

papers have reported during the last month three or four instances of dogs having attacked human beings.

Hon. E. H. Gray: And there was a case reported in yesterday's paper of a dog having gone out into the bush to save a child's life.

Hon. A. LOVEKIN: Quite true. I like dogs. I have a dog and it does any amount of barking but no biting. All the protection afforded is contained in Section 23 and it is insufficient. A dog that has shown ferocity should not be given a second chance.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the further consideration of Clauses 3 and 4 and two new clauses.

In Committee.

Clause 3—Insertion of new section after Section 6:

The HONORARY MINISTER: I move an amendment—

That the following new subclause be inserted to stand as Subclause 2:—"When the dog, the registration of which is applied for, is the property of an aboriginal, registration shall not be refused except with the consent of the nearest protector of aborigines."

Rightly or wrongly it is generally considered that an aboriginal's dog is of a destructive nature in that it has been trained to hunt for food. The aboriginal depends upon the dog for his food, and if the clause remained as at present it would be quite possible for him to suffer. No one desires to deprive aborigines of the services of their dogs.

Hon. C. F. BAXTER: In order to afford an opportunity to have this and other proposed amendments placed on the Notice Paper, I ask that progress be reported.

Progress reported.

House adjourned at 9.14 p.m.

Legislative Assembly.

Wednesday, 24th October, 1928.

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

QUESTION—POLICE PROMOTIONAL BOARD.

Hon. G. TAYLOR asked the Minister for Police: Is it the intention of the Government to introduce this session an amendment of the Police Act to provide for the appointment of a board to deal with the promotion and punishment of members of the police force?

The MINISTER FOR POLICE: No.

Hon. G. Taylor: You did not waste many words about it.

QUESTION—LEPER ACCOMMODATION BROOME HOSPITAL.

Mr. COVERLEY asked the Minister for Health: 1, Is he aware that the Commissioner for Public Health recently stated that isolation quarters for leper cases at Broome were not necessary? 2, Is he aware that an aboriginal suffering from leprosy arrived at Broome hospital on the 22nd October, 1928, from Derby, under the Commissioner's orders? 3, Will he further consider the necessity for building an isolation ward at the Broome hospital?

The MINISTER FOR HEALTH replied: 1, The Commissioner of Public Health stated that special isolation quarters for lepers were not justified at Broome, for the reason that cases are transferred to Cossack as soon as transport can be arranged—and they occur very infrequently. 2, Yes. The aboriginal suffering from leprosy, who recently arrived at Broome, was taken there because the car which was transporting him to Cos-

sack broke down. He will be removed immediately further transport is available. 3, No. For the reasons stated in question 1.

Mr. Teesdale: Poor old Cossack!

BILL—ROAD DISTRICTS ACT AMENDMENT.

Introduced by Mr. Latham and read a first time.

BILL—WATER BOARDS ACT AMENDMENT.

Recommittal.

On motion by the Minister for Agricultural Water Supplies, Bill recommitted for the further consideration of paragraph (v) of the proviso to Clause 2.

In Committee.

Mr. Panton in the Chair; the Minister for Agricultural Water Supplies in charge of the Bill.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: Last evening the member for York moved a new proviso which read—

(v) That land held on conditional purchase lease granted before or after the commencement of this Act under the Land Act, 1898, or any amendment thereof shall be exempt from water rate for two years from the commencement of the lease.

That amendment was agreed to. I have since discussed it with the Crown Law Department and have had it redrafted so that we may give effect to the intention of the hon. member that it should apply to this measure and to no other.

Hon. Sir James Mitchell: That will be the only well-drafted provision in the Bill.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: I move an amendment—

That all the words after "1898" be struck out, and the following inserted in lieu:— "shall not be rateable under this Act during the first two years from the commencement of such lease."

Hon. Sir James Mitchell: I do not think it is as good as the drafting of the member for York.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: The intention of the member for York was clear; he desired that

the provisions of the measure should not apply to settlers for the first two years after taking possession of their holdings. The redrafted amendment will make the proviso apply to this measure only.

Hon. Sir JAMES MITCHELL: Last night the Minister accepted the other amendment and he should stick to it; otherwise he will find himself giving way not only in connection with this special form of rate but also the rate under the old Act. I admit it is right that an amendment drafted by an hon. member, even when accepted by the Government, should be submitted to the draftsman and put into proper shape, but I am afraid that on this occasion we are going to give up something that we got yesterday. Still, as we believed at the time that the amendment referred to these provisions only, I think we shall have to agree to the amendment as redrafted.

Mr. LATHAM: Will you, Mr. Chairman, kindly read the paragraph as redrafted?

The CHAIRMAN: It reads—

(v) That land held on conditional purchase lease granted before or after the commencement of this Act under the Land Act, 1898, shall not be rateable under this Act during the first two years from the commencement of such lease.

Mr. LATHAM: Under the amendment I moved last evening, it is provided that land granted under conditional purchase lease under the Land Act or any of its amendments shall be exempt for two years. If the Land Act is amended, what will be the position?

The Minister for Agricultural Water Supplies: It will be time enough to consider that when the Land Act is being amended.

Mr. LATHAM: It is probable that there may be an amendment of the Land Act making the conditions harder than they are to-day. That is why I wish the words "or any amendment thereof" to be included.

Hon. Sir James Mitchell: I think the wording is all right as it stands.

Mr. LATHAM: I have no objection to the Minister's amendment.

Hon. G. TAYLOR: The only difference between the Minister's amendment and that of the member for York is that the Minister specifically lays down that the amendment shall apply only to the present Bill.

The Minister for Agricultural Water Supplies: That was the intention.

Hon. G. TAYLOR: The Minister's amendment does what we desired to do last night.

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

Bill again reported with a further amendment.

BILL—JURY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [4.51] in moving the second reading said: The purpose of this small amending Bill is to allow the remuneration of jurors to be fixed by the Governor in Council instead of having an amount provided statutorily. The Jury Act has been in existence since 1898, a period of about 30 years.

Hon. Sir James Mitchell: It is time trial by jury was wiped out.

THE MINISTER FOR JUSTICE: That is a highly debatable point.

Hon. Sir James Mitchell: Let us debate it, then.

THE MINISTER FOR JUSTICE: In the 30 years which have elapsed since the passage of the original Act money values have changed considerably, and what was considered a fair remuneration for jurors attending to their civic responsibilities in 1898 is not so at the present time. It is therefore thought that the remuneration of jurors should be increased, relatively, to what it was as fixed in the original Act. But conditions in regard to money values may vary in the future as they have done in the immediate past, and therefore it is considered desirable that the fees for jurors should be fixed by regulation. Then the Governor in Council may at any time alter the remuneration so as to make it adequate to the duties performed. The Bill asks for power to alter the remuneration of jurors in various parts of the State. What may be a fair thing in Perth may be entirely inadequate in such places as Wyndham or Broome, where rates of wages are utterly different from those ruling in the metropolitan area.

Mr. Sampson: The jury industry is not a good one to encourage.

THE MINISTER FOR JUSTICE: I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [4.53]: People serving on juries have never been adequately remunerated, and it was never intended that they should be. Everyone has to render some service to the State, and there are responsibilities of citizenship which are discharged by some persons in one way and by other persons in another way. The unfortunate men, who sit on juries, and are sometimes detained for a week, have been paid very small fees.

The Minister for Justice: When juries have sat for a week, the practice has been to augment the fees.

Hon. Sir JAMES MITCHELL: All the same, the fees are very small. I do not know that people discharging this duty can expect to be rewarded for lost time. I suppose what the Minister has in mind is that if wages are 20s. per day, the jury fee should be 20s. per day.

The Minister for Justice: Not necessarily.

Hon. Sir JAMES MITCHELL: If the fee to every juror is to be whatever his earnings may be, it cannot be a fixed remuneration. We should consider whether the jury system has not outlived its usefulness. My own opinion is that it has. The other day I read of a case in which the jury brought the accused in guilty of manslaughter, and the judge said to him, "I do not believe you are guilty, counsel for the prosecution does not believe you are guilty, and your own counsel does not believe you are guilty. No one in this court except the jury thinks you are guilty. I sentence you to one day's imprisonment. That was yesterday. Now you are free." A miscarriage of justice as in that case, however, is rare. Trial by jury on the whole is not a satisfactory method of trial. It is rather risky for the accused who happens to be innocent, and often it is a very good thing for the accused who is undoubtedly guilty. What we want is that justice shall be done to everybody. I doubt whether justice is done under the system of trial by jury. The time has come when we ought to consider the position. I do not know that in many cases we could have trial by one judge, but we could have criminal cases tried by two or three judges, and that would be far more satisfactory. However, the system of trial by jury obtains now, and the present question is whether we will allow the fees

for jurors in various parts of the State to be fixed as proposed by the Bill. Apparently the Minister for Justice has plenty of time on his hands, and he will be able to listen to pleas from jurors for increased fees, such pleas as that it is Christmas time, or that it is the day before New Year, and that the fees ought to be doubled at such a season. Ministers ought to be busy at the bigger work. I do not think they should be worried about such things as these. The Minister is only laying up trouble for himself by adopting this method of fixing jurors' fees.

The Minister for Justice: No. There will be a prescribed rate, which may last four or five years. It will not be altered from day to day.

Hon. Sir JAMES MITCHELL: I dare say the Minister will adopt a scale for various places, but all the same there will be attempts to alter it.

Mr. Teesdale: Presumably there will be a flat rate for the metropolitan area.

The Minister for Justice: A similar system exists now in regard to witnesses' fees. I have not altered the scale for witnesses in five years.

Hon. Sir JAMES MITCHELL: That is so, but jurors' fees are a very different thing.

The Minister for Justice: No. A witness might be drawn into a case reluctantly.

Hon. Sir JAMES MITCHELL: That is an entirely different position. I suppose the Minister will make one scale of fees for civil cases, and another for criminal cases.

The Minister for Justice: No.

Hon. Sir JAMES MITCHELL: Apparently the Minister will have power under the Bill to do that.

The Minister for Justice: No. Differentiation will be as regards different places.

Hon. Sir JAMES MITCHELL: The Minister can do more than that. Naturally but few cases are tried in distant parts of the State. The Minister knows it does not often happen that a judge or a commissioner is sent up to Wyndham or Broome to conduct a trial. If the present scale of fees is too low, I do not know why the Minister could not fix a scale in the Bill. I have no objection to the fees being increased. Everyone serving on a jury is there because it is expected that he will do his duty by the country, not for the fees he gets, but because it is his duty to sit on a jury when called upon.

Mr. Chesson: But he should not be out of pocket over the matter.

Hon. Sir JAMES MITCHELL: Probably he will be out of pocket. The man on the basic wage, of course, should not be out of pocket.

Mr. Chesson: I am referring to the man on low wages who has to lose his shift and gets only 10s.

Hon. Sir JAMES MITCHELL: He should not be out of pocket. But we cannot recompense everybody. A business man who is called to sit on a jury cannot be recompensed for his lost time.

Mr. Chesson: I agree with you there, but a man who is working for wages has to lose time.

Hon. Sir JAMES MITCHELL: The other man also has to lose time.

Mr. Chesson: But the man who is working for wages is up against it all the time.

Hon. Sir JAMES MITCHELL: The fees should be fixed at the rate to which the hon. member refers. I shall not oppose the second reading of the Bill.

HON. G. TAYLOR (Mount Margaret) [5.0]: While we all agree that jurymen shall receive some remuneration, no one will contend for a moment that the fees at present paid to them are anything like fair. No one is desirous of making the jury system an industry by means of the payment of high fees, but those jurors who are called away from their employment and whose wages cease when they do not work, should be adequately recompensed. As to the references made by the Leader of the Opposition to people in receipt of high salaries, the fact is that irrespective of whether those people are away from their employment for a day or for a longer period, their salaries go on. They are not penalised, whereas the artisan or any man working for a daily wage does not receive any pay if he is taken away from his work. The present payment fixed for jurymen is nothing like equal to the wages they receive in the ordinary course of their employment. When the Minister is regulating the payment of fees, I hope he will carry out that task with a due appreciation of the basic wage, and of the wages paid to the better class of tradesmen. It has to be remembered that a jurymen has no say in the matter. Someone has to undertake the duties imposed upon a jurymen, and a man may be called away

from his work and may be required to hang about a court for several days. That is another matter the Minister will be able to deal with if the Bill is agreed to. I think the Bill merely gives the Minister power to differentiate between the amount to be paid in various parts of the State. I do not believe there will be any opposition to the Bill, but if we were to have a full dress debate on the general question of the jury system, we might have interesting views expressed. We cannot attempt any such thing under the Bill, but members should be given an opportunity to express themselves on the principle of the jury system.

MR. SLEEMAN (Fremantle) [5.3]: The Bill is many years overdue. Even so, I think it would have been much better had the Bill disclosed the amounts it is proposed to pay.

The Premier: But times change!

Mr. SLEEMAN: The existing Act sets out the amounts that shall be paid to jurymen.

Hon. G. Taylor: But the amounts represent practically nothing at all.

Mr. Marshall: The Government may have an eye on the basic wage, but they may reduce the amount.

Mr. SLEEMAN: We ought not to do everything by way of regulations. If we are dissatisfied with the amounts fixed, the only way we shall be able to indicate that we deem the amounts insufficient will be to move to disallow the regulations. It would be better to decide now what amounts shall be paid, instead of fixing them by way of regulations, which may be disallowed by this House or by another place.

MR. CHESSON (Cue) [5.4]: I support the second reading of the Bill. I, too, consider it is long overdue. If witnesses receive fair remuneration, why should not jurymen be placed in the same position? A jurymen has no say in the matter at all, but is compelled to attend the court. If he does not attend, he is fined heavily.

Mr. Marshall: The Bill does not say what the jurymen will receive.

The DEPUTY SPEAKER: Order! The hon. member must not interrupt.

Mr. CHESSON: I am prepared to leave that discretionary power in the hands of the Minister.

Mr. Marshall: He may reduce the amount.

Mr. CHESSON: That is not at all likely. As jurymen are compelled to attend courts in order to carry out duties imposed upon them, they should receive reasonable remuneration, particularly as they lose their work, and consequently do not receive any pay. On the goldfields the larger proportion of the jurymen are tradesmen, and for every day those men are engaged at the court they lose a day's pay. Hence it is essential that they shall receive fair remuneration.

MR. STUBBS (Wagin) [5.6]: The Government have acted wisely in introducing the Bill to amend the Jury Act. The main point is that the Government propose to differentiate between the amounts paid in different parts of the State. When he is replying, I would like the Minister to tell the House whether it is the intention of the Government to increase the remuneration fixed in the existing Act for payment to jurors. The amount that has been paid for many years past has been totally inadequate. To my knowledge it has been the subject of adverse criticism for at least 25 years. When citizens of the State, whether they are bricklayers, carpenters or any other type of tradesmen, are called upon to act on juries, they have a right to receive remuneration that will not represent any loss to them. Under the existing Act the amount payable is limited to a sum that is not equal to half the amount at present earned by a tradesman. I am sorry the Government have not seen fit to tell the House what they propose to pay to jurymen. It is possible that a jurymen may be required to attend a court for a week or more, and not be called upon to sit on a jury at all. The amount he is paid is not sufficient to meet half his expenses. I hope the Minister will tell the House whether the Government intend to increase the minimum amount that is now paid to jurymen who are compelled to attend the court in response to the ordinary legal process. I support the second reading of the Bill.

MR. MARSHALL (Murchison) [5.8]: While I am prepared to support the Bill, and to take more or less of a chance with it, I agree with those speakers who have contended the Government should have indicated what they intend to do. We are all under the impression that the Government propose to increase the fees paid at present.

Mr. Stubbs: So they should.

Mr. MARSHALL: We will all agree with that.

Mr. Sleeman: But by how much?

Mr. MARSHALL: The Bill does not say whether the Government intend to increase or to decrease the fees. It merely says that the Government shall prescribe by regulations the fees to be paid. Like the member for Fremantle (Mr. Sleeman), I am not prepared to blindly support even the present Government. I want to know what the Government intend to do.

Mr. Chesson: Perhaps you have not sat on a jury.

Mr. MARSHALL: And I do not want to, either. The argument has been advanced that because a man may earn 15s. a day at his trade, he should receive at least 15s. a day for sitting as a jurymen. My argument is that a man should be paid in proportion to the responsibility imposed upon him.

Hon. G. Taylor: You would have a difficult task in assessing that.

Mr. MARSHALL: In this instance it is not difficult.

The Minister for Justice: Yes, it is. You would have something for a murder case, something else for a manslaughter case, and something else for some other class of crime.

Mr. MARSHALL: Jurymen do not sit on all cases, but on special cases only. They do not sit to deal with minor offences.

Hon. G. Taylor: They sit on criminal cases.

Mr. MARSHALL: In some courts I would not be entitled to claim the right of trial by jury. The law would not permit it because the crime I was charged with was not important enough. On the other hand, I might be charged with a crime and find myself in the position of being forced to have my case dealt with before a jury. I do not think it is just, should I be placed on trial, that I should have no say as to whether my fate should be decided by one man or by twelve men. Of course, it would all depend upon the crime I was charged with. I do not know that I shall whole-heartedly support the Bill, without some knowledge of what the Government propose to do. I shall support it because I agree with members who believe it is the intention of the Government to increase the amounts payable to jurymen.

The Minister for Justice: We would not have introduced the Bill if that had not been our intention.

Mr. MARSHALL: Because I may be forced into a position that is objectionable to me, the fact that I earn a certain amount at my daily work should not influence the Government at all in deciding the fee I should be paid for acting as a jurymen. I should be paid only in accordance with the responsibility imposed upon me. I want to know from the Government what they propose and what they mean when they set out that they shall be allowed to differentiate by means of regulations. What did the Minister mean when he said he proposed to differentiate between one jurymen and another?

The Minister for Justice: I did not say that.

Mr. MARSHALL: The Bill says so.

The Minister for Justice: No. The Bill says we shall differentiate between different parts of the State.

Mr. MARSHALL: When we deal with Clause 2 I shall deal more fully with that point. My contention is that, irrespective of whether the person concerned is earning the basic wage in Perth, on the goldfields, or in the North-West, his wages should not bear any comparison whatever to the remuneration paid to him for his services as a jurymen. The Government have no right to say that because such a man earns the basic rate in Perth, and is called upon to act as a jurymen, he should receive an amount equivalent to his actual wages. The fact that he earns those wages should not have any influence upon the Government in fixing his rate of pay as a jurymen. It would not be fair, particularly in view of the responsibilities imposed upon him and which may be objectionable to him.

Mr. Stubbs: What do you think that man should get?

Mr. MARSHALL: Payment worthy of the position into which he is pushed.

Hon. G. Taylor: What do you say that would be?

Mr. MARSHALL: Any man sitting on a jury should get £2 2s. per day.

Mr. Teesdale: Help!

Mr. Angelo: Let us have permanent juries.

Mr. MARSHALL: There is not a member of the Chamber who, if eligible to become a jurymen, would choose to be a jurymen at £2 2s. per day as against an ordinary worker at 15s. per day; he would prefer to remain an ordinary worker. To be called

upon to adjudicate upon his fellow man is objectionable to everyone, particularly on criminal cases, of which we have so many. Jurymen are called upon to exercise their good judgment. More than that, there is in it an element almost impossible for one to explain. I refer, of course, to criminal cases. The jurymen who have to adjudicate on those cases can have their position so far as I am concerned, even if they were paid £5 5s. a day. There is on jurymen an obligation to be more than ordinary men. They have to adjudicate upon practically the life or death of their fellow man. Then the Government come along with a Bill and say, "We know they are inadequately paid, but we propose to alter that by regulation." They do not say, "We think the responsibility undertaken by those men is worth £5 5s. per day."

The Minister for Justice: No, we do not.

Mr. MARSHALL: What I want to know is exactly what the Government propose to do, and why there should be a differentiation between a coroner's jury and a criminal jury or any other jury. I am not prepared to oppose the measure. I know the intention of the Government is to increase the fee, but I want to know by how much they propose to increase it, and what reason there is for altering the amount as between different juries. I will support the second reading in the hope of eliciting all the information I require when the Bill gets into Committee.

MR. SAMPSON (Swan) [5.17]: I congratulate the Minister on having brought down this measure; because, since juries are called for, they should be paid in accordance with some system or method. Hitherto the rate has remained the same over a long course of years. At the same time I regard the jury system as an anachronism. It is long out of date.

The Minister for Justice: It is not an anachronism.

Mr. SAMPSON: Long before the Minister was born, or this Parliament came into existence it was so. I hope the Minister does not favour the jury system. It is a good thing from some standpoints, no doubt. Naturally, a judge dislikes to bring in a verdict of murder on his own account. But I am satisfied there would be better justice if we had no juries. Obviously, a trained man used to sifting and weighing evidence

would come to a more common sense judgment than would an untrained jurymen. The people, generally, think the same. There is a widespread disinclination to sit as jurymen, and I think those that take that view take the right view.

Mr. Kenneally: Even though people may object to sitting on a jury, they do not believe in doing away with the jury system.

Mr. SAMPSON: Generally speaking, the feeling is growing up that juries have served their purpose.

Mr. Kenneally: Who said so?

Mr. SAMPSON: And that, in the interests of justice and common sense, it would be better for those trained in such work to make all the decisions. Some accused persons, of course, prefer to be tried by a jury. I do not blame them, when we consider some of the decisions arrived at by juries.

Mr. Kenneally: Or when we consider some of the decisions occasionally given by judges.

Mr. SAMPSON: I have every confidence in a judge. He is more capable of coming to a wise decision, for he has been trained in the work over many years. What sort of decisions are we likely to get from those who have had no such training? The Minister is to be commended for having brought down this Bill, but some day perhaps he may bring down another Bill. If he were to bring down a Bill to abolish the jury system, I think it would receive very wide support.

MR. ANGELO (Gascoyne) [5.20]: For a long time past I have been of the opinion that the jury system should be dispensed with and a better method set up for obtaining justice for anybody charged with a crime. We have often heard it said that a guilty man likes to go to a jury, and that an innocent man prefers to be dealt with by a judge. By voting for this Bill, I am afraid, we shall only be delaying the day when some better system of obtaining justice will be brought forward.

Mr. Marshall: The Bill has nothing to do with the jury principle; it is only to increase the fees of jurymen.

Mr. ANGELO: Yes, but if passed, the Bill may mean delaying the introduction of some better system. For that reason I will oppose it.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton—in reply) [5.22]: I do not intend to reply to very much of what has been said regarding the jury system. That system is supposed to be one of the fundamental principles of British justice, and has always been recognised as such. There is no country in the world that has dispensed with the jury system, particularly in trials where capital punishment is involved. It is the desire of the Government to see that the principle contained in the parent Act is adhered to; that is to say, that the jurymen shall receive fair remuneration. That principle is in the parent Act and it should continue now, when conditions have changed considerably. The ruling rate of wages in 1899 was about 7s. or 8s. per day, and at that time the remuneration of a jurymen was 10s. per day. Now that the ordinary rates of wages are up to 14s. or 15s. per day, 10s. for a jurymen is entirely inadequate and not in accord with the principle laid down in the original Act. The Government have definitely made up their minds as to the amount to be paid to jurymen, and generally Governments deal fairly with people. The same system will be adopted as that applying to witnesses. Witnesses are paid certain fees, which can be varied by regulation at different times when different circumstances arise. Under the Bill that system will be adopted for jurymen.

Hon. Sir James Mitchell: But when you bring down a Bill you ought to know what you want to do, and what you mean to do.

The MINISTER FOR JUSTICE: We do know that.

Hon. Sir James Mitchell: Well, how much are you going to pay these jurymen?

The MINISTER FOR JUSTICE: We have not decided whether it shall be 15s. 6d. or 15s. 9d. That will be determined according to the circumstances.

Mr. Stubbs: The Crown Law officers will decide it.

The MINISTER FOR JUSTICE: No, the Governor-in-Council will decide it.

Hon. Sir James Mitchell: I think we are entitled to know before we pass the Bill.

The MINISTER FOR JUSTICE: I am not very particular as to whether the Leader of the Opposition passes it or not. The only thing is, if he does not agree to it, he

will be imposing a further injustice upon people who have been suffering injustice for many years past. The idea of the Government in altering these fees for jurymen is that the remuneration shall be made adequate.

Hon. Sir James Mitchell: But you would never have brought down the Bill without first making up your minds as to what you are going to do.

The MINISTER FOR JUSTICE: The present fee has been a fixture for 30 years. It has operated harshly on jurymen, and we are going to alter it and pay them something commensurate to the services rendered. The actual fee to be paid has not been finally discussed in Cabinet, and I have no right to say what the Cabinet view will be. But it is intended by Cabinet to make the fee more adequate than it is at present.

Hon. Sir James Mitchell: You always want a blank cheque.

The MINISTER FOR JUSTICE: Perhaps the very reason why we say these payments may be altered by regulation is that it may prove necessary to so alter them. If we were to state now a specific fee for jurymen, and it were found necessary subsequently to alter that fee by regulation, even though it were a difference of only 1d. or 1½d. per day, it would be said in the House that we had committed a breach of faith. The Government are satisfied that the present fee is unfair and unreasonable, and they are determined to rectify that anomaly. That is why the Bill has been introduced.

Hon. Sir James Mitchell: In the past the fee has been 10s.

The MINISTER FOR JUSTICE: But the 10s. bore a relationship of about five to four to the ruling rate of wage when the Act was passed. At present it is 10s. as against 15s., the ruling rate of wage to-day and so it is entirely inadequate.

Hon. Sir James Mitchell: I agree with that. We are getting what we want by cross-examination. I think I had better say nothing further.

The MINISTER FOR JUSTICE: I am sure there is no real objection in the House to the principle contained in the Bill.

Question put and passed.

Bill read a second time.

BILL—MUNICIPAL AND ROAD DISTRICTS ELECTORAL.

Second Reading.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [5.27]: In moving the second reading said: It will be remembered that in two successive sessions we brought down a Bill to amend the Road Districts Act, but were unsuccessful on each occasion. That Bill dealt with a wide range of subjects, including the giving of increased power and authority to the district road boards. For some time past we have desired to bring in an amendment of the Municipalities Act. It has been on the stocks for many years. My predecessor considered it frequently, but no extensive amendment has ever been brought down to the House. It is desired by the Government that a comprehensive measure dealing with the principles of local government should be brought down and that that Bill should embody amendments to both the Municipal Corporations Act and the Road Districts Act at the same time. The whole principle of local government and the authority of municipal councils and road boards will be dealt with in one Bill. But when we come to consider the details of such a Bill and set about discussing the authorities and powers of the local bodies, it is seen that the question of basis of representation is involved. When we start to allot authority and power, we want to know by whom those to whom the authority is to be allotted are elected, and whom they represent. So we want Parliament to decide first just the basis of representation on the municipal councils and road boards before the Government decide on the question of what increased power and authority should be given to those bodies. At present we have a State Parliament, of which at least one House is elected on a democratic franchise, if the other is not. No one can claim that our local governing bodies are elected on a democratic franchise, or in any way represent the people. They are elected on a restricted franchise, and represent only a section of the community. In no way can it be claimed that they speak for the great masses of the community. We, on this side of the House, can claim to be democratic, because we represent all the big electorates in the country. Where all the people are congregated together and the

big electorates are, their representatives are sitting on this side of the House. It can be contended that the voice of the people is given effect to in this Chamber on this side of the House. No one can claim that the local authorities are elected on a democratic franchise. If it is suggested, as it is proposed, that we should take the authority now in the hands of Parliament and give it to the local governing bodies, while they still retain the qualification of plural voting, it would mean taking power out of the hands of the people as a whole and giving it into the hands of a section of the people. The Government are not prepared to do that.

Hon. Sir James Mitchell: Then you are not going to have any qualifications at all.

The MINISTER FOR WORKS: We propose in this Bill to abolish plural voting in the case of local governing bodies. Australia to-day is the only country that still retains plural voting in its local governing laws. A considerable part of Australia has abolished that provision, and some parts have gone further than is suggested in the Bill. This measure only elevates us to the position that England and New Zealand occupy now, where one ratepayer has one vote and only one, for each of the road boards or municipalities in which he owns property.

Mr. Sampson: And one for each ward?

The MINISTER FOR WORKS: No. He has to make a selection. If the ratepayer owns property in more than one ward, he chooses the ward for which he shall exercise his vote. Failing that, the town clerk makes a selection for him. If the Bill passes he will be unable to vote in more than one ward. He can vote only once for each municipality and each road board. Although we claim to be a democratic community and to be in the van of progress, in the matter of local government we are in many ways lagging a long way behind the rest of the world. For many years all countries in the civilised world have discarded the system of plural voting. In the old conservative countries they abandoned it many years ago.

Mr. Latham: Did they ever have it?

The MINISTER FOR WORKS: Of course.

Mr. Latham: They never had it in England.

The MINISTER FOR WORKS: Our law was based on the English law. England scrapped it many years ago. It is hard to conceive of any argument that can be put up in favour of plural voting for road boards or municipalities. Parliament exercises control over much wider fields and deals with much more important subjects, such as finance, than do the small local governing bodies. The section of the State Parliament comprised in this House is elected on the adult franchise.

Hon. G. Taylor: Is it plural voting in the Eastern States?

The MINISTER FOR WORKS: In some parts it is.

Mr. Marshall: The National Parliament of Australia is elected on the ordinary voting.

The MINISTER FOR WORKS: In some States the plural voting is retained, but in other parts the system of adult franchise is followed.

Mr. Latham: And they changed their governments where they got it.

The MINISTER FOR WORKS: I do not know of any part of Australia that has not changed its government. Governments have changed very frequently in different parts of Australia.

Hon. G. Taylor: It is not plural voting in New South Wales now.

The MINISTER FOR WORKS: No, nor in Queensland or New Zealand.

Hon. G. Taylor: But it is in Victoria.

The MINISTER FOR WORKS: Yes, and I think also in South Australia. We are still sticking to the old system under which one man can have as many as four votes. We are the furthest behind of the lot. In this House we deal with millions of money and impose taxation upon the people at large. We have power over them in many ways, to restrict their liberties and control their operations. We give every man and woman over 21 the right to vote for members of this Chamber. In our National Parliament even wider questions are dealt with, notwithstanding which both Houses are elected on the adult franchise. That, as near as it is possible to get to it, is based on one vote one value. Notwithstanding the wide scope of matters dealt with, and the unlimited powers to impose taxation, which are features of the National

Parliament, that Parliament is elected on the basis of one vote one value. In this State little road boards, dealing only with restricted matters, are elected on a basis which provides that one ratepayer may exercise four votes. Recently in England an additional two million women over 21 were enfranchised by a new law.

Mr. Latham: That is for the House of Commons. They are only following us.

The MINISTER FOR WORKS: That number of women was brought within the franchise by that Act. In England to-day there must be more women voters than men. The Parliament of England can declare war, and risk the lives and pledge the lives of every citizen. It wields enormous authority, and has power without limitation, but it is elected on the adult franchise without plural voting. Our little road boards can still be elected on the basis of one man four votes. In this regard we are far behind the rest of the world, and have failed to keep pace with the times. It is hard to conceive why plural voting should have been retained. The road boards merely tax the landowner. There is no denying the fact that the tax, when imposed, is finally paid by the great bulk of the citizens, and not by the individual who may for the moment own the land. A big property owner in Hay-street may possess a block of shops or offices. He takes into account his rates and taxes, if he does not actually pass them on to his tenants. At all events he takes these charges into account when he fixes the rents that are imposed on his tenants. The shopkeeper takes into consideration, when fixing the price of his wares, the rent that he is charged, and he passes it all on to the general community. In the final analysis it is the great bulk of the people who pay the rates and taxes, and not those who for the moment hold the title deeds of the land. In other parts of the world local governing authorities occupy a more important place in the public life of the country than they do here. The Government desire to give them a better status than they now possess. In other countries the contests for the election of members are much keener than they are here, and greater interest is taken in the doings of local authorities. When I was travelling I gave some attention to their operations, and I know the interest that is taken in them. There is a great difference between the place they occupy in the public life of the community compared with the place they occupy here. We have great

difficulty at times in getting candidates to stand for election to road boards or municipalities. Very little interest is taken in the matter. That is sometimes reflected in the elections for this Chamber as compared with those for another place. This Chamber, which is elected on a broader franchise, appeals more strongly to the community than another place which is elected on a restricted franchise. If the franchise for local authorities is broadened, and the representation is on a wider basis, greater interest will be taken in their doings. We, as a Government, are anxious that they should be placed in a position where they can exercise greater authority, and where their place in the public life of the community may be regarded as more important than it is to-day. A preliminary to that improved basis of representation must be an alteration in the system by which that representation is given. Instead of ratepayers being allowed to exercise four votes as against one in the case of other people, we are asking by this Bill that each shall have one vote only. We regard that as an essential step in broadening the basis of the operations of our local authorities. After Parliament has determined the policy in that regard, the Government will ask for increased authority both for road boards and municipalities. We are not prepared to take away from Parliament, at least one House of which can claim to be elected by the people, the powers it enjoys, and hand them over to the local authorities, in the case of which one man can have as many as four votes. That would be a retrograde step for the Government to take. Until we have a broader representation, there is no fear of the Government giving the extended powers we would like to give to the local governing bodies. That is the objective of this Bill. Very little more explanation is needed. The principle is so well known that it can readily be understood. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—ABATTOIRS ACT AMENDMENT.

Council's Message.

Message from the Council received and read, notifying that it insisted on its amendment.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

Debate resumed from the previous day.

HON SIR JAMES MITCHELL (Northam) [5.48]: I hope it is not the intention of the Premier to go into Committee on the Bill at this sitting. I should like to have an opportunity to deal with the Assessment Act before considering the tax to be imposed. Without doubt, amendments are needed to the Assessment Act, particularly in regard to sheep. It has been pointed out to the Treasurer, and I know that he agrees it is right, that we are imposing a hardship on people who deal in sheep by permitting the position to remain as it is. If, just before shearing, sheep are bought in the wool, the seller pays tax on the fleece; when the fleece is cut, often a month or two after the purchase, a second tax is claimed on the same fleece. That is entirely wrong. A man might pay 30s. a head for sheep in July, the sheep are shorn early in September and shorn they are worth, say, 20s. Yet they are shown as worth 30s. There is considerable dealing in sheep amongst farmers, and the Assessment Act should be altered to do justice to those dealers. It is very important that this matter should receive attention. Members will see that we may be taking thousands of pounds of money as profit when actually there is no profit at all. If we double bank in every other case, as we do with sheep sold before shearing, we shall of course, get a magnificent revenue. I hope the Premier will bring down an amendment of the Assessment Act, if for no other purpose than to deal with this question. Before lightly passing the Bill we are now considering, we should ask ourselves whether it is necessary to continue the present rate of tax. We understand that the tax collected by the State is not any more than the State needs, but we are getting some advantages just now that I think ought to be considered. We should remember that under our system of government, people pay taxes several times over. The Federal tax is much heavier than ours, largely because of indirect taxation. Then we have taxation imposed by local authorities on top of that. I know that people demand all sorts of conveniences from the Government, but they sometimes forget that they must pay for those conveniences. We are all very glad when we get special consideration from the Commonwealth Govern-

ment, but this is money that is first paid by the people to the Commonwealth Government. We have to remember that there is a limit to the amount we can collect and we must see that we do as little harm as possible when we impose taxation. There was a time when it was thought that by imposing taxation we provided for more employment. That idea, however, is exploded, and no longer is it thought that taxation by the Government increases employment. My opinion is that the Bill now before us should not be considered by the House until the referendum on the Financial Agreement has been decided on the 17th of next month. In a few days time, we might say, we shall know whether the Financial Agreement is to stand or not.

The Premier: A month yet.

Hon. Sir JAMES MITCHELL: Three weeks really.

The Premier: The result will not be known for some two weeks after that.

Hon. Sir JAMES MITCHELL: The taxpayers will not mind the delay. Why should the Premier mind?

The Premier: I shall bring down Supplementary Estimates if the Agreement is carried.

Hon. Sir JAMES MITCHELL: We do not want any more Estimates; we want less taxation.

The Premier: It bears on the same point.

Hon. Sir JAMES MITCHELL: Taxation is one thing, and the expenditure of money is another. We should stay our hands and I hope that the House will agree that this Bill be not further considered until we know the fate of the Financial Agreement. If the Agreement is carried, we shall gain financial advantages. The position will be changed in connection with the sinking fund and we shall benefit there to the tune of £427,000 per annum. We not only cease to pay to the sinking fund trustees in London from revenue here, but we shall also cease to pay interest on the money which they hold, and which is held in the shape of our own bonds. We shall cancel those bonds and no longer shall we have to provide sinking fund in respect of them. The Premier has set aside £350,000 which, in the event of the Financial Agreement being defeated, he will either take into revenue or pay to the trustees in London. It is highly probable, however, that Western Australia will vote No.

The Premier: Western Australia will vote Yes.

Hon. Sir JAMES MITCHELL: Western Australia very probably will vote No, but I think the majority of the people in Australia, particularly those who will benefit by the Agreement, will vote Yes. Therefore, we are not in very much danger of getting our way if our vote is negative. At any rate, we can consider the matter settled for the purpose of the taxation we are now discussing.

The Premier: Oh no, we cannot.

Hon. Sir JAMES MITCHELL: We can consider the matter settled and that we shall have £427,000 per annum available to us to do with as we think right. The right thing to do, of course, is to reduce taxation. We tax our people now because we have to pay sinking fund in London and pay interest on the £9,000,000 held principally in our own bonds by the trustees. What we do say is that instead of paying off in a few years our total indebtedness, we shall repay it in 57 years. Thus our contribution to the sinking fund over 57 years will be very light as compared with the sinking fund payments we are making now. Whatever we are relieved of in the way of payments made to London should surely go back to the taxpayers.

The Premier: Don't you think you are travelling a bit wide?

Hon. Sir JAMES MITCHELL: No. The taxpayer will have his £427,000. I am endeavouring to show why the existing rate of tax should be reduced in view of the fact that we are not going to pay our debts at the rate we were paying them when last we imposed the tax. We then imposed it because we were paying at a fairly rapid rate. Now it is proposed that we shall pay at a very slow rate. The Premier says he wants £1,318,000 by way of taxation. I say that should be reduced by at least £350,000.

The Premier: It all depends on the result of the referendum.

Mr. Davy: What about giving us a go at the Assessment Act?

The Premier: I shall not mind doing so.

Hon. Sir JAMES MITCHELL: We shall be able to reduce taxation considerably if the referendum is carried.

The Premier: Well of course, that is a matter for discussion.

Hon. Sir JAMES MITCHELL: We were told just now by the Minister for Works that we are elected on the broadest possible franchise, that everyone has a vote. Thus we are able to declare what we want to do. My intention, as far as I can carry it out, is to wipe out this amount from the taxation impost.

The DEPUTY SPEAKER: The hon. member is wide of the mark in discussing the franchise.

Hon. Sir JAMES MITCHELL: If it is good for the State to receive the advantage to which I have referred, under the Financial Agreement, it is right that that advantage should go to the people who are paying. I would leave it at that if the Premier would agree to postpone the further consideration of the Bill until the referendum has been taken.

The Premier: I am sorry I cannot oblige you.

Hon. Sir JAMES MITCHELL: I am sorry, too, because now I shall have to go on.

The Premier: If the referendum is carried, there will be an opportunity to discuss the whole financial situation on the Supplementary Estimates.

Hon. G. Taylor: That is no good.

The Premier: Of course it is, if I am to use the money for this or that purpose. The House may then say that taxation should be reduced. There will be the widest possible scope for debate.

Hon. Sir JAMES MITCHELL: We have done pretty well in the way of increasing taxation during the last three or four years, I mean in the total collections. In 1923-24 the amount collected was £1,759,000, whilst last year it was £2,105,000. Thus in the three years the Government became better off to the extent of £346,000. Notwithstanding the reduction of 33½ per cent. and the wiping out of the supertax, the amount of taxation collected is £122,850 more than it was four years ago, due in a considerable measure to increases in other directions. There are the increased land tax and the wiping out of the land tax exemptions, which have been a great advantage to the Treasurer. After all, I think we are imposing far too much taxation on the farmer. The Premier, of course, can say that a halfpenny of the rate imposed upon land is returned to the people of the State by way of a reduction

of railway freights. The reduction of £45,000 in railway freights was made at the time the tax was imposed. On the tax collected, the amount represented by the halfpenny in the pound is far more than £45,000. I think we have adopted a very bad principle. There can be no justification at all for imposing taxation upon a section of the people in order that railway fares and freights generally may be reduced. I suggest to the Premier that it would be very much better to take a halfpenny in the pound off the land tax, even if he increased the railway freights again by £45,000.

Mr. Ferguson: So do I, seeing that the Midland people pay it and do not get any reduction of railway freights.

Hon. Sir JAMES MITCHELL: That is the point; the people who pay the tax do not get the advantage of the reduced railway freights. No one gets very much advantage because £45,000 divided as a part of nearly £4,000,000 collected by way of railway freights and fares makes no material difference to anyone. I suppose it would be very difficult for storekeepers in the country to reduce the price of goods proportionately to the slight reduction in railway freights. I do not think they could possibly spread the reduction unless they sold goods in hundredweight lots. Therefore it would be very much better to wipe out the halfpenny of land tax and restore the railway freights. As I have shown, the Premier has £346,000 from taxation and Federal grants more than I had four years ago, and there have been other advantages.

The Premier: Have you examined the expenditure side?

Hon. Sir JAMES MITCHELL: No; I shall leave that to the Premier. Still, I could cut something out of the expenditure side for the Premier, too. Anyhow, the expenditure side is going to be reduced by £350,000. For the moment, the Premier is setting that amount aside, and at the end of this year he will have £850,000 set aside.

The Premier: We cannot discuss that now.

Hon. Sir JAMES MITCHELL: Because the referendum has not yet been taken?

The Premier: Yes.

Hon. Sir JAMES MITCHELL: But there is £350,000 set aside which need not be set aside, but which could be taken off this

taxation. It would amount precisely to the same thing.

The Premier: How can we take it off until we know the result of the referendum?

Hon. Sir JAMES MITCHELL: I am sorry to say that we can anticipate the result of the referendum with some degree of certainty. The Premier has given us a very good lead in anticipating things.

The Premier: I have not, because I have not used a pound of it.

Hon. Sir JAMES MITCHELL: Let me give an instance. The Land Improvement Loan Fund payment of £15,000 has been stopped because of the Financial Agreement. The payments have not been made to London but have been held here, and the Premier is getting some advantage from that because the £850,000 is saving him interest that otherwise would have to be paid. The Premier is anticipating that the Financial Agreement will be approved. Consequently the House is entitled to anticipate its approval also. In that we shall join the Premier.

The Premier: Not in the way of reducing taxation.

Hon. Sir JAMES MITCHELL: We shall join the Premier in believing that the agreement will be carried and we shall afford relief to those who are now paying the £350,000. That can be done only by reducing taxation.

The Premier: When the Financial Agreement is carried we shall consider the question of reducing taxation.

Hon. Sir JAMES MITCHELL: No, I am going to do what the Premier has done. He is anticipating that the agreement will be carried. We also are entitled to anticipate that it will be carried, and to reduce taxation now.

The Premier: You cannot.

Hon. Sir JAMES MITCHELL: Well, I shall try, and I think if the Premier is logical he will help me.

The Premier: Oh, no!

Hon. Sir JAMES MITCHELL: When we discussed this matter last year and the year before the situation was entirely different. Much has happened since then and we are not entitled lightly to give the Premier the right to collect taxation on the same scale as before, because the need for the tax is not so great as it was before. We are going to avoid meeting our statutory obligations of the past by the cancellation of sink-

ing funds. Our statutory obligations are going to be set aside because of this arrangement with the Commonwealth.

The Premier: The position really has not changed at all.

Hon. Sir JAMES MITCHELL: It has changed, and now is the time for us to make a change. If we fail to do it now, we shall have to wait another year, and it is probable that in the meantime something will have been determined regarding the expenditure of the £350,000. If we do not take this opportunity, I feel pretty certain that we shall not get another opportunity either this year or next year.

The Premier: Oh yes you will.

Hon. Sir JAMES MITCHELL: We must be true to the people who sent us here to represent them. We are told—and I agree with the statement—that we represent the whole of the people. We are returned by the whole of the people, and I suppose most of those people claim to be taxpayers. Consequently, we have to be true to them. Acting for them we have to determine that they shall be relieved because they have continued payments for many years longer than they believed would be necessary when they submitted to the higher taxation to clear off our public indebtedness. It seems to me perfectly clear that our job is to see that the people are relieved of the need to continue payments on the present high scale. There is nothing much to discuss in the Bill except the rates. They are precisely the same as those of last year, there being neither increase nor amendment of the rates. Every word that appeared in last year's Bill appears in this year's Bill. I think the better plan would be for the Premier to postpone consideration of the Bill for a month and then, when the referendum is carried, let the House decide what he is to receive in future by way of taxation. Obviously he will not want the £350,000 or the £427,000—whichever the amount might be—that he is to save. I venture to think he will not get the support of his own followers if he persists in dealing with the Bill at this stage. I am sure he will have a better chance of getting a reasonable amount of taxation granted to him after the fate of the Financial Agreement has been decided. There is nothing more to be said on the question. All we have to decide is the amount that the Premier may charge, taking into consideration at the same time the gross amount of tax he is likely to get. A

sum of £350,000 will not be wanted, due to the fact that that amount has not to be paid to London. If the House agrees that the £350,000 is not to be paid to London, it must surely agree that the tax should be reduced by £350,000. Wherever the Minister for Works goes he boasts about the Government squaring the ledger and the wonderful finance of the Collier Government. He made out a very good case in London that the Government had been able to get through on reduced taxation. I think he said the Government had reduced taxation by 50 per cent. Now that everything at the Treasury is so flourishing and this £350,000 cannot be needed, it is the clear duty of the House to see that it is deducted from the amount to be collected by way of taxation. Members who support the Government should see that that amount is taken off.

The Premier: I have never seen you look less serious than at present.

Hon. Sir JAMES MITCHELL: I am very serious. I would feel a little more serious about it if I could arouse more interest in opposition to the blessed referendum to be taken next month. Notwithstanding the £350,000 consideration, I should like to see the referendum defeated.

The Premier: Have you already decided that you are going to be defeated on the referendum?

Hon. Sir JAMES MITCHELL: I have, though not by this State.

The DEPUTY SPEAKER: I do not think the hon. member should discuss that.

Hon. Sir JAMES MITCHELL: I feel sure the Premier will not have to pay to the trustees in London the £350,000 set aside this year. That, however, will depend upon the passing of the referendum by the people of Australia, not by the people of Western Australia. I appeal to members to give very serious thought to the question of imposing taxation on the people, taxation that already is too high. Let them not think it is good for the workers of this community to have taxation imposed. Perhaps it does not touch them in a direct manner, though it does touch a great many of them who own bits of land. I believe that taxation is a very fruitful cause of unemployment. It takes from the people money they would spend much more wisely than any Government could spend it.

The Premier: It is a lower tax than was ever asked by the hon. member during his term of office.

Hon. Sir JAMES MITCHELL: Yes, very much lower, but that is not due to anything done by the Premier.

The Premier: Yes it is.

Hon. Sir JAMES MITCHELL: Look what the Federal Government have given us.

The Premier: What about the 33 per cent. reduction?

Hon. Sir JAMES MITCHELL: Notwithstanding the boasted reduction—

The Premier: And 15 per cent. reduction by the abolition of the supertax.

Hon. G. Taylor: The Upper House abolished the supertax.

The Premier: Never mind that. The present Government suffered in consequence, and had to finance without it.

Hon. Sir JAMES MITCHELL: I do not wish to minimise the advantage arising from the reduction.

The Premier: That makes 50 per cent. less taxation than the hon. member asked during the years he was Treasurer.

Hon. Sir JAMES MITCHELL: That is so.

The Premier: And still you say taxation is too high.

Hon. Sir JAMES MITCHELL: If I had had the advantage of the present revenue I could have wiped out the income tax entirely, had I so desired.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—PROFITEERING PREVENTION.

In Committee.

Resumed from the previous day; Mr. Panton in the Chair, the Minister for Justice in charge of the Bill.

Clause 19—Power to publish information (partly considered):

Hon. Sir JAMES MITCHELL: I do not think the Minister will resist the deletion of this clause, which represents no advantage to people who have been over-charged. If reports are to be made by the commissioner, they must be made to the Minister. An earlier clause gives the Minister power to publish information on his own account. This clause rather weakens the case. What is its object? The commissioner is sworn to secrecy.

The Minister for Justice: Only in connection with information obtained.

Hon. Sir JAMES MITCHELL: But this clause enables him to publish any matter. There is nothing to prevent the Minister from publishing anything he desires to have published.

The MINISTER FOR JUSTICE: As regards information obtained by the commissioner in the exercise of his functions, information as to what is profiteering and what are fair prices, what are the quantities of certain commodities held within the area in which he makes his inquiries, he may, under this clause, publish it if he thinks fit. There is serious discontent in regard to the prices of various commodities.

Hon. Sir James Mitchell: There always is.

The MINISTER FOR JUSTICE: Not always. There is no discontent if the people believe that the prices they are paying are reasonable.

Hon. G. Taylor: Under those conditions the commissioner would not inquire at all.

The MINISTER FOR JUSTICE: No: but when he does exercise his functions, he can, if he thinks fit, publish the information he gains so that the people may have the benefit.

Hon. G. TAYLOR: It will be necessary for the commissioner to investigate any case where he thinks exorbitant prices are being charged.

The Minister for Justice: Or where he thinks there is a corner in any commodity.

Hon. G. TAYLOR: Yes. But when he gives his decision, will he give it to the Minister or will he publish it? If he thinks fit he can publish the basis of his finding; is that it?

The Minister for Justice: Yes.

Hon. G. TAYLOR: That is to be in the commissioner's sole discretion. Will the Minister exercise any control in that respect? Will the commissioner furnish his evidence to the Press without first submitting it to the Minister?

The Minister for Justice: No.

Hon. G. TAYLOR: If the Minister thinks it unwise to publish the evidence, he will suggest that to the commissioner?

The Minister for Justice: Certainly.

Hon. G. TAYLOR: That removes some of the objections to the clause. All the same, it asks for far too much power.

Hon. Sir JAMES MITCHELL: The Minister surely recognises that he himself is to publish any information that should be

published, because he takes some responsibility and is answerable to the House. But if the commissioner publishes information as this clause gives him the right to do, he will not be answerable even to the Minister. We are bound to admit that prices now are high because of the tariff among other causes.

The Minister for Justice: The commissioner would not inquire into those things.

Hon. Sir JAMES MITCHELL: But he will publish the information he obtains. He must have an opportunity of getting information, and when he has sifted the information, if he thinks some of it should be published, or if he has a mere whim to publish it, then it will be published. That is entirely wrong. It will not help in any way. If the object is merely to irritate or annoy people, or to deter them from entering into business, I can understand the clause. Evidently the Minister is keen to deter people from entering into business. The man we want, however, is the enterprising man. Who will set up in business under this Bill? I dare say, though, that the measure, as is the case with most of our legislation, will be forgotten.

The CHAIRMAN: The Leader of the Opposition is making a second reading speech.

Hon. Sir JAMES MITCHELL: The news of the passing of this legislation will deter people from entering into business here. Instead, they ought to be encouraged.

The Minister for Justice: The clause will deter people from profiteering.

Hon. Sir JAMES MITCHELL: Competition keeps people up to the mark. The clause cannot do other than harm, and the Minister is foolish to insist upon its remaining in the Bill. If he wants the Bill enacted, let him make it a reasonable working proposition. He himself will be able to publish anything he considers should be published.

The Minister for Justice: I shall have a responsible officer to attend to the matter.

Hon. Sir JAMES MITCHELL: There must be a Ministerial head controlling this business and all other business, and we cannot have the Minister sheltering behind officials. What is done must be done by the Minister, and he must take the responsibility.

Mr. ANGELO: The clause is objectionable, and I cannot see the necessity for it. As the Minister is apparently determined to retain the right of the commissioner to

publish any information he may obtain during the course of his investigations, we must do the best we can with it. We know that Ministers publish information from time to time and that the information is obtained from the heads of the departments. On the other hand, I think Ministers would object if those heads published information without their sanction. There is some danger in the clause because after the commissioner had been appointed, he and the Minister might fall out, and the commissioner could then publish all sorts of information without the approval of the Minister. I move an amendment—

That all the words after "the," in line 1, be struck out, and that the words "Minister may if he thinks fit publish any information obtained by the commissioner in the exercise of his functions" be inserted in lieu.

The MINISTER FOR JUSTICE: The Leader of the Opposition seems to see no good whatever in the Bill. He also asserted that Ministers desired to shelter from their responsibilities in regard to such measures. Everyone knows, in connection with representative government, that certain officials are charged with specific duties, and Ministers are not omniscient or omnipresent, nor do they know all about every one of the many ramifications of government. The Leader of the Opposition seems to think that everything in connection with the administration of the affairs of the State must be done by Ministers, who must accept all responsibility. If six Ministers can get together and do all the work that requires the attention of the 2,000 odd civil servants we have here, and without any reference to those civil servants, then the whole position becomes absurd.

The Minister for Mines: There would be no need for the Public Service at all.

The MINISTER FOR JUSTICE: When the civil servants did cease work some years ago, we know what happened.

The CHAIRMAN: Order! The Minister is out of order in referring to what happened on that occasion.

Hon. Sir James Mitchell: What happened?

The CHAIRMAN: Order! The Minister must not go into that question.

The MINISTER FOR JUSTICE: The affairs of the State were held up. Even if the clause were not included in the Bill, it would not make so much difference that the measure would be unworkable. All the

clauses make for successful operations under the measure, and if the Committee excise one after another of these clauses, the administration of the measure will be seriously hampered. The idea is that any information that the commissioner obtains in the exercise of his functions may be published if he thinks fit. There is apparent in the criticism a tendency to represent that the men who will be selected, will be an arrant idiot. Members do not seem to think that the Government, in the performance of their duties, will choose a man with the necessary ability to carry out his duties with discretion. I do not say that the Government appointments have been perfect, any more than they have been when made by other Governments. Generally speaking, however, irrespective of what political party may be in charge of the Treasury Bench, persons selected for high administrative posts have not been idiots, nor have they been men of a calibre likely to misuse the powers vested in them. People selected for such positions have been selected because of particular qualifications they have possessed that suited them for the position to which they were appointed.

Mr. DAVY: The Minister has not dealt with the point, which is that the commissioner will be given power to publish any information he may desire.

The Minister for Justice: Yes, within his discretion.

Mr. DAVY: But for what purpose? The Minister has not explained what the motive is behind this.

The Minister for Justice: I will not go over the whole ground again just because you were not present when I made the explanation. I have already explained it several times.

Mr. DAVY: I want to hear some explanation from the Minister as to the motive for this.

The Minister for Mines: The commissioner may find a man doing something and the publication of that fact may prevent others from doing the same thing. That could be one reason for the publication of information.

Mr. DAVY: But the clause says the commissioner may publish any information he likes. He may find an employer flirting with his typiste, and he may publish that fact!

The Minister for Mines: If he were silly enough.

Mr. DAVY: But the commissioner may be spiteful.

Mr. Marshall: What commodity would he be trifling with on that occasion?

Mr. DAVY: The commissioner's duty is to make inquiries and to report conclusions to his Minister, following upon which the Minister or the Governor-in-Council may act. Do we want the commissioner to be an advertising agent or an educational agent, or do we want him to confine himself to the job he will be appointed to undertake?

Mr. ANGELO: It is hopeless to secure the deletion of the clause altogether, and we must do the next best we can with it. I cannot understand the attitude of the Minister when he suggests that my proposal is that he shall do all the work. That is not the object of the amendment. It merely seeks to have the information that the commissioner may think fit to publish, endorsed by the Minister before publication.

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

Ayes	..	..	..	12
Noes	..	..	..	17
				—
Majority against	..	..	..	5
				—

AYES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. J. H. Smith
Mr. Brown	Mr. J. M. Smith
Mr. Davy	Mr. Taylor
Mr. Latham	Mr. C. P. Wansbrough
Mr. Lindsay	Mr. Griffiths
	(Teller.)

NOES.

Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. Munzie
Mr. Collier	Mr. Rowe
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. A. Wansbrough
Miss Holman	Mr. Willcock
Mr. Kenneally	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	
	(Teller.)

PAIR.

AYE.	No.
Mr. Mahey	Mr. W. D. Johnson

Amendment thus negatived.

Mr. LATHAM: It is unfair to extend all these powers to a commissioner, and then enable him to publish any information that he may think fit. Surely that is unreason-

able. I appeal to the Minister to protect the people by making sure that information that should not be published, is vetoed. I propose to ask the Committee to strike out the words "as he thinks fit" and to insert "with the approval of the Minister."

The CHAIRMAN: The hon. member cannot move that amendment, for the Committee has decided that all words after "The" in line 1 shall remain in the clause.

Mr. LATHAM: Then may I move to add at the end of the clause the words "with the approval of the Minister?"

The CHAIRMAN: Yes, you may do that.

Mr. LATHAM: I move an amendment—

That the words "with the approval of the Minister" be added.

Amendment put and negatived.

Clause put and passed.

Clauses 20 to 23—agreed to.

Clause 24—Recovery of penalties:

Mr. DAVY: I do not know why the whole of the existing system should be overthrown in the interests of this Bill. We have passed a number of clauses without comment, because we are getting tired of commenting. But why should offences under this Act, if the Bill becomes an Act, be regarded as something particularly heinous? Surely it is sufficient to say that all offenders under the Act may be prosecuted under the Justices Act. Why should it be possible that several offences, whether alike or different, should be charged in the same complaint? It cannot be done under any existing law. After all, the offences going to be charged against people under this measure are not offences to-day; they are not things that people instinctively know to be wrong and wicked. The kind of offences under this measure will be, for instance, that of a man refusing to sell something belonging to him at a price dictated by somebody else. Even assuming it was necessary for the good of the State that this law should be passed, why should the offences under it be made something of a particularly leprous brand? If a man commits any ordinary offences against the moral sense of the community, the offences of stealing or assault, he is entitled to be charged separately, entitled to be charged

alone. But if he commits an offence against this measure, he is going to be deprived of the ordinary privileges which any other person placed on his defence enjoys. I move an amendment—

That all words after "6," in line 2 to the end of the clause, be struck out.

The MINISTER FOR JUSTICE: The hon. member made out a rather good case against Subclause 3, but without saying anything about Subclause 2 he moved that it be struck out with the rest.

Mr. Davy: Will you accept the deletion of Subclause 3?

The MINISTER FOR JUSTICE: Yes. These offences probably could be dealt with under the Justices Act in the ordinary procedure. Of course this is a new kind of procedure dealing with new offences. I am prepared to allow Subclause 3 to go, but certainly I think Subclause 2 should remain.

Mr. DAVY: With the permission of the Committee, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. DAVY: I move an amendment—

That Subclause 3, including the proviso, be struck out.

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

Clauses 25 to 27—agreed to.

Clause 28—Regulations:

Mr. DAVY: Despite the good precedent we established the other night, I find this regulation-making power perpetuated in this clause. Almost everything conceivable has been covered by the Bill, except that certain forms should be prescribed. It is here proposed that the Governor shall have power to impose a penalty not exceeding £200 for any breach of regulations. I should have thought there was power enough in the Bill without this. But so anxious is the Minister to deal with traders that he is not content with the offences covered by the Bill, but wants power to impose penalties for offences against regulations that may never be made. I move an amendment—

That in line 3 the words "to give effect to this Act and" be deleted.

The MINISTER FOR JUSTICE: The hon. member has set out on his campaign of

propaganda against regulations with such enthusiasm that he takes every conceivable opportunity to get in a protest against them.

Mr. Davy: That is good policy.

The Premier: It is.

The MINISTER FOR JUSTICE: On the principle of water wearing away a stone, the hon. member is beginning to get the Committee on his side in this matter. It is not proposed to have many regulations under the Bill. This is one of the provisions that have been inserted by the draftsman in case they may be found necessary in order to give proper effect to the Bill. I do not think it will be necessary to have any regulations, because all offences against the measure are dealt with in the Bill. In respect of similar Acts in the other States, it has not been found necessary to have many regulations.

Mr. Davy: Then let us have this amendment.

The MINISTER FOR JUSTICE: I am inclined to be with the hon. member in this regard.

Hon. Sir James Mitchell: If Premier Lang did not want any more, I do not see that we can.

Mr. Davy: I know the Minister will feel happier and safer with this provision in, but let him be brave.

The MINISTER FOR JUSTICE: If after some experience of this measure it be found necessary to come down with amendments to give proper effect to the provisions—

Mr. Davy: That will serve to keep us in touch with it.

The MINISTER FOR JUSTICE: In order to reward the hon. member for his pertinacity, and since we are not likely to have many regulations, I propose to accept the amendment.

Amendment put and passed.

Mr. DAVY: It now follows consequentially that the second paragraph to the clause goes out. In view of the amendment just carried, this second paragraph becomes absurd. I move an amendment—

That the second paragraph in the clause be deleted.

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

Clause 29—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—EDUCATION.*Second Reading.*

Debate resumed from the 16th October.

HON. SIR JAMES MITCHELL (Northam) [8.15]: This is a consolidating measure containing a few small amendments and can best be considered in Committee. I do not know why it is necessary to bring it down in this form. It really goes very little further than the existing Act. One amendment deals with religious instruction in schools, and confines this to one afternoon in the week. Another deals with school boards, and parents' and citizens' associations, and abolishes the boards except as part of the parents' and citizens' associations. This is not a very important amendment, and in most cases really effects no change at all. We are altering the Act very little, so little I hardly think it is worth the expense of passing the Bill and printing it. We will consider the measure in Committee, which is the proper place in which to do so. The Act has been on the statute-book for many years, and has been subject to very few alterations. I suppose the administration of the Education Department could be carried out without any Act. The chief inspector and his staff are quite competent people, and I am sure control the department exceedingly well. It is very fortunate that most Acts when they are passed are forgotten, and most of them are never administered. If we were to administer to the letter all the laws that are in force, we would be putting the country to a terrific amount of expense, and the people to a great deal of inconvenience. This department is fairly well managed. I am glad the Minister has just decided to provide a small sum for a travelling library. That will be of decided advantage to the children throughout the State. The books are well selected. We should devote more money to this purpose if it were available. Generally I think the department is very well handled. That its efficiency will not be impaired by anything provided in this Bill is something to be thankful for.

Question put and passed.

Bill read a second time.

**BILL—NAVIGATION ACT
AMENDMENT.***Second Reading.*

Debate resumed from the 17th October.

HON. SIR JAMES MITCHELL (Northam) [8.17]: This is another small amendment to a very old Act. All that the Bill does is to provide that the surveyor shall be a person approved by the Governor-in-Council rather than by the Chief Harbour Master. The Chief Harbour Master will necessarily make the recommendation to the Minister, and it will then go from the Minister to the Governor-in-Council for approval. The Minister in charge of the Bill explained that the surveys of overseas vessels should be very carefully undertaken by an efficient person. He said, too, he believed that more efficient persons would seek these appointments if the appointments were made in this more formal fashion than in the form provided by the Act. Under the Act, the Chief Harbour Master approves of the appointment of the surveyor. The Minister also said that the Board of Trade issues many instructions and regulations. I think he said that 140 regulations had to be considered and studied by any person who was appointed to make these surveys and inspections. One can hardly think that any ordinary person would take the trouble to read 140 regulations. They have been coming out for years.

The Minister for Agricultural Water Supplies: It is necessary for those engineer-surveyors who are appointed under the Act to make themselves acquainted with the provisions of the regulations.

Hon. Sir JAMES MITCHELL: I am certain that under the Act they should make themselves acquainted with the regulations, and I am sure the Act requires it, but I am equally certain that no one ever does so. Reams of these Board of Trade instructions have come out. No one can object to this amending Bill. It is necessary that the person who carries out these important functions should be thoroughly efficient. I have, therefore, nothing to say in opposition to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

BILL—POLICE OFFENCES (DRUGS).*Second Reading.*

Debate resumed from the 12th September.

HON. G. TAYLOR (Mount Margaret) [8.24]: I do not think there is much objection to be raised to this Bill on the second reading. As far as I am concerned, we can deal with it in Committee.

HON. SIR JAMES MITCHELL (Northam): [8.25]: I believe an Act on these lines is in force in every State of the Commonwealth.

The Minister for Mines: At present it is in force in only three of the States. It has passed three Parliaments.

Hon. Sir JAMES MITCHELL: It is either the law there, or will become law all over Australia and the Empire.

The Minister for Mines: Yes.

Hon. Sir JAMES MITCHELL: That is entirely right. It is high time that such legislation as this found its way onto the statute-book.

The Premier: It is brought forward at the request of the Imperial Government.

Hon. Sir JAMES MITCHELL: Yes. It would be useless to pass it here if it were not passed in the other States of Australia. It is an Act that should be in force everywhere. It will certainly restrain the use of these drugs in this State, and to that extent will do a tremendous lot of good. By the passing of this Bill we shall be doing all we can to control this dreadful habit that is in evidence in certain members of the community.

The Premier: It is an Empire movement.

Hon. Sir JAMES MITCHELL: And a very necessary one. In this State we are taking the matter in time. I entirely approve of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; the Minister for Mines (for the Minister for Police) in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Definitions and application of Part 6 (a):

Hon. G. TAYLOR: I suppose this clause is the same as that which appears in other Acts in Australia.

The Minister for Mines: It is almost word for word the same.

Hon. G. TAYLOR: I see that this is taken from the New South Wales Act. Has this been in operation some time there?

The Minister for Mines: For about nine months.

Hon. G. Taylor: And no one has suggested any amendment.

The Minister for Mines: No.

Hon. G. TAYLOR: As this is an Imperial measure, and the Minister is satisfied that all these definitions are correct and needed, I will raise no objection to the clause.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Regulations:

Hon. G. TAYLOR: The Minister may argue that, as this is a highly technical Bill, it would hardly be reasonable to expect it to contain all that is necessary for its administration, and that some latitude must be given in the making of regulations. I have on many occasions objected to power being given to administer an Act by regulation, and in this case would be justified in objecting to the provision for almost unlimited regulations.

The Minister for Mines: We do not know what will crop up from day to day.

Hon. G. TAYLOR: No doubt the department would be guided by technical knowledge. I suppose, in the circumstances, I shall have to withdraw on this occasion my repeated objections to government by regulation.

Hon. Sir JAMES MITCHELL: The Minister should explain why it is desired to make all these regulations. I understand that at this stage we are only seeking to prevent people from doing harm. I have no desire to hamper the Minister in the administration of the Act. He should have power to prevent people from selling these drugs, or from manufacturing them, but I do not like to see embodied in the Bill a perpetuation of the pernicious principle of administration by regulation.

The MINISTER FOR HEALTH: It is rather difficult to give an explanation as to why all these regulations are required, but it should be sufficient to mention one incident. The power sought in the Bill is exactly the same as that contained in the New South Wales Act. No exception was taken to it in that State, or it might be said that one member, after the Bill had become law, moved in the direction of providing greater power than that already contained in the Act. The member for West Perth took exception to so much government by regulation, but I assure him that, for the control of drugs, it is essential that the department should have power to make regulations to overcome any emergency that might arise.

Clause put and passed.

Clauses 6 to 8—agreed to.

Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 8.35 p.m.

Legislative Council.

Thursday, 25th October, 1928.

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

QUESTION—HARBOUR BOARD, ALBANY.

Hon. W. T. GLASHEEN asked the Chief Secretary: As it is over 18 months since the Albany Harbour Board Act was passed, will the Government state when it is proposed to proclaim and appoint the board.

The CHIEF SECRETARY replied: The undertaking given to Parliament and to the people of Albany was that the Act would be proclaimed when the local conditions justified the proclamation. These conditions have been under investigation for some time past, and it is hoped that a decision will be reached in the near future.

QUESTION—JETTY REPLACEMENT, POINT SAMSON.

Hon. Sir EDWARD WITTENOOM asked the Chief Secretary: When do the Government propose to take steps to erect a jetty in the North-West to take the place of the Point Samson jetty recently destroyed?

The CHIEF SECRETARY replied: The work has been listed for consideration on the Loan Estimates.

BILL—LUNACY ACT AMENDMENT.

Report of Committee adopted.

BILL—WHEAT BAGS.

Second Reading.

Debate resumed from the 23rd October.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [4.36]: It has been stated during the course of the debate that the Bill will penalise farmers, and an attempt has been made to create an impression that the Government, in introducing the Bill, have had something like that in mind. I can scarcely think that many members of the House will accept that view. As a matter of fact, the Government introduced the Bill at the request of persons whom they considered represented the agricultural industry. For instance, there was the Co-operative Wheat Pool. Whom do they represent? They represent the great bulk of the farmers of Western Australia, the farmers who joined the wheat pool. When they approached the Government with the object of having a Bill of this description introduced, the Government came to the conclusion that the pool was representative of the agricultural industry. Then there was the Royal Agricultural Society. Under legislation that was introduced about two years ago, the various agricultural societies in Western Aus-