

the inspection of motor machinery. There must be some reason for it. Clause 42 provides that in respect of machinery used for purely agricultural purposes the certificate may remain in force for two years at the discretion of the inspector; and it is provided also that on payment of the prescribed fee the duration of the certificate may be further extended on a declaration that no material alteration has been made to the machinery. This idea of compelling a farmer to take out a certificate for all his machinery is not for the safe working of the machinery, but rather to raise revenue by means of taxing machinery. I may be wrong, but the framers of the Bill admit that it is not necessary to inspect agricultural machinery at all, for they provide that there may be only one inspection, with no subsequent examination so long as the cocky pays up his 5s. each year. I fancy I can see the finger prints of professional politicians impressed very firmly on this measure. It has been framed in the Labour school. Clause 45 provides that when a person sells a boiler or engine he must notify the inspector and give the name and occupation of the person to whom the sale was made. This clause certainly will tend to build up a large correspondence staff, will almost necessitate the creation of another Government department. To-day the cost of inspecting machinery—a mere bagatelle to what it will be under the Bill—shows a big loss. The Minister in another place in introducing the Bill stated distinctly—

The PRESIDENT: The hon. member must not allude to debates of the current session in another place. I will ask hon. members when on the second reading to confine themselves as much as possible to the general principles of the measure.

Hon. J. A. GREIG: I am sorry if I have transgressed. I am referring, not to "Hansard," but to what I have read in the daily Press. The Minister said he intended to make the Act pay for itself.

The PRESIDENT: The hon. member has already admitted that the Minister said these things when introducing the Bill.

Hon. J. A. GREIG: I am sorry. I did not hear the Minister, and so I have to go by what appeared in the newspaper, which may or may not be correct. However, I shall have something further to say in Committee.

On motion by Hon. R. G. Ardagh, debate adjourned.

ADJOURNMENT—ROYAL SHOW.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [6.10]: I move—

That the House at its rising adjourn till Tuesday, the 11th October.

Question put and passed.

House adjourned at 6.10 p.m.

Legislative Assembly,

Thursday, 29th September, 1921.

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

QUESTION—HOTEL METROPOLE, SEWERAGE.

Mrs. COWAN asked the Minister for Works: 1, Why is the Hotel Metropole permitted to remain unsewered when owners of other premises are compelled to connect their premises with the sewerage system? 2, Will he, in the interests of public health, issue instructions that the necessary connections be made? 3, If not, why not?

The MINISTER FOR WORKS replied: 1, The Hotel Metropole was connected with the sewerage scheme of the metropolitan area on 20th May, 1913, and certified by Mr. Lawson, as engineer, on the 23rd May, 1913. 2 and 3, Answered by No. 1.

QUESTION—KING EDWARD HOSPITAL, EMPLOYEE.

Mrs. COWAN asked the Colonial Secretary: 1, Has he seen the paragraph in the "Australian" newspaper of the 23rd September stating that a male adult (an ex-Imperial soldier) is employed at the King Edward Memorial Hospital doing casual work at 7s. per week? 2, Is the statement correct?

The PREMIER (for the Colonial Secretary) replied: 1, No. 2, Yes. This man agreed to accept one shilling per diem at the King Edward Memorial Hospital as an alternative to re-entering the Old Men's Home, where he had previously been an inmate. He is physically unable to do much work.

BILL—CRIMINAL CODE AMENDMENT.

Report of Committee adopted.

BILL—GOLD BUYERS.

In Committee.

Resumed from the 27th September, Hon. G. Taylor in the Chair: the Minister for Mines in charge of the Bill.

Postponed Clause 51—Magistrate may authorise samples to be taken:

Hon. P. COLLIER: On the previous occasion I intimated that I would endeavour to obtain an amendment which would be acceptable. I have found it very difficult to frame an amendment which would preserve the desire of the Minister and achieve the object I had in view, but this amendment, I think, will meet the case. I move—

That the following proviso be added to Subclause 1: "Provided that any evidence obtained under this section shall only be relevant so far as it tends to prove that the gold, gold ore, or gold matter, the subject of the proceedings, is essentially different in character from any gold, gold ore, or gold matter discovered by such inspection and from the samples, if any, taken.

The Minister for Mines: I accept the amendment.

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

Title—agreed to.

Bill reported with amendments.

BILL—NORTHAM MUNICIPAL ICE WORKS.

Second Reading.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [4.44] in moving the second reading said: This is a Bill for an Act to enable the municipality of Northam to construct, maintain and work ice works and cool storage plant. The Bill is drawn very simply and the powers sought, I think, will be readily granted by hon. members. In the past Northam has drawn its supplies of ice from Perth, but last season the demand in Perth was so great that the works here could not meet it, and Northam had to draw from Kalgoorlie during the height of the summer. The price that has been charged in Northam for ice from Perth has been fairly stiff as compared with the cost at which it is estimated ice could be manufactured on the spot. The price in Northam of ice from Perth has been 5s. 6d. per cwt.; and the Northam municipality, owing to facts which I shall explain as I proceed, expect to be able to supply ice manufactured locally at 3s. 9d. per cwt.—a very considerable reduction. The municipality will have to borrow funds for the purpose of establishing the ice works, and they expect the cost will be about £4,000; but in order that they may not be pinched for money in the

carrying on of this business, and in case of extensions being required, the Bill provides a limit of £5,000. Hon. members will also observe that the Northam municipality propose to trade in ice chests, which can be made in a cheap form in the municipality. By that means the people of Northam and the district generally will be enabled to cultivate a taste for the ice which the proposed municipal works will supply. Further, Northam proposes to provide cold storage for butter, cheese, eggs, and fruit. Hon. members will see that this undertaking has a solid basis to go upon, and I anticipate that they will approve of the Bill. Some time ago there was a private attempt to establish an undertaking of this kind in Northam, but the overhead charges were found to be too high to enable the local ice factory to compete with Perth. The municipality, however, have their own electric light plant; and they propose to utilise the services of their engineer and staff in connection with that plant for the ice business as well. It is believed that there will be no difficulty whatever in carrying on the electric light plant and the ice works with the same staff. Construction is proceeding and manufacturing operations are expected to begin about the end of this month, and a supply of local ice will thus be assured to Northam for the coming summer. I do not think there is any other feature of the Bill I need deal with now. During the Committee stage I shall be prepared to answer any questions hon. members may feel it necessary to put in connection with a measure of this kind. I move—

That the Bill be now read a second time.

Hon. W. C. ANGWIN (North-East Fremantle) [4.50]: I have perused the Bill, and I have pleasure in recommending it to hon. members. There is no doubt whatever in my mind that greater powers might well be given to municipalities for the providing of public utilities. I regret the limitation of £5,000 in this Bill, and I hope that in Committee the Minister will agree to the striking out of that limitation.

The Minister for Works: That is all the Northam municipality ask for.

Hon. W. C. ANGWIN: That fact makes no difference. There is no necessity to provide in a measure of this kind a limit for borrowing, seeing that the ratepayers themselves have the right to block any proposed loan. The matter is one purely for the ratepayers themselves. With the cost of materials to-day, a sum of £5,000 will not do much; and there is a possibility that the ice service of Northam may demand a larger amount. I trust that when the Government introduce the long promised measure to deal with municipalities generally, it will provide powers rendering unnecessary applications by municipalities to Parliament in such a small matter as this.

Mr. SAMPSON (Swan) [4.52]: Northam is to be congratulated on the forward movement it is making. Personally I regret that all municipalities throughout the State in need of similar facilities are not doing the same thing. In our own capital of Perth there is a great shortage of cold storage space. One of the acutest difficulties with which our fruitgrowers and small farmers are faced is the lack of sufficient cold storage. I hope it will not be long before Perth follows in the footsteps of Northam. If the example of Northam were generally imitated, the prosperity of Western Australia would be increased materially.

Mr. O'Loughlen: But that would be knocking out the private trader.

Mr. SAMSON: The private trader does not provide sufficient cold storage at the time when it is wanted. There are certain privately owned cold storage plants in Perth and its suburbs, but their total capacity is not nearly sufficient to meet the needs of the growers. I sincerely trust that Northam intends to erect an up to date cold storage plant, because that point is very important. We have in Wellington-street, Perth, an antediluvian cold storage plant, which, in the interests of economical working, should be scrapped. However, that is another question, though one which I hope the House will have an opportunity of dealing with before long.

Hon. W. C. Angwin: Are you not opposed to State trading?

Mr. SAMPSON: The matter of cold storage is one for co-operative effort, with the backing of a Government guarantee. I repeat, I hope that the example of Northam will be widely followed, because then we shall stop much importation into this State, inasmuch as we shall be providing our own people with our own products.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Taylor in the Chair; the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Borrowing powers:

Hon. W. C. ANGWIN: The limitation to £5,000 is unnecessary, and it may prove harmful, inasmuch as the works required to supply the residents of so large a district as Northam with ice must be fairly extensive. The ratepayers themselves should be left to decide what amount shall be borrowed for the purpose. I think the words "but the total sum to be borrowed shall not at any time exceed £5,000" should be struck out. Unless this is done, Northam will have to come to Parliament for another Bill if these proposed ice works should happen to cost £6,000. Let it be remembered that before any municipality can raise any loan whatever, the intention to raise the loan must be advertised in the "Government Gazette" and in a local news-

paper for one month, and thereupon any ratepayers have the right to demand a poll on the question of the loan.

Mr. Money: Do not you think it would have been well if we had had similar limitations a few years ago?

Hon. W. C. ANGWIN: No. The people who have to pay are the only people who should have a say in the matter.

The Premier: This Bill deals with only one thing.

Mr. Pickering: All ratepayers do not take the same lively interest in municipal matters as the member for North-East Fremantle does.

Hon. W. C. ANGWIN: That is their lookout. However, municipal councillors take as lively an interest in their particular business as members of Parliament do in theirs. I trust the time is not far distant when the Government will bring in a measure giving municipalities wider financial powers.

The Minister for Mines: But at the back of the municipalities stands the State. What about some of the goldfields municipalities?

Hon. W. C. ANGWIN: The people have been driven out of those goldfields municipalities, and that is not their fault. In any event, it is not anticipated that Northam will cease to be the centre of an agricultural district. If there is no profit and there is a loss, then a rate has to be struck. If the Minister is satisfied that this will provide all that Northam requires, well and good.

The CHAIRMAN: Does the hon. member withdraw the amendment?

Hon. W. C. ANGWIN: I did not move it.

Mr. SAMPSON: The hon. member's remarks will commend themselves to members of the Country Party, and they indicate the early accession of that hon. member to the ranks of the Country Party. The hon. member is desirous of giving Northam further power.

Mr. Money: They do not ask for it.

Mr. SAMPSON: These restrictions sometimes become part of an Act thoughtlessly, and as has been pointed out, a restriction such as this is apt to cause inconvenience.

Mr. PICKERING: Legislation in these times which restricts expenditure that might be inclined to be extravagant is wise legislation. As the Northam municipality have arrived at an estimate of the probable cost of the works, we should be satisfied with that estimate and with what the Northam council ask us to do.

The MINISTER FOR WORKS: The Northam Municipal Council are not newcomers at the game; they understand what they are after, and the sum which I mentioned when introducing the Bill is considered by them sufficient to complete the works and equip them. In these times we should not give too much latitude in the way of borrowing money.

Hon. W. C. Angwin: Are they not as capable of borrowing money as this Parliament?

The MINISTER FOR WORKS: As things are at present, and remembering that the Government will have to foot the Bill if there is failure, we shall be acting wisely in allowing the amount mentioned in the Bill to stand.

Mr. Pickering: Can a municipality without reference to the ratepayers at once proceed with the flotation of the loan?

The MINISTER FOR WORKS: It is not beyond the province of a municipality or a road board to do funny things.

Hon. W. C. ANGWIN: I resent any insinuation that a local authority such as Northam is not capable of managing its own affairs just as well as members of Parliament are capable of managing the affairs of the State.

The Minister for Mines: They are more qualified.

Hon. W. C. ANGWIN: The Northam councillors know every inch of their ground, while very few of us know very much about Western Australia. The owners of property at Northam can restrict borrowing on the part of the council if they so desire, so what does it matter whether we give power to borrow £5,000 or £50,000?

The PREMIER: The proposals contained in the Bill were asked for by the Northam Municipal Council and I have no hesitation in trusting that municipality to do what it pleases in these matters.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.15]: In moving the second reading said: I am merely asking the House to agree to renew the Act of last year. There is no alteration at all.

Hon. T. Walker: What is this new method of calculation, this algebraic method?

The PREMIER: It is not new.

Hon. P. Collier: It looks very simple.

Hon. T. Walker: How can you expect an ordinary taxpayer to understand it?

The PREMIER: He has had plenty of experience of it.

Hon. P. Collier: Will the Premier kindly explain the method of calculation?

Hon. T. Walker: Set it out on a blackboard.

The PREMIER: There is no blackboard here. However, that is of no importance, because every member thoroughly understands the system. Every member is a taxpayer, and has paid under this provision for years past. In any case, the hon. member need not bother, because it will all be worked out for him in the Taxation Department. It is the same Bill as that of last year. The

method of calculation is perfectly fair, and the House has approved of it. The hon. member himself has approved of it.

Hon. T. Walker: To my sorrow.

The PREMIER: No doubt. However, I merely ask the House to agree that the tax of last year shall be the tax of this year. So often has it been discussed, there is scarcely need to say anything about it.

Mr. Pickering: Are there not certain amendments in the Bill?

The PREMIER: Not a single alteration.

Mr. Pickering: Not in the pastoral clauses?

The PREMIER: No, they are the same as last year.

Mr. Durack: Not the same as last year. There have been alterations.

The PREMIER: It is the same Bill as last year. Everybody here is familiar with it. I move—

That the Bill be now read a second time.

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

BILL—EVIDENCE ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.20]: The Bill is based on recent legislation passed in New South Wales and in Tasmania. It has been framed to deal with the pillaging of cargo. It is always difficult to prove the ownership of stolen cargo. The late Sir John Madden, dealing with this question some time ago, said that having regard to the persistent recurrence of difficulties in such cases the Legislature might be acting wisely in declaring by Act of Parliament that apparently genuine shipping documents should be admissible as evidence on presentation. He went on to point out that as the law stood it was almost impossible to obtain a conviction, owing to disabilities which would always be raised. He thought the matter might be efficiently dealt with by the Legislature. That was the opinion of the late Chief Justice of Victoria. We all know that it is difficult to establish ownership of goods stolen on the wharves, for the reason that proof of ownership is almost impossible. It could not be proved by a comparison of the marks on the case with those on the stolen goods referred to in the shipping documents, because the marks on the case are different from the marks on the contents of the case, and judges have been reluctant to accept evidence in that connection. If the whole case were stolen, the marks on the case would be shown on the shipping documents. This amendment of the law, namely that apparently genuine shipping documents should be admissible as evidence on presentation, was advocated before the Pillaging of Cargo Commission. That is to say, apart from the bill of lading, there would be documents by which the marks on the contents of the case could be identified,

as for instance by the invoice. It is almost impossible to prove ownership of stolen goods unless the shipping documents are accepted as evidence of ownership. Evidence of ownership ought to be established by the simplest possible means, so long as those means satisfy a judge that the documents refer to the stolen articles. We know there has been pillaging on the wharves, although in my opinion it has not been perpetrated to nearly so great an extent as has been alleged.

[Mr. Piesse took the Chair.]

Mr. Willecock: I agree with that.

The PREMIER: But it is always difficult to prove ownership of stolen goods. If the member for Kanowna (Hon. T. Walker) in his legal capacity were appearing for a client before a judge, he would be asked to prove that the stolen goods were his, and unless the shipping documents were admitted he would find his task very difficult indeed.

Hon. T. Walker: But the goods actually stolen might not be covered by the invoice at all. Now you are—

Hon. P. Collier: Making easy the road to gaol.

The PREMIER: The Royal Commission considered this question.

Hon. P. Collier: A commission of commercial heads!

The PREMIER: It is a simple matter to prove that goods have been stolen, but very difficult to prove the ownership. We require to provide that the man who has stolen the goods can be punished.

Hon. W. C. Angwin: The only trouble will be to prevent innocent persons being punished.

The PREMIER: The Bill will help. The innocent man has nothing to fear from the Bill. It is very necessary that we should protect the people who send their cargoes by boat and land them on our wharves. While I doubt whether there has been nearly as much stealing on the wharves as has been attributed to people working on the wharves, I agree that we ought to protect the owners of the goods.

Hon. T. Walker: But this is a kind of panic legislation.

The PREMIER: So far from it being that, it is a result of evidence taken before the Royal Commission.

Hon. T. Walker: The commission itself arose out of a panic.

The PREMIER: Real losses have been sustained. Under such legislation as this, the innocent man will have nothing to fear, and the guilty man will find it less easy to escape.

Hon. T. Walker: Innocent men get into gaol even in Western Australia.

The PREMIER: Under the Bill an innocent man could not get into gaol, because the goods would have to be found in his possession.

Hon. T. Walker: But you want to show on inadequate proof that they belong to a

stated owner. It is trying to get easy evidence.

The PREMIER: If the goods were actually in the possession of the owner, if they were on his shelves, there would be no trouble about proving ownership. He would say "I have lost 10 pairs of boots of a certain brand, and they have been found in this man's possession." But the goods stolen on the wharf have never come into the possession of the owner, and therefore it is much more difficult to prove ownership. There is no difficulty about proving that the thief stole them, but it is difficult to prove that they are the goods of the man who, in point of fact, has never seen them. It would be impossible for the man receiving a case to say, "I have seen these goods; they are mine; I know them." We, however, provide that he shall be enabled to establish his right by documentary evidence, evidence which will apparently be perfectly genuine. The House would be wrong if it did not pass this measure for the reasons that I have stated. We should protect the genuine owner of goods, but we should not protect the man who, when entrusted with the care of goods, breaks open a case and takes away some of the contents. It is, of course, not right that 99 per cent. of the workers should be looked upon with suspicion because of the behaviour of one person.

Mr. O'Loughlen: This legislation is giving the State a bad advertisement.

The PREMIER: No. It only affords reasonable protection to the worker himself. We have frequently heard that wharf lumpers pillage cargo. I do not believe that 999 lumpers out of 1,000 do that.

Mr. O'Loughlen: Then why bring in legislation for the odd one?

The PREMIER: We know that losses do occur, and Parliament should protect the owners of these goods.

Mr. Chesson: A good deal of the loss occurs before the ship reaches here.

Mr. A. Thomson: That would not protect anyone in this State.

Hon. P. Collier: Possibly it would.

The PREMIER: The goods must be found in the possession of the man when under arrest. No matter what is lost or stolen at the port of departure, people in this State would not be affected. I move—

That the Bill be now read a second time.

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

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.35] in moving the second reading said: This Bill gives a judgment creditor the right to be represented by a clerk at the hearing of a judgment summons. That is really all the Bill does.

Hon. T. Walker: Does it not give power to a magistrate to act in the same way as a judge?

The PREMIER: At present a judgment creditor must be represented by a solicitor unless the magistrate otherwise orders; but he generally refuses.

Mr. Money: He could be there himself.

The PREMIER: The object of a judgment summons is to examine a debtor as to his means and imprison him if, having means, he refuses to pay. The creditor's chance of recovery is very small indeed at that stage. The idea of introducing the measure is to save expense to the judgment creditor, who would be likely to get nothing at all for his debt. The plaintiff may get a summary judgment on application to a magistrate without waiting for the day of trial. Both the member for Kanowna (Hon. T. Walker) and the member for Bunbury (Mr. Money) will know that many defences are simply put up to create delay, but not in dispute of the claim. If this amending legislation is carried the defendant must appear in Chambers to show cause against the entry of judgment. This procedure is copied from the Supreme Court where it has been in force for many years. It will only apply to cases of claim for debt or liquidated demand in money.

Hon. W. C. Angwin: We should have a clause in the Bill that no person shall serve a summons except an officer of the court.

The PREMIER: The Bill will not apply in cases where damages are claimed. The facts can be clearly set before the magistrate. If this provision has been a good one in the Supreme Court for all these years, it ought to be a good one in the lower court. The only difference between the two courts is in the amount of the claim. If it is right for a man, who can go to the Supreme Court to be protected, it is surely right that the man to whom a small amount is owing, should also be protected in the same manner. We only ask that we should give to the magistrate the powers now given to a judge. I move—

That the Bill be now read a second time.

Hon. T. WALKER (Kanowna) [5.40]: I have no objection to the measure, but I should like to enlarge its scope and bring into it greater safeguards. The chief provision of the Bill which I approve enables a claimant to obtain summary judgment without going through all the formalities of a trial. A case may be brought and a claim made for a certain ascertained sum to which no possible defence can be offered, as in the case of a promissory note obtained under ordinary circumstances, and yet under these circumstances in order to obtain time and cause delay, very often frivolous steps are taken and the clients of the lawyers have to pay the costs. To avoid that it has long been the practice not only in our Su-

preme Court, but in the courts of England and other countries in the world, to enable the matter to be heard on an application in Chambers, and judgment may be obtained on an order made to that effect by the judge sitting in Chambers. It is open to the defendant to appear and prove that he has a defence. If he can give sufficient evidence to show that the defence is not a subterfuge, but is a genuine defence, the matter goes on for trial. Otherwise, if it be not a good defence the matter is ended summarily without incurring further costs. That is a privilege which appertains to the Supreme Court, but not to the Local Court. There are some actions just as important in the Local Court although the sum involved may not be so large as in the Supreme Court. There are all the vexatious delays possible there that would be possible in an action in a Supreme Court, were it not for the existence of what is known as Order 14. It is proposed by the Bill to bring the equivalent of that order in the Local Court, on a par with the Supreme Court. My objection to this is—as it is my objection in the Supreme Court—that very often the spirit of the Supreme Court rule is avoided by merely showing that there is a trivial prima-facie defence, though not a good defence, merely a simple scintilla of evidence to show that there is a defence however frivolous, and thus the trial order goes on. It may be that the material of the defence and not the evidence, but the real substance of the general defence, should be laid before the magistrate before he allows the matter to go further. The amendment I propose to submit will still further benefit the general public who are litigants in this court, by compelling the defendant to satisfy the magistrate that he has a bona-fide defence, and thus permitting summary jurisdiction where there is no possible defence. The member for Bunbury will admit that this amendment is desirable. In a court, on some transactions being forced to a hearing, there is no valid defence, although a prima-facie case has been made out in Chambers, and so the action is delayed and settlement averted and the expense of a trial incurred. With these exceptions, I approve of the measure and think it will prove to be a wise and useful Bill.

Mr. MONEY (Bunbury) [5.43]: I would refer to Section 29 of the existing Local Courts Act which already gives discretion to the magistrate to allow a person or the party himself to appear, or anyone else to do so by leave. I think in the interests of the party being tried, it is somewhat dangerous to allow anyone, whether clerk or witness, or any employee of the judgment creditor, to appear and take the responsibility of a person being condemned to imprisonment. On a matter of a judgment summons it is a question of imprisonment.

Hon. T. Walker: Not always; for the magistrate has discretion.

Mr. MONEY: In the case of a judgment debtor, after judgment is obtained, it is a question of imprisonment. The question is whether there shall be imprisonment or whether a further order shall be made and the money paid in instalments. I do not see any reason for extending it inasmuch as it is already provided for under the existing Local Courts Act. As a matter of fact, there are no appreciable profits for legal practitioners who appear in connection with these judgment summonses.

Hon. W. C. Angwin. They would not appear if there were no profits.

Hon. T. Walker: That is very unkind.

Mr. MONEY: It does not seem to be generally recognised that there is quite a percentage of work done in the office of a legal practitioner which is not payable. Reference has been made to interlocutory proceedings; that is, the right to make application respecting local court cases. I have no objection to provision in that direction and, in fact, it is one to be welcomed. We have recognised for some time in Western Australia that we should have more local administration. I hope that at no far distant date we may be asked to widen the measure so that an action may be tried in the country districts without the present expense of witnesses coming to Perth and remaining for a week or so before the hearing. The present procedure involves four or five times the expense which might otherwise be incurred. I look forward to the day when we will have a District Courts Bill introduced in this Chamber. It is much easier for a judge to travel into the country districts than for four or five witnesses to come to Perth and wait around pending the hearing. The present system is wasteful and imposes a hardship upon individuals and upon witnesses. I would have preferred to see this measure a much wider one, so as to deal with these matters. The principle underlying the Bill is quite all right; the machinery, apart from Perth and the central districts, is not too good. It will not prove beneficial to districts further away from the larger centres of population. At the present time the magistrate only goes to some of these districts once a month and, in some cases, once in two months. Jurisdiction in these matters should not be exercised except by the magistrate himself. This measure will be of little use under this heading to the sparsely populated districts. It is really more for the metropolitan area, Fremantle, Kalgoorlie, Geraldton, Albany and Bunbury. Apart from those districts, it will not do much good.

Hon. W. C. ANGWIN (North-East Fremantle) [5.49]: I would like to see a new clause inserted in the Bill to prohibit any person, except a police officer or an officer of the court, from serving summonses on debtors. The present system of serving summonses has been abused. In various parts of the metropolitan area a number of men have established themselves as debt collectors. These men use the court for the

purposes of increasing their payments for the work they are doing. These payments are levied upon persons who, unfortunately—I have two or three instances in mind—through illness, or having large families to maintain, fall behind in their accounts. The debt collectors take up the matters and arrange weekly payments. The first time the debtor omits to make a payment, the debt collector applies to the court for a summons, and the unfortunate person is charged 3s. or 4s. for the service of that document. I had occasion to go to a magistrate to find out whether this charge could be levied legally, or in accordance with the rules of the court. I wanted to find out if these persons could suck the blood, if I may use that term, from those unfortunate people who happen to be temporarily embarrassed. The only way I can see out of this difficulty is to prohibit any person except a police officer, or an officer of the court, from serving summonses. Some solicitors also act as debt collectors, and for sending out summonses by their office boys, they charge a pretty good fee. We should take some action, while we have the Bill before us, to protect people who are in the unfortunate position I have referred to.

Mr. PICKERING (Sussex) [5.51]: It would be well if the Committee stage of this Bill were postponed. If that is not done, the measure will probably go through the second reading very promptly and at once the Committee stage will be commenced. I deprecate that course, because a measure of this kind is quite foreign to most members of the House. We have had suggestions by the member for Bunbury (Mr. Money) and the member for North-East Fremantle (Hon. W. C. Angwin) respecting additions to the Bill. I hope an opportunity will be afforded members to study the Bill and not force it through hurriedly.

Question put and passed.

Bill read a second time.

BILL—RECIPROCAL ENFORCEMENT OF JUDGMENTS.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.53] in moving the second reading said: This Bill is almost identical with Part 2 of the Imperial Administration of Justice Act 1920. My learned friends will no doubt be interested in the measure. The object of the Bill is the enforcement in Western Australia of judgments of superior courts of other British Dominions, and also the issue by the Supreme Court of certificates of judgments with a view to their being enforced in other British Dominions. That is to say, that a judgment of a superior court in any British Dominion

can be enforced in Western Australia and the judgment of our Supreme Court here can be enforced in any other part of the British Dominions by the issue of a certificate showing that judgment has been entered. The House will agree that that is quite right. No one will argue that a man should escape from justice and evade responsibilities merely by transferring himself to some other part of the British Dominions. At the present time a man, against whom judgment has been entered, may go to Great Britain, where he has property. It is right that we should provide that such a man should be made to pay wherever he is to be found in a British Dominion, without all the expense of going there to make him pay. There can be no argument against the Bill so far as it provides for the reciprocal enforcement of judgments. The Bill applies directly to the United Kingdom. The Imperial enactment does not extend to Western Australia until an Order-in-Council is issued. This will no doubt be done and we shall ask that it shall be done. I am sure there will be no difficulty about that aspect. I have said that the Bill may be applied to other British Dominions, and it may be so applied under an Order-in-Council. It will not be right to apply this measure to other British Dominions unless they also provide for the reciprocal enforcement of a judgment of our Supreme Court. We will say to other parts of the British Empire that we will do this so long as they do the same for us; that if they allow our judgments to be enforced in their country, we will allow their judgments to be enforced in Western Australia. I do not know that it is necessary to say any more about this Bill, because that is all it really amounts to. It is wise and right that we should pass this legislation. How often have we heard of debtors escaping from the consequences of their actions and escaping from their creditors by the simple process of taking a passage to some other part of the British Empire. This Bill will certainly help to defeat a man who tries to escape by that process, and it will make the enforcements of judgments very much more effective and cheaper than is the case now. I move—

That the Bill be now read a second time.

On motion by Hon. T. Walker, debate adjourned.

BILL—ELECTORAL ACT 'AMENDMENT.

Returned from the Council without amendment.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [5.58] in moving the second reading said: The provisions embodied in the

Bill are those which were passed last session. At present money Bills can only originate in this Chamber and money Bills, as such, will still only originate in this Chamber. What we propose to do now is to permit Bills which merely impose, or appropriate, fines or other pecuniary penalties, or other appropriation of fees for licenses or services, to originate in future in the Legislative Council. At present such Bills which contain a clause imposing a fine or fee for licenses are regarded as money Bills. Hon. members know that we have argued this question in this Chamber time and again because we always asserted that no money Bill could be originated except in this Chamber. I believe this House is entirely in accord with this provision; it was passed last year and I think it was generally approved on that occasion. We shall still control all Bills which mean the appropriation of money; we shall still control all Bills that apply to taxation; we shall give up no right except so far as I have mentioned in connection with Bills such as the Registration of Nurses Bill which passed the Legislative Council last year and was disallowed in this House by you, Mr. Speaker, because it provided for the charging of some small fee. Another Bill which fared similarly was the Stallions Bill. If this measure is passed, such Bills can be introduced in another place. I would not ask this House to give away its undoubted right to control Bills affecting the appropriation of money or taxation. This proposal does not mean very much, but it will be very convenient to be able to introduce in another place Bills which contain clauses such as I have described. I move—

That the Bill be now read a second time.

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

[The Speaker resumed the Chair.]

BILL—PERMANENT RESERVE (POINT WALTER).

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [6.3] in moving the second reading said: I hope the member for North-East Fremantle (Hon. W. C. Angwin) will not move the adjournment of the debate on this Bill, because it concerns his electorate. The Bill is intended to give the Melville Road Board the right to lease a small piece of ground at Point Walter for the erection of refreshment rooms. The road board have spent a great deal of money at the Point Walter reserve. It is a Class A reserve and no portion of it can be leased without the sanction of Parliament. However, conveniences must be provided for visitors. The road board have already leased one site for a refreshment room, and this will enable them to lease another site for which they will receive a fair rental. It is only

right to make these reserves pay their way. This land will not be given up; it will still be there for the use and enjoyment of the people. It will be leased for refreshment rooms, but only temporarily leased for a short period. If it were possible for the road board to erect these buildings, they could lease them and derive more revenue, but they are not in a position to do so. Therefore, it is better for them to give a ground lease and let the tenant find the money for erecting the buildings. We have spent a considerable sum of money on the reserves in the metropolitan area, and in the aggregate we receive a very small sum for this expenditure. At Point Walter, which is far removed from refreshment rooms at Fremantle and elsewhere, there is a chance of getting some revenue and, because of this, I ask the House to give the road board the right to lease an area not exceeding one acre for the purpose of a public refreshment room.

Mr. Lambert: What sort of refreshments do they propose to supply, spot lager?

The PREMIER: Non-intoxicating liquors and only such things as are good for people. I want the House to understand that this Bill deals with a Class A reserve under the control of the road board, and the road board want the right to lease the ground and I want the House to give permission. The area will be only sufficient for the erection of the building and out-houses and for yards. The season is advancing and I hope the Bill will be passed without delay. I move—

That the Bill be now read a second time.

Hon. W. C. ANGWIN (North-East Fremantle) [6.8]: Some objections have been lodged against this Bill by those who at present have refreshment rooms at Point Walter. During the holiday season 12,000 to 15,000 people visit Point Walter on one day and it is almost impossible for them to get refreshments of any kind, because there are only two small places to cater for them. The Melville Road Board think it is advisable that further accommodation of this kind should be provided, and they have had an offer to erect buildings for which a very fair rental would be paid in view of the fact that business extends over only three or four months of the year. This reserve is a charge on the board, who make no profit whatever out of the grounds. Last year they received from the grounds a total of £610. The revenue was derived chiefly from campers and the board also received a penny per passenger who landed by the steamers from Perth after the fares were raised from 1s. to 1s. 6d. The road board has the responsibility of keeping the place in a sanitary condition, and during the holiday season two men and a woman are employed to attend to the conveniences. Last year's revenue consisted of £510 plus £100 received from the Government. These

grounds are not even second to King's Park which costs the State £3,000 a year.

Mr. Pickering: That is a sweeping statement.

Hon. W. C. ANGWIN: It is correct.

Mr. Davies: What about South Beach?

Hon. W. C. ANGWIN: That is differently situated; one is a sandy sea shore and the other is a nicely grassed place near the river. It is well to remember that the Point Walter reserve is half way between Perth and Fremantle and that more visitors go there from Perth than from Fremantle. Although the road board's revenue last year was £610, they expended £830 on the grounds. Every penny of the money received goes back into the grounds for improvements. Members who visited this reserve some years ago when it was under Government control would be astonished if they went there now and saw the wonderful improvements which have been effected. The Melville Road Board take an active interest in this reserve, and apart from the improvements effected have spent £13,000 on tramway communication. For a long time the reserve was a sand patch but the road board have had it planted with grass. It is one of the finest resorts in the metropolitan area. This Bill is requested in order that more accommodation might be provided during the busy times. There is a small place at Point Walter which the Government put up for a caretaker's house some years ago and where refreshments are now served, and there is another small place erected by another caterer. I am sure that it will take the three places all their time to cater for the visitors during the summer months. No intoxicating liquor is permitted to be sold on the ground.

Mr. Lambert: Do you call spot lager intoxicating liquor?

Hon. W. C. ANGWIN: I might mention that there is a hotel pretty handy, so that there is no necessity for liquor to be sold on the ground. This is not to say that none will be taken on the ground. I hope members will agree to the Bill, because it will result in the board receiving a little more revenue to enable them to effect further improvements.

Mr. LAMBERT (Coolgardie) [6.13]: I have every desire to assist the Premier and the member for North-East Fremantle (Hon. W. C. Angwin) in their endeavour to aid the Melville Road Board to secure additional revenue. The intention of the road board in seeking permission to lease an acre of this reserve is to allow a spot lager saloon to be erected.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. LAMBERT: Before hon. members vote upon the second reading of this Bill they should be possessed of the fullest possible information regarding the leasing of this reserve, and the point as to whether the lessee by any of the callings he may engage

in will affect the comfort of the visiting public. I know that the member for North-East Fremantle (Hon. W. C. Angwin) has taken a commendable interest in this reserve. The same may be said of the Melville Road Board, who desire to improve and beautify a place that is used by holiday folk from all portions of the metropolitan area and elsewhere. I understand that the object of leasing a portion of this reserve is primarily to build what is termed a spot lager saloon.

The Premier: I do not know that.

Mr. LAMBERT: The Premier ought to know it.

The Premier: I know it is for the convenience and comfort of the public.

Mr. LAMBERT: The Premier should not deal with a question of this sort in an airy and flippant manner.

The Premier: I know what it is for; you do not.

Mr. LAMBERT: It is chiefly for the building and conduct of a spot lager saloon. The man who proposes to lease the land interviewed me upon the subject.

Mr. Underwood: What is the matter with spot lager?

Mr. LAMBERT: That is beside the point. The Premier said that this land was to be leased for the comfort of the public.

The Premier: So it is.

Mr. LAMBERT: Half a dozen grog shop keepers who may be seeking to get a license there may put forward the same excuse, that it is for the comfort of the public.

The Premier: There is the licensing bench to deal with that.

Mr. LAMBERT: True! The House would be well advised to obtain a clear undertaking as to the stipulations to be attached to any lease that is likely to be granted. It is unlikely that this land would be leased for the sale of intoxicants. I am not opposed to the properly regulated sale of intoxicating liquor, but I will always oppose the right being given to a road board to lease a portion of its reserve for the purpose of selling intoxicating liquors thereon.

Hon. W. C. Angwin: I am with you.

Mr. LAMBERT: It is claimed that spot lager has the devil of a sting in it. It contains about 2 per cent. of alcohol.

The Premier: Ginger beer contains more than that.

Mr. LAMBERT: I believe the Premier rather likes it. It is desired that every fitting opportunity should be given to the Melville Road Board to raise revenue for beautifying this delightful spot, so as to add to the pleasures of the women folk and children who visit Point Walter at various times. We should at least get an undertaking from the Premier that not only will alcoholic drinks not be sold there but that no drinks of any objectionable nature shall be sold.

Mr. Underwood: Is spot lager objectionable?

Mr. LAMBERT: I have never tasted it.

Mr. Underwood: Why are you talking so fluently about it?

Mr. LAMBERT: I should have thought the hon. member, in his desire for knowledge upon this subject, would have boxed the alcoholic compass and would at least have been able to enlighten me.

Mr. Underwood: I can only enlighten a man who has a receptive mind.

Mr. LAMBERT: The Premier should undertake that every reasonable safeguard shall be provided in connection with this lease.

Hon. W. C. Angwin: You can rest assured of that.

Mr. Mullany: The Licensing Act constitutes a safeguard.

Mr. LAMBERT: I do not know that it would cover the objection I have in mind.

Mr. Richardson: You would have to depend upon the licensing board.

Mr. LAMBERT: It is true that spot lager complies with the Act, but I do not know if that would be a sufficient safeguard.

Mr. SPEAKER: I do not think the hon. member is in order in discussing alcohol under this Bill. He cannot discuss the whole liquor question now.

Mr. LAMBERT: But for the member for Pilbara I should not have been led on to the subject. This is one of the parks we should jealously guard from anything of that kind. I am pleased to see that the Government are prepared to assist in beautifying it, and in making proper provision there for the public. In the work they are doing the Melville Road Board should be encouraged in every legitimate way, but every care should be exercised regarding the direction in which that encouragement is given. Last session it was sought to lease a Class A reserve on Rottnest Island. I hope the Premier will have in mind the possibility of excessive drinking, even of spot lager.

The Premier: Or water.

Mr. LAMBERT: The Premier must realise that an army of youths, drinking promiscuously of this kind of beverage until they are brimful, may become very objectionable to the pleasure seekers that frequent this reserve. Almost at every street corner one sees some mention of spot lager.

Mr. SPEAKER: I cannot allow the hon. member to discuss spot lager under this Bill.

Mr. LAMBERT: I take it we are allowed to discuss the likely uses to which this particular lease will be put. Up to the present we have no definite assurance as to what purpose the one acre of ground will be put to, and we should have some enlightenment from the Premier upon the point. It would be easy for him to say that no business that will be objectionable to the visiting public will be allowed upon the area.

Hon. W. C. Angwin: The public will watch that.

Mr. LAMBERT: That may be so, but by that time the Melville Road Board may have been granted a lease for a number of years. It may be found also that although the provisions of the Licensing Act are complied with, some objectionable business, such as that to

which I have alluded, may be established there. If nothing is allowed that would add to the objectionable conduct of some of the young folk who frequent Point Walter I shall be quite satisfied. I have not the slightest objection to the sale of spot lager, but am only saying that the Legislature should safeguard the public in the enjoyment and use of the reserves. We are for the time being custodians of those reserves, and as such we should have the most jealous regard for them—particularly as to the disposal of them, or of any portion of them, for any length of time. I hope the Premier will recognise that this is not a matter of selling tea and buns or scones, but one of selling liquor with a definitive alcoholic content. To what extent the sale of such liquor, particularly on Sundays, when our women folk and our children mostly make use of the reserves, is permissible and advisable, should be carefully considered by the House. I trust that the Premier will, before the second reading passes, assure us that the contemplated lease will be so drawn that in the event of any occurrence of an objectionable nature, the Government can step in and resume possession of the land.

Mr. PICKERING (Sussex) [7.47]: Some information might have been given by the member for North-East Fremantle (Hon. W. C. Angwin) as to the nature of the buildings which it is proposed to erect on this reserve. I have in mind that at Crawley there are certain public refreshment rooms which consist chiefly of kerosene tins and hessian.

Hon. W. C. Angwin: I told you about the nature of the building.

Mr. PICKERING: The hon. member devoted but little time to the purpose to which the reserve is to be put, and to the nature of the buildings to be erected. I feel disposed to move an amendment providing for the passing of the plans of the proposed buildings by the Melville Road Board.

Hon. W. C. Angwin: The plans have to be approved by that board and also by the Governor-in-Council.

Mr. PICKERING: The Bill does not say so. I agree with the member for Coolgardie (Mr. Lambert) that we should know the purposes to which the buildings are to be devoted. Are they to be used as a dancing saloon, or what? When we are asked to alienate a Class A reserve, every possible information should be afforded to the House. The statements of the Premier and of the member for North-East Fremantle can convey only the vaguest idea as to the objects of the Melville Road Board. We know that road boards are anxious to get as much revenue as they can from leases of this description. Seeing that the Melville Road Board are interested in that respect, and that the buildings are supposed to be put up for the public convenience, surely the House is entitled to demand the fullest possible information before agreeing to a measure of

this kind. Many such measures are brought before us, and the manner of their introduction is invariably such as to lead members to think that no harmful consequences are likely to arise. Nevertheless, in passing such a Bill as this we may be doing a grave injury to the general public. Let it be borne in mind that the measure affects not merely the Melville Road Board, but also the general public of Western Australia. The member for North-East Fremantle said he anticipated that most of the business of the proposed refreshment room would come from Perth. In view of that declaration, it is pardonable if members take a very particular interest in the matter.

Mr. Underwood: Yes; we might be led astray.

Mr. PICKERING: One hon. member has thrown out a very serious hint with regard to the purpose for which the refreshment room may be used; he has dilated on the pungency of the liquor to be sold there. I do hope that the Premier, in replying, will afford the House the fullest information with regard to the anticipated expenditure on buildings, the nature of the proposed buildings, and the purposes to which they are to be devoted.

The PREMIER (Hon. Sir James Mitchell—Northam—In reply) [7.51]: I have listened to the debate. I do not know whether hon. members realise that this lease can only be granted with the approval of the Governor-in-Council. Would hon. members expect us to come down here with a photograph of buildings not yet erected? We cannot be expected to produce here every detail that the lease will contain. In the course of argument on another Bill this afternoon, the general burden of the song of members was, "Trust the board; they know better than this House knows."

Mr. Pickering: That song came only from one member.

The PREMIER: Some hon. members would like us to have at Point Walter, which is a very beautiful place, nothing of special interest to the public. Probably those hon. members expect the public to go to Point Walter with a billy can, and boil their tea in a tin, and take their meals under a tree. I do not agree with those hon. members. I consider that these reserves exist for the comfort and convenience of the public, and that if the people are to be comfortable on the reserves, there must be some comforts and conveniences provided on the reserves. By this Bill we are asking the House to agree to the erection of buildings at Point Walter for the convenience and comfort of the people who visit the spot. I do not understand what use a reserve can be if it is not improved, and kept in order, and kept clean. I do know that unless the Melville Road Board can get some revenue from the reserve, they will not be able to expend money on it; neither would the House be prepared to vote public money for that purpose.

I am prepared to trust the board to do what is the right thing, subject to the lease being approved by the Governor-in-Council. I assure hon. members that the lease will be closely scrutinised by the Government, as all such leases are. Something has been said about spot lager. If it is what the member for Coolgardie (Mr. Lambert) says it is, then the authorities should look after the people who sell this lager. If it is intoxicating, it should not be sold except on licensed premises.

Mr. Lambert: I do not say it is intoxicating unless you drink sufficient of it.

The PREMIER: Nothing is intoxicating unless one drinks enough of it. If spot lager does contain alcohol, then the authorities should see that its sale takes place only on licensed premises.

Mr. Lambert: It is just within the law.

The PREMIER: I do not think spot lager can be said to do very much harm. If it is no more intoxicating than, say, ginger ale, then it ought to be sold at Point Walter and similar places. I do not think the Government have ever brought down a Bill of this nature containing so much information as the present Bill contains. However, I have never come down to this House with a proposal to improve a Class A reserve without encountering opposition from hon. members. I fail to understand it, because the uselessness of setting aside reserves for recreation purposes without improving them is perfectly obvious. Unless one permits the establishment of golf links, tennis courts, cricket pitches and so forth on a reserve, one might as well not have the reserve at all. It is quite right that hon. members should protect these reserves, and see that they are not alienated. But to say that the reserves are not to be used at all is quite another matter. I want to see them put to the fullest and best possible use. Do hon. members think that the member for North-East Fremantle (Hon. W. C. Angwin) would come here with a proposal for the erection of buildings where men could not only, as the member for Coolgardie said, get drunk, but get drunk?

Hon. P. Collier: Do not stonewall your own Bill.

The PREMIER: I am trying to convince the member for Coolgardie in the interests of the member for North-East Fremantle. If this Bill is rejected, it will be a strange thing, seeing that the measure has been introduced to the House by the Government at the request of a member of the Opposition. The Bill has my approval, and I hope it will go through without much debate. The buildings ought to be erected soon, and since the lease has to be drawn and the plans have to be prepared and submitted, we should avoid delay; that is, if hon. members think it good that the reserve in question should be improved.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—OFFICIAL TRUSTEE.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [8.0] in moving the second reading said: Hon. members will see from the title of this Bill that it is intended to appoint an official trustee of money under the control of the Supreme Court and of estates of insane and incapable persons and for other relative purposes. We are not appointing a public trustee but merely an official trustee.

Hon. P. Collier: Why not appoint a public trustee?

The PREMIER: He could not do this work if we did. Under the control of the Supreme Court there are trust funds. These consist of moneys paid into the court for persons who are minors and moneys belonging to the estates of persons who are lunatics or convicts and money in the hands of the Official Receiver or the Curator of Intestate Estates. These funds are dealt with by different officers of the Supreme Court. Some of the funds are under the control of the Master of the Supreme Court. Of course, these officers have legal qualifications. I think it would be better if we appointed, say, the Official Receiver to be the Official Trustee. There are responsibilities in connection with these trust funds that should be properly exercised. The money should be earning all it is capable of earning. If the money is invested in Government securities, a comparatively low rate of interest will be earned. If the money could be loaned against good securities a higher rate would be obtained. With regard to any money lent against an outside security, we must exercise the utmost care. Securities have to be watched and consequently there should be some officer whose special duty it would be to exercise that watchfulness. It is because of this that we ask that an Official Trustee shall be appointed. That officer would be subject to such rules as the Judges might at any time see fit to make for the control of these funds. They would make rules for the guidance of the Official Trustee. The officer when appointed will be one of the officers of the Supreme Court and it will not mean the creation of a new department. It is unnecessary to say very much more about this measure because it is so easily understood. We simply ask that the responsibility of controlling these funds shall be placed in the hands of one official which will be much better than is the system at present. It is because these moneys will be safer and probably more profitable to the persons on whose account they are held, that I ask for this authority.

Hon. W. C. Angwin: Will it mean building up a new department?

The PREMIER: No, but it will clearly vest the responsibility upon one officer appointed for the purpose. Members of this Chamber who have been Ministers have probably experienced trouble regarding these funds from time to time and consequently they will know the necessity for the course I have indicated. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—FREMANTLE LANDS.

Second Reading.

The PREMIER (Hon. Sir James Mitchell—Northam) [8.8] in moving the second reading said: In 1912 the Fremantle Municipal Council surrendered two reserves to be used for the purpose of erecting workers' homes. These reserves comprised Lot 1353, consisting of $3\frac{1}{2}$ acres, and Lot 1532, consisting of $10\frac{1}{4}$ acres. That land is no longer required. It is said to be unsuitable for the purpose for which it was originally needed. It has been held for all these years but has not been used. The council are naturally anxious that these reserves should be transferred back to them. What has happened is that 6 acres 1 rood 28 perches of Lot 1697 has been part of the public park and it is to be surrendered to the Crown and used for school purposes. The council will receive back 14 acres for a little under $6\frac{1}{2}$ acres. These reserves belonged to the council prior to 1912 and were only surrendered for the purpose of the erection of workers' homes there. Now we intend to return them and we stipulate that we shall receive in place of that area, the $6\frac{1}{2}$ acres of the public park which are required for school purposes. As a school site the land will be used for public purposes and the council are fully justified in making the exchange. There can be no objection to this proposal. It is nine years since the land came into the hands of the Crown, and it is not wanted by the Crown. It is wanted by the council for the purposes of reserves and I ask the House to agree to this exchange. I move—

That the Bill be now read a second time.

Hon. W. J. ANGWIN (North-East Fremantle) [8.1]: For the information of hon. members I would like to make it clear that we are giving the Fremantle council nothing for this land. We are taking six acres of a

public park which will be needed for education purposes, and the land we hand back to the council was under their control before it was transferred to the Crown. The Government did not do anything with regard to the erection of workers' homes and the council now ask that the land be transferred to them.

Mr. Pickering: Then the Premier's statement is not correct?

Hon. W. C. ANGWIN: The Premier's statement was quite correct. The land was transferred free of charge. At the time the land was originally handed over for the erection of workers' homes, it was not in a suitable condition. Since then it has been levelled and prepared by the council.

Mr. Pickering: Where is this land?

Hon. W. C. ANGWIN: The hon. member will probably not know where it is. It is near White Gum Valley, some distance outside Fremantle.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—STAMP.

Second Reading.

Debate resumed from 1st September.

Hon. W. C. ANGWIN (North-East Fremantle) [8.15]: The Bill is merely a consolidating measure. I can find in it no increase in stamp duties, with the exception of one item which does not appear in the existing Act, namely, deeds of assignment.

The Premier: Those deeds are stamped now.

Hon. W. C. ANGWIN: Apparently this is purely a Committee Bill. It is very difficult to follow, because it consolidates Acts dating back to 1883. It is exactly similar to the existing Act. That being so, we can deal with it better in Committee.

Mr. MONEY (Bunbury) [8.17]: Although the Bill is chiefly a consolidating measure, yet when we reach Committee I shall draw attention to Clause 72, a provision which gives a lot of trouble and is never carried out. It provides that certain contracts shall be chargeable as conveyances on sale. There are in the Bill a number of other provisions dealing with the same matter. If the contract or agreement is not carried out, the man who proposed to make it can go to the Commissioner and get a return of his stamps. If on the other hand the contract is carried out, the department get the stamps on the conveyance or transfer on registration. In the event of there being a double contract, in practice one is never asked to stamp the first contract as though it were a conveyance; but when it comes to the second contract one is

told he cannot lodge a caveat, because he has not complied with Section 2 of the Act. Then the trouble begins. The provision is not carried out twice in three times, because people cannot appreciate the distinction between these contracts. It is construed by the Commissioner to mean the second contract. You sell the land in the first instance, but if you sell your interest in the contract it is a contract of equity, and you must place the whole stamp on the contract as if it were a conventional transfer. In this country people, more independent than elsewhere, make their own contracts, very often on a flimsy piece of paper which may be lost, and having affixed the agreement stamp of 2s. 6d. they think they have complied with the Act. I have looked up the origin of this provision. It appears that the original Stamp Act was one of our old scissors-and-paste Acts, garnered from various States, and that for this particular provision those responsible went to the Old Country, to an Act of 1880 odd. In the Old Country they have not the registration of titles as we have here. In this country no title can be relied upon until registered, or until protected by caveat. One can keep his contract in the Old Country, because there is no registration of titles, but here it would not be a good title if kept for three days, unless it were protected by registration at the Titles Office. In Victoria they have the Transfer of Land Act, as we have here. Their Stamp Act was consolidated in 1913. In the consolidation this particular provision was omitted. Their practice is the same as ours, but they have omitted this useless provision. Seeing that we shall not lose any duty by it, we should delete this provision. I am speaking from the experience of a quarter of a century of practice. The provision causes a great deal of trouble when people make their own agreements. With the exception of that provision, there does not appear to be anything controversial in the measure.

Mr. PICKERING (Sussex) [8.23]: I should like an explanation from the Premier as to the reason for the double penalty provided in Subclause 3 of Clause 28. I understand that the Perth Chamber of Commerce objects to this provision on the ground that it will seriously hamper company business. It certainly does appear that a double penalty to the extent of £10 is rather serious. I must admit that I do not know much about the Stamp Act, but nevertheless I can see that if this provision is likely to hamper the conduct of important business the anomaly should be removed.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Munsie in the Chair; the Premier in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Appointment of Commissioner of Stamps:

Mr. PICKERING: I should like to know from the Premier whether this provision involves the appointment of a new officer.

The Premier: No, it will be administered by the Under Treasurer as Commissioner of Stamps.

Clause put and passed.

Clauses 7 to 27—agreed to.

Clause 28—Officer to whom instrument tendered for registration to be satisfied that proper stamp duty is paid:

On motion by the Premier, consideration of clause postponed.

Clauses 29 to 34—agreed to.

Clause 35—Duplicates and counterparts:

Mr. MONEY: A stamp could only be impressed by bringing the instrument to Perth. There is no machinery in the country for impressing stamps. There should be provision for stamps to be affixed. I move an amendment—

That after "impressed" in line 3 of Subclause 1 the words "or affixed" be inserted.

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

Clauses 36 to 39—agreed to.

Clause 40—Governor may appoint fees, fines, etc., to be collected by means of stamps.

Mr. A. THOMSON: In the country districts sufficient stamps are not provided and documents have to be sent to the metropolitan area to be stamped. Will the Premier explain the position?

The PREMIER: This clause is only permissive. It does not affect any particular district.

Mr. MONEY: Without this clause all fees and fines would be payable in money; with it the Governor could direct that any particular fine or penalty might be paid in stamps.

Clause put and passed.

Clauses 41 to 45—agreed to.

Clause 46—License for the issue of bank notes:

Mr. A. THOMSON: I would like to hear an explanation of this clause.

Mr. Pickering: It means what it says.

Clause put and passed.

Clause 47—agreed to.

Clause 48—Order for payment of money issued by a person not licensed to issue bank notes must be stamped upon every fresh issue thereof:

Mr. MONEY: This clause provides a straight out penalty of £20 whereas, for other offences, the penalty is to be one not exceeding £20. Should not we adopt the

same principle throughout for the sake of uniformity?

Clause put and passed.

Clauses 49 to 60—agreed to.

Clause 61—Charter-party defined:

Mr. MONEY: I move an amendment—

That in Subclause 4, paragraph (b), the word "of" be struck out and "not exceeding" inserted in lieu.

Hon. W. C. ANGWIN: If in the first place a person does not take certain action he may be fined 5s., but if there is a second charge against him he may be fined £10.

Hon. T. WALKER: The real meaning of the paragraph is that the fine shall not exceed £10, and it is just as well that discretion should be given to the magistrate to impose a fine up to £10.

The PREMIER: I do not think the amendment is necessary, but will not contest it.

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

Clauses 62 to 71—agreed to.

Clause 72—Certain contracts to be chargeable as conveyances on sale:

Mr. MONEY: I took the opportunity of informing the Commissioner of Stamps what I proposed doing, and he raised no objection whatever to the clause being deleted. He could not see any use for it.

On motion by the Premier, consideration of the clause postponed.

Clauses 73 to 98—agreed to.

Clause 99—Receipt duty between principal and agent:

Mr. A. THOMSON: I move an amendment—

That at the end of the fifth line after the word "him" the words "to his credit in any bank or" be inserted.

Without this amendment a double stamp duty would have to be paid.

The Premier: I do not think so.

Hon. T. WALKER: The clause is double banking the stamp duty; in one way it is a fraud.

Mr. Money: It is taken from the present Stamp Act.

Hon. T. WALKER: The Stamp Act is wrong there. In many cases the solicitor is no more than a go-between, and passes to his client with his left hand the money that he receives with his right, and yet he is to be taxed and his client has again to pay.

The Premier: It is only 1d.

Hon. T. WALKER: It is not right that he should pay again. The addition of the words proposed will confuse the clause, which is clear as it stands. If the money is accounted for when paid to someone, the person paying it has done what is requisite under the Act. But the proposed addition only makes one wonder what the words "ac-

counted for" mean. The amendment represents mere surplusage tending towards confusion. The clause as it stands is quite clear.

Mr. MONEY: If we turn to the third exemption with regard to receipts, we will see better the effects of this clause. That exemption reads—

Exemption 3. Receipt given for any deposit in any bank or with any banker to be accounted for in current account, received and expressed to be received from the person to whom the same is to be accounted for.

If a solicitor pays in, the payment does not come under that exemption. Again, Clause 100 requires a proper receipt for money paid into a bank. Therefore the insertion of words as proposed by the amendment would be desirable. During the past few years there has been a great deal of duty doubly paid.

Hon. T. Walker: And sometimes trebly paid.

Mr. MONEY: Yes. The amendment can do no harm, and will serve to clear matters up. The stamp duty is on the transaction, and the intention is that stamp duty shall be paid only once, although the money might pass from A through B to C, instead of from A to C direct. Consideration of this clause might be postponed, to allow further investigation.

Mr. A. THOMSON: In order to permit of postponement of the clause, I ask leave to withdraw my amendment. I am sure that investigation will prove my statements on the clause to be correct.

Amendment by leave withdrawn.

The PREMIER: I move—

That consideration of Clause 99 be postponed.

Motion passed; the clause postponed.

Clause 100—Receipts for bank deposits:

Mr. MONEY: This clause relates to the same matter as the preceding clause, and should also be postponed.

The PREMIER: The payment under Clause 99 is by a solicitor or agent. Clause 100 relates to payment into a bank by way of discharge of a debt, which is the same as payment by one man to another; and therefore stamp duty should be paid. Clause 100 has no connection whatever with Clause 99.

Mr. MONEY: Clause 100 does not exempt the position I have indicated. If an agent has collected for another person a sum of money, the receipt must bear the proper stamp duty; and if the agent pays the money into the bank to the credit of the other person, Clause 100 does not grant any exemption whatever: the full stamp duty would have to be paid in respect of the payment. The Premier is treating the words "any person" in the clause as meaning the debtor; but that is not what the clause says. The "any person" might be an agent, or a

solicitor, or anybody else. The payment might already have borne its proper stamp duty. The discussion on Clause 100 so far has gone to show the need for the amendment moved by the member for Katanning on Clause 99. That clause makes no mention of a bank, whilst Clause 100 deals specially with payments into a bank. Clause 100 might be held to override Clause 99, unless the measure expressly mentions that such is not the intention.

Hon. W. C. ANGWIN: No doubt the draftsman when drafting this clause took into consideration Clause 99. The latter clause has been postponed, but it provides for the solicitor, the agent and the principal. No matter how paid, the receipt will be stamped once, and only the one penny will be paid on the receipt.

Mr. A. Thomson: That is not correct.

Hon. W. C. ANGWIN: I contend that it is correct.

Mr. A. Thomson: My advice is that it is not.

Hon. W. C. ANGWIN: It is clear that the money would be paid into the bank.

Mr. Money: It does not say that.

Hon. W. C. ANGWIN: It is clearly the intention.

Mr. Money: What is the difference if the money is paid into the bank?

Hon. W. C. ANGWIN: People have paid by cheque which has been lodged to the credit of the principal and no stamp duty has been paid. This clause will prevent such occurrences.

Mr. Money: The clause is quite all right if Clause 99 is amended.

Hon. W. C. ANGWIN: Under Clause 99 the money has to be accounted for and surely that fact has to be borne in mind when considering Clause 100. I agree with the Premier's contentions.

The PREMIER: If Clause 99, which we have postponed, is not clear, I will recommit the clause under discussion if it is found necessary to alter it. If Clause 99 is amended to meet the position to which the member for Katanning has referred, Clause 100 will be quite right.

Clause put and passed.

Clauses 101 to 103—agreed to.

Clause 104—Tickets to be written out and cancelled for each bet:

Mr. CLYDESDALE: Seeing that betting is illegal, will the Premier indicate how he will enforce this clause?

The PREMIER: You just wait and see.

Clause put and passed.

Clauses 105 to 112—agreed to.

Clause 113—Penalties for obstructing officers and similar offences:

Mr. MONEY: As we have altered the penalties imposed under other clauses, we should make the penalty under Clause 113

uniform with the others. I move an amendment—

That after the word "penalty" in the last line "not exceeding" be inserted.

The PREMIER: I agree to that amendment.

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

Clauses 114 to 119—agreed to.

First schedule—agreed to.

Second schedule:

Mr. DAVIES: The schedule provides that a stamp duty of 2s. 6d. is payable in respect of an agreement. I would like to know if an industrial agreement as between employer and employee or as between a body of employers and a body of employees, is included under the term "agreement." If so, I think it should be exempt.

The PREMIER: The only exemptions are those set out in the schedule and it is there provided that an agreement or memorandum, the matter whereof is not of the value of £5, or an agreement for the employment of any person at wages or salary not exceeding £5 a week, are exempt. Otherwise I take it they would be included under the word "agreement."

Hon. W. C. Angwin: At any rate, it only represents 15d. for each party.

Mr. DAVIES: The second schedule also provides that in respect of articles of clerkship "whereby any person becomes bound to serve as a clerk in order to secure his admission as a practitioner of the Supreme Court" the clerk has to pay stamp duty amounting to £10.

Mr. Money: I had to pay £80.

Mr. DAVIES: You may have had to pay that amount, but I think it is entirely wrong.

Mr. Money: I do not know about that.

The Premier: They get certain privileges and concessions.

Mr. DAVIES: Why make the legal profession an exclusive one? There was a time when apprentices were subject to some such imposition. That has been done away with.

Mr. Money: Is there not a duty payable before a man can join a union? Does such a man not have to pay to join the union?

Mr. DAVIES: It is not the same case at all. In connection with the legal profession a clerk has to work for a very small salary and sometimes he has to pay a premium as well. What with our modern system of education, our scholarships and Modern School, it will be found that the parents of many a bright lad are not able to pay £10 in order that their sons may gain admission as practitioners of the Supreme Court. I protest against this imposition.

Mr. O'Loughlen: I know two lads who went into a solicitor's office recently and they were not obliged to put down £10.

Mr. DAVIES: They will be obliged now.

Hon. W. C. Angwin: This is not a new provision.

Mr. DAVIES: There are penalties for evasion of stamp duty. The payment of that duty has been evaded many times.

Hon. W. C. Angwin: This provision was in the old Act.

Mr. DAVIES: The Government will see that these amounts are collected.

Hon. W. C. Angwin: What is the good of collecting a duty if it has to be paid away to officers?

Mr. DAVIES: This is class legislation of a most vicious nature. I intend to press for the exemption of articles of clerkship from the payment of this duty. Arbitration awards also should be exempt from duty. An award to which His Majesty is a party is exempt.

Mr. O'Loghlen: Anyhow it is only for record purposes, merely half-a-crown.

Mr. DAVIES: No, it goes up to £2 10s., according to what the award may cover.

The CHAIRMAN: One amendment at a time. The hon. member is moving to strike out the articles of clerkship.

Mr. DAVIES: No, I say they should be exempt from duty; that is all

The CHAIRMAN: Well, the hon. member will have to move to strike out all words after "clerkship" and insert "instrument of, exempt from duty."

Mr. DAVIES: In accordance with your ruling, I move an amendment—

That all words after "clerkship" be struck out and "instrument of, exempt from duty" inserted in lieu.

Hon. W. C. ANGWIN: On a point of order: if the amendment be carried, we shall not be able to further amend the schedule, because the question is "that the schedule stand as printed."

The CHAIRMAN: If the amendment be carried, the question will become "that the schedule stand as amended."

The PREMIER: It is only right that this duty should be paid. It is a very simple thing for a law student to pay £10. If we are to relieve law students from the necessity for paying duty, there are many others who should be relieved also. The practice has existed for years. We do a great deal for law students, providing them with secondary schools and with the University. I hope the Committee will not agree to the amendment.

Mr. DAVIES: We have only to follow the member for Bunbury, who says that he had to pay £30.

Mr. Money: That is so, and I object to others going scot free. There is nothing excessive in a stamp duty of £10.

Mr. DAVIES: No premium should be charged for boys entering on an apprenticeship. If a lad desires to follow the legal profession, why should he be compelled to pay a premium of £10? There is no such premium in connection with the medical profession.

Mrs. Cowan: Yes there is. He would then have to pay a registration fee of £10.

Mr. DAVIES: Only after he passes. In the case under consideration he has to pay

on entering a solicitor's office. In the case of the doctor, it is his initiation fee, his admission to the union, but the article law clerk may never become a solicitor.

The PREMIER: Whom have you in mind?

Mr. DAVIES: I can mention more than one lad who wants to enter the legal profession.

Mr. A. Thomson: Surely £10 is not a hardship!

Mr. DAVIES: In many cases it is. The Government ought to look in some other direction for revenue. Why should this profession be singled out for taxation?

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

| | |
|--------------|----|
| Ayes | 14 |
| Noes | 13 |

Majority for .. 1

AYES.

| | |
|----------------|-----------------|
| Mr. Angwin | Mr. Lambert |
| Mr. Chesson | Mr. Marshall |
| Mr. Clydesdale | Mr. J. H. Smith |
| Mr. Corboy | Mr. Troy |
| Mr. Davies | Mr. Willcock |
| Mr. Gibson | Mr. Wilson |
| Mr. Heron | Mr. O'Loghlen |

(Teller.)

NOES.

| | |
|--------------------|----------------|
| Mrs. Cowan | Mr. Piesse |
| Mr. Durack | Mr. Sampson |
| Mr. George | Mr. Scaddan |
| Mr. Hickmott | Mr. A. Thomson |
| Sir James Mitchell | Mr. Underwood |
| Mr. Money | Mr. Mullany |
| Mr. Pickering | |

(Teller.)

PAIR.

Ayes: Mr. McCallum. Noes: Mr. Johnston.

Amendment thus passed.

The PREMIER: I hope the same consideration will not be shown to the book-maker. There is a printer's error at the bottom of page 43 in the paragraphs relating to the tax on betting tickets. I move an amendment—

That in paragraph (a) the figure " $\frac{1}{2}$ " be struck out.

Amendment put and passed.

The PREMIER: I move an amendment—

That in paragraph (b) the figure " $\frac{1}{2}$ " be inserted.

Amendment put and passed.

Hon. W. C. ANGWIN: I have not been able to find any reference to the duty on coupons given for interest on debentures. Should not it appear under bills of exchange and promissory notes?

The PREMIER: I will look into that point. Schedule, as amended, put and passed.

Third Schedule—agreed to.

Progress reported.

House adjourned at 9.51 p.m.