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

Ayes	16
Noes	18
Majority against	2

AYES.

Mr. Boyle	Mr. McLarty
Mr. Cross	Mr. Marshall
Mr. Cunningham	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Fox	Mr. Thorn
Mr. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Warner
Mr. Latham	Mr. Doney
	(*Teller.*)

NOES.

Mr. Brockman	Mr. Rodoreda
Mr. Collier	Mr. F. C. L. Smith
Mr. Coverley	Mr. J. H. Smith
Mr. Keenan	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. Millington	Mr. Willcock
Mr. Munsie	Mr. Wilson
Mr. North	Mr. Wise
Mr. Raphael	Mr. Nulsen
	(*Teller.*)

Clause thus negatived.

Progress reported.

House adjourned at 8.35 p.m.

Legislative Council,

Tuesday, 3rd December, 1935.

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

QUESTION—LAND CLEARING, FRANKLAND.

Use of Commonwealth Grant.

Hon. A. THOMSON asked the Chief Secretary: With reference to the employment of single men clearing land west of Mt. Barker, what proportion of the £64,000 expended at the Frankland was provided from the Commonwealth grant?

The CHIEF SECRETARY replied: No portion of the expenditure was met from Commonwealth grant moneys.

MOTION—MINES REGULATION ACT.

To Disallow Regulation.

Debate resumed from the 27th November on the following motion by Hon. H. S. W. Parker:—

That Regulation No. 2a, made under the Mines Regulation Act, 1906, as published in the "Government Gazette" on the 25th October, 1935, and laid on the Table of the House on the 6th November, 1935, be and is hereby disallowed.

THE CHIEF SECRETARY (Hon J. M. Drew—Central) [4.38]: I do not propose to oppose the motion. I have found upon investigation that the regulation was placed on the Table of the Legislative Assembly after the statutory period had expired, and therefore it is inoperative at present and practically defunct. So I have no objection to the motion being carried.

Question put and passed.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly requesting concurrence in the following resolution now considered—

That the proposal for the partial revocation of State Forests Nos. 20, 22, 27, 29, 30, and 38, laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant-Governor on the 26th November, 1935, be carried out.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.39]: I move—

That the resolution be agreed to.

Under Section 21 of the Forests Act, 1918, a dedication of Crown lands as a State forest may only be revoked in whole or in part after a resolution has been passed by both Houses of Parliament. The Governor shall then, by Order in Council, revoke such dedication, and the land then becomes Crown land within the meaning of the Land Act,

1898. In continuance of the policy of recommending for excision from State forests any sufficient areas of agricultural land which are no longer required, or are not suitable for forestry purposes, it is now proposed that 10 areas with a total area of approximately 598 acres shall be excised. The papers I laid upon the Table of the House recently contain detailed particulars in regard to the individual areas and localities. The first area is situated about 2½ miles south-east of Greenbushes. It contains about 40 acres of fair soil and has been applied for by a local resident. The second lot, of about 20 acres, is three miles east of Greenbushes, and has been applied for by an adjoining land holder. The third block is situated about three miles east of Jarrahdale; it contains about 26 acres, and has also been applied for by a local resident. Area No. 4 is three miles north-east of Jarrahdale; it contains about 98 acres, and has been applied for by adjoining land holders. Area No. 5 is situated about 3½ miles west of Argyle Siding. It consists of about 262 acres of sandy, non-timbered country, and has been applied for by an adjoining land holder. Area No. 6 contains about five acres and is situated three miles north of North Greenbushes. It is required by the Education Department as a school site for the Upper Balingup school. Area No. 7, about four miles south-east of Greenbushes, contains an area of about 30 acres, and is bounded on three sides by private property. It is not required for forestry purposes, and has been applied for by an adjoining holder. Area No. 8 contains about 22 acres and is situated north-east of Hester. It is a corner of a State forest, and is required to link two locations held by one settler. The ninth proposal is in relation to an area of 50 acres, situated about four miles north-west of Bridgetown. It has been applied for by adjoining land holders. The last proposal is in relation to an area of about 45 acres adjoining the rifle range reserve, No. 15488. It has been applied for by the Manjimup Road Board as a hall site and camping reserve. A hall has been erected, and tennis courts have been laid out. Members will understand that, although this land has been applied for by adjoining holders, it must first be thrown open in the ordinary manner, for general selection. All applications are then considered by the Land Selection Board, and, in the event of there being only one applicant, he is granted the land. If there is more than one applicant, the applications are considered on their merits. It is not considered advisable to reserve land for forestry purposes when it is found that such land is not suitable for reforestation and is suitable for agricultural purposes.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—RESERVES.

Second Reading.

Debate resumed from the 27th November.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.45]: I support the second reading. In Committee I will also support an amendment to permit the municipality of Cottesloe to sell certain land for certain purposes. This Bill is a hardy annual, and has to come down to rectify certain happenings that arise from year to year.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 6—agreed to.

New clause:

Hon. E. H. GRAY: I move—

That a new clause be added to stand as Clause 7, as follows:—The Fremantle city council may, with the approval of the Governor in Council and notwithstanding any trusts affecting such land, lease to the Saint John Ambulance Association, Incorporated, for the purposes and objects of the said association in and around Fremantle, for a term of twenty-one years and such further term not exceeding twenty-one years as the council may at the expiration of the first term deem fit, and upon such terms and conditions as the council may deem fit, and free during such term or extension of such term from the operation of any of the aforesaid trusts, that portion of land held in trust for corporation yards being all that portion of Fremantle town lot 1508 which is more particularly described, defined, and delineated in the Fourth Schedule hereto.

This new clause is to give power to the Fremantle City Council to lease to the St. John Ambulance Association certain land, that was originally used as corporation yards, for the building of headquarters in the Fremantle district.

New clause put and passed.

New clause:

Hon. J. M. MACFARLANE: I move—

That a new clause be added to stand as Clause 8, as follows:—The municipality of Cottesloe is hereby authorised to sell, for such price and upon such terms and conditions as the said municipality shall deem fit, those portions of land held in trust "solely for the purposes of a municipal endowment," being portions of Cottesloe lots 40 and 114, containing together 3 acres 3 roods 25 perches, and being those portions of the land comprised in Certificate of Title volume 487 folio 118, not included in Warnham-road, as dedicated in the "Government Gazette" dated 24th June, 1932, and may transfer to a purchaser freed and discharged from all trusts the land hereby authorised to be sold: Provided that the proceeds of such sale shall be applied by the said municipality for the purpose of forming and constructing the extension of Napier-street from Broome-street to Marine-parade, Cottesloe, and for the improvement and embellishment of class "A" reserve 3235, which comprises Cottesloe suburban lots 37, 38, and 39, and for the provision of recreational facilities thereon, and for such other municipal purposes as are approved by the Minister for Lands.

The municipality of Cottesloe has an opportunity to sell 3¾ acres of heavy country, the proceeds from which will enable the local authority to level about 14 acres of ground, and thus bring into use a fine area which will give pleasure to many people. The work will also relieve a number of residents of trouble that arises through sand blowing across their properties.

The CHIEF SECRETARY: I have no objection to the new clause. The Minister for Lands has given it his approval.

Hon. G. W. MILES: Some of the residents of Cottesloe are not in favour of the new clause, but as the council itself are said to be in favour of it, I will not ask the Committee to raise any objection.

New clause put and passed.

Schedules 1 to 3—agreed to.

New schedule:

Hon. E. H. GRAY: I move—

That a schedule be added to stand as Schedule 4, as follows:—All that portion of Fremantle town lot 1508 bounded by lines starting from the southern corner of said lot, and extending 339 degrees 51 minutes 1 chain 27 8/10 links along Parry-street; thence 69 degrees 41 minutes 2 chains 74 4/10 links; thence 168 degrees 35 minutes 1 chain 24 9/10 links; and thence 248 degrees 41 minutes 2 chains 55 5/10 links to the starting point, and being portion of the land comprised in Certificate of Title volume 1037, folio 625. All measurements more or less, and bearings true or thereabouts; area 0 acre 1 rood 13 2/10 perches.

New Schedule put and passed.

Bill reported with amendments.

BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT (No. 2).

Third Reading.—As to recommittal.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.57]: I move—

That the Bill be now read a third time.

Hon. H. SEDDON: I wish to recommit the Bill for the purpose of further considering Clause 2.

The PRESIDENT: I would point out that under Standing Order 204A, no alteration can be made to a Bill on recommittal without notice having been given. No amendment shall be made to the Bill and no new clause shall be added to any Bill recommitted on the third reading unless notice thereof has been previously given.

Hon. H. Seddon: The amendment I wish to move was on the Notice Paper, and I am asking that it should be reconsidered.

The PRESIDENT: The hon. member wishes to have that amendment reconsidered?

Hon. H. Seddon: Yes.

Hon. J. J. HOLMES: Would it not meet the case if the Chief Secretary moved to postpone the Order of the Day until to-morrow, and in the meantime notice can be given of recommittal?

Hon. J. CORNELL: That is the only way in which this can be done. We ought to stick to our Standing Orders. There is only one way in which to recommit the Bill, and that is by giving notice. No doubt the Chief Secretary will agree to postpone the Order of the Day until to-morrow.

The CHIEF SECRETARY: With the permission of the House, I will withdraw my motion for the third reading of the Bill, and move—

That the third reading be made an order of the day for the next sitting of the House.

Question put and passed.

BILL—NATIVE FLORA PROTECTION.

Second Reading.

Debate resumed from the 28th November.

HON. W. J. MANN (South-West) [5.3]: I find myself in regard to this Bill in a rather peculiar position. Firstly I join with other members in the desire to protect as far as possible the wonderful native flora of this State. It is true that Western Australia is unique in this respect in that it has the greatest variety of wildflowers in the world. The Bill was obviously introduced to combat the actions of thoughtless people rather than because of the misdeeds of anyone else. I think those individuals were described the other day as vandals. Vandals they may be, but I do not think the great majority act deliberately in that regard. My idea is that many people, when travelling through the country, are so fascinated by the beauty of the flowers that their enthusiasm overcomes their discretion. Instead of plucking a few choice specimens and taking them home to decorate their rooms, they gather the flowers in armfuls. The result is that they take more than they can possibly use and many of the flowers are thrown away. By depredation of that type the countryside soon becomes more or less depleted of native flora. It is not everyone who deliberately destroys wildflowers. I know of many people who protect rather than destroy the native flora. Many of them go to some trouble to preserve these beautiful things. Although they preserve the plants, they often like to pluck a few in order to enjoy their beauty in their homes. I suggest that the Bill is far and away too drastic. I will support any action taken to prevent careless people from destroying our wildflowers and I will also support any move to prevent the sale of them. I do not think the latter course is required or desirable. To that extent, I am in accord with the object of the Bill. On the other hand, in a State so wide as ours, the provisions of the Bill may easily be abused or have a harassing effect upon people who, by no stretch of imagination, could be classed as despoilers. There are many ways in which flowers may be destroyed. Cultivation of the land has done much. Then the railway authorities, no doubt unwittingly, have been a party to destroying some of our wildflowers. To lend point to that remark, I would mention one district in the South-West where, for some miles along both sides of the railway line, the red kangaroo paw grew in most glorious profusion. Each season it was a sight that would gladden anyone's eyes and I do not think its equal could be seen anywhere else in the State. Outside the railway fences very few of the kangaroo paws were to be seen. Those flowers along the railway line were protected until some persons turned their stock on to the railway property on Sundays when there was no traffic over the line. It is probably within the knowledge of members that stock will eat kangaroo paw plants readily. The result was that by the end of the month the whole of the railway property I refer to was practically depleted of these plants, and the next season the land was almost without a single bloom. That sort of thing could, and should, be prevented and certainly this matter should be brought under the notice of the railway authorities. There is evidence this season of a re-growth of the kangaroo paws and a few blooms are to be seen. In the course of a few years, if the plants are left alone, they may again present the wonderful sight that was available previously. The Bill provides that it shall be an offence for anyone to pick wildflowers, and the interpretation clause shows that the word "pick," in relation to a protected wildflower or native plant, means to "gather, pluck, cut, pull up, destroy, take, dig up, remove, or injure." During the discussion on the Bill last week we were given to understand that it really meant to pull up the plant.

Hon. J. M. Macfarlane: Clause 11 has a bearing on it too.

Hon. W. J. MANN: I am dealing with the definition clause.

Hon. H. J. Yelland: But that applies only to the wildflowers set out in the schedule.

Hon. W. J. MANN: And those mentioned in the schedule are the most common.

Hon. H. J. Yelland: They are a few only of our 4,600 varieties.

Hon. W. J. MANN: But they are the popular ones of which we see and hear most. Then the Bill sets out that private land is to be regarded as including land leased from the Crown or in course of alienation from the Crown. I do not think we should agree to any provision in the Bill that provides that a man shall not be allowed to pluck wildflowers on private land.

Hon. H. J. Yelland: It does not say that.

Hon. W. J. MANN: Then I have read the Bill wrongly.

Members: Of course it says that.

Hon. W. J. MANN: The definition clause also indicates that a State forest is to be regarded as one within the meaning of the Forests Act and also includes a timber reserve. Is that correct?

Hon. H. J. Yelland: Yes, if they are proclaimed under this measure.

Hon. W. J. MANN: I consider that is not proper. Then again there will be the difficulty in policing the measure. It is proposed to have honorary inspectors. If the area to be supervised by them constituted a chain on either side of the road, they might be able to keep their eyes on the flowers growing over that area. But what will happen when, say, school children, on their way to school, pick a few flowers? One of these honorary inspectors may come along, and, particularly if he has had a quarrel with the children's parents, may create no end of trouble. I am definitely opposed to the appointment of honorary inspectors. I do not think that system is satisfactory in respect of any phase of activity. Generally they are people who, not making a success in other walks of life, become honorary inspectors with the idea of making themselves officious. I am not going to vote against the second reading, but when the Bill is in Committee it is my intention to move an amendment or two which I think may be desirable.

HON. V. HAMERSLEY (East) [5.11]: I welcome the Bill. We know that Western Australia has a profusion of wildflowers that are quite distinctive. The Eastern States are not so fortunate in this respect. I dare say the Eastern States did at one time boast of wildflowers, but in their case possibly they have been destroyed by stock.

Hon. J. M. Macfarlane: They never had any wildflowers.

Hon. C. B. Williams: Victoria had many.

Hon. V. HAMERSLEY: Unless some protection is afforded in this State soon there will be very few left. We realise that only a few years ago, in our own generation, the whole of the Avon Valley was covered with everlastings, and the sight was a truly magnificent one. Now one can travel for miles without seeing a single bloom. The hillsides were covered with double and single pink and the double and single white everlastings, as well as the yellow flower, which was given the native name of Dongalong. All now are absolutely gone. I learn that America has been alive to the necessity for the preservation of the seeds of many of the wildflowers of Western Australia, and that the representatives here of seed firms in America have collected seeds of the plants. It is quite a common occurrence now to find new flowers introduced into America which are a reproduction of something that came originally from Western Australia. Another well-known plant which is growing in many of our gardens is the macrocarpia, popularly known as the Glory of Australia. That has been sent abroad, and unless steps are taken to protect it here, in a few years there will be little or none of it left. Where that plant grew in the Eastern States districts, I have seen crops of oats and wheat. Of course, it is a common occurrence for farmers to cultivate their country without any thought for the future of that wonderful plant. Another plant to which no reference is made in the schedule to the Bill is the ordinary clematis, a well known runner. That should be added to the list—I do not know its botanical name. Other members may be aware of plants that should be included. It is important that attention should be called to the destruction of wildflowers that has been going on for a considerable time, and particularly the everlastings. I support the second reading of the Bill.

HON. C. H. WITTENOOM (South-East) [5.15] I intend to support the second reading of the Bill, because we recognise that the time has come to prevent the continued destruction of some of our most beautiful wildflowers. I have in mind one particular plant, boronia, which grows in the southern part of the State, and which we all know is famous throughout Australia. During the late winter this is picked in enormous quantities and sent all over the State, as well as to the Eastern States. It blooms for only a short period, and during that time parties of adults and school children on Saturdays and Sundays make raids upon it; and not only do they pick the flowers, but at times they tear up the plants by the roots. Some restriction should be placed on people who carelessly pull up plants by the roots. We do not wish altogether to prevent the picking of flowers, but if we had

honorary inspectors it would be possible to control the method of plucking the blooms. I am in favour of the appointment of honorary inspectors, and I consider that people can be found who would be only too willing to assist in the direction I have mentioned. Mr. Hamersley referred to the white and pink everlastings. I, too, can remember as a boy where they used to grow in great profusion, and now they are rarely to be seen. I support the second reading of the Bill.

HON. A. THOMSON (South-East) [5.18]: The sponsor of the Bill is to be congratulated on having taken steps to protect the flora of Western Australia. We have provided for the protection of our forests and with that policy we all agree. The time is long overdue when a certain amount of protection should be given to the flora of the State. The framer of the Bill has endeavoured to protect our wildflowers without imposing a hardship on the careless. For instance, it is provided that the flowers shall not be protected, except in certain areas. Moreover, the protection may be for a limited period only. In effect it is proposed to do exactly the same as is done in relation to wild ducks, namely, make a close season for them.

Hon. V. Hamersley: Sometimes wild ducks are shot during the close season.

Hon. A. THOMSON: Of course there are always some people who break the law. Nevertheless we have this provision protecting the wildflowers. Mr. Mann seemed to be fearful of the proposed honorary inspectors; but it is definitely laid down in the Bill that it shall be a sufficient defence to any prosecution to prove that the wildflowers were picked in a place not included in any proclamation.

Hon. J. M. Macfarlane: Read Clause 11.

Hon. H. S. W. Parker: The whole countryside will be proclaimed.

Hon. A. THOMSON: Not necessarily. The Bill represents an honest endeavour to protect the native flora within the vicinity of the metropolitan area. There is no gainsaying the fact that the wildflowers are being destroyed. As has been already pointed out, no doubt the beauty of the flowers intoxicates people, and so they fill their cars with them.

Hon. C. F. Baxter: It is not the flowers that intoxicate them.

Hon. A. THOMSON: But flowers can intoxicate people. The hon. member should speak for himself. Not all the flowers are being destroyed by being pulled up by the roots, although many of them are destroyed in that way. The time has arrived to set aside certain areas in which our wildflowers will be protected.

Hon. J. M. Macfarlane: The National Park will do for that.

Hon. A. THOMSON: It is definitely laid down that it is an offence to pick flowers in the National Park, and in King's Park also. In both those places the bush is full of delightful wildflowers. I have travelled extensively in Western Australia, yet I have never seen a more beautiful display, especially of kangaroo paws, than is to be seen in King's Park. I will support the Bill, and I congratulate the sponsor on having brought it down.

HON. G. FRASER (West) [5.25]: I, too, will support the Bill. My only regret is that it was not placed on the statute-book many years ago, because a lot of our native flora has been destroyed in recent years. I do not think the Bill in its preventing of people from picking flowers will stir up any serious objection, even amongst those who wilfully destroy the native flora, because it will be impossible effectively to police the Act. But the introduction of the measure will bring the matter forcibly home to more thoughtful people who, in the past, have been responsible for destroying a lot of our wildflowers. As I say, the introduction of the Bill and the resultant debate will bring home to many of those people the fact that in the past they have been doing something not in the best interests of the State, and so I believe that to a large extent the objective of the Bill will be achieved. There are in the measure numbers of loopholes through which persons will be able to escape the penalty.

Hon. C. F. Baxter: It will be only the moral effect of the Bill which will count.

Hon. G. FRASER: Yes, and it will be an incentive to the people to listen to reason, but it will not be very effective on those who wilfully destroy the native flora, unless indeed some way can be found to police the Act, when it becomes an Act. Visitors to Western Australia are always delighted with

the wildflowers of the State, and those flowers have proved a wonderful advertisement for the State. I will support the Bill, believing that, apart altogether from the penalties contained in the Bill, the native flora will secure a lot of sympathetic protectors as the result of the debate on the Bill.

HON. L. B. BOLTON (Metropolitan) [5.28]: I also will support the second reading. I am glad that some action has been taken at last to protect the flora for which the State is famous. I agree that the great difficulty will be in policing the Act, and I also agree that the moral effect of the Bill will certainly do something to lessen the destruction that is going on to-day. Like Mr. Mann, I am opposed to honorary inspectors, and regard that as a menace wherever they may be found. For many years past this State has been noted for its wildflowers, and I am very glad indeed that at last an endeavour is being made to protect them. I will support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Nicholson in the Chair; Hon. H. J. Yelland in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Interpretation:

Hon. H. J. YELLAND: A question was raised as to the definition of "private land." There is nothing in the Bill to say that a person shall not pick flowers on private land. However, it will be necessary for him to show that the flowers were picked on private land.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Penalty for picking protected flower or plant:

Hon. J. M. MACFARLANE: I move an amendment—

That after "picks," in line 3, the words "or removes" be inserted.

I do not object to the picking of flowers, if they are picked properly, so much as I object to the removal of plants for commercial purposes.

The CHAIRMAN: The definition of "pick" includes "remove."

Hon. J. M. MACFARLANE: Then I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. J. M. MACFARLANE: The proviso stipulates that it shall not be an offence if the wildflower is picked on private land. Many wildflowers grow on private land, and it might be inferred that people would have the right to enter private land and pick them. I move an amendment—

That the following words be added:—"with the permission of the owner or occupier."

Some people enter orchards and steal fruit and damage the trees. I know people who do all in their power to protect the wildflowers, and the amendment is necessary to provide a safeguard.

Hon. C. F. BAXTER: Several times this session I have had occasion to refer to restrictive legislation. I approve of the object of the Bill, but are we going to tell the people that they may not pick a wildflower anywhere? Is it not the province of owners to protect their property? Some members apparently desire that nobody may pick wildflowers, although growing in profusion. I regard the Bill as a measure to check vandalism.

Hon. J. M. MACFARLANE: My chief desire is to prevent the destruction of wildflowers. Many property owners value the wildflowers and, if the amendment is not agreed to, there will be no protection.

Hon. H. S. W. PARKER: It is essential that these words should be included in the clause, otherwise if a person is charged with picking wildflowers, all he has to say is that he has picked them on private property.

Hon. H. J. YELLAND: If certain flowers are to be proclaimed, they ought to be proclaimed as for the whole State.

Hon. C. F. Baxter: What about the Sturt pea and the everlastings away outback?

Hon. H. J. YELLAND: The Minister can proclaim the Act anywhere within the State. The areas so proclaimed will be the only ones affected. Game, for instance, is protected on private land as well as on public land.

Hon. R. G. MOORE: The measure will apply only within the proclaimed areas, but if the amendment is passed it will apply to all private land whether it comes within the proclaimed area or not. It will be impossible for people to pick wildflowers

on private land without the permission of the owner.

The CHAIRMAN: The amendment is merely an addendum to the proviso. Seeing that the clause has embodied in it the word "sub-section," where no sub-section exists, it will be necessary to re-cast it in that respect. I suggest that the amendment be allowed to stand over.

Hon. J. M. MACFARLANE: I will withdraw the amendment for the time being.

Amendment, by leave, withdrawn.

Hon. H. J. YELLAND: As the clause requires some investigation, I desire to postpone further consideration of it. I move—

That further consideration of the clause be postponed.

Motion put and passed; further consideration of the clause postponed.

Clause 7—Selling of protected flowers, etc., forbidden:

Hon. T. MOORE: It would be wise to curtail the sale of flowers. If Subclause 2 be left in, the clause itself will be of no value. The trouble starts when people commercialise our wildflowers. I have seen flowers arrive in Perth in truck loads. I move an amendment—

That Subclause 2 be struck out.

The CHAIRMAN: In and around Perth particularly, some people actually make a living by the sale of wild flowers.

Hon. H. J. YELLAND: I hope the amendment will not be carried. Boronia taken to Victoria has become a prolific source of commerce there.

Hon. T. Moore: And it is becoming rarer here every year.

Hon. H. J. YELLAND: It is grown, cultivated, and developed in Victoria. We can do likewise if we choose; in fact, I believe that to some extent it is being done. Only yesterday I had presented to me a bunch of red boronia, part of which had been taken in the wild state and part from a pruned plant. The latter showed considerable improvement in the blooms as the result of that slight cultivation. This proves the possibility of commercialising red boronia growing within a short distance of the metropolitan area, and thus affording various people a living.

Hon. L. B. BOLTON: I disagree entirely with the amendment. People are gaining a livelihood by cultivating wildflowers on their own properties. If when meeting travellers or visitors one wishes to show them the beautiful wildflowers of Western Australia, recourse to those growers often affords the only opportunity of doing so.

Hon. W. J. MANN: For the reasons urged by the two previous speakers, I hope the subclause will be retained. What is the difference between wild boronia and the boronia growing in my garden? As far back as 50 years I remember boronia being grown in Victorian gardens. A great proportion of the boronia here grows wild, but in other States the reverse is the case. Many group settlers years ago went into the swamps for boronia and grew it around their houses.

Hon. J. J. Holmes: I am glad to know they grew something.

Hon. J. CORNELL: It is a defence for any person charged with illegal sale of boronia to prove that the flowers came from a place not included in the proclamation. If the subclause is struck out and Clause 7 remains, an offence will be committed by selling boronia irrespective of whether the flowers came from a proclaimed area or elsewhere.

Hon. T. Moore: That is what I desire.

Hon. J. CORNELL: Then, to be consistent, the whole of the areas in which boronia grows should be proclaimed.

The CHAIRMAN: The Bill is not restricted to boronia.

Hon. J. CORNELL: I gave boronia merely as an instance.

The CHAIRMAN: When a license is given by the Forests Department for the cutting of boronia and other plants, restrictions are imposed under the Forests Act, and the regulations thereunder, requiring the flowers to be cut in a certain manner, to be used in a certain manner, and disposed of in a certain manner.

Amendment put and negatived.

Clause put and passed.

Clauses 8, 9, 10—agreed to.

Clause 11—Licenses to pick for scientific purposes, etc.:

Hon. W. J. MANN: I am rather concerned about wildflower shows. There is no provision allowing wildflowers to be picked for show purposes. Could we not here insert something to that effect?

Hon. T. Moore: The Minister has the power to grant such permission.

Hon. W. J. MANN: That should cover it.

Hon. J. Cornell: The matter will be covered by regulation.

Clause put and passed.

Clause 12—Honorary inspectors:

Hon. C. F. BAXTER: On the second reading I quoted the application of Section 6 of the Act of 1912, which leaves inspection in the hands of the Police Department. This seems far preferable. Honorary inspectors are liable to be over-zealous. Moreover, there are so many loopholes in the measure that prosecutions will scarcely ever succeed. I desire to make the Bill as sound as possible, and I think it would be better to strike out Clause 12 and insert in lieu Section 6 of the parent Act of 1912. That section reads as follows:—

> It shall be lawful for any constable or other officer of the police force of Western Australia to examine any flowers or plants in the possession of any person, and if such flowers or plants appear to have been obtained contrary to the provisions of this Act to detain the same, and to demand the name and address of the person in possession of the same.

Hon. H. J. YELLAND: I cannot accept that suggestion in toto in that it implies the abolition of honorary inspectors.

Hon. W. J. Mann: You should not encourage them.

Hon. H. J. YELLAND: Other than members of the Police Force should supervise the protection of our native flora. The Minister would not act injudiciously in selecting persons to act as honorary inspectors.

Hon. C. F. Baxter: But the Minister will select only those who are recommended.

Hon. H. J. YELLAND: If the supervision were left in the hands of the police, it has to be remembered that constables have their ordinary duties to perform, and persons who pick flowers will keep out of the way. On the other hand, honorary inspectors should be those who are interested in the protection of our wildflowers, and will be prepared to do the work for the love of it, using common sense in the exercise of their authority. Such persons will assist materially in the policing of this measure.

Hon. A. M. Clydesdale: From whom will the honorary inspectors be selected?

Hon. H. J. YELLAND: I cannot say offhand, but there should be persons who will be prepared to give their full time to the work if necessary.

Hon. J. CORNELL: I am concerned as to who will institute prosecutions if we provide for honorary inspectors. I seriously object to some sticky-beak laying a charge against reputable citizens.

Hon. A. M. Clydesdale: Perhaps more reputable than the honorary inspectors themselves.

Hon. J. CORNELL: Yes. If the Bill is to be given a trial, this phase should be left in the hands of the police, or, if necessary, we could also include officers of the Forests Department. At least we should have some recognised employees of the Crown charged with this responsibility. I suggest that we delete the clause and that Mr. Yelland reports progress so that he may draft a new clause to provide for the officers of the Forests Department undertaking this work. I am not prepared to go beyond that with regard to honorary inspectors.

Hon. T. MOORE: From the standpoint of honorary inspectors, Clause 13 may be useful in that it refers to the carriage of wildflowers over the railways, and I suggest that the railway employees could be appointed honorary inspectors.

Hon. L. B. Bolton: Why should they be made the judges?

Hon. T. MOORE: At any rate, they would not be sticky-beaks, for the railway employees would be merely carrying out their usual duties.

Hon. J. Cornell: But there would still be honorary inspectors under Clause 12.

Hon. T. MOORE: Yes, if that clause is not struck out. Persons would be afraid to board trains or railway premises with huge armfuls of flowers, because they would attract the attention of the railway officers.

Hon. H. S. W. Parker: But people will still use motor cars.

Hon. T. MOORE: Those who travel by car, of course, would not be affected by the railway officers. So I think Clause 13 would be particularly useful and would do away with the necessity for honorary inspectors.

Hon. V. HAMERSLEY: It would be a mistake to withdraw this clause. It provides that honorary inspectors shall be appointed, subject to the will of the Minister. The Minister will not appoint those inspectors unless it be necessary. We have not a policeman in every locality, and admittedly motor cars are frequently found carrying

a profusion of wildflowers. No harm will be done by leaving the clause as it stands.

Hon. J. M. MACFARLANE: The measure of 1912 was not proclaimed. A gentleman with whom I was discussing it one day said definitely that it was left to the police, but that the Commissioner could not see his way clear to policing the measure, because it was not proclaimed. Not all people are sticky-beaks, and it is only fair to assume that honorary inspectors will exercise their powers in a satisfactory manner.

Hon. C. B. WILLIAMS: Obviously, people will take more notice of a policeman than of an honorary inspector. I can visualise an honorary inspector attempting to stop some motor car carrying a load of flowers. Of course it would be ridiculous. On the other hand, if a policeman calls upon a car to stop, the car stops. But whereas the policeman "stops nothing" from those in the car, in nine cases out of ten an honorary inspector would "stop something." Then we have all the young couples who go hiking amongst the hills and picking flowers. What a nice job for nosey-parker inspectors, and what a lot of applications there would be for the positions! Certainly when it comes to stalking couples amongst the wildflowers the honorary inspector will do his job and do it well. I do not wish to see any obstruction in the way of walking parties in the hills.

Clause put and negatived.

Clauses 13 to 15—agreed to.

Progress reported.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 28th November.

HON. C. F. BAXTER (East) [7.30]: This is one of three Bills that have been introduced for the one purpose. Therefore in dealing with one, my remarks will necessarily apply to the others. I presume that the Minister will have this measure dealt with first of all and, if that survives, will then proceed with the others. This measure sets out to bring the civil servants under the Arbitration Act, except those receiving over £699 per annum. That will not leave many employees outside the scope of the measure. There has been one regrettable feature in connection with this Bill and that has been to find two officers of the service invading Parliament House and discussing the measure with members. I refer to the president and the secretary of the Civil Service Association.

Hon. C. B. Williams: Has it not been done before?

Hon. C. F. BAXTER: I think it should not have been done, and I regret that it should have occurred. Surely members are in a position to judge for themselves whether the measure is reasonable from the standpoint of the policy of the State or of the Civil Service itself. We have been told that a referendum of the civil servants was taken, and I have heard it said that that should suffice and that Parliament should therefore agree to the Bill. At times referenda are good things, but this referendum was taken amongst a section of the people, not the whole of the people of the State, and that section, the most interested in the question of their own conditions. A referendum taken in those circumstances does not sway me in the slightest. If a referendum had been taken of the whole of the people of the State on the question whether the Civil Service should come under the Arbitration Court, it would have been an entirely different matter. The Civil Service Association, however, took a referendum of members to determine whether they should come under the Arbitration Act or remain under the Public Service Commissioner. Let us consider how far that principle could be extended. It could be extended to the industrial life of the State. A large organisation might employ a great number of men and they might take a referendum as to whether this or that would suit them. Where would that sort of thing lead? My information is that the referendum taken by the Civil Service Association was carried mainly by the votes of the juniors in the service. I will be candid and say that I have met many public servants who voted in favour of it, and who to-day feel in a quandary because they believe they did not do the right thing.

Hon. C. B. Williams: You would not bother about them. They have had their opportunity.

Hon. C. F. BAXTER: Yes, but we know what can be accomplished by a little agitation. There is an agitation amongst different

sections for a change, and by that change they hope to gain something, but they do not consider the other side before taking steps to secure the change.

Hon. H. J. Yelland: They say that they could not be worse off than they are under the present system.

Hon. C. F. BAXTER: I consider that they have very little to complain of, with one exception. Some years ago the Government appointed a Public Service Commissioner to control the service. The first officer appointed to that position was the late Mr. Jull. He was followed by Mr. G. W. Simpson, and he in turn by the present Commissioner, also Mr. G. W. Simpson.

Hon. H. S. W. Parker: Was not Mr. Munt in the position at one time?

Hon. C. F. BAXTER: No, at one time he was acting or assisting. Because those three Public Service Commissioners accepted dictation by successive Governments and were weak enough to accept it, does it follow that the system is unsound? Of course not. It is the best system that the public servants could have, and they are making a mistake by departing from it. Over a number of years different departments have been removed from the jurisdiction of the Public Service Commissioner. Rightly or wrongly, this Bill seeks to put them all back under his control again. Irrespective of the Arbitration Court, the Public Service Commissioner must be the authority to decide promotion. The court could not possibly decide that.

Hon. H. J. Yelland: It requires very close consideration.

Hon. C. F. BAXTER: Very close. The court adjudicates on cases affecting the industrial world, and it is quite possible that 75 per cent. of the civil servants could be graded; but how could the other 25 per cent. be dealt with? It is not possible for a tribunal so constituted as the Arbitration Court to deal with the other 25 per cent. That arises from lack of experience. The only way to do it would be to appoint a commissioner or commissioners who have grown up with the service and are familiar with the work. How could the court classify a man's work when they have no knowledge of it? The work of civil servants is quite different from outside work. The Civil Service is under statutory control, which does not apply to outside employees, and thus the position is entirely different. I cannot see that it would be possible for the Arbitration Court to do justice to the grading of the Civil Service. Here is another point. The employers of the Civil Service are the Government fortified by Parliament. Are we going to say that neither the Government nor Parliament can handle those employees, but that we have to appeal to an outside body to take control? If the Bill becomes law and the civil servants come under the Arbitration Court, I say they will regret it because they will lose a lot of the privileges they enjoy to-day.

Hon. C. B. Williams: That does not say much for the Arbitration Court.

Hon. C. F. BAXTER: The court would be in this position: privileges enjoyed by the civil servants are not enjoyed by employees outside the service, and the court would have to extend those privileges to outside workers or whittle them away from the civil servants. It must be one thing or the other. Industrial arbitration has been a fairly expensive item to Commonwealth and State Governments, and to industries, and has the system been such a success that we should bring the Civil Service under it? What has been the experience of the Arbitration Court? It has been flouted by the employees' representatives and by the employees themselves. At present seamen are holding up something like 40 ships and they are under an arbitration award. They have been granted an increase by the court, but it is not good enough for them. From that standpoint the Arbitration Court is not worth a snap of the fingers. Are we going to extend that system to the civil servants and cause trouble there also? It must be remembered that a very small section of a large body of employees can bring about an upheaval and a strike. The others have to follow, possibly against their better judgment, whether they like it or not.

The Honorary Minister: Would that arise as a result of their being subject to the Arbitration Act?

Hon. C. F. BAXTER: Consider the seamen's strike; the court gave an award and granted an increase. Had the court ordered a decrease, a strike would not have been justified.

The Honorary Minister: You were talking of the civil servants.

Hon. C. F. BAXTER: If an award does not suit a section, they go out on strike. We have had very little trouble in that respect from the civil servants in this State.

Hon. C. B. Williams: Did not the court make the position of the seamen worse than it was before?

Hon. C. F. BAXTER: No, the court increased their wages.

Hon. C. B. Williams: Did they? What about overtime?

Hon. C. F. BAXTER: The hon. member can make his speech later on.

Hon. J. J. Holmes: What would happen if the Arbitration Court made the conditions of the civil servants worse?

Hon. C. F. BAXTER: There would be a strike, of course, unless they are more loyal than other sections of employees.

Member: They went on strike once.

Hon. C. F. BAXTER: I did not intend to refer to that. If the decision lay with the whole of the service, it might be all right, but a small section can cause a strike and a large majority dare not oppose it. The Civil Service has an appeal board, but if the employees come under the Arbitration Act, the appeal board will be a negligible quantity. There will be very little for the board to do. Parliament and the Government should control the civil servants. Surely we are not going to say that they should come under the Arbitration Act because we cannot control them. Members of this House would be doing a good service to those employees if they refused to pass the Bill. The civil servants would be much better off under the Public Service Commissioner than under the Arbitration Act. We as custodians for the public should see that servants employed and paid by the taxpayers are controlled by the State and not by an outside body. Hon. members may hold views different from mine, but I say decidedly it is not a good policy for the State to place the public servants under the Arbitration Court. Neither will it be a good position for the public servants to be under that court. They are liable to discover too late that they have taken a step they cannot retrace. Superannuation is what is needed. It has been needed for many years. I have held that opinion for years and years now. Possibly a majority would not be in favour of superannuation. However, if that system were brought about, the public servants would be in a happy position. Let us leave them in the hands of the Public Service Commissioner, who has grown up with and in the Public Service and understands the conditions. Those conditions cannot be understood by outsiders. I shall vote against the second reading of the Bill.

HON. C. B. WILLIAMS (South) [7.47]: Like the last speaker, I fear public servants will not better themselves by going under the Arbitration Court. However, if they desire it, let them have it. Mr. Baxter has said enough to justify the Kalgoorlie miners' strike. His advice to members of the Public Service is to have nothing to do with the Arbitration Court. That, I may add, is the communists' advice to all workers in Western Australia. I do not know whether Mr. Baxter has been reading communist literature such as the "Red Star." To-night the hon. member's arguments have been such as may be heard at any union meeting nowadays. Mr. Baxter's speech, I feel sure, will be quoted at future meetings of miners on the goldfields—his advice not to have anything to do with the Arbitration Court. Under the Bill, too much of the time of that court would be taken up in hearing the Public Service case. The party I am pledged to are pledged to the system of industrial arbitration; but I long ago came to the conclusion that Arbitration Court proceedings are too cumbersome. On the bench of that court are three men, two of whom are supposed to know all about every trade in the country, the third being the president, who is supposed to know all about the law. The position is not feasible. For every grade, for every small class, of public servants evidence would have to be submitted. That obtains in connection with whatever industry may be under review; a witness has to be called for every item claimed—perhaps 70 or 80 items. Then, 12 months later, a renewal of the award is asked for, or else a new award; and all the evidence heard 12 months previously has to be heard afresh—evidence, for instance, as to what constitutes a shoveller's work. If there is not yet a simpler way to conduct industrial arbitration as to wages and conditions, we have not made much progress.

Hon. J. Cornell: Court procedure is more complicated now than it was 25 years ago.

Hon. C. B. WILLIAMS: Yes. I agree with Mr. Baxter on the aspect he has stated. I desire a system of industrial arbitration less cumbersome than we have at present. If unions were really militant—as they may eventually become—it will be recognised how slow is the functioning of the Arbitra-

tion Court. A union may apply for an award in 1936 and get it in 1939. The only means of securing a fair and also a quick deal is to say, "We want certain alterations in our conditions, and we will get them this way if you will not listen to us; and this way is by stopping work." In a civilised country that is not right. There should be a man capable of presiding over an arbitration board, with a representative of either side; and such a board should be able to fix up any dispute within a week, and without any trouble.

Hon. L. Craig: Provided both sides abide by the award.

Hon. C. B. WILLIAMS: If the award is based on equity and justice, no union known to me but will abide by it.

Hon. E. H. Angelo: From your angle.

Hon. C. B. WILLIAMS: I represent men who strike very rarely indeed. I remember only one strike among them for increased wages. True, there have been stop-work meetings over other matters; but the Kalgoorlie miners have always respected Arbitration Court awards until an award was given in such obscure terms that the men were entitled to interpret it in their way just as the employers were entitled to interpret it in their manner. The employers were asked to let the question stand over until both sides could approach the gentleman who had made the award, and who was to blame for that last strike. The workers were prepared to work the 44-hour week until there had been an interpretation of the award. The workers of Western Australia, and of Australia as a whole, during the last four or five years have learned to exist on the sustenance amount of 7s. or 14s. a week. So, naturally, they can put up a struggle nowadays with limited resources, whereas a few years ago the cost of a strike was £3 or £4 per worker per week. Nowadays it is easy to finance a strike. The Governments of the various Australian States have taught the workers, I repeat, to exist on 7s. per week. The one trouble is that the workers pay rent. There may be a strike on the rent question shortly—perhaps before Christmas. Governments do not build houses, and will not submit the question of house rents to arbitration. The goldfields workers have abided by arbitration for a quarter of a century. They were tied up by arbitration awards from 1915 to 1920—for the duration of the war and for a couple of years later, until Turkey had signed the Peace Treaty. I do not wish to speak in any derogatory way of the gentleman who is President of the Arbitration Court, who fixed a rate of wages for 44 hours at so much per day and also for 40 hours. While that system of arbitration obtains, there is bound to be trouble. I disagree entirely with Mr. Baxter's remarks as to strikes in this country. Industrial arbitration has been an absolute blessing to Western Australia. The only trouble is that if I were a heart-and-soul representative of the farming community as Mr. Baxter is, that community would now be on strike. Certainly the farmers would not be asked to grow wheat at 1s. 9d., per bushel. Agriculturists will make no progress while they are represented by men who will not allow them to strike. The only means of improving conditions is the strike. In spite of the Arbitration Court, the strike must be retained—lawful or not lawful. That is pretty straight. Workers go to the Arbitration Court for justice, and when they get justice it is all right. But they are just as well educated as the rest of the community, and are quite able to appreciate what is, and what is not, justice. I should not have risen but for Mr. Baxter's strong statements as to industrial arbitration having proved a failure. It is not so. Arbitration has kept every Western Australian worker employed on terms and conditions fixed by the Arbitration Court.

Hon. C. F. Baxter: But there are illegal strikes under industrial arbitration.

Hon. C. B. WILLIAMS: From some aspect or other, everything is illegal. To spit on a footpath is illegal. A strike in itself is not illegal; it is illegal only in the sense of the Arbitration Act. It is wrong to strike irrespective of whether one belongs or does not belong to a registered union. In either case one must submit to the arbitration tribunal. There is only one way for certain classes of workers to get their cases heard by the Arbitration Court, and that is to strike. That remark applies to the Kalgoorlie foundry workers. They could not get their case heard by the Arbitration Court until they struck, and the reason for their failure to obtain a hearing was that the registration of their union was out of order. The provision under which they were refused a hearing was practically a direction to the workers to go on strike. The workers are always getting the cane. I remind the

hon. member that he requires to read a little more about the Federal Arbitration Court and the seamen. If he does that, he will find that what he said about the seamen was not correct. I will vote for the Bill for the reasons I have given, and because I am a firm believer in arbitration.

HON. J. CORNELL (South) [8.1]: Before the question is put, I wish to make a few remarks. The position is that, after mature consideration, and the taking of a plebiscite, the civil servants have decided that the Arbitration Court is a better tribunal to fix their rates of pay and conditions than is the Public Service Commissioner; that is to say, those civil servants whose salaries are below £700 per annum. I am not going to enter into the merits or demerits of the question whether the Arbitration Court is a better tribunal for the civil servants than is the Public Service Commissioner, but evidently the civil servants consider that it will be the better tribunal. Whether the methods of the Arbitration Court are faulty —and I join with Mr. Williams in submitting that they are—the court is there as it is, and the civil servants cannot alter that. They have to take it as it is. My advice to the Civil Service Association is that if the Bill becomes law and they come under the purview of the Arbitration Court, they do not ask the court itself to fix their wages, but that they ask for a wages board, which will go into the merits and demerits of the whole position, a wages board consisting of an independent chairman, one member from the Government side and another member from the civil service, a man who thoroughly understands all the ramifications of that service. With all due respect to the Arbitration Court I venture to say that, whatever the case before them, they will call witness after witness to prove this and prove that, whereas if the whole thing were thrashed out before a wages board, such as that at Collie or that at Kalgoorlie, probably all the witnesses would be eliminated, because the members of the board would be thoroughly au fait with the whole of the conditions being dealt with and would be able to make recommendations to the court. I should like to see the Arbitration Court amended on those lines. I agree with Mr. Williams that it is absurd to put before the court some of the evidence which is presented, and I venture to say that after the court has heard the evidence, frequently it is just as wise as it was before; because of the many intricacies which would take a lifetime of application to sort out. Much of the solemnity and ponderous proceedings of the Arbitration Court are due to the calling of so much evidence, instead of relying a little more on practical commonsense. I hope the Bill will pass. If it does not work out in the way the civil servants expect it to do, it will be their own lookout. But I repeat that when they ask that their wages be dealt with, they should ask that they be dealt with in the first instance by men who have had lifelong experience of the conditions in the civil service.

HON. G. FRASER (West) [8.5]: I will support the second reading, although I am not sure that the civil servants will get out of the Bill all the satisfaction they expect. It has been stated here that if the public servants take their case before the Arbitration Court long delays will occur, and it seems to me that that statement is very true. Yet I support the Bill as being the first step by the Civil Service Association to get greater satisfaction than they are getting under the existing methods. I have had some experience of the Federal Civil Service, and of working under the system that the State service are now working under, and also of working under the system of arbitration. I do not know of any Federal servant in the Commonwealth who would go back to the old method. There is no doubt about the difference between the two methods, nor of the satisfaction that has been given under the Federal system.

Hon. C. F. Baxter: There is no trouble with that system.

Hon. G. FRASER: That is so; and I believe the same satisfaction will be secured by the State civil servants, not under this measure but under an Act to which I think this Bill is but the first step. Before general satisfaction is given to all concerned something on the Federal lines will have to be adopted in the State; because of the number of classifications that will have to be dealt with it will be necessary to appoint an arbitration court for the civil servants alone. The Federal Public Service have so many units, which made their own separate applications. The same thing does not operate in the State,

but I think it could be worked on similar lines because of the different classifications and sections that the State service have. The Federal service had the old cumbersome method which we have in the State to-day, reclassifications dealt with by a board, and the farce in which everyone who was dissatisfied with his classification appealed to the appeal board. On one occasion I appeared for about a thousand men. Those men were supposed to be satisfied with the result of the appeal. But I told the appeal board when I went before them that I had to put the cases in various groups and sections, and that when putting up the case for one man I was putting up the case for all in that same group. Of course, the whole thing was a farce. I told the board I realised that the proceedings were a farce, but that it was the procedure adopted and so I had to go on with it. The chairman of the board told me I was adopting a wrong attitude, and that the system was a good one. Actually, it was appealing from Caesar unto Caesar. I was appealing to the board to admit that they had made a mistake, and to reverse their decision. It was, of course, hardly likely that they would do that. That was the old system. Then the new system of appointing an arbitrator came along and, while it was impossible to get 100 per cent. satisfaction, nevertheless there was much greater satisfaction given under that method than under the old method of reclassification. So I think that in supporting this measure I am doing something which is going to assist not only civil servants but the State generally in arriving at some better method by which the salaries and conditions of the Civil Service shall be classified. And I am doing it in the hope that this is just the first step in a general improvement which will be evolved. Let us get this proposal adopted, and I honestly believe that the system of arbitration will prove to be much more satisfactory to all concerned than is the method at present prevailing in this State. I will support the second reading.

HON. R. G. MOORE (North-East) [8.10]: I intend to support the second reading because I am a believer in arbitration. Listening to the speeches made by other members, I find I must agree with some of the things that have been said. We know that the Arbitration Court is not fool-proof, but at all events it is the best we have, and I suppose it is quite possible that as time goes on it will be amended, made simpler and made to work more easily and smoothly than it does at present. Whether the civil servants are going to get from the Bill a better deal than they have had, does not concern me very much. They have asked for it, and they are a body of intelligent and educated men, and they have had opportunity to examine the working of the Arbitration Court for many years. Also they have worked under their existing system, and they have come to the conclusion that they will be better satisfied under the Arbitration Act. That being so I am prepared to allow them to go to the Arbitration Court. If they do not there get as good a deal as they are getting at present they cannot blame Parliament for doing something they have asked us to do. Mr. Baxter said they want to get to the Arbitration Court to benefit themselves. I do not see any harm in that; I do not know any body of men that would not adopt that procedure if they thought it would be in their interests to do so, if they thought they were going to better themselves. And no doubt the civil servants are of opinion that they will be better served by the Arbitration Court than they are at present. Mention has been made of strikes under the Arbitration Act, but it is quite possible for civil servants to strike at present; it would be just as easy for them to do so now as it would be under an award of the Arbitration Court. I have no knowledge of anything to stop civil servants from striking at present. If they desired to strike, they could strike.

Hon. J. Nicholson: If they were to strike it would determine their employment.

Hon. J. Cornell: They had a strike once.

Hon. R. G. MOORE: The Government would be faced with the position of having to carry on in some way or other, and I do not think they would be able to carry on except by calling in retired members of the Civil Service. They would not be able to get anyone else on the job, and if they did there would be a civil war.

Hon. C. B. Williams: You have a true appreciation of the loyalty of the working classes. You are no scab.

Hon. R. G. MOORE: I did not hear what the hon. member said, and I do not think it matters very much. I do not profess to

know a great deal about the ins and outs of arbitration and the difficulties of approaching the court; certainly I do not know as much as Mr. Williams does, nor do I wish to learn. I am a great believer in arbitration. It is the only machinery we have at present by which to settle disputes, and arrive at the fixation of wages and working conditions. We have at present a portion of Government employees working under arbitration, and it seems to me that when we have one-half of them working under arbitration there is no reason why the other section should not also be working under the same system. I support the second reading of the Bill.

HON. L. B. BOLTON (Metropolitan) [8.16]: I have always been a firm believer in arbitration, until we get something better. Something better is afforded by the suggestion of Mr. Cornell with regard to wages boards. I have always advocated wages boards in preference to arbitration, believing that both sides would have even greater experts to help them than they have under the present arbitration system. That is not my only reason for supporting the second reading of the Bill. Probably, had it not been for the overwhelming request of those most concerned, I would have voted against the second reading. In view of the fact, however, that the Civil Service Association have definitely asked, by a large majority, for this change, I am willing to support the Bill and give the members of the service an opportunity to get what they want. Whilst I doubt whether the civil servants will be as quite as satisfied as they expect, I believe in going to almost any extent to secure and maintain peace in industry. If the Civil Service Association by the passing of this measure are going to be better served, as they think, the least we can do is to afford them the opportunity. I must express the belief that their wages would better be adjusted under a wages board system than under an arbitration system, and that they would probably get greater satisfaction. Under existing conditions, however, I support the second reading of the Bill.

HON. H. SEDDON (North-East) [8.18]: One or two interesting aspects on the question of arbitration have cropped up during the debate. It is peculiar to find those who have had most experience of arbitration advising members of the Civil Service that they will not get the benefits they anticipate under this measure. There are some features associated with the request of the Civil Service Association to be brought under arbitration that might well be emphasised. I suppose that civil servants, as well as other sections of the community, did not—and do not, many of them—desire to be brought under the provisions of arbitration until they were forced by their experiences to consider that course of action. During the depression, whilst those unions that were powerful and were part of the Government service were able to exert their power and receive a considerable amount of relief, the civil servants were more or less left in the background. Experience showed them, therefore, that the only chance they had to get some sort of recognition for their claims was to come under an independent tribunal, such as the Arbitration Court undoubtedly is. Their experience is not an isolated one. We have had for many years the spectacle of Labour Governments who have loudly mouthed their intention to obtain a 44 hour week, and all sorts of conditions for their supporters, but who have tolerated not only 44 hours, but 70 hours per week for nurses in Government institutions. It was only when these nurses obtained the opportunity to approach the Arbitration Court that they got some sort of recognition for the conditions under which they were working.

Hon. L. B. Bolton: The conditions are very different.

Hon. H. SEDDON: The hon. member has never been a nurse.

Hon. L. B. Bolton: I have been chairman of a hospital for many years.

Hon. H. SEDDON: I am looking at the matter from the standpoint of the nurses. When the Government bring down this Bill I want to draw their attention to the fact that they have not been carrying out their policy in regard to their servants in many directions for several years. They have only carried it out in the case of unions which have had the power to force their influence. This Bill is the result of policies of that description, and therefore I support it. Civil servants will at any rate feel, under this measure, that they are not being dealt with, as one hon. member said, by an officer who may be amenable to Government influence. They will be dealt with by a tribunal which is given all the securities and benefits which are extended to a judge,

and all the privileges that are extended to judges to enable them to be impartial in their judgment. The Civil Service Association have had sound grounds for their determination to ask to be placed under the Arbitration Court, and to have their cases dealt with by that tribunal.

THE HONORARY MINISTER (Hon. W. H. Kitson—West—in reply) [8.23]: I cannot allow the debate to close without a few remarks in reply The limited debate does not call for any extensive remarks on my part. I first wish to deal with the remarks of Mr Baxter. He said it would be possible for a few civil servants, if they were all brought under the Industrial Arbitration Act, to so influence or coerce the large majority of civil servants that there would be a strike if the smaller number were not satisfied with the conditions laid down by the Arbitration Court. That seems to me the most futile and silliest argument I have ever heard.

Hon. C. F. Baxter: It happened before.

The HONORARY MINISTER: The hon. member suggests that because the civil servants are anxious to put their cases before the Arbitration Court they are likely to be induced to strike. For many years they have been subject to another tribunal, and apparently have been dissatisfied with the conditions applied to them. During the last three or four years, particularly, they have had forced upon them, by special legislation agreed to by both Houses of Parliament, conditions in regard to salaries which placed them in a special category in respect to wages and salaries in general. Nothwithstanding that, the civil servants were loyal to the State and accepted the position. For Mr. Baxter to say that because they are to have access to the court and in the event of their being dissatisfied with the conditions granted would probably resort to a strike, and also his statement that a small number would so influence a large number that they would not be prepared to stand up against the smaller number and so there would be a strike—all this, I say, savours of the ridiculous.

Hon. C. F. Baxter: There would be a change in the organisation.

The HONORARY MINISTER: There would be no necessity for any different organisation whatever.

Hon. C. F. Baxter: It will come.

The HONORARY MINISTER: It is not a bit of use trying to misrepresent the position. The Bill provides for the Civil Service Association to be registered in the court under the present constitution. Its organisation will be the same; there will be no alteration whatever.

Hon. C. F. Baxter: I do not agree with you.

The HONORARY MINISTER: The association will be given the right to apply to the court for an award if they so desire. Let me deal with the point raised by Mr. Cornell and others. It has been suggested that the Arbitration Court is all right in some instances, but that there is a better method, which has not been tried so far, the method known as the wages board system.

Hon. J. Cornell: I meant industrial boards.

The HONORARY MINISTER: The hon. member may give the system what name he likes. Under the Arbitration Act there is an opportunity to try out that system if the organisations so desire.

Hon. J. Cornell: I advised the civil servants to try it.

The HONORARY MINISTER: The Bill provides that they may enter into a mutual agreement with their respective employers, and that agreement may be registered in the court, when it would have the full force of an award. The civil servants could negotiate an agreement with the Public Service Commissioner or the Agricultural Bank employees could negotiate an agreement with the Commissioners of the Bank, and if there were one or two points on which mutual agreement could not be reached, those points could be referred to the court. That seems to me to be the best method of deciding such matters. I have had a little experience of negotiating and I know how far it carries us along the road to peace in industry.

Hon. J. Cornell: The Minister knows that most of the unions go to the court.

The HONORARY MINISTER: The unions may please themselves as to the method they adopt in approaching the court. The Bill before us does not mean that the Civil Service Association would have to go to the court for an award.

Hon. J. Cornell: Nor would any other union.

The HONORARY MINISTER: The Civil Service Association might never have reason to approach the court for an award. Provi-

sion is made whereby they may negotiate an industrial agreement which could be registered in the court and have the full force of an award.

Hon. J. Cornell: That applies to any other union.

The HONORARY MINISTER: Then why complain that the Civil Service Association might adopt a wrong procedure? That argument is sufficient justification for the civil servants having decided as they have done. Mr. Baxter objected to the civil servants having taken a referendum. Unless I am dreaming, I have heard the hon. member ask in this House, "Why do not they take a vote on the question? Why do not they have a secret ballot?" That is what the civil servants did, and by an overwhelming majority they decided to place themselves under the Arbitration Act. Now the hon. member objects to their audacity in having taken a referendum. The hon. member went further and asked whether we were going to say that neither the Government nor Parliament could handle the Civil Service. I think all members are agreed that Parliament is not a wage-fixing tribunal. Speaking on behalf of the present Government, we adopt the same attitude. We say that we should not be called upon to be a wage-fixing tribunal. We have an Arbitration Act which we claim is as good as any other law of its kind in Australia, and under it provision is made for organisations to approach the court in many different ways in order to get their grievances redressed, and salaries, allowances and overtime payments fixed. We as a Government do not wish to have the responsibility placed on us of determining what the wages and salaries of any section of the community should be. We prefer to leave that matter to an arbitrator or to the Arbitration Court. So long as we hold that view, so long shall we agree to any section of the community having access to the court if they so desire. As to whether this departure will prove to be good policy for the Civil Service or for the State, I think we can leave the future to decide. There is nothing revolutionary in the proposal. This is not the only State of the Commonwealth in which the Civil Service have the right to make application to the Arbitration Court or to a similar body and I have yet to learn of dissatisfaction in those States where civil servants have the right to approach the Arbitration Court. As to difficulty in approaching the court, I have already pointed out that there is no need for them to take that step unless they cannot get satisfaction with their respective employers in the matter of any dispute. May I say, too, that the position in that regard is very different today from what it was previous to the Act having been amended. In earlier days it was nothing unusual for an organisation to have to wait two or three years before it could get its case heard in the court. In recent years that has been altered, and there has been no serious delay in the hearing of applications by the court. If there is likely to be any delay, surely the organisation concerned can apply for a board of reference, or an industrial board, or adopt some other method under the Act to ensure of the case being heard much earlier than has been suggested by some members. I do not think we shall get very far by trying to anticipate what the court are likely to do. Personally I am pleased that the Civil Service have decided to come under the jurisdiction of the Arbitration Court. I feel that the experience will be one that will work out to the advantage of all parties. The fact that we are limiting the right to civil servants receiving less than £700 a year does not affect the position at all. The delay that it was suggested would occur on account of the large number of classifications that the court would have to make appears to me to be somewhat of a myth. The court, as I stated when introducing the Bill, will not be called upon to deal with individual cases. It will deal with grades or classes of civil servants, and it will be the duty of the Public Service Commissioner to place the civil servants in those respective grades or classes. So it will be unusual for the court to have to deal with such matters and I do not consider that any serious difficulty will arise. Certainly I am of opinion that, in view of the overwhelming majority of civil servants revealed at the referendum, they will be quite prepared to give the Arbitration Act a real trial before they even consider some other method. There is only one other matter to which I wish to refer—the point raised by Mr. Seddon. He accused the Government of not having carried out their policy. The Government have carried out their policy in its entirety.

Hon. H. Seddon: No.

The HONORARY MINISTER: It is of no use the hon. member talking in that way.

Hon. H. Seddon: I can prove it.

The HONORARY MINISTER: Regarding the 44-hour week, the hon. member knows as well as I do that the present Government undertook to restore it at the first available opportunity to those organisations which had had the 44-hour week taken from them by a previous Government. We did so. I do not know of anything else calling for reply by me. I am gratified at the manner in which the Bill has been received. I feel the Public Service will appreciate that this House, on appearances at any rate, is not prepared to raise any strong objection to the request of the civil servants to be given access to the Arbitration Court.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption, from the 28th November, of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption, from the 28th November, of the debate on the second reading.

Question—put and passed.

Bill read a second time.

In Committee.

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

BILL—METROPOLITAN WHOLE MILK ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th November.

HON. L. CRAIG (South-West) [8.45]: First of all I wish to thank the House for having given me permission to continue my speech which was interrupted when we adjourned at 6.15 p.m. on Thursday last.

Hon. C. B. Williams: You were honoured.

Hon. L. CRAIG: I may have been honoured, but in such circumstances it is somewhat difficult to pick up the threads again. There are members present this evening who were not in their places on Thursday last and so, although I will not take up more than a few minutes, I shall run over the chief points I made during my remarks on Thursday. I was endeavouring to point out the chaotic state of the whole milk industry before the board were appointed. That condition of affairs has now been eliminated. I also pointed out the prices received by the producers, and the net amount that the retailer had to pay. As regards the producer, I pointed out that he received 9d. a gallon and the retailer paid 1s. 1d. per gallon, and he had to pay 2d. cooling charge, which left him 11d. per gallon to cover the cost of distributing the milk.

Hon. J. M. Macfarlane: That refers to one section of the producers.

Hon. L. CRAIG: I am dealing with the country producers. Those who are producing milk in the metropolitan district receive from 11d. to 1s. per gallon net. I am dealing mainly with country producers who are producing milk under better and more hygienic conditions and producing a better article at a lower cost. I am dealing with the men who receive the least return for the milk, namely, 9d. a gallon. I ask members to have regard to these two net amounts received. The producer receives 9d. and what has he to do for that amount? He has to provide his farm, pastures, and top-dressing, and he has to do the milking and all the work associated with the farm. The retailer, after paying the cooling charge, receives at least 9d. a gallon and in many cases more. If he collects his own milk at the

station, he certainly receives more. That retailer has to buy a horse and cart, and that represents the whole of his plant.

Hon. C. B. Williams: He has to take a chance with bad debts.

Hon. L. CRAIG: If he is a good man, he does not have too many bad debts on his books.

Hon. R. G. Moore: It all depends whether the other man is a good man.

Hon. L. CRAIG: The retailer picks his customers, if he is wise. When I spoke previously, I also pointed out that the industry still needed additional cleaning up. I instanced the number of streets where a census had been taken. I referred to 21 streets in which there were 269 houses and ten carts were delivering milk in each of those streets. Each cart delivered two-fifths of a gallon and had to travel one mile in order to deliver a gallon of milk. The board should possess extended power to clean up that mess, and I hope the board will be placed in a position enabling them to do that and perhaps establish a zone system in which a certain number of retailers will be allowed to operate.

Hon. H. Seddon: Something like the practice with news-agents.

Hon. L. CRAIG: That may be so.

Hon. E. H. Gray: That has been successful.

Hon. L. CRAIG: It is ridiculous to think that ten carts should be delivering milk in one street, each delivering two-fifths of a gallon.

Hon. G. Fraser: You believe in having a limited number of retailers in each zone?

Hon. L. CRAIG: Yes, I do. If the board are given sufficient power, they can increase the price to the producer and decrease the price to the consumer. If the business were properly organised, the retailer under those conditions would make just as much out of the business as he is making to-day. When it comes to a consideration of primary production, many members seem to object to any fixation of prices or organisation. It must be recognised that practically the whole of the goods available for purchase to-day are sold at fixed prices. Let any member price a roll of netting in the various shops in Perth and see if he will discover any variation in the prices quoted. If machinery has to be bought for a farm, or any material has to be purchased, it will be found that the whole of the business is organised, with fixed prices. The time has come when the primary producer should have the right to say that he shall receive a price for his goods that will at least cover the cost of production, in return for which he will provide a better article than is available to-day. I do not propose to continue my remarks for a long time, and I have merely given the main points I made when I spoke on Thursday.

Hon. J. Nicholson: Will you explain how the consumer will be able to select his or her milkman if you divide a district into zones?

Hon. L. CRAIG: I will instance a zone like West Perth. Eight or nine—perhaps more, perhaps less—retailers will be allotted to that zone, and they will then compete amongst themselves for the trade that is offering. That system will prevent a retailer operating in West Perth and running round to South Perth, back to Subiaco and to West Perth, and then on to Leederville.

Hon. E. H. Gray: They do not do that now.

Hon. L. CRAIG: Don't make any mistake about that! The hon. member evidently does not know much about the whole milk industry.

Hon. C. B. Williams: He lives at Fremantle.

Member: Perhaps he does not get up early enough.

Hon. L. CRAIG: In any case, I do not think Mr. Gray knows where milk comes from. I gave figures regarding the operations of the board in connection with their administrative work. A levy is made on both producers and retailers. Funds are raised for compensation purposes, for the retailers and producers who may be forced out of business. The retailers' compensation fund now amounts to £2,000 and the producers' compensation fund to £1,900. The board have control over that money but cannot use it for their own purposes. It is held in trust for use as compensation to individuals eliminated from the trade.

Hon. J. J. Holmes: Who distributes that money?

Hon. L. CRAIG: The money is distributed by the board but only for compensation purposes. There are a few new provisions in the Bill. At present there are two forms

of license obtainable by dairy farmers, one from the local authority and the other from the Milk Board. That system is to be set aside, and there will be one license only, and it will be granted by the board.

Hon. H. V. Piesse: What will the license cost?

Hon. L. CRAIG: The cost will be small. The board are to have power to appoint inspectors subject to the approval of the Minister for Health. The Bill includes a number of minor provisions, all of which are necessary. At present there is a certain amount of trading in licenses. The license to be granted in future will be to the producer and his premises. In those circumstances, should a man remove from his dairy farm, he will not be able to trade in his license to produce a certain quantity of milk. The license, as I have pointed out, will apply to the premises and the producer as well. I referred just now to the cost of production in country districts as against town production. The producers in the country are more or less satisfied. Of course, it is well known that no farmer is ever absolutely satisfied, but nevertheless the producers are more or less content with the price obtainable to-day, namely, 9d. per gallon. It is not a highly profitable return, but in comparison with the price of butter fat, it is much better. When the prices of wheat and offal went up, it had the effect of making production in the metropolitan area almost impossible. In one particular instance a dairy farmer who had one of the largest quotas—he had a quota of over 100 gallons per day—and had not the expenses that the country producer has to face, had to go out of business when the prices for bran, pollard and chaff went up. He was producing under conditions that necessitated the purchase of all fodder supplies. As against that, the country producers have the advantage of their pastures. I hope that at no far distant date the whole of the milk producers in the metropolitan area will be forced out of business. The public will then get a better commodity, produced under more favourable conditions than are apparent to-day. It is ludicrous to think of producing milk on a sandpatch when the whole of the necessary supplies could be better produced in the country areas. Another point that requires to be mentioned to the House is the position of the dairy farmhand, the man who does the work. He gets paid what he can. He may work for a producer in the metropolitan area, where there are perhaps 200 producers, and where the whole work is done under uneconomic conditions. He has to be up before daylight to have his milk ready, yet he is not protected in any way by an award, but the man who delivers the milk is so protected.

Hon. C. B. Williams: He should be a trades unionist.

Hon. L. CRAIG: I am not going over all that which I said the other day. I hope the Bill will get through without amendment. It is very necessary, and I trust that the powers of the board will be increased as the board gains more experience. The main points are that the producer is now getting more than he got before the board was appointed, the industry is on a better basis than it was previously, and the consumer of milk is paying no more than he paid before, yet he is getting a better quality product. I hope that as time goes on the powers of the board will be increased, so that the board may still further organise the sale of this very valuable food. I do not think anybody is going to oppose the Bill. It is very necessary that the Bill should go into Committee as soon as possible, but although there are one or two amendments on the Notice Paper, I hope they will not be agreed to. I have pleasure in supporting the second reading.

HON. H. V. PIESSE (South-East) [8.58]: The Honorary Minister when moving the second reading clearly set out the aims and objects of the Bill. He also explained that the Act had been in operation for a period of two years, and that the Government were satisfied with the work of the board, and that the primary producers also have expressed themselves in favour of it. It has been decided that a number of amendments are necessary to render still more satisfactory the working of the Act. Those amendments are now before us in the shape of the Bill. I would have liked to see the Bill brought in as a permanent measure, but it is limited to a period of 12 months. The thanks of the House are due to the excellent manner in which Mr. Craig explained the working of the existing system. I am sure that members, after having listened to to the Honorary Minister in his moving of the second reading and to Mr. Craig in his exposition of the situation, will agree to the

Bill being passed without amendment. During the last three or four weeks I have had many opportunities of hearing business men and primary producers discussing the Bill. I was struck by some remarks concerning ice-cream manufacture. The reason why the board desires to control the milk and cream used by the manufacturers of ice-cream is that under present conditions the board have great difficulty in policing the Act. I have been told that many firms in the whole milk industry who are also engaged in the manufacture of ice-cream are able to secure quantities of milk at a lower price for manufacture, but really to dispose of it in the whole milk trade. This renders them able to sell it at a price below the ordinary price charged by others operating in the industry. The board will be given the right to fix the price of milk and cream for the purpose of ice-cream manufacture. I have made inquiries, and I understand that the history of the industry discloses that the firms concerned paid, prior to the board coming into operation, prices in excess of what they are paying at present. We have no proof that the retail price of ice-cream has changed since the board came into operation and fixed the prices for those products. Surely that must be the work of the board, which consists of two representatives of the consumers and two representatives of the producers. Surely those men should be seized of the fact that if they fix the price of milk and cream too high for ice-cream purposes, substitutes may be imported to take the place of whole milk.

Hon. J. Nicholson: A sort of synthetic ice-cream.

Hon. H. V. PIESSE: Yes.

Hon. J. M. Macfarlane: Even the ice is synthetic.

Hon. H. V. PIESSE: Mr. Macfarlane and I have been dealing with milk for many years, but have never yet required to take ice with it. I can speak feelingly in this matter, for I am connected with a flour mill, and I realise that unless we can produce at a lower cost than the imported article, we must lose our trade.

Hon. G. W. Miles: What has flour to do with ice-cream?

Hon. H. V. PIESSE: I am only stressing the point that Western Australia should endeavour to live on her own production.

The PRESIDENT: Order! I hope hon. members will allow the hon. member to proceed.

Hon. H. V. PIESSE: Mr. Mann declared that the price of milk was not fixed. After listening to Mr. Craig I was under the impression that the price of milk was fixed at 1s. 1d. per gallon wholesale.

Hon. W. J. Mann: Fixed by the board, not by the cocky himself.

Hon. H. V. PIESSE: There are many firms operating in ice-cream manufacture in Western Australia, and I feel it is most essential that the raw materials they are using should be produced in Western Australia. Take the well-known firm of Nestles. This firm, while operating in country districts, has invested a large amount of capital in Western Australia. We as primary producers welcomed the advent of that company into our midst. The activities of milk producers are severely tested by the erratic trade of ice-cream manufacture. During the heat waves when there is an abnormal demand for whole milk, such companies as Nestles can supply considerable quantities of milk in a very prompt manner. Milk condensing ceases on such occasions, and the milk is sold through a very much more profitable channel for the manufacture of ice cream. The fresh milk product must be the right one to give the consumers. It will be agreed that the supply to ice cream companies should come under the control of the Whole Milk Board. On the Notice Paper Mr. Nicholson has an amendment that women in the industry should be placed on the board.

Hon. J. Nicholson: You are a great admirer of the ladies, and I expect you to support the proposal.

Hon. H. V. PIESSE: As an admirer of ladies, I would not like to see one appointed on the board. The power to make such appointments is in the hands of the Minister. If he thinks it is desirable that ladies should be put on the board, we can leave the matter to his discretion. I will vote against Mr. Nicholson's amendment. I am of opinion that milk bars should be licensed. That would afford protection to the public as to the quality of the milk sold at the bars. All the supplies available for bars should be under the control of the board.

Hon. J. Nicholson: I take it that would come under small shop licences.

Hon. H. V. PIESSE: I understand that at present this is not under the control of the board. There should be a guarantee to the public that they are buying an article

that is undoubted in its purity. It would also encourage greater sales of pure milk, which is something we want, and which is the idea in the mind of the board. The milk required for milk bars should be of the highest standard. The service rendered in supplying the milk is even greater than is the case with the supply of whole milk. I feel sure that the wholesale rates at which milk is being sold to-day show a reasonable profit to the bars. I should like to refer to a letter I have received from the Metropolitan Retail Dairymen's Association. Paragraph 3 reads as follows:—

> Whole milk.—All milk coming into the metropolitan area should be treated as whole milk irrespective of its use, and the necessary fees paid accordingly. It is contended that a considerable amount of milk is finding its way into the metropolitan area, being brought in as milk for manufacturing purposes. If all milk which is brought into the metropolitan area were treated on the same basis, a very dangerous loophole which at present exists would be considerably minimised, if not ultimately eliminated.

Manufactured milk is a serious problem. We have been told that the increase in whole milk sales is 14 per cent., but if the manufactured milk is brought under the Act, the sales of whole milk in the metropolitan area will be greatly increased. I have been informed that the board are faced with many difficulties with respect to the marketing of manufactured milk. The new definition of milk as set out in the Bill differs from that in the parent Act. I hope the board will be able almost entirely to eliminate manufactured milk from the scheme of things. That would be of great assistance to the producer, and lead to the supply of an increased volume of milk. I have been informed that big firms operating in Perth are willing to pay the price for milk laid down by the board. They had an opportunity to buy this manufactured milk, but resisted it for quite a long time. They then found that other firms were buying it at a much lower rate, and were able to cut the price for the manufacture of such articles as cakes, and of tea and coffee. Under the new definition this milk will be controlled by the board. On the 29th November I received a letter from a young dairy farmer operating in the Kelmscott district. He wrote pointing out what he considered a great difficulty in obtaining sales for his quota. He suggeste that I should put forward an amendme to the Bill to allow those who could not se their quota to sell the balance to retail co sumers. I referred the matter to the Minist for Agriculture, and several members i another place, who were more closely i touch with the Act than I am, but the thought the proposition an impracticabl one. I then rang up Mr. Wilson. He state that if such men who could not obtain thei quota were allowed to sell their milk to th public, the object of the Act would be de feated. Mr. Wilson's reply was—

> In order to ensure that there shall never b a shortage of good milk in the metropolita area, it has been necessary to base the quota upon sales during the periods of greatest con sumption, namely, from March until May, in clusive. It may, therefore, happen that cer tain producers will fail to secure contracts. I has been the hope of the board that since th price was fixed, the quality of the milk woul be the governing factor in securing sales, bu whenever the board finds that for any goo reason a producer is not able to sell his mill his name is listed, and any buyers in searc of milk are promptly put in touch with him As quality is on the up grade such men as th one you have referred to will have no need t worry about selling the greater proportion o the milk they produce.

On the 28th October I received a further letter from the Kelmscott man, the las paragraph of which reads as follows:—

> Whilst the price to the producers for whol milk was fixed at 1s. 1d. per gallon by th depot, certain vendors only take the milk o the condition that various stores, fodder, etc. are bought from them in return, and so it is ex tremely difficult to see what the price really is

We have heard many remarks passed with reference to the wholesale purchasers of mill and the conditions under which they buy I am certain that careful inquiries are mad by the board at the different warehouse with which the suppliers deal, and that i has been found that those warehouses ar not in any way overcharging. I have rea the debate in "Hansard" of what was sai in another place. Reference was made t the supply of milk for school children. Th importance of this subject cannot be too strongly stressed. I notice the Minister fo Agriculture is in favour of a method tha would ensure each child a reasonable drin of milk on every school day in the year I have been approached by ladies like Mrs Farrelly and others connected with various

nstitutions and they have asked me to men-ion this matter in the House. In Sydney t is stated that a large number of the child-en attending a school in a poor district vere found to be below the average weight 'or their age. Their teacher prevailed upon he Sydney Milk Board to supply milk to hose children and an 8 oz. bottle of milk vas provided for them daily. In a very hort space of time there was no child under veight in that school. That certainly illus-rates the value of milk to growing children. Surely arrangements could be made with he Government for this matter to be placed nder the control of the Milk Board. Pure nilk could be supplied to the public schools; f not for the older children, then for the ounger ones.

Hon. E. H. Gray: All of them need it.

Hon. H. V. PIESSE: Yes; it is a most ecessary adjunct to the food of young Aus-ralians. I remember discussing this mat-er with Dr. Stang, who has given such ex-ellent service to Western Australia in her osition as medical officer in charge of child welfare. She considers that all children in Western Australia should have this oppor-unity and that the use of whole milk would levelop our womanhood and manhood. Some little time ago we had under con-sideration a measure which was known as the backyard trading Act. As a man who has run a dairy farm, I realise that one of the difficulties confronting the board is that of illicit sales of milk by non-licensed dealers. In the town in which I was living I was supplying a very large round, but in the flush season many people found that their cows came into profit and they sold milk to the detriment of the licensed dealer. I understand that quite a fair amount of illicit selling is taking place in Perth and that the board have their hands full in maintaining control of this most important industry. Mr. Craig, in speaking to-night, referred to the fact that the metropolitan area was not as suitable as the country out-side Perth for the production of milk. I quite agree with him. I realise what it must mean to the metropolitan dairy farmers who have to buy chaff, bran, pollard, etc., in order to produce milk, and they cannot be making a large amount of profit when they have to sell the milk at 1s. 1d. per gallon. With Mr. Craig I think we should look for-ward to the time when more of the milk will be produced in the districts outside the city. I believe that ultimately the best supply for the metropolitan area will be produced out-side. I shall certainly support the second reading, and I sincerely hope that the Bill will be passed without amendment.

HON. E. H. GRAY (West) [9.20]: In supporting the second reading I desire to congratulate Mr. Craig on the informative speech he delivered. I do not agree with his idea of the zone system, because I be-lieve that the system he has in mind would make conditions nearly as bad as they are at present. I think the time has arrived when a strict zone system should be introduced, which would make the distribution of milk very much cheaper than it is to-day and en-able an increased price to be paid to the producer, while some relief could be afforded to the retailers and to the consumers.

Hon. C. B. Williams interjected.

Hon. E. H. GRAY: Milk controlled by the board can be supplied of standard quality. The fact stated by Mr. Craig of 10 milk carts delivering milk in one street was really a reflection on our intelligence. I believe in making the food supplies of the people as cheap as possible. We are compelled to take the "West Australian" from one newsagent, and I do not see why we should not take our milk from one retailer. I consider that the powers of the board should be extended. I can claim to be one of the originators of the idea of distributing milk to school children. Ten years ago I devoted particular attention to the scheme, and at one stage the distribu-tion reached 120 gallons per day to Fre-mantle school children. The supplies at that time were drawn from a high-grade Jersey herd on the Peel Estate and the milk was excellent. Experience in Great Britain and the Eastern States has proved that half a pint of milk supplied to school children daily has a definite value in promoting growth and maintaining health. Unfortun-ately owing to the chaotic state of the milk industry and the poor quality of the milk supplied, the good work begun 10 years ago gradually dwindled.

Hon. J. J. Holmes: What is the consump-tion now?

Hon. E. H. GRAY: I cannot say. The Beaconsfield school takes half a pint of milk per day for each of the children.

Hon. J. J. Holmes: Who pays for it?

Hon. E. H. GRAY: It is paid for by the parents of the children. Those children who

cannot afford to pay for it are supplied from funds raised by the efforts of the parents and teachers' association. Great praise is due to the board for their work. I consider that every member of the board has proved his value. The board have done excellent work, but we have a long way to go before we can be thoroughly satisfied with the milk as delivered. I believe in the pasteurisation of milk and we in this State should work up to that ideal. Some people will take a lot of convincing, especially the milk producers and sellers, that milk should be pasteurised, but the majority of the medical profession strongly favour it. They also consider that the milk should be delivered in bottles. To me it is astonishing that our people should be satisfied with the existing old-fashioned and unhygienic methods of delivering milk. It is dangerous to public health, because unfortunately all people do not realise the risk to themselves and their children from exposure of containers to dust and dirt. I am a frequenter of the moving pictures, and there are only two methods of handling milk which I have seen in the pictures. Two or three times I have seen milk delivered by cows and goats going around the houses, the animal being milked in front of the purchaser. That is one method. The other method is delivery by bottle. I do not think any hon. member ever saw an American picture into which milk entered without its being delivered in bottles, as it should be. However, seeing that Western Australia has no large method of distribution by bottle, there is a still better method available—delivery of milk in cartons, that being the system in some parts of Europe. The installation of the machinery for manufacturing the cartons is expensive, but once installed it can produce the cartons at a cost less than the cost of washing bottles under the bottle-delivery system.

Hon. W. J. Mann: But only where there is cheap labour.

Hon. E. H. GRAY: That is not so according to my information. I am advised that the machinery is expensive to purchase but that, once it was installed, the cost of the cartons in Western Australia would be less than the cost of washing bottles. At all events, the system seems well worth investigation. Now I wish to revert to the question of milk for school children. I do not see why it should not be possible for milk to be delivered at the schools apart from the system now employed; that is to say, the Milk Board could allow the producers to supply milk at 9d. or 10d. per gallon, relinquishing the usual extra charges of the board. Let there be organised delivery in Perth at special depots, and so create a large consumption of milk which is now missed. In the metropolitan area there are approximately 30,000 school children. Discounting 10 per cent. of children who for various reasons would not require milk—and that is an over-estimate—there would remain 27,000 school children taking milk. Those 27,000 children would take 27,000 half-pints, or 1,687 gallons, per day, or 8,435 gallons per week of five days.

Hon. H. S. W. Parker: Do not you think some of those children get their milk at home now?

Hon. E. H. GRAY: My experience is that children who get milk at home always get it at school as well.

Hon. H. S. W. Parker: But would not they be included in the number you have quoted?

Hon. E. H. GRAY: The experience is that children who receive milk at home always buy milk at school, because the mother recognises the value of the milk and she can buy it at school much cheaper than at home. For the 40 weeks of the school year the extra consumption of milk would amount to 337,400 gallons. That is a market which the Whole Milk Board should exploit.

Hon. J. Cornell: What about my end of the country?

Hon. E. H. GRAY: I am referring to the metropolitan area. The same system could easily be organised in country districts. Farmers would be very short-sighted if they did not fill up their children with milk as often as possible.

Hon. H. S. W. Parker: Would this be at the cost of the parents or of the Government?

Hon. E. H. GRAY: A large number would not be able to afford to buy the milk. If the Milk Board could purchase milk from the producers at 9d. per gallon, delivered in large quantities to the schools, the proportion of indigent children at the schools could be supplied from the surplus fund created by the price at which the school sold the milk—say at 1s. 4d. per gallon. As a matter of fact, the price of milk at Fremantle has been 1s. per gallon. Then the indigent children could be supplied with free milk without the other children knowing about it—which is highly desirable, as there is no

bigger snob in the world than the school child.

Hon. J. Cornell: Does not the hon. member think the milk stunt has been rather overdone?

Hon. E. H. GRAY: I shall not claim that cheap milk has been responsible for all the improvement that has been created. However, a strange thing happened during the first 12 months of the depression. As everyone was working to raise money for the unemployed, the relief committees had ample funds at their disposal to look after mothers and children and the unemployed. In Fremantle we organised an extensive milk supply for children, expectant mothers, and mothers with infants. I shall not say that this is the cause of what actually happened, but one has only to look at the records for the first year of the depression to ascertain that during that year there were fewer patients at the Fremantle Public Hospital than there have been since or than there were for many years previously. Every expectant mother, every mother with an infant, and every school child were supplied with milk. Tests were made, and there was actual proof that the children improved in health during that year.

Hon. R. G. Moore: Why did the system break down?

Hon. E. H. GRAY: Because the people forgot the unemployed. There was an insistence that where free milk was given to the unemployed they should, even out of their meagre ration allowance, purchase the same quantity of milk. This proposal aroused a storm of opposition, but we insisted on it and everybody fell into line. Therefore while our scheme was in operation, the consumption of milk in the Fremantle district rose considerably. A pint of milk was given daily to the mother on the condition that she purchased another pint. Thus, instead of no milk at all going into the home, a quart of milk went into it. The system was a great success, notwithstanding that I had been severely criticised at indignation meetings. No system for the distribution of milk at schools will be of real use until it is introduced into the school curriculum. The present method is for the progressive teacher to undertake the organisation, and for other teachers, who are not compelled to do it, to leave it undone. I consider teachers should be compelled to regard the milk distribution as part of their day's work. It is not right that some teachers should carry on the good work while others refrain. Until the Education Department is prepared to bring milk distribution into the ordinary curriculum, not much success will be achieved. I hope that the constitution of the board will not be altered. The members of that body have done good work and it would be a mistake to alter the personnel in accordance with the proposal indicated by Mr. Nicholson in the amendment he is to move. The present board should be left alone to carry on their good work, and I trust that in the near future their powers will be extended so that improvements may be effected along the lines I have suggested. I support the second reading of the Bill.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [9.36] in moving the second reading said: The purpose of the Bill is to establish an assurance fund to indemnify the public from loss through wrongful dealing by legal practitioners. It is provided that the fund shall be built up by contributions from all legal practitioners. Although this State is fortunately situated, inasmuch as there have not been very many cases of defaulting practitioners, nevertheless such cases have occurred, and serious loss and hardship have resulted to the clients of the practitioners concerned. The legal profession occupies a peculiar position of trust. A practitioner is likely to have large sums of money entrusted to him by his clients for investment and other purposes. A client very often knows little or nothing about the person to whom he entrusts his money, and there should be some guarantee by which the public can have perfect confidence in every practising member of the profession. The Bill provides that a mutual indemnity fund shall be provided, which shall be subscribed to by the practitioners themselves. The fund shall be managed by three trustees, one of whom shall be appointed by the Governor, one by the Barristers' Board, and one by the Law Society. The Government consider that a board of this character will be thoroughly representative of all sections of the profession. By

granting the Law Society the right to nominate one member of the board of trustees, the Government are giving the juniors in the profession, who constitute a majority of the practitioners, some voice in the management and control of the fund. The trustees will be the gardians of the fund and will be armed with powers sufficient materially to assist them in keeping a check on the profession. Certain audit powers are provided that will enable the trustees, in the event of a complaint being made about the conduct of a practitioner, to have a thorough audit investigation made. Such a power will undoubtedly prove to be a deterrent to improper practices, and will prove to be a public safeguard. The trustees will be the guardians of the fund, and it is only natural to expect that they will be alert in the conduct of investigations in respect of any member of the profession about whom complaints of dishonesty or fraud may be made. Legislation of this character has been in force in New Zealand and Queensland for some time, and in New South Wales a similar measure was recently introduced. The present Act contains a provision for an annual practising certificate to be taken out on payment of a fee, portion of which is paid to the University by the board for the purpose of the establishment and maintenance of a Chair of Law at the University. This provision was made as a result of a very commendable gesture on the part of the profession in this State, who have voluntarily submitted themselves to be taxed in order to provide the funds to educate persons aspiring to a knowledge of the law. A provision in this Bill is intimately related to that section in the existing Act in which it is provided that the trustees may collect any penalties for offences against the Act, and may pay such penalties into the University fund so long as it is under £10,000, or, alternatively, until the board cease to contribute to the Chair of Law at the University. It is considered that this provision will furnish, in some measure, a return to practitioners who find themselves embarrassed by the fees which they have to pay. The subject matter of this Bill has been submitted to the Barristers' Board and the Law Society of W.A. for consideration, and, whilst they do not relish the idea of the imposition of th new burden, they have expressed thei accord with the policy of the measure, a framed, because they fully realise tha some such safeguard is necessary. Som few years ago, the Barristers' Board dre up a Bill on somewhat similar lines t this one. The then Attorney General, th late Mr. Davy, had intended to introduc the measure. The Bill had been actuall prepared but was never presented to Pa liament. It is proposed in the Bill tha the practising fee may be increased, s that, out of the money that goes to th Board, an assurance fund shall graduall be built up. The fund so constituted wi be used by the trustees for the paymen of any expenditure incurred in the con duct of inquiries, administration, or lega expenses, and, in the event of defalcation or illegal use of trust moneys by a practi tioner, the clients of such practi tioners may be reimbursed, within cer tain limits, for losses sustained by them It is proposed that the fund shall be buil up to a maximum sum of £20,000, and it i considered that such a sum, when investec will return sufficient income to make th fund self-supporting, when all further con tributions will cease. It is further provide that, while the fund is in its initial stage there must be some limitation to the liability In order to implement this, it is provide that up to the 30th day of June, 1942, th limit of liability in any one case shall no exceed £1,000. This liability then goes up pro gressively by £250 in each year until 1947 when the maximum amount for which th fund is liable in any one case will be £2,250 Thereafter, the limit of liability in any on case is maintained at that sum. Anothe very important provision is that every prac titioner shall keep a separate trust accoun and shall not mix his private moneys witl trust moneys. I think all hon. members wil agree that this is an entirely commendabl provision. It is recognised that all reputabl practitioners do keep separate accounts fo their trust moneys, but you will always find some persons, perhaps not criminally minded, but just careless and slipshod i their methods, who will not go to the trouble of keeping separate bank accounts, and such persons are then faced with the temptation of gradually encroaching upon their clients trust funds. Under the Bill, it will be a offence for a practitioner to mix trust funds

with his own money, an offence for which he may be punished summarily by a fine before a court of summary jurisdiction, or by attachment before the Supreme Court.

Hon. G. W. Miles: Will the Government also have to keep their trust funds separately?

The CHIEF SECRETARY: The Government are under the Auditor General.

Hon. G. W. Miles: Yet they have used trust funds as they should not do.

The CHIEF SECRETARY: I am not aware of it. If the Government should do anything with their accounts which is not in accordance with the law, the Auditor General points it out to Parliament and it is then for Parliament to take the necessary action. I can remember only one instance of this being done. It was at the instigation of Mr. Miles himself, and it was in connection with the Golden Eagle.

Hon. G. W. Miles: That is so.

The CHIEF SECRETARY: I believe I was wrong on that occasion. Provision is made for the appointment, by the trustees, of auditors who shall have the right to audit the books of any practitioner. Such auditors will be under a bond of secrecy and will not be permitted to disclose any information, except insofar as it may be necessary to carry out their duties and report to the trustees. The guiding principle behind the Bill is the protection of the public and the creation and maintenance of public confidence in members of the profession.

Hon. G. W. Miles: I thought this was an honourable profession.

The CHIEF SECRETARY: It is an honourable profession. But there may be one black sheep in it, and the Bill is for such as he. Provision is made to the effect that a bankrupt shall not be allowed to practise without a special certificate from the Barristers' Board and that any person who in the course of his practice becomes bankrupt may be refused a practising certificate. This provision shall not have retrospective effect and shall not apply to any bankruptcy caused or relief taken in regard to debts or liabilities incurred prior to the passing of this measure. It is only right that such a person shall be under some special supervision. If a member of Parliament becomes bankrupt, he loses his seat in Parliament, and a policeman who becomes bankrupt loses his office, and various other Acts of Parliament make provision in regard to the holding of office by bankrupts. Financial embarrassment often leads to dishonesty. This aspect has been recognised in England for a long time and the English law provides that the Registrar of Solicitors may refuse an annual practising certificate to any solicitor who has been adjudicated bankrupt.

Hon. J. Nicholson: The fee paid there is very small.

The CHIEF SECRETARY: That is a very important consideration.

Hon. G. W. Miles: The taxpayer will have to pay under this Bill, for the lawyers will add the expense on to their bill of costs.

The CHIEF SECRETARY: And the taxpayer should be pleased to think that he is paying into so exemplary a fund. Under this Bill a practitioner who has been refused a certificate will be entitled to appeal to the Full Court against the refusal Members will notice that the Bill is being introduced as an amendment to the Legal Practitioners Act. It was considered advisable that the laws relating to the profession should be found in one enactment, and provision is made to include the provisions of the Bill, if passed, in the present measure and to re-arrange the Act accordingly. Provision is made to limit the fees payable by a practitioner to a maximum amount of £10 in any one year. I have outlined the fundamental provisons of the Bill. The machinery and implementing clauses are matters for consideration in Committee. The measure is undoubtedly one that will prove of great service to the general public, and will help to inspire confidence in members of the legal profession. I move—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Metropolitan-Suburban) [9.54]: I have had opportunity to see the Bill since it has been up here, but I think there has been some misunderstanding in regard to the information supplied to the Chief Secretary to the effect that the Bill had been submitted to the Barristers' Board and the Law Society. I have endeavoured to find a member of the profession who saw the Bill before it was introduced to Parliament, but I have not come across one, except the secretary of the Barristers' Board. I was informed by a note I received this evening that it was submitted to a special committee of three members of the legal profession. For some reason the

Barristers' Board did not deem it necessary to submit it to the general body of members of the profession. I am also informed that they were given the Bill and told that this was to be introduced, and their views upon it were asked for. There was no question of agreeing or disagreeing. I understand that certain amendments were suggested. The Bill is opposed to all moral principles. If its object is to encourage defalcations by solicitors, no better measure could be thought of.

Hon. H. Seddon: It will not stop them.

Hon. H. S. W. PARKER: There is nothing in the Bill to stop defalcations.

Hon. H. Seddon: That is so.

Hon. H. S. W. PARKER: On the contrary, it makes them simpler and easier. When a legal practitioner does defraud his client his conscience is easy, because he knows that the money is to be paid back out of funds which belong to no one.

Hon. H. V. Piesse: But the solicitor could not continue to practise as a solicitor.

Hon. H. S. W. PARKER: I will come to that. I will tell members why this is such an immoral measure, and why it is not for the benefit of the community at large. large.

Hon. G. W. Miles: The community will have to pay.

Hon. H. S. W. PARKER: It is a very good measure to assist the thief to increase his booty. No increased penalties in any shape or form are provided. There is no further deterrent than already exists. It merely provides for the creation of a fund, the property of no one, out of which to make refunds to the victims. No one loses.

Hon. J. M. Macfarlane: Will not the solicitor lose?

Hon. H. S. W. PARKER: He will have lost in any case.

The Honorary Minister: Why would you describe that as immoral?

Hon. H. S. W. PARKER: I really believe the Honorary Minister will agree with me when I have finished, though he may not be able to say so. Let me take bankruptcy, the first thing mentioned by the Chief Secretary. A young man with a young family finds himself in financial difficulties through no fault of his own. Perhaps, as was suggested in another place, he went in for the luxury of having a farm. He is in the position of having trust funds to take on the one hand, or losing his profession and livelihood on the other. It is the greatest temptation in the world to take the trust funds, and chance discovery, in the hope that he will be able to make up the deficiency before he is found out. There is the inevitable result, and he goes on taking more and still more of the trust funds. He starts in a small way, but he cannot make up the losses, and he takes the lot. He takes every penny of the trust funds, and every security in his safe, and bolts. When a man under such conditions bolts from Western Australia the Government do not bring him back. A man who embezzles from a firm, company, or an individual is never brought back to Western Australia, except at the expense of the person prosecuting him. The result is that the man who has already stolen £1,000 endeavours to obtain as many more thousands as he can by virtue of the securities in his safe—these are more or less under his control—and he gets away to a new country where he makes a new start. Alternatively, he hides the money in some way. There are many ways of hiding money that has been stolen. He hides the money for his own benefit, when he comes out of gaol, or for the benefit of his family while he is in gaol. The fund from which the victims will be recouped, is a temptation that very few men placed in that position will be able to resist. There is no doubt this Bill will encourage defalcations. The Chief Secretary said it was necessary to pass the Bill, because there are so many people who do not know the solicitors they employ. In every instance that I can recall where a solicitor has embezzled funds, he has been well-known. The last case was a very serious one, the solicitor having defrauded members of his own family. The only other case I can recall was that of a country practitioner who was well-known by all and sundry in the town. That case arose through drink, and everyone in the place knew about it. It is not the man who is unknown, but the man who is known. Take the big defalcations by a solicitor in Brisbane, running into, I think £14,000. He was extremely well known. The same thing applies to the solicitor in Tasmania, who was the partner of the Premier or Attorney General of that State. The penalties to which a solicitor is liable are not generally known. He is liable to certain penalties in the Criminal Court. It is also generally recognised

by judges and members of the legal profession that if a solicitor is found guilty of embezzlement he gets a longer term of imprisonment than any other person, on the ground that he ought to know better. Members will agree that he should know better. In addition to receiving a heavier sentence, he is never again allowed to practise, or to be employed by a solicitor, or to have anything at all to do with the legal profession. He is not allowed to appear in any of our courts, although, of course, he can appear as an advocate in the Arbitration Court. Why is it that only the victims of the legal profession are to be recouped? Why should this not apply to the victims of other classes? Why not have a general fund to recoup victims of other classes, professional and otherwise?

Hon. H. V. Piesse: What other classes?

Hon. H. S. W. PARKER: I refer to some classes who hold more money than solicitors do. A mortgage broker holds more than any solicitor holds.

Hon. J. Cornell: What about estate agents?

Hon. H. S. W. PARKER: I would also instance auctioneers, second-hand motor car dealers, apartment-house salesmen, executors, trustees other than solicitors, of whom there are many.

Hon. E. H. Gray: Do they not have to enter into a bond?

Hon. H. S. W. PARKER: No, and neither do executors.

Hon. H. V. Piesse: It all depends on the conditions of the trusteeship.

Hon. H. S. W. PARKER: I am familiar with all those conditions. Trusteeships are prepared every day through people making their money over to trustees for the benefit of their children, and there are no qualifications with regard to bonds.

Hon. H. V. Piesse: Such people make their own conditions.

Hon. H. S. W. PARKER: Of course they do. So does the man who puts his money into the hands of a mortgage broker or auctioneer. So does the man who puts his car into the hands of a second-hand car salesman. So does the sharebroker.

Hon. T. Moore: The auctioneer has to put up a bond of £500 for a start.

Hon. H. S. W. PARKER: I think not, but if that is so, I have overlooked it. Consider the amount of money that a sharebroker handles.

Hon. G. Fraser: Or a bookmaker.

Hon. H. S. W. PARKER: Yes. Let me point out that a bookmaker need not pay unless he likes, and he is the most honourable man of the lot. We cannot make people honourable by tying them up with bonds. The bookmaker is the only class of individual who has a guarantor, because the registered bookmaker has two others to guarantee him.

Hon. G. Fraser: That is an honourable profession.

Hon. G. W. Miles: We thought the legal profession was, too, until this Bill came before us.

Hon. H. S. W. PARKER: Sharebrokers and mortgage brokers hold vast sums of money, but nothing is said and nothing done in the way of requiring them to put up a guarantee. Why not have a fund to recoup all people who suffer from thieving? This Bill embraces not only trust funds but every class of property that a solicitor handles. If a man leaves a watch or jewellery of some deceased person in my safe and a clerk steals it, I am held responsible. But why should I have to have a bond? A man who leaves valuable articles in my office must accept a certain amount of risk. I tell him that I will put the articles in my safe, but I am not responsible for them, and yet the law says that I am to have a bond. It would be absurd to have a fund established by the Government to recoup the victims of all thieves. People who are victimised go to the police court every day.

Hon. J. Cornell: What about members of Parliament who are slugged every day?

Hon. H. S. W. PARKER: Why not have a general fund raised by 1d. in the pound of income tax, if members would like that? Why single out one class for this treatment, a class from whom the community draw the most honourable citizens they have? The whole of the judiciary is drawn from the legal profession. The Lord High Chancellor who presides on the woolsack has come from the ranks of the lawyers. When members desire to appoint a commissioner to make a special inquiry, they seek the help of a member of the legal profession.

Hon. C. B. Williams: And when in trouble we rush to him.

Hon. H. S. W. PARKER: When we have any confidential business we rush to him. When we have serious business we consult him. We place him in the highest position in the land. Wherever we go in the British

Empire, we find the highest positions occupied by those who have passed through the ranks of the legal profession. Yet we are asked that that class and that class alone should provide a fund to guarantee every other member in that class. We have no say as to who is to be admitted to the profession and who is not. I have not the slightest say as to who might be admitted as a practitioner to-morrow. The antecedents of a young man seeking admission might be bad, but if he passes his examinations—he is not likely to have any criminal record at the age of 21 or 23; he would not have had time to read up his law and pass his examinations and be guilty of crime at that age—he is admitted. If he has a record in the Children's Court, it cannot be used against him. No member of the legal profession has a say as to who is to be admitted, and yet I am to be asked to guarantee such a man. I am not asked to guarantee myself; I am asked to guarantee him. There would be no objection to each practitioner having to guarantee himself, but why ask me to guarantee another? Do we ask trustees to guarantee each other?

Hon. H. V. Piesse: They have to pay a reasonable amount for their guarantee.

Hon. H. S. W. PARKER: I dare say.

Hon. J. Cornell: They have an exclusive field, too.

Hon. H. S. W. PARKER: It is a recognised principle of the law—it is the only way in which a community can conduct affairs—that we cannot reward the diligent and good citizen but we can punish the bad, the wicked, and the defaulting. That is the proper procedure. If members desire to make the penalties for defaulting solicitors greater than they are at present, I think every barrister and solicitor would entirely agree. I doubt whether there is one who would not approve of the penalties being made extremely severe.

Hon. G. Fraser: That would not be much satisfaction to the victim.

Hon. H. S. W. PARKER: No, but neither is there much satisfaction to a man who is garotted. There are three things the law aims at: to punish the culprit, to make the punishment such that the culprit may feel it and prevent any repetition, and to make the punishment a deterrent to others. If a solicitor defaults, it is not necessary for the complainant to go through the ordinary procedure of issuing a writ in order to recover his money. He can take out a summons returnable in two days, and can prove it there and then under the rules of the Supreme Court. If the solicitor does not pay, he is attached at once and put into gaol. Thus a very speedy remedy is provided. Everything possible is done by the lawyers themselves to ensure that the profession is kept as clean as is humanly possible to keep it. There are rogues in every walk of life. In the course of my short life I can recall a Minister of the Crown who was sent to gaol.

Hon. J. Cornell: Ministers of religion, too.

Hon. H. S. W. PARKER: Yes, in every walk of life there are rogues. That cannot be avoided. May I ask why a young fellow who has passed his examinations and gets a certificate to allow him to appear in the courts but is employed as a clerk should have to pay to this fund in order to guarantee others although he does not handle a penny of trust funds? A great many solicitors who have their qualifications are merely clerks in offices. Why should they have to pay? I consider that proposal entirely wrong. Again, the bigger the firm, the less chance there is of a client losing his money. If a partner or a clerk in a large firm steals trust funds, the other partner has to make good the loss. So the bigger the firm the less risk there is of any loss to the client. But on this basis, the bigger the firm the more it pays; the greater the number of members in the firm, the more they pay. In Perth alone there are 37 firms of solicitors, and 22 solicitors practising on their own. The risk there is taken by the individual who employs the man practising on his own, because there is no backstop: it is the solicitor, and he alone. With firms, if there is the slightest suspicion that one partner is going wrong, the other partner is careful to see to things and watch the trust account. And so there is little or no risk. But, under the proposed scheme, the bigger the firm the more they pay, and the less the risk of the client. The whole principle is wrong. We cannot deal with criminals except by punishing them, and there is no punishment if we ease their consciences by giving victims money which belongs to no-one. The effect of the Bill, if passed, would be that there would be practically no trust funds, in the ordinary sense, with solicitors. A solicitor said to

me to-day, "What does this Bill about trust funds mean? Last week I put through a deal of £65,000." In a case of that sort the procedure adopted is this. The purchaser would hand to his solicitor a cheque for £65,000, which would be placed in that solicitor's trust account. The documents are ready, and an appointment is made for the next day, there is a settlement at the Titles Office, the cheque is exchanged, probably with the other solicitor, acting for the vendor, over the counter of the Titles Office. That £65,000 passes through the trust account of the purchaser's solicitor. That solicitor then draws a cheque on his trust account, and gets a bank cheque, which is accepted by the vendor's solicitor at the Titles Office. Then the vendor's solicitor pays it into his trust account; and next day, after deduction of necessary fees and costs and so on, it is paid to the vendor. This means that the £65,000 of trust funds in the course of two or three days has developed into £130,000 of trust funds. The net result of the Bill, if passed, will be that the purchaser will have to go along himself to the bank, probably not knowing how to conduct the Titles Office procedure, and there will be extra attendances on the solicitor. As was suggested earlier in my remarks, the public will pay.

Hon. G. W. Miles: That is just the point.

Hon. H. S. W. PARKER: Undoubtedly the public will pay. The purchaser will go along to the bank and have a cheque made out, possibly direct to the vendor. The vendor's solicitor goes along to the vendor and gets about half a dozen different cheques for fees and various things that have to be paid—stamp duties and Titles Office and other fees. Thus there will be half-a-dozen attendances instead of one, and for those half-dozen attendances the purchaser will have to pay. So business will be retarded by money not going through the trust account.

Hon. G. W. Miles: The client will have to pay.

Hon. H. S. W. PARKER: Undoubtedly. Solicitors are there not for their own health, but for their clients' health. Again, the Bill means government by regulation. The authors of the measure are not content to say in one clause that the trust funds shall be invested; they also say there must be regulations as to how the trust funds shall be invested. There are numerous regulations tying us in all sorts of ways. They are not needed. Surely this matter is so serious that we can put it clearly and distinctly in an Act of Parliament. If it is as serious as suggested by the Bill, it should be set out perfectly clearly and distinctly, without a lot of regulations being made. Again, there is the matter of bankruptcy. Why should a solicitor who, being perfectly honest, falls on evil days be debarred from earning his living, the only means that he has been brought up to, the only way in which he can earn his livelihood, because he is unable to meet his debts? A man is bankrupt who cannot pay cash to cover his liabilities. Already the necessary power exists with the Barristers' Board. If a solicitor is bankrupt and there is anything at all suspicious or shady about the bankruptcy, the board immediately report to the Full Court, who deal with him later, either by suspension or by striking him off the roll. Again, under the Bill, if a solicitor forges a promissory note every other solicitor in the State has to pay up for him. Why should we take that responsibility? If the Bill passes the second reading, numerous amendments will be absolutely essential. I sincerely trust that it will not be necessary for me to write them all out.

Hon. G. W. Miles: I hope so too.

Hon. H. S. W. PARKER: As a legal practitioner I would certainly welcome—and I think every other practitioner would welcome—a law making it compulsory for solicitors to keep trust accounts. At the present time, although it is not by law, it is a recognised practice that every solicitor keeps a trust account.

Hon. G. W. Miles: Every respectable solicitor.

Hon. H. S. W. PARKER: I can assure the House that if a solicitor receives from another solicitor a cheque which should be drawn, but is not drawn, on a trust account, the solicitor giving the cheque is regarded with the utmost suspicion by all his brother-practitioners. And the fact very soon travels around the legal world.

Hon. J. Nicholson: In fact, other solicitors would not deal with him unless he gave a bank cheque.

Hon. H. S. W. PARKER: That is so. One would watch him very closely. I do not know a solicitor who has not a trust account. If a solicitor should get into any sort of trouble at all, whether it be bankruptcy or a dispute over some matter, and it is discovered by the court that he has not a trust account, one can rest assured that he will be severely dealt with by the Full Court, and undoubtedly the Barristers' Board would take the matter up. I am also greatly in favour of having a compulsory audit of trust accounts, and I suggest that the audit be something on these principles —that every solicitor should have his trust account audited by a qualified accountant, and that that accountant should make his report quarterly, half-yearly, or yearly to the Master of the Supreme Court or the Public Trustee at the Supreme Court or the Secretary of the Barristers' Board, or all three—I do not care which. Furthermore, the board should have power at any time to direct and authorise the auditor to make a special audit. Again, in any event the audit should be a running audit, so that the auditor can go in at any time he likes, at the expense of the solicitor, and examine the trust account. Auditors charge according to the size of the job, and it is only a fit and proper thing that trust funds should be adequately audited. I will admit that there are many solicitors who have trust accounts that are not audited. That is not a serious matter because a trust account is very simple to keep; it is merely a matter of money coming in and money going out. I may inform members that at times solicitors have money lying idle in a trust account for long periods. Three years ago a man came to me with £500 that did not belong to him and he said it was impossible to find the owner. I told him he had better pay the money into his own account, but he said he would not do so and would like me to keep it in my account. I told him he could leave the money with me, and that money has been lying idle in my trust account since then. If we were to put it on a yearly basis, that £500, members will see, has been paid for every year. Solicitors are also in this position, that they have quite a number of mortgages in their possession. Often they are trustees. Sometimes documents are left in the possession of solicitors for safe custody and the interest is sometimes collected under those documents. Would the documents be regarded as trust funds, seeing that the solicitor may have nothing to do with the money part at all? The suggestions I offer would require an entirely new Bill. We could not amend the present measure, if we were to leave it recognisable, to cover the proposals I have made. There is nothing in the Bill to deal with the position that would arise when a solicitor was a joint trustee with a layman. There are many very large estates in connection with which a solicitor is a joint trustee, sometimes with a trustee company and sometimes with an individual who is not a lawyer. The Trustees Act provides that a separate trust account must be kept, but what is the position if a solicitor is a joint trustee with a layman and the layman embezzles the trust funds? The trustee who has defaulted cannot be brought under the provisions of the Bill, or at least it is open to question whether he can. The solicitor would have to pay because, as a joint trustee, he would be liable. In the circumstances I suggest, could the lawyer, as the trustee, take advantage of this fund seeing that the layman-trustee had embezzled the funds?

Hon. C. B. Williams: But it would not be often that a layman could put one over a solicitor.

Hon. H. S. W. PARKER: Unfortunately they have done so, more often than the solicitor has been able to put one over the layman. There is nothing in the Bill to cover a happening of that description. Is the solicitor, because he is appointed an executor, to be more or less branded as a criminal, with the necessity to cover himself up in case he is a criminal, any more than an accountant or anyone else who may be appointed as an executor? If an individual desired to appoint a person who was not a solicitor to act as his executor, why should the man so appointed be in a better position than any solicitor chosen to act in a similar capacity? I do not think it is reasonable; it is neither fair nor logical. I have the strongest objection to the legal profession being branded as a dishonourable body, the members of which have to be guaranteed by each other. Not only have they to be guaranteed by each other, but that guarantee has to be covered by a cash deposit in the bank of £20,000. Let members consider that this applies to a profession that voluntarily offered to provide a Chair of Law at the Uni-

versity, and to pay for that Chair in order that those who desire to become members of the legal profession shall be fully trained in the ethics and knowledge of the law. I have already pointed out that all the principal officers of the British Empire are drawn from the legal profession. Whenever it is desired that a man of the highest integrity in the State shall be chosen to conduct a delicate inquiry, the services of a lawyer are requisitioned.

Hon. L. Craig: Or a farmer.

Hon. H. S. W. PARKER: No, not now. If the Bill becomes law, they may go to a farmer in future.

Hon. T. Moore: But they get a lawyer because he is accustomed to sifting evidence.

Hon. H. S. W. PARKER: That is not the only reason; it is because he is regarded as honourable.

Hon. T. Moore: No, it is more because lawyers can sift evidence.

Hon. H. S. W. PARKER: I contend it is because they are honourable and because their integrity is undoubted. I have every confidence that members will not further impugn the dignity of an honourable profession and will vote against the second reading of the Bill.

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

House adjourned at 10.31 p.m.

Legislative Assembly.

Tuesday, 3rd December, 1935.

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

QUESTION—LAND CLEARING.

Mr. HAWKE asked the Minister for Lands: 1, Has any land been cleared for new settlement in the Denmark or any other district during the past twelve months? 2, If so, to what extent, and when?

The MINISTER FOR LANDS replied: 1, No. 2, Answered by No. 1. Note.—The only new land being cleared is on existing Agricultural Bank securities, and this for the purpose of increasing the production of the settlers in and enhancing the Bank's securities.

QUESTION—RESERVES BILL.

Land at Cottesloe.

Mr. NORTH (without notice) asked the Minister for Lands: 1, Have the Cottesloe Council approached him regarding legislation affecting land adjoining Napier-street, Cottesloe? 2, If so, was that done subsequent to the introduction of the Reserves Bill in the Assembly?

The MINISTER FOR LANDS replied: 1, Yes. 2, Representations were made to the Lands Department, but did not come under my notice until the Reserves Bill had been moved in the Assembly.

BILL—RAILWAYS CLASSIFICATION BOARD ACT AMENDMENT.

Second Reading.

Debate resumed from the 28th November.

HON. C. G. LATHAM (York) [4.35]: This Bill was introduced to give the railway officers the same conditions under their Act as the public servants will have under the amending Arbitration Bill, if it becomes law. It provides that effect shall be given to all decisions of the Classification Board and also provides that where the Commissioner of Railways is not giving effect to the provisions of an award or decisions made by the board, a report may be made to the Governor to ensure that the Commissioner carries out the decision. There is very little in the Bill that calls for comment, beyond the fact that the Act has been in existence for 14 or 15 years, and I do not think there has been any reason for complaint during that period.

The Minister for Railways: There have been one or two disagreements.

Hon. C. G. LATHAM: Of course there may be disagreements when a question of interpretation is involved.