting." Legal phraseology is not always easily understood, but two negatives make an affirmative.

Mr. Watts: Two wrongs do not make a right.

Mr. SAMPSON: There are not two wrongs.

Mr. Watts: Yes, there are.

Mr. SAMPSON: I thought of proposing by way of a substitute a subclause as follows:—

For the purposes of this section a person shall, in relation to a company, be regarded as being a member of the public, notwithstanding that he is a holder of shares in the company or a purchaser of goods from the company.

Even if a man has once been foolish, there is always a chance of his being foolish again. The subclause is desirable for the protection of the public. If it is deleted, we shall open the door to the go-getter or touter to approach people to buy shares. A shareholder, on being so approached, might

be unaware that his shares were unsatisfactory, and thus might again fall a victim.

Mr. WATTS: I was contemplating moving for the insertion of a new subclause to provide that a man who holds shares in a company should not be regarded as a member of the public. If a man holds shares and is satisfied with them, there is no reason why he should not be approached again. If he has not received satisfaction, any further approach would be sternly rebuffed, unless he was an imbecile, and we cannot be expected to do too much for people of that kind. I believe the subclause will have an unhappy effect on co-operative companies and similar concerns, in that it will restrict their endeavours, if they so desire, to raise more capital.

Mr. SAMPSON: I emphasise that the deletion of the subclause will open the door to go-getters to catch a person who has already been taken down.

The Minister for Justice: The shareholders are good marks, are they not?

Mr. SAMPSON: Ample protection is provided for co-operative and similar companies. The Bill already approves of the registrar's giving permission for the hawking of shares in co-operative companies. Let us retain this necessary defence.

Amendment put and passed.

The MINISTER FOR JUSTICE: When the Bill was introduced, I directed attention to the undesirableness of dealing with company law in piecemeal fashion. I pointed out that certain conditions were proposed for foreign companies that would not be imposed upon local companies. The clause imposes on local companies certain conditions which we cannot impose on foreign companies. Not only does it draw attention to the undesirableness of dealing with this type of legislation piecemeal, but it also makes plain the desirableness of having uniform company legislation throughout Australia. Parts of the clause deal with share-hawking, an aspect on which I have not much to say, although in various States which prohibit share-hawking that provision receives a good deal of criticism. Subclause 2 of Clause 5 makes it unlawful to offer shares in writing unless the offer is accompanied by a signed statement giving various particulars, as set out in Subclause 4. Those conditions can be enforced only on local companies, unless a foreign company trading here has a local representative. On the other hand, foreign companies with representatives in other States of the Commonwealth cannot be prohibited from submitting offers of shares through the post. I mentioned previously the case of a man in England named Tanfield, who was sentenced to seven years' imprisonment for share pushing. The authorities at Home were able to deal with him because the legislation covers the entire country. The following statement was made by the woman secretary of the man—

> First of all, the names and addresses of shareholders in well-known businesses, especially chain stores, were obtained from company records at Somerset House. A staff of 25 girls entered these lists of shareholders in a card index. After six months we had a quarter of a million cards. Then preparations were made for sending out the investment circulars. The girls typed between 50,000 and 60,000 envelopes per fortnight. Tanfield wouldn't allow duplicating machines to be used. He believed in the personal touch. During 1937 the money poured in. Sometimes as much as £4,000 a day would arrive.

The secretary also stated—

> Once a rich man sent more than £30,000 for investment.

The Bill contains nothing to prevent foreign companies from doing the same thing here. I do not care whether such a provision exists in other States or not: I retain my opinion. I believe the provision is taken from the South Australian Act.

Mr. WATTS: I move an amendment—

> That in Subclause 8 the following words be struck out:—"and the court before which he is convicted of having made an offer in contravention of this section may order that any contract made as a result of the offer shall be void, and, where it makes any such order, may give such consequential directions as it thinks proper for the repayment of any money or the re-transfer of any shares. Where the court makes an order under this subsection (whether with or without consequential directions), an appeal against the order and the consequential directions, if any, shall lie to the Supreme Court."

The subclause gives far too great authority to a court of summary jurisdiction under the Justices Act. I cannot consider that a court which is often made up of two justices only, should have so much authority. There are properly constituted courts for dealing with such matters. An offence against the measure is to be presumable proof of fraud. Judgment upon that question, and conse-

quential directions as to what shall be done, are not matters that should be left to a court under the Justices Act.

Mr. HUGHES: To me the clause is not plain. Under it, if a person makes an offer of shares and another person contracts to buy shares on that offer, the contract will be induced by the fraud of the person contracting to take the shares. The latter person will be in the happy position of being able to go to court and say, "I have bought the shares in circumstances that make my own action fraudulent." That, of course, is not intended. The fraudulent person should be earmarked; otherwise the subclause is unintelligible. The words "any person" where they occur for the second time in the subclause should be replaced by "any other person," or by "the offerer of the shares." The amendment of the member for Katanning should propose to strike out also the words "of such person."

Mr. WATTS: In order that the member for East Perth may move his amendment, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. HUGHES: I move an amendment—

That in line 5 of Subclause 8 the words "of such person" be struck out, and the words "of the offerer" inserted in lieu.

Amendment put and passed.

Mr. WATTS: In view of the amendment just carried, I now move this amendment—

That in Subclause (8), as amended, the following words be struck out:—"and the court before which he is convicted of having made an offer in contravention of this section may order that any contract made as a result of the offer shall be void, and, where it makes any such order, may give such consequential directions as it thinks proper for the repayment of any money or the re-transfer of any shares. Where the court makes an order under this subsection (whether with or without consequential directions), an appeal against the order and the consequential directions, if any, shall lie to the Supreme Court."

Amendment put and passed.

Mr. SEWARD: Through an oversight I was prevented from moving the deletion of paragraph (a) of Subclause 2. The clause lays down that when shares are offered certain conditions have to be observed, such as the supplying of a prospectus; but the paragraph to which I refer exempts shares which are quoted on any recognised stock exchange. On the second reading the member for East Perth quoted a number of mining companies, and I am of opinion that numerous mining ramps have been put over on the public in the form of mining shares. If a restriction is to be imposed, I want it imposed on such mining shares. If it is too late to move the deletion of Subclause 2, I must reluctantly vote against the whole clause.

Mr. SAMPSON: The member for Pingelly might take up that matter on the third reading.

The CHAIRMAN: Or on recommittal.

Clause, as amended, agreed to.

Clause 6—Documents containing offer of shares or debentures for sale to be deemed prospectuses:

Mr. SAMPSON: I ask that members vote against the clause.

Clause put and negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 7—Prohibition of allotment in certain cases:

Mr. SAMPSON: I pointed out, when Clause 4 was under consideration, that Clause 7 was affected by the striking out of Clause 3 and other clauses. The measure was brought down with one purpose in view, namely, to control hawkers of shares.

Clause put and negatived.

Clause 8—agreed to.

Schedule:

Mr. SAMPSON: The schedule is no longer necessary and must be struck out.

Schedule put and negatived.

Title—agreed to.

Bill reported with amendments.

MOTION—LEGAL PRACTITIONERS ACT.

To Amend as Recommended by Select Committee.

MR. SLEEMAN (Fremantle) [7.34]: I move—

That in the opinion of this House a Bill should be introduced this session to amend the Legal Practitioners Act, 1893, embodying all the recommendations made by the Select Committee appointed to inquire into that Act.

As members of the Committee are unanimous in their recommendations, I do not propose to speak to the motion, but shall be

pleased to reply to any objections that may be raised.

MR. BOYLE (Avon) [7.36]: Mr. Speaker, am I in order in moving an amendment?

Mr. SPEAKER: The hon. member can always move to amend a motion.

Mr. BOYLE: I move an amendment—

That all the words after "House" be struck out and the following words inserted in lieu: "the Legal Practitioners Act, 1893, should be repealed and the Government be requested to bring down a legal practitioners Bill incorporating the recommendations of the parliamentary select committee and the provisions of the Legal Practitioners Act, 1896, of South Australia."

Perhaps I had better develop my case and then move the amendment.

Mr. SPEAKER: The hon. member may proceed.

Mr. BOYLE: The select committee has had an exceedingly difficult task in dealing with the question of the amendment of an archaic measure such as the Legal Practitioners Act, which was passed in 1893, amended in 1909 and further amended in 1926. The amendments of 1909 and 1926 did very little to improve the Act. I regret to say that the Committee in its report has left untouched many important aspects of the Act. One could liken the report to the administration of aspros to a patient. The patient is relieved to some extent, but not cured. The report does not touch the root cause of complaints made by the public about this Act. In my opinion, the main trouble is that the Act does not facilitate an approach by aggrieved persons to the law courts, sometimes called courts of justice. I think the Crown Law Department does not use the term "courts of justice." As far as I know, the term used is law courts, and I think that is the more correct term. People to-day are afraid to approach the courts in search of justice. They are not afraid of being denied justice by the courts, because our courts are on an extremely high plane. Our judges are upright men. I do not think any charge against the administration of justice in this State by our judges could be sustained. So many obstacles are, however, interposed between a litigant and justice in the courts, that most people despair of being able to afford the luxury and expense of availing themselves of our law courts. One of the greatest of the barriers is what is known as the Legal Practitioners Act. This Act gives to the legal profession of Western Australia a power that I think it should not have. That power is exercised by a body known as the Barristers' Board, the members of which are elected by the practising solicitors of the State. A solicitor of three years' standing can vote for members of the board. That elective board can, upon complaint being made, pass judgment on a defaulting member of the profession.

My contact with the Barristers' Board was a close contact and of recent date. An important libel case came before the law courts some time ago, and I mentioned before in this House that the costs of that case amounted to £4,000. I have since discovered, however, that the costs were considerably higher, nearer £5,000.

Mr. Sleeman: You did not take the opportunity to get the bill reduced.

Mr. BOYLE: No. I notice, with regret, that the select committee sheltered behind a technical point, namely, that the claim was not made within three months.

Mr. Sleeman: Did you say the select committee?

Mr. BOYLE: Yes. The evidence attached to the select committee's report will disclose the questions put by the Chairman in regard to this matter.

Mr. Sleeman: Your own witness said that you did not get the bill taxed.

Mr. BOYLE: He said that in answer to a question. The Wheatgrowers' Union did not apply for a taxation of the costs within the specified period of three months. In South Australia, the period allowed is 12 months and such further period as a judge may grant upon application.

Mr. Sleeman: There was nothing to stop the union from getting the bill taxed.

Mr. Styants: The union made a settlement before it approached the Barristers' Board.

Mr. Sleeman: The union made a settlement and then complained that it did not obtain justice.

Mr. BOYLE: Those arguments were placed before the Barristers' Board and we were told that the board had no power to interfere with the Taxing Master. The board also said that it had no power to discipline the solicitor who rendered that exorbitant bill. I hold that he was guilty of un-

professional conduct, but who ever heard of a solicitor in Western Australia being dealt with for unprofessional conduct short of embezzlement? Perhaps the legal members of this House have had experience of solicitors who were dealt with for unprofessional conduct. The only four cases that I know of were cases of defalcations, misconduct that would bring the men concerned within the long arm of the law. The South Australian Act provides that a statutory committee may find a practitioner guilty of unprofessional conduct upon evidence which would not be sufficient to support a criminal conviction or a civil action. Furthermore, in South Australia unprofessional conduct is not limited to conduct disgraceful or dishonourable in the ordinary sense, but includes conduct which may reasonably be held to violate or to a substantial degree fall short of the standard of professional conduct observed or approved by members of the profession of good repute and competency.

Mr. Seward: What is the composition of that statutory committee?

Mr. BOYLE: The statutory committee is formed from the Law Society of South Australia, and consists of seven members nominated by the Chief Justice of South Australia. The names are submitted to the Governor for approval, and the committee is not subject to election by members of the profession. The members are professional men, but they are nominated by the Chief Justice and approved by the Governor in Council. The difference between our Act and the South Australian Act is that the latter was the outcome of the work of a Royal Commission. The South Australian Act was brought up to date in 1936 and repealed no fewer than seven other Acts.

Mr. SPEAKER: I suggest to the hon. member that he submits to me his amendment, because after all whether his remarks are in order depends upon the wording of the amendment. The question before the house relates to the select committee's report. The hon. member is introducing new matter and it all depends on the terms of his amendment as to whether that matter is in order. I do not want unduly to interrupt the hon. member, but I think I should know what the amendment is, in order that I can follow his remarks. The hon. member may proceed.

Mr. BOYLE: I take it that I can deal with the report of the committee. The report states—

> Your committee is of the opinion that the Barristers' Board, apart from cases involving misappropriation of funds, does not utilise the powers conferred on it by the Act to the extent which is advisable.

But what powers are conferred upon it by the Act? I notice that Sections 24 to 28 are disciplinary sections, but they do not seem to convey anything at all. There are, however, grave penalties for those who take complaints to the board and fail to substantiate them. The member for Katanning (Mr. Watts) has just informed me that those powers are apparently in the regulations. I hope the regulations do not conflict with the Act. We approached by deputation the Barristers' Board, and we were told that the board had no disciplinary power over professional men.

Mr. Marshall: Under the existing Act?

Mr. BOYLE: Yes. What we consider was an exorbitant bill of costs was rendered to the Wheatgrowers' Union, which did not avail itself of the opportunity of submitting the bill to the Taxing Master. A bill of £3,080, a bill as between party and party, that is, between the Wheatgrower Newspaper Co. Ltd. and Co-operative Bulk Handling Ltd., was rendered to the other side. That went before the Taxing Master, and was reduced to £1,785, or by 43 per cent. The solicitor then presented practically the same bill to the Wheatgrowers' Union. I was not there at the time, or he would not have got away with it. The bill took 15 months to compile. With £975 belonging to us in his hands, plus the £1,785 he got from the other side—a total of £2,700—he took 15 months to furnish a bill to us. Under the archaic Act in operation in Western Australia, we had 30 days in which to object to the bill, and a further two months in which to apply to a judge for a revision. The committee recommends in its report that in future cases of that sort the Barristers' Board should take action. That is the recommendation of the committee.

Mr. Styants: No action could be taken at this stage. You settled the matter.

Mr. Sleeman: You know that you made a settlement.

Mr. BOYLE: I may ask the House later on to agree to a short Bill to overcome the difficulty. I do not say that the com-

mittee condoned what was done by that lawyer, but in its report the matter was dismissed in five short lines. A bill of costs of £3,080 was submitted to the other side, and reduced as a result of taxation by 43 per cent. to £1,785. Yet the same man some months later, presented practically the same bill to the Wheatgrowers' Union, and because it was untaxed, secured payment. As a matter of fact, the bargain was that the amount should be reduced by £300 provided the bill was not taxed. Those were his own words; he said he would agree to refund £300 provided the bill was not taxed. And that reduction of £300 was accepted, though not in accordance with the wishes of the members of the union. It was agreed to by the chairman of the newspaper company.

I have no fault to find with the recommendations of the select committee other than the objection I have mentioned. Apart from that, the recommendations of the committee are perfectly reasonable; but I do object to the fact that more consideration was not given to the injustice suffered by the many farmers of this State, who had to pay nearly £3,000 because they were senseless enough to defend a libel action. From a financial point of view it would have been better for them to say that they would agree to anything rather than go to law.

Mr. Sleeman: You said it would not have happened if you had been there.

Mr. BOYLE: Yes.

Mr. Sleeman: You are blaming someone else for foolishness?

Mr. BOYLE: I am saying quite frankly that the committee did not give this case the consideration it should have received. The action of that solicitor is not unprofessional conduct, according to the Barristers' Board. The board told us that it could not attend to the matter at all, and that it had no power to deal with that lawyer. That man knew his business, because he refused to meet the board in any way. I do not want members to think I believe every legal man is a thief or a rogue, because I do not; but the committee should have suggested some means of controlling those that are unprincipled.

The report contains no recommendation regarding funds held by lawyers. The South Australian Act has provisions to control funds held by solicitors, but in this State trust fund accounts are not required by law to be audited. Section 23 of the South Australian legislation, which has eight subsections, contains provisions for such control by providing for outside auditors to audit the accounts of trust funds held by solicitors. I was speaking yesterday to the head of a legal firm in Perth, and he told me that there is no law to safeguard money belonging to members of the public placed in the hands of lawyers. He said, "We have our own auditors to safeguard us from our servants." Big firms of lawyers safeguard themselves from the possible defalcations of those whom they employ by having their accounts carefully audited. Clients, however, have no protection at all. A lawyer can put up his sign in St. George's-terrace to-morrow and receive thousands of pounds from clients, and he is under no trust fund obligation. His accounts are subject to no audit. But that matter was not dealt with by the committee.

I do not wish to flog the question. I do not know what judgment you, Mr. Speaker, will pass on my amendment, but I do not intend to say any more except that we are working under the worst Legal Practitioners Act in Australia. We are working under an Act that gives no protection to anyone, and I have proved that by going to the Barristers' Board with a delegation from the Wheatgrowers' Union. Members of the union asked me to take them along, and I went with them. The board was courtesy itself. The members of the board individually were very helpful. They gave great attention to the matter, but we left them in exactly the same position as that in which we were when we started. We were told we had no redress. We had not conformed to a technical point because we had failed to submit our claim for a reduction in costs within three calendar months. If we had been in South Australia we would not have been tied to three months but would have been allowed 12 months, and if we were not satisfied then we could have applied to a judge and if he thought it was justified, we could have been given further time. In this State a lawyer has unlimited time in which to submit an account. There is nothing in our Act that compels a lawyer to render a bill to a client under 50 years.

The Minister for Mines: You cannot imagine his not submitting a bill, can you?

Mr. BOYLE: I can imagine his not submitting it if he was sitting down on funds. If he were not sitting down on the

money, he would quickly submit the bill. He would not take 15 months to present it; in some instances it would be presented in 15 minutes. Do not members think that the man in the street needs some protection, and that the honest lawyer needs protection, too? Those that are causing concern to day are not the honourable upright members of the legal profession—and the great majority are upright and honourable—but the defaulting, thieving lawyers that are allowed a free hand. There is nothing to prevent them from continuing their wrongful practices unless they are stupid enough to default and are unable to pay up.

I previously mentioned to the House a hypothetical case that I will repeat. In speaking to a member of the Barristers' Board I referred to that incident. We will suppose a man recovered £1,000 in a court case. His lawyer, in making up a bill of costs, charged him £1,000. When that bill was taxed the amount was reduced by £900; that is, the taxing master ordered the lawyer to return to the client £900. The member of the Barristers' Board said to me, "There is nothing wrong with that; it was only an error of judgment on the lawyer's part." There would be no redress. The lawyer could not be sued for attempted extortion. The man could only take the £900 granted by the taxing master, call it a day and leave the office praying to God that he would never be called upon to go there again.

MR. WATTS (Katanning—on amendment) [8.0]: I have listened with some interest to what the member for Avon had to say. His remarks about the Wheatgrowers' Union amount to flogging a dead horse. I do not think he will arrive at any result from what he has said. I regret very much the hon. member did not see fit, in response to an advertisement that appeared in the metropolitan Press on three occasions, to attend the select committee and enlarge, as he has done this evening, upon the virtues of the South Australian legislation. The select committee advertised in the Press for the purpose of attracting attention to its investigations and there were only three or four responses, and the complaints in those cases only slightly affected the legal profession. The major complaint was undoubtedly that of the Wheatgrowers' Union, a complaint that was ventilated in this House at the time the select committee was first mooted, and was explained at some length to the select committee by the president of the Wheatgrowers' Union. That gentleman explained to the members of the select committee that action had been taken to approach the Barristers' Board at a time when it was beyond the powers of the Barristers' Board to be of any assistance. The hon. member himself, in the course of his remarks, said that the solicitor in question took 15 months to render the bill. The select committee had the opportunity to examine that bill and considered it in connection with certain evidence that was brought before it. I have no hesitation in saying that, had that bill been given to the head of any other organisation, that head would not have taken five minutes to decide that it was a bill capable of being severely reduced and was full of objectionable parts. The hon. member said that only one month was available to the union in which to raise objection. That, however, was quite sufficient time, in fact far more than sufficient, because it should not have taken 10 minutes to ascertain that the bill required taxation, and I refuse to believe that the responsible person holding office in the organisation did not know sufficient of the law to take action in that direction. Even to the most ignorant layman it should have seemed excessive, and advice should have been sought. Then, after a compromise was arrived at in the matter, after the union had assented to the proposal of the solicitor, and after it had paid him £300, the union went to the Barristers' Board and asked for relief. The select committee agreed that the Barristers' Board might have taken disciplinary action, but the select committee has done its duty in making the recommendation that appears in the report.

Mr. Boyle: Does it state that?

Mr. WATTS: Of course it states that; it says so definitely in the report—

> The circumstances of the complaint put forward by the President of the Wheatgrowers' Union led your committee to the opinion that the Barristers Board should take steps to deal in future with cases such as this, if any are brought to its notice.

The select committee had no intention of recommending that some action should be taken in regard to this particular case.

The Minister for Justice: Do you think that bill was a criminal over-charge?

Mr. WATTS: It bordered on it, and the select committee was of opinion that the Barristers' Board should have taken some action. The committee, however, was not prepared to make any recommendation that it should go back over the whole matter. The committee expressed the opinion that the Barristers' Board had power to deal with it if it wished to do so, and should exercise that power in the future. That is why I agreed to the paragraph in the select committee's report that the Barristers' Board had the opportunity at the time to do something. I regret that the board did not take action, but I am not prepared to demand that it should go back over the ground. That is why the recommendation is in the form in which it appears in the report. The select committee did not take into consideration the South Australian law. We took most interesting evidence from the Law Society in this State regarding every phase of the Legal Practitioners' Act. I do not know whether the South Australian law is so excellent as the hon. member would indicate to us. He sees virtue in the fact that the board in that State consists of seven persons appointed on the recommendation of the Chief Justice. The hon. member loses sight of the fact that in this State the Barristers' Board consists partly of King's Counsel, and that King's Counsel are themselves recommended by the Chief Justice before they are appointed, except, of course, in the case of Crown Law officers, who are also ex officio members of the board. The Crown Solicitor, in the absence of the Attorney General, is ex officio chairman of the Barristers Board, and therefore the personnel of the board does not consist of persons elected by legal practitioners. It consists of men who have earned distinction on the recommendation of the Chief Justice, or by distinction through their appointment as Crown officers. Therefore his objection is not tenable. He also stated that the board would be afraid to deal with a practitioner, but I submit that if a practitioner's error were of any consequence, he would soon cease to be an elector for the board. The hon. member need have no fear about such a man being allowed to register his vote for any member of the board. The hon. member also referred to the question of trust funds. Only a very small proportion of the legal practitioners in this State have defaulted in respect of those funds, and I do not see that if there were a compulsory audit there would be fewer defaulters. To-day a defaulting practitioner would be struck off the roll, and probably would afterwards start in business as a mortgage broker, and the public would have no protection whatever. If the time arrives when it is regarded as essential to audit the accounts of every person handling trust money, if by legislation a person is going to be subjected to these arrangements, then in all probability I will be prepared to abandon some of my objections to the proposal of the hon. member; but until that time arrives, and there is no sign of it arriving, I regard the suggestion of the select committee as going quite far enough in this matter. I agreed to it because I realise that there are instances where difficulties might arise and where some injustice might have occurred, which every reasonable man would wish had not occurred, and which one would have rectified without loss to the individual. I am only speaking to the amendment at present; I am not dealing with the actual items of the select committee's report, and I will conclude by saying that I trust the amendment will not be carried. I see no reason why we should go any further than the report of the select committee suggests. We do not know, neither does the House know, that what exists in South Australia would be accepted by this House. The Western Australian Legal Practitioners Act has been investigated by a select committee consisting of various shades of opinion, and the members of that committee have submitted their report after careful consideration, in the most fair-minded manner, and all I ask the House to do is to adopt the motion.

MR. SEWARD (Pingelly—on amendment) [8.15]: The only point I wish to touch upon is the remark of the member for Avon that the select committee took refuge behind a technicality. That was not so. If members read the evidence given by the representative of the Wheatgrowers' Union, they will see that before matters were finalised that body took counsel's opinion. The opinion of the counsel was that a sum of £938 could have been taken off the bill if it was taxed. But because the taxing costs would have amounted to £60 the union did not take the advice of

counsel, and compromised by getting a refund of £300. In view of the fact that the union did not consider it worth while paying £60 to have the bill taxed, thereby reducing the outgoings by £900, no one can say that the select committee sheltered behind a technicality. The company in question had finalised the whole business prior to placing it before the Barristers' Board. In my opinion it was then too late to ask any legal body to re-open it. The time for taking the matter up with the board was before finality had been reached. The select committee has brought this case under the notice of the House, and has recommended that the Barristers' Board should, when dealing with similar cases, exercise the powers conferred upon it by the Act. The board has power to regulate and investigate charges of alleged misconduct on the part of legal practitioners in connection with the practice of their profession, and to impose the conditions to be observed by applicants for re-admission to the profession, and so forth.

Mr. Boyle: An exorbitant bill does not represent a charge of misconduct.

Mr. SEWARD: It is obvious misconduct.

Mr. Boyle: The Barristers' Board does not say so.

Mr. SEWARD: The select committee has called attention to the matter. When the Bill is drawn up, according to the recommendations of the committee, the House will be able to make amendments to it. Should the House consider that the Barristers' Board does not possess sufficient power, that which it already enjoys can be increased. No technicality was involved in this matter. The whole transaction was finalised against the advice of counsel before it was submitted to the Barristers' Board. Had the advice of counsel been accepted, nearly £1,000 would have been written off the bill.

MR. McDONALD (West Perth—on amendment) [8.17]: I have no feelings one way or the other concerning the South Australian Act. It is of recent origin. I have not studied it; and it may represent an improvement compared with our own. What the select committee has done is to bring down certain practical recommendations to meet what are considered to be weaknesses in our present legislation. The idea of a select committee in recommending amendments to the law is that the Government shall then bring down the requisite Bill. The draftsman, if he sees in the Acts of other States provisions that are useful for adoption here, no doubt will take the opportunity to submit them for the consideration of the House. I do not feel disposed to support the introduction of the South Australian Act without possessing more knowledge than I have of its contents. I have great sympathy for the member for Avon (Mr. Boyle) and his organisation. The case in point is one of the most unfortunate I have ever come across. Grave consideration was given to it by the Barristers' Board, which was extremely anxious to take any action it thought could be justified. I was present when the member for Avon brought the matter before the board, which comprised three King's counsel as well as a number of other well-known members of the profession. All were extremely anxious to take any steps possible to stamp out all instances of unprofessional conduct. The position was a difficult one. The client within the time when the Bill could be taxed, and knowing his position after receiving advice from an independent, competent and very reputable firm of solicitors, and having the legal remedy of taxation at his hand, elected to make a settlement by getting a refund of £300. It may be that refund was too little and should have been more. If the client elected to settle the case by paying a certain sum as remuneration for the work done, and this settlement was effected through an independent firm of solicitors employed by him, the Barristers' Board was at once placed in a difficult position to find a charge of professional misconduct that would result in the punishment of a legal practitioner. I am not defending the action of the practitioner in presenting a bill that was extortionate. The client, with a full knowledge of the facts, effected a settlement with the solicitor, and it was difficult in such circumstances for the board to take action.

The Minister for Works: You deal with a confidence man who takes people down. You admit this was a confidence man.

Mr. McDONALD: I do not admit that, though I am not defending the solicitor, who rendered an extortionate bill. I have not even gone into the account. The solicitors for the client formed the opinion that the bill could have been reduced by £900 out of a total of £1,500.

Mr. Boyle: It could have been reduced by £958.

Mr. McDONALD: On the advice of the solicitors, the client elected to accept a refund of £300. It may have been a bad business deal. Possibly the opinion of the solicitors for the client may not have been borne out, and the bill could not have been reduced, as suggested. It is a matter of opinion as to what is a fair charge. It is a matter of opinion whether a doctor charges a fair amount for an operation. Possibly the bill could have been reduced by £900, and it is also possible it suited the client to make a settlement of £300. I do not say the client was wise, but the position was a difficult one for the board, seeing that the parties had settled before approaching it. If a confidence man gets my money by a trick and I settle with him before I prosecute him, and he returns a certain amount of money to me and I am satisfied, I place the court in a difficult position.

Hon. C. G. Latham: You condone the offence.

Mr. McDONALD: Yes. We cannot draw a complete parallel, because one is a criminal offence and the other an offence of misconduct. If before I prosecute the confidence man I settle with him, I place the court in a difficult position. That is the case here. I have spoken on the subject of lawyers' charges every year for six years. It is a favourite topic. Other people make charges, such as plumbers, doctors, commission agents, etc. Probably they are following much more remunerative professions than do lawyers, but their charges are never subject to inquiry. Lawyers' charges are already the subject of more regulations and more restrictions than are charges in any other occupation I know of.

Mr. Thorn: Why is that?

Mr. McDONALD: That is a material question.

The Minister for Works: You can get a plumber's charge before he does the job.

Mr. McDONALD: A lawyer may give his charge before he does the job. That is often done.

The Minister for Agriculture: I should have been glad of a couple of quotes from doctors I know of.

Mr. Sleeman: Doctors bury their mistakes.

Mr. McDONALD: Lawyers want to think that the public are satisfied with their charges. I welcomed the inquiry by the select committee and I also welcome its recommendations. If when legislation is brought down any member can put forward other recommendations that will assist, I will welcome them, and I am sure all lawyers will do so. Should a Bill be brought down to deal with any other occupation and to regulate charges on the same lines, I would welcome that too. The impression is abroad that the law is good as a profession. I assure members that is a complete illusion.

Mr. Boyle: You only want a few cases like this one.

Mr. McDONALD: That sort of thing seldom happens. Many young men are entering the legal profession who will unfortunately find they will not do well. That is partly our own fault. I have pointed out before, that we have the unique distinction of following the only occupation that pays out for the purpose of giving free education to competitors to enter our profession. During the last few years the legal fraternity has paid £10,000 under the amending Act to assist the Law School. Not all that money has gone to the Law School.

Mr. Tonkin: The lawyers must be getting a fair return to be able to put £10,000 into that fund.

Mr. McDONALD: I wish that were true. The contribution is £5 per annum per individual. I understand some practitioners have considerable difficulty in finding that money and that some are so far in arrears that the board has had to consider suspending their certificates, in which case they could no longer practise.

Mr. Cross: There are bound to be some duds in the profession.

Mr. McDONALD: Is that so?

Mr. Fox: Then you will hardly blame the Government for enforcing the policy of preference to unionists?

Mr. McDONALD: That has nothing to do with this question. It has not the slightest application. The profession has contributed about £10,000 in the course of 12 years in order to assist others. We do not worry whether they are unionists or not. All the profession is concerned about is that these young men shall be able to pass their examinations.

Mr. Fox: But you will strike lawyers off if they do not pay their contributions?

Mr. McDONALD: Those contributions do not go to the lawyers; the money is devoted to helping young men by providing them with free education. The member for Avon (Mr. Boyle) said that the Barristers' Board never struck solicitors off the roll except on account of defalcations. The term "unprofessional conduct" as used in the Act is very wide and the board has struck, and does strike practitioners off for reasons other than defalcation. Recently there was a case of one lawyer who certainly had taken some money, but the amount was comparatively small and had been repaid. That man was struck off the rolls permanently. In another instance no money was involved, but a wrongful statement had been made by a practitioner and he was struck off the rolls for two years. Perhaps the Barristers' Board should have exercised its powers to a greater degree but it is not always easy to prove charges to warrant taking away a man's livelihood. Particularly does that apply when the issue involves a matter of opinion. The member for Avon suggested that courts could not be regarded as courts of justice because litigants found it so costly to approach them. I sympathise with him in that respect. For hundreds of years it has been found most difficult to cheapen litigation. The best brains have been brought to bear on that problem in all the countries of the world, but no solution has yet been found. Of course, we could institute a system of cheap litigation if we were to revert to the conditions that obtained in ancient days when litigants appeared in person before some despot who heard both sides and then issued his arbitrary decision, much after the style so apparent in "The Arabian Nights." After all, that was very rough justice. Our modern system is cumbersome and somewhat slow, but it does enable people to present their cases to the judge; it does prevent them from being taken by surprise, and the weak are afforded protection against those who are quicker in perception, more clever or more assured. Our system provides every opportunity for the issues and the evidence to be fairly placed before the court. Just as we here may spend a day in arguing about a few lines printed on a piece of paper, so litigation takes time. As members before coming to this House have to spend days in seeing people and preparing their speeches so that they can deal with matters under consideration, so preparation for a law suit entails much research and consideration. I sympathise with the member for Avon in that no practical means have so far been arrived at to cheapen litigation. If any practical means can be found to that end, I shall support it, and so will the legal profession generally. Lawyers believe that if litigation could be made cheaper, more legitimate work would be provided for them.

Mr. Sleeman: We have advanced a recommendation on that score.

Mr. McDONALD: Yes. Lawyers will welcome cheaper litigation. I desire to support the motion and I shall take an early opportunity to read the South Australian Act very carefully. I have before me, I regret to add, the unfortunate episode of the Wheatgrowers' Union. I do not attempt to palliate it, but I find difficulty in blaming the Barristers' Board, the members of which were most anxious to take action had they been able to see their way clear to do so.

Mr. Boyle: You were very helpful.

Mr. McDONALD: I do not think the select committee could have said very much more than it did regarding that matter. It was in very much the same position as the board. The matter had happened; it had been settled. There was not much more that could be done.

MR. STYANTS (Kalgoorlie—on amendment) [8.35]: As a member of the select committee, I am not at all concerned whether or not the House decides to agree to the amendment because I feel if greater protection can be given to the public either against defaulting members of the Law Society or against charges that may from time to time be made against members of that organisation, it will be all to the good. I am of the opinion that the person who seeks assistance from a legal practitioner is certainly at the mercy of that lawyer, should the latter be sufficiently unscrupulous to charge more than a reasonable fee. Some protection is afforded in that a bill of costs can be taxed, but the scale of charges allowable under the Supreme Court rules is so high that only in extreme instances would a solicitor be afraid of having his bill of costs taxed. That is not the fault of the Law Society, but of successive Administrations that have allowed the continuance of such a high scale of fees.

When the Taxing Master appeared before the select committee, he was asked what he considered would be a reasonable charge by a solicitor who had to appear in court in a divorce case. We made it quite clear that we did not include any preparatory work: the question applied merely to the solicitor's actual appearance in court for a case occupying about three-quarters of a day. He said he considered 12 or 15 guineas would be a reasonable fee. In my opinion, the public should be protected against such a high charge. If, as a result of the amendment, it is possible to get a greater measure of protection for the public against unscrupulous lawyers, then I shall be satisfied. I shall certainly support any such move. In defence of the select committee with regard to the case submitted by the Wheatgrowers' Union, I do not think we could have come to any other decision than the one we arrived at. I consider it was a most outrageous case, but I am not prepared to go so far as others in condemnation of the Barristers' Board for not taking action against Mr. Haywood regarding his bill of costs. I shall read a brief extract from the report of the evidence submitted by the president of the Wheatgrowers' Union. He said—

> It would appear from Stone, James & Co.'s letter—

That was the firm of solicitors to whom the bill of costs was referred by the Wheatgrowers' Union for an opinion as to whether there had been an overcharge—

> —that the amount of £1,337 11s. 9d., which Mr. Haywood claimed from the Wheatgrower Newspaper Company, and which he stated could be increased by him, was disallowed before the Taxing Master to the extent of about 50 per cent. It is to be regretted that the Wheatgrower Newspaper Company, Limited did not have these solicitor and client costs taxed. The matter of taxation of costs was submitted to Stone, James & Co., who went carefully through the itemised bill of costs from Mr. Haywood, which was rendered on the 31st March, 1936, and out of the sum of £1,500 4s. 1d. objected to no less than £938 0s. 1d. In the opinion of Stone, James & Co., Mr. Haywood's costs in these items, amounting to £1,500 4s. 1d., should have been rendered as £562 4s.—an evident over-charge of £938 0s. 1d. The reason that these costs were not taxed was due to the fact that the Wheatgrower Newspaper Company, Limited, would have had to raise further sums to ensure taxation.

That is hard to understand. Here was a possibility of getting a refund of £938, yet the Wheatgrowers' Union expected the select committee to believe that the reason why it did not have the bill of costs taxed was because it would cost £45.

Mr. Thorn: That is difficult to understand.

Mr. STYANTS: That was the most astonishing part of it all to me. Here we have the opinion furnished by a reputable firm of solicitors that there was an evident overcharge of £938, and yet the union affected a settlement because the taxing of the bill would have involved finding another £45.

Mr. Seward: I think the amount was more like £60.

Mr. STYANTS: I am not prepared to say that the Barristers' Board was culpable to any great extent at all. The Wheatgrowers' Union did not approach the board until after a settlement had been effected. What was the use of going to the board and asking it to intervene at that stage when an honourable settlement had already been arrived at? There was an honourable settlement between the parties, even though it may not have been a just settlement. In answer to the chairman who asked whether the president of the union had had an interview with the Barristers' Board on the question of taxing Mr. Haywood's bill of costs, the witness said—

> The matter was brought before the board. Its members were very courteous and kindly disposed. I think we had their sympathy, and I believe it was their intention to do what they could.

Here we had an admission by the president of the Wheatgrowers Union.

> —Apparently the difficulty was due to the fact that I, on behalf of my company, had accepted the proposals made by Mr. Haywood. I have stated my reasons for accepting them.

That was, he could not raise the amount, which he claimed to be £60 or £70, but on looking at the taxing fees for the losing bill of costs attached to the documents submitted, we found they amounted to £45 1s. 6d., which was considered to be fairly high. Possibly the taxing fees in connection with the successful bill of costs would be about the same.

Mr. Boyle: They had already found £75.

Mr. STYANTS: Another point raised by the Wheatgrowers' Union was that in its opinion the solicitor should have rendered his bill of costs within one month. Yet it was claimed that although the solicitor should be prepared to furnish his bill of costs within one month, three months was not a sufficient period in which to get the

bill of costs taxed. It would take a lot to convince me that there was much logic in that. I believe that, for some reason apart from the question of finding the funds, the Wheatgrowers' Union was not particularly anxious to get the bill of costs taxed. It seems incredible that for the sake of finding a sum of £45 the union would accept a settlement of the kind, especially when there was a possibility and probability of legal advice, as high as any obtainable in the the State, indicating that there was a chance of getting the £938 back.

The member for Avon mentioned something to the effect of getting an Act of Parliament in order to secure redress. Speaking as a layman and with my limited knowledge of the law, I should say that the fact of the Wheatgrowers' Union having gone to Mr. Haywood and agreed to a settlement of the whole dispute would dispose of any claim that could be brought by the union in a court of justice or settled by any procedure that could be taken in this House. I do not know that the select committee could have made any more comprehensive recommendation on that particular case. The select committee reported—

> The circumstances of the complaint put forward by the president of the Wheatgrowers' Union led your committee to the opinion that the Barristers' Board should take steps to deal in future with cases such as this if any is brought to its notice.

To the committee it did not appear that the board appointed under the Legal Practitioners Act could have possibly coerced or persuaded Mr. Haywood, apart from any legal aspect, to make a more equitable settlement with the union. From a legal point of view, however, I do not think the union had a case, and the most that could have been done was the suggestion we made that in cases of the kind the Barristers' Board should use its influence towards getting a more just settlement of the claim.

Hon. C. G. Latham: Why was not Mr. Haywood called by the select committee?

Mr. STYANTS: The case was placed clearly before the select committee, and there was no refutation of it by any document submitted or by any evidence at the disposal of the committee. The whole case, so far as Mr. Haywood was concerned, could not have been more clearly presented had he been called as a witness.

Mr. Boyle: He was all right.

Mr. STYANTS: I do not think he has ever denied having presented the bill of costs, and the amount of the bill appeared to be the crux of the question. The document appeared to be authentic, and nobody disputed it. Therefore, I did not consider it necessary to call Mr. Haywood to substantiate a claim that in the opinion of the committee was clearly established. As the member for West Perth has said, the case was a deplorable one in which exorbitant fees were charged, but I assure the house that the select committee did not hide behind any technicality on account of the lapse of three months allowed for the taxing of a bill of costs. We were impressed with the fact, that, despite the opinion of Stone James & Co., there was a possibility of getting £938 returned, but the union had already accepted a settlement for an amount representing about two-thirds of the total. I am not particularly concerned whether the amendment is passed, but I say in justice to the select committee that the matter was given a great deal of consideration. We discussed this particular phase for, I suppose, a couple of hours, but in view of the whole of the circumstances, we could not see that we had any jurisdiction to make a recommendation as regards a retrial of the case, or to get reimbursed any of the money that I believe was unjustly taken from the Wheatgrowers' Union. In the circumstances we could not have made any other recommendation.

MR. SLEEMAN (Fremantle—on amendment) [8.52]: I am not prepared to accept the amendment, not that I am other than anxious that the most that can be done for the people who have dealings with legal practitioners shall be done, but the member for Avon has not put up a case. He has not explained the South Australian Act. He made a bald statement that the South Australian Act is better than the Western Australian Act. As one who has been fighting in this House for many years to secure some reform of the legal profession, I shall be quite satisfied for the time being if we can get effect given to the recommendations of the select committee. The member for Avon had every chance to give evidence before the select committee. He was asked to attend—I asked him personally—but he replied, "No, Mr. Powell is going to give the evidence for the union." The hon. member did not attempt to give evidence. If he was so anxi-

ous to advocate the South Australian Act, that was his opportunity. He should have attended the select commitee and presented the case from his point of view.

Mr. Boyle: I take no responsibility for what the union did.

Mr. SLEEMAN: If the hon. member desired to get our law altered in accordance with the South Australian Act he should have attended before the select committee and advocated the reform there. However, he did not attend. Mr. Powell attended to represent the union. Now I wish to say as one who has been up against the legal profession and the Barristers' Board to some extent—one has to be fair—that the Barristers' Board came out of the inquiry with flying colours. There was nothing that the board could do. The union had accepted an agreement and had refused to get the bill of costs taxed. Mr. Powell told us that because he could not get the executive together the bill of costs was not taxed. Then the following occurred:—

By the Chairman: Owing to the fact that you could not get a meeting of your executive, the bill was not taken for taxing?—To be candid, I know there would have been great difficulty in raising the money, even if I could have got a meeting of the executive.

Did anyone ever hear of such a weak case? First he said he could not get a meeting of the executive in order to save his organisation and the people by whom he was employed some £800 or £900, and then, when he was further questioned, he said that, to be candid, he could not have raised perhaps £60 to save £800 or £900. I do not consider that the union put up a case, and the select committee realising the weakness of that case could do nothing but recommend as it has done. The dispute was settled before the union approached the Barristers' Board, and certainly the case was a very weak one to place before the select committee. Unless the union can put up a much stronger case, I could not be induced to vote for the amendment. I shall be quite satisfied for the time being to get the recommendations of the select committee adopted. For years I have been trying to get some reform of the legal profession and I trust it will come from the recommendations of the select committee.

Amendment put and negatived.

MR. WATTS (Katanning) [8.56]: I do not propose to keep the House long, but I consider it my duty, regarding two matters in the report to which I have dissented and one to which I have not dissented, to make some comment in explanation of my reasons for criticising in a small way the other recommendations. With the exception of paragraphs 1 and 4 of the recommendations, I have not entered a dissent. Let me first of all deal with recommendation No. 1 as follows:—

That the taking or giving of premiums for a clerk to be articled be abolished.

A substantial amount of evidence was placed before the select committee on this matter showing that in a very large number of cases no premiums had been paid during recent years. Members should bear in mind that there are now two kinds of articled clerks. There is the youth who is merely articled to some practitioner and who serves for a period of five years. He studies during that period and has to pass an intermediate examination and a final examination, the latter in two parts, and then subject to his being accepted and paying the required fees, is admitted as a practitioner of the court. Then there is the other set of practitioners who have attended the University, taken the law course there and, after four years, have obtained the degree of bachelor of laws. After that, they have served a period of two years under articles to a practitioner and have then been admitted as practitioners. In the case of the LL.Bs. I was prepared to agree that the taking of premiums should no longer be countenanced. The position appeared to me to be that a man taking the LL.B. degree and going into a solicitor's office for two years would be of some assistance in the office immediately after he went there and during the greater part of the time. This was shown by the evidence. He would be a person worth something to the practitioner on account of the knowledge he had gained during the period he was studying for his degree. Consequently, there was not much justification in asking for a premium for his articles. In addition we found that a great majority of those who had been articled subsequent to their having taken the degree had not paid any premiums, and consequently it appears that a majority of the practitioners who had taken those young men were satisfied that a premium was not

required in their case. In the case of the five-year articled clerk, it seemed to be established, when taken in conjunction with the second recommendation in the report, that the premium would be reasonable if the practitioner does his duty—and I believe most of them do—in assisting the articled clerk with his studies, considering also that the articled clerk would be of little value during the first year or 18 months of his service. While there would be a great number of cases in which no premium was paid, and while I believe that deserving young men could, in those circumstances, make a start without paying a premium, there seemed to be no justification in the other cases for a departure from the practice of allowing premiums to be taken. So, the recommendation being worded in general terms, I dissented from it. Recommendation No. 4 reads—

> That no practitioner be permitted to submit an amended bill of costs after a client has notified him of his intention to have the bill taxed.

Here again I would have been prepared to compromise to some extent with the other members of the committee by adopting the suggestion made by Mr. Negus, the representative of the Law Society. Mr. Negus was of the opinion that an itemised bill should not be required in the first place, and that the law should be amended to that effect, but that if the client was dissatisfied with the amount of the bill, then within a period of a month or two months—during which time presumably the practitioner could not sue for the recovery of the amount—the client should be entitled to demand an itemised bill, and that then, after receiving that itemised bill, he should note the items he objected to and have the bill taxed. After that the solicitor should not be entitled to alter the bill rendered in an itemised form. If that suggestion had been adopted —full details of it appear in the evidence given by Mr. Negus on page 46 of the report —as proposed by the representative of the Law Society which has in its membership practically all practitioners in the metropolitan area and a substantial number of those outside, I would have been quite prepared to adopt the recommendation. In its present form, however, I do not think the recommendation is satisfactory; and I trust that if the Crown Law Department is drafting a bill to deal with the aspect raised in the select committee's report, it will take into consideration the evidence given by Mr. Negus on the subject, as offering a more practical and satisfactory method in the interests of both the client and the practitioner.

As to recommendation No. 6, when speaking on the amendment I said that although I did not dissent from that recommendation and regarded it as being in most reasonable terms, and although I thought the committee was most fair-minded in viewing this aspect of the matter and taking full cognisance of all the evidence brought forward, I did not whole-heartedly subscribe to the recommendation until such time as other persons in a similar position with respect to handling funds for the public were regulated by a similar method. At such a time a recommendation of this kind would have my whole-hearted support. My reason for not dissenting from it was purely that I did not wish a report to be brought down which, though in minor matters only, appeared to be the subject of dispute between the members of the select committee, when, accurately speaking, there was no dissent from my view and the committee would have been quite ready to recommend a similar regulation for other sections also handling trust funds.

The last matter I wish to refer to is the necessity for that portion of the Legal Practitioners Act which imposes a minimum practice fee of £5. It was somewhat astonishing for me to learn that, notwithstanding there had been fairly substantial payments made out of the fund into the Law Library, the Barristers' Board had a surplus of something over £2,000 in the fund, showing that for a period of the last 10 years the legal practitioners, some of whom, as the member for West Perth (Mr. McDonald) suggested just now, did not find it easy to pay the annual practice fee, had been subjected to the payment of an amount greater than needed for carrying out the obligations of the statute. I have sufficient faith in the Barristers' Board to realise that they would not impose a practice fee greater than actually necessary even though they had authority to raise the amount to £10, but they would be more likely to reduce the present figure than to increase it simply because the minimum was taken out. We were of the opinion that the minimum should be taken out, and that the Barristers' Board should raise an amount only sufficient to carry out its obli-

gations, even allowing that those obligations had been increased by the conditions of recommendation No. 6. We do not think there is any occasion to impose upon legal practitioners any greater annual charge than is absolutely necessary for carrying out the board's obligations. With those few observations, I wish to thank personally the other members of the select committee for their attention to detail during the investigation, and for the very friendly and understanding manner in which the whole of the evidence was discussed and the recommendations of the committee agreed to.

Question put and passed.

BILL—NATIVE FLORA PROTECTION ACT AMENDMENT.

Second Reading.

MR. SAMPSON (Swan) [9.9] in moving the second reading said: The Bill before the House is small, but the usefulness of it is beyond dispute. Back in 1935 the parent measure was enacted, but unfortunately it gave limited powers and did not provide means whereby our native flora can be effectually protected. The Bill has two main principles. One sets out power whereby honorary inspectors may be appointed to assist in the administration of the measure. The other provides that native flora shall not be taken from private property except with the written permission of the owner. The Minister for Forests, actually the Premier, administers the existing Act. At present, unfortunately, it is not competent to do what the Bill aims to do, and what so many people desire should be done. The greater portion of the Bill provides machinery to enable the two principles I have mentioned to be carried into effect. There are other matters of lesser importance in the Bill, but those principles are the main consideration.

Vandalism unhappily persists. Every weekend may be seen crossing the Causeway carloads of native flora. It is shocking to realise that this most valuable growth, a growth peculiar to Western Australia, is rapidly being extirpated. Within the last few years numerous orchids have been utterly destroyed in districts adjacent to Perth. In the opinion of one gentleman who takes a keen interest in native flora, a restriction should be imposed on the picking of any native flower within a radius of 50 miles of Perth. I do not aim to do that; but it is a fact that there are flowers—for example, the Leschenaultia—which die if the different stems on the plant are broken off. That is a peculiarity of the Leschenaultia and certain other wild flowers. In fact, most wild flowers if torn up, dug up, picked, or otherwise removed, die in a very short time. Some people imagine that it is only necessary to dig up wild plants and replant them and they will live. That can be brought about only in exceptional cases. Unhappily a spirit of destruction is rampant. I do not think it is really destructiveness, but rather a peculiar inclination to pluck flowers—the same spirit, perhaps, as prompts to shoot or otherwise kill a pretty bird. Still, the instinct of destruction is found in some people.

The Minister for Agriculture: The wild flowers are picked to be admired.

Mr. SAMPSON: They can be admired if they are permitted to continue growing. I know that to pick flowers is a habit. However, it is not the mere picking of flowers about which complaint is made. It is the uprooting of them, the fanatical idea that every growing flower must be gathered, put into a car or some other vehicle, and taken home. Cars are decorated with plants and roots. It is enough to make anyone with a love for native flora exceedingly grieved. A plant which grows can be admired day after day; but a plant, say an orchid, of which the flower is picked, cannot live. That destroys it permanently. Again, there is the boronia. I am told that in the Albany district, where boronia grows so well, it is now being garnered with a scythe or a mowing machine. The time will surely come when boronia will have died out.

The Minister for Mines: To some extent the gathering of boronia does good.

Mr. SAMPSON: It does good in limitation, but there is no limitation in the mind of the person who gathers the flower for sale.

Hon. P. D. Ferguson: The Minister would not cut his dahlias with a scythe!

Mr. SAMPSON: I look to the Minister for some assistance in this, if necessary. However, I think the regard of the public has grown so much in respect of native

flora that the Bill will have a speedy and successful passage.

The Minister for Mines: What effect will it have on the wildflower show? How will the show get the wildflowers?

Mr. SAMPSON: Our wildflowers are very valuable, not only from the standpoint of the people of the State, but also from that of tourists. Our State is unique in that it possesses a greater number and variety of wildflowers than does any other country in the world. The one object of the Bill is to preserve that great heritage, our native flora. If the Bill passes, as I hope, it will achieve that purpose. I have pleasure in moving—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hegney in the Chair; Mr. Sampson in charge of the Bill.

Clause 1—agreed to.

Progress reported.

MOTION—LOAN COUNCIL.

Verbatim Reports of Meetings.

Debate resumed from the 26th October on the following motion by Mr. Marshall (Murchison)—

That in the opinion of this House proceedings at Loan Council meetings should be reported verbatim and such reports should be made available to the various Houses of Parliament; and that the Western Australian representative on the Loan Council should vigorously endeavour to have such proceedings reported and submitted as stated, for to treat such matters as are discussed at Loan Council meetings as confidential is a direct negation of democratic principles.

MR. CROSS (Canning) [9.20]: The motion speaks for itself. In my opinion, the reasons for the distribution of loan moneys, as well as the proceedings of the Loan Council, should be made available to members of the various Parliaments of Australia, particularly Western Australia. To assist in the development of our large State, we should receive a greater proportion of loan moneys than do some of the older States, such as Victoria and New South Wales, which have been settled for a longer period. Victoria, as a matter of fact, has completed a large number of its public works. Many people in this State want to know the reason we do not receive greater assistance. It must be borne in mind that practically all the governmental activities in Western Australia, such as railways, tramways, water supplies and electricity undertakings are financed by the Government, not by boards clothed with borrowing powers, as in the Eastern States. The residents of South Perth desire to know why they are compelled to avail themselves of the present obsolete methods of transport, when it would be a good business proposition to change them. I propose to speak at greater length on that point when the Railway Estimates come up for consideration. I shall show that possibly it would be better to scrap the tramway system of Perth and instal trolley buses. Such a change could not be effected, however, unless finance were made available. I am of opinion that reports of the proceedings and discussions at the Loan Council should be made available to the public. I support the motion.

On motion by the Minister for Agriculture, debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Council's Amendments.

Schedule of four amendments made by the Council now considered.

In Committee.

Mr. Sleeman in the Chair; Mr. Cross in charge of the Bill.

No. 1. Clause 2:—Insert after the word "bedding" in line 19 the words "to the value of ten pounds."

Mr. CROSS: I am disappointed that the Council was not generous enough to agree to the Bill as it was passed by this House. Because the Council's amendment represents an improvement on the existing provision and because I realise that, if the Bill is returned to the Council, there would be a danger of losing it altogether, I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 2:—Delete the words "and appliances" in line 19.

Mr. CROSS: I do not know what the effect of the Council's amendment will be. Certain appliances are necessary in a household.

Mr. Patrick: What do you mean by appliances?

Mr. CROSS: Cooking utensils and electric light globes are appliances that are used in a home and are essential. The term is used in contradistinction to "furniture." However, if it is found subsequently that on a sale by distress cooking utensils are sold, another amending Bill can be brought down. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3. Clause 2:—Delete the word "twenty-five" in line 20 and substitute the word "ten."

Mr. CROSS: The Council was asked to protect furniture and bedding to a total value of £25. The effect of the first amendment was to protect bedding to the extent of £10. The Council decided to delete the word "twenty-five" in line 20 and substitute the word "ten" which would have the effect of protecting furniture to the extent of £10. The amendment almost agrees with what we sent down. It amends the figure to a joint amount of only £5 less than was sought. That is a considerable improvement on the amount at present allowed. I therefore move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 2:—Delete the word "twenty-five" in line 21 and substitute the word "fifteen."

Mr. CROSS: This refers to the protection of tools of trade. The matter was fully explained to the Council. It was pointed out that neither a sewing machine nor a typewriter could be purchased for the amount previously allowed, namely, £5. However, the Council reduced the amount from £25 to £15. That is certainly a substantial improvement on the £5 formerly allowed. While I regret that the figure of £25 was not acceptable to the Council, I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

MOTION—MARKETING LEGISLATION.

As to Unsaleable Surpluses.

Debate resumed from the 26th October on the following motion by Mr. North (Claremont):—

That in the opinion of this House marketing legislation should be amended to provide power for the various boards to organise the distribution of their unsaleable surpluses.

MR. THORN (Toodyay) [9.35]: The member for Claremont is desirous of our doing the best we can with unsaleable surpluses. On many occasions we have listened to the member speaking on similar subjects. He is always endeavouring to solve some of the major problems of the State and I am sure that his advice is often accepted by the Government and acted upon. Nevertheless I feel a little puzzled as to the actual meaning of this motion and as to the results that would follow its adoption. What I am concerned about is this: If we make provision for distributing the unsaleable surpluses, what are we going to do with the marketable products? I am afraid that if we distribute the different surpluses in this State amongst the unemployed we will reduce the markets for our saleable products. That would never do. In introducing the motion the hon. member mentioned three different Acts of Parliament that are in existence. One is the Metropolitan Milk Act. He and other members have previously discussed the fact that distributors have surpluses that in many instances are poured down the drain. The member for Subiaco (Mrs. Cardell-Oliver) has on different occasions advocated that this surplus could well be used by the school children, but under the Act it cannot be given to them. Of course there is another outlet for surplus milk and that is the factories. The milk can always be separated and cream can be converted into butter, so that the milk is really a surplus that can be coped with under present-day conditions. It has a market value; there is no waste. Then the hon. member mentioned dried fruits. There is definitely no waste of dried fruits, because under the Act provision is made to supply local requirements and export the exportable surplus. That exportable surplus

is about 80 per cent. of the pack, and the export of that fruit creates credit for Australia in London.

The Minister for Agriculture: How are you going to distinguish where demand ceases and surplus begins?

Mr. THORN: I shall come to that later. The other Act mentioned by the member for Claremont is the Dairy Products Marketing Regulation Act. There again we supply the requirements of the Australian market and export our surplus. All those surpluses that are exported create credits overseas.

The Minister for Justice: What about onions?

Mr. THORN: We have not yet reached the stage of having an exportable surplus of onions. We have had unsaleable surpluses and the member for South Fremantle introduced a Bill this session to deal with the orderly and proper marketing of onions. So far he has met with success and I hope that if the Bill passes the Council, the operation of the Act will be successful. There is a surplus in the vegetable-growing industry of this State. Because those commodities are perishable, there is no scope for export. Only on rare occasions can vegetables of particularly high quality be packed and exported. Exporting surplus vegetables for the most part is out of the question. Vegetable growers of this State are at present having a most difficult time. I understand a little about the position and am in close touch with them. They are trying to organise a scheme whereby they can control production and obtain some sort of payable price for their product. The position to-day is most pitiful. Of that there is an indication in the fact that vegetable hawkers are going into every suburb with truck loads of vegetables piled to the brim.

The Minister for Justice: They should be able to sell against local prices anyhow.

Mr. THORN: They have been selling basketfuls of ten varieties of vegetables, including cauliflowers, cabbages and bunched vegetables for 1s. 3d. a basket. Surely the member for Claremont could not want anything better than that! That is almost giving it away. Goodness knows what the producer is getting for it. Of course, he is obtaining practically nothing and it is hard indeed for him to make a living to-day.

The Minister for Justice: In Claremont beans are sold for 1s. a pound, but if you go into a working man's suburb they are 3d.

Mr. Marshall: If the member for Toodyay went to a working man's suburb he would be out of place.

Mr. THORN: Of course, when one goes into the Minister's district, where the elite live, one has to pay! I tell the member for Murchison that far from being very much out of place in a working man's district, I think I understand the workers very well. My democracy equips me to understand them. I am in very close touch with them. Sometimes I think, judging from the dictatorial attitude adopted by the member for Murchison in this Chamber, that he does not himself thoroughly understand the workers. He is apt to be a dictator. He is trying to dictate to me now.

I cannot quite see how the desire of the member for Claremont can successfully be given effect. If he is going to travel around collecting surpluses he will upset the market for producers in general. The surpluses of primary products in this State cannot be dealt with in the manner he suggests without the living standard of the producers of the commodities being reduced. He said that the dried fruit growers were making a good profit, but I can assure him that is not so. Somebody may be making a profit, but definitely not the growers. I commend the very laudable object of the hon. member but am afraid it cannot be put into effect.

MRS. CARDELL-OLIVER (Subiaco) [9.43]: I have pleasure in supporting the motion to amend marketing legislation to provide for power for the various boards to organise the distribution of surpluses. I think, however, that there is something wrong about the wording of the motion.

Mr. North: I think that is so.

Mrs. CARDELL-OLIVER: It is not the unsaleable surpluses that the hon. member desires to have distributed; it is the unsold surpluses that he wants to buy.

Mr. Thorn: He wants to buy them?

Mrs. CARDELL-OLIVER: Yes.

Mr. Thorn: That puts a different complexion on the matter.

Mrs. CARDELL-OLIVER: It is a business proposition. The member for Toodyay (Mr. Thorn) stated that the member for Claremont had on many occasions endeavoured to revolutionise the condition of affairs in this State, and was responsible for some advanced thoughts. By some he may be likened to a visionary. I choose to call him a man of vision. I feel quite sure that the

day will come, and quite shortly, when we shall no longer allow goods to perish while people are under-nourished.

Members: Hear, hear!

Mrs. CARDELL-OLIVER: Boards are being rapidly constituted; so much so that if we continue to appoint boards at the present rate this Parliament will not be of much use in a few years' time. It is now proposed to establish an onion board. When I was in Melbourne a couple of years ago, I learnt that the onion board there was destroying an enormous tonnage of onions—I believe 20,000 tons—and at the same time poor people were requiring onions. We already have a milk board, and we have been informed by the member for Toodyay that milk is thrown away. Is it not better to give milk to children rather than convert it into cheese. Producers are prevented from selling it when there is a glut. At certain times it does not pay producers to employ additional hands, that is, during glut periods, and so the surplus is thrown away. Under the hon. member's motion all this milk could be sold and given to children. We have also a Dried Fruits Board, a Transport Board, and a Main Roads Board. I do not know where the boards are going to stop.

Mr. Cross: Is there anything wrong with the Main Roads Board?

Mrs. CARDELL-OLIVER: I am not complaining about the Main Roads Board or other boards. I am contending that if we continue to create boards the time will arrive when Parliament will not be wanted. Therefore it is due to us to make the boards that are already in existence more efficient than they really are. It is because of our restricted population that the boards tend either to restrict production or keep up the prices of commodities to what is considered an economic figure. I am sure the member for Claremont wants the producers to receive a sufficient price for their commodities. However, he does feel, as I feel, that the poorer sections of the community must have provision made for them to receive these surpluses. I am going to advance a suggestion, and it is on the lines of something that has already been done by old age pensioners at Leederville. In that suburb there is a body of some 200 pensioners and others. Some time ago these men, who were not able to pay the prices for vegetables or fruit that they needed, clubbed together and bought a truck. One of the body is appointed each week to go into the outlying districts for the purpose of buying up all the vegetables and fruit that have remained unsold; oranges that have fallen from the trees are also acquired cheaply. All vegetables that cannot be sold in the market are bought and those that have slightly run to seed are also secured, taken to Leederville and distributed in parcels for 6d. A sufficient quantity is purchased to provide the men and their families with fruit and vegetables for the whole week. There must be more than the number I stated when the families are taken into consideration. I suggest that that is a scheme on which the Government could to some extent enlarge. Some time ago when I was in Melbourne I learnt that many of the poorer people not able to afford to pay the full price for milk, secured it at a reduced price. Those people would go to a medical officer with their last wage sheet and show that the amount earned had been under a certain figure. The medical officer initialled and stamped the sheet, and the holder of it took it to the municipality and was able to buy at a greatly reduced price the excellent Talbot milk so necessary for children. Those who could afford to pay the correct price were made to pay the difference. That, I think, is what is likely to happen if the motion of the hon. member is carried. Therefore, I have much pleasure in supporting it, and I trust that the time will soon come when all unsold commodities will be brought into the city and distributed at prices that people will be able to afford to pay.

MR. McDONALD (West Perth) [9.53]: The member for Claremont has opened up a question which of late years has been very much to the fore. It is not necessary to recall to members the cause in recent years of products having to be thrown away or ploughed into the ground again or the sale artificially restricted. Action of that kind is naturally challenged by those who desire to see the best use made of the products of the world. So I think the member for Claremont has drawn attention to a matter that is now very much in the forefront of current politics and of economic organisations. I would prefer to see the motion in rather

different terms. The motion is that in the opinion of the House marketing legislation should be amended to provide power for the various boards to organise the distribution of their unsaleable surpluses. To pass that motion would commit the House to an opinion that existing legislation should be amended where there are marketing boards operating. That may be a matter of opinion. I am going to propose that the motion should be made to read in this way, "That in the opinion of the House future marketing legislation should provide power for the various boards to organise the distribution of unsaleable surpluses." That would permit of dealing with future marketing legislation, and it would not direct the boards to organise for the disposal of unsaleable surpluses. It would, however, confer upon them the power to say that if the occasion should arise that there were unsaleable surpluses, those surpluses should be put to the best possible use. As marketing legislation is now framed it very often happens that there must be quotas or there must be a restriction of the quantity that may be sold or grown; and in conjunction with organisations of that kind, from time to time there would be surpluses which could not be sold for various economic reasons. Those surpluses might depress prices or affect continuity of supplies, and so we hear from time to time, as the member for Claremont has said, of surpluses that are wasted, and that of course no community would wish to see take place. I shall therefore move an amendment—

That in line 1 after the word "House," the word "future" be inserted, and in line 2 the words "be amended to" be struck out.

The motion will then read—

That in the opinion of this House future marketing legislation should provide power for the various boards to organise the distribution of their unsold surpluses.

This will not embarrass marketing boards by imposing additional obligations upon them; rather will it confer upon them powers they can use when necessary to prevent the waste of commodities that could not be put on the market in the ordinary way.

HON. P. D. FERGUSON (Irwin-Moore—on amendment) [10.1]: I oppose the amendment. It is wrong to anticipate future legislation. If a Bill be introduced dealing with the marketing of any commodity, Parliament should be in a position to embody in it any provision that it thinks fit to put there. When such a Bill is brought down will be the right time to incorporate an amendment such as is proposed. Parliament should not be instructed to-day concerning what should be placed in a Bill that may be brought down in the future. I do not believe the amendment can have any good effect, or that it would convey anything either to members or the public. It is futile in itself.

MR. LAMBERT (Yilgarn-Coolgardie—on amendment) [10.2]: The member for Claremont (Mr. North) is to be commended for bringing forward this motion.

Mr. SPEAKER: The amendment, not the motion, is before the Chair.

Mr. LAMBERT: I am speaking against the amendment. The motion draws public attention to a large volume of unsold perishable goods that could be profitably marketed if some board were given power to deal with them.

Mr. Cross: What has that to do with the amendment?

Mr. LAMBERT: I am not speaking to the amendment. Suppose this principle were applied to the Dried Fruits Board! After handling the major quantity of its products, the board would then be left with a surplus to dispose of.

Mr. SPEAKER: The hon. member is now discussing the motion instead of the amendment.

Mr. LAMBERT: I will reserve any further remarks I have to make on the subject until the amendment is disposed of.

HON. C. G. LATHAM (York—on amendment) [10.4]: The amendment, which I have carefully read indicates that this House is inefficient. Why should we ask this House to do to-morrow what ought to be done to-day? If such-and-such a thing is required to be done to-day, it should be done to-day and not to-morrow. Furthermore, this Parliament has no right to instruct an incoming Parliament what to do. We should not lay down in this House what the representatives of the people may decide to do after March next. The amendment is a reflection upon the House in that it indicates what Parliament shall do to-morrow, when it should really be doing that which is required to be done to-day. The amendment,

if carried, would merely advise the public that we were dilly-dallying with legislation that ought to be dealt with and finalised now.

Amendment put and negatived.

MR. TONKIN (North-East Fremantle) [10.7]: Members opposite want all the advantages of socialism and a continuance of capitalism. The member for Subiaco (Mrs. Cardell-Oliver) will have nothing to do with Russia. She visited that country and observed certain things there, but to-day Russia to her is, in effect, anathema. On numerous occasions, however, she has advocated the adoption in this State of things that are adopted in Russia.

Mrs. Cardell-Oliver: Why should you bother about that?

Mr. TONKIN: I welcome such suggestions. It shows that the germ of socialism is gradually permeating the structure of hidebound conservatism associated with the hon. member. We ought to realise we cannot have the advantages of socialism under a capitalistic system.

Mrs. Cardell-Oliver: England is the most socialistic country in the world.

Mr. TONKIN: I am glad to hear it from the hon. member, but do not believe it. We all desire that the goods we produce shall be distributed amongst the whole community. We cannot, however, do that under a system whereby we produce for profit and not for use. Whilst we maintain a system of producing for profit, our activities must be directed towards the proper marketing of our products, so as to gain for us the greatest profits. If we endeavour to sell at nominal prices large unsold surpluses, automatically all unsold surpluses will increase in volume. People are not fools. As soon as they realise that by refraining from purchasing, they will be assured of participation later in the unsold surplus at very cheap rates, they will take advantage of the opportunity.

Mrs. Cardell-Oliver: We have bargain sales.

Mr. TONKIN: The hon. member supplies the answer to her own question. If firms like Boan's or Foy's announce that a month hence bargain sales will be held at which tremendous reductions in prices will rule, those firms will experience decreased business in the interval.

Mrs. Cardell-Oliver: You miss the point; the poor people will reap the advantage.

Mr. TONKIN: When the sales take place, the people rush to take advantage of the bargains. The secret of success there is in the large turnover, which produces large profits. Quick returns and small profits are better than small returns and large profits. Drapery firms in particular secure tremendous profits, and, in addition, their sales are held at times most opportune to themselves. They realise that it is better to dispose of their goods in season than to have a large carry-over to the succeeding season. Womenfolk can tell with exactitude when sales are held, and wait accordingly. The proposal advanced by the member for Claremont (Mr. North) is not in that category at all. Rather is it that a certain quantity of goods shall be sold in the market at competitive prices. There will always be large quantities unsold, and he suggests that some organisation shall be set up to purchase those unsold goods and, in some manner, they will be distributed among people who can not afford to buy them at competitive prices. The net result will be that people will know there will be a distribution of the unsold surplus and, in the interim, they will refrain from buying. That will apply more especially to perishable goods that cannot be kept for long. There will be a tremendous increase in the volume of the unsold surpluses of goods.

Mrs. Cardell-Oliver: The perishable goods will be had by then.

Hon. C. G. Latham: What will be the advantage in distributing goods that have perished?

Mr. TONKIN: But the perishable goods will not be allowed to go bad, because the organisation charged with the responsibility of distributing the unsold surpluses will have to purchase before they deteriorate. That means there will be a distinctly limited time during which such goods can be offered for sale. People will know that onions cannot be kept for, say, more than six weeks, and therefore they will not buy them at competitive prices, but will wait until they are available at cheaper rates. In the end, the result will be that the returns to producers will be less than they secure to-day. We will find the unsold surpluses will become larger and larger, and there will be an all-round lowering of prices. I would welcome that if the producers could continue to operate. Nothing would please me better than to know that the workers would be able

to secure the commodities they required at rates cheaper than those existing to-day: on the other hand, I realise that under the hon. member's proposal the position of the producers would be so bad that the second stage would be worse than the first. In consequence, we would be asked to do in various directions what is suggested to-day with regard to a home consumption price for wheat. Why not a distribution of the unsold surplus of wheat, and so bring down prices? That would be sheer nonsense. We are to ask the people of Western Australia to pay more for wheat than would be necessary if the price were determined by ordinary competition, so that wheat can be sold overseas at a lower price, and so furnish the producers with a reasonable return. We cannot be expected to agree to that with regard to wheat and to the exact opposite with cabbages. If the producers are to be retained on their holdings, they must secure an adequate return for their commodities, and they will not receive that under the proposal of the member for Claremont. Rather will their returns be less. This particular problem has confronted the world for centuries. Instances are on record of crops having been destroyed in order that prices might be kept up.

Mr. Sampson: There is a growing belief that that is a wrong practice.

Mr. TONKIN: From whose point of view?

Mr. Watts: From every point of view.

Mr. Sampson: From the economic point of view.

Mr. TONKIN: But it is still done to obtain a certain result. For instance, the coffee crop has been destroyed because the output was too great.

Mr. Cross: Coffee-beans have been used as fuel for locomotives.

Mr. TONKIN: Crops have been destroyed so that prices could be kept up for the supplies on hand. Why do entrepreneurs endeavour to corner the market in various commodities? Simply to force prices up: to limit the volume of production so as to keep a large proportion off the market: to maintain short supplies and assure higher prices. Once let it be known that there will be periodical distributions of surplus goods and there will be the opposite effect. Prices will fall to zero, and the lowest price will become the general price.

Mr. Sampson: That is the gospel of despair.

Mr. TONKIN: Let the hon. member hearken to the right gospel. Let him become a socialist, and then there will be no need for all this. There is no unsold surplus in Russia.

Hon. P. D. Ferguson: Yes, there is. What about their wheat?

Mrs. Cardell-Oliver: What about their dumping in England?

Mr. TONKIN: Despite what any hon. hon. member says to the contrary we know it is a fact. We know that in Russia it is not a question of production for profit. Therefore, in Russia they can engage in what hon. members term dumping. They can sell at any price because they are concerned not about profit but about production for use.

Mrs. Cardell-Oliver: And they starve the people to do it.

Mr. TONKIN: Oh no.

Mrs. Cardell-Oliver: Yes, they do.

Mr. TONKIN: They are concerned with production for use, but we in this country are concerned with production for profit, and the producers will continue to produce only so long as they obtain a profit.

Mr. Sampson: You should look ahead.

Mr. TONKIN: The hon. member cannot look ahead.

Mr. Sampson: I am showing you the way.

Mr. TONKIN: We cannot carry out the desire of the member for Claremont here because he supports a system of production for profit. Under the scheme he is advocating it will not be possible for producers to continue to produce at a profit if the unsold surplus is to be distributed in the way he desires.

Mr. Sampson: In the United States they are adopting this method.

Mr. TONKIN: What we want is to distribute all production. We need to make it possible for all goods produced to be given to the people so that they can consume them. That will not be done by the hon. member's method, but only under a system of socialism whereby the State will own the whole of the production and will not be faced with the necessity of selling for a profit. The only concern of the State will be the distribution of the products.

Mrs. Cardell-Oliver: And the workers will be starved.

Mr. TONKIN: The member for Subiaco wants the products to be distributed all right. She wants to ensure the products will

be distributed to everybody, but she wants it done under a system of production for profit. I am telling her that that cannot be done because in order that profit may be obtained when the goods are distributed to the people, the producer must obtain a certain price, and unless he secures a price that will enable him to show a surplus over his cost of production, he cannot continue in business without receiving a subsidy——

Mr. Sampson: The member for Subiaco—

Mr. TONKIN: Will the member for Swan ever stop bubbling?

Mr. SPEAKER: Order!

Mr. TONKIN: So that the producers may obtain a surplus over the cost of production the Government will be called upon to pay a subsidy, and that will be the first step on the way to socialism, because if the State is going to pay a subsidy to the producers it may as well go a step further and buy the whole crop and distribute it in proper fashion. If the State is going to purchase this crop and the other crop it will then be in a position to distribute all the produce, and in effect there will be a system of socialism. But the member for Subiaco will not have that at all.

Mrs. Cardell-Oliver: Why are you quarrelling?

Mr. TONKIN: I am not. I am telling the hon. member that she believes in the advantages of socialism, but she wants them under a system of capitalism, and it will not work.

Mrs. Cardell-Oliver: You have not tried it.

Mr. TONKIN: I want the advantages of socialism: I want them all, but I am not so stupid as to believe that I can have the advantages of socialism without having socialism itself. Nothing would please members of this side of the House better than to know that the unsold surpluses of goods were to be distributed to the people. We would be quite pleased if goods could be given to them, but we know that that would be the end of the producers under this system. The producers have to get a return for the products they put on the market. The member for South Fremantle (Mr. Fox) introduced a Bill for the orderly marketing of onions, because under the method adopted at present onions come on the market in such a way as to force down prices and the low prices make it possible for people to get onions for almost nothing. There is distribution for you! The member for South Fremantle, as much as he wanted people to obtain cheap onions, realised that the very existence of the producers depended on their getting better prices, so he was obliged to do something that would increase the price of onions to the people.

Mrs. Cardell-Oliver: He is a capitalist more than a socialist.

Mr. TONKIN: No, he is not, but under this system he realised that in order that these producers might be able to continue producing, something had to be done to ensure that they received proper prices for their commodities. Up to the present the very opposite condition of affairs has existed. What more could any board do than to make it possible for people to buy onions as cheaply as at present?

Mrs. Cardell-Oliver: The board could throw 20,000 tons overboard.

Mr. TONKIN: The onions have been so cheap that they could be purchased for almost nothing, yet action has been taken in this House—and I believe the hon. member supported it—to increase the price of onions to the people. She supported that measure, I take it, because she realised that some action was essential to enable producers to continue on their properties. So it will be with all the other commodities. We have to take action to ensure that a reasonable price is obtained by the producers who, after all, are only workers. They must obtain a reasonable return, and immediately we start to organise the distribution of the unsold surplus we shall break down competitive prices and the lowest price will become the average price. Much as I desire to see people obtain these cheap goods, and I am prepared to assist them to get cheap goods, this is definitely not the method. If the hon. member is prepared to take any action to provide that the people shall own the means of production so that the products belong to the people, then we shall get a proper distribution without any of this worry. There will be no need for boards to distribute the unsold surplus.

Mr. Fox: That will take in farmers, I presume?

Mr. TONKIN: It will take in everybody. The time will come when the farmers will be working for the State, instead of working for the banks as they are doing to-day.

Mr. Thorn: They will all be working for the love of it.

Mr. Marshall: Then you will not do too much.

Mr. TONKIN: It would appear that there will not be much affection in store for the hon. member. At present the farmers, whether they own up to it or not, are working for the banks and the stock firms. It would be far better for them if they worked for the State. They would not be required to do any different work from what they are doing now, but the products of their labour instead of belonging to private institutions, would belong to the State.

Mrs. Cardell-Oliver: Would they get an eight-hour day?

Mr. TONKIN: Yes.

Mr. North: Do you admit there is a problem?

Mr. TONKIN: The member for Claremont does me less than justice in asking me that question. Of course there is a problem, and the hon. member is part of it. The problem is that we are trying to get the effects of socialism under capitalism, which cannot be done. We want the people to get the goods all right. We want to see that they get all the product.

Mrs. Cardell-Oliver: Then you are in the majority.

Mr. TONKIN: We are in the majority here, but we need only draw the attention of hon. members opposite to what has happened to some of our industrial Bills this session in order that they may realise how much headway we can make elsewhere. Let hon. members opposite be honest and say, "This is socialism we are advocating, and since we believe in it we will be socialists." The present proposition is not socialism, but we will vote for a system by which the State will take charge of production. The member for Claremont at one time was an advocate of Douglas Social Credit. That was a proposal for a national dividend, a similar proposal to this, to enable the people to buy goods remaining unsold. That was the aim of Douglas Social Credit, to enable people to purchase goods which they were not otherwise able to purchase. In effect, it was a proposal for a social dividend without confiscation and without taxation.

Mrs. Cardell-Oliver: Did you believe in it?

Mr. TONKIN: No; I did not. A little thought shows that it is impossible to have a social dividend from a privately-owned product. A socially owned product means socialism in our midst. The member for Claremont wants the advantages of socialism now as he wanted them formerly. If he wants a social dividend, he must have a social product. When he has realised that idea, he will get somewhere. If he desires a social product, he will get plenty of support here. When there is a social product, we will do all we can to ensure that there is a social dividend and that all the people share in it. But to say that we can continue to let some people make a large profit and at the same time can arrange for all the people to share in the product is to advocate something that will not work. Endeavours have been made for thousands of years to distribute the product of the various countries. All capitalist countries have been trying to distribute their product for thousands of years, without ever succeeding in solving their unemployed problem, or the problem of having a surplus of goods on the one hand and people starving on the other. They have not solved those problems because they have continued to support a social system which is anything but a social system.

Although the member for Subiaco is so much down on Russia, yet she realises that in Russia are being practised the very things, and the only things, that will make it possible for all the people to share in the product of the country. That is what I desire. That is what members on this side desire—that the product, as large as it is, shall be distributed to the people. There will be no difficulty once that product is socially owned. If the product is privately owned, then we cannot ensure that the whole of that product shall be distributed. Instead, we get up against the price difficulty, and we bring about a condition of affairs whereby prices fall so low as to render it impossible for the producers to get a surplus. Their cost of production becomes greater than their return, and unless the State comes to their aid they are forced out of business. So whilst I would like to see the result achieved which is desired by the mover, I realise that it will not be achieved under his proposal, which therefore I cannot support.

On motion by Mr. Needham, debate adjourned.

House adjourned at 10.36 p.m.