Legislative Council,

Tuesday, 20th September, 1921.

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

ADDRESS-IN-REPLY—PRESENTATION.

The PRESIDENT [4.33]: I have to inform hon. members that I waited on His Excellency the Governor and presented to him the Address-in-reply to the Governor's Speech passed by this Council. His Excellency has been pleased to reply as follows:—

> Government House, Perth, 13th September, 1921. Mr. President and Gentlemen of the Legislative Council. I thank you for your Address-in-reply to my speech with which I opened Parliament and for your expression of loyalty to our most Gracious Sovereign.—F. A. Newdegate, Governor.

CONDOLENCE—QUEENSLAND COLLIERY DISASTER.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.35]: I desire to move, without notice, a motion which I am sure will receive the unanimous but very sorrowful support of all the members of this House. The news that appeared in the "West Australian" this morning of the appalling accident at the Mt. Mulligan coal mine in the North of Queensland must have come as a shock to everyone. It is probably the most saddening event that Australia has experienced since the dark days of the war. Up to the present moment, we do not know either the cause or the full extent of the catastrophe. The latest advices received this afternoon are to the effect that the work of the heroic band of rescuers—and only those who have witnessed the work of rescue parties in mining disasters of this kind can fully appreciate the tireless energy and the reckless courage with which these men do work—has resulted in the discovery of only dead bodies, and the hope, indulged in notwithstanding expert opinion, that some at least of the men entombed in the mine would be brought to the surface in safety seems to be fading away, and we are faced with the fear that some 80 stalwart men have lost their lives. We can picture only very faintly the sorrow, misery and distress occasioned by this occurrence. The loss at one fell swoop of 80 strong men is little less than a national calamity and our hearts must go out in sorrowing sympathy to the mothers and widows and orphans. I move—

> That the Legislative Council of Western Australia expresses its profound sorrow at the appalling loss of life that has attended the catastrophe at the Mt. Mulligan coal mine, and its deepest sympathy with the relatives of the deceased, and that the President be asked to telegraph a copy of this resolution to the hon. the Premier of Queensland.

Hon. J. EWING (South-West) [4.37]: I desire to second with deep regret the motion moved by the Leader of the House, and I am sure that our deepest sorrow and sympathy will go out to those who have been affected by this appalling disaster. I suppose there is no one in this House who has had more experience in matters of this kind than myself. When a lad of 17 or 18, I remember a similar disaster in the Bulli mine, when some 80 lives were lost, and 12 years ago there was a disaster in the Mount Kembla mine, the district from which I came. As a lad I accompanied my father to see the work that was going on in connection with the rescue of the entombed miners, and I have never lost the impression which was then made on my mind. The sorrow, the suffering, the misery, and the heroism to which the Leader of the House has referred, is almost beyond belief in disasters of this kind. With the Leader of the House, I am sure every member of the Council will extend to the bereaved ones his heartfelt sympathy.

Hon. J. CORNELL (South) [4.38]: Before the motion is put, may I as a mining member, though not a representative of a coal mining district, be permitted to join in the sentiments expressed by the Leader of the House and by Mr. Ewing. It is a national calamity, the like of which brings home to those not conversant with mining the risks which all miners run in the course of their daily avocation. Danger lurks in all mines; I know of no calling that imposes such a toll on human life. Fortunately such disasters do not occur in gold mines. Too many precautions cannot be taken in either the coal mines or gold mines of this State to ensure that the industry is exacting the minimum toll of human life. Words cannot express my feelings, but I am sure that the sympathy of the miners in and around Kalgoorlie and Boulder will go out to those who have been bereaved of dear ones by this catastrophe, and I trust that the public of Australia will do as they have done heretofore, rise to the occasion and place the bereaved ones in such circumstances that they will not know poverty in future.

Hon. R. J. LYNN (West) [4.41]: Like Mr. Ewing it has been my sad experience in life to see two very bad mine distasters. I well remember the disasters which occurred at Glebe, in New South Wales, and at Stockton on the north side of the Hunter River. I well remember the anguish of the bereaved ones and the heroism of the men who went down to try to recover the bodies or save life. Two or three of my best pals, with whom I had played in the same cricket club, went down with the rescue party never to return to the surface alive. It is very sad and regrettable that such accidents do happen, and I hope the motion will be supported in some practical way to relieve the great distress which must necessarily prevail.

Question put and passed.

QUESTION—ARBITRATION COSTS.

Miners' Case and Public Service Appeals.

Hon. J. CORNELL (for Hon. J. E. Dodd) asked the Minister for Education: 1, What was the cost to the State, less travelling and hotel expenses, of the Arbitration Court which heard the Miners' Union case at Kalgoorlie last year? 2, How long did the court sit? 3, How many employees were covered by the award? 4, What was the approximate amount of wages involved annually? 5, What has been the cost up to date of the Public Service Appeal Board? 6, How long has the Board sat? 7, How many employees have been dealt with? 8, What is the approximate amount of salaries involved annually by those cases already heard?

The MINISTER FOR EDUCATION replied: 1, £373 15s. 9d. 2, 35 days. 3, Approximately 6,156. 4, Approximately £1,616,000. 5, £486. 6, 81 days. 7, 3,575. 8, Approximately £796,200.

QUESTION—UPPER DARLING RANGE RAILWAY.

Hon. A. SANDERSON asked the Minister for Education: 1, What is the capital cost of the Upper Darling Range railway? 2, Does the Railway Department keep an account showing the receipts and expenditure on this branch line? 3, If so, will the Minister lay the figures for the last ten years on the Table of the House?

The MINISTER FOR EDUCATION replied: 1, Initial cost of the line on taking over, £33,877 11s. 4d.; new works and improvements, etc., carried out (approximate), £8,000; total approximate capital cost, £41,877 11s. 4d. 2, No. 3, Answered by No. 2.

RESOLUTION—FEDERATION AND THE STATE.

To inquire by Select Committee.

Message received from the Assembly requesting concurrence of the Council in the following resolution:—That in the opinion of this House it is desirable in view of the contemplated convention to review the Federal Constitution, that a Joint Select Committee of both Houses of the Western Australian Parliament be appointed to inquire as to the effect the Federal compact has had upon the finances and industries of Western Australia, and to advise as to what amendments of the Constitution are desirable in the interests of the State.

On motion by the Minister for Education, consideration of the Message made an Order of the Day for the next sitting.

BILLS (6)—FIRST READING.

1, Fremantle Lands.

2, Public Service and Bank Holidays.

3, Coroners Act Amendment.

Introduced by the Minister for Education.

4, Building Societies Act Amendment.

5, Inspection of Machinery.

6, Administration Act Amendment.

Received from the Assembly.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 10:

The MINISTER FOR EDUCATION: The Act as it stands makes it compulsory that a child, when adopted, shall accept the name of the adopting parents in addition to the natural name of the child. The opinion is held that it is very undesirable this practice should continue, as in almost every case the adopting parents desire the child to become theirs absolutely, and are anxious that the past should be wiped out completely, and that the child should have no name but theirs. Numerous children have been adopted recently, greatly to the relief of the State, and greatly to the advantage of the children. It is thought that the benefit of this change should be extended to those parents who have already adopted children. In many cases those parents were in receipt of an allowance of 10s. per week from the State for the maintenance of the child, but they were willing to surrender that allowance in order that the child might become absolutely theirs. I move an amendment—

> That the following be added to the clause:—"and every order of adoption made under the principal Act before the commencement of this Act shall have effect as if these words were omitted as from the commencement of the principal Act."

Hon. H. STEWART: Has this matter had the amount of consideration it warrants?

There might be cases in which at some considerable distance of time the alteration of name would prove disadvantageous to the child.

Hon. A. Lovekin: There is a safeguard in that respect.

Hon. H. STEWART: If there is, I shall be glad to know its nature. There ought to be a certainty of tracing back the identity of the adopted child, in case at some future date this should be to the child's interest.

Hon. A. J. H. SAW: I would like to have it made clear that this clause does not make it obligatory, as against parents adopting a child, that the child shall assume their name.

The MINISTER FOR EDUCATION: Section 10 of the principal Act says that every order of adoption shall confer the surname of the adopting parent on the adopted child, in addition to the proper name of the child. Here the proposal is to strike out the words "in addition to the proper name of the child." The child will then bear the name of the adopting parent, but can bear any other name as well. I think the point raised by Mr. Stewart is fully covered by the fact that all the records of the adoption will have to be filed in the Supreme Court.

Hon. A. Lovekin: And all the rights of the child are preserved by Section 7 of the principal Act.

Hon. J. J. HOLMES: The amendment seems to me a step in the right direction, but is the possibility of loss of identity adequately guarded against? Within a few years of the adoption of a child, someone might turn up desirous of doing something in the child's interests.

Hon. A. LOVEKIN: The identity of the child will be preserved by the records in the Supreme Court. An adoption has to be made in the Supreme Court before a judge. When the order for adoption is made, the natural name of the child and the adopting parent's name are recorded in the court. If a property accrued to the adopted child, all the child's rights would be preserved under Section 7 of the principal Act.

Hon. H. STEWART: From the marginal note to Section 7 that would not appear to be so. The note merely says that the adopted child shall have the legal status of a legitimate child.

Hon. A. LOVEKIN: The effect of the section is as I have stated. The scope of the section is not fully conveyed by the marginal note. The child has the rights accruing to it from its natural parents, and also the rights of a child born in lawful wedlock to the adopting parents.

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

New clause:

The MINISTER FOR EDUCATION: I move—

That the following be inserted to stand as Clause 3: "The record of any proceedings in the Supreme Court under the principal Act shall not be open to publi inspection without the sanction of judge."

I consider that this clause should have bee in the original Act. Without the new clause the object of the clause which we have jus carried will be defeated.

Hon. J. J. Holmes: The new clause wil be a check on inquisitive people.

The MINISTER FOR EDUCATION: Yes

Hon. J. DUFFELL: I agree with th clause, but I doubt whether it goes fa enough. It should prescribe that sufficien reasons must be shown to the judge.

The Minister for Education: The judg will not give an order without good reasons

Hon. J. NICHOLSON: These record should be just as widely open to inspectio as are the certificates of births, deaths, an marriages, obtainable from the Registra General on payment of a certain fee, with out any order from a judge. A person wh wishes to search the record of adoption should not be placed in a worse position tha he who wishes to search the records in th keeping of the Registrar General. Again, i might happen that somebody, dying, leave money to an adopted child, and it become necessary to trace the adoption.

The Minister for Education: In those cir cumstances there would be no difficulty in getting a judge's consent to a search.

Hon. J. NICHOLSON: But on adoption the child becomes the child of the adopting parents and it is questionable whether that child would be entitled to rights under its original name.

Hon. J. J. Holmes: Surely the child could be identified!

Hon. J. NICHOLSON: But from the date of the order of adoption the child ceases to have its original name.

Hon. J. W. Kirwan: The original name could be again assumed by the ordinary process of law.

Hon. J. NICHOLSON: It is questionable.

Hon. J. J. Holmes: Jones cannot lose his identity by calling himself Smith.

Hon. J. NICHOLSON: No, but the child will cease to be called Jones and will be called Smith.

Hon. H. Stewart: Will cease to be called Jones, but will not cease to be Jones, nevertheless.

Hon. J. NICHOLSON: However, the proposed new clause contains a still more important point. It is not right that the general public should have to go before a judge for permission to search the records.

Hon. H. Stewart: Move an amendment.

Hon. J. NICHOLSON: Under the clause one will have to get a solicitor to take out a summons and appear before a judge and file an affidavit giving reasons, and the judge may say "yea" or "nay."

Hon. J. J. Holmes: The other day a similar order cost me £35.

Hon. J. NICHOLSON: Why should we impose such a restriction?

Hon. J. Duffell: The actual father of the child may have been a thief or a murderer. Why should the child's record be open to prying eyes?

Hon. J. NICHOLSON: If we are permitted, on the payment of a fee, to search the records of births and deaths, why should we not be able to trace the adoption of a child? I cannot conceive of any hardship likely to arise out of a search of the records. I will vote against the clause.

The MINISTER FOR EDUCATION: Recently there has been a very large increase in the number of adoptions, and in the interests of the children and of the State we desire that that increase should continue. In comparatively recent years public policy in regard to the treatment of deserted children has been altered. It used to be the policy to send them to an institution, and bring them up in orphanages. There has been a reversal of that policy. The policy now is to place those children in homes. Having pursued that policy for some time, it has been the endeavour of the department, wherever possible, to place the children with good people. In a large number of cases the people become so fond of the children that they desire to have them as their own, and in gratification of that desire are prepared to forego the State subsidy of 10s. weekly. The objection is constantly raised that the adopting parents want the child to bear their name and their name only. In many instances the family history of the child's actual parents reflects discredit on those parents. I think Mr. Nicholson has in mind a different class of adoptions as for instance a family adopting a child of some dead friend, in which case there would be no possible objection to the retention of the name of the child's actual parents. But this amendment contemplates a different set of circumstances. When an adopted child grows up, some person may have the idea that the child Mary Brown is not really the daughter of her adopting parents and, foolishly or maliciously that person may be inclined to go to the court records and satisfy his curiosity. Under the amendment he will have to show good reasons to a judge before getting an order which will allow him to make his investigation. Bearing in mind the objection of the adopting parents to the child being exposed to the curiosity of people who may wish to injure it, we say to the adopting parents, "You may omit the name of the child's natural parents, you may adopt it in your own name, and if in future anybody wants to find out anything about it, he or she must satisfy a judge of the Supreme Court before being allowed to search the records." People should be afforded an opportunity to protect the secret of a child's origin and to let it appear before the world as though it were their own.

Hon. J. J. HOLMES: Has a clause of this description appeared in any other Bill of a similar nature in the Eastern States? I recently had to ask for an order from the court for one person to act for another, and the legal expenses which had to be incurred through this amounted to something over £35. In the present instance it is too much to ask people, who have a legitimate reason for getting information, to pay away a large sum of money in order to gain their object. The ordinary public should be protected from this sort of thing. If a person is justified in getting certain information and has to appear before a judge through his solicitor, he will probably find that he will have to face a bill for about £50. That is going altogether too far, and I suggest that something more equitable than this provision should be inserted in the Bill. The Leader of the House has told us that all a man has to do is to go before the judge and get an order.

The Minister for Education: I did not say that.

Hon. J. J. HOLMES: I want the children protected, but I also want it made possible for a bona fide person to get what information he thinks is necessary without such great expense. I shall vote against the amendment.

Hon. A. J. H. SAW: The fact that a person will have to go before a judge in order to get an order is open to grave objection. There are many cases in which a man may desire to know the identity of another person for very good reason. A child born of vicious, drunken or criminal parents may have been taken into a respectable family and be given the name of that family. In the course of time that child may perhaps want to get married. I do not think any one of us here would allow a daughter to marry such a child, if we inquired into the heredity of the child and found out the conditions under which it was born. I do not see the necessity for all this secrecy. The provision may do a great deal of harm and I intend to vote against it.

Hon. J. CORNELL: I hope the Committee will agree to the proposal, for it is both necessary and humane. If a man adopts a child he adopts it from the parents of the child; and those two parties are the only two parties concerned in the matter. If any person has a legitimate claim he can surely convince the judge in such a way as to enable him to get the information. Any person who has a legitimate case for inquiry will probably be ready to pay the costs. So far as the point raised by Dr. Saw is concerned, I think we can find as many criminals in society whose parents were not criminals or drunkards, as we find in other branches of the community.

Hon. H. STEWART: The necessity for taking proceedings before a Supreme Court judge will be more expensive than the circumstances warrant. If some provision were inserted by which a reasonable search could be made, I do not think there would be any trouble from the point of view of inquisitiveness. I am not satisfied that the principal Act itself is all that it should be, or that the Bill now before us meets the position in the way the Government think it will. Evidently

the matter has not been as fully considered as it might have been.

The MINISTER FOR EDUCATION: The amendment of Clause 2 and the new clause were only forwarded to me this afternoon, and that is why they have not appeared on the Notice Paper. Mr. Lovekin also desires to move an amendment. I am certainly averse to hon. members coming to a decision without having an opportunity of fully considering the matter. I move—

That progress be reported.

Hon. J. J. HOLMES: I would like one point cleared up. Will the Leader of the House say that, if we carry this amendment, it will give the children greater security? I do not think we will reach that point of security——

The CHAIRMAN: The hon. member cannot discuss the matter at this stage.

Hon. J. J. HOLMES: Am I entitled to ask a question?

The CHAIRMAN: Certainly.

Hon. J. J. HOLMES: If we carry the amendment in this or any other form, shall we give the children the security aimed at? Surely the question——

The CHAIRMAN: The hon. member is not in order in making a speech.

Hon. J. J. HOLMES: I will ask the Leader of the House then: Are these children registered by the Registrar of Births, Deaths, and Marriages?

The MINISTER FOR EDUCATION: They are. In moving to report progress, my reason was to get an opportunity to go into such matters as those raised by Mr. Holmes. I will give the hon. member the information when I receive it.

Motion put and passed: progress reported.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

Debate resumed from 8th September.

Hon. J. J. HOLMES (North) [5.36]: I understand that the object of amending the existing legislation is to enable special licenses to be granted on the North-West coast to permit certain fish to be caught, and to provide employment for profitable production. The only point I want to be clear on is this: For some reason or other, we specially prohibited under the 1910 Act what we now propose shall be done. Surely there was some reason for the decision of Parliament ten years ago.

The Minister for Education: I have not been able to discover what the reason was on that occasion. I have read the whole of the debates on the 1910 Bill.

Hon. J. J. HOLMES: Parliament specially prohibited it under the 1910 Act, and while we have been prohibiting our own people from securing these fish, people from the islands have been able to operate outside the three-mile limit, and they have come along the coast and robbed us of these fish. Official records of the Lands Department show that for the past 110 years these people have come to our coast, and a famous French navigator saw 22 Malay vessels in one of the harbours along the North-West coast more than a hundred years ago. Those vessels were presumably trading and fishing for these fish we now propose to allow the company to deal with. I understand the original Act proposed that persons should be allowed to operate over distances of 75 miles along the coast line. I think these fish can be found along 6,000 miles of the Australian coast line. The advantage of giving a company, such as the one contemplated under the legislation, a lease to operate over a distance of 75 miles along the coast is that the company, I presume, will deal with the foreign boats that come to that portion of the coast line and keep them outside of the three-mile limit. The original Act provided that licenses could be granted for fish, holding good up to 14 years. I presume that under the amending legislation, provision for leases for 14 years will also apply. There is the right of extension under the Act and it sets out that applications for extension of licenses have to lie on the Table of the House for 14 days. There is a danger regarding those leases and regulations, as well as in connection with other leases and regulations, that the Leader of the House may come along with an armful of papers and place them upon the Table. We do not know what those papers contain, and something may slip through from time to time which is not in accordance with the desires of members of this Chamber. For instance, people can secure further extension of a license for 14 years without the House knowing anything about it. That is a matter that can be dealt with at a later period. There should be a time limit regarding the period within which the company must start operations and there should be the right to cancel their license if they do not fulfil their obligations. I presume there is power under the Act to deal with that, but if not, there should be provision for that contingency, and it might be placed in the agreement between the company and the Government.

Hon. J. DUFFELL (Metropolitan-Suburban) [5.40]: I have been somewhat interested in the progress of this small Bill and, as usual, on matters appertaining to the North-West of this State, I rely to a great extent upon the information imparted to the House by the three representatives of the North Province. I have to plead that until this Bill came before us for consideration, I had no idea of the nature of the dugong, and as this is one of the fish mentioned in the Bill—if it can rightly be called a fish—I have secured photographs of the dugong. It

seems to me more like a good fat pig, and I am told that the flesh of the dugong tastes very much like pork. That flesh can be used to advantage as an article of commerce by the people who propose to exploit the industry. Hon. members may inspect these photographs at their leisure. In view of the remarks of the members representing the North Province, I shall have pleasure in supporting the second reading of the Bill. At the same time, I do not forget that, when moving the second reading of the Bill, the Leader of the House made reference to the knowledge of these matters possessed by yourself, Mr. President, and I trust that members, when the Bill is in Committee, will have the benefit of your knowledge upon the subject.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 30:

Hon. W. KINGSMILL: I am impelled to take the unusual course of expressing an opinion regarding this measure, because of the kind remarks of the Leader of the House and Mr. Duffell. Clause 2 contains an amendment to Section 30 of the principal Act and provides that the system of issuing exclusive licenses shall be made applicable to the taking of hawk's bill turtle, trepang and dugong. I think I can tell hon. members the reason why these three species of what cannot be called animals, nor yet can they be called fish, were excluded from the first Fisheries Act. The reason was that there was a very noticeable tendency for these three species to disappear from the North-West coast. The hawk's bill turtle was getting very scarce indeed. The dugong was also being frightened away or killed from or at the place it frequented, while respecting the trepang, there was not so much danger of its disappearance, but it was not thought advisable to give an exclusive license, because the trepang might be regarded as within the category of edible fish. The trepang has extended over a considerable area of coast line and is caught outside the three-mile limit as well. That was the reason for refusing to give exclusive licenses for the capture of these three species. The Government and the Fisheries Department of the day did not recognise that an exclusive license could be made a weapon of protection as well as a weapon of offence regarding these three species. Mr. Holmes has already said during the second reading debate, that it is possible to make the holder of the exclusive license a guardian of the coast against the incursions of people from overseas, incursions which, I think, are apt to be overestimated in their extent. They have been going on for centuries, principally in the direction of obtaining trepang from the many banks which exist along our coasts. As a matter of fact, if hon. members will study the map of the coast, they will see away in the vicinity of Wyndham a large area of shoal water called Holothuria Shoals, that being the scientific name of the trepang. It is quite possible, that if exclusive licenses are granted for the collection of these products of the sea, the holders of the licenses will see that nobody else encroaches upon their rights. Again, I say, if an exclusive license can be made a weapon of protection as well as of offence—because these exclusive licenses contain a condition such as should be contained in them—it is quite possible that the supply of these products of the sea will increase rather than decrease. I hope when the licenses are issued they will contain conditions regarding the destruction, in due proportion of the sexes in the case of turtles. It is practically only the female turtle that ever comes ashore, and it is only when the turtles come ashore that they are killed. This means that if unregulated killing goes on most of the females will be killed, and that will result in the destruction of the species. I hope, therefore, that when exclusive licenses are issued for the collection of hawk's-bill turtle, due consideration will be given to this aspect. With regard to the three-mile limit, it is practically unthinkable to me that either the dungong or the hawk's-bill turtle will be taken beyond it, because the dugong only feeds in shallow water on a particular species of marine weed like the grass which we see in a good season growing on our lands. As I have said, the hawk's-bill turtle comes ashore. There should be another consideration in regard to the protection of the turtle, and that is, that when exclusive licenses are issued, it would be well if some provision were made for the protection of the turtles when they first leave the eggs. I do not know whether hon. members have ever been present at the hatching out of a clutch of turtles. The female turtle first of all comes ashore and lays anything up to 250 eggs in the sand and leaves them there to take care of themselves. By some mysterious instinct, all the natural enemies of the young turtles congregate there at hatching time. These poor little insects—they are like insects at this stage of their existence—have to run the gauntlet of hawks and other birds of prey, while they are approaching the water, and no sooner are they at the water's edge than everything in the way of voracious fish is collected there to wait for them. I would suggest to those who propose to engage in the industry that it would pay them to provide some little protection for the young turtles during the first few days of their existence. The same remarks apply to the dugong. Unless proper regulations are made with regard to the preservation of the female dugong, a great deal of harm may eventuate. The dugong is notoriously shy and if very

much disturbed they will leave those vicinities where they have been and go to others. I have been acquainted with the North-West coast for over 30 years, and I know that in places where the dugong have been fairly plentiful there are none now. I trust that when these exclusive licenses are being issued, people will be encouraged to take them up because the time is coming when all these natural assets of ours will have to be looked after more carefully than has been the case in the past. We will discover with other nations that the proper way to conserve our native fauna is to use them properly instead of allowing them to be exterminated without any regulation. If they are used properly under exclusive licenses, then instead of a diminishing asset we shall have an increasing asset, and that should be the aim of the department under which this matter will come. For the reasons I have given I will support the clause; it is an admirable one and cannot result in anything but good. I may be allowed to express the hope that this or any future Government will not take up this pursuit as a State industry.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—HEALTH ACT AMENDMENT.

Order discharged.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.53]: As it is intended in connection with this measure to insert in it certain financial provisions, it is desirable that it should originate in another place. Consequently, I move—

That the order be discharged.

Question put and passed.

BILL—STATE CHILDREN ACT AMENDMENT.

In Committee.

Resumed from 7th September, Hon. J. Ewing in the Chair; the Hon. A. Lovekin in charge of the Bill.

Clause 2—No execution or detention in default of payment of fine:

Hon. A. LOVEKIN: I move an amendment—

That the last three words of the clause, "by any child," be struck out.

Under Section 10 and other sections of the Education Act parents may be fined 5s. for the first offence and not exceeding 20s. for every subsequent offence for not sending their children to school. In many cases parents say they are unable to provide their children with food, and that is given as an excuse for not sending their children to school. In a number of cases that excuse is good. I suggest, therefore, the bench be given discretion to say that although they may impose the fine provided by the Education Act, they shall not impose an alternative of three days' imprisonment. The fine may be allowed to stand because it acts as a deterrent.

The MINISTER FOR EDUCATION: I hope the amendment will not be agreed to. I do not see why we should remove any punishment inflicted on the parent who refuses to send a child to school. There must be an alternative for neglecting to pay the fine properly imposed for not sending a child to school. I object to the compulsory provisions of the Education Act being interfered with.

Amendment put and negatived.

Clause put and passed.

Clause 3—Amendment of Section 17a:

The MINISTER FOR EDUCATION: I referred to this clause when speaking on the second reading. Under the Act a special magistrate or any member of the Children's Court authorised by the Governor has the right to enter, visit and inspect any institution. The object of this clause is to delete the words "authorised in that behalf by the Governor," so that a special magistrate or any member of the Children's Court would have the right at any time to enter, visit and inspect any institution. Personally I take no exception to that, but the people controlling these institutions do object. The institutions are run voluntarily by different religious denominations and other people from purely charitable motives. They have no objection to the officers of the department or to the special magistrate or to justices empowered by the Governor visiting their institutions, but they do object to the law giving the right to any member of the Children's Court to visit at any time he or she might think fit.

Hon. A. LOVEKIN: There would not be many members who would wish to visit these institutions. There would be 50 or 60 members of Children's Courts spread over the State from Fremantle to Wyndham. Most institutions are in the vicinity of Perth, and I take it that members of the court would not go outside their own districts.

Hon. H. Stewart: Why not specify that?

Hon. A. LOVEKIN: I have no objection to it being specified. There are 10 men and five women members of the Children's Court in Perth, and it frequently happens that when a member wishes to see a certain child in an institution, there is no power or right to make the visit. The members of the court are responsible persons, otherwise they should not be appointed. If they have not discretion enough to make their visits wisely, their services should be dispensed with. It is in the interests of the children that they should be visited at certain times. The Government have offered to appoint three or four members to visit institutions, but the number is not sufficient. So far as I can gather, those

conducting institutions do not object, as the Minister suggests. I saw Archbishop Clune the other day and he has no objection to any of us going to the Roman Catholic institutions. So far as I know, the only objection comes from the State institution itself. There is no reason why the State should object to its institution being visited by members of the Children's Court.

The MINISTER FOR EDUCATION: I have heard no objection whatever to members of the court visiting the Government institution, but I have been waited on personally by the representatives of Roman Catholic and Anglican institutions who protested against this clause. If the hon. member can produce the concurrence of those representatives, I have no objection to the clause being passed.

Hon. A. Lovekin: Did they wait on you recently?

The MINISTER FOR EDUCATION: Within the last week.

Hon. H. STEWART: I oppose the clause. The stipulated authority could easily be obtained from the Governor. It would not be so bad if Mr. Lovekin restricted the power sought to the particular district of the members of the Children's Court.

Hon. A. LOVEKIN: I would adopt Mr. Stewart's suggestion if he moved it as an addendum to the clause.

Clause put and negatived.

Clause 4—Amendment of Section 18:

The MINISTER FOR EDUCATION: On the second reading I also directed attention to this clause. Section 18 provides that no Children's Court shall be competent to exercise its jurisdiction unless there be present a special magistrate or at least two justices, provided that in cases under the Bastardy Laws Act of 1875 a special magistrate shall be one of the members of the court hearing such cases. At the time that proviso was inserted, there were a number of members of the Children's Court who were not justices of the peace, and I presume it was on that account considered inadvisable to give them all the powers which justices possessed. Therefore, it was provided that a special magistrate should be one of those sitting in the Children's Court on a bastardy case. Now an anomaly has arisen because, whereas two justices may sit in a police court and hear these cases, two justices cannot sit in the Children's Court. I think that all the members of the Children's Court in Perth are justices of the peace, and it is contended that they should have the same rights as other justices. I do not intend to oppose the clause. I merely wished to explain the effect of the clause.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Notice in lieu of summons:

The MINISTER FOR EDUCATION: I object to this clause for the same reason that I opposed Clause 2. If we make any alteration in the law as regards the responsibility of parents to send their children to school, it should be made in the Education Act and not in this measure. It is not the practice of the Education Department to prosecute parents unnecessarily. We exhaust every possible means to get them to send their children to school but, having exhausted those means, we should be entitled to summons them to make them appear before the court.

Hon. A. LOVEKIN: If a child is charged with any offence, other than an indictable offence, it is notified to attend the court by a posted notice and is advised that failing attendance, a summons will follow. The cost of issuing a summons is thus saved to that child or its parent. Although some hundreds of these notices have been posted, in no instance has a child or a parent failed to attend. We now wish to apply this system to parents, many of whom are very poor. Instead of involving them in the cost of a summons, we wish to send them a notice to attend the court to answer for having failed to send a child to school.

Hon. J. J. Holmes: Surely you can do that without amending the Act.

Hon. A. LOVEKIN: No, under the Act parents must be summoned.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. LOVEKIN: I ask the indulgence of the Committee to make a short explanation. On the preceding clause the Minister for Education stated that within the past week he had had representations made to him on behalf of the Roman Catholic and Anglican churches, objecting to that clause. During the tea adjournment I telephoned to both Archbishop Clune and Archbishop Riley. Archbishop Clune authorises me to state that, as he told me a week ago, he made no such representations to the Minister, and that he does not know of any such representations having been made. Further, Archbishop Clune states that he has no objection whatever to any member of the Children's Court visiting any Roman Catholic institution at any time. What has been objected to was that certain inspectors visiting the institutions tried to teach those responsible for them how to manage them. His Grace has promised me that he will write me a note to that effect, but I think I should make this explanation at once. Archbishop Riley tells me that he knows nothing of any representations having been made to the Minister for Education during the present week, though a year ago some representations were made. Archbishop Riley states that the Anglican church has no objection to members of the Children's Court visiting the institutions; indeed, he says those institutions are open to the public three days per week. Archbishop Riley too, however, voices the objection to the visiting inspectors trying to show the staffs how the institutions are to be managed. Both prelates tell the same story. I

shall ask for a recommittal of the Bill for the purpose of further considering the clause in question.

The MINISTER FOR EDUCATION: I have no intention whatever of disputing what the hon. member has said. I merely suggest to him that to-morrow, when we come to the stage of adoption of the report from Committee, the hon. member move for a recommittal. I have no doubt that this discussion will be reported, and the hon. member can then have for presentation to the House the authorative opinion of the two religious bodies. Whatever that opinion may be, I shall consider myself bound by it. I have never suggested that either of the Archbishops saw me, but I do say positively that representatives of both the organisations came to see me in order to protest against the clause. If they did so without the authority of their heads, that is no concern of mine.

Hon. A. LOVEKIN: The costs of a summons before the Children's Court in connection with an education case amounts to 4s. 6d., which charge, allowing for clerical labour and for the running about of the police, cannot possibly pay the State. Moreover, it is only poor people who are affected by this matter; and we want to save them all the expense we possibly can. The Minister says the present Bill is not the proper place to insert the provision I have moved. No doubt the Education Act would be a fitter place. However, Section 7 of the State Children Act would admit of the insertion of my amendment. That section applies to children, and can be extended so as to apply to parents.

The MINISTER FOR EDUCATION: The hon. member is in error regarding Section 7 of the principal Act. That section refers to trivial offences by children—principally to breaches of by-laws. He wants to extend it to offences by parents against a statute. The bench of the Children's Court have refused to carry out the Education Act because, for some reason, they thought it undesirable to do so. That Act charges the Minister for Education with saying whether a prosecution should be instituted against a parent, and it also gives him authority to waive, under certain conditions, the compulsory attendance of children at school. The Act provides for the summoning of parents who fail to send their children to school, after notice by the department. If that procedure is to be altered, it should be altered in the Education Act, and not in this Bill, which refers to Children's Courts and to offences by children. The procedure begins by the sending of a notice, instead of by sending a summons straight away. Moreover, the Education Department do not summon a parent for neglecting to send his child to school unless there is ample reason for the issue of legal process.

Hon. A. J. H. SAW: Undoubtedly the Education Department exhaust every means of getting children to school before summonses are issued. The Education Department are, if anything, too lenient. The members of the Children's Court seem desirous of making the way of the transgressor easy.

Hon. J. J. HOLMES: There is nothing to prevent the clerk of the Children's Court from sending the parent concerned a note stating, "Unless you do so and so, a summons will be issued." The means of overcoming the difficulty is, therefore, in the hands of Mr. Lovekin and his colleagues on the bench of the Children's Court.

Hon. A. LOVEKIN: Mr. Holmes misapprehends the procedure of the Children's Court. That court has nothing whatever to do with issuing these summonses. The inspector of the Education Department applies for a summons, and gets it as a matter of course.

Hon. J. J. Holmes: Then ask the inspector to send a note before issuing a summons.

Hon. A. J. H. Saw: He does that before applying for a summons.

Hon. A. LOVEKIN: The Education Department may be lenient in some cases that I do not know of, but in some cases that I do know of they are anything but lenient. A woman in receipt of £1 14s. per week from the State for the maintenance of herself and five children was summoned to the Children's Court for not sending her children to school, and the defence was that for two days there had been no food in the house, and consequently she could not send the children to school. The Minister does not know all the facts of this case.

The Minister for Education: There was a man in the case, if I remember aright.

Hon. A. LOVEKIN: In this case we said, "We certainly are not going to send this woman to jail." The inspector pressed that case upon us. We still refused, and we adjourned the Court sine die. Afterwards we went to the department and said we did not think the woman was getting enough to maintain her family and pay rent. Later the department increased the amount by 18s. weekly. That is one of the cases the inspector brings up to the court, and I want discretion for the court to send a notice to the parents and so save costs.

Hon. J. J. HOLMES: I have every sympathy with the mother and the children, but I am sure we have been too lenient with some of the fathers. Many people think it only fair to dodge payment to the Government whenever they can. Last Thursday night I travelled out of the city with men who were going to a job where they could earn anything from £5 to £10, weekly. Only last night I travelled back to the city with those men. They had been chased away from the job by members of the union, and their fares back to Perth were paid for them. They have now come to swell the unemployed in Perth and Fremantle. These men who put the union before their children are deserving of no consideration whatever.

The MINISTER FOR EDUCATION: Mr. Lovekin says he wants discretion in these cases. The hon. member is not asking for discretion. When the Education Department has exhausted all proper methods of compelling parents to send their children to school they summon them. The hon. member desires that the Education Department, instead of issuing summonses, shall go to the children's court and say "Send so and so a notice asking him to come along and explain why he does not send his children to school." I protest against that. If we are going to break down our compulsory education, let us do it under the Education Act. We want the right to summon people who neglect to send their children to school.

Clause put and negatived.

Clauses 7 and 8—agreed to.

Clause 9—Amendment of Section 46:

Hon. A. LOVEKIN: This is an amendment which the department asked me to insert in the Bill. On reading it down I find that it should apply, not only to Section 46, but Section 47 as well, for the same thing is repeated in Section 47. Therefore, I move an amendment:

"That after "forty-six" in line one "and forty seven" be inserted.

The MINISTER FOR EDUCATION: I should like the hon. member to give some explanation of the object of the clause. I do not disapprove of it. The provision is that no money deposited shall be withdrawn without the consent of the Minister until the child attains the age of 18 years. The hon. member proposes that the age be 21 years. I do not know the reasons for it.

Hon. A. LOVEKIN: I thought the Minister understood it. The State retains control over the earnings of a number of these children until they are 18 years of age, when the department has to hand over the lump sum to the child. Some of the children at 18 years of age are not fit to have control of a large sum of money. Therefore, it is proposed to raise the age to 21 years in certain cases.

Hon. J. J. Holmes: Is there no power to pay the money by instalments?

Hon. A. LOVEKIN: Yes, the department has discretion in that respect

Amendment put and passed; the clause as amended agreed to

Clauses 10 and 11—agreed to.

Clause 12—Consolidation:

Hon. A. LOVEKIN: I move an amendment—

That the following be added at the end of the clause: And the sections thereof shall be renumbered in consecutive order. Sections 7, 8, 9, and 11 of the State Children Act Amendment Act, 1919, being placed following consecutively upon Section 22 of the State Children Act, 1907-1919.

The object is that when the Act is reprinted there shall be some continuity of the numbers, which will be a considerable improvement on the practice of the past.

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

New clause:

Hon. A. LOVEKIN: I move—

That the following be added to stand as Clause 3: Section 10 of the State Children Act, 1907-1919, is amended by adding the following at the end of the section: "Provided that where a child has been committed by the Court to the care of the State, regard shall be had to the decision or direction of such Court."

It is merely intended that the attention of the Minister shall be drawn by the department to the decisions of the bench. In many cases little brothers and sisters committed to the State are separated, whereas it is thought by those administering the court that those children ought to be kept together. It will mean no extra cost to the State. On the second reading I quoted the case of three children who would have been sent to three separate institutions, thus depriving the eldest of the three of her whole interest in life.

The MINISTER FOR EDUCATION: I do not see any necessity for the clause. The department has assured me that in every case regard is had for the wishes and decisions of the court. If the court has made an order that two children in particular shall not be separated, and the Act were to say that regard shall be had to the decisions of the court, it would, I take it, be mandatory upon the department to carry out the directions of the court. No matter what difficulty the department may find itself in, it would be unable to do other than place the two children in the same home. If the clause is merely an expression of opinion that the department ought to consider what the court has said, it seems to me this amendment is out of place in an Act of Parliament and is only putting into the Act what is already provided for.

Hon. A. LOVEKIN: The department are not doing what the Minister says. There is one child in the Salvation Army Home, for instance, and another is in quite a different home.

The Minister for Education: The department have a reason for that.

Hon. A. LOVEKIN: In cases where, for the future welfare of the children, it is necessary they should be kept together, the bench at present commits those children to the State and recommends that they should be kept together, but the secretary steps in and acts according to the directions of the law. All we want is that regard shall be had to the direction of the court, and the secretary be obliged to lay the matter before the Minister.

Hon. A. J. H. SAW: If we pass this new clause it will be incumbent on the Minister to give effect to the decisions of the court,

and it will therefore be impossible for him to exercise any discretion at all.

New clause put and negatived.

New clause:

Hon. A. LOVEKIN: I move an amendment—

That a new clause be added to stand as Clause 6 as follows: "Section 60 of the State Children Act, 1907-1919, is amended by inserting in Subsection 2 thereof after the word 'Act' the words 'relating to a State child.'"

New clause put and passed.

New clause:

Hon. A. LOVEKIN: I move an amendment—

That a new clause be added to stand as Clause 13 as follows: "Whenever any child has been committed to the care of the State or who has been committed to an institution or who has been convicted under this Act attains the age of 18 years, the fact of such committal or conviction shall not be admissible as evidence in any court of law. Any official or other person who makes public, or is privy to making public, the fact that any child has been committed or convicted under this Act shall be deemed to be guilty of an offence. Penalty: One hundred pounds."

I have looked through all the Statutes I can find to see if there is anything in them that would be of advantage to us. The only thing I can find is in the Statutes of New Jersey, where there is a section stating that when a child reaches the age of 18 all records regarding it shall be destroyed. We cannot go as far as that here, but we can go to the extent that is provided in this new clause.

The MINISTER FOR EDUCATION: The first portion of the clause is very curious, and I should like to know what Mr. Nicholson thinks of it. I take it that if a child who has not reached the age of 18 is accused of some offence in a court of law, no evidence as to any previous conviction can be given in such case.

Hon. A. Lovekin: Not unless he sets up the plea of good character.

The MINISTER FOR EDUCATION: Then the clause would not do what the hon. member thinks it will do, and if it did so it would be improper. All the hon. member does is to prohibit evidence being given at a trial. It is desirable that when a person has been convicted all information regarding him should be placed before the judge.

Hon. A. LOVEKIN: If an accused person sets up as a part of his defence that he is of good character, he may be cross-examined as to his past character and previous convictions. Unless he does set this up he cannot be asked about his previous records. I want to ensure that a child, if he sets up the defence of having a good character, cannot be asked as to what he did when he was younger.

The Minister for Education: Put it in the Criminal Code, then.

Hon. J. NICHOLSON: Mr. Lovekin's statement is correct. I am in sympathy with the hon. member and with the idea of giving a child a fair start in life, but I am afraid there is a danger of possibly conflicting with our legal system of evidence. I should like to have an opportunity of looking into the matter. There is necessity to afford protection to these children so long as it does not conflict with our existing system.

Hon. A. Lovekin: It is the same principle.

Hon. J. NICHOLSON: At the same time the question arises as to whether this provision will create some confusion regarding the law of evidence generally.

Hon. J. J. HOLMES: I agree with the Leader of the House that if we are to make an amendment of this description in our legislation it should be in the Criminal Code.

Hon. A. Lovekin: It is in the New Jersey Act.

Hon. J. J. HOLMES: The hon. member says he has searched the records of the world and he has found something in the New Jersey Act. That does not get away from the fact that the proper place for such an amendment is in the Criminal Code. Why should not such a provision be applied to all children and not only to those who are State children and under 18 years of age? Why not blot out the past history of every child?

Hon. A. Lovekin: Every child will come under the new clause.

Hon. J. J. HOLMES: This only protects the children who come before the Children's Court. We should see that all children under 18 are protected and their past history obliterated if such is necessary. If that were so and such a provision were made, I would not mind. It is not right to deal with only one section and, therefore, I cannot support the suggested amendment.

Hon. A. LOVEKIN: I claim the support of Mr. Holmes for the new clause, because it does apply to all children, seeing that all children up to 18 years of age are dealt with by the Children's Court.

The Minister for Education: For certain offences.

Hon. A. LOVEKIN: For all offences.

The Minister for Education: That is not so.

Hon. A. LOVEKIN: What cases does it not refer to?

The Minister for Education: You cannot try a child for murder.

Hon. A. LOVEKIN: The child cannot be dealt with in the Police Court, for the preliminary proceedings have to be held in the Children's Court.

The Minister for Education: The Children's Court would not deal with the preliminary hearing.

Hon. A. LOVEKIN: The Children's Court would deal with the case at that stage. The State Children Act provides that the court can take all indictable offences and that particular offence would come within the ambit

of the Act. Such a case could not be tried in the lower court of petty sessions, for it would have to go to the Criminal Court for trial.

Hon. J. J. Holmes: Why stress the preliminary aspect? Why not consider the whole principle?

Hon. A. LOVEKIN: Every accused person is dealt with first in a court of petty sessions and sent on for trial. The same thing applies to the Children's Court. An individual is a child who is under 18 years of age and if such a person committed an offence, he would become amenable to this clause. I claim the vote of Mr. Holmes in support of the amendment.

Hon. J. J. HOLMES: The proposed amendment covers the children who are under 18 years of age and who are dealt with by the Children's Court and seeks to obliterate their past.

Hon. A. Lovekin: That means to say, that it applies to all children.

Hon. J. J. HOLMES: That is all very well for the preliminary hearing stage, but it does not get us any further because the actual trial comes on later. We cannot obliterate that aspect. Even if we could, it would not be desirable. There are certain records which must be kept in the interests of the community, and I think Dr. Saw will agree with me there. To single out one section and obliterate the past, would be unfair to the rest. The proceedings before the Criminal Court could not be obliterated. I do not think the new clause is desirable or necessary.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

BILL—SUPPLY (No. 2), £542,000.

Received from Assembly and read a first time.

BILL—OFFICIAL TRUSTEE.

Second Reading.

Debate resumed from 7th September.

Hon. J. NICHOLSON (Metropolitan) [8.24]: I moved the adjournment of the second reading debate on this Bill so as to investigate the powers possessed by the Public Trustee in England under the Public Trustees Act of 1906. The English Act conferred upon that official much more extensive powers than are contemplated under the Bill before us. The success which has attended the creation of the office of public trustee in England is, I believe, undoubted. It has proved to be of the greatest possible public advantage, and the amount which is under the control of the public trustee runs into large figures. There is, however, always a danger, particularly where one individual has conferred upon him powers such as those contemplated by the Public Trustee Act in force in England, because his department is of a nature that grows and becomes, as it has already become in England, almost gigantic on account of the money to be dealt with and the estates to be managed. The department grows to such an extent that the trustee himself cannot possibly give all the attention that is necessary to the successful carrying out of his duties.

Hon. J. W. Kirwan: He has 1,000 officials under him in England.

Hon. J. NICHOLSON: He has a very large number of officials to assist him. It means that, while he has the responsibilities of the Public trustee to shoulder, he has to departmentalise his own department. It has to be divided into sections and subsections. Notwithstanding the fact that that course has been followed there, I believe that much success has attended the work. I am pleased to notice that under the Bill before us, it is not contemplated that such extensive powers shall be conferred upon the officer here as was done under the English Act. The powers which will be conferred upon the Official Trustee here are limited, comparatively speaking, and are restricted in accordance with Clause 3 of the Bill. These powers are such as I think could very wisely be exercised by an equally wisely selected officer. I have no doubt that the Government in making an appointment will see that the officer is possessed of that experience and knowledge which will enable him to invest and apply those funds coming within the scope of his duties to the best possible advantage. Great care is essential in dealing with those funds. When such funds are handed over to the care of the court, one can recognise that the method adopted in the past has not been satisfactory. The duty of investing these funds devolved upon the Master of the Supreme Court, and I do not think it fair that it should be left to that officer, when one considers the great many duties of detail he is called upon to carry out. In the circumstances I intend to support the second reading of the Bill.

Hon. J. J. HOLMES (North) [8.29]: Unfortunately I was not here when the second reading of the Bill was moved by the Leader of the House. There are two points upon which I desire information. The first point is whether the passing of this Bill will necessitate the creation of a new department.

The Minister for Education: No, it means very considerable economy.

Hon. J. J. HOLMES: Then it will not mean a new set of officials. As to the second point, under the new legislation, if a man possessed of an estate becomes insane, for instance, he will become subject to the court. The usual custom has been for some responsible person to be appointed by the court to handle the affairs of the person who is so unfortunate as to become insane. If the Bill be agreed to, will it prevent the appointment of such a person to assume such duties?

The Minister for Education: It will not affect that position at all.

Hon. J. J. HOLMES: I am satisfied that in small cases, an official such as contemplated under the Bill, could discharge the duties very well, but I think where big estates are concerned it would be preferable for a person to be appointed as in the past. I am assured by the Minister, however, that it will be competent for such a person to be appointed and to act in the direction I have indicated. In these circumstances I have no objection to the Bill.

Hon. J. W. KIRWAN (South) [8.30]: I do not agree with Mr. Nicholson, who expressed satisfaction because the Bill did not appoint a public trustee. The one official badly needed in this State is a public trustee, whose appointment should be on the lines existing in England. The Bill before us is good as far as it goes, but it does not go far enough. It simply limits the trustee to take charge of the estates of insane and incapable persons. With regard to the public trustee in England who, I think, was appointed under an Act passed in 1906, the department under that official has grown very rapidly. When that officer was originally appointed it had a staff of only five; now the number employed in the Public Trustee's office in London is more than 1,000. That growth is evidence of the satisfaction expressed by the public concerning the position of the public trustee. The assets that are controlled by that official amount in value to 150 millions sterling, and the department does not cost anything to control. The assets are managed so that they shall merely pay the expenses. The public trustee derives no profits. I know that in advocating the establishment of such an office in Western Australia, those interested in trustee and executor companies in Australia—there are many in Australia, and we have one in this State—will oppose the suggestion and declare that it is an interference with private enterprise. In my opinion, however, it is a departure which the Government are justified in adopting. Difficulties at times arise in procuring good executors, but if there were one who had behind him the security of the Government, the difficulty would be overcome. The appointment of a public trustee has been of great advantage in the British Isles, and although at the time there was some opposition to the establishment of the office, to-day I do not believe there is anyone who does not agree that the step was a wise one to take. There is a great sense of security about it on the part of those people who have made their wills, and appointed the public trustee as executor. I trust the Government will give this matter consideration and endeavour to ascertain exactly how the scheme is working in England. I am sure they will find that it is working satisfactorily there, and I hope that as a result of their inquiries they may see the wisdom of following a similar course in Western Australia.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East—in reply) [8.35]: I can readily give Mr. Holmes an assurance on the two points he raised. With regard to the question of expense, this merely forms part of the scheme of re-organisation and will mean a good deal of economy. The proposal will apply to moneys that are held by the court in trust, and to nothing else.

Hon. J. A. Greig: Does it apply to property?

The MINISTER FOR EDUCATION: Yes, the property of those persons to whom I have already referred. The appointment of a public trustee to carry out the functions suggested by Mr. Kirwan is a matter entirely apart from the question of the appointment of an official trustee. The hon. member's proposal would mean the creation of a new department. Whether that would be wise or not, is a matter for consideration.

Hon. J. J. Holmes: There are big estates at the present time, and in connection with these the Supreme Court appoints trustees. Will this Bill affect those estates?

The MINISTER FOR EDUCATION: No.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 8.40 p.m.

Legislative Assembly,

Tuesday, 20th September, 1921.

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