Mr. Lambert: For years hardly anyone has been retained after 65.

Mr. MARSHALL: The Minister has not the slightest compunction in retiring civil servants at 65, and they have to leave without any provision being made for them. Some of those men have young children.

Mr. Hughes: That is not a sign of declining powers.

Mr. MARSHALL: We shall be on the safe side if we make the age 65.

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

Ayes	12
Noes	23
Majority against ..	11

Ayes.	
Mr. Fox	Mr. Rodoreda
Mr. Hegney	Mr. Sleeman
Mr. Hughes	Mr. Styants
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Withers
Mr. Needham	Mr. Raphael
	(Teller.)

Noes.	
Mr. Boyle	Mr. Munsie
Mrs. Cardell-Oliver	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Doust	Mr. Patrick
Mr. Ferguson	Mr. F. C. L. Smith
Mr. Hawke	Mr. Troy
Mr. Hill	Mr. Warner
Miss Holman	Mr. Watts
Mr. Johnson	Mr. Welsh
Mr. Latham	Mr. Willcock
Mr. McDonald	Mr. Mann
Mr. Millington	*(Teller.)*

Amendment thus negatived.

Mr. SLEEMAN: Will the Minister explain the first proviso contained in this clause?

The MINISTER FOR JUSTICE: It means that a judge will continue in office until the trial upon which he is engaged has been completed.

Mr. SLEEMAN: A case may last for as long as six months. Would he stay in office until the end of that time?

Mr. Marshall: Keep him on till he is 80 or 90, if you like.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 10.43 p.m.

Legislative Council.

Wednesday, 27th October, 1937.

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

QUESTIONS (3)—MINE WORKERS' COMPENSATION.

Payments Due to a Widow.

Hon. C. G. ELLIOTT asked the Chief Secretary: If a mine worker who has drawn £300 compensation at the rate of £3 10s. per week, under the Third Schedule of the Workers' Compensation Act, dies—1, Is his widow entitled to draw the same weekly compensation of £3 10s. per week until the full amount of compensation allowed, £750, becomes exhausted? 2, Or is the widow entitled to the balance of compensation, viz., £450, less interest, by virtue of a lump sum settlement? 3, After receiving such a lump sum settlement, is the widow entitled to a weekly payment from the Mine Workers' Relief Fund, and if so, what amount?

The CHIEF SECRETARY replied: 1 and 2, The widow is entitled to the difference between the amount the worker has already received and £600, which is the maximum amount payable under the Workers' Compensation Act in the case of death. As to how the amount is to be paid is left to the decision of the magistrate. 3, If the widow received a lump sum settlement she would then be entitled to receive the following benefits from the Mine Workers' Relief Fund:—If under 60 years of age, £1 10s. per week until re-marriage; if 60 years of

age or over, 12s. 6d. per week until re-marriage.

Magistrate's Dual Position.

Hon. C. G. ELLIOTT asked the Chief Secretary: 1, Is the Minister aware that Warden McGinn, as magistrate, adjudicates on payments to claimants under the Workers' Compensation Act, and also, as chairman of the Mine Workers' Relief Board, deals with claims under the Mine Workers' Relief Act? 2, If so, will the Minister revise the position thus created?

The CHIEF SECRETARY replied: 1, Yes. 2, No.

Payment on Death from Collapse.

Hon. C. G. ELLIOTT asked the Chief Secretary: Do the Government intend to amend the Workers' Compensation Act to provide compensation for the dependants of a mine worker who collapses underground and who eventually dies from the cause of such collapse?

The CHIEF SECRETARY replied: No. If a man collapses at his work as the result of an accident or through suffering from an industrial disease he or his dependants are entitled to compensation under the provisions of the Workers' Compensation Act.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (No. 2).

Introduced by the Chief Secretary and read a first time.

BILL—AIR NAVIGATION.

Read a third time and *passed*.

BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Report of Committee adopted.

BILL—SUPPLY (No. 2), £1,400,000.

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

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—NURSES REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. NICHOLSON (Metropolitan) [4.43]: The Bill has been fully explained by the Minister, and I consider there is much to commend it. The long period that has elapsed since the original legislation was passed seems to support the Minister's views. Since 1921 when the Act was passed there have been many changes, particularly in vocations such as that of nursing, and the provisions suggested in Clauses 2 to 6 of the Bill are, in my opinion, advisable. One clause that evoked discussion in another place is that dealing with nurses' caps. I have had an opportunity to discuss the matter with persons closely associated with the nurses' organisation, and they feel that their province has been invaded and their functions taken over to some extent through other sections wearing caps similar to those that have served to identify qualified nurses as against people who do not possess the qualification. In earlier years there was not in existence the necessity for registration; but registration having come about, the fullest protection consistent with the needs of other sections of the public should be given to nurses. If one sees a nurse wearing that cap which is peculiar to duly qualified or registered nurses, there is an assumption or a belief in the mind of the individual that the person wearing the cap has those qualifications which the cap betokens. As a consequence, the individual might be induced to give to the wearer of the cap confidences that he or she would not be prepared to give to any but a qualified nurse. By providing in Clause 7 of the Bill for the protection of nurses in this way, some good will result to the general public. The provision will not debar persons who may be employed in dentists' chambers or some other chambers from wearing some other distinctive cap which may be equally attractive; but it should not be a cap which will cause the wearers of it to be mistaken for registered or qualified nurses. I do not think

anyone can maintain that there is in Clause 7 of the Bill anything that would prevent persons other than nurses from wearing another kind of cap. The cap which may be worn by those other persons may be distinctive of their particular calling. I am informed that the nurse's cap is made from one whole piece. The nurses know best how to arrange their headgear—I do not know how it is done—but I am told that the headgear consists of one whole piece. Certainly it is something that adorns the heads of these distinguished and, shall we say, in some cases angelic women.

Hon. J. J. Holmes: It is a distinctive mark.

Hon. J. NICHOLSON: Yes. I hope, therefore, that the Bill will receive the assent of hon. members. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Nicholson in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—New section; Certain nurses may wear nurse's cap:

The CHIEF SECRETARY: I have a small amendment to move. It has been suggested that if the piece of material of which the cap is made should not be an exact square, but a little longer on one side than on the other, it would not be a nurse's cap within the meaning of this measure. Therefore I move an amendment—

That in Subsection 2 of the proposed new section the word "square" be struck out and "piece" inserted in lieu.

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

Clause 8, Title—agreed to.

Bill reported with an amendment.

BILLS (3)—FIRST READING.

1, Financial Emergency Tax Assessment Act Amendment.

2, State Government Insurance Office.

3, Judges' Retirement.
Received from the Assembly.

BILL—WHALING.

Second Reading.

Debate resumed from the previous day.

HON. E. H. ANGELO (North) [4.59]: When introducing this Bill yesterday the Chief Secretary mentioned a Bill dealing with the same subject which he introduced into this Chamber in 1928. The hon. gentleman expressed regret that that measure had not passed. I had not at that date been promoted to this Chamber, but last night I read the hon. gentleman's speech introducing the former Bill. I wish to recommend to hon. members that they also read the speech in question. It is most interesting and informative. It gives the history of whaling in Western Australia from the early days almost to 1928. It describes the antiquated methods used in times gone by, and the improved methods of to-day, and deals extensively with the habits of the whale, which is the largest animal now to be found in the world. Hon. members will find that speech in the first volume of "Hansard" for 1928. The Bill was a very different Bill from that which we have before us now. There were some restrictions in it and certain conditions proposed of such a nature that I do not wonder that the Bill did not meet with the approval of this Chamber. At that time the industry was in a very languishing state. There was only a small company operating, and it was not making anything like the profits that are being made to-day. The imposition of big royalties and other hampering conditions such as inspectors being allowed to go on boats inquiring even into the question whether the boats were kept in a sanitary condition, were hardly of a nature to make the Bill impressive either to the whalers or to the members of this House. The Bill was thrown out, and the next stage was in 1932 when the then Government appointed an advisory committee to go into all North-West matters the object being to see whether the industries of the North-West could not be speeded up. The members of that committee included the three representatives of the North-West in the Upper House, my two colleagues on my right, and Sir Edward Wittenoom, and four members of the Lower House of whom I was one. We also had several business people, such as the President of the Chamber of Commerce, and others interested in the North-West. The committee inquired fully into fishing, pearl-

ing and whaling possibilities, and the portion of their report dealing with whaling should be of interest. It was as follows:—

Your committee has also inquired into the activities that were carried on for a number of years near Point Cloates in the taking off and dealing with whales and whale products. It appears that prior to the Great War a Norwegian company operated at some profit to themselves and advantage to the State. Shortly after the war broke out the company had to suspend operations owing to their boats having been commandeered, and their transport vessel having been torpedoed. After the war a Western Australian company carried on the same factory, but did not make it pay owing, it is believed, to insufficient capital and lack of experience.

In 1925 the Norwegians, who the world over are recognised as whaling experts, recommenced operations and carried on at a profit. At the end of the 1928 season the Government apparently conceived the idea that the time was ripe to levy a royalty of £1 per whale (equal to £1,000 per annum on the last two catches) and to put Government inspectors on the whaling vessels. A Whaling Bill was introduced accordingly. Your committee considers that that proposed legislation had a good deal to do with the Norwegian company terminating their activities. They transported their ships to the Antarctic, and no whaling has been done on the North-West coast since.

A Sydney company was formed in 1929 to purchase the assets of the local company, in liquidation, and it hopes to re-establish the industry of whaling in this State as soon as the market price of oil sufficiently improves to show a margin over working costs.

Meantime, the Sydney company has been saddled with a whaling license fee of £500 per annum as compared with £50 per annum paid by the Western Australian company previously operating.

It is thought that there is not the slightest justification for such a license fee. The Government has never expended a penny piece in providing facilities for shipping at Point Cloates.

In view of the benefits derived by way of taxation, employment of men, and purchase of goods, etc., your committee recommends that every encouragement should be given to the re-establishment of this industry, including the reduction of the license fee to £50, and also that no legislation that is likely to hamper the industry be introduced.

Your Committee also recommends that the Government should request the proper authorities to have an Admiralty survey made of Norwegian Bay, near Point Cloates, and as soon as possible a complete survey of the North-West coast.

It is a great pity that that Sydney company was bluffed out of going on by that high license. To-day we see foreign companies making huge profits from what should be essentially an Australian industry. As a matter of fact it should be a Western Australian industry, but failing that I should like to see it an Australian industry. We are told of the huge profits the whalers are making, and with the exception of license fees and stores which are purchased, our people are getting no benefit from it at all. I know that Norwegian fleets bring as much of their own stores as possible from their own country. Had this been an Australian industry the producers of Australia would have that nice little market for their goods. But there is a more important consideration. We know that Australians lack a maritime sense. We have very few men and lads who know much about seafaring, and that, I am afraid, is going to be one of our weak points in regard to the defence of this country. Had we been able to carry on whaling, numbers of our own lads would have become accustomed to a seafaring life, which would have proved very useful in times of stress when the defence of Australia was necessary. I was speaking to a naval officer some time ago, and he assured me that the Australian lads are as good as any lads we could get from England. They make just as good sailors on the warships, but he said that the trouble was that we did not get enough of them. Had we been able to keep the whaling industry amongst Australians we would not only have made big profits, but would have been able to cultivate a love of a seafaring life in a lot of the lads and men which is very desirable indeed. The Bill now before us is a different one from that which was defeated eight years ago. It has been drafted on British lines. We were told that it is a copy of the British Act. While it seeks to control the industry as it should be controlled, the Bill gives encouragement by not charging too heavy a fee, and not making conditions such as those relating to inspection too severe. In 1936 there were two fleets operating near Carnarvon. We got nothing out of them simply because there was no license fee. They were supposed to be operating outside the three-mile limit, but to my knowledge a lot of the boats were inside the limit. In June, 1936, when I went up the coast it was not known that those fleets were operating on the coast. At that time there was only one, and the second one came a fortnight later. It was quite a mystery to the captain of the "Koolinda" and the Governor-General who was on board as to

where the smoke came from which had been seen ahead. The captain took the "Koolinda" alongside one of the vessels and asked their nationality, and that was reported down here. A second fleet came a fortnight later and also did remarkably well. This year we have had two fleets operating under license. They have paid license fees and royalties and have spent thousands of pounds in stores, not only in Carnarvon, but also in Fremantle, which has been of benefit to the State. It must be remembered that Western Australia is the only State in which whaling operations are carried out, so that although the other States may adopt the Commonwealth's proposals for uniformity they are not giving anything away, because we have the only whaling of Australia on our North-West coast. To show what a really profitable industry it is we have only to take the figures quoted by the Chief Secretary last night. I am told by members of the Norwegian company that they were astounded at the results they obtained in the 2½ months' operations they carried on about Carnarvon. One fleet caught over 2,000 whales, a record catch for any fleet in warm waters. One of the men considers that our territory is the best whaling territory in any waters outside the Antarctic, and it is our duty to see that we get as much as we can out of it. A question was asked last night as to what are territorial waters. The Chief Secretary replied that territorial waters are waters three miles outside the land. That is correct, but not a sufficient answer, because that question is going to crop up in a very important way before long. Three miles from the shore is correct, but what does that mean? There may be two points running out for a distance of 10 miles. What is the three-mile limit? Is it a line drawn from three miles beyond one point to three miles beyond another?

Hon. L. Craig: It is a line parallel with the coast, is it not?

Hon. E. H. ANGELO: There is another member with a different opinion. Does it follow the coastline? I have made inquiries, and I am told that for customs purposes territorial waters are within an area covered by a line three miles outside one point to three miles outside another point. There is an ordinance of the British Government in existence somewhere which says that our territorial waters are three miles from the most northerly point to three miles outside the most westerly point, in order to take in all the islands. There again is a different opinion. I am told that in America territorial waters go to 12 miles, and am assured by a Norwegian captain that the Norwegian waters go 10 miles. The most important whaling grounds we have in Western Australia are the waters in Shark Bay, that is, practically from Point Cloates to Cape Inscription. There is a chain of islands off the coast—Dirk Hartog, Dorre and Bernier—running parallel with and about 30 or 40 miles distant from the coast. If the territorial waters are three miles from the east coasts of the islands, and three miles off the mainland, there is nothing whatever to prevent the Japanese, who are not a party to the agreement about which the Minister spoke last night, from going into these waters between the islands and the coast. Thus they have about 30 miles of water in which to operate. What then is the good of the Bill and our license? I have asked three or four Government officials, both Federal and State, what territorial waters are, and they have all expressed different opinions. The late captain of the "Koolinda" did not know, and he wired to find out. The Governor General did not know.

Hon. A. M. Clydesdale: Then how could the Minister know?

Hon. E. H. ANGELO: I am suggesting that this is going to be such an important point that the Minister should find out and let us know, if he possibly can when replying.

Hon. J. J. Holmes: Not only from the whaling, but from the pearling point of view.

Hon. E. H. ANGELO: Exactly. I asked the Minister to endeavour to make inquiries in connection with this matter. Japan has not signed the international agreement about which the Minister told us last night and there is nothing whatever to prevent them poaching on the best ground we have. I have been up and down that coast many times in winter, and whilst one sees dozens of whales outside the waters I have mentioned, it is possible to see hundreds inside blowing at one time. As Mr. Holmes has said, it is not only a question of whaling, but the Japanese also are poaching on our pearling grounds, and they are now on the Dutch Indies pearling grounds.

Hon. J. M. Macfarlane: They shoot them there.

Hon. E. H. ANGELO: I am told also that they are poaching outside the river mouths of Canada catching salmon before the fish can get to their native rivers. We must be firm on this matter. Last week we had four new factory ships flying the Japanese flag and about 40 chasers at Fremantle. What is to prevent them catching our whales without a license or without any right to do so? I noticed also by the papers that Japan is building four more huge factory ships. This proves that that nation is going to have a big say in the whaling industry of the world. There is another important point on which I should like the Minister to give us some information when he replies. It was not mentioned by him when he introduced the Bill last night. He told us and it also appears in the preamble of the Bill that the international agreement was signed by certain nations in 1931. Since the Commonwealth Whaling Act was passed, an international meeting has been held in London. This meeting took place on the 8th June last and there were representatives present of Great Britain, Norway, America, Germany, South Africa and Australia. All agreed that no whaling should be done for 12 months in any part of the world north of the 40th degree of south latitude. In confirmation of that, a friend of mine gave me a translation from a Norwegian newspaper which I might be permitted to read. It says:

> At a whaling conference held in London at the beginning of June last it was, amongst other things, agreed that it is forbidden to carry on Pelagic fishing for 9 months of the year.
>
> Pelagic fishing for bone whales is forbidden north of the 40th degree of south latitude right up to the Equator, and this restriction also includes waters north of the Equator, the Antarctic Ocean, Davis Straits, and Greenland and Indian Ocean.

The agreement was signed by America, England, Norway, Germany, South Africa and Australia. Canada and Japan refused to sign it.

Hon. C. B. Williams: Shall we go to war over it?

Hon. E. H. ANGELO: If that is the position how will it affect the Bill? If the Commonwealth of Australia has signed that agreement, can we issue any more licenses and allow Norwegian fleets to operate next year? Letters have come from the owners of the two Norwegian fleets lately operating here which indicate that their Government might not permit them to come here next year. Perhaps there is some explanation. I hope there is. I am only hoping that the Minister will be able to tell us that what I have said does not affect the Bill or our territorial waters. I can assure him, however, that there is a lot of anxiety amongst people engaged in the whaling industry in this State. It is a pity that we have not been able to carry on the industry with Australian capital and Australian men. All the same I am glad to be able to say that whilst I was in Carnarvon for four weeks recently several ships from the Norwegian fleet came in twice a week for stores and water and I had the pleasure of meeting some of the officers and the men. I can assure the House that no one would wish to meet a finer type of men. All were courteous and were of the class that one could consider a pleasure to be associated with. The conduct of the men themselves also appealed to me. While they might have had a drink or two, they knew how to behave themselves and they never forgot that they were men, especially when there were women about.

Hon. J. Cornell: The Bill will not affect them.

Hon. E. H. ANGELO: If we are to have foreigners on our coast, the Norwegians are the type. They are far ahead of the Italians. I thought several times whilst I was up there that a few thousand Norwegians would do a great deal towards the development of the North-West of this State. They are accustomed to sea life and no people better than the Norwegians could help us in the exploitation of our marine products. We have millions of tons of fish going to waste in our North-West waters. We could also let those people know what good land we have in this State and that our winter conditions are nothing like so severe as the winter conditions in their country. Our North-West has remained practically undeveloped and after over 100 years it can boast of a population of about 5,000 only. I understand that the London meeting prohibited the taking of whales from our coast on the ground that the whales go up the coast for mating and breeding, and the desire is to protect the female whales. I consider that a good idea, but when one comes to think of it, one wonders for how long the whales are going to be killed in such huge numbers. We are told that there will be 300 chasers in the Antarctic this year and considerably more next year.

Hon. J. M. McFarlane: How long does it take a whale to mature?

Hon. E. H. ANGELO: I cannot tell the hon. member. All I know is that whales are born one at a time and very rarely two. The Commonwealth Act will try to protect the female whales and others in the Antarctic, but we have always looked upon Japan as a free lance and consequently able to do what it likes. There is practically no three-mile limit in the Antarctic and I am told that the whalers do not go anywhere near the land.

The Chief Secretary: The Commonwealth has jurisdiction over the waters there.

Hon. E. H. ANGELO: They cannot control the Japanese. Anyway, I welcome the Bill, provided its provisions can be put into effect, and I shall be pleased if the Minister will give us an assurance that the London agreement of the 8th June last will not in any way hamper the operations of the Norwegian fleet that will operate in our waters next year.

HON. J. CORNELL (South) [5.30]: I understand the purport of the Bill is to endeavour to conserve and prolong the whaling industry. Apparently the position today is that whilst the Commonwealth Parliament can pass legislation to control whaling and pearling in respect to their territorial waters, those that are within ' Federal territory, when it comes to territorial waters that are in contact with State territory, the Commonwealth authorities cannot act. The Federal Crown Law Department has on several occasions said that, in response to requests that have been made in connection with the breaking of the regulations by Japanese pearlers. The answer given by the Commonwealth authorities has been that the Federal Government have no jurisdiction over territorial waters in any State. The Japanese can come in, and the only people who can police those waters are the State authorities. The only power the Commonwealth authorities have is over territorial waters that wash the shores of Federal territory. The result is that the Japanese can pearl and whale with impunity in our territorial waters. The only way to police these people, or control them in any way, is when they enter territorial waters for fresh supplies. I understand, too, that the Bill provides that within territorial waters that wash the shores of Western Australia conditions can be laid down for the preservation and protection of the whaling industry. It will be an offence to kill certain whales, and to kill cow whales under certain conditions. This legislation is something we should pass. We must do this sort of thing; otherwise the whaling industry will go by the board in a very little while. We have seen the same sort of thing happen in connection with sandalwood and other industries. Unless something is done to protect the industry, it will only be a matter of time when it will be wiped out. I am not going to enter into a discussion concerning territorial waters generally. They have been clearly defined as being within three miles of either low water or high water mark. The matter of respecting territorial waters is one of agreement between nations. No legislation has yet been passed in the matter. Any decision arrived at in this regard is on the same basis as decisions arrived at by the League of Nations. Any nation may break away from its obligations in respect of territorial waters, and may run counter to other nations who adhere to the understanding.

Hon. E. M. Heenan: There is an international law on the subject.

Hon. J. CORNELL: There is no international law.

Hon. E. M. Heenan: Pardon me.

Hon. J. CORNELL: But there is an international understanding.

Hon. J. Nicholson: There is the law of nations.

Hon. J. CORNELL: I have yet to learn that there is an international law governing this question. It is a common understanding or agreement between nations, just as there is an agreement between nations making up the League of Nations.

Hon. E. M. Heenan: There have been cases where the law has been enforced against nations.

Hon. J. CORNELL: There is an old saying that when thieves fall out, honest men come into their own. When we differ on legal subjects, the lawyers often come into their own. I understand the Commonwealth Government can only enforce their authority when Japanese ships come within the limits of what is accepted as Federal territorial waters. But I am not going to enter into a controversy on that question. All I am concerned about is the preservation and protection of our whaling industry, so that it may continue. The pity is that Australians have gone out of the industry. The Nor-

wegians, however, have come here, and they would respect any agreement that might be entered into, or any law that we might pass. I very much doubt if the other fellows would do so. I support the second reading.

HON. H. SEDDON (North-East) [5.35]: This matter does not affect my province in any way.

Hon. J. J. Holmes: There are a few sharks up your way.

Hon. H. SEDDON: I am, however, concerned about certain aspects of the Bill referred to by Mr. Angelo, and to which I made reference by interjection yesterday. We are living in a world consisting of nations who are prepared to obey the laws of humanity, and to respect high ideals, and of other nations who are living a lawless existence, and are prepared to take everything that comes their way. Consequently, although there are nations who are prepared to sign agreements and abide by conventions for safeguarding what is known as marine life, there are others who are not so prepared. The effect of the decision of humanitarian nations to withdraw from certain seas with a view to protecting sea life is that their action has left the oceans of the world entirely free for the lawless nations to carry on their activities. If there were any means whereby this State or the Federal authorities, or any other nation, by signing a convention, could establish a sanctuary whereby the sea life of the world could be conserved, well and good. If there were any means whereby we could amend this Bill to conserve our whaling industry from attack, well and good. All I can see we are going to accomplish is that we shall tie our own hands, leaving other people free to carry on with their depredations. When they have accomplished what they set out to accomplish in northern waters, that is, bring about the extinction of the whaling industry there, no doubt they will be content to sign the convention. In Europe we have the spectacle of nations endeavouring to preserve the peace of the world. For 18 months or two years they have been the laughing-stock of all right-thinking men. They hold conventions, move resolutions, and make wonderful speeches, and all the time the piratical nations are defying them and carrying on their operations without any respect whatsoever for conventions, or the like.

Hon. J. Cornell: The hon. member knows what happens to pirates in the long run.

Hon. H. SEDDON: But these particular pirates are having a long run. On the shores of the Mediterranean, pirates flourished for 300 years. Christian nations saw their subjects captured and held as slaves, and because of international jealousy nothing was done. We must have regard for the need for protecting our whaling industry. By adopting legislation of this kind, we are simply tying our own hands, and joining with other foolish European nations who have also tied their own hands. As for doing any practical good for the protection of whales, I can see nothing in the Bill. We might do some good within State territorial waters, so long as our rights over those waters were respected. I fear, however, that these operations will continue to be carried on and other nations will continue to laugh at the stupidity of those who have adopted humanitarian principles which they themselves have seen no reason to adopt. Before this Bill is placed upon the statute-book, if only as a protest to the rest of Australia and against the stupidity of allowing one nation to have a free hand while others have their hands tied, we might well defer further consideration of the subject.

HON. C. F. BAXTER (East) [5.40]: Whilst this Bill may not do all that is desired, and may contain certain drawbacks, as has been suggested, it is better to have some Act upon our statute-book than nothing at all. Many years ago this House objected to a whaling Bill. That legislation was rejected by the House at the time because it did not want to impose conditions on our own people which would prevent them from carrying out whaling operations along our coast. A long period elapsed when there were no whaling operations there. None of our people troubled about whaling, but people from other countries did so. There is, therefore, no machinery by which this State can issue licenses or control the industry in any way. This Bill will operate in conjunction with Federal legislation, and that which has been passed in other States. The extent of the ramifications of the Federal Government in the matter of whaling is considerable. If we re-

ject this Bill, we shall have to go along under the present order of things, which would be very unwise. I know nothing about whaling myself. I should like to know what is meant by "the right whale." The definition refers to three different kinds of whales.

The Chief Secretary: That is only the specie of whale. It may be a humpbacked whale or a sperm whale.

Hon. C. F. BAXTER: There are three different species, are there?

The Chief Secretary: Yes.

Hon. C. F. BAXTER: If we pass this legislation, it may be that we shall enjoy certain trade advantages by reason of foreigners operating on the coast. There may be other advantages in the way of securing supplies of whale manures. That is a type of manure which this State needs very badly, and it may be that quantities of it will be disposed of here. I understand that at present the foreigners do no business with us at all.

Hon. J. J. Holmes: The factory ships do.

Hon. C. F BAXTER: I have not heard of any.

Hon. J. J. Holmes: The manure is all used.

Hon. C. F. BAXTER: This State suffers from want of that particular manure. The Bill will provide some control to the State, and will show that Western Australia is prepared to work in with other parts of the Commonwealth and other countries which are willing to protect the whaling industry. At present no license fees are paid, and no revenue is collected from the industry. I support the second reading.

On motion by Hon. G. W. Miles, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 1).

In Committee.

Resumed from the previous day: Hon. V. Hamersley in the Chair, Hon. G. Fraser in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 4, to which Mr. Parker had moved an amendment to the effect that after "and." in line two of Subclause (1), the following words be inserted:—"any such barrister so admitted after the 31st day of December, 1938."

Hon. G. FRASER: It has been suggested that an injustice may be done to certain people if the clause be agreed to as it stands, and as there is no such desire, I am prepared to accept the amendment.

Hon. J. NICHOLSON: I had hoped that Mr. Fraser would have seen the desirability of agreeing to the deletion of the clause altogether, because it is acknowledged that there is a grave risk of injuring certain people who may come here with the qualifications of a barrister of England or Ireland. Such individuals, if the Bill be agreed to, will be compelled to serve articles for two years to a legal practitioner in this State. It would have been impossible under the existing laws of England or Ireland for any barrister to have served articles with a solicitor as suggested in the Bill. It seems intolerable that we should insert in the Bill something that cannot be fulfilled. Another point has been overlooked by those responsible for drafting the measure. Ample provision was made a few years ago in legislation submitted by the late Mr. T. A. L. Davy, in which it was provided that before a barrister or solicitor from England or Ireland could be admitted to the Bar here, he had to show that he was of at least two years' standing. The shortest period in which a man may become qualified as a barrister in England is three years, and that would mean, bearing in mind the Act that was introduced by Mr. Davy, that that individual would have to put in an extra two years here, making five years in all, before he could be admitted to practice at the local Bar. No man would sit down and do nothing for that additional two years. He would seek to gain experience by going into the office of a local practitioner. By so doing, he would comply with the requirements set out in the clause. It is a slur that we are asked to cast on a man possessing the qualifications of a barrister. He should not be asked to serve articles for two years; that is wrong in principle. I shall vote against the clause because the law as it stands now is quite adequate. No such clause, despite the amendment moved by Mr. Parker, should be included in such a Bill. Apart from this particular retrograde step, why should we require a barrister to serve articles on arrival in Western Australia when he cannot do so in England? It is hard to say what the effect of such a requirement might have on a man possessing English qualifications as a barrister. It is hard to say whether the authorities at Home might not introduce some regulation the effect of which would be to compel such a man to seek to be disbarred

before he could enter into articles here. We may do great injury to some of our young men who go abroad to gain the knowledge they seek. Rhodes scholars have gone to England and have become barristers there. We have a prominent instance in the present Crown Solicitor, Mr. Walker. Would any hon. member say that the late Chief Justice, Sir Robert McMillan, who was an English barrister, was not a fit and proper man to be admitted to practice in our courts here, let alone to act as a judge? The clause is absurd and will react to the detriment of the legal profession.

Hon. G. FRASER: People are not admitted to the Bar here as in England. Here they are admitted as barristers and solicitors. In order to protect the public, we desire to place barristers in the same position as the man who is called to the Bar in this State. That is all we want to do. If a person coming here from England were admitted as a barrister we should not object to that; but he is admitted fully fledged, and so we consider that such a person should serve just the same in this country as our own people have to serve. I propose to stick to the Bill as it will be amended by Mr. Parker.

Hon. H. S. W. PARKER: The Bill is aimed only at those young men sufficiently brilliant to become Rhodes scholars. Those young men, if they go to England, will be advised not to go in for law. Personally I should like to see them go in for law and I would make it as easy as possible for them. After getting through their three years in England they will come out here again and have to put in two further years. I have yet to learn that their signing of articles will induce the practitioner to whom they are articled to teach them the law, or that the articled clerk will do his utmost to learn.

Hon. G. Fraser: Do not you think it time the law was tightened up?

Hon. H. S. W. PARKER: I think it is time the law was loosened. Lawyers have certain obligations to the public, and unlike members of other professions their mistakes do not die, but live. However, that is not the question that arises here. The position is that if a man is admitted on coming out here, if he does not want to work, and if his parents still want him to study law he will be an articled clerk and will attend the office and read the newspapers there, and become secretary of the local football club, and will run the articled clerks' dance.

Hon. A. M. Clydesdale: And get into Parliament.

Hon. H. S. W. PARKER: Very likely, later. At the end of two years he will have served his articles, which of course has made no difference to him. I do not know how to make an articled clerk work if he does not want to work. On the other hand, a good man will work with or without articles. So what is the use of having articles? The man who wants to learn his profession has no occasion for articles.

Hon. J. Nicholson: It is a slur on the barrister.

Hon. H. S. W. PARKER: I understand there are grave doubts as to whether or not a barrister-at-law would be permitted to sign articles to a solicitor.

Hon. G. FRASER: If the conditions are as the hon. member has said, the profession must be in a very bad way. But there is in the same paragraph a provision dealing with examinations. If what the hon. member says is true, that is a reflection on the Barristers' Board.

Hon. J. Nicholson: No, that is an entirely different thing.

Hon. G. FRASER: Still, included in the clause is the question of examination by the Barristers' Board. If these articled clerks behave as the hon. member said, it would be impossible for them to pass an examination.

Amendment put and passed.

Clause as amended put and negatived.

Clauses 5 and 6—agreed to.

Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—EMPLOYMENT OF COUNSEL (REGULATION).

Second reading—Defeated.

HON. G. FRASER (West) [7.30] in moving the second reading said: This is a very short Bill, containing only one clause. It deals with the employment of more than one counsel. I am led to believe that a practice has grown up in recent years particularly for counsel who has been briefed, on entering the court, to announce that Mr. So-and-so, generally a junior counsel, is also appearing with him, although the client has

not been consulted about the employment of second counsel.

Hon. J. Nicholson: But the client could easily give instructions.

Hon. G. FRASER: That is all right for the individual who understands the position, but many people have few dealings with the law. The object of the Bill is to safeguard such people.

Hon. J. Nicholson: I am sure that any decent solicitor would tell the client.

Hon. C. B. Williams: Why these interjections?

The PRESIDENT: Order!

Hon. G. FRASER: The Bill sets out to protect people not well versed in legal procedure from being charged with costs for second counsel particularly where junior counsel is not required. I understand there have been quite a lot of such cases and quite a number of complaints. Junior counsel have been taken into court and the client has neither expressed a wish for junior counsel nor been consulted in the matter. In a number of small cases junior counsel has been engaged, and until such time as the client has received the account, he was not aware that he would be charged with the extra cost.

Hon. H. S. W. Parker: What do you mean by small cases? Up to what amount?

Hon. G. FRASER: Cases involving a couple of hundred pounds.

Hon. J. Nicholson: Such cases might have involved questions of considerable importance necessitating much research.

Hon. G. FRASER: I hope Mr. Parker will treat this Bill a little more seriously than is usual for him with Bills of this kind. The measure will not debar junior counsel from appearing. No one objects to junior counsel being present because it gives him an opportunity to learn, but it is not desired that he should appear at the expense of the client. The Bill will merely impose certain safeguards to which nobody could object. Junior counsel will be permitted to appear only at the expressed wish of the client or if the judge is of opinion that junior counsel is required in the case. We should put a stop to the practice of junior counsel being introduced without the client knowing, until the account was rendered, that he would be billed with the extra cost. We should protect people who do not understand legal procedure and do not know of practices that are indulged in. I do not expect that any objection will be raised to the measure. I move—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Metropolitan-Suburban) [7.36]: As the hon. member said, there is no objection to the Bill, but it will take away this duty from a man who is qualified and has been appointed by the Government to perform it, and will place the responsibility on a judge who has more serious duties to discharge. Evidently the sponsor of the Bill is not aware of the existing law. A King's Counsel appointed by the Government is not allowed to go into court unless he is accompanied by a junior. Therefore, if a client desires to employ King's Counsel, he must do so at his own expense, even if it is a case that does not warrant the attendance of a K.C. Sometimes King's Counsel appear in the local court. They are not supposed to appear in that court. The maximum fee for counsel in the local court, I think, is ten guineas. If a client desires to be represented by King's Counsel, a junior must accompany him and the King's Counsel must be paid whatever he elects to charge.

Hon. C. B. Williams. Would a K.C. have any more ability than you have?

Hon. H. S. W. PARKER: I might explain that matter to the hon. member elsewhere. The Taxing Master is a highly qualified official on the question of lawyer's charges and it is his duty to ensure that clients are not overcharged. Quoting from the English text book, "The Laws of England" by the Earl of Halsbury, Volume 26, page 805, I give the following:—

> The attendance of counsel at Chambers is not allowed unless the case is certified as fit for counsel. Where not more than £50 is recovered in an action of contract, the costs of briefing one counsel only are as a general rule allowed. In other cases the Taxing Master has a discretion as to allowing the costs of briefing two counsel and as to allowing fees for consultations and refreshers.

That is not only the law of England; it is the law in Western Australia as laid down in the Rules of the Supreme Court. I refer to Order 65 Rule 49:—

> In any case in which under Rule 10 of this order the scale of costs in local courts is applicable——

That is, applicable to any matter involving £100 or under—

——the costs of briefing more than one counsel shall not be allowed, unless the taxing officer, for special reasons, be of opinion that briefing more than one counsel was proper.

There might be a claim for £50 and, in addition, an application for an injunction or some other matter of grave import which cannot be measured in mere terms of money. It might involve a complicated question of law, perhaps even international law. The Taxing Master, who is a qualified man and understands the position thoroughly, goes through all the papers.

Hon. G. Fraser: Only when the costs are referred to him in case of dispute.

Hon. H. S. W. PARKER: I am referring to such a case. That is what the Bill aims at; it does not have effect unless there is some dispute. The Taxing Master is in the best position to judge.

Hon. J. J. Holmes: Why alter the law?

Hon. H. S. W. PARKER: Somebody wants it altered and there is no objection to the alteration being made. From the point of view of getting more fees, I should say undoubtedly let a judge decide the question of the employment of junior counsel. Consider human nature. A man on an income of £500 is more inclined to keep fees down than is a man receiving a salary of £1,700 or £2,000 a year. The man on the smaller income would naturally look for smaller charges. I have no objection to the judge deciding the question. There have been many instances of two counsel being employed when only one should have been employed.

The Chief Secretary: Has this Bill any reference to the local court?

Hon. H. S. W. PARKER: No.

The Chief Secretary: But you quoted the local court just now.

Hon. H. S. W. PARKER: The local court has jurisdiction up to £100. In local court cases scales of charges are laid down and, when a party is successful, counsel asks for judgment by consent, fees for counsel and witnesses and costs on a certain scale. That is an automatic order from which no departure is made. In the Supreme Court, apart from the verdict given for the plaintiff or the defendant, an order is made for costs. That matter is settled by the Taxing Master. Mr. Fraser suggested that he was opposed to a client having to pay for junior counsel. That point can be put to the Taxing Master and the same rule applies. I cannot see that the Bill is likely to have any effect. When any person consults a legal practitioner he does so because of having confidence in him. If he has not confidence in the solicitor, he changes his solicitor. If a client is not satisfied with a bill of costs, he makes inquiries and obtains advice as to what action might be taken. I know two or three gentlemen at Fremantle who could give excellent advice as to what could happen if a client were overcharged. The matter is taken to the Taxing Master and the principles I have described apply. If it is a brief carrying a fee of seven guineas, seventy guineas or 700 guineas, the Taxing Master taxes the costs accordingly. But as to counsel's fees it must be understood that when a client engages counsel the usual thing, though not always carried out here, is to send the counsel's fee along with the brief. In England the practice is that if you take a brief along to the chambers of a leading counsel, having marked it with the figure on the outside, say, fifty guineas, the clerk simply looks at it and says to you, "Take it back." Then you mark it one hundred guineas, and the clerk again says, "Take it back." Then perhaps you mark it two hundred guineas, and the clerk says, "Very well; I will take it to Mr. So-and-So, and let him look at it." That is the proper practice, though it is not always adopted here.

Hon. J. Nicholson: There is the circumstance to be considered that a counsel cannot sue for his fees.

Hon. H. S. W. PARKER: I was not going to mention that fact. A counsel cannot sue for his fee because it is an honorarium. However, when all is said and done, counsel are paid. The sum total of this Bill is that it throws on a man a job when there is an officer more qualified to carry it out.

HON. J. NICHOLSON (Metropolitan) [7.48]: Mr. Parker has explained the position fully and elaborately. I am inclined to hope that Mr. Fraser may realise it would be of advantage perhaps, in the circumstances, to give a little further consideration to the measure.

Hon. C. B. Williams: The smile on your face gives you away.

Hon. J. NICHOLSON: Mr. Fraser may come to the conclusion that this would be an advantage to himself and to those pro-

pounding the Bill. The introduction of measures such as this is not always productive of the results that their sponsors contemplate. What Mr. Parker has said shows quite clearly that there is a likelihood of the benefit accruing not to the general public, not to clients, but to the members of the profession upon whom Mr. Fraser believes he is going to place some regulation in regard to their fees. I wholly agree with Mr. Parker that the passing of the Bill would probably result in greater advantage to the members of a hard-worked profession. That being the case, I again ask Mr. Fraser to go into the matter a little further and look at it from the standpoint of the general public.

Hon. A. M. Clydesdale: And then withdraw the Bill!

Hon. J. NICHOLSON: I think that would be the wisest course. I emphasise the fact, quite clearly brought out by Mr. Parker, that the Bill is based on a wrong principle. The duty here is being placed on the shoulders of a judge instead of on those of the Taxing Master. It is no part of a judge's function to fix fees or determine similar questions. The duty lies properly on the officer appointed for that special purpose—the Taxing Master. He is a man who is trained and has the necessary skill, knows exactly what is required, and when a taxation case comes before him makes the fullest investigation into every item of the solicitor's bill. The question of counsel is strictly looked into before the Taxing Master passes even the item of one counsel's fee. Although Mr. Fraser may think he is doing something which will reduce fees, he is doing nothing whatever for the client, because as regards the amount charged in the bill rendered to the client, although not allowed in its entirety as between party and party in a contested matter, the balance, which the solicitor is entitled to carry into his bill, will be payable by the solicitor's client. I realise that the measure may have the disadvantage I have indicated.

The Chief Secretary: It sounds like a good reason for passing the Bill.

Hon. J. NICHOLSON: It is a reason why one could say, "Very well; if it be the desire of the public to have a measure such as this, let them have it by all means." But I think there is a duty cast upon a member of this Chamber to bring before his fellow-members the true position of affairs. That has been done. I am indeed glad that Mr. Parker has stated the matter in the way he has done. I endorse every word he has said in that respect, and I leave it to Mr. Fraser to think over the matter.

HON. E. M. HEENAN (North-East) [7.53]: Seeing that the Bill has been brought forward, I desire to say a few words on it. It is quite true, as has been stated, that the existing position will be very little altered if the measure is enacted. I am in a position to state that the Law Society of Western Australia has no objection to the Bill. A junior counsel is not always allowed as a matter of course. Taxing Masters are much stricter on solicitors' fees than the general public give them credit for being. Indeed, the Taxing Master is often a highly unpopular official of the Crown Law Department.

Hon. J. Cornell: Do all bills of costs go before him?

Hon. E. M. HEENAN: He has to decide on every item. Very few bills are taxed by him without some disallowance being made. In local court cases where a counsel is not considered by the magistrate to be justified, the fee is disallowed. With due deference to Mr. Parker, my experience is that sometimes the magistrate disallows the counsel's fee.

Hon. H. S. W. Parker: Very rarely.

Hon. E. M. HEENAN: I do not think any harm will result from shifting the onus from the Taxing Master to the judge. That seems to be the wish of the proposer of the Bill, and I do not object to it.

HON. G. FRASER (West—in reply) [7.55]: It is rather peculiar that whenever one introduces into this Chamber anything dealing with the law or the legal profession, every legal member of the House gets on his feet and declares there is no need for the measure. Listening to those hon. members, one would think that all bills of costs between solicitor and client go before the Taxing Master.

Hon. J. Nicholson: Nobody has said anything of the sort.

Hon. G. FRASER: But the tone of the discussion would lead to that conclusion. The only bills of costs that go before the Taxing Master are those which clients dispute.

Hon. H. S. W. Parker: No. You are wrong there.

Hon. G. FRASER: The client is dissuaded from asking for a bill of costs to be taxed because of a provision in the Legal Practitioners Act which says that if a bill of costs has been presented and is disputed by the client, the lawyer can take it back and add 25 per cent. to it prior to taxation.

Hon. H. S. W. Parker: You are quite wrong in that statement. That has been altered.

Hon. G. FRASER: Altered only this week, but it is not yet through the third reading. Consequently numerous bills of costs escape taxation although but for that provision they would have been disputed. The Bill does not throw on the judge the onus of taking the Taxing Master's position. It merely says that the judge shall decide whether a second counsel was necessary.

Hon. J. Cornell: When will the judge decide that? Before the case starts, or after it finishes?

Hon. G. FRASER: I take it that the client will discover whether there was necessity for a second counsel. We have heard various legal opinions on the Bill tonight. I will now quote another legal opinion, from a former Attorney General, Mr. T. A. L. Davy, on this very point. It is reported in "Hansard" of 1932, on page 906—

> For instance, I agree . . . . that the second counsel may frequently be properly described, in the expression the hon. member used, as a dummy. I know that second counsel does go into court at times, and if the leading counsel were to drop dead the second counsel would have to ask for an adjournment. I think a man who takes a brief on those terms ought to be ashamed of himself.
>
> Hon. P. Collier: Such a man very often takes no part at all.
>
> The Attorney General: I agree.
>
> Mr. Corboy: It is taking money under false pretences.
>
> Hon. P. Collier: Why should a client have to pay for the services of such a man?
>
> The Attorney General: I agree wholly, and I say it ought to be dealt with. Of course the Taxing Master is there to disallow it.

Hon. H. S. W. Parker: He does not mention whether the Taxing Master would allow it.

Hon. G. FRASER: I have not gone on. I am only dealing with this particular point as it appealed to Mr. Davy. It is only just another instance of where lawyers differ, but that is a considered opinion on this particular phase. I do not know that I can offer any better opinion than that and thus will content myself with closing the debate.

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

Ayes	9
Noes	15
Majority against	6

Ayes.	
Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. J. Cornell	Hon. T. Moore
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. M. Heenan	(*Teller.*)

Noes.	
Hon. E. H. Angelo	Hon. J. J. Holmes
Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. L. Craig	Hon. H. V. Piesse
Hon. J. M. Drew	Hon. H. Seddon
Hon. C. G. Elliott	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. G. W. Miles
Hon. V. Hamersley	(*Teller.*)

Question thus negatived; the Bill defeated.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. L. B. BOLTON (Metropolitan) [8.5]: It is not my intention to speak at any great length upon the Bill because I am inclined to think it is almost certain to reach the Committee stage, and there will be an opportunity then to criticise and vote against the clauses with which I disagree, and there are a great number of them. Generally, I support the remarks of Mr. Nicholson, and I am primarily concerned about the suggested deletion of the plural voting clauses. I was glad to know that the Minister in introducing the Bill in another place did not make this a vital question. I understand he is not prepared, as was the case on a former occasion, to lose the Bill for the sake of securing the passage of the clauses relating to plural voting. I am opposed to the deletion of Section 6. Should this be done, it will take away the right of a voter to vote in more than one ward in any municipality, even if he has property in more than one ward. I will also oppose Clause 16, which gives the mayor the right to fix the date for election in the case of an extraordinary vacancy. I see no reason to alter the existing section. I was glad to see the additional power given to muni-

cipalities in Clause 38, and for this alone the Bill should meet with the approval of the House. Concerning Clauses 48 and 49, I consider it would be unwise to take away the right of the occupier for the recovery of rates. Under the present system the rates, if paid by the occupier, can be deducted from the rent, and this to my mind is a safeguard that should be retained in the Bill. I am opposed to repealing the power in the present Act to levy distraint, because, as pointed out by Mr. Nicholson yesterday, this is a privilege that has never been abused. To my knowledge, and I have had considerable municipal experience, it has never been abused, and I think Mr. Nicholson said that, in the last 14 years, on only two occasions has property been sold by the Perth City Council.

Hon. J. Nicholson: For 20 years.

Hon. L. B. BOLTON: That definitely proves that the privilege given is not likely to be abused.

The Chief Secretary: What about other councils?

Hon. L. B. BOLTON: Every opportunity is given to ratepayers to safeguard their interests. One often sees properties advertised to be sold by the councils. In many instances the properties have depreciated in value and the rates have been such that it would not pay the owners to meet the obligation in that respect. That is why properties are sold. Like Mr. Nicholson, I received a letter from the International Institute of Accountants and I see no reason why we should not consider their request for an amendment. Generally, I am glad that at last we have something in the nature of an improvement to the Municipal Corporations Act, and while opposing those clauses with which I disagree, I shall vote for the second reading.

HON. H. SEDDON (North-East) [8.10]: I have very few remarks to make with regard to the proposed amendments of the Municipal Corporations Act, but I would draw attention to one great difficulty under which hon. members will be placed. The Act is out of print and if members are going to follow the amendments in the Bill intelligently, it will be desirable for them to have a copy of the original Act.

Hon. L. Craig: The Bill cannot be followed without it.

Hon. H. SEDDON: I cannot see how it can be. There are many provisions which should have been introduced in the Bill and should be introduced in the way of amending the Act. One of the provisions which should have been amended for the benefit of the corporations is that which exists with regard to the right of sale for rates. The way this operates in practice is that a municipal corporation undertakes the expense associated with the sale, and the Government comes in with its claims. Then when those claims have been met the municipal corporation gets what is left. In a good many cases it is found that after all the expenditure has been incurred in arranging sales, there is not enough left to recoup the local authority. That is an unfair section. I trust hon. members will look carefully into the amendments of the Bill and see whether something cannot be done to rectify that particular position. There is another provision which requires material amendment. In the case of country municipalities in dealing with absent votes, it is very difficult to make the necessary arrangements for the taking of those votes. It is all right when one comes to Perth because an absent vote can be taken in Perth, but it is very difficult for people living in the country to get their absent votes attended to in time. Another question which needs consideration is that concerning the election of councillors. The present is the old-fashioned system of first past the post, and thus, a man is elected by a minority of the ratepayers. In respect of the election to this House and to the House of Representatives and the Senate, we have provided by means of preferential voting that successful candidates shall receive a majority of the votes recorded.

The Chief Secretary: There is no plural voting there.

Hon. H. SEDDON: There is no reason why the system in force with the election of senators should not be adopted in connection with the election of municipal councillors. With regard to plural voting that is a mixed sort of proposition. It does give a certain amount of power to people who have the benefit of the greater number of votes. I am prepared to leave that more or less in the air at the present moment. With regard to the amendment providing that auditors shall be accountants, quite a number of men who are practising accountancy at the present time are

thoroughly capable though they may not be possessed of modern certificates. It is proposed that they shall have qualifications obtained from schools of accountancy, but I consider that those men who are practising at the present time should be permitted to carry on their vocation in the manner that is done in the case of mining supervisors. There it is provided that men already engaged as mining supervisors should, as a matter of course, be retained as such. I consider that a man practising accountancy to-day, even though he may not possess modern degrees, should be permitted to continue to act as auditor for a municipality as in the past. These are a few of my thoughts in connection with the Bill which I commend to the House. I support the second reading, and I trust that the questions I have raised will be attended to in Committee.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [8.18]: In view of the assurance I gave to members that when the Bill reached the Committee stage I would give them all the information they desired to have, I do not at this stage propose to say more than a few words. The Bill is essentially a Committee measure, and I am rather anxious that it should reach that stage as soon as possible, so that we may make progress with it.

Hon. J. Nicholson: You will not go into Committee to-night?

The CHIEF SECRETARY: No, we can take the Committee stage to-morrow.

Hon. J. Nicholson: Will you be able to get us copies of the Act?

The CHIEF SECRETARY: I regret I shall not be able to do that.

Question put and passed.

Bill read a second time.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. L. B. BOLTON (Metropolitan) [8.20]: My remarks on the Bill will be very brief. I am not a representative of a goldfields province, but at the same time I feel I should raise my voice in support of the mining industry regarding the reservations it is proposed to abolish. The reservations, as at present, are to my mind, not only of importance to the mining community, but to the State as a whole. I was a member of the Gold Bonus delegation a few years back, a body that did wonderful work in helping to rehabilitate the gold-mining industry which, at that time, was very helpful to the State of Western Australia. The work that was accomplished by the delegation was afterwards the means of many men being placed in employment. I consider without doubt that mining reservations have been the means—and previous speakers have stressed the point—of huge amounts of overseas capital being invested in Western Australia, capital that to my mind would never have found its way here but for the reservations. Not only have the goldfields and the mining community benefited by the granting of the reservations but we in the city also have benefited perhaps as much as the mining community. Five companies alone have been responsible for the investment in Western Australia of no less a sum than 4½ millions, three having been responsible for three millions, and the other two for a million and a-quarter. This, in my humble opinion, has been largely due to the reservations granted to those companies, a procedure which has given the companies some guarantee of tenure and security, without which it would not have been possible to induce the investment of capital in the State. We have also been told that those companies alone have been responsible for the employment of about 2,300 men, and following the argument I have just used that other parts of the State have benefited very considerably from that influx of capital, we can imagine for ourselves the additional number of men who have obtained employment that otherwise would not have had it but for the advent of that capital. I spoke a moment ago of having been a member of the Gold Bonus delegation, and I think I can claim that it did excellent work. Whilst I hold no brief for any member of that delegation I would be lacking in my duty as one who knew those who did the bulk of the work and carried almost all the weight in securing what we did actually get for the State, if I did not pay some tribute to two men whose names have been mentioned in connection with the Bill we are now considering. I refer to Mr.

Claude de Bernales and the present Minister for Mines (Mr. Munsie). I was more than sorry that the hon. member in charge of the Bill saw fit to let his feelings run away with him in the remarks he made about those two gentlemen.

Hon. C. B. Williams: If I misled you what would you feel like?

Hon. L. B. BOLTON: I should think long and often before I made such charges as the hon. member did on the floor of the House against men who have done so much for the mining industry of Western Australia. I should also include the name of the late Mr. Scaddan who, too, was Minister for Mines in a previous Administration. Whilst I would not go so far as to say that every Minister of the Crown in this State has been 100 per cent., I do pay a tribute to the work performed by Mr. Munsie and the late Mr. Scaddan, men who knew their jobs and who carried out their policy fearlessly. I understand that reservations were introduced by the late Mr. Scaddan and continued by the present Minister for Mines. Thus both those men must have seen the benefit reservations were to the State of Western Australia. I am somewhat like the Chief Secretary in that I have very little knowledge of mining generally and mining regulations, but I felt it was my duty as a representative of a city province to speak on behalf of men who of my own personal knowledge, having been associated with them, have done very good work on behalf of the State. I go further and say that while we all know and are sorry that all these investments have not proved gilt-edged by a long way, I feel that the State has been fortunate in having men in London who have been able to raise so much capital for Western Australia. I need only mention the names of the late Sir Newton Moore and a present-day advocate in the person of Sir William Campion, and again Mr. Claude de Bernales. I feel it is my duty to mention their names because they have done such wonderful work for the State.

Hon. C. B. Williams: The Under Secretary for Mines too has done good work.

Hon. L. B. BOLTON: Yes, as far as I know, but I have not been in personal contact with that gentleman.

Hon. C. B. Williams: He got his reward.

Hon. L. B. BOLTON: I was surprised to find that so few reservations had been granted. I had in my mind that the area was considerably greater, and I was surprised when we were told by the Chief Secretary that the total area was only 17,813 acres. Other members have mentioned the fact, and I shall repeat it that most of those areas were abandoned properties which probably would not have been worked had we not secured the amount of capital that we did from overseas. If the Bill is carried, it appears to me that it will be another move to drive away capital from the State. I will admit, as Mr. Seddon stated last night, that it may be advisable in some way to amend the Act, but I am certainly opposed to the Bill being carried and reservations being abolished. I should like to add before I conclude that I listened with very great interest and appreciation to the excellent speech made last night on this question by Mr. Seddon. I felt that he had thoroughly mastered his subject and that he gave valuable information to the House. Notwithstanding that, I deemed it my duty to add a few words myself in opposition to the Bill. I shall vote against the second reading.

HON. C. F. BAXTER (East) [8.30]: Whilst it is incumbent upon every person in the State to encourage and do all they can to bring capital into Western Australia, more especially into the gold mining industry where so much capital is needed, and it is also necessary to grant certain facilities to that end, I do think our generosity has been excessive as regards mining reservations. Although there has been a certain amount of reason for the introduction of the Bill, we would not be justified in passing it as it stands. There have been some reservations that have been taken up solely for speculative purposes by a class of person who had no intention of working them. No Minister could say when the reservation was applied for, that it was going to be used for that purpose. It is very difficult for a Minister to control a matter of that kind. There have been such happenings, however, either through wrong information being given or for some other reason, to show that the reservation system has not been all that could be desired. I know of one large reservation that was held for many years, and for which extensions were granted on different occasions. There was also a small reservation which had been worked all the

time, whereas on the larger area practically nothing had ever been done. When the time for the reservations expired, the small man failed to get an extension, although he put up a good case. He had to make a journey of several hundred miles to approach the authorities in Perth, and after a difficult fight he secured an extension. Happenings of that kind have caused a lot of the present trouble. I cannot understand how it is that the area of reservations now granted is so small. When I heard the number I thought there must be some mistake.

Hon. H. Seddon: Many have been abandoned.

Hon. C. F. BAXTER: Those areas must have been reserved at one time. An enormous area was held under reservation at one period. Mr. Bolton would have us believe that this system of reservations had made the mining industry. That is not so. Most of the capital introduced has come in for existing mines upon which it has been proved that there are gold-bearing ores ready for development.

Hon. C. B. Williams: Thank you very much.

Hon. C. F. BAXTER: The reserves have been held mainly for speculative purposes. I admit that a certain amount of money has been spent on them, and a certain amount of good has followed on the expenditure of that capital, but not many good mines have been found by means of the reservations. I do not suggest we should cancel them altogether. We could say that a man could only get in the form of a lease of 48 acres. We do not want to hunt capital away. The mining industry had one nasty slap, which had nothing to do with reservations. I refer to the labour trouble, which kept a lot of capital out of the country.

Hon. C. B. Williams: Leave the poor union out of this.

Hon. C. F. BAXTER: It would be a fatal mistake if we were to support the Bill in its entirety. It would cause such restrictions as to administer a tremendous blow to investment in this State. Whilst the system can be restricted, a certain amount of latitude must be left both to the Minister and to the department. We cannot lay down a hard and fast rule that the Minister shall not grant reservations. He must have a certain amount of liberty. I can see no harm in allowing the department, headed by the Minister, to grant reservations for a certain period, but if extensions are required for a longer period, there should be some control over the department. That control could only come by Parliament asserting itself. I see no difficulty about that. There should be some justification for extensions, and that would be shown by the expenditure of a certain sum of money and by certain developments. Section 297 of the Act reads—

> The Minister and, pending a recommendation to the Minister, a warden may temporarily reserve any Crown land from occupation, and the Minister may at any time cancel such reservations: Provided that if such reservation is not confirmed by the Governor within 12 months, the land shall cease to be reserved.

Then follows this paragraph—

> The Minister may, with the approval of the Governor, authorise any person to temporarily occupy any such reserve on such terms as he may think fit.

The Bill contains a proviso to that section as follows:—

> Provided that, after the commencement of this Act, no right of occupancy shall be conferred on any person authorising such person to exercise any rights of mining or prospecting for gold on any such land, or conferring any renewal or extension of any such rights hitherto acquired.

The Bill therefore absolutely nullifies Section 297.

Hon. J. Cornell: It really repeals it.

Hon. C. F. BAXTER: What kind of legislation is this? Are we going to pass Bills containing clauses which render existing sections useless by tacking on provisos to them from year to year?

Hon. G. Fraser: That only deals with the mining section.

Hon. C. F. BAXTER: It repeals Section 297. The sponsor of the Bill should really have moved to delete Section 297. The Bill itself is not clear. It says—

> Provided that after the commencement of this Act no right of occupancy shall be conferred on any person authorising such person to exercise any rights of mining or prospecting for gold.

It goes on to use the words "on any such land." Those words are the only connection I can see between the Bill and the section of the Act I have quoted. This could be held as applying even to miners' rights. Are we going to pass amendments to Acts which nullify sections and still leave them in the Acts? I will support the second reading, but only with a view to amending the Bill drastically in Committee. I would not agree to the principle that this Bill will enforce,

for that would be the death blow to the investment of a great deal of money in Western Australia. Amendments can be prepared to meet the position, if Mr. Williams is not in a great hurry to get the Bill through. We do not want to amend the Bill in such a way as to hamstring the Minister and the department. The Minister must have some liberty in respect to reservations and the encouragement of capital. On this understanding I will vote for the second reading.

HON. T. MOORE (Central) [8.41]: I do not intend to cast a silent vote on this measure. It is a very important one, particularly to that part of the State I represent. Reservations are a matter of history. How they came about we do not know. They were started some years ago, and have been going for some years now. The Minister for Mines is merely following what was done by his predecessors. He continued existing leases or reservations and granted more. It has been said that the system has been the means of attracting money to the country. That is problematical. All the money that has been brought into the country for mining purposes has been brought into it for shows discovered by prospectors. No one can say that the granting of reservations has meant the finding of one new mine.

Hon. C. B. Williams: Hear, hear!

Hon. T. MOORE: I do not know of one good lease that has been brought to light by this means. If the reservations had been granted on places that were known to contain large bodies of low-grade ore, there might have been something useful about them, but that unfortunately has not been the case. Had that been the case, much of the work that has been done and much of the credit that has been taken for that work by mining companies could have been done on a 24-acre lease. A company can take up as many 24-acre leases as it likes. For many years the big Wiluna mine was held on lease. The warden was the man who said whether the lease was to be worked or not. Actually the working conditions were not carried out at Wiluna. At different times an endeavour was made to have the lease forfeited, but the warden recommended a further extension of time so that the work might be carried on. What was good for Wiluna should have been good for all other cases. That would have put all the big companies on the same basis. I do not see why the companies that came after should have been given greater consideration than was extended to the people who opened up Wiluna. They spent more money than any of the other companies, and they were the people who started out first on a low-grade proposition. It was not the granting of a reservation that made Wiluna the greatest goldfield we have developed in recent years. It has to be admitted that the question of reservations did enter into the Big Bell proposition, but I am positive that if they had been confined to the ordinary type of leases, the Big Bell would be the working proposition it is now just the same.

Hon. C. B. Williams: And it would have cost the company about £100 a year.

Hon. T. MOORE: Still, we must be fair in all these things. Seeing that the 24-acre leases can be taken up at such a cheap rate, that system can be no deterrent to any company of substance, although it might have that effect with regard to the individual who was not prepared to put in his own money but merely to open up a mine at the expense of others. The latter person is really a middleman, acting between the financiers and the State, which owns the property. As to my attitude regarding the Bill, Western Australia has been opened up by the prospectors, men who came here 40 years ago and went anywhere they desired. No one interfered with them, and there was no question of reservations. We know the wonderful strides that have been made as a result of their work. The whole of the gold-bearing country has been opened up without the necessity for reservations, which system was introduced only in later years. We have to ask ourselves which is the more necessary, the old system of leases, or the later system of reservations. Is the prospector to be the one favoured, or is it to be the mining companies? Are the prospectors satisfied that they are getting a fair deal? As they are the men who opened up the country, we should have their views. I have ascertained their views. I was present at an interview between the Minister for Mines and a number of prospectors in the Mt. Magnet hall. The prospectors were up against the system of reservations, and pointed out its futility.

They indicated how reservations were held and yet nothing done on them. They pointed out that they were not allowed to go on closed reservations. In fact, I was satisfied that they put up by far a better case than did the Minister in his reply. I was quite assured that the Minister honestly believed—I do not associate myself with the view that the Minister acted dishonestly—that he was right in granting reservations, that it was best in the interests of the State, and that it had been the means by which capital had been introduced into the industry. On the other hand, I say definitely that the prospectors consider they are hampered. The Minister suggested that if he were a prospector, he would make for reservations held by wealthy companies because he would know that if he made a find he would have a likely buyer. Let us analyse that suggestion. We all know that if we had a good proposition, we would find a buyer at once. I am afraid the Minister's argument does not hold water.

Hon. H. S. W. Parker: But you would have only one buyer.

Hon. T. MOORE: Those interested in wheatgrowing know that once the business gets into the hands of four or five people, prices go down, not up. There naturally is an honourable understanding that where there is a reservation held by certain people, others will not butt in. That is how the system works out. I will not be caught by the plea that the mining companies are going to do all that is possible in the direction of opening up the country. They have never done so before; they have never sent out prospectors; they never back up prospectors. Such backing is always left to local syndicates comprising men with small capital. Men like storekeepers in the outback send out prospectors, and back them while they are out. I will not be a party to hampering the prospector. I am definitely on the side of the men who have gone out and opened up the country, and I will vote accordingly on the Bill before us. Anyone who mixes with those people, as I have, cannot fail to appreciate the position. When we hear about capitalists and what they will do in opening up the country, we can be satisfied that it will not operate that way. We will still have to rely on prospectors going out in search of new fields, despite what has been said about getting a bird's-eye view of the country from the air. When speaking the other evening, Mr. Seddon mentioned the large amounts that had to be spent before even a pick had been put into the ground, but he was a little astray there because, before even the work he suggested had been done, the pick had been put into that ground many years before by the prospectors.

Hon. C. B. Williams: While Mr. Seddon was a boy in England.

Hon. T. MOORE: Shows were worked down to water level and deep boring came afterwards. I hope there is no move to defeat the Bill altogether. I would be quite satisfied if an amendment were moved so that, in respect of low-grade propositions, people could be given, not reservations, but old leases exempt from labour conditions if thought necessary by the Warden. I support the second reading of the Bill.

HON. J. CORNELL (South) [8.52]: As a representative of a mining constituency, it is right that I should offer a few words on this Bill. Without any elaborate preparation, I would find no difficulty whatever in speaking for two hours on the subject of reservations, but it is rather futile to delve into ancient history. There is no doubt that ever since the inception of the system of reservations, a considerable degree of opposition has been manifest, and I happen to know from a section of the community who would not know a pick from a Cousin Jack wheelbarrow, and had no intention of using either, that there has been considerable suspicion and dread of reservations. We must not delude ourselves regarding the position to-day, and that obtaining 40 years ago. Anyone thinking as he runs must come to the conclusion that the men who pioneered the goldfields made a good job of the task. They left very little to be discovered by those who followed and, as a matter of fact, very little has been discovered since those early days. The general principle that governed the actions of the late Mr. Scaddan and the present Minister for Mines in granting reservations has been the very situation I have outlined. If hon. members will cast their memories back to the time prior to Mr. Scaddan first granting reservations, they will appreciate the fact that the only new mine found in the State by prospectors since the early nineties was the Edna May. In these circumstances, the object in view in granting reservations was indeed laudable. There is more to be said in favour of that

system than against it, taking into consideration the work done by prospectors and by small companies. The two Ministers for Mines to whom I have referred came to the conclusion that if Western Australia were to be given a further trial with regard to its gold-bearing possibilities, past procedure had to be departed from, and the larger viewpoint kept in mind. They had to recognise that the future of the goldmining industry and its continuity depended largely not on ounce or two-ounce shows, but on low-grade propositions with large quantities of ore. From my personal knowledge and observation I claim that the Norseman Gold Mines would not be the working proposition it is to-day had it not been for the granting of a reservation. The inducement offered to the Western Mining Corporation was the large area of country over which they could make surveys on a scale formerly practically unknown. In consideration of that fact, the Corporation had a sufficient area in the reservation so that any discovery made could be properly exploited. That was the inducement that enabled the Corporation to ask the public to put in the necessary capital for developmental purposes. Whatever may be said against the Western Mining Corporation, it can be said for that concern that the men behind the gun are practically all Australians. They have succeeded not only in developing the mine but working it, equipping it with new plant, bringing it to the dividend-paying stage, and employing upwards of 250 men. Since the days when Mr. Nicholson sold his interest to the Western Mining Corporation, there have been changed conditions. If there is an argument between the Western Mining Corporation and Norseman Gold Mines regarding the deeps, I suggest that problem is best settled between themselves. But I do understand this, that the deep dip or where it led to was brought to light as the result of the capital of the Western Mining Corporation, which made it possible for the other companies to learn what was underground. Previously for a long while it was thought that the Western Mining Corporation did not exercise its option over the Mararoa because it was notorious that the Mararoa reef had a habit of cutting out. There is another phase: whether reservations are right or wrong, here amongst ourselves we are on the spot and can draw reliable logical conclusions; whilst we might agree here that the total abolition of reservations is a good thing, we have to ask ourselves where the capital expended in this State during the last five years has come from. Undoubtedly it has come from overseas, and people 12,000 miles away are not in a position to judge as we can judge who are on the spot. We all know that capital is a shy bird and once frightened away it is unlikely to come back. That is what I fear, namely the repercussions that will come from this drastic change, and may even reach the source of some of our capital from overseas. The Bill, of course, will deprive the Minister of the right to grant gold mining reservations, but I do not see why the Minister should have the right to grant reservations for copper, or lead, or any other mineral. Assuming that to-morrow there was a silver lead proposition, according to Mr. Fraser's interjection, the Minister would not be restricted from granting a reservation. I think that if the granting of reservations for gold is good, the granting of reservations for other minerals is equally good. If the Bill merely knocked out the Minister's right to grant reservations for gold mining, why should it stop at gold mining? Why should not the restriction extend to all minerals? Again, supposing the Bill were to pass, what would be the consequences? I would not be very much concerned about a new reservation, but let us assume that a reservation had three or four months to run. If the Bill be passed, it would go to the Lieut.-Governor for assent and would come into operation upon assent, and immediately thereafter would have its effect upon all reservations. There may be, and I know there are, companies holding reservations, working them and incurring considerable expenditure.

Hon. T. Moore: They could turn the reservation into a leasehold quick and lively.

Hon. J. CORNELL: That is beside the question. The position is that we are taking away their right to it. And if by Act of Parliament we take away that right from them, we should be repudiating an agreement. If only because of that phase, I would not agree to the Bill as it is without a proviso that at least the holder of a reservation should be allowed to continue to hold it for its full currency.

Hon. T. Moore: That is already in the Bill.

Hon. J. CORNELL: No, it is not. Another point has been raised, namely, that reservations might be brought within the

category of leases. Assuming that they were, what is the position to-day in regard to the exemption of gold mining leases? The position is that the applicant goes before the warden and the warden can recommend exemption or no exemption. And whatever the warden may recommend the Minister can say that it shall or shall not be. Therefore the Minister would still have power to agree or disagree with the warden's recommendation, while you say that he shall not have any power at all over a reservation. I think he should have some power. The second reading should be carried and I am sure the Minister himself would welcome a workable amendment that would be acceptable to all parties and give the Minister some latitude while placing some restriction upon him. It is not often that I agree with the gentleman to whom in many respects I am prepared to take off my hat, but whatever may be said for or against Mr. de Bernales, I think his good qualities would at least outweigh his indifferent qualities. But we are not concerned with Mr. de Bernales. What we are concerned about is that there shall be no suspicions about these reservations, that we shall evolve something satisfactory to all concerned. Mr. de Bernales said that the British investor would have no objection to the Parliament of the country exercising some sovereignty over the Minister himself in respect of the vexed question of reservation. I suggest that this House up to a certain point give the Minister some measure of power. Then if the Minister should renew a reservation beyond the period to which it had been granted, it should be provided that if either House of Parliament disallowed it, then it should be disallowed. I think that arrangement would satisfy all parties concerned. I will support the second reading and I will endeavour to find a solution by way of amendment in Committee. I know there has been much dissatisfaction in regard to this question. The Minister himself probably would welcome some machinery that would police him and at the same time protect him. I feel sure that the course Mr. Baxter suggested, and which I have supported, would meet the position.

HON. H. S. W. PARKER (Metropolitan-Suburban) [9.13]: I am sorry that on the introduction of this Bill certain members should have indulged in inuendoes. Mr. Calanchini is well known for his integrity and it is the first time I have ever heard the slightest suggestion against him. I am sure the hon. member who gave vent to that inuendo did not really intend doing so. I also believe that the Government in power should be entitled to exercise its discretion in the administration of any Act for the welfare of the country. If in the exercise of that authority the Government should offend, there are two ways of dealing with it; one through this House of Parliament and the other on the hustings. I am not suggesting that in any shape or form the Minister or the Government were wrong in granting these reservations. Reservations have been granted over many years. The Department of Mines has supplied me with information similar to that given by Mr. Seddon. From it I find that the first reservation was granted in 1904 and consisted of 3,000 acres at a cost of three guineas.

Hon. C. B. Williams: Where was that?

Hon. H. S. W. PARKER: At Lake Lefroy to a man named Bennett.

Hon. C. B. Williams: For gold?

Hon. H. S. W. PARKER: Yes. Reservations have been granted from time to time since then. When the question of oil arose, this section of the Act was used in order to grant reservations for oil. I do not think it matters whether I agree with other legal opinion or not, but I am informed by the Mines Department that the Crown Law officers advised the Government that they had authority to grant the reservations. I have a copy of the general clauses governing a reservation. First of all a reservation is for the purpose of prospecting for gold. I shall read a few of the clauses as follows:—

3. That the occupant of this reserve shall employ thereon not less than two persons continuously at prospecting work within the reserve, and shall furnish the Minister for Mines with a monthly report applicable to prospecting operations being carried on within the said reserve.

4. That the right of occupancy will not give any rights to the occupant to mine for any mineral other than gold, and upon the discovery of payable mineral other than gold, the Minister for Mines may, by notice, require the occupant to surrender his right of occupancy and apply for mining tenements.

5. That the existing rights of any prospecting area, claim, or gold mining lease shall be preserved to the holder thereof, and shall not be encroached on or interfered with by the occupant of this reserve.

10. No transfer of this authority to occupy will be permitted without the approval of the Minister for Mines first obtained.

11. To such further conditions as may in the opinion of the Minister for Mines from time to time be deemed necessary.

12. That the Minister for Mines may cancel the right of occupancy upon being satisfied that the whole or any of the conditions are not being or have not been fulfilled.

13. That the holders will, if requested, enter into a tribute agreement for the working by any person of any portion of this reserve.

Those clauses convey to my mind a different impression from that conveyed by some members as to what constitutes a reservation. Reservations have been granted by various Governments. True, the majority have been granted by the present Government, for the very good reason that reservations were in demand on account of the mining revival. As regards the de Bernales group no less a sum than £195,540 has been expended on surrendered reservations. A man cannot get a reservation merely by asking for it.

Hon. H. Seddon: You mean that reservations were examined, that amount was spent on them and then they were surrendered?

Hon. H. S. W. PARKER: Yes. One reservation was applied for around the Comet mine at Marble Bar. The Minister, in my opinion, rightly refused it, saying, "No; it is a new discovery." Mr. Seddon has already explained the position of the Western Mining Corporation, and I propose to deal more particularly with the de Bernales group. The reservations that have been granted to the de Bernales group have been around old mines. I think members will agree that no prospector would think of taking on such a proposition and neither would small syndicates. Take the Riverina on which £161,000 has been spent; the Southern Cross United on which £235,000 has been spent, and the Lalla Rookh on which £86,000 has been spent.

Hon. T. Moore: They got some return, too.

Hon. H. S. W. PARKER: Before they could get one penny by way of return, they must apply for a lease.

Hon. J. Cornell: They got nothing back out of Frasers.

Hon. H. S. W. PARKER: All that can be done under these reservations is to prospect for gold, and when the time comes to extract ore for the purpose of getting the gold, application must be made for a lease. Reservations have come into being largely because of the onerous conditions attached to leases. Lessees have to comply with labour conditions and pay, I think, £1 per acre, and they take a risk of the lease being jumped if labour conditions are not complied with. There are also other risks attached to a prospecting lease. With a reservation, however, there is no risk so long as the area is being genuinely prospected. If reservations had not been granted, the money brought into the State by the de Bernales group would not have been brought here and the same certainly applies to the money brought in by the Western Mining Corporation. The Western Mining Corporation definitely stated that they would not undertake any work unless they could get reservations. Their reasons of course were quite sound. We have been told of a hard-luck story from Norseman. Let me give the opposite, which happened at the Big Bell mine. A man connected with the diamond drilling ascertained that the lode dipped out of the Big Bell leases, and immediately took up leases for the deeps. Then he sat by in the hope of being bought out by the holder of the Big Bell leases. The holder wisely told him to sit there, and he did so for two years, and then he had to get off because he could not develop the property. Thus he froze himself out. That is the reverse of what is said to have happened at Norseman. At Norseman there was ample time to take up the leases if so desired, but evidently those concerned thought they could take them up at their leisure. I am of opinion that, for the general welfare of the community, reservations should be granted, and I am perfectly satisfied to allow the Government to act in accordance with what they think is right and leave the public to decide whether they are right or wrong through the medium of the ballot box. What has surprised me considerably is that the Government must obviously have agreed that the granting of reservations was essential to the general good of the community, but as soon as reservations were attacked in another place, only the Minister for Mines stood up and urged that they should be granted. I should have expected other Ministers to support the Minister for Mines, and to have endeavoured to get the Bill either defeated or amended to permit of the continued granting of reservations.

Hon. C. B. Williams: They depended on the old Legislative Council again.

Hon. H. S. W. PARKER: That may be. But if other Ministers thought the system of granting reservations right, they should have supported the Minister for Mines so that the system could be continued. I cannot understand why other Ministers have apparently altered their opinion. Obviously, for the past five years, they have considered it good policy to grant reservations. Do not they consider it good policy now?

Hon. C. B. Williams: Do you mean members of the Government or Government supporters?

Hon. H. S. W. PARKER: I mean the Government. Members of the Government evidently began with the belief that reservations were a good thing, but apparently they no longer think so and are prepared to allow a Bill like this to be passed to prevent the granting of reservations in future.

Hon. J. Cornell: Not the Minister for Mines.

Hon. H. S. W. PARKER: No, but apparently that is the attitude of his colleagues, and I cannot understand it.

Hon. H. Seddon: The Government did not even divide the House on the Bill.

Hon. H. S. W. PARKER: No. I agree with the Minister for Mines, and it might be that other members will agree with me and, at the proper time, will show their disapproval of the action of the Government in not now being prepared to grant further reservations. The reservations granted to the de Bernales group were to explore old mines and unwater them. The unwatering of some of the old mines cost enormous sums of money. The Aladdin cost £80,000.

Hon. T. Moore: They are mining on the Aladdin and getting gold out of it.

Hon. H. S. W. PARKER: Perhaps so.

Hon. T. Moore: But you are giving the expenditure without mentioning any return.

Hon. H. S. W. PARKER: I am giving the amounts expended on the reservations. No gold can be taken from a reservation unless a lease first be obtained. I trust that these people will recover gold that will exceed the amount expended.

Hon. H. Seddon: There are leases as well.

Hon. H. S. W. PARKER: Yes. The granting of reservations has helped the State to meet the unemployment problem, and has helped to build up centres of activity. A strange fact is that very few prospecting areas have been applied for on the reservations that have been surrendered. I do not know anything about mining.

Hon. G. W. Miles: I thought you were a director of a mine?

Hon. H. S. W. PARKER: There is nothing on earth to prevent the hon. member thinking what he likes.

Hon. G. Fraser: There is nothing to prevent your being correct, either.

Hon. H. S. W. PARKER: No. Anyhow I could claim to being in very good company, having in mind a former Minister for Justice. I point out that practically no prospecting areas have been taken up in these places. Obviously, the prospector could not open up these old mines. Many old mines have been opened up and a lot of money has been expended on them without values being secured. However, it has given employment and assisted the country by the work it has done. The majority of the reservations are over low-grade propositions which are entirely useless to the prospector.

Hon. C. B. Williams: What makes you say that? What right have you to say it?

Hon. H. S. W. PARKER: I do not see how the prospector, who has been spoken of so much here, can make a living out of these principally low-grade propositions.

Hon. C. B. Williams: Eight shillings a pennyweight!

Hon. H. S. W. PARKER: Many areas have been given as reservation, and they have become attractive to prospectors only after having been reserved. That is human nature. But the fact is that many reserves have been thrown up, and that prospectors have not been successful in finding on them anything worth pegging. There are not a great many of these. It has been said that the areas are huge. They are not. It is only right and fair that when a company has spent a lot of money in exploring an old mine, it should have the right to a reservation for some distance around the reservation, to stop what I may term Terrace prospectors from going along and making money out of selling position blocks.

Hon. C. B. Williams: Reservations of 250 square miles!

Hon. H. S. W. PARKER: I do not know of any reservation covering 250 square miles. If the statement is correct, the Government responsible were entirely unreasonable in granting such an area.

Hon. C. B. Williams: There are 3,000 square miles of reservations.

Hon. H. S. W. PARKER: I do not know that that is so. If it is so, I should say the granting of them was entirely wrong, and that the Minister for Mines and the Government in power for the time being should be held responsible for granting the reservations and should answer for their actions to the people at the polls.

HON. G. W. MILES (North) [9.34]: I wish to express my regret at remarks made by the sponsor of the Bill, and at the insinuations he cast upon the Minister for Mines and Mr. Calanchini, the ex-Under Secretary for Mines, who in my view are most honourable men. Probably it is just as well that the Bill has been introduced, there being some difference of opinion as to whether the Minister for Mines has power, under the Act, to grant the reservations. I feel sure, however, that the granting of them has done an immense amount of good to Western Australia. As a result, numerous areas have been prospected which could never have been prospected by the ordinary prospector. The reservations could not, I consider, have been developed but for large areas being granted. The effect of the Big Bell mine being opened up, although it has been asserted that no gold has been won from the reservations, is most beneficial. I understand the company spent £100,000 before they exercised their option, and thereupon spent half a million of their own capital in opening up the mine. That is the best development that has taken place, not only in Western Australia but in the whole of Australia. If it is demonstrated that that low-grade mine can be worked at a profit, scores of other low-grade propositions will be opened up in various parts of Western Australia and of Australia. Though in favour of granting reservations, I certainly think there should be some restrictions. Mr. Parker quoted extracts concerning a reservation, stating that two men had to be employed. I do not think that is sufficient. When a reservation is granted, it should be subject to a stipulation that the holder must do certain development work on it. Moreover, a reservation should be granted for only a limited period. The working conditions applying to reservations ought to be that more capital must be spent and more men employed. I know one reservation that had been held for five years, and during part of that period only two men were employed scratching an area of 16 square miles. That is not fair either to the industry or to the prospectors in the area. There is a certain amount of validity in Mr. Parker's contention that as soon as reservations are granted, people cry out that they want to go on those areas, although they did not go on them previously. I agree with the view expressed by other members that the Minister should have power to grant reservations for a certain period. As Mr. Cornell suggested, an amendment to that effect could be introduced into the Bill. On that understanding I shall vote for the second reading.

Hon. E. H. Angelo: What about the warden granting reservations?

Hon. G. W. MILES: The Minister would have to approve the warden's recommendations in that respect. I know of cases where reservations have been granted and have been the means of bringing capital into the country. In addition to the gold reservations, there was an iron reservation on Koolan Island. The company, by reason of having that reservation, were able to introduce capital to the amount of £400,000 or £500,000. The holders were given a reservation enabling them to take up further leases on the island. Without that right, they could not have secured the necessary capital. That is my view of the granting of reservations. I think that the Minister should have power to grant renewals, but that those renewals should be submitted to Parliament for approval. With those reservations, I support the second reading of the Bill.

HON. E. H. ANGELO (North) [9.39]: I concur with the remarks of Mr. Miles, including those expressing regret at the disparaging remarks made concerning the Minister for Mines and the former Under Secretary for Mines. I shall vote for the second reading of the Bill on the same understanding as Mr. Miles.

On motion by Hon. J. Nicholson, debate adjourned.

House adjourned at 9.40 p.m.