nor would another organisation be necessary. If the creation of this board were to stop the work of the Agricultural Bank, we would not be duplicating organisation; but in fact the Bill proposes to create, afresh, a new organisation. Even with the Industries Assistance Board we did not create an altogether separate organisation. Certain administrative heads were separate and distinct from the Agricultural Bank trustees, but the real inspectorial work and all that kind of thing was done by officers of the Agricultural Bank. Under this measure merchants who are not connected with the Agricultural Bank, who do not understand as we do the operation of that organisation, will create their own methods, and will have their own inspectors, and the farmer is to be called upon to pay for all the inspectorial and other work done by the board. The Bill cannot be amended so as to make it of any value to either farmers or merchants. A separate organisation would have to be created, and the point is that the full burden of the cost of that organisation would be borne by the farmer coming under the measure. The secured creditor would not have anything to do with it, nor would the farmer who could get through without the assistance of the board. All the operations of the board would have to be paid for by the unfortunate farmer coming under the measure. If I had the responsibility to-day, I would utilise the organisation that exists. This is no time for duplicating organisations. This is a time when we want to economise, when we want to use our existing organisations to the maximum extent. The Bill does not propose to utilise the Agricultural Bank.

Mr. Doney: The Government do propose to utilise the Agricultural Bank, though that is not expressly stated in the Bill.

Hon. W. D. JOHNSON: I am merely taking the Bill and discussing it. The position is that under the Bill a separate organisation will be created, duplicating work that is going on to-day. The Agricultural Bank will function to a greater extent, but not to the same extent as to-day. The officers of the bank will still function, and another organisation will be created in the shape of the board. In conclusion I want to say that if the members of the Country Party are prepared to saddle the farmers of Western Australia with a separate organisation as here proposed, the responsibility is going to be that of those members. I regard the measure as of no value to the farmers. The organised farmers have declared, in meeting, against it; and I am determined that the House shall be divided on the measure. The Government have delayed too long in introducing the Bill. It is now of no value, thought it might have been of some value a few months back. Therefore I shall vote against the second reading, and I hope the Government will not continue to waste our time in further consideration of the Bill.

On motion by Mr. Griffiths, debate adjourned.

House adjourned at 10.41 p.m.

Legislative Council,

Tuesday, 11th November, 1930.

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

PRINTING OF BILLS.

Amendment of Joint Standing Orders.

The PRESIDENT: I desire to inform the House that the Governor has approved of the alterations in the Joint Standing Orders passed by the Legislative Council and the Legislative Assembly on the 6th instant.

ASSENT TO BILL.

Message from the Governor received and read, notifying assent to the Industries Assistance Act Continuance Bill.

QUESTION—PUBLIC SERVICE, ADDITIONAL EMOLUMENTS.

Hon. A. LOVEKIN: I should like to ask the Minister for Country Water Supplies, without notice, when the return regarding salaries will be laid on the Table as promised.

The MINISTER FOR COUNTRY WATER SUPPLIES replied: I have not the information yet, but I shall inquire tomorrow morning as to whether it is available.

LEAVE OF ABSENCE.

On motion by the Hon. J. J. Holmes, leave of absence for six consecutive sittings granted to Hon. Sir Edward Wittenoom (North) on the ground of ill-health.

MOTION—STANDING COMMITTEE.

HON. A. LOVEKIN (Metropolitan) [4.36]: I move—

1, That, at the commencement of every session, a standing select committee shall be appointed, whose duty it shall be to examine and report upon any Bill or other matter which the Council shall refer to it for investigation.

2, Such committee shall have all the powers of a select committee, together with the right to call for persons and papers.

3, Such committee shall report, as occasion may require or as the Council may direct.

4, The following members shall constitute the committee during the current session:—Hon. J. M. Drew, Hon. J. J. Holmes, Hon. H. Seddon, Hon. G. A. Kempton, and the mover.

I placed this motion on the Notice Paper so that members could consider whether in their opinion it would be advantageous to have such a committee to which may be referred Bills about which the House has little or no information. In these times we ought not to legislate blindly, but with all the knowledge it is possible for us to have. I might quote two or three instances: There is the Local Courts Bill, about which I am sure very few members know much. Yet we are expected to pass a Bill which may be for good or for bad. Then there is my own motion as to privileges. This House might like to get some facts regarding those privileges, to know what the Commissioner of Railways has to say about them. Then there is the Bill put up by Mr. Nicholson regarding affidavits. We have the Federal Evidence Act, which is very wide and permits justices anywhere in Australia to subscribe to affidavits. Probably the House would like to know the why and wherefore of the limitations proposed here. We cannot call evidence on the floor of the House, but in a few minutes the proposed committee would supply sufficient information to allow members to pass judgment upon that Bill. It is only proposed that matters upon which the House requires information should be referred to the projected committee. The duty of the committee will be to obtain the information that members require. When any matter is referred to that committee the inquiry will not take long, for the committee will always be ready and so there will not be any delay. There is only one point I wish to add: In order to keep within the Standing Orders I have nominated the members of the proposed committee. I do not like that portion of the motion, but I thought I had better include it so as to keep the motion in order. But any member has the power to call for a ballot for members of a select committee, and so if the motion is approved some member might call for a ballot for the personnel of the committee. Such a committee would do much good and would be very helpful.

HON. J. J. HOLMES (North) [4.40]: I hope it will not be thought that because I second the motion I necessarily approve of it. I have risen simply to get the motion before the House.

The PRESIDENT: It is quite competent in a member to second a motion pro forma.

Hon. J. J. HOLMES: I entirely disapprove of the motion. It is the duty of each member to examine a Bill and arrive at his own conclusion as to what effect it is likely to have on the community. If he is in doubt at any time, there are the departmental officers to set him right. The Standing Orders provide for the appointment of a select committee. When a Bill is referred to a select committee, members are appointed who are thought to know something of the subject. But here we have a proposal

for a standing select committee which will have to deal with every Bill and come back and tell other members what they are to do. It is rather a reflection on the intelligence of the Chamber. At all events, if the motion be agreed to, I desire that my name be eliminated from the list of proposed members of the committee. In view of the crowding of the Notice Paper, I suggest that this motion and some other motions should be dealt with as promptly as possible. I will oppose the motion.

HON. J. CORNELL (South) [4.43]: On many occasions the House has been indebted to Mr. Lovekin for useful suggestions, but this time I think he is not only on thin ice, but has gone right through. It is a subject that had better be left alone, for all that the proposed committee could do would be to induce amongst members malingering and the desire to let a few do the work of the whole. That will be the general effect of this motion outside, now that notice of it has been given. It has no earthly chance of being carried. To-day any Bill about which the House is not quite sure can, after the second reading, be referred to a select committee, who will go into it thoroughly. It is proposed that this Committee shall have all the powers of a select committee. This would mean it would be able to move from place to place, subpoena witnesses, and authorise expenditure exactly as in the case of a select committee. It can be said in mitigation that the Committee would deal only with such matters as were referred to it by this Chamber. I see, however, no necessity for going beyond our Standing Orders. The practice has been, when the House is in doubt as to the efficacy or otherwise of certain legislation, for this to be referred to a select committee. When the members of that committee are being chosen, the House gives due regard to those who are conversant with the subject matter of the Bill. That is as it should be. To set up another committee, as proposed by Mr. Lovekin, would be to constitute a handsome cab committee, one that could go where it liked and do what it liked. I have no desire to have anything to do with the motion and will vote against it. Mr. Lovekin has said he is not wedded to the names of the members he has suggested. We all know the qualifications and capabilities of those members, but I am satisfied that not one would in his wildest moments think himself capable of giving the correct interpretation to all Bills that might be referred to him. That being so, it is better to leave things as they are, until such time as the House sees the necessity for referring any Bill to a select committee that is specially constituted to deal with it. Meanwhile, I think we should remove the impression that has been created since the motion appeared, seeing that the effect of it would be to suggest that a few members would be doing the job that the House as a whole is appointed to do. I oppose the motion.

HON. H. STEWART (South-East) [4.48]: I oppose the motion. The result of passing it would be that the House as a whole would, I think, lose efficiency. I have always interpreted the duty of members as comprising the necessity for watching legislation. If it is an amending Bill that comes before him, a member inquires into the effect of it and consults existing legislation. That has an educational effect; so much so that the longer he is in the Chamber the more valuable he becomes as a legislator in the State Parliament. I agree with Mr. Holmes that the best way to deal with such matters that require consideration of this kind is to adopt the practice laid down in our Standing Orders. If it is thought desirable, a select committee is appointed to deal with this, that or the other matter, on a motion brought forward in the House. There are then selected those members who are likely to be of best service to the State in arriving at a judgment upon the matter submitted to them. In Parliament we are called upon to deal with all kinds of things, technical, scientific, social and so on. Different members who have different experiences are available to the House if their services are needed to give special consideration to a particular subject. I think the motion is quite unnecessary, and that it is better to proceed as we have been going in the past. I hope the matter will be treated promptly and finalised to-day. We do not want a motion of this kind adjourned from week to week, thus giving members an opportunity to talk upon it.

HON. G. FRASER (West) [4.52]: Like previous speakers, I hope the motion will not be carried. I also trust it will be dis-

posed of this afternoon. It reminds me of the finance committee of a municipal body. Certain men are elected as councillors, and they in turn elect a few to serve as a finance committee. So far as the general public are concerned, those who are not on the finance committee might just as well not be members of the municipal council. If this special committee is elected, most of the business of the Chamber will be transacted by it, and not by the Chamber as a whole. The motion does not provide for adding to the numbers of the special committee. With all due respect to those whose names have been put forward by Mr. Lovekin I suggest that certain matters might come before the Chamber about which other members may know a great deal, but there is no provision whereby they can be put on the committee. It is better that we should proceed under the Standing Orders as we have them to-day. If it is necessary to appoint a select committee the Chamber will do so, and choose those members who know most about the subject matter of that committee. It would be wrong to pass the motion and I hope Mr. Lovekin will not persevere with it.

HON. E. H. H. HALL (Central) [4.54]: Although as a new member there may be several things about which I do not agree, so far as I can see the Standing Orders give every member when in Committee the opportunity to speak as often as he likes. No limit is placed upon the fullest discussion upon every subject or the consideration of matters that come before the Chamber in Committee. If there is any Bill which the majority of members desire to refer to a select committee, so that special information may be gleaned regarding it, there is provision whereby this can be effected. If some inexperienced member, such as I am, had come forward with a motion of this nature, there might have been some excuse for him, but I cannot understand how it was that such an old and experienced member as Mr. Lovekin, with all his knowledge of procedure, could have brought down this particular motion.

HON. W. H. KITSON (West) [4.55]: Whilst I appreciate the motive of the mover of this motion, I cannot support it. Should it be necessary to appoint a select committee to deal with any particular subject, surely our Standing Orders are wide enough in purpose to allow this to be done, and for justice to be meted out no matter what the question is. I hope the motion will not be carried.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [4.56]: I move—

That the debate be adjourned

Motion put and negatived.

HON. A. LOVEKIN (Metropolitan)—in reply) [4.57]: I brought this motion forward in good faith, thinking it might be of use to members, especially during this session. There seems to be a consensus of opinion against it, but I shall be satisfied whatever the result of the voting is.

Question put and negatived.

BILLS (3)—THIRD READING.

1, Traffic Act Amendment

2, Anatomy.

Returned to the Assembly with amendments.

3, Stamp Act Amendment (No. 3).

Returned to the Assembly without amendment.

BILL—STAMP ACT AMENDMENT (No. 1).

Recommittal.

Resumed from the 6th November. Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 2—Amendment of Second Schedule:

Hon. A. LOVEKIN: At the previous sitting Mr. Seddon moved an amendment which you, Mr. Chairman, ruled out of order. The object of that amendment was to extend the operations of the measure to betting on all forms of races, including whippet racing. I am one of those who are altogether opposed to gambling, and we have this opportunity now to tighten up the legislation, as Mr. Seddon intended

by his amendment which you declared was not permissible. I have taken the liberty of putting another amendment on the Notice Paper which I do not think can be held to impose any further burden upon the people, or be in any way in opposition to the Constitution. At the same time it will give effect to what Mr. Seddon intended, that is to give a second hold upon those engaged in this form of betting which is doing so much harm to the country. Under the Stamp Act, whilst there is a definition of metropolitan racecourses and goldfields racecourses where bookmakers are licensed to bet, there is no definition of a racecourse itself, and even in this Bill the first paragraph deals with racecourses on which bookmakers are licensed to bet, and the second paragraph deals with any other place where racing is carried on. I propose to insert a paragraph defining what is a racecourse, that it is defined to mean and include any racecourse or place on which any betting ticket —which is already defined—is issued by any bookmaker. The effect will be the prosecution of the illicit bookmaker, and on the second offence calling him a rogue and vagabond and fining him more heavily. There is no reason why there should be issued tens of thousands of tickets without any license fee being paid. Such a bookmaker has a tremendous advantage over the bona fide licensed bookmaker who pays double tax, whilst the other man issues thousands of tickets, equal perhaps to £800 worth of taxed tickets, and on which he does not pay anything. That man is now taken to the court and fined £5. Under the Traffic Act, if a man uses a car illegally, he is fined £5 but he does not escape paying the license fee. I suggest that now, although the illicit bookmaker may be fined for betting without a license, he will have to pay a double penalty under this by having to pay, in addition to the fine, the stamps on the number of tickets he has issued. That will give the Government two strings to their bow. The Government cannot get at him for illegal betting but they will be able to get at him for issuing tickets without a license. I move an amendment—

That the following new paragraph, consequential to paragraph (b) of Clause 2, be added to the Bill:—"For the purposes of paragraph (b) of this section the word racecourse means and includes any racecourse or place at which any betting ticket is issued by any bookmaker."

Hon. G. FRASER: I remind Mr. Lovekin that the people he contemplates getting at never issue betting tickets. If they did issue betting tickets we could catch them, but the position is that they never do. The hon. member's amendment, therefore, will not be of any value. I should like these particular individuals to be caught, because I know there is more betting off a racecourse than on it at the present time.

Hon. A. Lovekin: If we make it an offence to bet without issuing a ticket, then we can catch him.

Hon. G. FRASER: These bookmakers bet every day of the week, and the bettor has nothing to prove that he has made a bet; he has to rely on the honesty of the bookmaker.

Hon. A. Lovekin: The bookmaker would be liable for betting without a ticket.

Hon. G. FRASER: Of course he is liable for betting whether he issues a ticket or not. The hon. member's suggestion will not get over the difficulty.

Hon. A. Lovekin: Yes, it will in many cases.

The MINISTER FOR COUNTRY WATER SUPPLIES: Mr. Lovekin is very inconsistent because he is strongly opposed to betting and he also wants to give these people the moral right to bet.

Hon. A. Lovekin: Not at all.

The MINISTER FOR COUNTRY WATER SUPPLIES: You cannot tax a section of the community and, after taxing them, prosecute them. In any case, I intend to submit that the amendment is out of order because it says that a racecourse "means and includes any racecourse or place at which any betting ticket is issued by any bookmaker." I contend that imposes a tax on a certain section of the community. I regret I did not see the amendment before I came to the House.

Hon. H. SEDDON: The point raised by Mr. Lovekin is that if these people do not apply for betting tickets, they will render themselves liable to prosecution. Does not the Minister think that the effect of their being compelled to apply for tickets will mean that the number of betting people will be reduced? In the principal Act the words in Section 6 are "within the grounds of a racecourse." Would the Minister define a whippet ground as a racecourse?

Hon. J. J. HOLMES: I understand that it is illegal to bet at all. Therefore why, in the name of common sense, does not someone force the position? We know that betting is a curse to the community, so why do not the Government put the law in motion? No; the Government legalise certain bookmakers to bet in certain places. Mr. Lovekin's amendment will mean a definite loss of revenue to the State because it will legalise anybody to bet anywhere, and the £140 collected every Monday morning at the police court as the result of the Saturday raids will disappear because these men will come within the range of the amendment. We shall let them bet on and call for the tax next day. I suggest that we eliminate bookmaking altogether and get back to the totalisator. I understand that there is deducted 12½ per cent. from the amount that goes through the totalisator, and the Government get so much out of that. The public have only to put their money through the machine eight times and the machine will get it all. Then perhaps the public will wake up and say, "This is no good to us." I protest against the absurd conditions that will be created. It is even worse in the Federal arena. The Federal authorities will confiscate a letter that may be sent to Tasmania, but if the letter gets through without the authorities knowing of it, and the investor makes a profit, he has to show that profit in his taxation return and he is taxed on it.

The CHAIRMAN: Doubt has been expressed as to whether or not the amendment is admissible. The position today is that which I outlined at the last sitting of the Committee, when Mr. Seddon's amendment was before us. The law as it stands provides for a tax on betting tickets. Sections 103 to 107 inclusive of the Stamp Act deal with that phase. The amount of the tax appears in the schedule to the Act and is 2d. per ticket on every ticket issued by any bookmaker within the grandstand enclosure of any metropolitan or goldfields racecourse, and ½d. elsewhere within the grounds of a racecourse. Clause 2 of the Bill proposes to increase the tax from 2d. to 3d. and from ½d. to 1d. The increase is to apply only as heretofore, namely, to bookmakers operating on racecourses. Though the phraseology of Mr. Lovekin's amendment may make it look harmless, we have to consider the effect of it, and the effect must be to enlarge the sphere of existing taxation. If that were not so, the amendment would be valueless. In my opinion the effect of the amendment would be to impose a tax on a section of the community not now taxed, and as members are aware, under Section 46 of the Constitution, this House has not the authority to impose such taxation. Any additional taxation sought to be imposed under this measure must originate in another place. Consequently I rule that the amendment is not admissible.

Dissent from Ruling.

Hon. A. Lovekin: For the sake of the principle involved I must dissent from your ruling. I dissent on the ground that it is contrary to the principal Act which is sought to be amended.

(*The President resumed the Chair.*)

The Chairman reported the dissent.

The President: I have no hesitation whatsoever in upholding the ruling of the Chairman of Committees. Undoubtedly the proposed amendment would extend the area of taxation and as such, it is contrary to Subsection 4, Section 46, of the Constitution.

Hon. A. Lovekin: Am I to have no opportunity to discuss the point?

The President: The hon. member has the right, under Standing Order 405, to object to the ruling of the President.

Hon. A. Lovekin: The Standing Order provides that if any objection be taken to the decision of the Chairman of Committees, the objection must be stated at once in writing. I have done that. The Chairman shall thereupon leave the Chair and the Council resume. That has been done. The matter having been reported to the President—that has been done—and members having addressed themselves thereto, the President shall give his ruling. There has been no opportunity whatever to address ourselves to the question. You have given your ruling, and it would be very difficult for me, in the circumstances, to get you to go back.

The President: I paused for some time and the hon. member did not rise, and consequently I took it for granted that he had no views to offer. However, I am prepared to hear the hon. member now. Those

are the views I hold, having heard the Chairman of Committees. Perhaps the hon. member may be able to influence me to alter my decision.

Hon. A. Lovekin: It would only be wasting time to proceed further. I was prepared to argue the question because it seems to me it is in accord with the principal Act, but I cannot hope to succeed now.

The President: I paused and waited for the hon. member to rise. As he did not rise, it was not my place to call on him, because I had no official knowledge who had raised the objection. No one is to blame but the hon. member for his not having risen before I spoke.

Hon. A. Lovekin: I was naturally awaiting your convenience out of courtesy to you, and I thought that you, having the Standing Order before you, would follow it, especially the part which says "members having addressed themselves thereto."

The President: But members failed to address themselves thereto.

Hon. A. Lovekin: The decision having been given, it is of no use pursuing the question.

The President: When members fail to address themselves to the question, surely it is time for the President to give his decision.

The Minister for Country Water Supplies: It is regrettable that Mr. Lovekin did not take the opportunity that was available to him.

The President: The ruling cannot be discussed unless it be objected to. Mr. Lovekin may discuss it if he objects to it.

Hon. A. Lovekin: I could merely move to dissent from your ruling, but in the circumstances I do not propose to proceed further.

The President: Then the Committee may resume.

Committee resumed.

Hon. G. FRASER: I do not think Mr. Lovekin would have moved his amendment had he possessed greater knowledge of the lay-out of a racecourse. He seems to have become confused regarding the grandstand enclosure and the other place, which is the outside or ledger.

Hon. A. Lovekin: The amendment has been ruled out of order.

Clause put and passed.

Bill again reported without amendment, and the report adopted.

Third Reading.

Bill read a third time, and *passed*.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Assembly's Message.

Message from the Assembly agreeing to the Council's amendment No. 1 and agreeing to amendment No. 2 subject to an amendment, now considered.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Council's amendment No. 2. Clause 7—Delete.

Assembly's amendment. Substitute "Amend" for "Delete" and add the words "by substituting 'fifteen feet' for 'one storey.'"

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be agreed to.

The Chamber has previously agreed to this proposal. The report will be found in "Hansard" of 1926, page 1366. In the Bill of that year, Clause 2 provided for the deletion of the words "This Act shall also apply to any building exceeding one storey in height situated in any part of the State," and the insertion of the following words in lieu, "Provided that this Act shall be in force and have effect throughout the State whenever scaffolding exceeding fifteen feet in height from the horizontal base is used." At the time Mr. Nicholson suggested that it should apply to any person instead of to any workman—a wise proposal. However, I hope the Committee will agree to the Assembly's amendment on our amendment.

Hon. J. J. HOLMES: I hope some more definite reason can be given than that the House agreed to something of the kind previously. In previous sessions this Chamber has agreed to amendments of the Assembly in the Workers' Compensation Act, for instance, which have proved highly disadvantageous. Members representing the

Metropolitan and Metropolitan-Suburban Provinces, where numerous buildings are erected, should require something more than the Minister's bald statement that the Council agreed to this in a previous session.

Hon. G. FRASER: I hope the motion will be carried. The previous discussion centred on the height necessary to cover a one-storey building, including the chimney. The proposed height of 15 feet will be ample to meet the needs of the case. The 15 feet will, in fact, cover a total height of 20 feet. If the Committee insist upon our amendment as originally passed there will be considerable evasion of the clause.

Hon. J. T. FRANKLIN: I am thoroughly in accord with the amendment proposed by another place. The original provision, covering a scaffold 8 feet high, is all very well for the walls, but a chimney has to be built also. As a rule the scaffold is made from the ceiling joist of the building, or from the pitch of the roof. The extra few feet will meet the position, while not increasing the cost of erecting residential buildings.

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

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 2).

Received from the Assembly, and read a first time.

BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 6th November.

HON. W. J. MANN (South-West) [5.37]: This is a Bill I would be glad to support if it were possible.

Hon. G. Fraser: It is quite possible.

Hon. W. J. MANN: So far as our experience goes, the measure is about 20 years too soon. If we had in this State secondary industries advanced to such an extent that we could confidently utilise their products, it would be a right thing to pass the Bill. I notice that the measure is directed to the agricultural and dairying industries. Although it does not say so in so many words, I take it to be an attempt to insist, so far as possible, that men engaged in those industries shall use machinery made by the State Implement Works.

Hon. G. Fraser: Why read that into the Bill?

Hon. W. J. MANN: It is quite open to read that into the measure, because the State Implement Works are the biggest of their kind in Western Australia. Members representing the rural communities, and particularly the South-West Province, can speak feelingly of the experiences their constituents have had with machinery manufactured by the State Implement Works. I go so far as to say that were it possible to take a vote of those men who in the past have been forced to use State Implement Works machines as to whether they were prepared to continue doing so, there would be an overwhelming reply in the negative. I can quote scores of cases where machines and implements supplied to group settlers by the State Implement Works were a disgrace to any manufacturing firm, either here or elsewhere. I can quote cases of harrows, supplied brand new. The harrows having been dragged three or four hundred yards, the man took the horses out and moved the harrows to the other side, and thereupon dragged them back again. They came back in a generous manner. This had to be done only once or twice, when there were no tines at all left; they could be picked up along the track.

Hon. H. Stewart: Those must have been a special type of harrows for the group settlements.

Hon. W. J. MANN: That was the kind of implement supplied to group settlers. And the harrows were not the only thing to complain of; other unsuitable implements were sent down. To pass such a measure as this at the present time, would be not only deceptory to the farming and dairying industries, but a departure from all ethics of assistance to settlers. If a man borrows money in the ordinary way, does the lender tell him how he is to use it?

Hon. G. Fraser: He wants to know what the borrower is going to do with it.

Hon. W. J. MANN: When assistance is given to a man to go out prospecting on the

goldfields, do the Government insist that he shall use a Western Australian made pick?

Hon. G. Fraser: We do not know what is done.

Hon. W. J. MANN: If that were done, we should have heard of it. This Bill represents an idea of bolstering up the State Implement Works. There are a number of implements required by agriculturists; one in particular, which I have not yet heard that the State Implements make. I refer to a cream separator. What is to prevent the State Implement Works from making separators and then legislation being passed to insist upon Western Australian dairies using them? There are dozens of separators on the market, but by no means all of them are profitable to use.

Hon. J. Nicholson: Do you mean a separator from Federation?

Hon. W. J. MANN: Not exactly. I mean a cream separator. There are dangers in the Bill, and I hope the House will emphatically say no to the suggestion that the Agricultural Bank trustees should be given any discretion in a matter of this kind. If a man borrows money, he borrows it on assets, and he should be permitted to spend it as he chooses. If he had not an asset, he would not get the loan. I contend that we shall be interfering drastically with the liberty of a man if we tell him that because he requires financial assistance he must spend the loan as we direct him.

HON. G. FRASER (West) [4.44]: I am greatly surprised at Mr. Mann's speech. Some of the hon. gentleman's constituents during the last two years have been howling that their particular product, because it is a local product, should be used exclusively in Western Australia. But when it comes to another article manufactured in the State, but not manufactured by the hon. member's constituents, it is a horse of another colour.

Hon. W. J. Mann: Their product is 100 per cent. good, and this one is only 5 per cent.

Hon. G. FRASER. When the product of the hon. member's constituents was first put on the market, it could not compete with the article that they wanted kept out of the State. The hon. member knows that as well as I do.

Hon. W. J. Mann: No.

Hon. G. FRASER: The hon. member is not consistent. The Bill is not mandatory, but merely provides that the trustees of the Agricultural Bank shall be requested, should the locally-manufactured article be equal in every respect to the imported line, to insist that the local article shall be purchased by the bank's clients.

Hon. J. J. Holmes: Is it not unusual for Parliament to request?

Hon. G. FRASER: I would like to see the provision made mandatory. The hon. member objects to the "request," but I do not think for one moment he would listen to a proposal of such a description, if it were made "mandatory." Consequently we have to go as far as we think we can.

Hon. H. Stewart: You want to win his support, if possible.

Hon. G. FRASER: Yes, we hope to secure it gradually.

Hon. H. Stewart: I do not think you hope too much for that.

Hon. J. J. Holmes: The State Implement Works will be shut down by the time the Bill is passed.

Hon. G. FRASER: Hon. members speak of the Bill as though it refers to the State Implement Works. It has nothing to do with those works. There are many articles manufactured in the State ,in addition to that mentioned by Mr. Mann just now. We have specimens in the corridor of the House. I refer to the locally-manufactured milk and cream cans. They have been made by a proprietary firm in Perth, and are not the product of the State Implement Works.

Hon. H. Stewart: There is nothing to prevent people from buying them.

Hon. G. FRASER: Exactly; but with those articles, just as with other lines, the trouble is that people have to be educated. They had to be forced into it before they would buy local butter.

Hon. W. J. Mann: They buy it now because it is good.

Hon. G. FRASER: I admit that.

Hon. W. J. Mann: If the other articles are equally good, the people will buy them.

Hon. G. FRASER: Many settlers in the South-West have bought the locally-manufactured cream and milk cans, but there are a large number of people in Western Australia who will have nothing to do with locally-manufactured articles.

Hon. W. J. Mann: If they are satisfactory, the people will take them.

Hon G. FRASER: No, because there is a prejudice against local products. That prejudice has to be lived down. We do not want to see repeated in other directions the indignity that the Albany woollen mills had to submit to, when the bulk of their output had to be sent to the Eastern States and then shipped back here with an Eastern States brand on it before the people would buy it. That is what happened to 60 per cent. of the mills' output. The same thing applies to our tobacco.

Hon. J. J. Holmes: How will the Bill assist in that direction?

Hon. G. FRASER: I hope that the Bill will pass the second reading stage and then, when in Committee, I hope the hon. member will extend his support to an amendment that will be moved. Mr. Holmes holds himself up as a Western Australian, and I want to put the acid test on him.

Hon. E. H. Harris: What is the purport of the amendment?

Hon. G. FRASER: I understand the effect of it will be that if the locally-manufactured article compares favourably with the imported line, the trustees of the bank shall insist on the purchase of the local product.

Hon. E. H. Harris: The amendment will mean "all things being equal."

Hon. G. FRASER: Yes, and I do not think any hon. member will object to that.

Hon. W. J. Mann: Is that provided for in the Bill?

Hon. G. FRASER: No; I have foreshadowed the amendment.

Hon. H. Stewart: It seems to suggest sectional legislation to deal with the Agricultural Bank clients.

Hon. G. FRASER: Yes, we cannot enforce it regarding the other banking institution.

Hon H. Stewart: But I thought you and your friends were opposed to sectional legislation.

Hon. G. FRASER: We are, but in this instance it is not really sectional legislation.

Hon. E. H. Gray: It is loyalty to the State.

Hon. G. FRASER: The legislation merely asks that we shall support locally-made products that are equal to the imported articles.

Hon. W. H. Kitson: Yes, to support local industries.

Hon. G. FRASER: That is so. The Bill asks us to find employment for our own people. There is nothing objectionable in that, and I trust hon. members will support the Bill.

HON. G. W. MILES (North) [6.52]: The debate on the Bill has revolved around the question of the use of Western Australian products. It is suggested that the trustees of the Agricultural Bank shall insist upon their clients using Western Australian implements. That is interesting, because it was recently brought under my notice that the Government were building a number of temporary schools and were using American lining.

Hon. E. H. Gray: Shame!

Hon. G. W. MILES: We have men out of work at the timber mills and the Government could have used some of our local products for the buildings. Then again, there are fibrous boards of local manufacture that could have been used.

Hon. W. H. Kitson: Where are those temporary schools being built?

Hon. G. W. MILES: I believe they are being built in the country. I can get exact particulars regarding the localities.

Hon. W. H. Kitson: I understood that the Government had ceased building schools just now.

Hon. G. W. MILES: At any rate, that was the information I received. I was told that the Government were using American cellotax boards for lining purposes.

Hon. J. J. Holmes: And they are using palm olive soap, too.

Hon. G. W. MILES: That has been pointed out as well. I hope Western Australian goods will be used wherever possible. Regarding the operations of the Agricultural Bank, there is another phase that came under my notice. Much has been said about rendering assistance to farmers and what the Government are doing, through the Agricultural Bank, to assist the farmers in connection with their operations. I am told that they have suggested that the storekeepers shall provide the bags to put the wheat in so that the Agricultural Bank can take possession of it as soon as the wheat is harvested. That is how the Government assist the men on the land. The farmer has received credit from the storekeeper to enable him to stay on his holding and put his crop in. The storekeeper has kept the farmer on the land for 12 months, and now the Agricultural Bank requires a lien over his crop and the trustees have suggested that the

storekeeper should make provision to enable him to take off his crop. The storekeeper has kept the farmer from starving throughout the year and yet he is not to receive payment.

Hon. H. Stewart: That is to balance the Budget.

Hon. G. W. MILES: On top of that, the bank suggests that the storekeeper shall provide the funds to enable him to take off his crop this year.

Hon. J. J. Holmes: Which bank?

Hon. G. W. MILES: The Agricultural Bank.

Hon. H. Stewart: You did not think any other bank would do that, did you?

Hon. G. W. MILES: I do not know what the other banks have done. I think I shall be in order if I read a statement to the House indicating exactly what has happened. It is as follows:—

> Enclosed please find a letter from the Agricultural Bank to a customer of ours. This man has 600 acres of crop in and will need 50 acres for hay, leaving 550 acres to strip. The Agricultural Bank tried to get a lien registered against his crops to secure payment of £600 but I, as well as others, caveated it, and as a consequence, they are trying to force him to sign the enclosed order on his crop proceeds. The man is scared that if he does not sign, he may be asked to get off the farm and his other creditors be left lamenting. With the price of wheat, it will probably take all the crop to satisfy the bank. Last year I was caught on two occasions the same way, but in that case we outside creditors received portion of the amount owing. This client owes me £127 19s. 5d. and it will probably be £26 more by the time the harvest is off and carted. I have told him not to sign any orders on his crop, as, if he did so, the other creditors would be compelled to call a meeting of creditors, which is really not necessary. You can quite understand that we cannot allow the bank to put this over us as we have supplied the stores to keep the man on the place to put the crop in, fallow and look after it generally. The bank stupidly suggests that storekeepers, etc., would be so foolish as to provide stores, and even bags to take off the crop, the latter to put their wheat in, and we to sit back while they walk off with all the proceeds. I think Ned Kelly was not in it with this crowd.

I have had an opportunity to ventilate this matter and it may be the means of the position being further discussed when the Farmers' Debts Adjustment Bill is before the House. I hope the Government will provide legislation to assist the men on the land to buy Western Australian goods whenever possible. I oppose the second reading of the Bill.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

Debate resumed from the 6th November.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East—in reply) [5.55]: Mr. Harris raised doubts as to whether the Bill will not involve extra expenditure. The answer is very definitely that it will not. It is not proposed to grant any increases in the payments already made to magistrates. It was necessary, however, to make an appropriation for their salaries, and the limits were therefore inserted, the minimum being the smallest salary now paid, and the maximum being £60 above the highest salary paid. If the House is afraid that the very small margin of £60 might be availed of by the Government to increase salaries, it can reduce the maximum to £960, which is the highest salary at present paid. If the House did so, it seems to me that it would show an extraordinary lack of confidence in the Government. The passage of the measure will not involve an added expenditure of one penny insofar as the Crown Law Department is concerned. Mr. Harris expressed anxiety as to whether the privileges and rights already enjoyed by the magistrates, under the Public Service Act, would be retained by them upon the passing of the Bill, and he referred to Clause 10 as possibly covering the position. Clause 10 has nothing to do with the question. It merely preserves the rights and powers of magistrates who are not in the future appointed stipendiary magistrates under the Act. The passage of the Bill will place officers who are made stipendiary magistrates under the Act in a precisely analogous position to that of judges, except that judges are entitled to pensions whereas only those stipendiary magistrates will have pensions who were in the Service before 1904. When the Bill is being dealt with in Committee, I shall move an amendment which will set at rest any doubt on that point. The proposed amendment will make it perfectly clear that

a magistrate who is entitled to superannuation under the Superannuation Act, shall not lose such right by reason of the fact that he is appointed a stipendiary magistrate under the Bill. The question of annual leave, etc., to stipendiary magistrates will be decided by the Government from time to time, just as such matters in respect of judges are dealt with by the Government.

The Bill does not provide that stipendiary magistrates shall be retained in office until the age of 70 years. Nothing of the sort is included in the Bill, and Mr. Harris was quite wrong in his statement in that regard. What the Bill says is that they shall not be retained in office after they reach the age of 70 years. A stipendiary magistrate will be at liberty to retire whenever he likes, and his pension rights, if any, will continue to be governed by the terms of the Superannuation Act, no matter at what age he retires. Mr. Harris went on to say that the Public Service Act makes provision for the payment of a gratuity to the widow and family of an officer who dies while engaged in the Public Service. The Public Service Act does nothing of the sort. By a regulation, however, it is provided that the Governor may make such an allowance as an act of grace. The Governor will be in exactly the same position with regard to stipendiary magistrates under this Act. That applies also to long service leave. Annual leave and sick leave are governed definitely by the Public Service Act, but there is nothing to prevent the Governor granting those privileges to magistrates in exactly the same way as they are granted to judges of the Supreme Court.

Finally, Mr. Harris quoted a letter addressed to the Attorney General, copies of which have been circulated to members of Parliament, from the Civil Service Association, stating that the Association does not support the Bill. The Attorney General is at a loss to understand what concern the Bill is to the Civil Service Association and what right the Association has to circularise members of Parliament expressing its views on the measure. The Attorney General is more concerned with the fact that members of the legal profession and the magistrates themselves are, as far as is ascertainable, unanimously in favour of the measure. However, the gist of the Public Service opposition to the Bill seems to be that it will enable Governments to appoint favourites to the position of magistrates. That of course is so, just as with the appointment of judges. But the Attorney General is much more concerned with the security of tenure of magistrates after they are appointed than with the safeguards against favouritism in the appointments. In the latter connection he is satisfied that Governments will exercise their function honestly when making appointments.

Mr. Cornell's opposition to the Bill seems to be based on the efficiency of the existing system. The Attorney General's answer to that, without referring to individuals, is that the present system has not attracted very highly qualified persons to undertake the positions. He believes the independent tenure given by this measure will make the positions far more attractive. Mr. Lovekin referred to the measure as being a twin brother to the Local Courts Amendment Bill. The two have nothing to do with each other. They are aimed to attain entirely different objects, and cannot reasonably be discussed in the same breath. Mr. Lovekin repeated the misstatement suggested by Mr. Harris when he said both Bills proposed increased expenditure. They do nothing of the sort. The Local Courts Act is designed, without increasing government expenditure by one penny, to cheapen and expedite litigation from the litigant's point of view. That, surely, must make for economy to the general public.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Appointment of stipendiary magistrates:

Hon. A. LOVEKIN: Will the Minister tell us the reason for the limitation in this clause? It provides for the appointment of not more than 12 magistrates, whereas I understand that 20 are required.

The MINISTER FOR COUNTRY WATER SUPPLIES: On the second reading I explained that in the South-West Division we have nine magistrates to-day, and

in northern districts three more. Those nine will be appointed under the Act forthwith, which will leave a margin for the appointment later of the remaining three when the Government are of opinion that conditions in the North and North-West render necessary those appointments.

Hon. J. J. HOLMES: The Bill provides for the appointment of 12 magistrates, whereas to-day we have only nine in the South. That leaves three northern appointments to be made later. I think it is a very desirable limitation.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Tenure of office:

Hon. H. SEDDON: This provides an age limit of 70 years for magistrates, whereas in practically every other department the retiring age is 65 years. Will the Minister tell us the reason for this discrimination?

The MINISTER FOR COUNTRY WATER SUPPLIES: It is generally recognised that a competent magistrate, having a strong constitution, may very well continue in office giving splendid service until he is 70 years of age. In those circumstances it is wiser to let him continue to occupy the office than to appoint a new man.

Hon. J. J. HOLMES: When the Arbitration Act Amendment Bill was the subject of a conference between the two Houses, much of the 19 hours over which that conference sat was devoted to the question of age limit for the president of the Arbitration Court. Supreme Court judges are appointed for life, but eventually the conference I have alluded to selected 70 years as the retiring age for the president of the Arbitration Court. Possibly the 70 years is included here with a view to being in line with that previous decision.

Hon. A. LOVEKIN: I do not believe in limiting the age to 70 years. If I live until to-morrow I shall be 71, and I do not think I have lost any of my mental powers. Moreover, I have 70 years of experience behind me, which ought to be worth something. Plenty men of 70 years carry their age fairly well, and I do not think we should turn such a man from the bench any more than we should turn off a Supreme Court judge who has reached 70 years. It is experience that we want and ought to be ready to pay for. I think we might well strike out this age limit of 70 years. Some judges in England are giving excellent service at 80 years of age.

Hon. J. Nicholson: Lord Halsbury, for example.

Hon. E. H. H. HALL: I think the 70 years ought to be reduced to 65 years. While it can be argued that some men are still in possession of their faculties at 80 years, on the other hand many are depreciating day by day after reaching 50 years. Not all magistrates will have the salubrious climate of the metropolitan area in which to live.

Hon. E. H. Harris: If they were at Geraldton, they would go out quite early.

Hon. E. H. H. HALL: When a man reaches 65 years of age in a continuous job, it is only reasonable to assume that he has made suitable financial arrangements for retiring, so as to give way to a younger man. To-day the older men hold on to their positions and will not give the younger men a chance.

Hon. W. J. MANN: As the result of inquiries made, I am in accord with the clause as printed. To reduce 70 years to 65 years would mean immediate dismissal for several men now on the magisterial bench. Only yesterday I was speaking to one of them who is close up to 70 years; yet in appearance, vitality and capacity for work that man is equal to many at 60 years of age. It would be very unwise to reduce the 70 years to 65 years. A competent magistrate enjoying a fair constitution can continue to give excellent service until he reaches a ripe old age.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR COUNTRY WATER SUPPLIES: I hope the Committee will do nothing to alter the retiring age. Three of the magistrates are already close up to the age of 70, and if the age in this clause were reduced to 65, they would have to retire. On the other hand, it has been suggested there should be no age limit. I would point out that many men are not as full of virility and energy as are others and they might not be fit to hold the position as long as others would be. Probably 50 per cent. of the magistrates would be unable to continue work over the age of 70.

Hon. J. M. DREW: I want to know whether magistrates will be obliged to remain in office until they reach the age of 70, and whether, if they decide to retire before then, their pension rights will be affected.

The MINISTER FOR COUNTRY WATER SUPPLIES: The fact that the retiring age is set down at 70 does not interefere with any pension rights that may accrue to the magistrate concerned. The holder of such a position may retire before he reaches 70 without his pension rights being affected.

Hon. E. H. HARRIS: The more experience a man in the position of a magistrate gets, the better is he fitted, as a rule, for the position. The same principle applies to Clerks of Parliament and to many other people in various walks of life. Probably a magistrate, especially one who has had legal training, would be in his prime from the point of view of experience and knowledge at the age of 65, and he would probably still be able to carry out his duties five years later. I shall vote for the clause.

Hon. G. FRASER: The clause should be amended to provide for a retiring age of 65. Numbers of men in Government employment have recently been retrenched at that age.

Hon. E. H. Harris: At the request of the unions.

Hon. G. FRASER: Not at all.

Hon. E. H. Harris: They have been appealing for years to the Minister to do it.

Hon. G. FRASER: Those men, because of their experience, were a lot better than many of the younger men. If it is logical to retain in office one section of Government employees until they reach the age of 70, it is logical that the same principle should apply in other branches of the service. The Government should be consistent.

Hon. J. NICHOLSON: What has been said in support of the age of 70 should satisfy the Committee that it is a proper age for retirement in the circumstances. I would point out that no attempt has been made to put stipendiary magistrates on the same plane, in the matter of age, as judges of the Supreme Court.

Clause put and passed.

Clauses 5 to 13—agreed to.

New Clause:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the following new clause, to stand as Clause 14, be added to the Bill:—"Clause 7. Add a subclause as follows:—(2) The Superannuation Act shall apply to any person who shall be appointed and serve as a stipendiary magistrate if he was appointed to the Public Service before the commencement of the Public Service Act, 1904."

New Clause put and passed.

Bill reported with an amendment.

BILL—METROPOLITAN MARKET TRUST ROAD.

Second Reading.

Debate resumed from the 6th November.

HON. J. T. FRANKLIN (Metropolitan) [7.50]: In supporting the second reading of the Bill, I wish to make one or two observations. I ask members to cast their minds back to the last day of last session when a discussion took place with regard to the closing of various streets. The position became so acute that the matter was referred to a conference, and the managers presented a report that certain provisos should be added, and that report was adopted. It was agreed that the City Council and the Market Trust should confer, and the result is the Bill we are now considering. The reason for so much discussion on the previous occasion was that the Government had resumed a good deal of property in the vicinity of the markets, and also the whole of a street. Not only did they resume the street but all the material in it. Members will realise that the ratepayers contribute to the making of the streets, and that the local bodies received rates and taxes from the ratepayers. I am not making any complaint about the handing over of the street to the Market Trust, but I desire to draw attention to the conditions under which the City Council and the Market Trust are taking over the new road. I cannot do better than read to the House certain correspondence that passed between the Market Trust and the Perth City Council, my object being to have the correspondence on record. Those who are familiar with the newly-made street will realise that it has

been constructed at present only half its width, and that there is a bump in that street which no engineer would have permitted to remain. It will, however, have to be removed when the street is constructed to its full width. I do not think the City Council will, for some time to come, alter the grade of the street, but when they do widen it to 99 feet considerable alteration will have to be made. I am glad that the Government have honoured their pledges. They declared at the time that a new street would be made and handed over to the municipality. In the past anyone who desired to go to the northern side of the railway line had to proceed along Wellington Street and Havelock Street in order to reach the subway. The street that has now been opened runs directly from Wellington Street to the sub-way and will connect with the new street being made by the municipality on the other side of the railway line to join Railway Parade with Sutherland Street. When that work is completed people living on the northern side of the railway will have a shorter route to their homes. On the 10th December the secretary of the Market Trust wrote to the Town Clerk as follows:—

Further to the deputation from your Council which waited upon the Trust at its meeting to-day, I have to advise you that the Trust has come to the following decision: "The Trust is prepared to transfer to the City Council sufficient land to widen Market Place to 99ft. from Wellington Street to the Subway subject to the following conditions:—(a) That the existing 50ft. of bitumen road be taken over from the Trust by the Council when same has been passed by the Main Roads Board as completed and the Council to be responsible for its future maintenance.

I want to emphasise that.

"(b) The Trust will put aside £50 per annum for a period of three (3) years (maximum £150) as its contribution towards the cost (if any) of regrading, including approaches to Market Roads, that may be necessary when the road is being constructed to its full width by the Council. (c) The buildings upon the unmade portion to remain the property of the Trust together with any rents accruing therefrom.

These are the buildings on the side of the 50ft. road. They ought to be burnt but the Market Trust are deriving rent from them and I suppose they want to balance their budget, as we say here.

"(d) The Council to give at least three (3) months notice of intention to construct the road to its full width in order that the necessary arrangements can be made re the cancellation of tenancies, demolition of buildings, etc." The Trust hopes the above proposals will be accepted by the Council and a definite understanding will be arrived at in connection with the taking over of Market Place.

This was the reply dated 18th December from the Perth Municipal Council—

With reference to your letter of the 10th instant, I beg to advise that at the last meeting of the Council the offer of the Trust to transfer to the Council sufficient land to widen Market Place to 99ft. from Wellington Street to the West Perth Subway, was accepted on the following conditions:—(a) The existing 50 feet of bituminous road to be taken over from the Trust by the Council when same has been passed by the Main Roads Board as satisfactory, the Council to be responsible for its future maintenance; (b) The Trust to contribute a maximum amount of £150 over a period of three years as its contribution towards the cost of any re-grading of the said road which may be necessary when the road is being constructed to its full width by the Council, including adjustment of any approaches to market roads which may be rendered necessary by such re-grading; (c) The buildings upon the unmade portion to remain the property of the Trust, together with any rents accruing therefrom until the road is made for the full width; (d) The Council to give at least three months' notice of its intention to construct the road to its full width in order that the necessary arrangements may be made by the Trust in respect to the cancellation of tenancies, demolition of buildings, etc. I presume you will have the necessary documents prepared.

The Market Trust wrote to the Town Clerk on the 7th January as follows:—

Further to the previous correspondence in connection with above transfer, I have to draw your Council's attention to the omission of the following from my letter of 10th ultimo:—

It just shows how everything has to be put in black and white when two parties are negotiating.

"That the Council will construct the road to its full width of 99ft. within five years or earlier if the building extension of the Trust require it." During the conference delegates from both bodies agreed to above and permission is now requested to have same included in the proposed agreement along with the conditions enumerated in your letter of 18th ultimo. Will you please have this matter brought before the Council at the earliest possible moment in order that the agreement can be finalised without further delay.

On the 21st January the Town Clerk wrote to the Market Trust as follows:—

In reply to your letter of the 7th instant, drawing attention to an omission from the conditions contained in your letter of the 10th ultimo in which the Trust is prepared to transfer to the Council sufficient land to widen Market Place to 99ft. from Wellington Street to the West Perth Subway, I beg to advise that at yesterday's meeting of the Council it was resolved that the following additional provision be agreed to:—"That the Council will construct the road to its full width within five years or earlier if the Market Trust buildings on the west side of Market Place are completed within that time."

That is quite a straightforward agreement between the two bodies. The City Council had to agree to carry out this work before the Government gave their consent to introduce legislation. The work had to be carried out to the satisfaction of all concerned. There is a further condition that is not mentioned in the Bill. I do not know that it is necessary to embody it in the Bill. The Market Trust have agreed to hand over to the council certain portions of their property in Wellington-street. I think it runs 27ft. back from the present building line. Yesterday I made inquiries and received the following information:—

The Roads and Reserve branch of the Lands Department advise that there is nothing to prevent the dedication of the widened portion of Wellington-street in front of the Market Trust buildings, and are therefore taking action accordingly.

This will give effect to the promise of the late Government. I wish to congratulate the late Government and the Market Trust. After the ratepayers of the city have lost so much of the money spent on main streets, the Market Trust are handing over to the people of the city a portion of the resumed land for a main road from Wellington-street northwards. Members will appreciate that the City Council are trying to shorten the distance necessary for market people to travel to the city, and also for the people of the city whose business takes them to the northern portion of the municipality. I support the Bill and hope it will be passed.

HON. A. LOVEKIN (Metropolitan) [8.2]: I think this measure is a good example of what this House can do in the way of protecting the rights of the people. Last session we insisted upon an agreement between the City Council and the Market Trust in regard to this particular street. As the Bill then came to us, people who wanted to get from the southern to the northern portion of the city would, by reason of the closure of streets, have had to go a long way round to the right or to the left. This House insisted that there should be direct access from south to north through the subway. There was a difference of opinion between this House and another place, which resulted in a conference during the closing hours of last session. I happened to be a member of the conference. We had quite a strenuous fight before we reached a decision, but finally, through the good offices of the then Minister, Mr. Troy, we were able to reach an understanding, of which the Bill now before us is the outcome. Instead of people having to travel considerable mileage either way, direct access is given to the market through the subway from the northern part of the city, and vice versa. I congratulate the council and the Market Trust upon having come to a decision that will meet the convenience of the people generally.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Market-place re-vested in His Majesty:

Hon. J. T. FRANKLIN: In the course of my remarks on the second reading, I omitted to congratulate Mr. Lovekin on his work. He was one of the managers at the conference, which sat for a considerable time, and we did not leave the House until the sun was rising. His work was appreciated. There was a promise to widen the subway, but that is a matter on which the City Council can do nothing. The Government of the day stated that the Railway Department would widen the subway. If we put in a 99-ft. road on the southern side and have another 99-ft. road on the northern side of the railway, leading into Sutherland-street, the present subway will have to be widened. I understand the Railway

Department are under an obligation, not only to the Market Trust, but to the City Council, to widen the subway at some future time. They may not be able to do it at present, owing to the state of the finances, but I think I am justified in saying they will honour their promise and that before five years have passed the subway will be widened. A lot more traffic will use the subway than at present and Railway-parade is a narrow street and one of the most dangerous in the city. The Railway Department should carry out the work in the near future.

Clause put and passed.

Clause 3, Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—RESERVES.

Second Reading.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [8.9] in moving the second reading said: Lithos. depicting the proposals in the Bill have already been laid on the Table of the House. The lithos. bear the relative numbers and explain the provisions of the Bill. I shall make the Bill more clear if I refer to the clauses seriatim. Clause 2: Lake Grace Lots 23 and 24 shown on litho. No. 1 have been granted on a 999 years' lease to Messrs. A. F. Bishop, G. Harvey, and John Carruthers in trust for the purpose of an agricultural hall site. The trustees are desirous of relinquishing their trust in favour of the road board. The board propose to erect a building for road board offices and hall, which will cost about £5,000. In fact, they have already made a start in that direction. As the trust is a public one, the trustees have no power to relinquish it except by legislative authority.

Clause 3: Broome Lot 137 shown on litho. No. 2 is part of a Class "A" Reserve for recreation, which is vested in the Broome Road Board for that purpose. The local sub-branch of the R.S.L. have approved the board for permission to erect a public library and league club rooms on the lot. The board have no power to grant the request as the reserve is set apart for recreation. Legislative authority is therefore desired in order to enable the lot to be excluded from the reserve and set apart as a site for a public library and Returned Soldiers' League club room.

Clause 4: The Independent Order of Rechabites hold the Crown grant of Narrogin Lot 335 shown on litho. No. 3 in trust for the purpose of the Order. The members of the Order cannot utilise the land themselves and desire to transfer it to the trustees of the United Friendly Societies Council at Narrogin for a friendly society's hall. Legislative authority is desired for the alteration of the trust accordingly.

Clause 5: Reserve 17421 near Mullewa shown in red on litho. No. 4 is classed "A" for aborigines. A more suitable site, however, has been selected and set apart out of the common as shown in blue. As the former reserve is Class "A," it is desired to change the purpose from "aborigines" to "common" so that it can be placed under the control of the road board for the latter purpose.

Clause 6: Williams Locations 7830 and 11424 shown in red on litho. No. 5 are held under a 99 years' lease by the trustees of the Williams Jockey Club for the purpose of a racecourse. The Williams Road Board, however, have acquired other land as shown in green for the purpose of a greater sports ground, which will include a racecourse. The other racecourse reserve, therefore, is not now required, and it is desired to revest the land in His Majesty in order that it may be granted to the road board with power to sell so that the proceeds may be applied to the improvement of the greater sports ground which has been acquired.

Clause 7: The Crown grant of Kunnunop pin lot 3 shown on litho. No. 6 has been issued to trustees for the purpose of an agricultural hall site. The trustees wish to transfer the trust to the Kunnunoppin-Trayning Road Board and the board are prepared to take it over. As the trust is a public one, Parliamentary sanction is required to the transfer.

Clause 8: Some years ago Swan Location 1674 shown in red on litho. No. 7 was granted in fee simple under the provisions of the Cemeteries Act, 1897, to certain trustees for a public cemetery. The trustees desire to surrender the trust in order that the cemetery may be placed under the control of the Midland Junction municipality,

and the municipality are prepared to accept such control. However, the trustees have no power under the Cemeteries Act to transfer to a corporation, and Parliamentary sanction is, therefore, necessary.

Clause 9: The Western Australian Postal Institute has applied to the Claremont Road Board for a lease of that portion of Class "A" Reserve 1668 shown in red on litho. No. 8. The reserve is classed "A" for recreation and is under the control of the Claremont Road Board for that purpose. Being a Class "A" reserve, the board have no power to lease without Parliamentary authority. The institute has put forward a scheme under which it is proposed that money contributed by the employees of the Postmaster General's Department for unemployment is to be expended on the creation of a recreation and sports ground for the use of the institute. A lease of 21 years is desired and at the end of the period the lease will terminate and all improvements will revert to the road board, on terms and conditions to be arranged between the institute and the board. The board are of opinion that the public will not be inconvenienced in any way, as the balance of the reserve will be large enough for the requirements of the district over the period of the lease and the board would have no funds available to expend in developing such a large recreation reserve. The Bill provides for the leasing of the reserve accordingly, with a proviso that the terms and conditions of the lease shall be subject to the approval of the Governor.

Clause 10: Mullewa Lot 88 shown in red on litho. No. 9 is reserved for a road board office site and vested in the Mullewa Road Board for that purpose. The premises erected on the lot have become too small for the purpose of a road board office and town hall, and the board propose to erect an up-to-date building on Lot 72 shown on the litho. The board, therefore, desire permission to sell the present premises and devote the proceeds towards the erection of the new building.

Clause 11: A large part of the foreshore at Geraldton is set apart as a Class "A" reserve for esplanade and recreation as shown on litho. No. 10. Part of the reserve, shown in red, is required for harbour works. It is desired, therefore, that it be excluded from the reserve and set apart as a new reserve for harbour works. The Public Works Department have agreed to allow the municipality to have the control of the land not immediately required for harbour works until such time as it is required.

Clause 12: The Water Supply Department require the control of the area shown in red on litho. No. 11 to protect a bore which is required as a supplementary water supply. The land forms part of the King's Park reserve, which is classed "A." Therefore Parliamentary authority is required to enable it to be excised therefrom. The Water Supply Department have advised that there is no likelihood of anything being done to destroy the beauty of the Park if the proposal be approved.

Clause 13: The Hay River deviation of the Albany-Denmark railway passes through park lands at Denmark, and the new station site is situated on Class "A" Reserve 14376, set apart for park lands. It is desired that the area shown in blue on litho. No. 12 shall be excluded from the reserve in order that it be set apart for railway and road purposes.

Clause 14: Quairading Lot 68 shown in red on litho. No. 13 is vested in the Quairading Road Board for recreation purposes, but a greater sports ground has been provided at that centre, as bordered blue. As the board wish to concentrate on the latter, they consider there is no necessity to retain the former as a recreation ground; and it is desired that Lot 68 be granted to the road board with power to sell provided the proceeds are applied towards the improvement of the greater sports ground referred to. The local governing bodies and sports organisations have extreme difficulty at times in financing for recreation, and it is considered good policy to concentrate on one greater sports ground which could be utilised for all purposes such as a show ground, racecourse, and recreation ground. I move—

That the Bill be now read a second time.

HON. SIR WILLIAM LATHLAIN (Metropolitan-Suburban) [8.20]: I shall not offer much criticism of the various transfers proposed, except the one referred to in Clause 12. With several other members of this House, I happen to be a member of the King's Park Board, upon which body devolves the sacred trust—at least, we view it in that light—of holding the park intact

for the benefit of the people. The Water Supply Department have erected a boring plant on the area in question, with a view to augmenting the supply of water for the metropolitan area. The King's Park Board have no objection to that, and will give the department all the facilities they require. In the opinion of the board, however, there is not the slightest reason why that area should be definitely transferred for all time to the department. At most the bore will be a temporary expedient, operating for say five years, or perhaps 10. Now, the park is to be there for all time; and I repeat that there is no need to transfer the area in question to the Water Supply Department. In Committee I shall try to have the clause deleted. Hon. members will realise that if the land is transferred to the department, it will be lost to the park for all time. Perhaps the department might use it as a depot at some future date. They have the use of the land now; and when the Canning scheme is completed, in perhaps five years there will be no need for this bore. Apart from the expense of putting it down, there is the cost of pumping the water from it into the King's Park reservoir. I support the second reading, but shall have something further to say on Clause 12 in Committee.

HON. A. LOVEKIN (Metropolitan) [8.23]: Like Sir William Lathlain, I am a member of the King's Park Board; and we regard it as our duty to keep that park inviolate for the generations to come. The Water Supply Department wrote to the board asking permission to put down this bore, and the board readily gave the permission. Having obtained permission, the department wanted something more—a roadway. The board readily granted that also. Now the Water Supply Department practically want the area in question taken out of the park. They have the use of the land for the purpose for which they want it in the immediate future, and there is no reason for severing the land from the park permanently, as proposed by the Bill. Near the reservoir itself is a little area on which the department have erected a valve house. In days gone by they wanted the freehold of that little reserve, which is only the width of this Chamber. Sir John Forrest and Sir Winthrop Hackett said to the department, "No; you may use the land there and nobody will say anything to you, but you must not take it from the park." There is no need whatever for the department to have the freehold separate from the park. Until they get the bore down, they will not know whether they will strike potable water. At Osborne Park they closed two bores, the water being unfit for consumption. All the money spent on those two bores is lost. We do not know what kind of water the department will strike at King's Park. If they happen to strike bad water—which I hope they will not do—the bore will be of no use; yet under this Bill the land will be vested as an asset in the Water Supply Department. In Committee I shall support Sir William Lathlain in trying to have that provision excised from the Bill, because there is no real reason why it should be passed.

HON. J. T. FRANKLIN (Metropolitan) [8.26]: I agree with the two previous speakers that the area to which they have referred should not be handed over to the Water Supply Department. At the same time, I am in a quandary as to whether the King's Park Board, of which I also am a member, should be permitted to retain it. The Government of the day, upon the advice of some scientific officer, have decided to put down a bore in that locality. For some considerable time the local authorities have been in treaty for the widening of Mount's Bay-road. I believe the King's Park Board would have assisted the Perth City Council to widen the road. For the life of me I do not know why that particular site should have been selected for a bore. Around the corner towards Perth, eastwards of where the bore is located, there is a spring which runs continuously. Why the bore could not have been put down there, I fail to understand. It would not be further to deliver the water to the reservoir than from the present station. Certain houses in the locality will have to be resumed at some future time, either by the Government or by the Perth City Council, in order to widen Mount's Bay-road. The only means of widening the road is to resume certain cottages belonging to the Swan Brewery Company. The bore is adjacent to those cottages. Located as it is, the bore will delay the widening of the road for some time to come. Like many other people, I consider that too large a number of bores is being put down for the supply of the city. Moreover, bores are

being put down without our knowing what the result will be when the work is finished. The area in question should not be transferred to the Water Supply Department.

Hon. J. Nicholson: We might give them the lease of it for a period.

Hon. J. T. FRANKLIN: Some day Mount's Bay-road will have to be widened, and I believe other members of the King's Park Board are with me when I say that a certain area of the park, not too much, will have to be surrendered for the purpose of that widening. By that means a beauty spot could be created in that locality.

Hon. A. Lovekin: Only a corner is wanted.

Hon. J. T. FRANKLIN: That is so.

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

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th October.

HON. J. J. HOLMES (North) [8.30]: I have a few remarks only to make on the Bill. The measure is an intricate one and I think it should be referred to a select committee. I am advised that the Bill proposes to transfer a lot of the Supreme Court work to the Local Court, and it is suggested that that course is to be adopted on the score of economy. It is debatable whether there will be any economy effected, either to litigants or to the Government. I am further advised that the Local Court in Perth is, and has been for a long time, very congested. The Local Court in Perth has not been able to cope with the business already in hand for a long time. If more legal work is to be transferred to that court, that will mean additional activities for the Local Court, an increased staff, and the probability of increased Governmental expenditure in that direction. I am informed that a similar measure was passed in South Australia, but its provisions have not been availed of. In effect, it has proved a dead letter. I understand that the judges will still be required to try many of these cases and it may be necessary for judges to travel to distant parts to discharge that duty. When we consider what it costs to send a judge to distant parts of the State, accompanied by his Associate and the rest of his staff, we must readily eppreciate that it involves considerable expenditure.

Hon. H. Stewart: Yes, as against the cost of bringing a number of witnesses to the city.

Hon. J. J. HOLMES: Western Australia is a large State, and the question of a judge travelling from one end of it to the other to deal with these cases requires some consideration. It will certainly be an expensive matter. What I fear is that we will ask an already overladen Local Court to undertake preliminary inquiries. I have received advice regarding the Bill from a legal practitioner, who says—

> Dealing with the Bill itself, may I first call your attention to Clause 3. The general effect of this is to increase the jurisdiction of the Local Courts to £500 instead of £100, but it has a more far-reaching effect for, by the deletion of the words "or for libel or slander or for seduction or breach of promise of marriage," cases which come under this heading and which up to the present time have not been within the jurisdiction of a local court, are to be relegated to that court.

What appears to me as even more important is contained in the following:—

> All judgments given under this measure will be Local Court judgments. These do not carry interest. This is a very decided disadvantage from the point of view of suitors. You lend money, for instance, up to £500 on promissory notes which, by law, carry interest. Why should you not be able to recover interest, and why this drastic alteration of the law? Furthermore, if the jurisdiction of local courts is to be extended up to £500, then the jurisdiction on what is called judgment summonses to award only up to six weeks' imprisonment for disobedience, by an order of the court, to pay a debt which the court is satisfied the debtor can pay, should also be extended.

It appears to me that, should I sue a man for a debt of £500 and he refuses to pay, then it will be possible for that man to be awarded only six weeks' imprisonment under the provisions of the Local Courts Act.

Hon. A. Lovekin: That is right.

Hon. J. J. HOLMES: Surely we will not pass legislation of that description without giving it further consideration.

Hon. A. Lovekin: A man could get out of a debt of £1,000 in that way.

Hon. J. J. HOLMES: My informant also says—

> By serving a short term of imprisonment under an order for a large judgment, a debtor could escape payment early or, in other words, by serving a short term he could, in practical effect, avoid the payment of a just debt amounting, perhaps, to hundreds of pounds.

Then again, there is this other point:—

> I was under the impression that all actions in cases of £100 could be tried by a judge or a magistrate. On looking more closely at Clause 5, Subclause 4, it is perfectly clear that all actions in cases of £100 must be tried by a judge, so that this will mean that the work that will be thrown on the judges will be very considerably augmented.

As I have already pointed out, the Bill will mean increased work for the judges. The Bill is an intricate one, and should be referred to a select committee. I rose merely to point out the considerations I have referred to, and I hope action will be taken in the direction I have indicated.

HON. J. NICHOLSON (Metropolitan) [8.37]: As Mr. Holmes has pointed out, the object of the Bill is to minimise the cost of legal actions and to simplify legal procedure, in connection with actions that may be brought on claims up to £500. The result of the passing of the Bill will be to increase the present jurisdiction of the Local Court from £100 to £500 and no doubt the Attorney General, when he introduced the Bill in the Legislative Assembly, was moved by a desire to carry out the laudable objects he indicated and which were amplified by the Leader of the House in this Chamber. Personally I would like to be able to say that I support the Bill in its entirety, but on reflection, I must admit there are many matters in the Bill that require serious thought. It would be a pleasure to me to endorse the Bill at once, as I did the Stipendiary Magistrates Bill. On the other hand, I think even the Attorney General would welcome suggestions that may come from members of this House, after giving further consideration to a measure that is of great importance. Our legal procedure is undoubtedly important, and when once we authorise departures from it, we may upset machinery that has been long established and has worked more or less smoothly over a period of years. I am apprehensive of the result that may follow the passing of the measure in its present form. Indeed, I can see the necessity for amending various clauses. I was interested in the information presented by Mr. Holmes, who has evidently been advised on the Bill, and I had noted down some of the matters he referred to for consideration by the House. He drew attention to an important matter when he referred to the question of interest. If we were to secure judgment in the Local Court a plaintiff could not, as the measure stands, claim interest on his debt, whereas, if the action were taken in the Supreme Court, the debt would carry not only costs but interest as well. That is in accordance with the procedure in other courts throughout Great Britain and the other dominions. No doubt it may be said that we can amend the Bill if necessary, and it is certainly a matter of vital importance regarding the increased jurisdiction of the Local Court.

Hon. J. J. Holmes: I understand the Barristers' Board have not been consulted about the Bill, and knew nothing about it until it was introduced.

Hon. J. NICHOLSON: I have not given that phase of the question any consideration, and probably what Mr. Holmes has indicated is quite correct. It would not be at all unwise to have the views of an authoritative body such as the Barristers' Board to assist us in our determination regarding the form in which the Bill should be passed. Being a member of the same profession as the Attorney General, I would not like to take action to refer the Bill to a select committee or to indicate straight out what amendments should be made to the measure. I think, however, that further investigations should be made to assist us in determining what ought to be done before we agree to a Bill that will affect our present system of jurisprudence. It might be that instead of reducing costs, we would merely increase costs. One instance was mentioned by Mr. Holmes when he said that if action were taken in respect of a debt of over £100, but not more than £500, such an action would commence in the Local Court, but it would be heard and determined by a judge as contemplated under Subclause (4) of Clause 5 of the Bill. In such a case clearly either the judge must go to the district where that action is to be tried, or it will be necessary to bring the parties to the court in Perth. The judge may have something to say as to whether the court will hear that action at, say, Wyndham or Port Hedland

or Meekatharra or Esperance; he may have something to say as to whether it is wise for him to go with his officers to one or another of those places.

Hon. J. Cornell: He will probably go to Esperance if it be in the summer.

Hon. J. NICHOLSON: On the other hand the cost of a judge moving about to deal with all these actions, which might be trivial actions, would be very great to the State, for the State has to pay. Another question we may have to ask ourselves is, would it not rather induce litigation instead of reducing it? If the action is started it must go through the ordinary process, and it is doubtful whether the Government would succeed in effecting the reductions they anticipate from the Bill. I am going to suggest this for the consideration of the Attorney General: would it not be possible to attain the laudable object with which this Bill is introduced by getting some rules passed by the Supreme Court fixing a scale of costs for an action of, say, £200 and under, for an action of £500 and under, and for an action of £1,000 and under. At present the Supreme Court scale is all one scale, and there is no reason why there should not be a graduated scale, as exists in New Zealand. By that, the very object of the Bill would be achieved without altering the jurisdiction at all. That seems the more feasible way. I am not speaking against the Bill, but it is my duty to point out the thoughts that present themselves to me. There are in the Bill a number of clauses upon which I could dilate, and the points I have noted have been added to by what I have heard from Mr. Holmes here to-night. It only serves to emphasise the need for further deliberation on this measure. The suggestion made by Mr. Holmes is worthy of the serious consideration of the Attorney General, who, I am sure, wants to see only the best legislation passed.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East—in reply) [8.50]: Some members have classed this Bill and the Stipendiary Magistrates Bill in the same category. Actually they are entirely different. This Bill is of far-reaching effect and I agree it is advisable that it should be considered by a select committee. I will not oppose a motion to that end.

Question put and passed.

Bill read a second time.

Referred to Select Committee.

On motion by Hon. J. Nicholson, Bill referred to a select committee consisting of the Hons. J. M. Drew, H. Seddon, H. Stewart, E. H. Harris and the mover; the committee to have power to call for persons and papers, and to report on Tuesday, 25th November.

BILL—EVIDENCE ACT AMENDMENT.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Method of administering oath to persons making an affidavit:

Hon. A. LOVEKIN: I move an amendment—

That all words after "for use in," in line one, be struck out, and "any court of Western Australia, or any bond or recognisance required to be filed in such court, may be sworn before any justice of the peace without the issue of any commission for taking affidavits" be inserted in lieu.

That would bring the Act into line with the Federal Act. What is good for the High Court, the superior court, ought to be good enough for our Supreme Court. If a justice of the peace 3½ miles from a town is good enough for the purpose, surely he is good enough although only three miles away. I see no good purpose whatever in the provision in the Bill, except to preserve the rights of certain legal practitioners in towns.

Hon. J. NICHOLSON: I hope that Mr. Lovekin will withdraw his amendment. No doubt he is actuated by a desire to do what he thinks is best, but the facility he seeks to provide is a dangerous one. When the Federal legislation to which he refers, was passed, it was put through without any reference to the High Court judges. Had it been referred to them I am sure they would not have endorsed it. The taking of an oath by way of affidavit is certainly a matter of formality, but the formalities must be strictly observed, in order that the per-

son to whom the oath is administered may be held guilty if he has not told the truth.

Hon. A. Lovekin: Does not the same apply to Federal proceedings?

Hon. J. NICHOLSON: The Bill specifies the methods by which the oath shall be administered, and the words that must be employed. When an oath is submitted, it is desirable that it should be submitted by those who know the sanctity that is essential in the administration of the oath.

Hon. A. Lovekin: The Federal people must have considered that.

Hon. J. NICHOLSON: It was passed without consideration. The authorities cannot say whether or not an oath is taken before a man who is on the register as a justice.

Hon. J. M. Macfarlane: There has been no complaint.

Hon. J. NICHOLSON: The complaint will be made when it is too late. We should not perpetrate the mistake which I submit was made by the Federal Parliament. There is a record in the Supreme Court of the signature of every man who is entitled to take affidavits within the State. From that source the signatures on the documents can be verified. I know of a declaration that was made before a justice of the peace. In order to help the declarant, the justice assisted him in the preparation of the document and himself wrote in the words "I . . . . . solomonly declare."

Hon. W. H. Kitson: Did that invalidate the document?

Hon. J. NICHOLSON: I did not pursue the matter. The ordinary justice asks the declarant if such and such is his name and if the writing is his handwriting. In most cases affidavits will be sworn before justices in that form. It is actually necessary to swear a man either on the Testament, or as proposed in the Bill, by making him hold up his hand and swear by the use of certain words. An affidavit sworn in the usual way before justices would not be in accordance with the requirements of the law. If it were proved afterwards that the man who made the affidavit was not sworn on the testament or by the means I have related, it is questionable whether he could be convicted of having made a false statement. The amendment would destroy the Bill, which would not be accepted by the Government.

Hon. A. Lovekin: Why?

Hon. J. NICHOLSON: It is essential that better facilities shall be offered to people in the country for the swearing of affidavits. Many persons have had to travel 20 miles to find a Commissioner for Oaths.

Hon. V. Hamersley: Only to find him out.

Hon. J. NICHOLSON: Some members may not be aware of the position.

Hon. W. H. Kitson: Will Mr. Lovekin's amendment take away the facilities people would enjoy?

Hon. J. NICHOLSON: If the amendment is passed the Bill will be dropped. It is necessary to have some check upon the people before whom affidavits are sworn, and the court must have a record of the names of all such persons. The Supreme Court would not attempt to keep a register of all the justices of the peace in the State. Whilst there may be a list of names of justices, their signatures are not held in the court. The signatures of commissioners for affidavits are held in the Supreme Court. An effort is made in the Bill to still enable the court to exert that influence and we should pay some respect to the rules of the Supreme Court, provided, of course, reasonable facilities are given to the people in the country. The Bill will simply require that the affidavits to be sworn shall be sworn before a commissioner where there is one within three miles, a man who is resident and is present.

Hon. A. LOVEKIN: I cannot follow the hon. member's reasoning. He declares that if the amendment is carried the Bill will be dropped by the Government. I have yet to learn that that will be done. It may be that the Attorney General may not see fit to proceed with it, but the Government might consider it worth bothering about. In the interests of the public, there should be no question of people having to look around to see whether there is a commissioner within three miles. Whether it is an affidavit to be presented to the Supreme Court or to the High Court, it should be sufficient for a justice of the peace to witness the document.

Hon. J. J. HOLMES: I hope the Committee will follow Mr. Nicholson and not vote for the amendment. I was impressed by Mr. Drew's remarks on the second reading. He said the suggested amendment was fraught with a considerable amount of dan-

ger. I think so, too. The Government have gone as far as they dare go in limiting it to a certain section of justices, but Mr. Lovekin's amendment would have the effect that any justice of the peace could witness the documents. We know some of those justices.

Hon. H. STEWART: Mr. Lovekin ought to be quite content to take one step at a time and follow Mr. Nicholson. If we can get the provision he is aiming at, the position will be better for those people who are a long way off.

Hon. A. LOVEKIN: At present, if a person desires to swear an affidavit, he knows he must go to a commissioner for taking affidavits. If the Bill is passed as it is and he thinks a justice of the peace outside the three-miles limit can sign it, and he gets it signed, the affidavit may be upset by the Supreme Court because it may be shown afterwards that in fact there was a commissioner within three miles of the place.

Hon. Sir WILLIAM LATHLAIN: I doubt whether many justices of the peace throughout the State have been properly instructed with regard to the taking of an oath, let alone the taking of an affidavit. Many may be aware of the correct form, but many have never been informed as to what procedure should be followed. Certain concessions are granted under the Bill but anything that will weaken the existing position I shall strongly oppose.

Amendment put and negatived.

Clause put and passed.

New Clause:

Hon. J. NICHOLSON: I move—

That the following be inserted to stand as Clause 3:—"Section 105 of the principal Act is amended by inserting at the commencement thereof the following words:—'Subject to the provisions of Section 106A.'"

Hon. A. Lovekin: Will you put it on the Notice Paper.

The CHAIRMAN: This Bill has been in the Committee stage for a week, and it is unfair to spring an involved amendment on the Committee. The hon. member should report progress and move to-morrow to insert the new clause.

Hon. J. Nicholson: Very well.

Progress reported.

BILL—BEES.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

4. The Governor may appoint officers necessary to carry out the provisions of this Act.

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be agreed to.

This is a necessary machinery clause.

Hon. V. Hamersley: We understood that no expense would be involved.

The MINISTER FOR COUNTRY WATER SUPPLIES: We hope the industry will expand sufficiently to necessitate the appointment of officers and they must have authority, although no additional expense is contemplated at present.

Hon. A. LOVEKIN: I hope the amendment will not be accepted. We fought out this question in Committee when we deleted from the interpretation of "officer" the words "and includes the Government Apiculturist or". We did that because we did not desire to leave the door open for the creation of a new department. The amendment would empower the Government to make appointments, and would enact what we have struck out. The appointment of officers is not necessary because they are already provided for. The Annual Estimates, page 100, include an item "Apiculturist, salary £324," and a number of other officers are provided for the Department of Agriculture. According to the Bill "officer" includes any person acting with the authority in writing of the Director of Agriculture. Why open the door to the creation of new officers? Presently there will be an assistant apiculturist, a typist and an office boy, and then the head of the department will go to the Public Service Commissioner and appeal for an increase of salary on the ground of additional responsibility as the head of a department under a statute.

The CHAIRMAN: The amendment is delightfully vague.

Hon. E. H. Harris: So were the arguments in support of it.

The CHAIRMAN: Obviously the intention is to insert a new clause, but the Assembly's message does not say so.

Hon. E. H. Harris: Would you rule that it is in order?

The CHAIRMAN: It can be in order only by assuming that it is a new clause. It is described as an amendment, but is prefaced by the figure "4," and presumably is intended to be a new clause to stand as Clause 4.

The MINISTER FOR COUNTRY WATER SUPPLIES: The original draft contained this clause but, as the measure was initiated in this House, it could not be included because it proposes to appropriate revenue.

The CHAIRMAN: I shall put it as a new clause.

Hon. A. LOVEKIN: The message describes it as an amendment, not a new clause.

The CHAIRMAN: It is obviously a new clause, but it is for the Committee to say whether they will accept it as a new clause.

Hon. E. H. HARRIS: Are we going back on a former decision? Under the Inspection of Scaffolding Act Amendment Bill, members showed a reversal of form that would do credit to a racehorse, and we shall be doing something similar if we accept the amendment.

Question put and negatived; the Assembly's amendment not agreed to.

Resolution reported, and the report adopted.

A committee consisting of the Hons. A. Lovekin, E. H. Harris, and H. Stewart drew up reasons for disagreeing. Reasons adopted and a message accordingly returned to the Assembly.

House adjourned at 9.58 p.m.

Legislative Assembly.

Tuesday, 11th November, 1930.

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

QUESTION—RAILWAYS, DELAYS, COSTS, ETC.

Mr. SLEEMAN (for Mr. Wansbrough) asked the Minister for Railways: 1, What were the hours of train delays owing to congestion of traffic between Collie and Brunswick Junction for the months of January, February and March of this year, including bank engine delays? 2, What were the hours of train delays owing to congestion of traffic between Pingelly and Wagin for the same period, including bank engine delays? 3, What was the cost of maintenance, including relaying of the Collie-Brunswick Junction section, for the past five years? 4, What was the cost of maintenance, including relaying of the Pingelly-Wagin section, for the same period? 5, Which of the two sections necessitates the greater cost of repairs to loco. and rolling stock? 6, What is the mileage of both sections? 7, What is the actual life of rails of both sections?

The MINISTER FOR RAILWAYS replied: 1 and 2, Nil. 3, Separate accounts are not kept for Collie-Brunswick section. 4, Separate accounts are not kept for Pingelly-Wagin section. 5, This information is not available. 6, Brunswick-Collie, 25 miles; Pingelly-Wagin, 62 miles. 7, Brunswick-Collie section, except for sharp curves, was relaid after being in use for 32 years. Pingelly-Wagin rails have been in use for 23 years and are still in good order.