The ATTORNEY GENERAL: No, but it was my motor car. Perhaps if they had consulted me and invited me to accompany them to the ball, I might have fallen in with the idea, but they did not see fit to do that. It is proper that offences of the kind should be more severely punished when they are mean offences. The removal of a car may not only embarrass the owner of the car but, as the member for Perth pointed out, may severely affect other persons. The cars of doctors have been stolen, and motors belonging to people who needed them importantly for some public service have been removed. It is not a sporting offence. One can always feel sympathy for a man who steals because he is destitute, because his family are hungry, and because he is worrying as to how to furnish necessities for others. Such an offence is incomparably less mean than the offence of a man who, for his own pleasure, takes possession of some other person's property. I imagine that this Bill will have a salutary effect.

On motion by Hon. P. Collier, debate adjourned.

House adjourned at 10.23 p.m.

Legislative Council,

Thursday, 13th October, 1932.

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

BILLS (2)—THIRD READING.

1, Brands Act Amendment.

Transmitted to the Assembly.

2, Dairy Cattle Improvement Act Amendment.

Passed.

BILL—SPECIAL LICENSE (WAROONA IRRIGATION DISTRICT).

Recommittal.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Interpretation:

The CHAIRMAN: The question is that the clause as amended be agreed to.

The CHIEF SECRETARY: Through an oversight the words "and reduced" have been left in the definition of "licensee." The period fixed by the court for the addition of these words to the name of the company has passed, and there is no further need for these words. I move an amendment—

That in the definition of "licensee" the words "and reduced" be struck out.

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

Bill again reported with a further amendment.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

In Committee.

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

Clauses 2 to 4—agreed to.

Clause 5—Amendment of Section 53:

The CHIEF SECRETARY: I have an amendment on the Notice Paper, but Mr. Harris also has one that might be dealt with first.

Hon. E. H. HARRIS: I move an amendment—

That in paragraph (e), line 1, the word "Holman" be struck out, and that all the words after "engine" in line 2 be struck out and the following inserted in lieu:—"Not exceeding 40 horse power used underground in a mine for raising or lowering materials only."

"Holman" is the name of a hoist. Other hoists are now on the market, and it is desirable that the word "Holman," as synonymous for "hoist" should be eliminated.

Hon. C. B. Williams: What is the object of the amendment?

Hon. E. H. HARRIS: A definition of the term "small winding engine" is included in the principal Act, and during the course of my second-reading speech I pointed out that as electricity was used on some mines an engineer should determine the horse-power that should be specified. As a result the Government have suggested 40 horse-power, and I agree with that. The amendment that the Minister suggested merely referred to engines used underground in a mine for winding purposes, but my amendment specifies that they shall be used for raising or lowering materials only. If the Minister's amendment were carried, it would mean that engines that have been subject to certificated control since 1906 would be exempt and the Government now realise that that is not desirable. As the engines to be so exempt should be confined to those hoisting material only, I have moved in accordance with the wording of the principal Act.

Hon. C. B. Williams: Men are raised by means of the Holman hoist.

Hon. E. H. HARRIS: But the hon. member knows that things are done that are not permitted under the Act. If those things are done, the men take the responsibility for their action.

Hon. J. Nicholson: What power has a Holman hoist?

Hon. E. H. HARRIS: I should think from five to ten horse-power.

The CHAIRMAN: If the Committee desire to finalise this matter, I suggest that Mr. Harris move part of his amendment so that the Minister can move his, and then Mr. Harris can, if necessary, move to add the concluding portion of his proposal.

The CHIEF SECRETARY: I find that the amendment proposed by Mr. Harris is in accordance with the principal Act, and, in the circumstances, I will not persist with mine and will support his amendment.

Hon. C. B. WILLIAMS: Everyone knows that men are raised by the Holman hoist in the course of some work underground. Although the Act provides that material only shall be raised by that means, the procedure is departed from. So long as the existing practice can continue, I shall not object to the amendment.

Hon. E. H. Harris: What has been done in the past can still be done if the amendment be agreed to.

Amendment put and passed.

Hon. E. H. HARRIS: Paragraph (f) of Section 53 of the principal Act provides that the section shall not apply to any internal combustion engine or engines having an area of cylinder, or combined area of cylinders, not exceeding 200 square inches. That measurement was included in the original Act owing to a misunderstanding, and as we have now specified the 40 horse-power, it is necessary to alter the cylinder measurement. I have discussed the matter with the State Mining Engineer, and he is in accord with my proposal. I therefore move an amendment—

That a new paragraph, to stand as paragraph (c), be added as follows:—(c) By deleting "two hundred" in line 3 of paragraph (f) of Subsection 3, and inserting the words "one hundred and twenty" in lieu.

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

Clause 6—agreed to.

Clause 7—Amendment of Section 56:

The CHIEF SECRETARY: I move an amendment—

That after "engine" in line 13 of paragraph (b) the words "or a winding engine by which men are raised or lowered" be inserted.

This represents an omission that was pointed out by Mr. Harris, and the inclusion of the words are necessary.

Hon. W. H. Kitson: What will be the effect of the amendment?

Hon. E. H. HARRIS: There are winding engine-drivers' certificates and steam winding engine-drivers' certificates, and hundreds of men would be deprived of privileges now conferred upon them by the principal Act, if the words were not inserted.

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

Clauses 8, 9—agreed to.

Clause 10—Certain persons may be granted an electric winding engine-driver's certificate without examination:

Hon. E. H. HARRIS: This clause is in two parts. As it is drafted, a person who at the commencement of the Act is the holder of a winding engine-driver's certificate would, notwithstanding perhaps 25 years' experience of driving, be debarred from driving an electric winding engine which I described the other night as very nearly fool-proof. Mr. Sayer has come to

my assistance in drafting an amendment to meet the position. Hon. members will see on the Notice Paper that the amendment I propose is divided into three parts. In the first line I propose to insert the words "this or" so that the clause will read "Notwithstanding anything to the contrary in 'this or' the principal Act," etc.

The CHIEF SECRETARY: The amendment is far-reaching, and it is better that the views of the officers of the department should be obtained. With that object in view I shall move to report progress.

Progress reported.

BILL—SUPPLY (No. 2), £860,000.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East—in reply) [5.10]: A pleasing feature of the discussion has been the almost general acceptance by members that most of the proposed amendments are desirable, and it was also gratifying to hear the expressions of open-mindedness on other aspects of the Bill on which some members desire further information. When the Bill is in committee I shall endeavour to afford the fullest information possible on the Bill as it now stands, and in regard to any amendments members may care to submit, I trust they will give early notice of them to enable me to make the necessary inquiries.

Replying to Mr. Hamersley's remarks on the definition of "Infectious Disease," there is really nothing new in the definition except that certain diseases have been dropped from the definition and the terminology of other diseases has been altered to conform to present-day acceptance of the terms. In the parent Act the Governor has power to add other diseases, and those that have been declared from time to time have been included in the definition. On the other hand certain diseases have been excluded because to-day they are not considered in medical practice to be infectious. The deletions include beri beri, Malta fever, erysipelas, membraneous croup, septicaemia, and dengue, which diseases are not considered infectious, and low, continued and colonial fevers have also been deleted because they are already provided for by the definition of typhoid.

Except for the proposal that, instead of pulmonary tuberculosis only all forms of tuberculosis shall be notifiable diseases, the diseases set forth in the clause are already notifiable in Western Australia. Moreover they are notifiable all over the world, and really the only proposal now is that diseases which are not notifiable elsewhere shall not be notifiable here, and the clause proposes to delete the unwanted terms from the definition in the parent Act. If the definition is agreed to the State will not be setting an example to the other States, because it is believed that most of the latter have already brought the proposed uniform definitions into operation, either by way of regulations or by amendment of legislation. As a matter of fact this State has been somewhat dilatory in giving attention to the revision of the definitions, and even now the diseases set forth in the Bill are already statutory infectious diseases through the exercise of the Governor's power to declare such diseases. Therefore, all that is necessary now is to bring the definition in the Act into line with the list of declared diseases.

There is a lot to be said for Mr. Hamersley's suggestion that a travelling health inspector would give greater satisfaction than local health inspectors in some country districts. The suggestion has been under consideration for some time, but unfortunately the Department has not yet been able to bring it about and it must therefore stand over for the present.

I can assure Sir Edward Wittenoom that all the amendments proposed in the Bill have had the careful consideration of the responsible officers concerned in the administration of the health laws and only those proposals which represent the unanimous views of such officers are now submitted. The principle as to whether or not the Minister should have power to appoint elective health boards is, in my opinion, a good one, and I am hopeful that Mr. Cornell who has always been so helpful in the making of health laws will come to the same conclusion when he has had an opportunity to

look further into the proposal. I do not agree with the hon. member that the proposal to stop the touting of infant foods for the consumption of infants under six months will operate harshly where chemists are concerned. Although it is not expressly stated in the Bill, the proposed provision will not apply to chemists or to persons holding the authority of the Commissioner to dispose of suitable infant foods, but only to trade nurses and canvassers attempting to promote the sale of certain injurious foods by means of house to house touting. I can assure the hon. member that the department has no intention whatever of using the proposed prohibition against established or located chemists.

Hon. J. J. Holmes: It is said this is aimed at lactogen.

The CHIEF SECRETARY: If it comes under the heading of injurious foods, it will have to go the way of all others. As previously stated, the amended law, if agreed to, will be applied only to those touting for business, and the department does not anticipate any difficulty in proving that the persons it wishes to control are promoting the sale of injurious foods. Therefore the department will be quite content if the House will give the proposed power, as it is considered that it will effectively check the purveying of undesirable foods. Seemingly, according to this morning's paper, there is some objection to any control whatever in the sale of infant foods by trade touts. Why? Because those seeking to dispose of some alleged infant foods fear that such foods will be found wanting in quality and suitability and the manufacturers of them in their questionable practices and lucrative money making efforts would even jeopardise the welfare of infants in the disposal of the foods. These motives convincingly support the request of the Department that the sale of infants' foods should be controlled and that injurious foods should be suppressed wherever necessary.

Although the Health Act does provide for the rating of properties, Mr. Holmes referred—and very rightly, too—to the likelihood or opportunity of a road board levying a health rate in a far-flung road board area, and particularly drew attention to the burden on stations and holdings away or outback from townsites, if such a rate were imposed. Quite recently this probability was placed before the Crown Solicitor for his ruling as to what could be done to safeguard the outback areas from the imposition of a health rate in the circumstances spoken of by the honourable gentleman and he (the Crown Solicitor) ruled that Section 42 of the Health Act incorporated Section 212 of the Road Districts Act, 1919, and under Subsection 8 of Section 212 the Governor could declare certain lands to be exempt from rating. Therefore it is only necessary to exercise the power of exemption referred to for the purpose of exempting from health rates such properties as pastoral leases or agricultural areas.

In regard to the appointment of district health inspectors by the Commissioner under Section 29, about which Mr. Holmes sought further information, the authority now sought in the Bill is intended to obviate the necessity of starting afresh under Section 29 the rigmarole required to create a position if the person holding an existing appointment should resign or in the event of its being necessary in the slightest degree to vary the salary or to alter the terms of appointment of the present holder of the position. For instance, if the clause is agreed to, it will be possible to make an appointment straightaway should there be a vacancy in an existing position, otherwise about two months would be wasted in complying with the literal requirements of Section 29, and in the meantime health matters of the district would be neglected. Of course, when a distinctly new position is required in some district where such a position does not now exist, it will be necessary to obey the provisions of Section 29 and to proceed accordingly.

Apparently, in considering the suggested new Section 53A, which deals with the construction of a sewer for a limited area, Mr. Holmes overlooked the fact that where the expenditure of loan money is concerned, ratepayers have the opportunity, under the Municipal Corporations Act or the Road Districts Act, to express an opinion as to the advisability of the loan. Apart from that protection, Subsection 2 of proposed new Section 53A permits an aggrieved ratepayer to appeal to a magistrate in accordance with Section 35 of the Act. After looking closely into the matter, I cannot see how it is possible to protect more fully a person concerned in the service of a new sewer which the local authority might think

it wise to construct. Debating the proposal that a local authority should have the power to compel an owner to connect his premises with a public sewer, the hon. member thought it was proposed to give too much power to local authorities. In such circumstances also, an aggrieved person will have the right of appeal to a magistrate; and in areas where the Sewage Act applies he must of course comply with the provisions of that measure. The power now asked for will only be exercisable where the Sewage Act does not apply, and then only when the local authority considers it necessary; and in this latter connection the decision of the local authority will be subject to appeal to a magistrate.

Referring to the proposed provision that a parent should be required to provide medical or surgical treatment for a child in certain cases, Mr. Holmes expressed the opinion that it was unnecessary to state that the child should submit to examination, and suggested that the responsibility of examination should be placed on the parent. I do not see anything objectionable in the provision. Such a provision—even with the identical words complained of—already appears in Subsection 1 of Section 292 of the Act; and I am advised that the requirement in respect of the child is absolutely necessary from a legal point of view.

I am unable to follow Mr. Thomson's contention, and the concurrence of Mr. Hamersley, that where more than one room is let, premises should not be defined as a lodging house. The proposal in the Bill will apply only where two or more rooms are let, and I personally think such premises should come within the definition of "lodging house." In so legislating it must not be forgotten that foreigners have a tendency to crowd, and it would not be drawing the longbow to say that a dozen of them could get into two rooms. Moreover, nowadays every inch of verandah space is utilised in some so-called lodging houses. In my opinion, therefore, to restrict the minimum to two rented rooms is little enough.

Speaking on the proposal for the sewerage of limited areas, Mr. Thomson said the proposed provisions would not meet the needs of a district in his province, and that he intended to submit an amendment. So soon as he does, and it is available to me, I shall consult the health officials and cooperate with the hon. member in framing a provision to meet his views, if it is possible to do so. Like another hon. member, Mr. Thomson overlooked the rights of ratepayers to express themselves under either the Municipal Corporations or the Road Districts Act, where the expenditure of loan money is proposed. In addition, I must again point out that under Section 35 of the Health Act an individual has the right of appeal to a magistrate when it is proposed that premises should be connected with a sewer; and no doubt, if he has the semblance of a case, he will exercise that right. In the latter respect the hon. member also claimed that all properties within 300 feet of a new sewer would be rated under the proposed provision. I am afraid Mr. Thomson has read into the proposal something which does not appear therein. There is nothing in the clause about rating.

To my mind there is nothing unreasonable in the proposed amendment to Section 118 which relates to condemned buildings unfit for occupation. Now it is suggested that the local authority should have power to order the removal of a condemned house, but the right of appeal to a magistrate is reserved to an owner. The hon. member thought the proposal too drastic. May I ask whose fault it is when a house becomes unfit for occupation? As is well known, there are some owners who simply will not repair their properties, and eventually the houses fall into complete disrepair as a result of the owners' obstinacy. Almost in the middle of Perth there are such eyesore premises, and I cannot agree that their owners are deserving of any sympathy or consideration except such as they may get by way of appeal to a magistrate as amply provided in Section 35. Such buildings are dangerous to health, organically and physically; and why we should encourage their retention to the danger of the community, or be so solicitous for the owners, is beyond me.

Question put and passed.

Bill read a second time.

BILL—STATE TRADING CONCERNS ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [5.28]: As has been stated elsewhere, this measure seems to represent the funeral oration over a State trading concern. I offer no opposition to the Bill as it stands, but would like to make a few remarks upon the position as set forth by a Minister in another place. It is indeed remarkable to learn that out of the 76 different implements made by the State Implement and Engineering Works only 15 were manufactured and sold at a profit. Coming from the responsible Minister, the statement is simply staggering, and makes one wonder what was the costing system of the works, and what was the nature of the balance sheets presented by the works year after year and certified as correct by the Auditor General. The heavy losses incurred are illustrated by the following examples:—

Heavy stump-jump disc ploughs, 4 to 8 furrows, loss from £11 to £22 each.

Disc cultivating ploughs, various sizes, loss from £1 to £33 each.

Standard stump-jump mouldboard ploughs, loss from £8 to £17 each.

Spring tyne cultivators, loss from £14 to £18 each.

Drills, loss from £20 to £40 each.

Light stump-jump mouldboard ploughs, loss from £11 to £17 each.

Hon. E. H. Harris: A very good thing for the farmer.

Hon. A. THOMSON: In that case one might assume that large numbers of these machines were sold.

Hon. J. J. Holmes: The farmers paid the full prices.

Hon. A. THOMSON: It is amazing that such a loss should have been incurred on the various implements manufactured.

Hon. G. W. Miles: Yet Country Party members in another place supported it.

Hon. A. THOMSON: There are many members who have supported it, but I do not believe there are any members in either House who thought for a moment that the State Implement Works were selling their products at a loss. If the assets that have been valued at £104,764 are realised, we shall face a net loss of £228,624. I did not hear the Minister make his statement last night, neither have I seen it reported that it is the intention of the Government to provide for spare parts. After all, whether or not these implements were sold at a loss does not concern the purchasers thereof, but it is of the utmost importance to them that they should be able to get spare parts when required.

The Chief Secretary: That position is safeguarded.

Hon. A. THOMSON: I am glad to have that assurance. The figures supplied to the House show how essential it is to have closer scrutiny over the expenditure of moneys on trading concerns.

Hon. G. W. Miles: You will find the State sawmills are in the same position.

Hon. J. Cornell: And wait till we get bulk handling!

Hon. A. THOMSON: If the hon. member were referring to State control of bulk handling, I should be inclined to agree with him. It seems to me there is something wanting in the keeping of the accounts of these State trading concerns.

Hon. G. W. Miles: And always will be.

Hon. A. THOMSON: It is deplorable to think that out of 76 varieties of implements made at the State Implement Works, only 15 were sold at a profit.

Hon. J. Cornell: Why not give the thing a private burial instead of a public one?

Hon. A. THOMSON: I am prepared to give it a decent burial, but we have other trading concerns in which considerable sums of money are involved, and it makes one wonder whether any more of them are in a position similar to that of the State Implement Works. I am not condemning any Government or any Minister, but I do think there has been something very loose in the auditing of our accounts for such a state of affairs to have arisen as is indicated by the figures given. I will support the second reading, but I do hope no other trading concerns are being conducted on the same methods as apparently obtained at the State Implement Works.

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

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. J. HOLMES (North) [5.36]: This is one of four Bills introduced in another place, some of which have not yet reached us, but all of which are interwoven one with another and, I am advised, all amending the respective Acts on somewhat similar lines. I wish to draw the attention of metropolitan and metropolitan-suburban members to what is likely to take place under the Bill. It does not affect my Province, because fortunately I represent a community that pay and are paid. Nowadays under the emergency legislation most people are able to dodge their responsibilities, and if we pass these Bills people who could be made to pay will be allowed to evade payment. For, as far as I can see, these Bills to which I refer shift the responsibility of proof of ability to pay on to the shoulders of the creditors; proof of the ability of the debtors to pay is put on the shoulders of the creditors. Hitherto, quite rightly, it has been for the debtor to prove that he is not in a position to pay, but under these Bills the claimant has to prove that the debtor is in a position to pay. That is not right. I am further advised that the existing legislation would be satisfactory if it were properly carried out, and that the fault is not in the existing legislation, but in the men appointed as justices, who are incapable of administering justice. They mete out sentences possibly harsh or possibly too light, but it is the fault, not of the Act, but of some of those appointed justices. If a man can pay, but will not pay, and the creditor takes action, he cannot collect the cost of the warrant of execution. Is that fair? The man that can pay will not pay, and the creditor, after having given him credit in all good faith, if he has to take out a warrant of execution he cannot collect the cost, even though the debtor is in a position to pay. As pointed out to me, storekeepers in these strenuous times have furnished necessities to people in difficulties, people who subsequently have reached a position to pay for the goods received. But if these amendments are made there will be great difficulty in the storekeeper recovering what he is entitled to. Under the emergency legislation we set out to give relief to everybody, but under this Bill the one person to whom relief is not granted is the person who in good faith supplies his goods and, when he asks for payment, cannot obtain it. Even under the present legislation, in spite of what the Minister says about people being put in gaol for debt, I am advised that when proceedings are taken against a man and a verdict recorded against him under which he has to pay so much per week or per month, he ignores the order and will not go to court. He does not appear in the first place, and will not appear. In those circumstances under existing legislation he is arrested—though not put in gaol—and brought to the court to answer the charge against him. I understand the whole of the proceedings will be duplicated, that when first you institute proceedings no notice is taken of it, and instead of the court moving to enforce its order, the creditor has to go over the same ground again in an attempt to bring the debtor up under some other section.

Hon. C. B. Williams: Why should the State keep the debtor on behalf of the creditor?

Hon. J. J. HOLMES: I do not think the State does keep the debtor. On one occasion a man borrowed £30 from me by a bit of sharp practice. Eventually I put him in gaol, but I had to pay for him while he was there.

Hon. E. H. Gray: That was in the good old days.

Hon. J. J. HOLMES: I am simply drawing attention to what appears to me to be aimed at in the Bill, and the results that will follow if the Acts are amended as proposed. A friend, in communicating with me, said, "So far as I can see, the amendment of the Local Courts Act will not give the debtor any more protection than he already has, but would saddle the creditor with extra irrecoverable expenses." That is the trouble. It comes on the poor old creditor every time. Legal advice used to cost 6s. 8d., and then it went up to 11s. 6d.

Hon. J. Nicholson: No; 8s. 4d.

Hon. J. J. HOLMES: It went to 11s. 6d.

Hon. J. Nicholson: No, 8s. 4d., and that has been reduced by 15 per cent.

Hon. J. J. HOLMES: It was 6s. 8d., and it went to 11s. 6d., and now there has been

a reduction from 11s. 6d. Assume that it costs 6s. 8d.; if the proceedings are duplicated at 6s. 8d., instead of the lawyer getting 10s. 6d., he gets 13s. 4d. For that the creditor is responsible, and the debtor, who in all good faith has been supplied with goods, will in no circumstances be called upon to pay. I oppose this and the other Bills drafted on similar lines.

HON. J. NICHOLSON (Metropolitan) [5.47]: As Mr. Holmes has stated, this Bill, with certain other Bills, is designed with one object, namely, to remove to some extent some of the hardships inflicted by reason of the provisions of certain Acts. The Bill contains a schedule referring to a large number of Acts carrying certain penalties for persons who offend, who would be liable for the consequences provided for under the Justices Act, and who might be committed to prison. The idea underlying this Bill is that the recovery of the penalties under the various Acts mentioned in the schedule will be made by the same method as is prescribed in the Local Courts Act. It is not intended, as Mr. Holmes said, to increase the costs or release delinquents from the penalties or liabilities. What the Bill deals with is the method whereby those remedies may be enforced by the person entitled to enforce them.

Hon. J. M. Macfarlane: Really simplifying the process.

Hon. J. NICHOLSON: Certain penalties would be recoverable as civil debts rather than as penal offences.

Hon. J. J. Holmes: Did you say the Bill will simplify the process?

Hon. J. NICHOLSON: I did not say so. Three measures have been introduced and are closely allied, and it may be necessary to refer to the others. Under the Bill the Schedule, for example, extends to recovery of gas rates, etc., under the Perth Gas Company's Act of 1886, and under the Fremantle Gas Company's Act of the same year —"recovery of gas rates, rent, price of gas fittings, expenses of disconnecting service." If any member looks up those old Acts, he will see how the amounts are recoverable as penalties. Once the penalties are enforceable they will come under the provision of the Justices Act, as set out in Clause 2, which reads—

> Notwithstanding anything contained in the preceding subsections in case of proceedings under any of the specified sections or provisions of the enactments set out in the first column of the Eighth Schedule to this Act, where any money which the justices order to be paid is on account of any of the matters specified in the second column of that schedule, the justices shall not make any direction under Subsection 1 of this section that such money shall be recoverable in default of payment as therein mentioned.

In default of payment, the person would be liable to imprisonment. The new remedy is set out in the Bill. Such debts, instead of being of a penal character, would be recoverable as civil debts under the Local Courts Act. Would anyone say that the recovery of gas rates should be otherwise than as a civil debt? Any member who happened to be in the unfortunate position of being unable to pay his gas rates would not feel happy at the probability of being committed to prison in the event of default.

Hon. J. J. Holmes: If a man can pay and will not pay, what then?

Hon. J. NICHOLSON: I shall deal with that.

Hon. J. T. Franklin: The gas authorities usually require a deposit.

Hon. J. NICHOLSON: A deposit is invariably required and the deposit would be forfeited. If the gas authorities allowed a person to run up a bill still further, they themselves would be more to blame, because they have the power, on non-payment, to cut off the supply. The remedy is in their own hands. What is the alternative remedy to be substituted?

Hon. J. J. Holmes: Why single out gas?

Hon. J. NICHOLSON: I took gas only as an illustration. One item in the schedule comes under the Police Act, "Recovery of compensation payable to person who is ordered to deliver up goods which have been unlawfully pawned or pledged with him or taken in exchange by such person." That is the only item under the Police Act. All other penalties under the Police Act would be recoverable and the remedies would be the same under the Justices Act.

Hon. A. Thomson: What about the Masters and Servants Act?

Hon. J. NICHOLSON: The item under that Act reads "Recovery of wages, remuneration, damages for breach of contract, or compensation for misusage, misconduct, ill-treatment or injury to the person or property of either party to a contract of service; enforcement of recognisance for fulfilment of contract of service."

No one would argue that the recovery of wages under the Masters and Servants Act should be other than an ordinary civil remedy. Proceedings would still be initiated in the police court and the case having been tried there, the consequences would follow that were provided for under the Justices Act subject to the provisions of this Bill. Wages as between master and servant represent only a civil debt, and the idea underlying this and the other Bills is to bring those matters into line. Regarding the removal of proceedings from the original place of trial after judgment has been obtained, it is intended that a certificate shall be obtained and the proceedings for enforcement of the judgment transferred to the local court.

Hon. G. W. Miles: What about Mr. Holmes's contention regarding the man who can pay and will not pay? How would you deal with him?

Hon. J. NICHOLSON: Any creditor has a remedy against such a man by issuing the various proceedings known to the law.

Hon. V. Hamersley: That would cost him a bit more.

Hon. J. NICHOLSON: It might, or it might not; the remedy of imprisonment would not be removed, but an inquiry or examination as to the debtor's means is first required.

Hon. G. W. Miles: It costs a bit more to get a man there.

Hon. J. NICHOLSON: Not much, but I admit a little more. One has to consider it from the standpoint of the civil remedy. The creditor of a man who can pay and will not pay has the power to enter a fi-fa or execution against the debtor's property, and to do that would have to locate the property. There might be money owing to the debtor and the creditor could take steps to garnishee it.

Hon. A. Thomson: He could not garnishee wages.

Hon. J. NICHOLSON: Only when due. One would not garnishee any money until actually due. If a sum is owing to a debtor or lying to his credit in a bank, a creditor, getting information of the fact, could garnishee the money.

Hon. W. H. Kitson: Has that ever been done in connection with wages?

Hon. J. NICHOLSON: Very seldom, because it would be a very hard thing to do. I remember once garnisheeing the salary of a man who was rather delinquent about paying a debt due to a creditor. I obtained an order and got the money.

Hon. C. B. Williams: I thought a garnishee was not legal.

Hon. J. NICHOLSON: It is legal. It is a hard thing to garnishee upon an ordinary wage. I do not think there would be much prospect of getting anything as the result of such garnishee, but it can be done. The process provided here is quite a reasonable one in many ways. I intend to move a slight amendment to the clause to clarify the position, and to ensure that the costs that will be incurred will be added to the judgment. It is fair that the creditor should not have to pay unnecessary costs, and that they should be added to what the debtor has to pay. If a debtor is obstinate, it is his duty to pay the full debt owing to the creditor.

Hon. G. W. Miles: It is his duty to pay the costs.

Hon. J. NICHOLSON: It is his duty and not that of the creditor to pay the costs. The debtor has had the benefit of the money in the first instance. He has been given the use of it, no doubt on a definite promise to pay, and he has failed to pay. Because of that he deserves to be punished. The proper way to inflict punishment in a case like that is to ensure that he shall also pay the costs. One can hardly add anything else. The person who may lend money, or advance goods which are the equivalent of money, is much in the same position. He takes a certain amount of risk.

Hon. G. W. Miles: Can he recover costs to-day?

Hon. J. NICHOLSON: Sometimes there is the question whether costs shall be allowed. The matter should be made clear.

Hon. G. W. Miles: It should be mandatory that the costs are charged.

Hon. J. NICHOLSON: Paragraph (a) on page 2 of the Bill says—

> The sum ordered to be paid including any costs relating thereto is hereby made recoverable in the same manner as a judgment of the local court.

Instead of a person in default being committed to prison, the money should be recoverable by this method. I propose to move an amendment to make it clear that not only the costs relating to that particular judg-

ment shall be recoverable in any other court, but that also the costs in connection with all steps or proceedings under this legislation shall be made recoverable. The creditor is faced with a new method of recovering his debt, a method which he would not have to follow under the Act. It should be made clear that he shall recover costs.

Hon. G. W. Miles: He is put to further expense to recover his debt by reason of this Bill.

The PRESIDENT: I must ask the hon. member to allow Mr. Nicholson to proceed. Mr. Miles will have an opportunity of speaking later on. It is not right that he should reply to Mr. Nicholson's speech by means of interjections.

Hon. G. W. Miles: I did not intend that. I was hoping to get some valuable information from Mr. Nicholson. He is our only legal member. He is educating other members by reason of his remarks. I was only wishing to obtain further information.

The PRESIDENT: I do not think the information can be obtained in the form of continual interjections. If some other member had made a speech expressing a desire that Mr. Nicholson should give legal information, I am sure he would do so, but to bombard him with questions is another matter.

Hon. G. W. Miles: Well, we are getting the information without having to pay any fee.

The PRESIDENT: I would remind members who desire to obtain legal advice from Mr. Nicholson that the Committee stage provides ample opportunity for them to do so. There is no limit then as to the number of times members can address the Chair. It would perhaps be better to obtain the information desired from Mr. Nicholson at that stage.

Hon. J. NICHOLSON: I am only too pleased to give the House the benefit of any knowledge I happen to possess on any matter. I feel it is the duty of members, whether they are legal men or are possessed of information on other points, to give to the House the benefit of their knowledge. If I wanted information relating to buildings I would certainly appeal to Mr. Franklin, by whose knowledge of the question I should be enriched were he to give me the benefit of it. If any member is fortified with knowledge on any particular subject, he should be ready to give that knowledge to the House, and have it always available to members. Even though the Justices Act were to remain, there would simply exist the remedy provided for therein, and in default of payment there would be imprisonment. The other steps are set out in paragraphs (b), (c) and (d). These are sufficiently clear. They simply transfer the proceedings which originated in the police court to another court. Where the proceedings were started under th Justices Act, they are transferred after judgment is obtained, or an order is made, to the Local Court, and the enforcement of that order becomes a civil matter, and is enforced through a civil court instead of a petty court of justices. Whilst I intend to support the second reading, it is my intention to submit certain amendments to some of the clauses. I should be very glad to discuss these amendments with members at any time, and to give whatever assistance I can.

On motion by Hon. J. M. Drew, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly,

Thursday, 13th October, 1932.

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