

sections. Last year the Bill contained an amendment to Section 155, which was a proviso prohibiting the operations of the section so far as prescribed holidays are concerned. That is not in this year's Bill. My desire to-night was to get this measure on the Notice Paper so that members might consider it over the week-end. I understand some members wish the debate to be adjourned until next Tuesday. I have no objection to that. I should have liked to make a more comprehensive speech in moving the second reading, but I feel it is perhaps waste of time for me to repeat myself. Other members are sure to support the measure. There is no doubt many will require information. I assure them I have ample evidence to support every clause in the measure. All I ask is that it shall receive better consideration than was meted out to last year's Bill. We should at least have the opportunity to deal with the clauses in Committee. It is high time that certain provisions of the Act were amended in the interests both of employers and employees. My earnest hope on this occasion is that members will take some notice of what I have said, and provide an opportunity to deal with the Bill clause by clause in Committee. The measure has been brought down at a time in the session when it will be possible for members to give proper consideration to it. The Notice Paper is not overloaded. I feel sure that if members will give that consideration to the Bill which they have frequently given to others they will agree with most of what I have said in connection with it. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter debate adjourned.

*House adjourned at 9.50 p.m.*

## Legislative Assembly.

*Wednesday, 1st September, 1937.*

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

### QUESTION—AGRICULTURE, WIRE SUPPLIES.

Mr. WARNER asked the Minister for Lands: 1, Is he aware that there is a shortage of wire supplies in this State and that farmers and pastoralists who desire wire for protecting crops and conserving fodder, are unable to have orders fulfilled? 2, If this is so, can he explain the cause of such shortage? 3, Should the shortage continue and orders not be supplied, will he consider the advisableness of importing wire?

The MINISTER FOR LANDS replied: 1, Yes, I understand there is a shortage of fencing wire. 2, Probably the shortage of raw material. 3, The Government would not be in any better position to import supplies than the merchants.

### QUESTION—POLICE, SUPER-ANNUATION.

Hon. P. D. FERGUSON asked the Premier: Is it the intention of the Government to introduce legislation during this session to make provision for a superannuation fund for the members of the Police Force?

The PREMIER replied: A decision has not yet been reached.

### QUESTIONS (2)—RAILWAYS.

*Midland Company's Freights and Fares.*

Hon. P. D. FERGUSON asked the Minister for Railways: Is it his intention to lay

upon the Table of the House copies of all applications made by the Midland Railway Company, Limited, for the imposition of freights and fares, on the company's railway, that have been assented to by Governments, past and present?

The MINISTER FOR RAILWAYS replied: No. All such approvals have been given the necessary publicity from time to time—and this policy will be continued.

#### *Diesel Electric Coaches.*

Mr. STYANTS asked the Minister for Railways: 1, Will he supply the following details in relation to the Diesel electric coaches on order by the Railway Department:—1, number of wheels; 2, horse power; 3, seating accommodation; 4, weight (gross); 5, maximum speed allowed? 2, What is the tractive force of the "MSA" type of locomotive in use on the W.A.G. Railways?

The MINISTER FOR RAILWAYS replied: 1, (a) Two four-wheeled bogies (eight wheels), (b) 160, (c) 40, (d) 32 tons 4 cwt. loaded, (e) 45 miles an hour. 2, 26,784 lbs.

#### **BILLS (3)—THIRD READING.**

1. Federal Aid Roads (New Agreement Authorisation) Act Amendment.
2. Main Roads Act Amendment.
3. Main Roads Act Amendment Act, 1932, Amendment.

Transmitted to the Council.

#### **BILLS (2)—FIRST READING.**

1. Fremantle Municipal Tramways and Electric Lighting Act Amendment.  
Introduced by Mr. Sleeman.
2. State Transport Co-ordination Act Amendment.

Introduced by Mr. Sampson.

#### **MOTION—AGRICULTURE, LIGHT LANDS.**

*To Inquire by Select Committee.*

**HON. C. G. LATHAM** (York) [4.37]: I move—

That, in order to promote the maximum occupation of, and maximum production from, the light lands and poison-infested lands of this State, and in order to ensure a more

equitable relationship between the present charged price of such lands (by the Government or by any company or persons disposing of such lands whether alienated or unalienated) and the present cost of profitably working such lands, a select committee be appointed to inquire into and report upon the terms, conditions, prices and methods of disposal of such lands, together with the question of what encouragement is given to promote their use, and, further, to make such recommendations as is thought proper for the purpose of achieving the object of this resolution.

The motion is so comprehensive that probably members may think there is little necessity to enlarge upon it. I do not propose to supply, as some members do in similar circumstances, all the evidence necessary with regard to this matter. I will leave it to the good sense of the House to determine whether, in the light of what is known and is likely to be ascertained, it is desirable to have a report from a select committee, if the motion be agreed to, in the hope that provision will be made to remedy some of the defects from which we are suffering at present. The object of the motion is to endeavour to bring into production millions of acres of light land throughout the State that are already supplied with railways, roads and water supplies. Frequently, as we travel through the agricultural areas by means of the existing railways, we cannot fail to notice that the lines traverse what is known as scrub land. The probability is that the routes of the railways followed such courses because it was more economical to construct the lines through that type of country. Then again, that land is certainly much drier than low-lying country, and that naturally tends to cheapen the cost of construction. On the other hand, it is rather a bad advertisement in that the railways traverse large stretches of that type of land, and the spectacle from the train leaves in the minds of people the impression that there is still much land in the hands of the Government or of private companies that is available for settlement. There has been much settlement on Crown lands of that type. Some of the settlers have been successful, but many have failed on their holdings. Quite a lot of this type of land has been surveyed and, irrespective of whether we go north, south or east, we can see large areas that have been cleared and now the scrub has grown up again. It is deplorable that that sort of thing can happen. I think I can claim to have a know-

ledge of land settlement and, in the light of that knowledge, I believe that much of the land I refer to could be profitably used so long as the capitalisation was not too heavy. Such areas can be used for grazing purposes in their natural state. The scrub itself can be used for feed, provided the poison plants are eliminated. Although we know a good deal about the limited varieties of poison that are present in our agricultural areas, I am afraid that we have not at our disposal all the knowledge that we should possess on the subject. Frequently, on light country we find new types of scrub, the eating of which results in the death of stock. We should possess a greater knowledge of that subject. I am aware that the Government Botanist knows a good deal about poison plants, but he is an extraordinarily busy man. At the same time, he has been extremely helpful, and I have not yet heard of an instance where some poison plant has been taken to him and he has not been able to identify it and, from the knowledge he possesses, advise whether it was poisonous or otherwise. As I have already mentioned, much of the land I refer to can be used for grazing purposes, even in its natural state, and it should be made available for selection at a much cheaper price than is levied at present. The Minister will probably tell me that the price of light land is from 1s. an acre upwards. I have found that very little land has been sold at 1s. an acre, plus survey fees. Of course, I do not blame the Minister for Lands for that, because I once occupied the position he now holds, and I learnt that the Minister does not fix the prices, which are determined by his advisers, who have the necessary qualifications. I am afraid that they fix prices more from the standpoint of the value of the land than from the point of view of its productiveness. I know that a lot of the light land has been valued at prices ranging up to 6s. and 8s. per acre, and the land that is sold at 1s. an acre is certainly to be classed as poor, and probably is situated a long way from existing railways. I know that the Minister desires that these vacant lands shall be profitably used, just as much as I do, and, being a practical farmer, the Minister knows the value of light lands in conjunction with country of a better type. It would not be a good system to merely place a man on a holding comprising light land only and ex-

pect him to farm the area and make a profit from his operations. On the other hand, it is usual for a farmer who has a certain proportion of heavier country, from which he earns his income, also to have a large stretch of light land which he holds for feeding purposes in the summer months, thereby assisting him to carry a greater number of stock. We have already provided railways, roads and water supplies in most of the areas to which I refer, and we ought to turn our attention to a consideration of how it is possible to encourage sheep farmers to take up these areas and use them. During the last few years, we have doubled the number of sheep in the agricultural areas. We have now reached the stage at which the sheep in the agricultural areas exceed in numbers those run in the pastoral portions of the State. Even before the unfortunate drought from which the pastoralists are suffering, the farmers in the agricultural areas equalled the pastoralists with regard to the number of sheep in their possession. We could improve our production and increase the number of stock in the agricultural areas, and the way I suggest is one by which that end could be achieved. The light land could be used, but I do not know to what extent it could be profitably used. It could be utilised for the growing of oats and the carrying of additional stock. I will probably hear the Minister tell me—I am not satisfied that he has a great deal of knowledge on this particular phase of the problem—that the operations on the Wongan Hills State Farm have already provided the information for which I am asking. The State farm at Wongan Hills has done very good service and has produced a large quantity of wheat. I have inspected the crops there from time to time and have noted that the State farm appeared to get better returns from its area than the surrounding farmers obtained from theirs. I think the Minister will agree that that is correct. But we do not know at what cost those crops have been produced. We are aware that there is no charge for the land, and that it has to bear no rates or taxes, and of course we cannot say at the end of a year whether there has been a profit. Presumably there has not been a profit. As an experimental farm, however, it has served a useful purpose because it has demonstrated the capabilities of the land. As I said, it has not been made a business proposition, and in

the hope that we shall obtain evidence from men who have farmed the lighter land, to ascertain how they work it, and whether it is profitable, I have moved the motion. I do not wish to confine the inquiry to Crown lands, or to lands alienated or unalienated. I want the select committee also to consider the land along the Midland railway. I understand that the Midland Railway Company still has 600,000 acres of land on its hands. Travelling from Geraldton by road, one traverses a large section of it. Along that road can be seen farms that have reverted to a state of nature; the scrub has grown up again. Some of the land had been fenced, but the wires have been removed. I do not know whether they were removed by the original owners or by someone else who desired to put them to better use. To me it is deplorable to find a railway traversing such an extent of country with not an acre of it put to use. A little while ago I inspected some of the land selected from the Midland Railway Company, and I contend that the prices charged are far in excess of its value and that it cannot be profitably farmed at those prices. Doubtless the manager of the Midland Railway Coy. would retort, "Nobody compelled those people to select the land." That is a fact, but I do not mind whether there was compulsion or not. The great consideration is to get the land put into use if it can be profitably used. It is futile to charge a selector 6s. an acre for land if that land has an earning value of only 2s. per acre. Consequently, I hope that if we have an inquiry efforts will be made to bring that part of the State into profitable production. There is another type of vendor of land—the man who selects a large area, obtains the freehold, subdivides the block, and sells to other people. There is one large area that I believe is in the electorate of Irwin-Moore.

Hon. P. D. Ferguson: It is not in my electorate.

Hon. C. G. LATHAM: Then it must be in the Greenough district; I am not sure of the boundaries.

Mr. Patrick: It has been abandoned.

Hon. C. G. LATHAM: I recall that a large area was taken up and sold to men who had no idea of its value, and the price charged was too high. It could not possibly be used profitably at the price. One of the holders came to see me when I was Minister for Lands, and asked whether I could help him to get out of the difficulty occasioned by his holding the land. I told him that he

could avail himself of protecting legislation, which was then on the statute-book, or hand the land back to the Crown. I understand that no one is using that land to-day. The people who originally had some interest in it have passed away and it is owned neither by the Crown nor anyone else.

Mr. Warner: It is a breeding ground for vermin.

Hon. C. G. LATHAM: As the member for Mt. Marshall indicates, it is the worst type of country for breeding foxes and other vermin. When good land is cleared and cultivated, it does not provide cover for vermin, but when land is left in such a condition as that block is, there is little wonder that we have complaints about the depredations of foxes. It is because such land affords protection for vermin. The Government can do nothing to overcome that difficulty other than to endeavour to get the country opened up and turned to profitable use. If for no other reasons than those I have given, I claim that I have justified my action in moving for an inquiry by members of this House. It is not expected that members will be qualified to express an opinion on such land, but there are farmers who have made a profitable venture of good land and light land combined, and if we could turn their knowledge to profitable use, we should be doing a good service for the State. I am aware that there is in the hands of the Government quite a lot of useful land that cannot be disposed of, but there is very little within the reasonably good rainfall area. There are not many reverted blocks in the hands of the Midland Railway Company; the smallness of the number is surprising. If we could only point a way by which the Midland Company's land, as well as Government land, could be profitably utilised, we should do so, not in the interests of the company, but in order to secure increased production for the State. Increased production would help materially to earn the interest required on the State funds invested in public utilities. While I am anxious to see abandoned properties re-selected, we might also be successful in getting a large area of other land taken up by men who desire to increase their holdings. Many of our farmers have sons growing up who are trained farmers, and even if we gave them the land free of charge, provided the select committee so recommended, it would mean a big gain to the State so long as the land were put to profitable use. I have no desire to see the State launch

out upon a wholesale settlement of this land, or upon any scheme to advance money for its improvement. That is not my idea at all. My idea is that where a man is making a profit from his land and desires to increase the carrying capacity of his holding for stock, he should be able to take up an area of light land. I commend the motion to the House. It is not my province at this stage to provide evidence; it is not my duty to submit the facts that could be submitted. My duty is to convince the House that inquiry should be made as to whether land of this kind can be put to profitable use in areas where the necessary utilities have already been provided.

**MR. STUBBS (Wagin) [4.53]:** The idea behind the motion is certainly commendable, and I shall endeavour to convince members who may be in doubt of the need for an inquiry. I am not conversant with the land owned by the Midland Railway Company as I am with land along the railways in the Great Southern areas. Years ago officers of the Lands Department classified lands adjacent to railways—some with poison, some with scrub—at 6s. and 7s. per acre. I have in mind tens of thousands of acres within a few miles of the existing railway between Wagin and Newdegate—land that has never been taken up by settlers and is not likely to be taken up because the officers of the department have valued it at too high a price. Many settlers have brought under the notice of different Governments the fact that 6s. per acre for classified areas that they desired to acquire was far above its true value. A select committee would need time to inspect some of the land in question, and if it could be shown that some of the thousands of acres now lying idle could be productively used if made available at a reasonable price, the time devoted to discussing the motion and to making the inquiry would have been time well spent. There are about half-a-dozen different kinds of land commonly known as sandplain. Sandplain varies considerably in quality. Any sandplain that has not a subsoil of clay is useless for the growing of oats or other fodder crops unless it is within a district where rain falls frequently. There are tens of thousands of acres of land adjacent to existing railways that could be profitably used by people who own the adjoining blocks, but who have not attempted to secure additional areas since years ago they were informed by the Lands Department

that the price was 6s. an acre. If the land were given to those farmers under conditions that would ensure its being cleared, fenced and cropped, the State would reap the benefit in that the Railway Department would be the better able to meet the interest on the £25,000,000 invested in our railways. I do not claim to be acquainted with the lands held by private persons. I presume the Leader of the Opposition had in mind the lands of the Midland Railway Company. If an inquiry were held, and the Government gave serious consideration to the select committee's report, thousands of acres of land now lying idle would soon be producing wealth. We have many miles of railway traversing third-class land that has not been alienated from the Crown because of the high price fixed by the Lands Department when settlers sought to secure additional areas. I support the motion.

**HON. P. D. FERGUSON (Irwin-Moore) [4.59]:** I support the motion. I believe that an investigation such as has been proposed by the Leader of the Opposition is calculated to achieve results that would prove highly beneficial to the State. It has been stated that there are millions of acres of light lands in Western Australia and that is so. In years gone by those light lands have produced very much wealth in the way of wheat, oats, wool and such products. That was on account of the low cost of development of the light lands in comparison with the cost of developing the heavy forest country. The cost of development was light, but when the depression came, and low prices for those particular commodities were the order of the day, hundreds of thousands of acres of this type of land were forced out of production. Their productive capacity, of course, in comparison with the heavy forest lands in a season of normal average rainfall is comparatively light, and as a result of the drop in commodity prices hundreds of thousands of acres of that country were forced out of production. The cry from one end of the agricultural areas of the State to the other, from Ministers of the Crown, members of Parliament and everyone else was "cultivate the heavy country during times of depression so as to secure maximum returns, and let light land go out of production." That was largely because the cost of production in comparison with the actual crop returns was too

high. The cost of production has been reduced to a minimum by the owners of this class of land. So far as I am able to gather there are no possibilities of the owners reducing their cost of production any further, and it is necessary to discover by means of an inquiry or by some other method, whether something cannot be done whereby the returns per acre may be increased. I do not believe we can further reduce our costs of production, but we can increase the production if the right method is devised. One way in which it could be done—and I think any responsible Commission would recommend it—is by the provision of modern farming equipment. Although the Government cannot do very much in that direction, it is, in my opinion, a function of the rural relief fund which the Commonwealth Government have provided to assist farmers. It will be remembered that the Country Party have on numerous occasions endeavoured to secure the devotion of some of this money to provide for equipment for the farming community and it is only by the provision of decent equipment that huge areas of this light land can again be brought into profitable production. The motion moved by the Leader of the Opposition suggests that there should be an investigation. It is only by seeking evidence from those who have had actual practical experience of the farming of this light land that it can be made more generally known that there is a possibility of its being developed properly, not only by men who already have an area of good land but by others as well. There is more than one type of light land in Western Australia. I would divide it into three classes. There are the treeless plains along the Wongan Hills-Mullewa line and running into the eastern agricultural area. Most of this land is of a more or less solid type capable of producing wheat. A great deal of it has produced profitable crops and there need not be very much concern as to the future of this particular country. West of the Wongan Hills line and west of the Midland railway line, between those lines and the coast, there are huge areas of loose sandy country, growing no timber and of an entirely different texture from the solid type of wheat land in the vicinity of the Wongan-Mullewa line and further east. Then there is a large area of the same light land, largely second and third-class, carrying red gum, white gum and York gum and a great deal of this is between

the Midland line and the coast. It is in connection with that type of land that a great deal of information could be obtained by an inquiry. Unless some investigation is held and knowledge as to the utilisation of this type of land is disseminated, I am afraid that a lot of this land will remain out of production for many years. The Leader of the Opposition has rendered a service to the State in bringing this motion forward because nothing but good can result from it. At the present time if light land is purchased at any sort of a price the cost of development, of making it into a farm, is altogether too high. No light land farm can be developed at the present time simply because of the cost of production. If by some investigation we can prove that it would be wise for the Government or the Midland Railway Company or other private individuals owning huge tracts of this country to make it available, at gift prices if necessary, the whole State would be the gainer. If it could be demonstrated that it would be wise to make the land available cheaply so as to bring it into production, and to impose stringent improvement conditions, the State as a whole would benefit. If a man takes up a thousand-acre block of this country—or any other country for that matter—at the present time the first thing he has to do is to fence it with rabbit-proof netting. It is not generally known that the cost of the rabbit-proof fence is 10s. an acre, but this land when made rabbit-proof is not, in many instances, worth 10s. an acre. I had occasion to buy a mile of rabbit-proof netting and it cost about £66. That is an exorbitant cost and one that cannot be incurred if a man is to get an income from the light land at the present time. There is a huge area of this country on the west of the Midland railway running from Gingin in the south to Dongarra in the north. I consider the owners of that land would be well advised to make it available to the people already settled on the good lands adjacent to this country, or to others at practically gift prices. The Midland Railway Company own quite a lot of this type of country and, as I have already stated, it consists largely of second and third class timber country. On behalf of a friend I recently made some inquiries from the company as to the possibility of securing a block of this land. It might be of interest to hon. members, as it was to me,

to know the result of those inquiries. I inspected two blocks of land, one belonging to the Midland Company and one to the Crown. I found that I could take up Government land at 5s. an acre, payment extending over a period of 20 years, with no interest. The adjoining piece of land belongs to the Midland Company. It is identical land. I know it fairly well and I think I am capable of forming an opinion as to its productive capacity. The price of the Midland Railway Company's land was 9s. 9d. an acre, payment being spread over 15 years with 4 per cent added, thus increasing the cost over the period by approximately another 3s. an acre.

Mr. Marshall: That is exactly the difference between privately-owned land and Crown land.

Hon. P. D. FERGUSON: I want privately-owned land which is not in production at the present time to be brought under production. If such an investigation as that suggested by the Leader of the Opposition is made, it might be possible to bring some argument to bear on the owners of this land which will convince them that in their own interests and in the interests of the State, as a whole, they should see the wisdom of reducing the price of the land.

Mr. Marshall: Their only interest is their own pocket.

Hon. P. D. FERGUSON: The interests of the company are, I suppose, identical with the interests of the hon. member. What I am pointing out, however, is that here are two blocks side by side. One may be secured from the Lands Department at 5s. an acre, payment extending over 20 years without interest. The Midland Railway Company offer the other over a period of 15 years at 9s. 9d. an acre plus 4 per cent. interest, thus adding approximately 3s. an acre to the cost. Reference has been made to the agricultural research station at Wongan Hills. I should like to give some figures showing the returns from that light land over a period of years. The land comprised in that farm is all light land. There is not an acre of good land on the property. But the land has been farmed scientifically and over a period of 10 years it has produced an average of from 16 to 17 bushels an acre. The Leader of the Opposition said that he did not know of any farmers doing as well as this research station is doing. I would

like to tell the Leader of the Opposition and hon. members that another farmer has a light land farm next to the research station. He has not an acre of good land either and every year a competition is held between the farmer and the research station to see which can obtain the best returns. This man has done almost as well as, if not quite as well as the research station. There are, however, not many farmers similarly situated. Most of them have some heavy country on their property and naturally they work in the good land with the light land. It is noticeable that in years of light rainfall the Wongan Hills farm and all the light lands of that locality have yielded very well. As a matter of fact in years of light rainfall the Wongan farm has returned a better average than the Merredin State Farm which is all good land. But in wet years this land does not give the same results. The Merredin Farm has done far better in wet years. It is necessary that wherever possible and practicable, farmers should have some heavy and some light land. There are many farmers situated in this country who have a percentage of heavy land and we want to encourage them to utilise more of the light land. I understand experiments have been carried out in the vicinity of Albany. Perhaps the member for Albany (Mr. Hill) will tell us something about that. The experiments were conducted on poor miserable land that no one wished to take up. Judging from the reports which have appeared in the Press, however, some remarkable results have been achieved. The motion of the Leader of the Opposition has everything to recommend it. It contains nothing that is antagonistic to those who have been responsible for our land development policy in the past. It is designed only to assist. If anything can be done by investigation, by collection of evidence and the sifting of that evidence, to place before the Government of the day some considered opinions as to the best method of settling land which to-day is nothing less than a menace to adjoining settlement, as a breeding place for vermin, a useful purpose will be served. Therefore I have much pleasure in supporting the motion of the Leader of the Opposition.

On motion by Mr. Nulsen, debate adjourned.

## MOTION—IMPRISONMENT OF FRANK EVANS.

*To Inquire by Select Committee.*

**MR. LAMBERT** (Yilgarn-Coolgardie) [5.17]: I move—

That a select committee be appointed to investigate and report upon the case of Frank Evans, deceased.

In the first place I desire, out of courtesy to hon. members and also out of courtesy to the Wheatgrowers' Union who requested me to move for the appointment of this select committee, to express my regret that I was not here this day week, when I had an appointment in my own constituency which had been fixed some time previously. I notice that a week-end paper has in most unfair and hysterical language drawn attention to a most unfortunate happening.

Mr. North: There was a very nice photograph of you, though!

**MR. LAMBERT:** The photograph injured me more than the article did. At all events, it was known to members of this Chamber that I had an appointment in my constituency. Unfortunately our Standing Orders, as distinct from the Standing Orders of the Legislative Council, allow no member other than the mover to move the postponement of a notice of motion. However, to get back to the case of Frank Evans. Hon. members are aware that there had been a most unfortunate happening. Frank Evans was a farmer at Boodarockin in my district, and in consequence of the adverse circumstances in which he had been placed he committed an act which was regretted by everybody. As a result he was sent to Fremantle, and afterwards to the Claremont Mental Hospital, and thence to the Fremantle Hospital, where he died. It is rather unfortunate that the matter could not have been dealt with earlier. In moving for the appointment of a select committee I may suggest to the Premier that I would desire the motion to be dealt with to-day, the members of the select committee appointed, and the investigation proceeded with, because it is probable that many hon. members will be engaged on other select committees as well as the general work of a Parliamentary nature. I hope that with the assistance of the Opposition, which I am quite certain will be forthcoming, it will be possible to have a thorough even though a short investigation into the circumstances surrounding the unfortunate man's death. I

do not know that I would serve any good purpose by parading the whole of the circumstances surrounding them. It is not my wish to make the slightest capital out of the affair. Certainly this is not a pleasant duty for me, although it may be a pleasant duty for others, particularly those associated with newspapers, to continue to parade tragic circumstances, a course of action which can only prevent the wounds of grief from healing. Without saying anything further, as I presume other members wish to speak on the subject, I move the motion.

**MR. BOYLE** (Avon) [5.21]: In seconding the motion for the appointment of a select committee of inquiry into the case of the late Frank Evans, I desire to compliment the member for Yilgarn-Coolgardie (Mr. Lambert) on having brought the matter forward. I noted that he said he did not intend to take up the time of the House by a recital of the circumstances which led to the unfortunate happening, but I have a feeling that that attitude is not fair to the House. Hon. members are to be called upon to appoint a select committee of inquiry, and I think it is proper that the House should be made aware of the facts of the case as they are known at least to some of us. I have no desire to cause any political ferment to arise from this unfortunate settler's case, but there has been an insistent and persistent demand by the settlers throughout the wheatbelt and by the Returned Soldiers' Association for an investigation into the death of a comrade to the wheatgrowers and also to the returned men. I personally knew Mr. Evans. He was a member of the union with which I am associated, and was an extremely likeable man, a most harmless person in every sense of the word, and an honest, honourable man if ever God created one. The unfortunate circumstances leading up to his arrest, I regret to say, were circumstances that have occurred repeatedly throughout the wheatbelt. Unfortunately I have been in close contact with many circumstances similar to those which compelled an inoffensive, good man like Evans temporarily to lose his reason and do something which I am not attempting to condone. But let me take the House to the beginning of the case. It must be borne in mind that Evans was a victim of our land settlement policy, which has placed many hundreds of settlers in the



marginal areas of the wheatbelt, where a man never had a fighting chance from the day he went there, where it was impossible to succeed in view of the country and the nature of the rainfall, only one season in five returning favourable crops. This man was in an impossible economic position. Evans realised that, and no one could realise it better, because ever since being placed there he had done his best to make good. As far back as the 21st July of last year he wrote the Wheatgrowers' Union that he had received a letter from Mr. Austin, who was then and is now district inspector of that Agricultural Bank area, stating that he could not recommend him for a transfer to another district. Evan's letter continues—

So I wrote to him on the 26th July for either him or Inspector Brinkworth to come and take possession of this property and plant, also to dispose of stock and plant of M. J. Evans. So far no acknowledgment of the letter has been received. Do you think this is why sustenance is being withheld? Practically up against it for food.

The M. J. Evans referred to is a brother to the late Frank Evans. M. J. Evans earns a living droving stock in the North-West of this State. Frank Evans assured me in Fremantle gaol that his brother had sent him sufficient money, about £200, to buy horses and assist him. His object was to make a return to his brother. For himself he did not care whether he walked out without anything at all from this place. He was very much concerned, however, that his brother, who had assisted him, should receive his money back or be placed in possession of the horses. Incidentally, Frank Evans told me also, and he refers to this in his letter, that during the drought period he received only £2 a month for sustenance. Or rather he had a further complaint that the £2 for sustenance—imagine £2 per month sustenance for any human being!—was paid over to Foy's in Perth, who sent him stores to that amount. A young fellow had been assisting Frank Evans in some work, but he left because he said he could not live on what Frank Evans was trying to live on. On the 19th August of last year the Wheatgrowers' Union applied to the Agricultural Bank for sustenance on Frank Evans' behalf, receiving the following reply dated the 27th August:—

Re F. Evans, Westonia. In reply to your letter of 19th instant, I would advise you that a copy of your communication is being for-

warded to the branch manager at Kununoppin for the necessary action.

A letter to the Union from Mr. Evans, dated the 6th September, 1936, is to this effect—

Received letter from Austin the same way as your reply, stating Inspector Brinkworth would call on me. Makes no mention of sustenance, so suppose that is the end of that line.

These letters from Frank Evans were written by him before the arrest, and before the setting fire to his humpy, mia-mia or camp—it could not be called a house. With the last communication I have quoted was enclosed a copy of a letter from Frank Evans to Mr. Austin, dated 1st September, 1936, reading—

Wrote you on 26th July, in answer to yours of 21st July, as you could not recommend me for transfer to a more reliable district would either yourself or Brinkworth come and take possession of this property and plant, also for your sanction to remove stock and plant belonging to M. J. Evans. Would also like to know the reason why I have only received £16 in sustenance whilst other farmers have received £22, as I understand this is a Federal grant and not an Agricultural Bank gift.

Which was the fact. It was Federal money.

Trusting to see either yourself or Brinkworth in the near future.

We know what the "near future" brought forth. When these Agricultural Bank officials called on Evans, Evans had no objection at all to leaving the property, but had a rooted objection to leaving what he considered his brother's property in the hands of the Bank officials. Presumably one word led to another. I would like hon. members to bear in mind that Frank Evans, though armed with a rifle, at no time made any attempt to shoot those officials. He told me, however, that he had every intention of shooting the horses which were his brother's property, rather than let them fall into the hands of the officials. This alleged wild criminal, this man who was put on his trial, also told me that he had not the heart to shoot the horses—animals that had done nothing to him.

Hon. C. G. Latham: He was not really a criminal; he was only an alleged criminal.

Mr. BOYLE: Yet he was put on trial as if he was the greatest criminal in the country. I will now read the circumstances of the case. After Evans was arrested, he was brought to trial at the Supreme Court and charged with arson. Let me say that Evans did not fire the Agricultural Bank's motor

car; that caught fire from the building which Evans did set alight. Actually, the whole of his crime was that threatening of the officials with a rifle—which I do not condone. Even the trial judge admitted that the accused person was in a very emotional condition. Evans, when brought to trial, said in his statement, "In the first year I got a fair crop of wheat, but in the next season the kangaroos got more." As reported in a Perth newspaper:—

He proceeded to recount his further transactions in the purchase of machinery, and said that ten of the horses in his possession belonged to his brother, and most of the machinery bought in his brother's name was paid for. In 1935 the team bolted, and the plough went over him and he was in hospital for five weeks. Later he lost the protection of the Farmers' Debts Adjustment Act. Referring to the visit to his farm of the Bank officials, accused said he felt upset, and walked away and did not remember what happened after that. Cross-examined by Mr. Virtue, he said that the Bank hounded a man down so that he could not call his soul his own. Dr. Bentley, Inspector General for the Insane, said he had examined accused, and found him to be very nervous and a little subnormal. A person suffering from neurasthenia would be more likely to use his temper than a normal person. Accused showed no signs of insanity.

Counsel for the defence said—

You see in the accused Frank Evans, one whose life has in many ways been a parallel to the history of Western Australia itself. At least the ruin of his life has been brought about by the greatest calamities through which this State has ever passed. In 1914 he was a young man of 23 in the full enjoyment of health and strength and ardent enthusiasm. He was among the first of our young manhood to enlist for service in the armies of Australia abroad. He was among the last to be evacuated from the Peninsula of Gallipoli. He served subsequently in Sinai, and in the middle of 1916 at the end of less than two years' military service was discharged as a hopeless, nervous wreck. His military record which has been produced in this court shows as the cause of his discharge the obscure disease known as neurasthenia. You have heard from Dr. Bentley that neurasthenia is basically associated with insanity. The doctor's actual words were, "Neurasthenia signifies an exhaustion of the nervous system . . . . A person who is suffering from neurasthenia would be more likely than any other person would be likely to become insane." I put it to you that the hardships which this man endured long after the war on the outer fringe of the wheatbelt of Western Australia were more of an ordeal upon his nerves and sanity than were even his experiences at the War. Seven years ago he invested his all, some hundreds of pounds, in a virgin block in the district of Westonia, and in all

these seven years he only had one good crop. That was in 1930, when the price of wheat was 1s. 6½d. per bushel. In 1931 his financial straits forced him under the F.D.A. Ever since then he has been toiling in a condition of servitude worse than that of the peons of South America. You have heard from the Bank officials themselves that he was allowed only £16 for six months' sustenance. He tells you that for the last 2½ years he has received no allowance whatever for clothes. If you look at the coat he is now wearing you will have no difficulty in believing that.

May I interpolate that I had that coat, and intended to bring it and exhibit it here, but it was in such a horribly rotten condition that, in deference to members, I refrained from doing so. Yet I was told that it had been cleaned and pressed for me. This report continues—

When, in his loneliness, and in the midst of his desperate struggles he thought of bringing his sister from Queensland, and proposed to take a share-farming proposition in her name, he was met by a refusal from the Agricultural Bank. The touch of a woman's hand and the kindness of a woman's presence about his farm might have had the effect of saving his reason from the temporary lapse which has brought him here, but even this relief was denied him. I do not wish to condemn the officials of the Agricultural Bank. Their task is always difficult and often repugnant. But you can readily understand from the evidence the ordeal of mind through which this nervous subject must have passed. Apart from sustenance the evidence shows that he had two causes of dispute with the Bank officials. He wished to obtain from them a release of his brother's horses from the operation of Section 51 of the Act. They wished to force him to undertake personal responsibility for an amount of £40 owing upon his brother's plough. Any time he made any request about the horses he was met by this irrelevant argument about the plough. The evidence shows that he manfully struggled to control his agitated feelings even to the extent of walking away from his questioners until he calmed down. At length the provocation proved too great, and he lost control of himself completely.

The verdict is known to all members. He was found not guilty on the ground of temporary insanity, and the judge ordered his removal to a place of detention. I do not intend—perhaps I would not be in order if I did—to comment on what the judge did. But apart from that, the man was in a fit state to be discharged. He was sent to the Hospital for the Insane at Claremont, where Dr. Bentley had to receive him, had to receive a man whom he knew to be sane. So strongly did Dr. Bentley object that when Mr. Moseley, as Royal Commissioner, went

to make inquiries, Evans was hurriedly removed from Claremont to the Fremantle Gaol.

Hon. C. G. Latham: Who signed him up for Claremont?

Mr. BOYLE: I do not know, but I do know that he was sent to Claremont. The member for Yilgarn-Coolgardie (Mr. Lambert) said he was sent from Fremantle to Claremont, but that was not correct; actually, Evans was sent to Claremont first, and taken to Fremantle Gaol, where he went on a hunger-strike and was forcibly fed and sent to the Fremantle Hospital, where he died. One thing I greatly regret is that I was away in the country when Evans sent me a message through the Superintendent of the Fremantle Hospital asking me to visit him as he lay dying. Had I been able to do so, I would, perhaps, have known even more of the case than I do now. I am not asking for vengeance, or that somebody should be made an example of in this case, but I appeal to the House to appoint the proposed select committee, in order that some other poor fellow may not suffer in the same way as Evans did. Had he been found guilty of arson, it would have been much better for him; but he was not found guilty, notwithstanding which he was removed to the Hospital for Insane at Claremont. The medical superintendent did not want him there, for he knew that Evans was sane. Evans was sent on to Fremantle Gaol, where I called on him twice, and I assert that I never spoke to a saner man in my life than was Evans when I saw him there. The Superintendent of the Fremantle Gaol told me that Evans was an exemplary man. I will say this for that official, that he did not subject Evans to the indignity of the visitors' room, but allowed us to see him in the superintendent's office, and even offered to vacate the room and leave us with Evans. After the visit to the gaol, certain questions were asked here by the member for Katanning (Mr. Watts), and answered by the Premier. Later, a deputation waited on the Premier, a deputation consisting of the member for Yilgarn-Coolgardie (Mr. Lambert), and myself. I have discussed this matter with the Premier and have been assured by him that he does not remember fixing a date for Evans' release. It ill-becomes me, or any other man, to doubt the Premier's remembrance of that incident. I am willing to accept the Pre-

mier's explanation, given to me privately, without any reservation at all, but in fairness to the member for Yilgarn-Coolgardie and to myself, I should like to recite the circumstances. Knowing that indignation was rapidly and justly growing in the wheat-belt, particularly in my own centre at Merredin, and that it was shared by returned soldiers and farmers alike, I determined to try to get Evans released as soon as possible. In furtherance of that object, the Leader of the Opposition arranged with the Premier to receive a deputation consisting of the member for Yilgarn-Coolgardie and myself. At that deputation the matter of the release of Evans was discussed. From my own recollection, I contend—I have not heard an expression of opinion on the point from the member for Yilgarn-Coolgardie—that after some discussion it was agreed that Evans was to be released on the 15th January. I asked the Premier if he would mind this being made public, for I said it would serve to allay the resentment on the wheatbelt, which was then and still is very keen.

Mr. Lambert: I think the Premier said he would be released as early as possible consistent with his sanity and physical condition.

Mr. BOYLE: That is true. The Premier stated that, according to the medical report, Evans was still suffering from neurasthenic trouble and that he would be released as soon as possible. I suggested early in the New Year, and was under the impression that the Premier agreed to the 15th January. Still, I accept the Premier's word that he does not remember that. The interview was not held in a lighted room with a secretary, but was a hurriedly convened interview in the Premier's room. However, I do not propose to stress that.

The Premier: I thought it was in the big room.

Mr. BOYLE: No, it was in your office. But that is not the point; the point is that, under that particular disability which the ordinary average human being would suffer in like circumstances, Evans was not a convicted criminal, and so could not appeal for his liberty. It is a most extraordinary thing. If he had been convicted of a heinous offence, he could have appealed to the Criminal Court of Appeal, but, because he was held at the Governor's pleasure, he could be kept in gaol or in an asylum until the crack of doom, without any right of appeal. Under Section 42 of the Gaols Act power is given for

the holding of a man in such circumstances. The superintendent of the gaol assured me he was holding Evans quite legally. There is provision for holding a man in custody.

Hon. C. G. Latham: There is also provision in the Criminal Code.

Mr. BOYLE: At any rate, Evans was held at Claremont. He was not a convicted prisoner. To compare his case with that of Moller is to do an injustice to Evans' memory. Doubtless we shall be told that Moller's case was the one which led up to the alterations in the law. Moller at best was a foul murderer, who killed his own son. I hope he did so during a fit of insanity, but he is insane and is in the Claremont Hospital for the Insane.

Mr. Sleeman: Is this helping your case?

Mr. BOYLE: It is. The authorities were justified in refusing to release Moller because of the man's character and of his crime. Evans had no such background. His worst crime was that he set light to a shanty. It need not be Moller or Evans, but it might be someone else in circumstances similar to the latter, who would have no redress and no means of appealing, and who could thus be held indefinitely in custody. The Premier has admitted, in answer to questions that Evans was to be held for six months, after which his case was to be reviewed. The man was eating his heart out. He was guilty of no crime and was perfectly sane. He was told that his case would be reviewed in six months, but at the end of that period he might have been detained for another six months. If Evans' case leads to nothing else, it may make things safer for other people in the future who find themselves in a similar position. I do not allege that the Government were vindictive, or that they would treat anyone else differently. Whatever happens, this unfortunate man cannot be recalled to life. I hope that a select committee will be appointed to inquire fully into the case of this returned soldier. Evans went to the war with the Queensland Light Horse and served throughout with exceptional conduct. I am informed that when the Agricultural Bank required a caretaker for a particular farm, Evans was highly recommended and was found to be an admirable person for the position. All this came to nought when he had the misfortune to be tried in the Supreme Court in Perth, although he was found "Not guilty." From that day his fatal trouble started. Think of his lack of outlook, and what would be felt by any man placed in that position.

Most prisoners would be glad to know that they had, say, six months or 12 months of gaol to look forward to, but to place a man on an indeterminate sentence, especially when he is not guilty of any crime, is to impel him to actions in conformity with his dismal outlook. Hence his hunger strike and death.

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [5.50]: Because I have been brought into the debate, I should like to state what led up to the position when I last had to deal with it. I think the Leader of the Opposition first spoke to me with regard to the case of Evans, and said that the member for Avon (Mr. Boyle) wished to have a chat with me concerning it. I think it was late one night prior to the House rising when we had a conversation, which lasted only about 10 minutes. I told him that when prisoners were committed on an indeterminate sentence, it might be possible for them to be forgotten. If a man is in gaol and is without friends, he may remain there unless some action is taken to bring his case before the authorities. At the time when the offence occurred, Evans was undoubtedly suffering mentally, and it was probable that he would not recover for some time. In such circumstances the Government would not be entitled to release the ban against him whilst he remained in that frame of mind. It would not do to let loose such a man upon an unsuspecting public, but would be just as well that a certain time should elapse before he was released, so that it could be seen what condition of mind he was then in. Cabinet, in dealing with the matter, said that this would not be a Kathleen Mavourneen sentence—it may be for years or it may be forever. When Cabinet considered the position they said that at least in six months the whole matter would be reviewed, so that it could not be said that Evans was neglected.

Mr. Doney: Do you suggest that the gaol was a suitable lodging place for him?

Hon. C. G. Latham: I think you gave that assurance to the member for Avon on the night of the interview.

The PREMIER: There was some discussion as to how long Evans would be detained, but we did not fix upon any specific date. The member for Avon may have thought the date January 15th or the 18th, or some other date, but we were determined that the man was not going to stay in custody very long.

without having his case reviewed. We decided that at all events in six months the case would come up for further consideration.

Hon. C. G. Latham: You told me that the period would be six months, after which the matter would be reviewed.

The PREMIER: The member for Avon told me he had seen people who had seen Evans, and it was thought that he was getting on well and would probably get all right. I said that, in the circumstances, if Evans was in that frame of mind when his case came up for review, no doubt he would be released at a subsequent early date.

Mr. Lambert: The member for Avon said definitely he had seen him.

The PREMIER: I do not recollect fixing any particular date. I did discuss the matter with the Leader of the Opposition, who asked me to talk it over with the member for Avon. There was no deputation, or anything of that kind, and no notes were taken. I merely discussed the point of view of the Government. I wanted to assure both the member for Avon and the member for Yilgarn-Coolgardie that the Government would not allow this to be a Kathleen Mavourneen sentence. My recollection is that I indicated that, should Evans recover, it would not be long before he was released. There the position was left. If a definite date was fixed, I do not know why the Minister for Justice, who is in charge of these matters, was not approached on the matter.

Mr. Lambert: You showed every possible sympathy.

The PREMIER: No one will doubt that. The only point which requires to be cleared up is that put forward by the member for Avon, who said that in his recollection a definite date was set down for the man's release, and that this was fixed at the interview. I do not remember anything about a definite date. I know we wanted to do something for Evans, and had set down a time when the matter would definitely be reconsidered, namely in six months. At that time between three and four months had probably elapsed since the original case had been tried. It did not seem to me there would be much delay before the matter was reconsidered. I had every confidence in what the member for Avon said, namely that Evans was getting on well. If the Government could have been assured of that, no doubt his release would very soon have been effected. I was Minister for Justice when

Moller was taken into custody. I was deluged by newspaper reporters who asked me when I was going to let Moller out, as he was not responsible for the crime he committed. I said the Government took a serious view of crimes by demented persons. We would not allow a man of that type to be let loose upon the public, and he would have to be incarcerated until it was demonstrated that he had regained his sanity. That case, of course, had a bearing on the Evans case. We all regret the unfortunate circumstances associated with the Evans case. I do not think the member for Avon or anyone else knew the state of the man's health in the later stages. No urgent representations were made to anyone concerning the circumstances existing prior to his death. I do not think the matter was ever brought before any Minister.

Mr. Boyle: That is what we want to find out.

The PREMIER: I do not know anything about that. We did not know of that situation. If that had been known, immediate consideration would have been given to the matter especially if it could have been demonstrated that Evans had regained his sanity and was in a fit condition mentally to be released. There would then have been no reason for his further detention. The member for Avon may have the impression that a definite date was fixed. But that was not quite the position. It was stated that the case would be reviewed within the period stated, and there was no doubt in my mind that if Evans was all right again, he would, after his case had been reviewed, have been released at any early date.

MR. WATTS (Katanning) [6.0]: It is my intention to submit an amendment. I move—

That the following words be added to the motion:—"And whether an amendment of the law dealing with such cases and under which Evans was detained is advisable, and if so, to recommend such an amendment."

Mr. Lambert: On a point of order, I should like to know whether the amendment is in order. The motion I have submitted is merely to inquire into the case of Frank Evans and not to inquire into any contemplated amendment of the law on the subject.

MR. SPEAKER: The hon. member is not entitled to make a speech.

Mr. Lambert: I submit that the amendment is out of order.

Mr. SPEAKER: The amendment is quite in order.

Mr. WATTS: After hearing the member for Avon (Mr. Boyle) there is every strong reason why not only the particular circumstances surrounding the case of Frank Evans should be inquired into, but also with a view to preventing a recurrence of such an incident we should inquire whether there is need for an amendment of the existing law. We are all aware that under the provisions of the Criminal Code the action taken with regard to the deceased Evans was completely legal. That is not in controversy and I do not know what good we may be able to do by simply having an inquiry into the circumstances connected with the death of Evans. If it is desired to raise a memorial to the deceased or to those who were concerned about him, we can do nothing better than attempt to prevent the possible recurrence of such happenings in the future. Between the cases such as that of Evans and those referred to by the member for Avon there is considerable difference, and while the select committee may be inquiring into the circumstances of the Evans case, possibly a considerable amount of good might be done if the select committee were also to inquire into the need for an alteration of the law. I trust the House will accept the amendment.

MR. WARNER (Mt. Marshall) [6.5]: I second the amendment because I consider it should be added to the motion moved by the member for Yilgarn-Coolgardie. The investigation has been asked for by a number of people living in the country districts, and the Wheatgrowers' Union have used every endeavour to have an inquiry held, whilst the returned soldiers also demand it. Not only do we require to ascertain the full circumstances connected with the Evans case, but we should also carry the amendment in the hope of a law being placed on the statute-book to prevent a recurrence of what happened.

Amendment put and passed.

On motion by Minister for Justice, debate adjourned.

## BILL—EMPLOYMENT OF COUNSEL (REGULATION).

*Second Reading.*

MR. SLEEMAN (Fremantle) [6.8] in moving the second reading said: The Bill which I am submitting to the House has already been before members and its object is to protect the unfortunate section of the community who happen to get into the clutches of lawyers, or that section of them who by false pretences extract money from their clients. I think I am justified in using the words "false pretences" because money is obtained from some clients which in my opinion lawyers have no right to extort. The house will agree with me before I have finished that I have every justification for using this strong term. A promise was made by the late Mr. T. A. L. Davy when Attorney General that something would be done in the direction in which I am now moving. He stated that an inquiry would be made into the circumstances which permitted counsel to go into court, take along another solicitor with him, one who might be called a dummy for the time being, and say to the judge, "Mr. So-and-so appears with me." I am reminded of what actually happened in the Supreme Court once where a friend of mine had engaged counsel, and in the court his counsel made the remark I have just quoted. My friend said that he did not mind who appeared with the counsel that he had engaged because he thought that person was there merely to get experience. Later on, however, he discovered that in his bill of costs he was charged up with the appearance of the second counsel in the court and so he paid for the experience that that second counsel had obtained. At the present time no one knows what the costs are likely to be when they go to law, and as I once did, there are people who would prefer to pay a few pounds rather than contest a solicitor's bill of costs. I have had enough experience of the legal profession to know that even if one is on the winning side there is always something to pay, and that he is always out of pocket. There are people who will put up with anything, even blackmail rather than dispute a lawyer's account because they have no idea where it will end. I appeal to members of the legal profession to assist me to clean up this business. It will be better for the legal profession if a Bill such as the one I am submitting is passed, and it will also

protect the unsophisticated public or that section of them who get into the clutches of unscrupulous lawyers. I believe that members will agree that there are things done in the name of the law that should not be done and that are not proper. It is bad enough for a solicitor to be able to brief one of his own firm as senior counsel, but it is worse for a lawyer to go to the court and say, "Mr. So-and-so appears with me," and later to find that he extracts from the unfortunate client a sum of money for the appearance of a second counsel, when perhaps the services of that second counsel may not have been needed. There is provision in the Bill for second counsel to appear in court if it should be necessary, but only on the understanding that the trial judge gives permission for the second counsel to be present. In big cases where it is necessary for junior counsel to appear no one need be afraid of the judge being the arbitrator and saying whether that in that particular case a junior was necessary. The judge being a legal practitioner himself will naturally be sympathetic, and not too hard on practitioners who require the assistance of junior counsel.

Mr. Watts: It is not always so.

Mr. SLEEMAN: Pretty nearly always. I do not know much about the legal profession, but I know of no occasion of a person having been appointed to the Supreme Court bench who was not a legal practitioner. I may be wrong and the hon. member can tell me whether I am or not.

Mr. Watts: What I meant was it is not always too easy.

Mr. SLEEMAN: I misunderstood the hon. member. Supposing I could say to a waterside worker, "If you have any bother we can send you to an arbitrator and the person who will arbitrate will be another waterside worker," he would consider then that he was getting a fair deal; or if we said to a railway man, "We will refer your trouble to an arbitrator and that arbitrator will be a railway man," he would have nothing to be afraid of. So it is similarly with the bench, because there will be nothing to be afraid of since all we are asking in the Bill is that it shall be left to the trial judge to say whether a second practitioner is necessary in a particular case.

Mr. SLEEMAN: At the tea adjournment I was about to explain the position regarding certain litigation in which six solicitors were employed. The case was one in which £200 damages were claimed on account of a motor accident. Three solicitors were engaged on each side. I shall not mention the names of the solicitors, but for the purposes of my remarks I shall refer to them as Smith.

Mr. MacCallum Smith: I object.

Mr. SLEEMAN: I will not call them MacCallum Smith, but just plain honest Smith.

Hon. C. G. Latham: Then you are referring to the Smith on your side of the House?

Mr. SLEEMAN: And that is the best of the Smiths, just plain Tom Smith, without any hyphenated names.

The Minister for Justice: And Smith is a good name.

Mr. SLEEMAN: At any rate I will call them Smith. There was Smith the solicitor, Smith the senior counsel, and his son Smith the junior counsel. Thus all three solicitors were from the one family. Of course, Smith the solicitor must have his fee, and Smith the senior counsel has to get his fee of 60 guineas, and Smith the junior counsel is entitled to receive two-thirds of the amount paid to the senior counsel. So members can see how the legal profession work together to take down the unsophisticated public.

Hon. C. G. Latham: What did the total legal costs amount to?

Mr. SLEEMAN: I would not like to reckon that out. There were three counsel employed on both sides, and all engaged on a £200 damages case.

Mr. North: Very important principles were involved.

Mr. SLEEMAN: That is all right. The consideration of the importance of the principles involved seems mainly to depend upon the ability of the parties to pay. If the client is regarded as well able to pay, then most decidedly the case must be viewed as a most important one. I would like to quote what I said on a former occasion to support a contention I raised recently that lawyers at times seem to demand money from their clients under what appear to me to be false pretences, a practice that I claim should be stopped. I realise that quite a number of members of the legal profession agree with me that it should be stopped. In 1932 the then Attorney General, Mr. T. A.

L. Davy, promised that there would be an inquiry into the ramifications of the legal profession, and the cost of litigation. He made that promise because he agreed that certain practices should be stopped.

Hon. C. G. Latham: We should have that inquiry.

Mr. SLEEMAN: There is nothing to prevent the Leader of the Opposition from moving to have the inquiry. On the occasion I have in mind the then Attorney General said—

I cannot agree to the proposal to the appointment of a select committee on the lines indicated by the motion, but I am prepared to promise that the Government will appoint a judge of the Supreme Court to investigate the best methods of reducing the cost of litigation. I know that one of their honours has given a great deal of thought to this matter and has some views on it which I think are sound, and which would most materially cheapen and expedite the course of litigation, and perhaps remove some of the objectionable features which the hon. member has mentioned. For instance, I agree with him that the second counsel may frequently properly be described in the expression the hon. member used, as a dummy. I know that second counsel does go into court at times, and if the leading counsel were to drop dead, the second counsel would have to ask for an adjournment. I think a man who takes a brief on those terms ought to be ashamed of himself.

Hon. P. Collier: Such a man very often takes no part at all.

The Attorney General: I agree.

Mr. Corboy: It is taking money under false pretences.

Hon. P. Collier: Why should a client have to pay for the services of such a man?

The Attorney General: I agree wholly, and I say it ought to be dealt with. Of course the Taxing Master is there to disallow it.

We know that the Taxing Master is also a solicitor and very often he adopts a lenient view regarding cases submitted to him. I have quoted the words of the Leader of the Bar in 1932 in which he admitted he knew that junior counsel went into court and if the senior counsel dropped dead the former would have to ask for an adjournment because he did not know anything about the case. What has the legal profession done to alter that position? In those days, the Leader of the Bar saw the necessity for action; but what has the Crown Law Department, Parliament or the Minister for Justice done so that the people shall not be robbed in such a manner?

Hon. C. G. Latham: The people changed the Government, and then the present Government went on with the same procedure.

Mr. SLEEMAN: That does not matter.

Hon. C. G. Latham: It made all the difference.

Mr. SLEEMAN: Officials of the Crown Law Department and judges of the Supreme Court are also concerned in this matter. They were aware, as the late Mr. Davy said, that one of the judges had given considerable thought to the matter. They all knew that the practice was a disgrace to the State and to the legal profession.

The Minister for Justice: That shows it takes a lot of thinking out.

Mr. SLEEMAN: It does not; the matter could be got over very easily and it is certainly time something was done. I hope that the legal members of the House will see to it that something is achieved, now that I have drawn particular attention to the matter again. I am satisfied that had Mr. Davy not died, an inquiry would have been held and at least some of these matters would have been rectified. Is it any wonder that the legal profession is ridiculed when lawyers are permitted to do that sort of thing? That reminds me of an epitaph that I referred to on one occasion in this House, and it all goes to prove it is little wonder that children hold members of the legal profession in some contempt. The epitaph I referred to was seen in a London cemetery and read:—"Here lies—a lawyer and an honest man." When a child who was passing saw the epitaph he asked his mother, "Why are two men buried in one grave?" I hope it will not be necessary to bring this matter before the House again, and that the Bill will enjoy a successful passage, not only in this Chamber, but in the Legislative Council. If passed, it will be of benefit, not only to the legal profession, but to the community generally, particularly those in the clutches of the law. I move—

That the Bill be now read a second time.

On motion by Mr. North, debate adjourned.

### MOTION—DELINQUENT YOUTH.

Debate resumed from the 25th August on the following motion moved by Mr. Raphael (Victoria Park)—

That in the opinion of this House the Government should give immediate consideration to the problem of delinquent youth, and give earnest consideration to the advisability of the establishment of a reformatory home or farm,



to be conducted by the Government, but not under the control of the prison authorities.

### THE MINISTER FOR EMPLOYMENT

(Hon. A. R. G. Hawke—Northam) [7.38]: The motion actually proposes that which is already being done. During the last 12 months continual consideration has been given to the problem of delinquent youth, and to the question of establishing some suitable institution where delinquent youths could be dealt with. In fact, the consideration of those two matters has reached a fairly advanced stage. Sites have been examined, and detailed consideration has been given to the question of the best type of home or farm to be established. Attention has been given to the question whether the Government should establish their own institution and carry it on under one form of control or another. Consideration has also been given to proposals advanced by those religious institutions that at present deal with a certain number of our young people in orphanages, and with a proportion of our delinquent youth in special portions of homes that are already established. Therefore, the problem of delinquent youth is receiving active consideration, and the suggestion regarding the establishment of a Government reformatory home or farm is also receiving full consideration. The problem of delinquent youth has received a great deal of publicity in recent months. Much criticism has been levelled against the manner in which the problem is being faced and handled. The problem has been completely solved at certain public meetings that have been held. Of course, it is comparatively easy to solve such a problem verbally at a public meeting. On the other hand, it is not so easy to solve it by the application of practical methods in a practical way.

Mr. North: It is like politics.

### The MINISTER FOR EMPLOYMENT:

It is very much like other difficult questions. Any problem that is at all difficult or involved can be rather easily solved in theory, but not so easily in practice. This particular problem is not so easy of solution as many of those who talk about it would lead the public to believe. The trend of public discussion and criticism in recent times has been moving in the direction of blaming the Government, or the departments of Government concerned, for the fact that delinquency exists to the extent that it does. In quite a number of the public discussions that have taken place, there has been little or

no reference to the responsibility upon the parents whose children develop delinquent tendencies. I am inclined to think there has been too much concentration of blame upon the Government, or the departments of Government affected, and far too little concentration of responsibility upon the shoulders of the parents.

Mr. Warner: Quite right.

### The MINISTER FOR EMPLOYMENT:

First and foremost, the responsibility is a parental one. If the parental responsibility is not present, then parental control must be lacking. Quite a deal of good could be achieved if the responsibility of proper parental control could be impressed upon all the parents in the community. It is far better that the problem should be faced and dealt with by the parents themselves than by the Government, or by any Government department or by any religious authority. The parents are the people whose first responsibility it is to deal with the problem. I am sure that the problem of delinquent children has developed to its present extent because many parents have failed to shoulder the responsibility that is rightfully theirs in the upbringing, management and control of their children. The modern tendency is that parental responsibility should not be as keen and as effective as it was a few years ago. The modern tendency is for quite a number of parents to take far too little interest in the development of their sons and daughters. There is a tendency to allow sons and daughters to look after themselves. In circumstances of that kind, it is not surprising that the number of young men and women who get into trouble that brings them into the children's courts is increasing. I believe, too, that there is a tendency to exaggerate the problem. A number of the things done by young people for which they are brought before the children's courts from time to time are not of a very serious character. If each male member of this House searched his past, he would not require a very reliable or wonderful memory to realise that if the application of the law had been as severe in his young days as it is at this time, he might well have served a period in some institution or other.

Mr. Seward: Do not be too hard on us!

### The MINISTER FOR EMPLOYMENT:

Those who follow the proceedings in the Children's Court are no doubt surprised to find young people brought before the court

for offences which, in the opinion of many people, should not involve them in the publicity and penalties sometimes inflicted. In the discussions that have taken place from time to time there has been much criticism of the institutions that are endeavouring to do something to deal with the problem. For instance, a good deal of criticism has been levelled against the Salvation Army authorities whose responsibility it is to control and carry on the activities at the Seaforth Boys' Home. My opinion is that the Salvation Army authorities are doing far more to assist in reaching a solution of the problem than are those who are so free to criticise their efforts.

Mr. Marshall: Quite right.

The MINISTER FOR EMPLOYMENT:

I am convinced that if there was less public criticism of those authorities that are doing their best in the matter, and if there was more definite action on the part of critics to help to deal with the problem, much more valuable work would be done. Most of the criticism launched against the Seaforth Boys' Home is on the point that a large number of the boys sent there frequently escape. Surely there is no need to be surprised at that!

Hon. P. D. Ferguson: One would be surprised if it were otherwise.

The MINISTER FOR EMPLOYMENT:

Boys are sent to the Seaforth Home only because of the failure of their own parents to control them. In other words, boys are sent to the Seaforth Home—I refer to the reformatory section—only after they have been found to be uncontrollable. Consequently, we can be sure that those boys are not easy to control. They are not angels, by any means. It is evident that, in their home life, there has been either no discipline and no control, or at least a lack of discipline and control. When the boys are sent to the Seaforth boys' institution, they are immediately brought under control and discipline of a fairly strict type, which, of course, is essential. This type of boy does not appreciate control and discipline; his whole spirit rebels against it. The result is that his first thought is to escape from the institution in order that he might enjoy the same full measure of freedom to do as he likes as he enjoyed previously in his own home or elsewhere. Another consideration is that the Seaforth Home is situated comparatively close to the city; it is very close to the railway and to the main road leading

to Perth. To escape is a comparatively easy matter. Young fellows of this type naturally make every effort to escape and return to the city. Therefore I think there should not be the amount of surprise and dismay expressed regarding escapes from the institution. There can be no doubt that the depression period, with its consequent loss of opportunity for employment for young people, has been responsible for increasing the problem of youth delinquency. If young people, after leaving school, are idle, it is only natural that mischievous tendencies should be developed to a degree that causes those young people to do things they would not do at all, or would not do to the same extent if they were employed. So the problem of delinquent youth, in my opinion, is one we should attempt to solve by preventive methods. We should endeavour to take steps calculated to prevent young people from being exposed to long periods of idleness, and thereby exposed to the temptation of committing what are regarded as minor crimes against the law. The main step to be taken in an attempt to prevent the development of youth delinquency is that of endeavouring to provide employment for young people as soon as possible after they leave school. That problem is also receiving consideration. It is a very difficult problem; in fact, it is a growing problem, and one that has not received the amount of consideration from Parliament or other organisations that it should have received. Happily the problem is being brought more conspicuously before the minds of public men in all parts of Australia and in other parts of the world. There is no objection whatever to the motion. The problem of youth delinquency has been and still is receiving careful consideration. The question of establishing a suitable institution wherein youthful delinquents could be properly trained is also receiving consideration. Recently the Minister for Health convened a conference at which representatives of the Education, Health, Child Welfare and Police Departments, and other authorities, were present. That conference dealt mainly with the questions of sub-normal children and mental defectives. It also dealt with the subject of youth delinquency. A sub-committee is now actively at work on these problems. Therefore I have no opposition whatever to offer to the motion. The passing of the motion will indicate that members of this House approve

of what the Government have already done in the matter, and desire that the Government shall continue to do those things that they have done in connection with the problem.

**MR. SAMPSON** (Swan) [8.2]: I commend the hon. member for Victoria Park for having brought forward this motion. There is no doubt that a very pressing need exists for careful consideration to be given to this problem as expressed in the motion before the House. Many homes are deficient in the training of both boys and girls. I have visited several homes and on most occasions I have been impressed with the lack of knowledge of the children, and the lack of consideration and sympathy shown to them by parents. The result of this is that children tend to drift into undesirable channels. I do not like to presume to criticise parents, but the result of this attitude towards children does lay them open to very severe blame. Many children are undoubtedly better off in what are known as institutions. Actually, they are not institutions in the true sense; they are enlarged homes, and those who have the care of the children in these institutions are invariably sympathetic and understanding. A child is a reasoning creature and, given the consideration and sympathy which is his or hers by right, a good type of man or woman is likely to be evolved. Reference has been made to the Scaforth Homes. On many occasions I have visited the homes. I have been to both the boys' section and the girls' section. It is no exaggeration to say that those homes, and also the Cottesloe home (another Salvation Army institution) are conducted on extremely satisfactory lines. Those who look after the boys and girls do so mostly because of their love for children. The lads, in a great majority of cases, as well as the girls, have a high regard for the homes, but boys are, of course, inclined to kick over the traces now and then. I suppose every hon. member—if I exempt the member for Subiaco (Mrs. Cardell-Oliver) and the member for Forrest (Miss Holman)—has been guilty of taking the bit between his teeth on occasions.

**Mr. Marshall:** Why exclude those two members?

**MR. SAMPSON:** The fact that a boy runs away from home, whether it be from an institution or his natural home, is no reflection

on the boy, and I should say no reflection on those having charge of him. I should like to see the institutions assisted to a greater extent than at present, so that technical training might be provided on a larger scale than is now possible. At Scaforth Home the boys are taught farming as far as practicable. Land is available there and cultivation is carried on by the lads. There is always a demand for boys not only from Salvation Army homes but from other similar institutions, and the boy who has the good fortune—for it is a good fortune compared with what might have been his experience in his own home—to be trained in an institution of this kind, is more likely to become a good citizen, an industrious and useful citizen than would have been the case were he to have been brought up in a home far from exemplary. Charitable institutions are carried on in an exemplary way. Those who work in these homes receive a payment not expressed in money. The monetary return they receive is very low, but they stick to the work because they love it, and for no other reason. The boys and some of the girls, too, who are sent to institutions are not always normal from the standpoint of intelligence. The boys are frequently the bad boys of the city, but their badness is probably no fault of their own. They have been given too much latitude. Interest in them has been lacking, and the result is that they find themselves in the Children's Court. I have often visited the institutions and have also visited private homes. There is no member here who has made it his duty to pay such visitations who has not come to the same conclusion as I. I recall that some years ago a girl was taken from her home, and an effort was made to bring about her return. I went to the home. It was one of the dirtiest places I ever saw. Practically every corner of the main living room was a rubbish heap. The sweepings of the floor—when the floor was swept—were piled in the corners. The father was in a sad condition. I would not say he was drunk, but it would be difficult to say that he was sober. I then went to the Anglican Girls' Orphanage in Adelaide-terrace. I was very much impressed not only with the cleanliness of that place but with the good spirit which prevailed. A meal was being eaten while I was there. The food, though plain, was appetising, and I was convinced then

that the girl to whom I refer was far better off in that home than if she had remained with her parents. I dissociate myself from any unkind criticism of these institutions, and I am not concerned about them except as a citizen. The homes which are conducted by the different churches are conducted in an exemplary manner, and it would be well if those who criticise them would first make it their business to ask for permission to inspect them. That permission would not be refused. I have never been denied and I have always been pleased with the result of my visit. There is a spirit of friendship and camaraderie amongst the inmates of these homes. The kiddies seem to find pleasure in the company of each other, and the teaching which is received from those in charge, and the general atmosphere, is most helpful from the point of view of character-building. The idea of establishing a reformatory farm is an excellent one, and I propose to support the suggestion. More reformatory farms are needed. The word "reformatory" has a harsh and forbidding sound, but such a farm would, I feel sure, be conducted on sympathetic lines. If it were not, there could be but one result—failure. Kindness and consideration must be shown towards both boys and girls. The result would then be satisfactory to all concerned. I presume that there would be separate farm reformatories for boys and girls. There are many types of work which could be carried out by the lads. It would be very beneficial if similar industries were provided for at such a farm as are carried on at Narrogin, where horse-shoeing, harness-making, repairing, and a multitude of other occupations are engaged in. I look forward to the time when we will have established in every school of importance this specialised teaching which would be so helpful, teaching such as is given at the Junior Technical School, and later at the main Technical School in Perth. I know that many boys have acquired most valuable knowledge at these centres. The principle of teaching such subjects could well be extended to embrace those children who by force of circumstances by no means their fault have to be removed from their own homes. The boys of whom the hon. member spoke are those nearing manhood and in their condition again is to be seen one of the bad effects of lack of opportunity to learn a trade. The boys have an opportunity possibly to

start as messengers delivering parcels and doing other more or less useless work—useless, that is, from the standpoint of securing an education or a training which will enable them to make a living. But when it comes to learning a trade, the great majority of the boys find that it is impossible. So the position to-day is that the boys, finding their way of progress cut off, become disappointed; and if they do kick over the traces more than is the case with the lad who has better opportunities, no one should be surprised. I hope this proposition will be considered seriously. I hope it will be possible for the Treasurer to make available such a sum of money as will enable a reformatory school, or schools, to be established. I am aware that it is easy to ask the Treasurer to do this, but in the final analysis it will be a paying proposition. This applies to girls too, because girls do require consideration, and that consideration should be extended to them. One lad who has reached manhood after being brought up otherwise than in accordance with proper teaching, becomes a burden on the State for all his life, and also for many other lives. The result is a continual expense and a continual problem for successive Governments down through the years. Some time ago a friend of mine who had an opportunity of following the life story of a delinquent discovered that that child had cost the State many thousands of pounds. It was not himself alone, but it was also his children, because they developed the same slothful and useless viewpoint of life. They became criminals; and the number of children which, because of the behaviour of these parents, found their way into orphanages added further to the cost. I believe every hon. member agrees with this. I believe every hon. member appreciates the heavy problem which faces the Government with regard to it. That being so, the motion should be carried; and, as I said before, I hope it will not merely be carried but that something will be done. Before closing I would like to make one more remark regarding the various reformatory institutions operating in Western Australia. I know that the Government do subsidise the payments necessary to provide food and clothing for the children in such institutions; but there is nothing that is more helpful to Government, nothing that is more valuable to the people, than the practical help which is extended by the Salvation Army in the Seaforth Home and in many other homes under the same control, and also

in all other institutions of the kind maintained by the various religious organisations. They save the Government not only money, but they save also in respect of the employment of police. If more children were looked after by such homes, the Government's problem would be lessened further. I hope the motion will be carried, and I hope also that further consideration will be given to the homes for delinquent children, and that added assistance will be granted to make possible better attention and better training in those homes.

On motion by Mr. Watts, debate adjourned.

## **BILL—SALES BY AUCTION.**

### *Second Reading.*

Debate resumed from the 25th August.

**MR. THORN** (Toodyay) [8.18]: I am glad to be able to support the Bill introduced by the member for Katanning (Mr. Watts), and I congratulate him on his action. The measure is highly desirable. I was astounded to read the remarks made on it by the member for Guildford-Midland (Hon. W. D. Johnson). It was a singular attitude the hon. gentleman adopted in reproving the member for Katanning for having the audacity to introduce a measure of this nature. He said that the member for Katanning must have anticipated the Government and the Minister for Agriculture, but that is a poor old excuse. What was really at the back of the mind of the member for Guildford-Midland was to try to claim that the wonderful organisation he represents, the co-operative Federation, was responsible for this move. His speech last night was camouflaged right up to the last, and then he led up to the Federal election. That is his usual method of saying what is in his mind. Now I would like to deal with the auctions at our metropolitan markets. When those markets were first established, I thought the idea a wonderfully good one: but I have since come to the conclusion that the fact of all the markets being under one roof interferes greatly with the auction system and with the competition that should take place. Now it is so convenient for buyers to run around the markets in five minutes, get an estimate of supplies, and then make up their minds how they will bid. I have strong sympathy with the auctioneers, because they are jambed between the pro-

ducer and the buyer. The producer is in the unhappy position of marketing perishables, which must be marketed. The auctioneer knows that, but the clientele he looks after constitute the buyers. Competition in the markets is so keen that every firm engaged there endeavours strenuously to hold its buyers. I am referring to group buyers, buyers getting into groups and putting their heads together as to their requirements, whereupon one buyer may bid for a dozen, the lines being split up by them afterwards. The position is becoming highly serious from the producer's point of view.

**Mr. Withers:** Can this Bill prevent that practice?

**Mr. THORN:** It can do something towards preventing it. It has done something in Victoria. I agree with the member for Bunbury (Mr. Withers) that there will be difficulties. There always are difficulties in such a case. Something in the nature of this Bill is absolutely necessary. Hon. members would be surprised to learn how all these lines of fruit and vegetables have been on the down grade in those markets during the last ten years. Prices have been gradually going down and down. Eight years ago it was nothing to open up the season with grapes at 15s. and 16s. per case. Now we are fortunate if we open the season at 5s. or 6s. per case.

**The Minister for Lands:** Grapes are a very prolific fruit.

**Mr. THORN:** But there is the cost of producing and marketing. Moreover, the prices I have quoted are opening prices. We often finish at 2s. and 1s. 6d. per case, for which sum the fruit cannot be produced. In fact, there is no auction at all, but merely an attempt at an auction. The proprietors of the markets will deny this statement, and I do not blame them. As I said before, they are jambed between the producer and the buyer, and their position is most difficult. Certain things puzzle me with regard to the sale of the products. One of my electors can send in 15 cases of grapes of even quality, and the auctioneer does not wait until he gets a bid but asks, "Can I get six bob?" Buyers stand off until the auctioneer comes down to 5s. For that line he will start at 5s., and will take his pick. He will take three cases, and the next cases will probably be sold at 4s. 6d., and the balance perhaps at 4s. There is a line of 15 cases of fruit. Very well, the next grower's lot of the same

class and quality of grapes is put up. The auctioneer says, "Am I offered 6s.?" Why should not the previous grower's line be worth 6s. per case right through? The system is rotten. The growers of to-day are getting a very poor deal. When the markets were more or less scattered over the metropolitan area, their position was not so difficult. The market building is a fine one, no doubt. So this is a Bill that the House might well support. When we see those buyers at the markets, most of them aliens—to which I do not object since they are allowed to come into the country and earn their living here—we notice that they get their heads together, and we find six or eight of them standing by watching a given line. Then one of them buys it and all divide it between them. I feel that this measure will do a great deal of good to the purchaser. As the member for East Perth (Mr. Hughes) says, the Governor's Speech was notable for what it did not contain by way of legislation, and surely this side of the House, especially the Country Party, constituting the producers' representatives, are entitled to introduce legislation of this nature which is going to assist the producers. According to the member for Guildford-Midland (Hon. W. D. Johnson) we ought not to have introduced the Bill.

Mr. Withers: It would not be scandal legislation, would it?

Mr. THORN: No, of course not. I remember when the hon. member himself was a dairyman. The Bill is merely going to carry out the system of auctioneering that is supposed to be carried out in the market. Seeing that the member for Guildford-Midland said that the member for Katanning (Mr. Watts) had anticipated the Government with this Bill, surely to goodness the Bill ought to have a sweet passage through the Chamber, for it was not easy to anticipate such a Bill by the Government. I am sorry we butted in, but I expect that the member for Katanning will get the whole-hearted support of members on the Government side.

**HON. C. G. LATHAM** (York) [8.23]: If we are to have a system of auctioneering of our goods, it ought to be a proper system. It has been proved conclusively in Victoria that the practice of lot-splitting was rife over there. Of course it is clear that the Bill will not succeed in stopping some men

from making arrangements to split small lots. One hon. member interjected that we desired to get kudos out of the bringing down of this Bill. If there has been any kudos raised it was raised by the member for Guildford-Midland the other evening. He was annoyed because the member for Katanning had dared to introduce this Bill, although the member for Guildford-Midland had been taken into the confidence of the Government and apparently informed by them that they were going to introduce this class of legislation. It all bears out what the member for Roebourne (Mr. Rodoreda) told us on the opening day when he said it was not what the Speech contained but what was left out of it.

Mr. Withers interjected.

Hon. C. G. LATHAM: As a matter of fact, some members make their speeches by way of interjections.

Mr. Hegney: And you are one of them.

Hon. C. G. LATHAM: I think it is time we had this class of legislation, for it is in the interests of the producer, the man who to-day is getting a very scanty living from the production of perishables. It is not that the consumer gets his produce any cheaper, because he doesn't; on the market to-day fruit is very expensive; almost too expensive to buy. The solution of the difficulty which I would like to see is the system of the private treaty sales where the producers are strong enough to put up their own form of marketing. When first the markets were built, the idea was to try to encourage the customer to buy direct from the producer. One of the excuses offered for the introduction of the trolley buses was that they would convey the people from East Perth direct to the markets where they could make their own purchases. Even that didn't give any encouragement to the system.

The Minister for Health: I agree that that was part of the idea.

Hon. C. G. LATHAM: In any of the capitals of the Eastern States one will see that the police are brought into existence for the purpose of marshalling the customers at these private treaty sales.

The Minister for Railways: What about the Associated Fruitgrowers' Association? Do not they look after their growers?

Hon. C. G. LATHAM: No, I do not think they operate at the markets; if so, I do not know where they are. Possibly you

are thinking of the Producers' Association, which is a different organisation. There is a co-operative company there, but a lot of people are not using it.

The Minister for Railways: The people I am thinking of have a branch in Kalgoorlie.

Hon. C. G. LATHAM: They are the Producers' Market. But even there they are in the ring and make big charges, 6d. for cartage, 6d. for handling, and 6d. for account sales. We want prices commensurate with the wages that the people have to spend. I believe the Bill may stop people from getting their heads together and saying that they are going to buy at the lowest possible prices and sell at the highest possible prices. The idea of the member for Katanning (Mr. Watts) in introducing this legislation is to see that a fair deal is given to both the producer and the consumer.

The Minister for Works: Do you think the Bill will be effective?

Hon. C. G. LATHAM: It has been found effective in the Eastern States. The Minister knows that.

The Minister for Works: It may not be fully effective.

Hon. C. G. LATHAM: Not any of our laws, not even the Criminal Code, is 100 per cent. effective.

The Minister for Lands: How are you going to police it?

Hon. C. G. LATHAM. That will not be very difficult, because there are inspectors there all the time. I think our inspectors do their job as well as do any other inspectors that I have ever known. Mr. Hogan of Victoria definitely told me that this legislation had proved effective in Victoria. I am hoping that we will get the support of the Minister for Agriculture who, I am told, has given the measure a great deal of consideration.

**MR. MARSHALL** (Murchison) [8.40]: No doubt the wretched reward that the growers get for their produce deserves immediate consideration. I am not going to enter into any wrangle as to what the member for Guildford-Midland had to say about the member for Katanning for having introduced this measure. All that I am concerned about are the primary producers, but I really do believe that in the main they are responsible to a large degree for their own

wretchedness. It is true that in recent years the price has been continually declining in the metropolitan markets, and I suggest it is largely due to the influx of foreigners into the industry of primary production, coupled with the acute competition by hawkers. Anything that can be done by way of legislation to get the producers a reasonable reward for their labour should be done, and done immediately, but whether the Bill will be effective is at least somewhat doubtful. I have been down to the metropolitan markets on many occasions, and I agree with the member for Toodyay (Mr. Thorn) when he says there seems to be fixed prices. I will go a step further and say that there is a definite understanding amongst the buyers. They are thoroughly well organised, and if one goes down to the market he will see that there is very little competition in the bidding. One man practically sets the price, the line is knocked down to him, and he shares the spoils with those around him. The bidder takes what he wants first, and the rest is divided amongst the others. The Bill will be ineffective in regard to that practice, notwithstanding which I am prepared to vote for it, although I feel positive it is not nearly drastic enough to make it effective. It seems to me that those who buy for the retailer, those who own and retail the goods per medium of shops, and others who hawk the goods from house to house, have arranged to defeat the primary producer of his fair reward in order that they may compete successfully in the distribution of the product.

Mr. Sleeman: Will the Bill improve that?

Mr. MARSHALL: No, I do not think so. If the Bill is going to be effective, then we must try to protect the consumer; because if the producer gets a fair reward for his labour under the Bill, I suggest it must be effected by an increase in the price of commodities.

Mr. North: Someone always goes short.

Mr. MARSHALL: Yes. The competitive system, as we have it to-day, is not as successful as people would like it to be. The keen competition for trade, by virtue of the fact that industry is overloaded with competition, means that there is so much overloading that the cost of distribution becomes too high. Certain producers take their commodities from the Metropolitan Markets, say, to Maylands, or even as far as Midland Junction, and primary producers growing

similar commodities in those districts send their products to Perth and sell them there.

Mr. Patrick: Geraldton tomatoes are brought to Perth and railed back to Geraldton.

Mr. MARSHALL: We find a similar situation in respect to wool grown in the North-West. It comes to Fremantle by vessel, is sold in Perth or Fremantle, and is shipped away to Singapore for transshipment to England, but passes the port from which it originally came. This adds cost to the woolgrower. I will support the measure and take a risk of the price going up against the consumer.

Mr. Thorn: I do not think that will occur.

Mr. MARSHALL: If it will reduce some of the competition and keep the prices to the consumer at about the present level, I shall be satisfied if the measure will give some reward to the producer.

On motion by Minister for Agriculture, debate adjourned.

## **BILL—LOTTERIES (CONTROL) ACT AMENDMENT.**

### *Second Reading.*

**MRS. CARDELL-OLIVER** (Subiaco) [8.47] in moving the second reading said: I should like to endeavour to clarify the position by giving an outline of the administration of the three lotteries concerned in Australian cities. The reason I am not dealing with the Tasmanian lottery is that it is run for private profit, although the State receives a considerable amount of revenue from it. I will first quote the different running expenses of lotteries in each of the three States, and explain the reasons for the difference in costs. The expenses of the Queensland lottery work out at 13.6 per cent. gross, and 8.6 per cent. net. The difference between the gross and the net expenditure is accounted for by the fact that 5 per cent. income tax is paid by the Golden Casket Union on subscriptions. We can, therefore, estimate the expenditure in the case of the Queensland lottery at approximately 8.6 per cent. In New South Wales the total expenditure of running a lottery is 3.5 per cent., and in Western Australia it is 14.9 per cent. When comparing the administration of the lotteries in the three States, it is easy to see why in Western Australia costs are so much higher than they are in the other States, namely 5 per cent. higher than in the case of the other highest. I will now

compare the administration of the lotteries in their respective States. In Queensland, lottery tickets can be bought in a tremendous number of shops, and many men sell them in the streets.

Mr. Sleeman: It is easy enough to have a shilling bet there.

Mrs. CARDELL-OLIVER: In 1935 there were 199 agents in Brisbane selling lottery tickets, and 238 in country districts. Although agents are very numerous in that State, in Western Australia we have more than double that number. Share-selling of tickets in Queensland is allowed, and 40 per cent. of the tickets are sold on that basis. Some shops of considerable size are entirely devoted to the sale of lottery tickets. There are generally two lotteries being conducted in Queensland at the same time. There are 100,000 tickets available in the first and most popular lottery at 5s. 6d., and the first prize is £6,000. The second or special lottery is one of 200,000 subscribers, and the price of the ticket is 7s. 6d., the first prize being £25,000. The smaller lotteries are drawn approximately every eight days and the larger lotteries are drawn when the subscriptions are completed, usually in six or seven weeks. Advertising is extensive and the conditions are somewhat similar to those in Western Australia. In comparing Western Australian costs with those of Queensland, one must look for reasons for the reduced costs in Queensland, other than those already quoted. The difference between 8.6 per cent. and 14.9 per cent. is tremendous. That is mainly due to two factors, the rates of commission and advertising. The commission rates are the most important factor. In Queensland the rates of commission vary considerably. They are not fixed, but range from 5 to 8 per cent. Five per cent is allowed to agents who deal in local Queensland tickets, but the commission is increased to those agents who deal in either interstate tickets or those from overseas clients, mostly in the special lottery of 200,000 subscriptions. This is done with the object of attracting money to the State. Agents are not permitted to charge an excess over the fixed or specified prices for tickets, and the rate of commission is fixed from time to time. The management reserves to itself the right to alter the commission at will. Agents are not allowed to sell tickets to anyone under 17 years of age, and the sale of tickets in any lottery conducted outside



the State is prohibited. Sales are restricted to authorised persons, and the practice of reserving special numbers is prohibited. Posters are supplied by the head office, but agents are expected to advertise at their own expense. The contract between the Lotteries Commission and the agents clearly sets out that newspaper and other advertising must not be misleading or in any way calculated to be unfair to other agents.

Mr. Sleeman: Do not you think that some are misleading?

Mrs. CARDELL-OLIVER: Not nearly as misleading as they are here. I was horrified to see so many lottery agents in Queensland, but I saw no objectionable advertisements. The Queensland lottery was opened in December, 1916. Lotteries numbered 1 to 6 were mainly for patriotic purposes, but from 7 onwards they came under Government control, and all profits since then have been used for hospitals or allied institutions. The profits are paid to the Home Secretary's Department and distributed direct from that department. They are not paid into Consolidated Revenue. An amount of £14,394.543 8s. 9d. had passed through the lotteries when I got the figures on the 1st May. Out of that sum £687,756 19s. 6d. was paid out in State income tax, and £191,718 7s. 2d. was paid on account of Federal income tax. Prize money has accounted for £8,478,556 3s. 4d., postage for £209,637 0s. 1d., and working expenses during that period amounted to £981,133 14s. 11d. The Home Department earmarked for hospitals £3,841 2s. 7d. I must say, in fairness to the Queensland lotteries, that they have certainly given a great deal of money to hospitals, and the Queensland Government have done some wonderful things in that direction. Although I am not in favour of lotteries for hospital purposes. I do think that the money has been spent judiciously. The odds against winning a prize in Queensland are 79 or 112 to one, according to the number of tickets purchased. The total expense of running the New South Wales lottery is approximately 3.5 per cent. This is a great reduction on the expenditure by the Queensland lottery, namely 8.6 per cent. or by the Western Australian lotteries, 14.9 per cent. The administration in New South Wales is unique. There is no advertising and there are no agents. There are three classes of lotteries; the State, gaming devices, and

raffles, the last two being mostly conducted in bazaars. There is one director only. He is appointed by the Government, and is responsible to the Treasury. His is a full-time job. I was delighted to see in the paper the other day that the chairman of our Lotteries Commission had been touring the State to see how and where the money was being spent, and was thus devoting his whole time to the work. In New South Wales, the officer in charge is responsible to the Treasury and profits are paid into Consolidated Revenue, and they are earmarked for hospitals. Share-selling is prohibited. The maximum number of lotteries drawn in 1931, which was a depression year, was about 80. Last year the number was 71. Each lottery consists of 100,000 tickets at 5s. 3d. each. The first prize is £5,000 and the prize money takes 62 per cent., and the profits after expenses are paid, amount approximately to 34½ per cent.; in other words, 1s. 10½d. goes into Consolidated Revenue and is earmarked for hospitals, 3s. 3d. goes in prizes, and 1½d. is used for expenses. A lottery in New South Wales is filled in 4½ days, and not more than 5 per cent. of the money comes from the other States. There is only one lottery office and that is in the city. It is open from 10 a.m. to 3 p.m. and all purchasers of tickets must sign a form before they receive a ticket. Seven thousand letters are received each day and in 1936 there were 1,979,339 tickets sold. In my opinion there is no comparison between the administration of either the New South Wales or the Queensland lotteries with that of Western Australia. If lotteries are to be continued in this State, I would prefer that they be conducted on the New South Wales system. The figures I have relating to the Western Australian lotteries show that in 1933 there were nine conducted and the sales realised £124,709; 40 per cent. of the money collected went towards the prizes and the expenses absorbed 15 per cent. In 1934 the sales realised £200,298 and in that year 43 per cent. was given in prizes and the expenses again came to 15 per cent. In 1935 the sales had further increased to £234,328, the prize money absorbed 48 per cent., and the expenses were reduced to 14 per cent. In 1936 the sales still further increased and it will be observed that the prize money gradually rose and the money available for distribution to charities greatly

decreased. If the increase in the prize money and the decrease in the amount allotted to charities continue at the same rate, there will not be anything at all for charities in 18 years' time. Since 1933 the number of investors has grown from 997,679 to 2,005,918, and the figures are still increasing. I am not going to discuss the moral aspect of lotteries because there is not a moral side. I merely wish to say that the lotteries investing public have increased from approximately 1,000,000 in 1933 to over 2,000,000 to-day. The generous allowance of 25 per cent. for commission on the sale of tickets was fixed probably because the framers of the Act did not know whether the lotteries would or would not be a success, or perhaps because they did not know anything about the working of lotteries. Now that we have experience to guide us, that amount is no longer necessary, and it is my desire to reduce it from 25 per cent. to 10 per cent. I have shown that Queensland gives 5 per cent. to the agents in that State, whilst New South Wales has no agents at all. If we in this State were to give 5 per cent. it would be sufficient for our agents, because it is quite a good percentage where no outlay of capital is involved. It may be contended that with the reduced commission, agents will not be able to make a living; but the question arises whether it was the object of the lotteries to provide a living for agents, or whether it was to raise money to distribute to charities. The Royal Commission for South Australia which visited this State elicited the information that there were between 800 and 900 agents in Western Australia. I do not know whether there are any more to-day. It was stated in another place last year that of the 829 agents only eight were making £6 a week. In Queensland there are 199 agents in Brisbane and 238 in the country, and those agents receive 5 per cent. In Western Australia there are agents who make twice as much as the Premier earns, and here also one can conclude that agents are being too freely licensed. It is a notorious fact that many illicit starting price betting shopkeepers are licensed to sell lottery tickets. I feel that a considerable saving could be effected by way of advertising. Picture slide advertisements do not in my opinion help the sale of tickets as people cannot make a pur-

chase during the progress of the picture show, and after they leave it they have forgotten all about the advertisement. In the "Daily News" recently I saw two advertisements side by side and one was of a very questionable type. These advertisements were spread over three columns, and one read—

What would you do with £2,500? That £2,500 would put you in easy street for the rest of your life. Buy a ticket to-day in No. 57 Charities Consultation. Tickets 2s. 6d. each are on sale everywhere, etc.

The other one read—

Someone is going to have the pleasure of spending that £2,500 first prize in No. 57 Charities Consultation. That pleasure may be yours if you buy a ticket. They are on sale everywhere at 2s. 6d. There's luck in odd numbers. See if No. 57 will be a luck lottery for you.

I consider that every advertisement should conclude with these words—"You have one chance in every 128." I hope I have shown that the amendment contained in the Bill is really necessary, and if it is agreed to the Lotteries Commission will still have a greater percentage for expenses than any other State. It is proposed that a new section be inserted in the principal Act after Section 10 reading—

No member of Parliament shall either directly or indirectly ask, seek or solicit from the Commission or any member of the Commission any grant, payment or benefit for any charitable purpose: Penalty £50.

Mr. Sleeman: That will prevent members from being on any relief committee.

Mrs. CARDELL-OLIVER: I hope to make my point clear by referring to a speech made by the member for Victoria Park (Mr. Raphael). When speaking on the Lotteries Continuation Bill last year the hon. member is reported to have said—

I was one of those who voiced a protest against the proposals.

He was referring to the lotteries. His attitude, from those remarks, was presumed to be hostile to the lotteries, but later he declared—

I am in the happy position of having nothing against the lotteries because I have had from them all I want, and therefore I am satisfied.

The Lotteries Commission, wittingly or unwittingly, induced a member to change his attitude and his vote towards the continuance of the Lotteries Act by giving him all that he wanted, so that he became satisfied,

and then, because of that satisfaction, he expressed his preparedness to vote for the continuation of the Act which of course includes the continuation in office of the Commissioners who dispensed the favour. I ask hon. members whether that kind of thing does not leave a loophole for the man in the street to say that such a loose system is open to bribery and corruption? I would not suggest that such a condition exists or has existed, but when we legislate we should do so carefully and not give the man in the street the opportunity to level accusations. Last year we devoted a lot of time to debating the question of the allocation of lottery funds, and many unpleasant things were said in the House. If my amendment is carried it will go a long way towards preventing a repetition of distasteful arguments. The case to which I have referred, that of the member for Victoria Park, may not be unique, but it is evidence that at least one member may approach the Commission and get all that he wants, whereas another member may be unable to have the needs of his constituency satisfied, despite the fact that he may consider them to be even more pressing than those in another constituency. In pursuing this argument one must not lose sight of the fact that the existence of the Commission is in the hands of members, and that the goodwill of members, and especially the party in power, is essential to the Commissioners because of their short tenure of office. The Commissioners may be the most honest and politically unbiased men, and members who approach them for grants may be actuated by the most genuine motives; but men are human and have all the frailties of human nature. The existing position leaves the Commission and members of Parliament open to temptation, and what is worse, suspicion on the part of the public. One member, by getting all that he wants, has an advantage over another member who may not be able to get anything, and party or personal bias may be unjustly inferred. Such a loophole would make for distrust or even genuine dishonesty and that is not in the interests of good government. In those circumstances the Act should be amended so as to make that sort of thing impossible and remove any possibility of biased administration. I contend that members should not be allowed to approach the Lotteries Commission for any purpose whatever with regard to the distribution of funds.

Mr. Hegney: I am sure the members of the Country Party will agree to that.

Mrs. CARDELL-OLIVER: Organisations designed to approach the Lotteries Commission can do so by way of a deputation or they can make use of the post in order to put their cases before the Commissioners. That would enable the Commissioners to use their own discretion in the allocation of funds. If they abused that discretion, then Parliament could deal with the matter by amending the Act. Members of Parliament are often the means of communication between organisations and the Commission, and to that extent have helped to extend the field of the Commission's activities. As that field is extended, such organisations become more or less dependent upon the Lotteries Commission and, in those circumstances, are less and less inclined to voice their protest against a system that they are afraid to oppose. They are afraid to adopt that course because their funds would be proportionately decreased. To-night references have been made to institutions that receive funds from the Government. Many of those institutions also receive donations from the Lotteries Commission. For my part, I cannot understand how anyone can attempt to bring up a child from the standpoint of morality when we are forced into the position of having to say, "Yes, you must not do this nor yet that, but at the same time you are being maintained and fed as a result of funds raised by means of gaming and lotteries." Out of all the homes that minister to the needs of children, one only does not accept funds from the Lotteries Commission. That is the home run by the Methodist Church. In those circumstances, I consider that the Methodists are the only people in a position to criticise the Lotteries Commission. The other organisations dare not do so for fear that their contributions will be withheld from them. Most of those religious bodies are quite opposed to the principle of accepting money from the Lotteries Commission but they are forced to receive donations because they have no other means of raising funds. Such legislation that permits that sort of thing to happen is quite unmoral. The present system is not only a direct encouragement for the growth of lotteries, and contributions in the form of bribes to various organisations; but is used as a direct vote-catcher by the member of Parliament who secures a grant for any organisation.

Mr. Hegney: So that is your complaint?

Mrs. CARDELL-OLIVER: The member of Parliament who is able to secure a grant from the Lotteries Commission for an organisation, is sure to meet with great approval. If the Bill should be agreed to by the House, we will be able to deal with that phase but, according to the reception so far, it does not seem as though it will be accepted.

Mr. Marshall: Do not be too pessimistic.

Mrs. CARDELL-OLIVER: I did not expect that it would be agreed to, because I did not regard this House as an absolutely moral institution when I entered it.

Mr. Marshall: It has not improved because of your arrival.

Mrs. CARDELL-OLIVER: The fact remains that if we were to pass the legislation, it would save members from the unpleasant task of waiting on the doorstep of the Lotteries Commission, with caps in hand, in the hope that the Commission would make a grant on behalf of the organisations in which they were interested. It would also save them from the unpleasant experience that is so evident when we hear it said, "If you do something for me, I will do something for you." That is what the position amounts to now. It will obviate the unpleasant task of interviewing the Commission on behalf of organisations that are not specifically referred to in the Act and in consequence receiving a rebuff from the Commission. Anyone placed in that position is discredited in the eyes of his electors. On the other hand, if a member should be fortunate enough to secure a grant from the Commission, he receives so much additional credit on account of his efforts. I sincerely hope that there will be found at least some members in this House who feel it their duty in the interests of the public who do not approve of lotteries, to support the measure. I trust there are some who feel it their duty to say to their electors that they will not go, cap in hand, to the Lotteries Commission but will allow the Commission to exercise discretion in the allocation of funds. I trust the Bill will prove acceptable to members and I move—

That the Bill be now read a second time.

**MR. DONEY** (Williams-Narrogin) [9.19]: I move—

That the debate be adjourned.

Motion put and negatived.

**HON. C. G. LATHAM** (York) [9.20]: I am sorry that the House has taken the action disclosed in rejecting the motion for the adjournment of the debate. Personally I would like an opportunity to look into this legislation. It is certainly unusual not to grant the adjournment of the debate in such circumstances.

Mr. Doney: It is not giving the Bill a fair deal.

Hon. C. G. LATHAM: No one is bound to support it. I may not support it myself. I have not had sufficient time to look through the provisions, and I certainly think the adjournment of the debate should have been granted.

Mr. Doney: Members should have the right to make inquiries.

Hon. C. G. LATHAM: I do not think it is right to throw out the Bill straight away and it is certainly not the usual custom to deprive members of an opportunity to consider legislation that is introduced. It looks as though the Bill will be set aside without any consideration. While the member for Subiaco (Mrs. Cardell-Oliver) was explaining the provisions, I endeavoured to appreciate what it really meant. At least one provision is distinctly plain and that is the one that will prohibit members of Parliament from attending upon the Lotteries Commission. I do not know that that will not be a good provision. At any rate, it is not a new proposal.

Mr. Sampson: Nor is it wrong.

Hon. C. G. LATHAM: A similar provision has appeared in other measures placed before us. There are rumours current that I have always denied. I hope there is no truth in them. Those rumours are to the effect that certain members of this House obtain money from the Lotteries Commission for relief work and are accustomed to distribute it as largesse in their electorates. I do not know if that has happened; I do not think it has. I have not been able to trace any such incident.

Mr. Sleeman: Most members of Parliament are on relief committees.

Hon. C. G. LATHAM: Even that is a dangerous practice.

Mr. Sleeman: But you are expected to be on them.

Hon. C. G. LATHAM: I do not think it is wise.

The Minister for Health: If you were representing a metropolitan constituency

and you refused to go on such a committee, you would not hold your seat for long, irrespective of which side of the House you sat on.

Hon. C. G. LATHAM: I have no objection to members working in the interests of charitable organisations, but I do not think it is right that any member of Parliament should go to the Lotteries Commission, demand money, get it and take it back to his electorate and participate in the distribution of the funds.

Mr. Marshall: That has not been done.

Mr. Needham: And you have no proof of it.

Hon. C. G. LATHAM: We must protect ourselves to a certain extent. I have approached the Lotteries Commissioners with certain requests for blankets on behalf of organisations, but I have taken fine care that I had nothing to do with the distribution.

The Minister for Employment: The Commissioners always insist on sending supplies to the local authorities.

Mr. SPEAKER: Order! I must ask hon. members to keep order and to cease interjecting between themselves across the floor of the House.

Hon. C. G. LATHAM: I mentioned that the statements came to me merely as rumours, but much as I dislike alluding to such matters in the House, where the reputation of members of Parliament is affected we should see to it that the public get the truth regarding the matter.

Mr. Thorn: You have been getting bites.

Hon. C. G. LATHAM: Not because of the convictions of most members, but if we set the Bill aside without consideration, it will be said, in view of the provision regarding members of Parliament not being permitted to approach the Commissioners, that we were afraid to deal with it. I think we should give consideration to the Bill and not throw it out before we know what its effect will be. I want to find out what the references to "25" and "10" amount to.

The Premier: Expenses.

The Minister for Agriculture: Yes, to total expenses.

Hon. C. G. LATHAM: We should not throw the measure out without giving members an opportunity to consider the clauses.

The Minister for Health: I found out what the clauses meant while the member for Subiaco was explaining the Bill.

Hon. C. G. LATHAM: We may appreciate one point, whereas another point may require further consideration.

Mr. Patrick: At any rate the Bill is entitled to some consideration.

Hon. C. G. LATHAM: That is so. With regard to the expenses, I think 25 per cent. is more than is necessary. I do not think that more than 15 per cent. is required, although 10 per cent. is too little. It would give a certain amount of satisfaction to the public if we did reduce the percentage of administrative costs. An alteration could be effected there. I do not say that I will either vote for the Bill or oppose it, but I want to give it further consideration.

On motion by Mr. Shearn debate adjourned.

### BILL—MINING ACT AMENDMENT (No. 2.)

#### *Second Reading.*

MR. MARSHALL (Murchison) [9.30] in moving the second reading said: This question is no stranger to the House. It has been before the Assembly on two previous occasions, once in the form of a motion, and later in the form of a Bill. This measure is on all fours with its predecessor. I do not propose to go into all the detail that I submitted on the last occasion, but I consider that my generosity then brought about the defeat of the Bill because I conceded a point on which I should not have given way. In regard to the granting of reservations the position has not improved. I really thought that the Minister would have taken some heed of the warning given to him by the motion and Bill I submitted. Strange to say, since the last occasion when this matter was before the House, most of the grounds submitted by the Minister in defence of granting reservations for prospecting or mining for gold have disappeared. I suggest that if there is one Act that requires severe overhauling by Parliament, it is the Mining Act. There is a ton of good material that might well be embraced in the law, but there are tons of bad material in it that ought to be eliminated. If Section 297 does give the Minister the legal right to grant reservations for prospecting or mining for gold, it is one of the provisions that should be deleted from the Act. I contend that the Minister has no legal authority to grant such reservations. On the last occasion I ex-

plained that Section 297 had been adopted to provide for reservations in rapidly growing goldmining towns. I want members opposite, who probably do not understand the position as well as I and other goldfields' members do, to appreciate that when a rush takes place on the discovery of gold, all the activities in that centre are controlled by the Mining Act, even to the extent of granting residential blocks, until such time as the townsite is proclaimed, when it comes within the four corners of the Land Act. In the initial stages, however, the Mining Act governs everything. Section 297 provides for the granting of reservations for public purposes.

Mr. Patrick: For business sites.

Mr. MARSHALL: For recreation grounds, racecourses, golf links, tennis courts, public buildings, etc. The whole spirit of the section positively indicates that those reservations were never intended for the purpose of mining or prospecting for gold.

Hon. C. G. Latham: Is that being done?

Mr. MARSHALL: Members will observe the distinction between the wording of the section and what is being done. The section reads—

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

Then follows this paragraph—

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

That is not what is happening. There is no reserve in existence for which the Minister may grant occupancy under this section. After a town has been formed, if the temporary reserves are not required, they revert to the Crown. If they are applied for by the authority created on the rising of a goldfields town, they become reservations for the purposes for which they were granted. Failing that, occupancy can be given for certain purposes, but by no stretch of imagination can it be argued that those areas may be used for the purposes of prospecting or mining for gold. Let me again direct attention to the opening words of the section, "The Minister and, pending a recommendation to the Minister, a warden," etc. For all the reservations the Minister has granted, I suggest

he has never had a recommendation from any warden.

The Minister for Mines: I never have had one, and have never asked for one, and I did not require it under the Act.

Mr. MARSHALL: I shall deal with that later. A warden has never recommended a reservation. The Minister will not deny that it is not unusual for a warden to recommend all reservations in a rising goldfields town. He is the man on the scene, and he usually reports to the Minister and recommends that certain areas be reserved under that section. But the Minister has no legal power to grant mining reservations for mining or prospecting for gold, and if anyone had sufficient money to test the point, I believe he would win. The trouble is that to take a case would be too expensive. My objection to the granting of reservations for mining or prospecting for gold is that preferential treatment is given. To grant large areas is wrong in principle. The granting of reservations lends itself to corruption. A reservation granted for one of the purposes of the Act is preferential, insomuch that the person to whom it is granted may get it without the knowledge of the people of the district and at a minimum rental. The bona-fide prospector, the man who usually sees more dinner times than dinners, and who when he sees a meal, finds it a relatively tough one, is obliged to pay £1 per acre for his tenancy, but those who get the preference of reservations pay a peppercorn rental only. The Minister told the House that he had granted reservations originally in order to induce foreign capital to come to the State. No one would object to that, but I have always argued against the view taken by the Minister, and I believe that my contention is right. I have tried to impress upon the House that the greatest amount of money invested in any one mine in Western Australia was brought from a foreign country when gold was at the standard price, plus, I believe, a bonus of 10s. per oz. paid by the Commonwealth Government, and the company started without any reservation at all. A reservation was not asked for. I refer to Wiluna. If the Minister grants reservations to induce foreign capital to come here is it not only fair and just to stipulate that they shall be paid for at the same rate per acre as any individual in this country has to pay? If a company have money to invest in mining, they can afford to pay as much per acre as can the man who goes prospecting. That is

the least we should ask of a company. Again I suggest that the Minister misleads the Chamber on this point because he says that a prospector can obtain what is known under the Mining Act as a prospecting area, which costs 10s. a year for 24 acres. The statement is true, but it is also misleading. While the prospector can get a prospecting area of 24 acres for 10s. per annum, he can hold that tenure only so long as the area does not produce payable ore.

Mr. Fox: And so long as he works it.

Mr. MARSHALL: Yes. Only two men are required to man a prospecting area of 24 acres; under a gold mining leasehold tenure the provision is one man to every six acres. However, I am not discussing the manning of leases or tenures at the moment. I wish it to be clearly understood that all reservations have been held, according to figures submitted by the Minister a few days ago, since 1930 and 1931. They have thus been held for seven years, and I suggest that in most instances there has never been an implement upon them, and the rental paid for them averages 1¼d. per acre. Contrast that with the experience of a prospector who, having proved that his prospecting area is producing payable ore, must immediately convert from a prospecting area to a leasehold tenure and pay the higher rate of 5s. per acre for the first 12 months and then the full pound. To listen to the Minister, one would think that every prospector in this State had a tenure in the prospecting-area stage. That is far from being accurate. I do not know exactly how it would pan out, although I could get the figures to show the number of P.A.'s held as against the number of leasehold tenures.

The Minister for Mines: I do not think you are fair. I have never suggested anything of the kind. It is your fertile imagination again.

Mr. MARSHALL: Very well. I shall read the Minister's reply. I have the Minister's letter here. Upon glancing at it, I see it is over the name of the Under Secretary, but it bears out the statement the Minister made in connection with this same Bill on a previous occasion. I shall be quoting him from "Hansard" in making my reply. This is a reply to a letter sent to the department from the Daydawn Prospectors' Association. They complained about the reservations around the Great Fingal goldmine, a matter upon which I shall have something

further to say a little later on. They pointed out that there were several prospectors who desired to do some prospecting in close proximity to this reserve. This is the reply they received. It is dated the 14th April, 1937, and reads as follows:—

We are in receipt of your communication of the 22nd ultimo, and would advise you with reference to your resolutions as follows:—

1. A plan showing the reservations referred to by you has been forwarded to you, and if your association is in any doubt regarding land which may or may not be available for pegging, you should further communicate with me, giving details.

2. Reservations are not in the same class as mining leases, and are purely granted for exploratory and not production purposes. The fee charged is considered under the circumstances to be sufficient.

It should be noted that prospectors when desirous of testing land have also a very cheap and suitable title in the prospecting area.

That is the same statement as the Minister made. I do not say the words are the same, but the substance is. Nothing could be further from the actual truth, because the prospector is testing his land the whole time he is in possession of it, whether it be in the tenure of the prospecting area or not.

The Minister for Mines: In no other country could they get the land for anything like as cheaply as they get it here.

Mr. MARSHALL: Who is complaining about the prospecting area? Nobody. I am not complaining about the prospecting area, but the 1¼d. per acre charged to the reserveholder. One man is a poor man out prospecting, and the others, according to the Minister, are wealthy companies.

The Minister for Mines: No, they are not.

Mr. MARSHALL: The Minister's argument was based on that.

The Minister for Mines: It was not. I am not going to let you say what my argument was.

Mr. MARSHALL: I do not want to argue with the Minister and get at cross-purposes with him now. I will confirm what I am saying later on when I quote from "Hansard."

The Minister for Mines: Everything I have said which appears in "Hansard" I will stick to.

Mr. MARSHALL: I will remind the Minister that he made this statement: "If I were prospecting, it would be on those reserves that I would go, because if you find anything on the reserves, you have a good buyer." That was the statement made.

The Minister for Mines: Yes.

Mr. Doney: I remember that.

The Minister for Mines: None of those reserves is in existence for me to go on now.

Mr. MARSHALL: That is the point. The Minister was correct in what he said then. He said they were open reservations. I was complaining about the nature of them.

The Minister for Mines: I was replying to your comment on open reserves.

Mr. MARSHALL: I have never agreed to a reservation of any sort.

The Minister for Mines: I know you have not.

Mr. MARSHALL: The Minister put up as an argument to defeat my Bill that the open reservation gave ready sales in respect of any discovery by a prospector. I assure hon. members that there is not one open reservation in the State. They are all closed, and the prospectors completely locked out; so the position is actually becoming worse, on the Minister's own statement.

The Minister for Mines: No, it is not.

Mr. MARSHALL: They are all closed reservations at the moment. Therefore, if they are closed, it is obvious that prospectors cannot go on to them and prospect. They are closed to prospectors.

The Minister for Mines: That is so.

Mr. MARSHALL: From my experience with these reservations, the alleged exploratory work mentioned in the letter I read is far from the actual truth. In my electorate if ever any work was done at all on reservations by those who held them, it was only done on well-established ore channels, in what we call abandoned mines, and in that case a 24-acre lease would have covered the lot. I do not know that I would be so bitterly hostile to the granting of reservations if only abandoned mines were granted, but that is not always so. Many square miles of neighbouring country are embodied in the reservations surrounding the abandoned mines. What exploratory work do these people carry out? I have known them to get reservations, as I pointed out on the last occasion on which I spoke in support of this measure, and never do any work on them. One was held for two years between Wiluna and Nannine; it was bigger in area than the pastoral lease it ran

through, and a pick point was never put into it.

The Minister for Mines: Was that a closed reservation?

Mr. MARSHALL: No, an open one. Prospecting has been going on ever since, and went on before, too.

The Minister for Mines: Yes, it has never stopped. That shows that reservations do not make much difference.

Mr. MARSHALL: They make this difference, that a lot of those who might have gone on to reservations will not go on them.

The Minister for Mines: It is an open reservation now.

Mr. MARSHALL: There are prospectors there now.

The Minister for Mines interjected.

Mr. MARSHALL: The Minister might give me credit for knowing my own electorate. While the Minister was engaged in a more pleasant occupation, sitting down in the city, I did a stretch of five months without a break, doing nothing but running about the Murchison. I know as much about the activities of the mining industry on the Murchison as most members, and that is not flattering myself, either. I want hon. members to understand that these reservations were bad enough when they were open. Now they are closed, and prospectors are intimidated. They do not know when any piece of land is going to be granted as a reservation. Take a man who wants to go to a place like Nabern, 120 miles north-east of Peak Hill, which is particularly good country for prospecting, but far removed from any town. It is all lake country, into which experienced prospectors would be encouraged to go. Two parties, one from Peak Hill and the other from Wiluna, wanted to know whether, if they went into that district, I could guarantee that there would not be a reservation granted before they got back. I could not give them any such guarantee, so they would not go out.

The Minister for Mines: They would not have gone out if there had been no possibility of a reservation.

Mr. MARSHALL: That is not fair.

The Minister for Mines: I say it is fair. Why don't they go out now that there is no reservation?

Mr. MARSHALL: Suppose they went out and discovered anything worth while, and came back to peg it out. What would



happen? They would be told by the registrar that they could not apply, that the area was the subject of a reservation and that their discovery was known in the office. Obviously, when a man applies for a lot, everyone is aware of the fact that he must have got some good indications, or he would not want it. So these men prefer not to go out but stay prospecting where they can readily watch proceedings. It would not be so bad if these reservations were granted in the ordinary way; that is, by a recommendation from the warden, or if each person desiring a reservation applied in the ordinary way for it, through the warden's court. Surely there could be no harm in that. Every prospector in the district would then know what was going on. A man engaged in prospecting some distance from the office would know from men passing in and out whether an application was being lodged for the area he was working to be granted as a reservation. He could then come in and lodge an objection, in an endeavour to protect himself. But no prospector can take it for granted that any Crown land will be left for him after he discovers anything worth while in prospecting if he is far-removed from the warden's court, without an opportunity of seeing whether a reservation has been granted in Perth by the Minister. The granting of reservations does more harm to the development of the mining industry than good. I want members to have this firmly fixed in their minds: that reservations are not required by any individual or company because of the necessity for holding a large area of land. Any individual and any company can take up any number of 24-acre leases, and consequently they can get any area they require. Application has to be made through the warden's court for a 24-acre lease. The point to which I object is that these people will not do that. They will not go into open court and acquire land in that way. Instead, they go to the Minister and have it granted as a reservation. That is not fair to the men who are out prospecting in those places. No man will apply for a tenure of any sort unless he has good indications, or knows that good indications have been discovered prior to his advent. When men go out prospecting, they do not go the warden's office and say they are going to peg out a 24-acre prospecting area or lease in a certain loca-

lity; they first go out and obtain indications. When they think the indications promising enough, they peg out the area they want, and apply for it. That is where the trouble lies. When they come in to apply for this land, they find it is granted as a reservation, and their application cannot be considered. I have said that reservations lend themselves to corruption. I am now pretty doubtful regarding the honesty of the company holding the reservations surrounding the old Great Fingal goldmine. The company have held that reservation for many years now. They have taken an option over the lease embodying the old Great Fingal. All that country is being held, according to what I can gather, merely to attempt to float the proposition on some foreign market or other and secure a huge rake-off in the process. I think the member for Nedlands (Hon. N. Keenan) had something to say about this selfsame matter some time ago. Companies get these reservations, and paint a glowing picture of possible prospects, saying "We have got five square miles of reservations, and inside that area there is one mine which has produced so much gold. There must be more gold there." With this big area the promoters can paint a far more glowing picture, one with which they can tempt investors far more easily than without the aid of an abandoned mine or lease. This sort of thing has become so popular that the first thing a carpet-bag promoter wants is a reservation to beautify the picture he paints. But all the time these reservations are functioning most detrimentally to the bona fide prospector. I do not know of one of these companies that has taken a reservation apart from an abandoned mine or from a known and established gold-bearing ore channel, and has gone in for prospecting or exploratory work. Not one! They always stick religiously to well-known defined ore channels. Leasehold tenure, therefore, is ample to cover what such companies require. I have here a case in point. I forget who it was that mentioned that ground reservations were granted to other companies that were putting their money into known and well-defined ore channels, for the purpose of preventing others from coming in and pegging close to them and then demanding an enhanced price for the adjoining blocks. There is a sound argument in favour of that. The prospector might get a little out of a wealthy company. Here the case is just the

reverse: companies get the reward of the labours of prospectors, and give nothing in return. However, there is nothing said in defence of the unfortunate prospector. He can be treated as a prospector, I suppose. That is to say, he must be satisfied to accept all the dangers and do all the exploratory work involved in making a discovery, merely to find that the discovery is inside a reservation and that therefore he is excluded from any right of tenure. Let him live on his damper and kangaroo in the search for gold! He is the only one who ever finds gold. When he does, the wealthy investor with his motor car runs in to reap the reward of the prospector's work and sacrifice. If the prospector dares to demand anything from a wealthy company, his action is wrong in principle. What is good for the goose should be good for the gander. I do not mind a prospector getting a little occasionally, when the opportunity arises. Heaven knows he deserves it! There are 53 of these reservations in existence. Some of them have been in existence since 1930. On one, which was granted in 1932, very little work has been done. It is on a well-known line of reef, and has produced a fair amount of gold. Little work has been done on it. About 100 tons of ore was raised and crushed, going about an ounce. Apart from the services of a caretaker, the reservation has very little work done on it. I want to draw the attention of hon. members to the fact that the little work that was done, was done in the well-known defined ore channel. The company never went out into the maiden country around. That was left to the prospector. Just recently the caretaker told a prospector that he was dismantling the sheds and so forth on the reservation, and that he understood the reservation was to be turned in. Naturally the prospector went to the nearest registrar's office to apply for a lease; but he was told that he was unfortunate, that this was a reservation, and that it would remain a reservation until 1938. Thus it is fairly apparent that from 1932 to 1938—a period of six years—the raising and crushing of approximately 100 tons of stone from a well-known old mine represents all the work done on that reservation, except as regards the employment of a caretaker. Still, there is another exception. On the reservation there were some dumps produced by old prospectors. The owner of the reservation has now been generous enough to sell these dumps at a shilling a ton to a man with a battery. That is introducing foreign

capital into Western Australia! And that is only one case.

The Minister for Mines: Where is that reservation?

Mr. MARSHALL: If the Minister wants to know, I shall have to give him the exact number.

The Minister for Mines: I should like to know because, if what you have said is correct, it will not be a reservation until 1938. I do not recognise what reservation it is from merely knowing the ore channel.

Mr. MARSHALL: Have a look at reservation 598H. It was granted in 1932, and only that bit of work has been done on it. A letter has just reached me.

The Minister for Mines: I have not got the number of the reservation.

Mr. MARSHALL: It is 598H. It was granted in 1932, and has to go until June, 1938. There seems to be no further activity on it, as the caretaker is removing what few utensils and sheds were on it. I wanted to make a complaint regarding the answers to my recent questions as to reservations. I asked the Minister a series of questions regarding reservations and included among them was the following:—

What was the total rent received for those reservations for the year ended the 30th June, 1937?

The answer to that question was—

£1,625 5s., being reserve fees and rents on leases subsequently taken up by reserve holders within such reserves.

Members will see that the Government slipped the lease rents in to bump up the rental value of the reservations. Even allowing for that, the rental for the reservations pans out at about 4d. an acre as against the premium that the prospector has to pay. I cannot understand why the Minister persists in this course of action. Just when is all the capital that the Minister said these reservations would attract to Western Australia, to become apparent?

The Minister for Mines: About £4,000,000 is here already.

Mr. MARSHALL: I suppose that includes £1,250,000 for Wiluna.

The Minister for Mines: Nothing of the kind.

Mr. MARSHALL: Four of these reservations have been granted and had the Minister not granted the original reservation, he would not have been asked for any of the others. There is no limit to the area that

can be granted. Having granted one, the Minister was in a hole and he could not get out of it; he had to continue granting reservations. I have already shown how the Minister granted to the Western Mining Corporation practically the whole of the auriferous country of the State—

The Minister for Mines: I did nothing of the kind.

Mr. MARSHALL: So far as reservations are concerned.

The Minister for Mines: No. That was done by my predecessor in office, and you know it, so what is the good of continuing to say such a thing.

Mr. MARSHALL: The last time I dealt with this matter, I displayed a map to members on which a blue line marked out the whole area granted to the Western Mining Corporation, from the standpoint of the reservation.

The Minister for Mines: That is correct.

Mr. MARSHALL: Yet the Minister said he did not grant the reservation.

The Minister for Mines: I did not.

Mr. MARSHALL: This is the first time the Minister has denied it.

The Minister for Mines: You either did not understand or you have no ears with which to hear. I denied it when you referred to the matter last time. I told you then it had been granted by my predecessor, and I upheld his action believing it was in the best interests of the State.

Mr. MARSHALL: Irrespective of who actually granted the reservation—

The Minister for Mines: You know who granted it.

Mr. MARSHALL. The point I want to make is that if these reservations were such a huge success from the standpoint of the introduction of foreign capital, seeing that the Western Mining Corporation had been granted such a huge concession, no other individual or company could secure a reservation within the area bounded by the blue line on the map I displayed, notwithstanding that the individual or company concerned might have £20,000,000 to invest. If there is any logic or sincerity in the argument that the granting of reservations would introduce foreign capital, why grant such an extensive reservation as to prevent other companies introducing their capital? There are far too many

inconsistencies about the whole thing. The most remarkable fact of all is that some years ago the State Government, including the present Minister for Mines, were most active in attempting to prevail upon the Federal Government to grant a bonus of £1 per ounce on all gold produced in Western Australia.

The Minister for Mines: That is correct.

Mr. MARSHALL: And to the credit of the Minister it can be added that he was successful.

The Minister for Mines: I was.

Mr. MARSHALL: In addition to the Minister, Mr. Claude de Bernales and other weighty individuals in the mining industry joined in the fight. Here is the remarkable feature of it all. All that was mentioned at the time was that the greatest necessity for the development of the mining industry was the granting of a bonus, because the price of gold was too low at the time. The Minister for Mines, Mr. Claude de Bernales, or anyone else associated with the movement, did not at that time suggest any increase beyond the present area for leases. Surely it would have been a reasonable argument to advance to the Federal Government if they had suggested that should the Commonwealth grant a bonus of £1 per ounce on all gold produced in Western Australia, the State Government would increase the area of leases and thus encourage the investment of foreign capital in the industry. That suggestion was never thought of. As a matter of fact, it was a second thought on the part of someone who established the policy that has proved very detrimental to the development of the industry. I have always looked upon big holdings as wrong in principle, and I am of the opinion—the Minister may differ from me on the point—that if, instead of sitting on the Government side of the House, we had been sitting in Opposition, and this particular policy regarding reservations had been introduced by the Government, the Minister and I would not be at variance between ourselves, but would have joined in being at variance with the Minister who granted such reservations. In 1921 or 1922, when the late Mr. Scaddan was Minister for Mines, the rumour was spread that he had opened up negotiations with some particular individual who suggested that, in order to introduce large sums of foreign capital, he might be given a monopoly over the old abandoned mines. We sat there

eagerly waiting—I do not know how the present Minister for Mines felt about it—for that proposition to be announced. No such announcement was made until some of us mentioned it. We showed our teeth and then the Minister for Mines said that if goldfields members objected, that was the end of the negotiations.

The Minister for Mines: It was stopped before that. A deputation waited on the then Minister for Mines, and I was one of their number. The Minister agreed then not to go on with it.

Mr. MARSHALL: Then the Minister disagreed with that proposition.

The Minister for Mines: And would do so to-day.

Mr. MARSHALL: Then let me show the difference between the two propositions. From what I could understand, the desire was to get hold of the abandoned mines. Properties of that description are of little use to a prospector. Abandoned mines are costly to unwater and are dangerous because the timbers decay and the country slips owing to the water having penetrated right through it. In those circumstances, abandoned mines are not valuable to prospectors unless they can transfer them to other parties at a profit. On the other hand, the reservations that I object to cover hundreds of square miles of maiden country of the type that the prospector really requires. Of the two evils, the granting of reservations is the greater by far. Reservations cover large stretches of maiden country from which prospectors are excluded. I have already mentioned that abandoned mines are of little use to prospectors, but, on the other hand, it is true that in the case of the Great Fingal, the Chesson Bros. have got on to some very nice country and are working in good ore close to the old Fingal mine. Such instances are extremely rare. Prospectors usually desire to go into well-known producing districts but not into abandoned mines, principally because they are so costly to work. I think the Minister made the statement—certainly I saw it somewhere—that he proposed to have these reservations pegged out. I am not particularly concerned as to whether he pegs them out or not.

The Minister for Mines: I never said that. Do not put that on to me.

Mr. MARSHALL: All right. I will take the responsibility off the shoulders of the

Minister. When I come to reflect upon it, a reference appears in this letter which brings it back to my mind: presumably those who attended the conference at Mt. Magnet, when the Minister went to meet them, must have left the impression on the Prospectors and Leaseholders' Association at Day Dawn that the reservations were to be pegged. I understand, too, that there are certain obstacles in the way of labour conditions placed on the granting of these reservations. With the large areas such as are granted in most of these reservations it is not possible in the first place for a prospector to know exactly where the boundaries are, and in the second place no man could police them. As a matter of fact, he would die of starvation, so large are some of them in area. I am referring now to that one between Nannine and Meekatharra. In 1936 there were, I think, 72 reservations, but they comprised only an area of 18,000 acres. In 1937 the number of reservations was decreased to 53, but their area increased to 44,000 acres. So while they are being reduced in number, they are increasing in area.

The Minister for Mines: No, they are getting smaller. Those 53 include the four reservations for sluicing and dredging purposes.

Mr. MARSHALL. But they were in the other list.

The Minister for Mines: No, they were not.

Mr. MARSHALL: Then the four dredges are responsible for the whole of the increased acreage.

The Minister for Mines: No, they are responsible only for the increase in the average.

Mr. MARSHALL: Now there are only 53 of them, but they comprise 44,000 acres. So there is a big increase somewhere, and if the four dredging reservations are not responsible for the total increase, the other reservations must have been increased in area.

The Minister for Mines: I say the four are responsible for the increase.

Mr. MARSHALL: The Minister at first said that they were not responsible.

The Minister for Mines: I said they were not included in the 1936 list.

Mr. MARSHALL: Why cannot the Minister answer my questions without evasion?

The Minister for Mines: If you come down to the office and tell me what reply you expect to get I will consider it.

Mr. MARSHALL: Is this question, which I asked on the 10th August, not clear?—

What is the total rent that was received for these reservations for the year ended the 30th June, 1937?

Could there be plainer English than that? Now take the Minister's reply:—

£1,625 5s., being reserve fees and rents on leases.

Who asked about the leases?

The Minister for Mines: I could not answer your question without giving you the whole information.

Mr. MARSHALL: I asked only for the rent collected on reservations. I did not ask for the leasehold tenure, because I knew what that cost. It looked as if the extra information was put in to cloud the issue.

The Minister for Mines: It was never put in there for that purpose. It was actually the amount received.

Mr. MARSHALL: Because of the fact that bona fide prospectors do the prospecting I will never agree to the granting of reservations, which excludes from them the right to go where they desire; I will never agree that that assists the development of the gold mining industry. I disapprove of the Minister's preferential treatment in granting reservations, and I say that if they are to be continued they should be applied for through the warden's court and dealt with locally. Then all the parties concerned could attend and support or object to the application made for a reservation. I disagree entirely with these reservations. They are wrong in principle and detrimental to the mining industry. I move—

That the Bill be now read a second time.

On motion by Minister for Mines, debate adjourned.

*House adjourned at 10.27 p.m.*

## Legislative Council,

Thursday, 2nd September, 1937.

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

### BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

#### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.34] in moving the second reading said: This Bill proposes to amend the Industrial Arbitration Act, 1912-35. It has been brought down in an endeavour (a) to improve certain machinery sections of the principal Act, (b) to alter the present basis of grouping workers for the purposes of arbitration, and (c) to eliminate certain practices adopted by employers to evade the provisions of the Act. When the Act first came into operation, it was regarded as being in the forefront of industrial legislation in Australia. With such a comprehensive measure, however, certain points arise from time to time that cannot be dealt with unless the law is amended. Consequently, efforts have been made on several occasions to amend the Act, but so far without success. Just as with the Factories and Shops Act, conditions under the Industrial Arbitration Act vary with the passage of time and certain contingencies arise that could not have been foreseen when the measure first came into operation. On this occasion I feel that the amendments included in the Bill, if agreed to by Parliament, will bring the Act up to date and will certainly tend towards the smoother working of this legislation. We propose to amend the definition of the terms "employer" and "worker." Doubt has existed regarding the position of persons acting in a managerial capacity on behalf of employers, more particularly where those persons virtually conduct the business of the employers. Therefore the definition of "employer" has been amplified to include any steward, agent, bailiff, foreman or manager acting on behalf of any person, firm, company or corporation employing one or more