thorities whose roads are destroyed by the heavy traffic of the Main Roads Board.

Mr. Thomson: They should put the road in the condition in which they found it.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported, the report adopted and a Committee consisting of the Minister for Works, Mr. Lindsay and Mr. Chesson, appointed to draw up reasons for disagreeing with four of the Council's amendments, and agreeing to another with an amendment.

Reasons adopted, and a message accordingly returned to the Council.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. P. Collier—Boulder) [7.47]: I move—

That the House at its rising adjourn till 4.30 p.m. on Thursday next.

Question put and passed.

House adjourned at 7.48 p.m.

Legislative Council,

Wednesday, 4th December, 1929.

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

BILL—RESERVES (No. 2).

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the purpose of considering a new clause.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

New clause:

The HONORARY MINISTER: I move an amendment—

That a new clause to stands as Clause 5, be inserted as follows:—5. That portion of Reserve A1720 (King's Park), described in the Third Schedule hereto, is excised from the said reserve for the purpose of additions to Ferdinand and Thomas Streets.

The amendment deals with the widening of the two streets mentioned, running along the boundary of King's Park. The information necessary to deal with this excision was not supplied until the Bill had been drafted, and it has been deemed necessary to include a further amendment to cover the action taken regarding the widening of the streets named. The excision will consist of a strip of land 66 feet wide and will provide a circus at the Rokeby Road entrance to King's Park. The Subiaco Municipal Council and the King's Park Board have agreed to the excision, and it is considered that the widening of Thomas and Ferdinand Streets will provide a fine drive along the boundaries of the park. The width of the drive will be 126 feet, with variations in places.

Hon. G. W. MILES: The King's Park Board have exceeded their duty in allowing the excision to be made without first having obtained the consent of Parliament. The park is a Class A reserve and, in my opinion, the board had no right to allow work to be done without Parliamentary consent. This is a precedent, and in the future we may have a few hundred acres lopped off for some purpose or other.

Hon. A. Lovekin: You do not understand what you are talking about.

Hon. G. W. MILES: It seems to me that the board have agreed with the council and have surrendered portion of the park.

Hon. A. Lovekin: We have done nothing of the sort.

Hon. E. H. Harris: We are not in possession of the facts.

Hon. G. W. MILES: We should have them.

Hon. A. LOVEKIN: They can be furnished easily. An application was made for portion of the park in order to widen

streets along the boundaries as a Centenary work. The widened streets were to lead down to the opening of the University grounds. The King's Park Board were powerless to make any such grant, and the matter was referred to the Government who later issued a proclamation excising portions of the park for the purposes mentioned. The board did not offer any objection, because they regarded the work as necessary. After the issuing of the proclamation, the City Council's solicitor, Mr. Davy, M.L.A., thought he had discovered a flaw in the Act. Apparently he had lost sight of the amending Act, and he considered that the proclamation issued by the Government was not valid. In consequence of that, the Bill was introduced.

Hon. G. W. MILES: Mr. Lovekin said that I did not know what I was talking about. I think I can prove to the Committee that I was right, except that it was the Government, and not the King's Park Board, that took the action.

Hon. A. Lovekin: We agreed to it.

Hon. G. W. MILES: The board had no right to consent to it, nor had the Government any right to take such action without the consent of Parliament.

Hon. E. H. Gray: This alteration will improve the locality.

Hon. G. W. MILES: That may be so, but Parliament should decide that point, not the Government or the King's Park Board.

Hon. A. Lovekin: This will be an acquisition to the community.

Hon. G. W. MILES: That is not the point. This is a precedent that may be followed on future occasions. I shall vote against the clause as a protest.

The HONORARY MINISTER: There was nothing wrong in the procedure adopted. Action was taken under Section 3 of the Permanent Reserves Act, 1899, which provides that the boundaries of any reserve may be amended for road-making purposes provided that not more than one-twentieth of the area is taken. This is not the first time that such action has been taken. A proclamation was issued in the "Government Gazette." It was only when the City Solicitor, Mr. Davy, looked into the question to make sure that all legal obligations had been complied with, that it was considered advisable, following upon a consultation with the Solicitor General, to make doubly sure and to introduce a Bill to amend the Permanent Reserves Act. I introduced a similar Bill in similar circumstances a little while ago. The position was explained to the House and hon. members raised no objection. The same circumstances apply on this occasion, and I cannot see any logical reason for opposing the action taken.

New clause put and passed.

The HONORARY MINISTER: I move an amendment—

That the following be inserted to stand as the Third Schedule:—

Third Schedule.

All that portion of "A" Reserve 1720, bounded by lines starting from the intersection of the Northern alignment of the Perth-Fremantle Road with the Eastern alignment of Ferdinand Street and extending 359deg. 29 min. 917 links; thence 359deg. 37min. 5,239 links; thence Northerly 394.1 links by a circular arc radius 500 links bearing 89deg. 37min. from the tangent point; thence 44deg.. 48min. 10,029.7 links; thence Easterly 231 links by a circular arc radius 200 links bearing 134deg. 48min. from the tangent point; thence 110deg. 58min. 99.4 links; thence Westerly 231 links by a circular arc radius 200 links bearing 200 deg. 58min. from the tangent point; thence 224deg. 48min. 5,928 links; thence Southerly 88.1 links by a circular arc radius 100 links bearing 134deg. 48min. from the tangent point; thence South-Westerly 352.4 links by a circular arc radius 200 links bearing 264deg. 19min. from the common tangent point; thence Westerly 88.1 links by a circular arc radius 100 links bearing 185deg. 17min. from the common tangent point; thence 224deg. 48min. 3,419.4 links; thence South.-Westerly 99.5 links by a circular arc radius 411.5 links bearing 134deg. 48min. from the tangent point; thence 210deg. 56min. 418.3 links; thence Southerly 97.5 links by a circular arc radius 178.4 links bearing 120deg. 56min. from the tangent point; thence 179deg. 37min. 5,184.1 links; thence 179deg. 29min. 894 links; and thence 255deg. 18min. 93.9 links to the starting point, all bearings and distances being subject to survey.

Amendment put and passed.

Bill reported with amendments, and the report adopted.

Third Reading.

Read a third time and returned to the Assembly with amendments.

BILL—STATE SAVINGS BANK ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.50] in moving the second reading said: This Bill seeks to serve three purposes: first, to remove obsolete matter from the State Savings Bank Act; secondly, to introduce some up-to-date provisions which have been found useful in Commonwealth legislation; and, thirdly, to establish a rural bank. To achieve its objects, the Bill is divided into five parts: Part 1, Preliminary; Part 2, Administration; Part 3, Savings Bank; Part 4, Rural Bank; Part 5, Miscellaneous. Let me deal first with those points which confine themselves to the Savings Bank as we know it now. At present the Treasurer administers the Savings Bank as a sub-department of the Treasury. That is no longer desirable. Owing to the growth of business, it makes a great demand on the time of the Treasurer to have to attend to numerous matters that now engage his attention in connection with the Savings Bank, and many of those matters call for expedition. While the Treasurer, for the time being, will be a body corporate under the Bill, the bank is to be managed by a board of three directors, one of whom will be the Under Treasurer, who is to be ex-officio chairman. This is necessary, especially as a rural bank department is to be attached to the Savings Bank Department, and the duties of the board will include the conduct of the rural bank which, as will be seen, is to concern itself with many of the activities associated with ordinary banking. Overdraft proposals will require investigation and finalisation. Investment of funds will need attention. The raising of money under the rural department is to be an important feature. In the past Savings Bank investments have been controlled by the Treasury, and the general administration rested with the Manager in collaboration with the Under Treasurer. It is considered desirable that the control of the bank should be under the Treasury, with the Under Treasurer as chairman of directors, as he is in closest touch with the financial situation.

Hon. G. W. Miles: Where are you going to get the capital for the rural bank?

The CHIEF SECRETARY: The capital will come along all right. The greatest care must be exercised in the selection of the two other directors. Only men with expert knowledge should be chosen. The amount of the remuneration has not been fixed. It is a matter which will require some consideration. There is not in Australia a savings bank or rural bank, except our own Savings Bank, which is not controlled by a board or by trustees. The recent policy of opening branches throughout the State has also greatly added to the responsibilities of the bank and calls for closer and more expert supervision. The directors will hold office for one year, but will be eligible for re-appointment. The business of the bank is to be carried on in two distinct and separate departments—the Savings Bank, as we know it now, with some improvements, and the rural bank. The transactions and accounts of each shall be in no way amalgamated. Each will carry on its business on its own. A liability of the one shall not affect the other, but money to the credit of the Savings Bank may be used for the purposes of the rural bank, subject to monthly adjustments between the respective departments. There will be no such thing as long-standing credit. There must be a squaring up every month. While the same officers may be employed for carrying on the operation of either department, the cost of administration must be apportioned between them by the directors. The success of the bank will, among other things, depend upon economical working, and economical working will be assured by the use of the combined staffs. This will apply to some extent at the head office, but certainly to a large extent at the branches. The powers of the present Savings Bank are extended. The bank will be able to make advances to depositors by way of loan, overdraft or otherwise. This is a new provision. Now, we can only keep our clients who want loans by granting them this after the execution of a formal mortgage. This causes delay and unnecessary expense to clients. The Commonwealth Savings Bank has an identical provision in its Act, No. 36 of 1927, Section 8, and until our Savings Bank commenced doing so, it lost many clients. Of course advances will be made only on adequate security. The clause finishes by a guarantee of the State to pay all money due by the State Savings Bank. If we are going to receive money on fixed deposit and grant overdrafts, etc., on security, it is desirable

that such a guarantee should be given. As I said before, the whole clause has been copied from the Commonwealth Act. Competition can only be met by having legislation as generous on our own statutes. Otherwise we cannot hope to keep pace with our competitors. The Bill sets forth in Clause 6 how the funds of the Savings Bank may be invested: (a) On fixed deposit in any bank. We have £500,000 on deposit with the Commonwealth Bank. We can borrow against this at a moment's notice. (b) In any Government securities. (c) With any local authority. It has been the policy of the Government to lend to local authorities. During the past year our loans in this manner have increased from £118,666 to £282,998 —an increase of £164,332. In addition, commitments amounting to £70,000 are awaiting advancement to local authorities as the various works progress. The rate of interest charged has usually been 6 per cent. per annum. The local authorities have also been given the fixed half-yearly repayment method, which includes interest and sinking fund and redeems the loan over the period arranged. Those conditions have been a distinct boon to the local authorities. The Savings Bank may take up debentures issued by the rural bank and also lend on the first mortgage of any land in Western Australia. This provision is the same as the one in the existing Act, except that the limit of £5,000 to be lent on any one security has been increased to £10,000. The amount has been increased to enable the bank to finance any building scheme put forward by friendly societies, etc. Those societies have been good clients of the bank, and we desire to retain their accounts. Advances may be made to depositors by way of overdraft. The funds may be utilised for the purchase of land and erection of buildings, etc. This provision is similar to that contained in the principal Act, except that the words "or by its tenants" have been added. It is anticipated that some of the buildings will not be used solely by the bank, and we desire to cover the position. The proposed head office may have more accommodation than will be required by the bank, and the surplus floors will probably be let for Government offices.

Hon. J. Nicholson: Would it not be as well to take the fullest power?

The CHIEF SECRETARY: I have been dealing with the existing savings bank. Part IV. is an innovation as regards Western Australia. It provides for the establishment of a rural bank. New South Wales and Victoria each has a similar institution. The Bill authorises the bank to carry on such a business, to receive money on deposit, to accept money on current account to be operated upon by cheques, to discount bills, drafts and Government securities; to issue bills, drafts and letters of credit, and to borrow money. Provision is made for the issue of debentures, which would become the medium for raising the capital of the bank. The bank would be at liberty to borrow money from London if it so desired. The bank will be able to make advances by way of loan, and grant overdrafts payable on demand. This is a necessary function of any bank, and will be the most important function of this bank. Advances may be made by loan or overdraft payable on demand to agricultural, pastoral, rural or primary producers, or to persons carrying on business immediately associated with rural pursuits. There is no definition of "rural pursuits," but it may be left to the directors to give a commonsense interpretation. The rural bank will have power to grant fixed or amortization loans, an amortization loan being one secured by mortgage and repayable with interest by equal instalments. The security must be land in fee simple or conditional purchase, or any holding or tenure under the Land Act, but of course it must be adequate. The directors will see to that. No money will be lent on second mortgage, except to pay off a prior encumbrance. However, loans may be authorised notwithstanding a prior encumbrance under the Wire and Wire Netting Act, or other statutory charges on the land. Any profits made by the rural bank are to go to a special reserve fund to which losses and deficiencies will be charged.

Hon. H. Seddon: You anticipate losses?

The CHIEF SECRETARY: I do not anticipate losses, but we should be prepared to meet losses. I remember one occasion when an important Bill was presented to this House and immense losses were predicted that have never eventuated.

Hon. H. A. Stephenson: Perhaps money has been taken from the wrong fund?

The CHIEF SECRETARY: There was to have been a loss of something like half a million a year.

Hon. G. W. Miles: You did that without Parliamentary sanction, but you are asking Parliamentary sanction for the new bank.

The CHIEF SECRETARY: The special reserve fund will be invested, and the income will go to swell the fund. This is different from the arrangement with the Savings Bank, the profits of which go into revenue.

Hon. G. W. Miles: Another trading concern?

The CHIEF SECRETARY: Clause 22 of the Bill will enable the Governor to make regulations to extend to Part IV. (that is the rural bank) such of the provisions of Part III. as are not inconsistent with this part and as are necessary or convenient to be applied to it. The sections of the principal Act that would so apply are Sections 8 to 29, both inclusive. They are largely machinery sections. The only section that could be objected to is Section 15, which provides for payment of interest to depositors. That would no doubt be excluded, as the rural bank could not be expected to pay if it allowed interest on deposits to current account. If the rural bank attempted to pay interest to depositors, some of the losses anticipated by interjectors might be realised. The Bill will modernise the machinery for dealing with the old-time savings bank. It goes further, as I have shown, and gives authority to establish a rural bank. The activities of the bank will be limited. While it will be prepared to open accounts for and receive deposits from all and sundry, and permit them to operate on the accounts by cheque and otherwise, it will not make any advance to them, or grant them an overdraft unless they are pastoral, rural or primary producers, or immediately associated with rural pursuits.

Hon. G. W. Miles: Is it intended that the rural bank shall take over the Agricultural Bank?

The CHIEF SECRETARY: No, it will have nothing whatever to do with the Agricultural Bank. If the security of a client of the Agricultural Bank were considered sufficiently good and he was desirous of extending his operations, his business might be taken over from the Agricultural Bank by the rural bank. That, however, would be a matter for the client's own determination. It will be seen that by reason of this restriction the rural bank cannot hope to become a powerful competitor of private banks. For instance, it would not be likely to get the ordinary business man as a client. He would say to himself: "What is the use of my giving my business to the rural bank when I know that if at any time I should require an advance, it would be impossible for me to get it under the law?" Consequently only a limited section of the public would patronise the new institution.

Hon. G. W. Miles: Class legislation?

The CHIEF SECRETARY: The rural bank would have to rely upon the support mainly of farmers and small pastoralists who felt that they might need accommodation from time to time. It would meet the need, emphasised by Mr. Hamersley yesterday, when he referred to the difficulty farmers now had to borrow money to enable them to carry on. The hon. member said some farmers were unable to borrow money at the present juncture. They are probably farmers who have left the Agricultural Bank and taken their business to private institutions. The Bill would afford such men an opportunity to secure their requirements.

Hon. G. W. Miles: What, borrow from the rural bank to pay their land tax?

Hon. V. Hamersley: Is there any exemption against the provision in the Constitution that would debar members of Parliament from availing themselves of the facilities offered by the rural bank?

The CHIEF SECRETARY: Members of Parliament would not be debarred so long as they were engaged in rural pursuits.

Hon. V. Hamersley: It would be contrary to the Constitution.

The CHIEF SECRETARY: Members of Parliament are quite competent to look after themsevles. The rural bank would make advances to farmers on the security of their land, crops, wool, stock, plant or machinery, so long as the security was sound.

Hon. G. W. Miles: Where will the rural bank obtain its capital?

The CHIEF SECRETARY: While the interests of the State would be protected by the directors, it must be recognised that sympathetic treatment would be extended to the clients of the bank, and that there would be no attempt to squeeze them at a time when, through temporary misfortune, they needed careful financial nursing. The policy adopted by the Agricultural Bank of dealing with clients on their merits and of giving them every reasonable opportunity to make good would no doubt be followed by the rural bank. The Bill, should it become law, ought to prove a useful addition to our statute-book, and do much to pro-

mote primary production in this State. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

BILL—ROMAN CATHOLIC NEW NORCIA CHURCH PROPERTY.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5:13] in moving the second reading said: This Bill is for the purpose of vesting in the Lord Abbot of New Norcia all the property belonging to the Roman Catholic Church within the territory under his control. It has been asked for by the church. Similar Acts are already in existence for the Roman Catholic Dioceses of Perth and Geraldton. The Act concerning the Geraldton Diocese conferred on the Roman Catholic Bishop of Geraldton in his corporate capacity, powers to sell, mortgage, lease, etc., and to exercise within the Diocese of Geraldton all powers conferred by the Roman Catholic Church Lands Act. Those powers are set out in the present Bill with a view to giving the Lord Abbot of New Norcia control in that district. The approval of his Grace the Roman Catholic Archbishop of Perth has been received. Clauses 11 and 12 enable the Lord Abbot to act by attorney, and to appoint an administrator in the case of his death pending the appointment of his successor. These are new, but no objection can be raised thereto. By this Bill the Lord Abbot of New Norcia will be a corporation sole. This provision is necessary in an institution of this description, as there are very often changes in the occupants of the position of Lord Abbot through transfers, deaths, etc. The same provisions apply in connection with other religious institutions in the State. I move—

That the Bill be now read a second time.

On motion by Hon. H. Stewart, debate adjourned.

BILL—LOAN £2,250,000.

Second Reading.

Debate resumed from the 20th November.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [5.18]: A great deal of confusion appears to have arisen in regard to the purposes of this Bill. A Loan Bill authorises the raising of sufficient money to carry out the works included in the Loan Schedule. It gives no authority to spend money. The expenditure of the money authorised under a Loan Bill is covered by the Loan Estimates. In certain cases there remains sufficient authorisation from a previous Loan Bill to carry on for the year, or to complete the works, and it is therefore unnecessary to include these works in the schedule to the Bill. There may be an item of only £5,000 in the Bill, but there may be a loan authorisation of, say, £25,000, in addition to the £5,000 for which new authorisation is asked. The Yarramony-Eastward railway is an instance of this—the Brookton-Dale River railway another, also the Boyup-Brook-Cranbrook railway. Information will be gained from pages 6, 8 and 12 of this year's Loan Estimates. Almost the whole of the criticism of this Bill is due to this misapprehension. No objection has been raised to the purposes for which the money is proposed to be borrowed. Money has not been raised in a haphazard way, as has been suggested by Mr. Hamersley. In accordance with precedent, pending the raising of a loan in London, money has to be obtained by means of a bank overdraft. That has been done by all Governments in Australia for some years past. It is usually the cheapest method of financing. Up to January last the overdraft rate was 5½ per cent., but this was increased to 6½ per cent. for a short period, and is now 6 per cent. Temporary advances were obtained from the Commonwealth Government pending the flotation of a loan in Australia. Owing to the American and Continental financial positions, a London loan was impossible except at a high rate of interest, and the Commonwealth Government therefore issued Treasury Bills at an average discount of £6 3s. in order to relieve the banks who were financing the Australian Governments' overdrafts. A further amount of £5,000,000 Commonwealth Treasury Bills is being placed on the London market for the same purpose, but at a lower rate of discount. With regard to the Miling to Waddy Forest railway, about which Mr. Hamersley is concerned, it is usual to put up a Bill authorising a railway if it is intended to provide for it in a Loan Bill. So far, that extension has not been authorised by Parliament. It must first of all be authorised before it can be included in the amount of a loan. Re-

garding water supplies for inland areas, £120,000 has been included in this Bill for water supplies in agricultural and North-West districts, and £15,000 for water supplies on stock routes. There were available balances on all other country water supplies votes.

Hon. G. W. Miles: That is where they got the money for the Canning stock route. is it?

The CHIEF SECRETARY: The complaints regarding the discolouration of the metropolitan water supply, as emphasised by Mr. Hamersley, have practically ceased. Some evidence of that fact is indicated by the non-receipt from Mr. Stephenson and other Metropolitan and Metropolitan-Suburban members of complaints on that score. Investigations by the Engineer-in-Chief and the Government Analyst have thrown much light on the cause of the discolouration of the water. It is extremely unlikely, as hinted by Mr. Hamersley, that the Loan Council will go on the New York market, but if it did do so, it would only be done on the advice of its London financial advisers.

Hon. G. W. Miles: It is the favoured spot for the Federal Treasurer in which to raise money.

The CHIEF SECRETARY: A loan will be floated in London so soon as our joint advisers there tell us the market is favourable, and that there is a reasonable prospect of its being successful at a satisfactory rate of interest. In reply to Mr. Hamersley let me say we are still spending money under the Loan Estimates for works under the Migration Agreement. With regard to Mr. Stewart's inquiry, there is an existing authorisation for the Boyup Brook-Cranbrook railway, more than sufficient to cover this year's proposed expenditure. Regarding the transfer of the provision for wire netting, to which Mr. Stewart referred, it has been ruled by the Solicitor General that, on a specific purpose, an appropriation on the Loan Estimates is not necessary, and the transactions can be handled through a trust account. As the expenditure will not appear on the Loan Estimates, there is no necessity to apply for an authorisation under the Loan Bill. This makes no difference whatever to the settler. The netting is still being supplied to him as before. In reply to Mr Fraser, with reference to certain works at Fremantle, the title of one of them has been changed from "Fremantle Road and Railway Bridge" and "Perth Fremantle Railway deviation," under which money was originally raised, to "Leighton Robbs Jetty railway and Fremantle road and railway bridge." A transfer of the authorisation naturally follows the change of title. It has no bearing on what the cost of the completed work is likely to be, or when the work will be started. If Mr. Miles' reference to Point Sampson jetty applies to the Point Phillip jetty, I may say that an authorisation was obtained for it on last year's Bill. For the information of Mr. Hall, let me state that the amount set down for the Geraldton Harbour is not what is being spent for the year, but what is necessary to bring the balance of the authorisation on the 30th June, 1929, to the amount required to carry out the work covered by the Loan Estimates. The amount to be spent is £75,000, as provided in the Loan Estimates. I would remind Mr. Cornell that there is a balance of £41,990 from previous authorisations for the Esperance jetty and harbour. Provision has been made on this year's Loan Estimates for an expenditure of £23,000 on the Goldfields water supply, and £100,000 on water supplies in agricultural districts. A small amount has been placed on the Loan Estimates for the Bunbury harbour, and there is still a balance on the authorisation of £50,000. The Premier's promise to put £5,000 on the Loan Estimates for the Boyup Brook railway was kept, and that amount has been provided.

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 and 2—agreed to.

Clause 3—Sums raised, how to be applied:

Hon. H. SEDDON: According to the Auditor General's report, an adjustment has been made in connection with the General Loan Fund, which is overdrawn by £1,283,000 odd. The adjustment is made by using the balance of Trust Funds not invested. I take it that is the usual procedure, and that the money referred to in this clause will be used to reimburse the Trust Funds.

The CHIEF SECRETARY: I am sorry the hon. member did not ask for that in-

formation before, but I will obtain it for him.

Clause put and passed.

Clauses 4 to 6—agreed to.

First Schedule:

Hon. J. EWING: As regards the item for the electric power station at East Perth, what amount of capital do the Government propose to expend, and when is it to be expended?

The Chief Secretary: Did the hon. member ask for that information on the second reading?

Hon. J. EWING: No. I thought perhaps the Minister had it at his disposal.

The CHIEF SECRETARY: It is impossible for me, or for any member of Cabinet, to reply to such a question. I endeavour to supply to members all possible information. If any question is raised now, I can still give the particulars desired when I reply on the Appropriation Bill.

Hon. J. EWING: As to harbours and rivers, the Minister stated that £50,000 remained unexpended in respect of Bunbury harbour. This schedule, however, makes no provision whatever for Bunbury harbour. For Fremantle harbour £100,000 is provided, and for Geraldton harbour £50,000. Speaking a few days ago I expressed a wish to learn what the Government propose to do at Bunbury regarding harbour accommodation. The Minister for Works has since visited the port, and has declared that it will be possible to improve Bunbury harbour as has been suggested. However, the hon. gentleman has not yet stated what course is to be adopted with regard to Mr. Stileman's recommendations, or what the nature of the improvements is to be. The opinion has been expressed that Bunbury harbour is ahead of requirements. It has been said that in years gone by Bunbury had a big timber traffic and a large bunkering trade. As to timber, there has been difficulty lately, but that trade will come back. Does not the Minister think the Government should look ahead and ascertain what the wants of the South-West are, and what harbour developments at Bunbury should be from that aspect? The Minister for Works has said merely that Bunbury has the needed facilities for fruit shipment. When consideration is being given to the depth of water in the harbour, perhaps that consideration will extend to the question of deepening two or three berths. The Government should convince the people of the South-West that Bunbury harbour can be made and will be made a satisfactory proposition. A large amount of money has been spent on the port. Possibly the money has been applied in a manner that does not meet existing requirements. Let me emphasise the fact that the South-West is advancing by leaps and bounds. The future of the South-West and of Bunbury is assured. Every Minister, from the Premier downward, acknowledges that. Still, this schedule makes no provision for the further development of Bunbury harbour. Every port is entitled to its own geographical trade. Bunbury would be satisfied with the trade of the South-West. At present the products of the South-West are exported via Fremantle. While desiring to see a fine harbour at Fremantle, Bunbury wants its own harbour facilities for the shipment of South-Western products instead of these being shipped from Fremantle. I hope that in closing the debate on the Appropriation Bill the Chief Secretary will say something to satisfy the people of the South-West, and indeed all who look upon Bunbury as their port, that the Government will do something in the near future. The visit of the Minister for Works left the people totally unsatisfied. It is true that timber shipments and bunkering have fallen off at Bunbury; but Western Australia should look ahead, as other countries do, and realise that a port often makes its own trade. Bunbury harbour is now fairly good, but it needs adequate attention with a view to the provision of additional facilities that are required. I wish to learn what the Government will do in that respect. I do not ask the Minister to answer on the spur of the moment, but I hope he will furnish the information as he himself has suggested.

The CHIEF SECRETARY: I quite understand that Mr. Ewing's speech has been made with the object of enabling me to secure the information he desires. As I have already stated, there is a balance of authorisation amounting to £50,000 for Bunbury harbour. The hon. member complains of the money not having been spent. That question may be dealt with on the Appropriation Bill. However, it is helpful to me that the hon. member should have addressed himself to the subject on this occasion. I shall perhaps be able to give more

information when the Loan Estimates are under consideration. I have not the file with me at present; it is a bulky and voluminous file.

Hon. J. EWING: I thank the Chief Secretary for what he has said. He has now promised information as to the Boyup Brook railway and the Bunbury harbour. Regarding the latter work, I would ask him to furnish particulars of the Government's intentions as to Mr. Stileman's recommendations. Work previously done at Bunbury harbour did not meet either the people's requirements or their wishes. I desire to be able to obtain the people's confirmation of the Government's attitude. I look forward to the Chief Secretary's reply on the Appropriation Bill debate.

Hon. H. SEDDON: In respect of Wyndham Freezing Works working capital a balance of £49,000 is re-appropriated. Will the Chief Secretary tell us something about that item?

The CHIEF SECRETARY: For the Wyndham Meat Works there is a loan authorisation of which the full amount has not been reached. The work has been carried out for less money than was anticipated. The balance could not be utilised for any other purpose connected with the Wyndham works, and accordingly it is reappropriated here. The loan was raised as far back as 1920.

Hon. H. Seddon: Is the balance to be used at Wyndham?

The CHIEF SECRETARY: The balance is re-appropriated under this Bill.

Hon. H. STEWART: The Third Schedule shows how the re-appropriated balance is to be expended. Nearly £30,000 is to be applied to undertakings such as State Brickworks, Metropolitan Market Trust, Prison Farm, State Sawmills, and State Quarries. I noted on the second reading that there is to be large expenditure on the Robb's Jetty railway and the Fremantle railway bridge; and I suggested to the Leader of the House that in replying he might furnish some information regarding those two items. However, perhaps the hon. gentleman can supply the information when replying on the Appropriation Bill debate.

Schedule put and passed.

Third Schedule, Preamble, Title—agreed to.

Bill reported without amendment, and the report adopted.

Third Reading.

Read a third time, and *passed.*

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [5.44] in moving the second reading said: This Bill is required in order to meet a technical difficulty which faces record officers and accounts officers in the Government service. Certain Acts of Parliament, passed before modern methods of bookkeeping and record keeping were in existence, refer to "book"; and the law officers of the Crown have had to advise the Auditor General, and departments seeking to adopt up-to-date systems, that such articles as loose-leaf ledgers, cards, etc., are not "books" within the meaning of the Act. It is proposed to overcome this difficulty by enacting that Government departments may use any modern system as used in commerce for bookkeeping and preserving records and accounts, provided that such system is approved by the Governor-in-Council; and if such system is approved by the Governor-in-Council, then the method adopted shall be deemed to be a "book" for audit and other purposes. The chief departments concerned are the Treasury and the Supreme Court; the Treasury as regards accountancy and the Supreme Court as regards registers kept for bills of sale and other matters which have to be registered, and which would be kept infinitely better and more systematically by utilising a card system or some other system, which the Law officers now advise cannot be called a "book." Take the Bills of Sale Act, 1899, as reprinted in 1925. It will be seen that the method in which the Registrar is instructed to keep bills of sale shall consist of a register book, giving details of how the register book is to be kept. This prevents a better method of keeping these records being adopted. The officers concerned have put up a very good report showing what an immense amount of time is now wasted, pointing out that under the present system members of the public having to search registers take an hour or more before completing one search and then they run the risk of missing the name for which they are searching, whereas if a modern system were followed the searchers could

go straight to the name of the person required. A similar system is being followed in the Titles Office in connection with certain matters as regards which the Act has not specified any special method of record, and every satisfaction is being obtained. Many of the Acts of Parliament specifying certain forms of book-keeping were passed when only bound books of account were known, and prior to the modern methods of loose leaf ledgers, card ledgers, and accounting machine systems. Sir Adrian Knox, the Chief Justice of Australia, expressed the opinion that such modern book-keeping methods might not be such as would come within the meaning of book-keeping as expressed in the original Acts. With such an opinion, it would have been useless for the Government to instal a system of accounts which would not be recognised in Court, as such might debar recovery in any action, and in the case of ratebooks or other prescribed monetary records, might have a serious effect for the time being on the revenues of the State, or local Governing bodies. It may be of interest to note that two of the largest English Banks, viz., the Westminister Bank Limited and the Midland Bank, involving over two thousand branches, have recently changed over to modern account machine systems. Such an action on the part of these two old English banks speaks for itself, and is a very definite assertion of the solidity, effectiveness, and economy of modern accounting methods. Where the Government of Western Australia have been in a position to introduce modern accounting machine methods, they have been found effective and economical, and in every way have justified their instalation. It is also gratifying to know that in so far as the Government accounts are concerned, the State of Western Australia leads the way in modern accounting machine methods within the Commonwealth. The amendment now sought to the Interpretation Act overcomes these difficulties. In Government Departments all methods of accounting are subject to the approval of the Treasurer, under regulations made under the Audit Act, 1904, and the present amendment provides for approval by the Governor in Council before an altered system can be effective, therefore giving full protection in every way. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

Remaining Stages.

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

Read a third time and passed.

BILL—MAIN ROADS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to Nos. 2, 3 and 6 of the amendments made by the Council, had disagreed to Nos. 1, 4, 7 and 8, and had agreed to No. 5 subject to an amendment in which amendment the Assembly desired the concurrence of the Council, now considered.

In Committee.

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

No. 1. Clause 6.—Delete the words "Subsection (3) of " in line sixteen, and insert after the word "by" in line seventeen the words "omitting the words 'on his own initiative or,' in Subsection (1) and by."

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is—

It is necessary to have this power, more especially when there is a dispute between the two authorities, the Main Roads Board and any particular local authority.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

In the existing Act it is provided that the Governor may, on his own initiative, declare any road to be a developmental road, or on the recommendation of the board, etc. The Legislative Council removed the words "or on his own initiative," and if the Bill became law without those words it would mean that the board could refuse, if they wished, to declare a developmental road. It may be necessary, in the interests of the development of a district, that a certain road be declared a developmental road. The board may be approached and they may refuse to declare it a developmental road, and there would be no power to compel them to accede to the request. The Government may be approached by the Commissioner of Railways who may say that it is necessary

to have a road constructed to provide access to a railway siding. The Main Roads Board could refuse to grant that request. Under Section 22, before making any recommendation for the purpose of declaring a developmental road, the board shall make such investigation as may be prescribed and as to whether the proposed road will serve to further develop a district. That is the object of a developmental road—to develop or further develop a district or part of a district or any area of Crown or private land, or provide access to a railway station or shipping wharf. The board, which is beyond the power of Parliament, could refuse. It was never intended that such power should be vested in a body of that character.

Hon. H. SEDDON: Mr. Stewart was responsible for this amendment but he is not in the Chamber at the present time.

Question put and passed; the Council's amendment not insisted on.

No. 4. Clause 10, Subclause (5).—Delete the word "year" in line twenty-eight and insert "years." Insert after "1926-1927" in the same line "and 1928-1929."

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is—

"The local authorities have asked for the waiving of the first year's payments only. This would mean a further loss of £23,179 to the Government in addition to the £105,000 provided for in the Bill, which cannot be afforded."

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The Bill as it left the Legislative Assembly was intended to provide for the waiving of payments by local authorities arising out of expenditure incurred during 1926-27, and no more. Even this meant a loss to the Treasury of £105,000 over ten years, when set against the estimated revenue arising out of collections on the 22½ per cent, 15 per cent. and 10 per cent. basis of traffic fees. The effect of the amendment by the Legislative Council is to waive all payments by the local authorities with the exception of one payment for 1927-1928, which amounts to £7,449. By paying that £7,449, the local authorities would, under the Legislative Council's amendment, start with a clean sheet from the 1st July last. What the local authorities would have been required to pay, if the Bill had been accepted as the Government proposed to amend it, is £30,628, made up as follows:—

	£	£
In respect of expenditure during 1927-1928—		
Contributions towards interest and sinking fund—2 payments of £3,110	6,220	
Half State expenditure on maintenance	4,339	
		10,559
In respect of expenditure during 1928-1929—		
Contributions towards interest and sinking fund ..	2,293	
Half State expenditure on maintenance	17,776	
		20,069
		£30,628

So that the Legislative Council's amendment relieved the local authorities of £30,628, less £7,447 in respect of one payment for 1927-28. The effect of the Legislative Council's amendment would be that, in addition to the loss of the £105,000 over ten years, there would be a further loss of £23,000. The Government are not prepared to meet that deficiency. We have gone as far as we intend to go. It must be remembered that the Government were not responsible for the section of the Act of 1925 under which the assessments were made, and for the Legislative Council not only to refuse to accept the concession to which the Government have agreed, but to deprive the Treasury of the interest and sinking fund on the vast amount of money spent under the terms of Section 30 of the Act of 1925, seems to me to be inexplicable, and I may say that the Government do not propose to give away a further sixpence in connection with this Bill.

Hon. J. EWING: This matter was debated at length and there was little difference of opinion among members. It was decided, on account of the requirements of the local authorities, that they should receive this extra consideration. We knew that over £100,000 was involved in the agreement, but we considered that the local authorities were entitled to the extra consideration in regard to the 1928-29 allocations as well. I am sorry Mr. Stewart is not present, because he has taken a great interest in this question. We should emphasise our attitude, and insist upon the amendment. The local authorities are satisfied that the reduction of 22½ per cent. is too much, and I consider it should be reduced to 15

per cent. and the other percentages lowered pro rata. I intended to move in that direction, and I made a mistake in not doing so. I realise it is too late to deal with the matter now. Extra consideration to the extent of £23,000 is little enough for the local authorities.

The CHIEF SECRETARY: Hon. members should remember that a huge amount of money is being spent by the Main Roads Board, and the Government are prepared to lose £105,000. What hon. members want is a paltry £23,000 on top of that, distributed amongst the different local authorities. The amendment by the Council means that the Government will get only £7,000. Is that fair or equitable, in the face of the expenditure that is being incurred? It is neither fair nor just.

Hon. H. A. STEPHENSON: I do not agree with the Chief Secretary. It is unfair and unjust to make the local authorities pay interest extending over a number of years on account of work that was carried out without those authorities having any control over it. Much of the work cost three times more than it should. The select committee that investigated main road matters ascertained that in many instances, although the specifications set out that the local authorities should be advised beforehand when the Main Roads Board intended to enter their districts and construct roads, and that the local authorities would be asked to make recommendations as to works to be put in hand, no such consideration was extended to the road boards. In many cases the local authorities had no knowledge of work about to be commenced until the men entered their districts. At times, no surveyors had been through the districts to make preparations for work that was put in hand, with the result that much more money was spent than should have been necessary. I cannot agree with the Chief Secretary when he says that the road boards should be made to pay. They should be relieved of the payment of interest for two years at least. We know that in respect of one work, money was spent in defiance of the agreement entered into with the Federal authorities, with the result that I understand something like £30,000 has been withheld by the Federal Government. That money would have been paid to the State had the terms of the agreement been complied with. In my opinion, the whole of the taxpayers should be asked to shoulder this burden, not the local authorities.

Hon. C. B. Williams: The new Federal Government may pay that £30,000.

Hon. V. HAMERSLEY: This is an important matter for the local authorities, who have proved that they can use their funds more judiciously, although under a different system from that adopted by the Main Roads Board. The latter body has learnt a lot from the local authorities, and to-day work on the main roads is being carried on more economically. The adoption of the day-work system has increased costs enormously, and evidence of the extravagance was furnished by the Canning road.

Hon. C. B. Williams: But what a good road it is!

Hon. V. HAMERSLEY: I understand that the road board at Meekatharra was charged with a portion of the cost of the work on the Upper Swan bridge.

The Chief Secretary: That was in accordance with the provision of the Act.

Hon. V. HAMERSLEY: But it was never contemplated that such extravagant methods as were adopted would be employed by the Main Roads Board. The work of the local authorities has not been carried out under the day labour system, but that was the policy of the Government. In consequence, the construction of the roads has been unduly costly, and the general taxpayer should shoulder a great deal of the burden. I realise the Government desire to save the position as much as they can, and we are usually willing to meet them. In this instance, the local authorities have been overburdened with interest charges.

Hon. C. F. BAXTER: There was an honourable understanding between the Minister for Works and the Road Board Association to the effect that one year's allocation only would be charged up. That was what influenced hon. members when dealing with this question. The Minister himself recognised the position, and I hope the Committee will insist upon the amendment.

Hon. C. B. WILLIAMS: Having travelled over a number of the main roads that have been constructed, I am in a position to say that the representatives of the agriculturists are the most selfish people on earth; they are worse than the Bolsheviks. There are worse Bolsheviks among the representatives of farmers in this House than are to be found in the ranks of the Labour Party. The Government have spent hun-

dreds of thousands of pounds in making roads in different parts of the State, so that the farmers have been able to cart their produce with ease. Now their representatives wish to repudiate their responsibility. Last night we heard of the amount of money spent in the agricultural districts, and, in the circumstances, I cannot cast my vote against the Government, despite the fact that I represent as large an agricultural area as any other hon. member. The farmers in my province recognise that their roads have been improved a thousandfold, and they are prepared to pay their just dues. It seems to me that the farmers' representatives in this House want everything for nothing.

Hon. J. R. Brown: They always do.

Hon. E. H. H. HALL: The question involved is not whether the roads are good or bad. The point to be considered is whether the local authorities had any say in approving or disapproving of the expenditure of the money.

Hon. C. B. Williams: They rushed it.

Hon. E. H. H. HALL: They did not.

Hon. C. B. Williams: They did, and they are rushing it now.

Hon. E. H. H. HALL: The Geraldton Municipal Council was not consulted with respect to the construction of the Moora-Meekatharra or Midland Junction-Meekatharra roads That is the phase that has appealed to hon. members. The Chief Secretary suggested it was unfair to adopt any such attitude, but if the Government cannot afford the extra £23,000, neither can the local authorities afford it.

Hon. C. B. Williams: You borrow £1, spend it, and then repudiate your obligation.

Hon. E. H. H. HALL: That is not so.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. STEWART: The documentary evidence laid on the Table of the House by the Minister showed that only one payment would be required. Now the Minister tells us that it would mean a loss to the Government of £23,000. In my view the Minister should have fully appreciated that position before he established communication with the executive of the local authorities. Clearly, the responsibility is on him.

The CHIEF SECRETARY: I have here a communication from the executive of the Road Boards' Association, but I have read it before and there can be no real need to read it again. That letter shows clearly that the executive of the Road Boards' Association were pleased to note that the Government were agreeable to the writing off of the payments for the first year. So I think that even Mr. Stewart ought to be satisfied.

Hon. J. EWING: I have attended two road board conferences in the South-West and I can assure the Minister that the delegates present at those conferences were entirely dissatisfied with the action of their executive. Those delegates wanted the contributions cut down to about 10 per cent. Already the figure has been reduced from 25 per cent. to 22½ per cent., which is still very much too high. In my view the fees are too high and the apportionments also are too high. However, if a conference be held between this House and another place, no doubt a proper understanding will be reached and a satisfactory compromise arrived at.

Hon. H. STEWART: We know that correspondence took place between the Minister and the executive of the Road Boards' Association, and that the conditions were altered. Now an effort is being made to arrive at something workable and easily understood. The responsibility will be on the Minister if he takes from the local authorities more revenue than they were led to expect would be required of them. Also, if another place are not prepared to accept our amendment, a similar responsibility will be on them.

Question put, and a division called for.

The CHAIRMAN: Before I appoint the tellers, and without stating reasons, I announce that I will give my vote to the ayes.

Division taken with the following result:—

Ayes	11
Noes	9
Majority for	2

Ayes.

Hon. J. R. Brown	Hon. H. Seddon
Hon. J. Cornell	Hon. H. A. Stephenson
Hon. J. M. Drew	Hon. H. Stewart
Hon. C. Fraser	Hon. C. H. Wittenoom
Hon. E. H. Gray	Hon. J. Nicholson
Hon. W. H. Kitson	*(Teller.)*

Noes.

Hon. C. F. Baxter	Hon. G. A. Kempton
Hon. J. Ewing	Hon. W. J. Mann
Hon. E. H. H. Hall	Hon. E. Rose
Hon. V. Hamersley	Hon. G. W. Miles
Hon. E. H. Harris	*(Teller.)*

PAIR.

AYE.	NO.
Hon. C. B. Williams	Hon. J. J. Holmes

Question thus passed; the Council's amendment not insisted upon.

No. 5. Council's amendment, Clause 10. —Insert a new subclause to stand as subclause (6), as follows:—The repeal of Section 30 of the principal Act shall not (except as provided by subsection (5) of the substituted section) affect its application to expenditure on permanent works and maintenance on main roads to the 30th day of June, 1929; and to enable the board to apportion half the amount of such expenditure, and to determine the matters referred to in paragraphs (a), (b), and (c) of subsection (1) of the said section, it shall be deemed to continue in operation until such apportionment is made and such matters are determined. Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first year's payment in respect of expenditure during 1927-1928.

Assembly's amendment on the Council's amendment.—Strike out the proviso, and substitute the following:—"Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first two years' payments in respect of expenditure during 1927-1928, and the first year's payments in respect to expenditure during 1928-1929."

The CHIEF SECRETARY: I move—

That the Assembly's amendment on the Council's amendment be agreed to.

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

No. 7. Insert a new clause to stand as Clause 12, as follows:—

12. A section is inserted in the principal Act as follows:—

18a. (1) Where the board, in reconstructing an existing road or building a new road, prejudicially affects the access to a property having a frontage thereto, the board shall at its own expense provide reasonable access to the reconstructed or new road.

(2) If in carrying out the provisions of Subsection (1) of this section, it becomes necessary for the board to acquire any land belonging to a private owner, the expense of so doing shall be borne by the person requiring such access: Provided that, before any such land is so acquired, the board shall give at least 21 days' notice of their intention to acquire, and in the event of the person requiring such access dissenting from their so doing, the board's responsibility under Subsection (1) hereof shall cease.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The carrying of this amendment would place on the Main Roads Board the liability against which the local authorities fought, and in which they were successful in an appeal to the Privy Council. It would lead to endless litigation.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The Main Roads Board are firmly of opinion that if the amendment be inserted, endless litigation will result. Property owners adjacent to new roads or reconstructed roads would complain of the lack of reasonable access and make demands on the Main Roads Board. Some years ago at Fremantle reasonable access was not provided for a property owner. The case was taken to the Privy Council, who found in favour of the municipality.

Hon. J. Nicholson: Was that where the big cutting was made?

The CHIEF SECRETARY: Yes. The Main Roads Board will do their best to provide access, as they have done all along, but it would be a different matter to make it a statutory obligation.

Hon. G. A. KEMPTON: I hope members will adhere to the amendment, which is unlikely to cause any great amount of litigation. When I submitted the first draft of the amendment, the sole objection raised in this Chamber was against the request for equal facilities. I introduced another amendment and, to satisfy the Main Roads Board, Subclause 2 was added. In the absence of the amendment a distinct hardship will be inflicted on many property owners, particularly in the country. The secretary of the Road Boards' Association informed me to-day that the Main Roads Board had agreed that where there was a culvert, it would be left in the same order as before the reconstruction of the road. All the amendment asks is that reasonable access shall be provided.

Hon. C. F. BAXTER: The amendment would place the Main Roads Board in a difficult position. My experience is that the board have been generous in this respect.

Hon. G. A. Kempton: Not always.

Hon. C. F. BAXTER: In one instance they left a crossing in better order than it was before. Under the amendment it would be quite competent for a property owner to claim a crossing at each of five gates within a distance of a couple of miles.

Hon. G. A. KEMPTON: I am not asking for anything impossible. When travelling with members of the road board and the Main Roads Board engineer at Yandanooka and in adjacent districts, I found that several property owners had been deprived of reasonable access to the road, because the Main Roads Board had ploughed channels along the side of the road. Mr. Baxter must have received special treatment.

Hon. C. F. Baxter: No; my neighbours fared as well.

Hon. G. A. KEMPTON: In the instance I refer to, the engineer refused to provide any decent crossing. The amendment merely asks for reasonable access.

Hon. J. NICHOLSON: Another place seems to have been guided by a wrong principle, namely the case at Fremantle a good many years ago. The local authority were sued for damages for having constructed a heavy cutting in the formation of a road. Whoever drafted the reason for disagreeing to the amendment must have had that case in mind. Subclause 2 contains an absolute safeguard to the board in that the expense of acquiring any land to give reasonable access must be borne by the land owner, and if he did not consent to the purchase, the responsibility of the board would cease. Apparently another place has not viewed the matter in the light of Subclause 2.

The CHIEF SECRETARY: Mr. Kempton's remarks illustrate what is likely to occur if the amendment be insisted on. He spoke of several complaints at Yandanooka because the road had been ploughed.

Hon. G. A. Kempton: A deep drain had been ploughed along the side of the road.

The CHIEF SECRETARY: Had the Main Roads Board been communicated with, I feel sure the trouble would have been remedied.

Hon. G. A. Kempton: The engineer was present and would not remedy it.

The CHIEF SECRETARY: The Chairman of the Main Roads Board has assured me that reasonable access is invariably provided, and that contractors are compelled under their agreements to do likewise. The Fremantle case occurred many years ago, but no attempt was made to amend the Municipal Corporations Act to meet the position. Mr. Nicholson cannot tell me of any legislation in the British Dominions on lines parallel with this provision.

Hon. J. Nicholson: I do not think there is. I think the local authorities are free to construct the roads.

The CHIEF SECRETARY: If the principle be good in this instance, it should be good all round.

Hon. J. Nicholson: It is open to argument, but there is a saving provision in Subclause 2.

The CHIEF SECRETARY: I am satisfied the amendment would lead to considerable litigation.

Hon. G. A. KEMPTON: If the Main Roads Board are so willing to put in culverts along newly constructed roads, why should they object to this provision being embodied in the Bill? The Chief Secretary was satisfied with the latter portion of the proposed new section, as indicated by a letter I received from him. Apparently the Main Roads Board have now changed their minds.

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

Ayes	8
Noes	10
Majority against	2

AYES.

Hon. J. R. Brown	Hon. W. J. Mann
Hon. J. M. Drew	Hon. H. A. Stephenson
Hon. G. Fraser	Hon. E. H. Gray
Hon. W. H. Kitson	(*Teller.*)
Hon. A. Lovekin	

NOES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. Stewart
Hon. E. H. Harris	Hon. E. Rose
Hon. G. A. Kempton	(*Teller.*)
Hon. G. W. Miles	

PAIR.

AYE.	NO.
Hon. C. B. Williams	Hon. J. J. Holmes

Question thus negatived; the Council's amendment insisted on.

No. 8. Insert a new clause to stand as Clause 13, as follows:—

13. A section is inserted in the principal Act as follows:—

29a. Where the Board carts over roads belonging to local authorities material for the construction of roads, the Board shall be responsible for paying to the local authority the cost of repairing and reinstating such roads in the same condition as they were prior to the carting over them of such material.

The CHAIRMAN: The Assembly's reason for disagreeing is—

This amendment would deprive the Main Roads Board of the use of the public highways, and would compel them, when they had need to cart material over them, to pay for the right of so doing. As the board are working in the interests of the local authorities, this impost is considered highly objectionable.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This is another instance showing the manner in which the Main Roads Board are likely to be persecuted, even to a greater extent than in connection with the previous amendment.

Hon. J. Nicholson: I think so too, in this case.

The CHIEF SECRETARY: The board might be carting material over miles of road belonging to different authorities, and when the work was done might receive claims from all of them to reconstruct the thoroughfares. Who would decide as to the condition to which the roads should be restored? The local authorities might insist upon perfectly new roads being built. The board would thus find themselves in an impossible position.

Hon. G. A. KEMPTON: In some cases the Main Roads Board might spend a thousand pounds in carrying out a work within the borders of some local authority, and after it was over the local authority might have to spend as much again in reconditioning their own road. All that would be expected of the Main Roads Board would be that they restored the roads to the same condition they were in before the work was started.

Hon. J. NICHOLSON: In the carrying out of this work the Main Roads Board are conferring a considerable boon upon the district affected. If a road board were asked if they agreed to a main road being constructed through their territory, even at the expense of some of the existing roads, they would hardly withhold consent. The Council's amendment states that where carting is over roads belonging to a local authority, the board shall be responsible for paying to that local authority the cost of repairing such roads. I would point out that these roads are used by people other than the contractors. There is nothing in the amendment to show that it refers only to damage done by the contractors. It would mean that the Main Roads Board would be liable if they carted a single barrow-load of material over a road. The main damage might have been caused by other traffic. The amendment as drafted would not be fair to the central authority.

Hon. G. A. KEMPTON: If I had been a lawyer I might have been able to put up all sorts of quibbles over matters of this kind.

Hon. J. Nicholson: These are not quibbles.

Hon. G. A. KEMPTON: All I wish to ensure is that the Main Roads Board shall restore to its previous condition any road which they destroy in the course of their operations.

The HONORARY MINISTER: The Canning Road was under construction for a long while. Most of the material for it came from the hills. Some of it was brought on to the works from the South Perth end, and part of it from the Fremantle end. In the course of getting the material on to the job the Main Roads Board were obliged to make use of the roads belonging to the various local authorities situated along the route. What would be the position of the Main Roads Board if this amendment became law? Every one of those local authorities would be in a position to say to the Main Roads Board, "You have carted material for the making of the Canning-road over roads within our jurisdiction; and, you having done so, our roads must necessarily have suffered to some extent, and therefore it is necessary for you to do something to improve the condition in which those roads are to-day." Many of the roads in question would have been used by only a few of the Main Roads Board's vehicles while hundreds of vehicles

belonging to the general public had traversed those roads during the same period. The position which it is proposed to create will not bear a moment's examination. It might lead to all the roads in a municipality being re-made by the Main Roads Board simply because they had been used by that board in carting material. The Main Roads Board invariably repair roads damaged by their traffic, and frequently leave a road in a better condition than it was in before they started work. The clause is unnecessary.

Hon. G. A. KEMPTON: If the Main Roads Board's practice is to repair roads used by them, why should they object to this provision? The Committee ought to adhere to the requirement for putting roads in reasonable repair.

Hon. E. H. HARRIS: On the evidence I cannot support Mr. Kempton's present proposal. The Assembly's reason might have been amplified with particulars of the case which was carried to the Privy Council. How would Mr. Kempton's proposal pan out in actual practice? If a road used by the Main Roads Board were a brand new road, unused prior to the carting of material by the board, the damage might be reasonably assessed. On the other hand, if the board carted material over a road for, say, four months, and the road deteriorated by reason of that traffic, what tribunal could accurately assess the damage that had been done by the board during a period while the general public were also using the road? A toll on every load of material carted might be a guide to the amount of damage done by the Main Roads Board.

Hon. G. A. KEMPTON: It is certainly not easy to say exactly what damage has been done to a road by the Main Roads Board. Similarly, after an accident, the damage cannot be estimated accurately. But if a road has been built to last three or four years, and that road is seriously damaged by Main Roads Board operations, there is a basis for estimating the extent of the damage. If the Main Roads Board always repair roads damaged by them, let us have this provision in the Bill.

Question put, and a division taken with the following results:—

Ayes	13
Noes	5
Majority for	8

Ayes.

Hon. J. R. Brown	Hon. G. W. Miles
Hon. J. M. Drew	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. Seddon
Hon. E. H. Gray	Hon. H. A. Stephenson
Hon. W. H. Kitson	Hon. H. Stewart
Hon. A. Lovekin	Hon. E. H. Harris
Hon. W. J. Mann	*(Teller.)*

Noes.

Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. E. H. H. Hall
Hon. G. A. Kempton	*(Teller.)*

Question thus passed; the amendment not insisted on.

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

BILL—ROADS CLOSURE (No. 2).

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [8.27] in moving the second reading said: This Bill embraces some road closures which were not ready for submission to Parliament when the first roads closure measure was introduced during the current session. As to all the cases now submitted, I understand, the local authorities and the department are in agreement. The first clause covers an adjustment of the approach to the new trotting grounds. Certain land held by the Trotting Association is being surrendered to the Crown in consideration of the portions of streets described in the schedule being granted to the association in exchange. The adoption of the proposal will admit of a wider approach to the main entrance to the trotting grounds, thus enabling traffic to be handled much more satisfactorily than has been the case. The next clause deals with a small portion of the road adjoining the Ford Company's works now in course of construction at North Fremantle. The company have purchased the land abutting thereon, and wish to acquire this small portion of road and include it in their scheme for the utilisation of the whole area. The two succeeding clauses cover proposed closures of small pieces of roads in the municipalities of Claremont and Midland Junction. These two closures are necessary for the linking up of lands purchased for school requirements in the two municipalities. The final clause of the Bill refers to closure of streets included in the Metropolitan Market Trust's ground at West Perth. All these

portions of roads have been closed and resumed under the Public Works Act, but it is considered advisable to obtain Parliamentary sanction. Grants for the pieces of road in question have already been issued to the trust. I laid the plans on the Table some time back. In Committeee I shall, if necessary, explain the various proposals in detail. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—LAND AGENTS.

Assembly's Message.

Message from the Assembly that it had agreed to Nos. 1, 2, 4, 6 and 9, had agreed to Nos. 3 and 12, subject to amendments, in which the Assembly desired the concurrence of the Council, and had disagreed to Nos. 5, 7, 8, 10 and 11 of the Council's amendments, now considered.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Council's amendment: No. 3. Clause 3, Subclause (2).—Add a proviso as follows:—"Provided further that nothing herein contained shall extend to or include any person acting as the duly constituted attorney of any other person, and having power to purchase or acquire land or interest in land on behalf of such other person, nor to any person acting in the discharge of his duties or in exercise of his powers as a trustee, liquidator, receiver, mortgagee, executor or administrator of the estate of a deceased person, or the registered owner of any land not carrying on business as a land agent."

Assembly's amendment on Council's amendment: No. 3. Omit the words "acting as the duly constituted attorney of any other person, and having power to sell or to acquire land or interest in land on behalf of such other person or to any person."

The HONORARY MINISTER: I move—

That the Assembly's amendment on the Council's amendment be agreed to.

Hon. J. NICHOLSON: I ask the Committee to insist upon the Council's amendment. If we accept the Assembly's amendment to our amendment, we shall inflict grievous hardship and injustice on some people. The Assembly's intention is that persons legitimately appointed to act as attorneys for others, will be deprived of the right to sell land on behalf of their principals, who may be absent from the State. If that were agreed to, the only persons who could act as attorneys for the sale of land would be land agents, unless the attorney were to make application for registration as a land agent. It was never intended that that course should be necessary.

The HONORARY MINISTER: If we accept the Assembly's amendment to the Council's amendment, we will not exclude trustees, liquidators, receivers, mortgagees, executors or administrators of the estates of deceased persons, nor the registered owners of land who are not carrying on business as land agents, whom Mr. Nicholson was anxious to safeguard. If we insist upon the amendment made by the Council, will it not be possible for an individual to place himself outside the scope of the Act by appointing someone else as his attorney.

Hon. J. NICHOLSON: The Honorary Minister is taking a wrong view of the position. In view of the definition clause in the Bill, no person could take advantage of the measure in the way he suggests. It would be unjust to prevent a person appointing another to act as his attorney in connection with the sale of land.

Hon. G. FRASER: The object of the Bill is to catch unscrupulous persons engaged in the sale of land, and I am afraid that if we accept Mr. Nicholson's view, we will provide a loophole for those people. If we do that, the whole Bill might just as well go by the board.

Hon. J. Nicholson: The proviso was framed after careful consideration with the Crown Law authorities; I am trying to assist the Honorary Minister.

Hon. G. FRASER: I cannot accept Mr. Nicholson's view because I am afraid a loophole will be provided. If a person can do as Mr. Nicholson suggests, what is to prevent an unscrupulous person from doing the same thing?

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

Ayes	6
Noes	10
Majority against	4

AYES.

Hon. J. R. Brown	Hon. E. H. Gray
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. E. H. H. Hall
	(Teller.)

NOES.

Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. J. Nicholson	Hon. C. F. Baxter
	(Teller.)

PAIR.

AYE.	NO.
Hon. C. B. Williams	Hon. J. J. Holmes

Question thus negatived; the Assembly's amendment, on the Council's amendment, not agreed to.

No. 5. Clause 36—Delete.

The CHAIRMAN: The reason given by the Assembly for not agreeing to the Council's amendment is that this clause is considered essential to the protection of purchasers.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

As I previously pointed out, this clause is of the utmost importance for the protection of purchasers of land who are not in a position to make an inspection before entering into a contract for the purchase. All the information prescribed in the clause can readily be given by every reputable land agent.

Hon. J. NICHOLSON: I hope members will not agree to reinstate this clause. Under Clause 26 it is necessary for the land agent to render his account within 28 days or, if demanded of him, within seven days. But under Clause 36, which the Council struck out, he will remain practically liable for six months; because the purchaser could come along at any time within six months and on his plaint of some trivial omission from the agreement the whole contract would be vitiated. It is a most unjust proposal, and I hope the Committee will vote against the Minister's motion.

The HONORARY MINISTER: The position is not so serious as the hon. member would have us believe. Before any action of the kind suggested by him could be taken it would be necessary that the buyer be dissatisfied with his bargain. In the second place it would also be necessary for the land agent to have made some mistake or omission.

Hon. J. Nicholson: That would be the simplest thing in the world.

The HONORARY MINISTER: The clause asks that the name, address and description of the registered proprietor of the land shall be shown in the contract. That is to prevent bogus sales. Again, it is required that there shall be in the contract a statement as to whether or not the land sold is subject to mortgage or other encumbrance, and giving the name and address of the mortgagee and the number of the mortgage, if any. Surely that is reasonable! If the land agent has not that information, certainly he should have it. Then it is necessary to show in the contract the name, address and description of some person to whom all moneys falling due under the contract may be paid. There is nothing wrong with that.

Hon. J. Nicholson: We have had bills of sale set aside merely because the full description was not given. It is very simple for a clerk to omit such a thing.

The HONORARY MINISTER: On the other hand, the land agent may have deliberately omitted certain particulars so as to misrepresent the position. There should be provision for action in such cases. All that the clause does is to render protection to people not in a position to protect themselves.

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

Ayes	6
Noes	11
Majority against	5

AYES.

Hon. J. R. Brown	Hon. E. H. H. Hall
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. G. Fraser
	(Teller.)

NOES.

Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. C. H. Wittenoom
Hon. A. Lovekin	Hon. H. Stewart
Hon. W. J. Mann	Hon. C. F. Baxter
Hon. J. Nicholson	*(Teller.)*

PAIR.

AYE.	NO.
Hon. C. B. Williams	Hon. J. J. Holmes

Question thus negatived; the Council's amendment insisted on.

No. 7. Clause 42—Delete the word "ten" in line 1 of page 18 and insert "five."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that the amount suggested is not sufficient to cover cost of administration.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

No. 8. Clause 51, Subclause 1—Insert after "order" in line 38 the words "or such court may of its own motion make an "order."

The CHAIRMAN: The Assembly's reason for not agreeing to the Council's amendment is that it is against the usual practice of courts.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Hon. J. NICHOLSON: I shall not object to the motion, but as another place has seen fit to give a reason that is inconsistent with the Bill, it is only right to point out that another clause contains precisely the same words.

Question put and passed; the Council's amendment not insisted on.

No. 10. Clause 51, Subclause (2).—Insert a new paragraph (e) as follows:—"or that he has ceased to be employed by a duly licensed land agent."

The CHAIRMAN: The reason given by the Assembly for disagreeing is that the amendment is unnecessary in view of the amendment to Clause 39.

On motion by the Honorary Minister, the Council's amendment not insisted on.

No. 11. Clause 60.—Delete.

The CHAIRMAN: The Assembly's reason for disagreeing is that the clause is considered necessary for the protection of those persons whose estates are in control of land agents.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

Trust funds are involved, and although in most instances land agents would have their accounts audited, there is no reason why their trust accounts should not be audited by a qualified public accountant. Trust moneys have been used for purposes other than the right one.

Hon. J. NICHOLSON: People interested in the Bill strenuously object to this clause.

The Honorary Minister: For what reason?

Hon. J. NICHOLSON: Because it is a reflection on their honour and honesty. Why should someone have access to their books and probably disclose information of a more or less private nature? The criminal law will reach a man who is doing wrong. The mere fact of auditing his accounts once a year will not make a dishonest person honest.

Hon. G. Fraser: It will catch him.

Hon. J. NICHOLSON: But no sooner than he would otherwise be caught. I hope the amendment will be insisted on.

The HONORARY MINISTER: The Government have no desire to cast a reflection on anybody.

Hon. J. Nicholson: That is how the land agents treat it.

The HONORARY MINISTER: I do not think they believe it.

Hon. J. Nicholson: They do.

The HONORARY MINISTER: I know a number of land agents and, when discussing the measure with them, they have not raised any strong objection. Such a thing as financing a business out of the trust funds is not unknown, even in Perth. The law might eventually catch a dishonest man, but such a provision might make the catching unnecessary.

Hon. G. Fraser: It is much better to prevent dishonesty.

The HONORARY MINISTER: Yes. I have heard it argued that trust funds are sacred and that to safeguard them no restrictions could be too severe.

Hon. C. F. BAXTER: I object to the provision in the clause that a copy of the accountant's report must be forwarded to the Minister not later than the 31st July in each year under a penalty of £100. It is most difficult to get accounts audited by that date. The 30th June is the end of the financial year; in July auditors are working at high pressure, and it would be impossible to comply with the provision.

Hon. J. Nicholson: It would tend to publicity.

The HONORARY MINISTER: The Minister would merely have the report of the auditor stating whether the trust funds had been legally dealt with. I have no objection to an extension of the date, but if it were extended, it might provide a loophole for a land agent to right something that was wrong.

Hon. C. F. Baxter: But the books would be audited to the 30th June.

The HONORARY MINISTER: If the period were extended, there might be sufficient time to make the accounts appear to be correct.

Hon. V. Hamersley: That might apply to every month of the year.

The HONORARY MINISTER: I cannot see that there would be any difficulty in getting the accounts audited by the end of July. I repeat that no reflection on land agents is intended by the inclusion of the clause.

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

Ayes	9
Noes	9
A tie	0

AYES.

Hon. C. F. Baxter	Hon. E. H. H. Hall
Hon. J. R. Brown	Hon. E. H. Harris
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. G. A. Kempton
Hon. E. H. Gray	*(Teller.)*

NOES.

Hon. J. Ewing	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. C. H. Wittenoom
Hon. W. J. Mann	Hon. H. Stewart
Hon. J. Nicholson	*(Teller.)*

PAIR:

AYE.	NO
Hon. C. B. Williams	Hon. J. J. Holmes

The CHAIRMAN: The voting being equal, the question passes in the negative.

Question thus negatived; the Council's amendment insisted on.

No. 12. Council's amendment: Insert a new clause to stand as Clause 16, as follows:—

Appeal.

16. Subject to rules of Court, there shall be an appeal to a judge of the Supreme Court from the refusal by a Court of Petty Sessions to renew a license, and from any order of such Court for the cancellation of a license under the provisions of section twenty-eight.

On the appeal the judge may make such order for the payment of the costs of the appeal as he may think fit.

Assembly's amendment: Before "renew" in the third line, insert the words "grant or."

The HONORARY MINISTER: I move—

That the Assembly's amendment on the Council's amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of Hon. J. Nicholson, Hon. C. F. Baxter and the Honorary Minister was appointed to draw up reasons for not agreeing to the Assembly's amendment to the Council's amendment No. 3.

The PRESIDENT: I suggest that the committee appointed to draw up reasons should report their reasons at to-morrow's meeting of the Council, rather than that the House should suspend its sitting to-night for that purpose.

BILL—MENTAL DEFICIENCY.

In Committee—Bill dropped.

Resumed from the 27th November; Hon J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 64—Protection of defectives from acts of sexual immorality, procuration, etc.:

The CHAIRMAN: The question before the Chamber is an amendment moved by Mr. Lovekin to omit the words after "person" in line 1 and insert the following in lieu:—"Who shall be adjudged guilty of any offence described in the Criminal Code or other Penal Statute against a person who has become subject to this Act shall be punishable in manner prescribed by such first-mentioned Statutes, and the provisions thereof shall apply *mutatis mutandis* to this Act.

The HONORARY MINISTER: I cannot agree to the amendment. It has been decided that the board shall not include a legal practitioner. It is, therefore, advis-

able that the clause as drafted should be retained, because it will give the board definite knowledge of the offences that have been committed, and the penalties that can be imposed.

Hon. A. LOVEKIN: The clause, as printed, makes the punishment in the case of a feeble-minded person lighter than in the case of a normal-minded person. If an ordinary person is implicated in an offence described in the first paragraph, he is deemed to have committed rape, and is liable to imprisonment for life with or without a whipping. In the case of a feeble-minded person, however, the clause provides for imprisonment for only two years. This is an implied repeal of certain sections of the Criminal Code. For procuration the ordinary person is liable to 14 years' imprisonment, but in the case of a mental deficient the clause provides for imprisonment for only two years. My amendment sets out that a person shall not receive less punishment for a crime in the case of a mental deficient than he would receive in the case of a normal person.

The HONORARY MINISTER: This clause has been accepted in England and Tasmania, and no fault has been found with it. We have no desire to make the discrimination suggested by Mr Lovekin. The question of consent is a big factor in dealing with these matters under the Criminal Code. Subclause 5 provides that nothing in the section shall affect the provisions of Chapter 22 of the Code.

Hon. A. Lovekin: But that is not the one I referred to.

The HONORARY MINISTER: The penalties set out here are the exact penalties set out in the Code.

Hon. A. Lovekin: If the Honorary Minister will refer to the Code, he will find that that is not so.

The HONORARY MINISTER: A perusal of Subclauses 2 and 3 shows that the hon. member's argument is not quite what he makes it out to be.

Hon. A. LOVEKIN: The Honorary Minister has not looked into this question. Section 181 of the Criminal Code for unnatural offences provides imprisonment with hard labour for 14 years, with or without whipping. The Bill provides two years' imprisonment.

Hon. H. Stewart: Read Subclause 5.

Hon. A. LOVEKIN: That subclause cuts no ice whatever, the rule of interpretation being that a special provision always overrides a general provision. Chapter 22 of the Code has nothing to do with the case. It does not deal with the offence to which Clause 64 refers. That offence is dealt with in Chapter 33 of the Code. To argue that an awful offence against an imbecile should carry less punishment than the same offence committed against a normal person is a monstrous proposition. I therefore press the amendment, as absolutely necessary.

Hon. E. H. GRAY: I fully support Mr. Lovekin's amendment. Under Section 181 of the Lunacy Act the punishment for carnal knowledge of any female patient is five years' imprisonment, with or without whipping. The period has since been reduced to two years.

Hon. J. Nicholson: In order to agree with the Mental Deficiency Act of the period.

Hon. E. H. GRAY: The Lunacy Act does not refer to the crimes mentioned in the Bill. The better course would be to eliminate all such provisions from this measure and leave the crimes to be dealt with under the Criminal Code.

Hon A. Lovekin: That is what I am trying to bring about.

Hon. H. STEWART: Tampering with mental defectives should find a place in the Bill. I agree with Mr. Lovekin as to the relative seriousness of the offences, according to whether they are committed against a mental defective or a normal person. Should not Subclause 2 read "No consent shall not be any defence"?

Hon. J. Nicholson: No. It must be put in the negative there.

Hon. E. H. GRAY: The Criminal Code provides a specific punishment for unlawfully and indecently assaulting a woman or girl—two years' imprisonment. Sections 325, 326, and 327 of the Code, dealing with rape, impose penalties up to 14 years. The Bill puts all these crimes into one clause, and makes them misdemeanours with a maximum penalty of two years' imprisonment. That, I agree with Mr. Lovekin, is utterly wrong.

Hon. A. Lovekin: Yes. What is wrong with the Criminal Code?

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

Ayes	8
Noes	7
Majority for ..	1

AYES.

Hon. J. R. Brown	Hon. V. Hamersley
Hon. G. Fraser	Hon. E. H. Harris
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. H. Hall	Hon. A. Lovekin (*Teller.*)

NOES.

Hon. J. M. Drew	Hon. E. Rose
Hon. J. Ewing	Hon. H. Stewart
Hon. W. H. Kitson	Hon. H. A. Stephenson
Hon. J. Nicholson	(*Teller.*)

Amendment thus passed.

Hon. H. SEDDON: I move—

That the Chairman do now leave the Chair.

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

Ayes	10
Noes	8
Majority for ..	2

AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. E. H. H. Hall	Hon. E. Rose
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. G. A. Kempton	Hon. H. Seddon (*Teller.*)

NOES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. J. Ewing	Hon. A. Lovekin
Hon. G. Fraser	Hon. J. Nicholson
Hon. E. H. Gray	Hon. J. R. Brown (*Teller.*)

PAIR:

AYES.	NOES
Hon. C. B. Williams	Hon. J. J. Holmes

Motion thus passed; the Bill dropped.

BILL—ABORIGINES ACT AMENDMENT.

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the purpose of further considering Clauses 3, 16, 17 and 21.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 3—Amendment of Section 3:

The HONORARY MINISTER: There was evidently a misunderstanding regarding the striking out of the last paragraph of Section 3, because that paragraph should not be deleted.

Clause put and negatived.

Clause 16—Amendment of Section 33:

Hon. G. W. MILES: The Honorary Minister may have some good reason for the clause, but it is one that may cause a lot of trouble. Under it, the Chief Protector will have power to require a statement of all monetary transactions between an aboriginal or a half-caste and any other person, and any person who fails to supply a statement of account or makes any false statement in the statement of account, shall be guilty of an offence against the Act. Under the Bill great powers will be given to the Chief Protector, and I was pleased to have the Honorary Minister's assurance that the right man was in that position. It has to be remembered that other protectors of aborigines will carry out duties under the Act in various parts of the State, and if the powers set out in Clause 16 are not exercised with great discretion, a lot of unnecessary trouble may be caused. The Honorary Minister will probably say that power is required to deal with exceptional cases, but I impress upon him the fact that such powers as these must be administered with great discretion.

Hon. C. F. Baxter: Only the Chief Protector will exercise this power.

The HONORARY MINISTER: We have had many complaints from natives and half-castes that they have been deprived of money to which they were entitled for services rendered. We have no power under the Act to secure the necessary information from employers to ascertain whether the complaints have any foundation. The clause will merely give the Chief Protector the right to secure the information from employers if he has good reason to believe that natives have not received what they were justly entitled to.

Hon. H. STEWART: I agree with the contentions of the Honorary Minister, and that, generally speaking, discretion will be used in exercising the power set out in the clause. I think some limit should be included in the clause as to the time over

which the information can be demanded. We should not leave the clause in a loosely worded form.

Hon. G. W. MILES: I move an amendment—

That after "transactions" in line 4, the words "for the preceding year" be inserted.

The HONORARY MINISTER: I cannot accept the amendment. Section 33 of the parent Act imposes heavy and varied responsibilities on the Chief Protector in respect of money due or property belonging to or even held in trust for an aboriginal or a half-caste. At the present time the Chief Protector is acting on behalf of a large number of aborigines who are possessed of money, property, and assets of various kinds, so it might easily become necessary for the protector to require a statement of acounts over a longer period than 12 months.

Hon. J. Nicholson: It might even be necessary to go back to the period prescribed in the Statute of Limitations.

The HONORARY MINISTER: Yes, that might be so. The concluding portion of Section 33 of the principal Act prescribes that the Chief Protector shall keep proper accounts and for the purposes of the Act shall be deemed to be a public accountant. The clause in the Bill is only fair. Why should we treat an aboriginal possessed of property in any way different from that in which we treat a white man similarly circumstanced?

[*Hon. J. W. Kirwan took the Chair.*]

Hon. G. W. MILES: I agree with what the Minister has said regarding Section 33 of the parent Act. But this clause is to be added to that section. Under it the Chief Protector could demand from every employer of a native a statement of his accounts. It would cause all sorts of friction and annoyance. Any station owner employing half a dozen natives could be required by the Chief Protector to forward a statement of accounts between himself and the natives.

The HONORARY MINISTER: While under Section 33 of the parent Act we charge the Chief Protector with certain important duties, we have not given him power to demand the information that would allow him to say whether or not things were right. There are hundreds of trust accounts vested in the Chief Protector, and it is necessary that he should have the proposed power. This will not apply exclusively to station owners; it might apply to anybody else having transactions with aborigines or half-castes. It is only right that the Chief Protector should have power to call for statements of accounts.

Hon. C. F. BAXTER: I agree that there should be some time limit to this, but I think one year is not sufficient. I have had experience of natives being deprived of what was due to them. Some natives were employed on a station in which I was interested. Money was sent up to pay those natives, but as a matter of fact they never received that money. Neither the Aborigines Department nor the Police Department could take action, and so I am afraid those natives have never been paid. Had the Chief Protector been clothed with the necessary power, he could have helped in that instance. I think a period of three years would be sufficiently long, and I would advise the Minister to accept an amendment imposing a limitation of three years.

Hon. J. NICHOLSON: Would Mr. Miles agree to the insertion of three years as suggested by Mr. Baxter? Some reasonable provision should be made to meet the difficulties confronting the Chief Protector.

Hon. G. W. MILES: I ask leave to alter the amendment to three years.

Amendment, by leave, thus altered.

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

The CHAIRMAN: Clause 17 was included in the motion for recommittal, but there is no Clause 17 in the Bill. It was struck out, and it is not competent to recommit a clause that has been struck out. If there be no objection, I shall consider at this stage the insertion of a new clause to stand as Clause 17. I presume that will meet the purpose of the hon. member who desired that Clause 17 should be recommitted.

The HONORARY MINISTER: I move—

That the following be inserted to stand as Clause 17:—"A section is inserted in the principal Act as follows:—33a. If an aboriginal or half-caste in the service of an employer sustains personal injury arising out of or in the course of his employment not attributable to his serious or wilful misconduct, and such employment was not of a casual nature, and failing immediate treatment by the employer, any expense incurred by the department for hospital charges for treatment and maintenance, or in the case of death the cost of interment of such aboriginal or half-caste

or for medical or surgical attendance, shall be payable by the employer to the Chief Protector, and shall be recoverable by action at the suit of the Chief Protector.''

The only words added to the original clause are "and failing immediate treatment by the employer." I have discussed the matter with Mr. Baxter, and the new clause meets with his approval. Under it the department will not come into the matter until the employer has failed to take action.

Hon. C. F. BAXTER: A large majority of employers look after the natives exceptionally well, and it was not necessary to empower the department to step in. As the clause was originally worded, the department could have taken action. With the additional words, the department cannot intervene unless the employer fails to take immediate action. No employer could object to the clause as now worded.

New clause put and passed.

Clause 21—Amendment of Section 43:

The HONORARY MINISTER: The paragraph relating to a white man travelling accompanied by a female aboriginal or half-caste was amended by inserting "only" after "accompanied." There might be three men travelling with three half-caste women, or four or five men travelling with two or three half-caste women. The clause was not designed to prevent a native or half-caste woman accompanying people with whom she was entitled to travel. It was designed to prevent white men taking native women with them for immoral purposes.

Hon. J. Nicholson: Two men might take one woman.

The HONORARY MINISTER: Yes, or two men might take two women. A departmental inspector has even found a native woman in the saddlebag of an Afghan hawker. The hawker was under the impression that someone might see the woman and information would be laid against him, so he adopted that means to keep her under cover. In other cases white people have had native girls dressed as boys travelling through the country with them as offsiders. Some native women are good with stock. This clause will not prevent them from being used for that purpose. I move an amendment—

That the word ''only,'' in line 12, be struck out.

Hon. G. W. MILES: The point that concerned me was that the clause might apply to native women in the mustering of cattle.

The Honorary Minister: It will have nothing to do with that.

Hon. G. W. MILES: But there may be a white man in charge of the party, and if there is friction between him and the local inspector it is quite easy to see that the clause could be made to apply to him. Everything seems to depend upon the discretion that is exercised in the administration of the Act.

The HONORARY MINISTER: I think the Act is being administered with discretion.

Hon. V. Hamersley: I have heard of cases to the contrary.

The HONORARY MINISTER: If the hon. member will submit to me any case indicating that the Act has been administered unsympathetically, I guarantee to be able to satisfy him to the contrary.

Hon. C. F. Baxter: You satisfied me conclusively this afternoon.

The HONORARY MINISTER: We are often told that the department has not gone far enough in the circumstances. If more publicity were given to the work done by the department, more support would be accorded to the officials.

Hon. V. HAMERSLEY: I know of a case in which an aboriginal married a half-caste woman and three children were born to them. An inspector was sent to take the children away. The station owners urged that they should be allowed to remain, and assured him that they would be well looked after. Finally it was agreed to leave one child and remove the other two. I have never come across anything so inhuman as that. The word "only" was inserted in order to protect white men from being treated in an unreasonable manner by departmental officials. Many instances could be quoted showing that the department has not always treated people reasonably. If all these restrictions are to be placed upon those who are developing the outback country, how can they be expected to carry on their work satisfactorily?

Hon. C. H. WITTENOOM: After the Honorary Minister's explanation, which in my opinion is absolutely satisfactory, I shall support the amendment. It is clear that the Bill will not forbid droving parties including gins, provided that the

gins have their menfolk with them. However, the measure will prevent droving parties consisting only of white men and gins.

The HONORARY MINISTER: If Mr. Hamersley will furnish me with particulars of the case he has mentioned, I will give him an explanation which I believe will entirely satisfy him as to the propriety of the action taken. I hope the clause will remain as it stood originally.

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

Bill again reported with further amendments; and the report adopted.

BILL—MINER'S PHTHISIS ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th November.

HON. H. SEDDON (North-East) [10.36]: The Bill has been so thoroughly explained by other speakers that I need not do more than refer to two or three clauses which demand further consideration, and should receive fuller explanation from the Honorary Minister. Proposed Sections 4c and 4d are somewhat vaguely worded. The amending Bill of 1925, introduced by Mr. Troy, contained those sections. It provided that a person whose name was registered should not have any right to compensation under the section if such person became entitled to compensation under Section 7 of the Workers' Compensation Act; and proposed Section 4d covered the dependants of such persons. Evidently the Government's intention at that time was to provide that a person who had miner's phthisis, even though complicated by tuberculosis, should come under the Workers' Compensation Act.

Hon. E. H. Harris: Mr. Troy was most definite on that point when moving the second reading of that Bill.

Hon. H. SEDDON: That is shown by the "Hansard" of that session. The provision as to tubercular cases has not been carried out by the Government. It is due to the Auditor General's remarks on the subject that the present amendments have been proposed. The remarks in question are of interest—

> Section 9 (1) of the Act provides that it is the duty of the Mine Workers' Relief Fund Incorporated to register the name of any person employed on, in or about a mine at the commencement of the Act whose employment is prohibited under Section 8 of the Act, and Section 9 (2) provides that any such person registered shall be entitled to compensation. An amendment inserted by Act No. 42 of 1925 includes any person who is engaged or employed within three months before the commencement of this Act, notwithstanding that at such a time he may have been temporarily out of employment. Section 4 of the original Act provides that it shall be the duty of every person occupied in mining operations on, in or about a mine to submit himself from time to time to a medical practitioner for examination when required so to do . . . . Sections 4 (c) and (d) of the amending Act of 1925 provide that any person whose name is registered, or his dependants in the case of his death, shall not have any right to compensation under this Act if he becomes entitled to receive compensation under Section 7 of the Workers' Compensation Act. Miner's Phthisis is an industrial disease under the Third Schedule of the Workers' Compensation Act. Files sighted disclose that persons incapacitated and compensated were suffering from miner's phthisis, plus tuberculosis, but it was not the practice to ascertain if the persons were entitled to compensation under the Workers' Compensation Act.

It is those cases to which the Auditor General took exception, and which necessitate the proposed amendment. In dealing with the cases in question, the Government have so arranged that persons suffering from tuberculosis in addition to miner's phthisis have been compensated under the Miner's Phthisis Act. Morally, I consider, that was the right thing to do; and legislation is now introduced to validate the Government's action in that respect. This, however, will not by any means meet the position. From time to time it has been stressed here that the whole position is most unsatisfactory, in view of the fact that the men are dealt with under three separate authorities. It has been urged that the time is overdue when, in the interests of the men themselves, consolidating legislation should be introduced. The wording of Section 7 is so vague in its description that many men are compelled to remain in the mines when in their own interests they should leave mining and get into a healthier occupation. That kind of thing should not be tolerated. We ought to provide a scheme whereby such men would be induced to leave the mining industry before the damage they suffer has become too great. Recently Dr. Nelson issued a report upon the result of his examination of a number of men. He pointed out that it was quite easy for a doctor to classify the men into six distinct classes, and he adopted a classification as follows:—

1, Normal—This class includes individuals in normal health; 2, Fibrosis—This class includes men who have a certain thickening of the tubes. It is interesting to note that this condition may occur in a person engaged in an ordinary occupation, not necessarily mining. A person in that condition would be wiser if he did not enter the mining industry, and it would be in the interests of the men themselves if the regulations were tightened to prevent such men from taking up work in the mines: 3, Silicotic, initial—The class includes men who have suffered a certain amount of damage due to dust; 4, Silicotic, advanced; 5, Silicotic, plus tuberculosis; 6, Tuberculosis. These classifications are easily distinguishable. While I was in Kalgoorlie the other day, the doctor at the laboratory showed me some positives, which were the result of the examination of some of these men. It was easy for even a layman to ascertain the particular class into which the men examined would fall. That being so, it appealed to me that the Government could well adopt this scheme so as to classify the men, and induce some of them to leave the industry before the damage done to them was such as to prove fatal to their health. Quite apart from the fact that there are three authorities dealing with these men, there is another class of worker entitled to the help of the State, but without that privilege. I refer to the prospectors. Under the existing legislation, men following that occupation do not come within the scope of any of the three Acts. Although a prospector may be totally incapacitated through dust as the result of his occupation, owing to the fact that he is not employed as a wages man, he cannot claim compensation and is deprived of the benefits of the legislation passed in the interests of suffering miners. I do not think the House approves of that position, and it can be remedied by the introduction of a consolidating measure along the lines I have advocated. I appeal to the Government once more to take up this question and deal with it along broad lines, so that legislation may be introduced to prevent men who are fibrotic from entering a mine, and to assure that men who are slightly injured shall be taken out of the industry before it is too late. I wish to utter a note of warning. The doctors have arrived at the conclusion that even if a man is healthy when he goes into a mine, it is only a matter of time when such a man will be affected more or less by dust. If that is so, we should seriously consider what the future will have for the Government unless steps are taken to meet the position. It seems to me that the best remedy will be found in a scheme that will provide for men being taken out of the industry before the damage is so serious that their health will be permanently impaired. I support the Bill because it will assist the Government out of the awkward position in which they are placed, and I recommend them seriously to consider the whole question on a broader basis than at present.

On motion by Hon. H. A. Stephenson, debate adjourned.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [10.45] in moving the second reading said: The Bill contains amendments to the Public Service Appeal Board Act of 1920, which have been found necessary as the result of experience gained since the measure was introduced. The clauses are more or less important, and it is just as well to refer to most of them. One clause provides that the permanent officers of the Forests Department employed in the field shall have the right of appeal. Originally those officers had that right, but they were exempted from the operations of the Public Service Act in 1920. The Bill will restore that right to the men. Another clause embodies an amendment that will enable all sections of the service, or any particular section, to be represented on the Appeal Board when an appeal dealing with a particular section has been referred to the board. The present Act provides that there shall be one member of the board to represent the whole of the service. There are four divisions in the service—administrative, professional, clerical, and general—and it is considered right that a representative of any one of those divisions should have a seat on the board when an appeal from his particular division is to be heard. Another clause will enable appeals to be heard from the forestry field staff. In those circumstances, it is necessary for the Conservator of Forests to be included under the provisions of the Bill, as a person against whom an appeal may be lodged. Another clause

deals with the general manager of the Agricultural Bank, and sets out that he shall be included in the same category. This was an omission from the Act, and the amendment will put the matter right. Another clause in the Bill sets out that there shall be an appeal against a decision by the Commissioner to the Appeal Board, which will be presided over by a judge. At the present time the appeal is from the decision of the Commissioner to a board, the chairman of which is the Commissioner. In a sense, therefore, that form of appeal is from Caesar to Caesar, and that is not considered right or fair. The Bill will give the right to public servants to appeal against a decision of the Commissioner to the Appeal Board presided over by a judge. Another important amendment is that which deals with appeals to the board. It sets out that all such appeals must be through the Civil Service Association or the Teachers' Union, which are the only organisations looking after the interests of public servants. If the Bill be agreed to in its entirety, then the association and the union will be the channels through which all such appeals will be made. One other amendment deals with the question of procedure before a decision is given by the board. In the Industrial Arbitration Act there is a provision that before an award is delivered, the parties concerned shall have the right to speak to the minutes, which affords them an opportunity to point out any anomalies, and in some cases even to secure alterations.

Hon. J. Cornell: That is a vastly different thing. These appeals will be only on the question of salaries.

The HONORARY MINISTER: I am simply giving a broad outline of the Bill. In the Arbitration Court the parties concerned, when speaking to the minutes, have the right to discuss any phase of the award and to point out anomalies. The Bill provides that that right shall be extended to public servants before the appeal board. I do not think that right will be availed of in many instances, for if it were it might prove cumbersome; but it is perfectly right that in important cases public servants should be entitled to speak to the minutes. The only other amendment I wish to touch upon at the moment is that providing penalties for taking part in strikes. At the present time any public servant involved in a strike is subject to the forfeiture of all his rights, including superannuation. It has come to be seen that the penalty is too severe, and consequently the Bill provides for a reduction.

Hon. V. Hamersley: You do not support strikes, do you?

The HONORARY MINISTER: No, I do not. The penalties provided in the Bill are, for an association or union £100, and for each individual a sum not exceeding £10. It not infrequently happens that men are involved in a strike because it is not possible for them to avoid being so involved. It may be through no fault of theirs that the strike has been declared, yet the existing legislation provides that in the event of their taking part in a strike they shall forfeit all privileges that might otherwise accrue to them, including that of superannuation. In most instances that penalty would be altogether too severe, and so the Bill provides for a modification. Those are the principal amendments contained in the measure, and I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [10.53]: I wish merely to deal with Clauses 6 and 7, for I think the remainder of the Bill is quite all right. The analogy the Minister drew between Clause 7 and the Industrial Arbitration Act was like a flight from the nether regions to the upper regions. It is true that under the Industrial Arbitration Act the minutes of an award are discussed by the parties representing the disputants, but whereas an award of the Arbitration Court covers a wide variety of questions, the only question involved before the Public Service Appeal Board is that of salary as assessed by the Commissioner—and possibly the question of grading. If Brown, appealing against his salary as fixed by the Commissioner, considers that his case has not been properly presented to the appeal board, the fault must lie with the man who represented him before the board. I cannot see where this proposed provision is going to help the public servants at all. Each appellant's case should be properly prepared and properly put; if it is not so prepared and put, I fail to see how discussion of the minutes is going to rectify it. It is an illusion that has got into the heads of some of those in the Civil Service Association that because the Industrial Arbitration Act provides for speaking to the minutes, a similar procedure should be followed

before the Public Service Appeal Board. I cannot believe that this provision finds much support amongst the thinking members of the Public Service. As for Clause 7, I am of opinion that it should be amended to read, "Section 15 of the Act is hereby repealed." That section provides that if a public servant takes part in a strike he shall be guilty of an offence, and on conviction shall forfeit all privileges that he otherwise would have enjoyed under any Act, including the Superannuation Act. What does the Bill propose? It proposes that any public servants associated with or taking part in a strike shall on conviction be mulcted in penalties of £100 against any association or union, and £10 against an individual. If the conditions in the service were such that the men decided to go on strike, it would be a very sad commentary on those administering the affairs of the country. The sooner the Public Service dissociate itself from the shibboleths that to a large extent surround trade unions, the better it will be for the Public Service, the Government of the day and the community generally. My opinion is that if the Public Service, the police and the teachers cannot command the respect of the community, their employers, that will entitle them to reasonable conditions and promotion, they are not likely to obtain those things by adopting the other attitude of the close corporation of a trade union. I know quite a number of public servants, holding high or menial positions, who are of the same opinion, that the service has in a sense become commercialised and is assuming a dangerous trend that should be squelched. There is a tendency for political parties to pander to a section of the service for the purpose of securing spoils at elections. If that sort of thing continues, we shall develop a Public Service unworthy of the name and a Government that will be mastered by the Public Service—a state of affairs that no one can desire should exist. I hope Clause 6 will be deleted, as it is quite valueless, and that Clause 7 will be altered to repeal Section 16 of the Act. By adopting my suggestion we shall be doing the right thing. We shall throw the public servants on their honour. We shall not by inference assume that they will strike. We shall, in effect, say to them, "You will be under no obligation if you do strike. The law of the land does not permit you to strike, but it does not penalise you for striking. The community, however, expect that you will not strike and that you will command their respect so far as to right any grievance you may have." If the public servants follow that policy of reason, the service will be placed on a higher plane than it occupies to-day.

On motion by Hon. H. Stewart, debate adjourned.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [11.4] in moving the second reading said: There are several clauses of the Bill that deal purely with verbal alterations to fit in with the present system of classification. There are other clauses consequential on the passing of the Public Service Appeal Board Act of 1920, which places the responsibility for the classification upon the Public Service Comissioner. There are several clauses necessary in consequence of sections of the 1904 Act having become obsolete. The first amendment to which I shall refer will give power to appoint one assistant Commissioner where it is felt one is necessary. The Act at present provides that we may appoint two assistant Commissioners, and it is contended that while the Act is so worded, we cannot appoint one if that should be desired. The next point deals with reclassification. Periodically there has been a reclassification, but the period between reclassification, has varied. Sometimes it has been made after long intervals: at other times after a comparatively short period. The wages of workers generally are governed by Arbitration Court awards and agreements that usually are limited to three years. Arbitration awards frequently provide for a period of three years, with the right of renewal after a period of 12 months. Public servants have no provision of that kind and they have had to wait for longer periods—longer really than they should have had to wait. The Bill provides for a reclassification every five years, which though longer than the period observed by the Arbitration Court, will, I think, be considered satisfactory. A reclassification of the service does not necessarily mean that increases of salary will be granted. It might

mean a review of positions with salaries remaining stationary, or in some circumstances there may even be a reduction.

Hon. J. Cornell: There should be proper automatic promotion and increases.

The HONORARY MINISTER: This Bill will permit of increases. The Bill deals with the question of boys entering the service. Originally competitive examinations were held for boys who desired to enter the service. With the establishment of our University it was decided to accept the University Junior examination as a sufficiently high standard for entrance to the service, but there has been one disability. The Public Service Act provides that a boy may not enter the service until he has attained the age of 16 years, and in view of the fact that many boys pass the Junior examination at an earlier age, many bright boys have been lost to the service, simply because they could not afford to wait until they were 16——

Hon. H. Stewart: In other words, they were too smart.

The HONORARY MINISTER: Or they were not prepared to accept positions as messengers or something of the sort until attaining the age of 16 years, when they could be transferred to the clerical division.

Hon. J. Cornell: They have not the stability of boys of 16.

The HONORARY MINISTER: That might be so, but it will be recognised that quite a large number of boys have entered other avenues of employment who would have been quite an asset to the service of the State had they had an opportunity to enter it. In the cases to which I referred the boys have gone into banks, insurance companies, etc., merely because they were not in a position to wait until they were 16 before applying for entrance to the service. The next point deals with acting magistrates. At present we cannot appoint a man to the position of magistrate unless he is legally qualified or has passed the prescribed examination. There are such officers in the public service who have been carrying out magisterial duties in an acting capacity for varying periods. In every case they are past the age when one would expect them to sit for an examination. Nevertheless, they have had long years of practical and actual experience, and have been carrying on quite satisfactorily in their acting positions.

Hon. J. Cornell: With due respect to the qualified ones, I should say the unqualified ones were better, if you look up the decisions that have been reversed.

The HONORARY MINISTER: For instance, there is Mr. Geary, the acting resident magistrate and warden at Kalgoorlie. His service consists in having acted as mining registrar and clerk of courts for 11 years, and acting magistrate and acting warden for 19½ years. His service totals 34¼ years. It is, however, not possible to appoint him as a magistrate because of the provisions of the Public Service Act, which requires that he shall be a qualified legal practitioner or shall have passed the prescribed examination. If he sat for the examination and passed I have no doubt he would be appointed, but it will be recognised that after a man has attained a certain age it is not easy for him to pass such an examination.

Hon. H. Stewart: He had the opportunity years ago.

The HONORARY MINISTER: I do not think so. It would not be fair to ask these gentlemen to sit for examination in the circumstances.

Hon. H. Stewart: Every young man has his opportunity.

The HONORARY MINISTER: Then there is Mr. McGinn.

Hon. J. Cornell: The noblest Roman of them all.

The HONORARY MINISTER: He is acting magistrate at Geraldton. He acted as mining registrar and clerk of courts for 28 years, and has been holding his present position as acting magistrate and acting warden for 6¼ years, so that he has a total service of 34 years. He has also acted on a number of occasions at Kalgoorlie and elsewhere on the goldfields when the warden has been away, and I believe has given every satisfaction.

Hon. J. Cornell: He has never had a decision upset.

The HONORARY MINISTER: Then there is Mr. Lang, who is acting magistrate at Carnarvon. He has had 22 years as Principal Registrar at the Mines Department, and has acted as magistrate at various times from 1912 to 1921. He has done that whilst occupying his position as chief mining registrar, and has gone to Southern Cross, Ravensthorpe and other centres relieving magistrates for the time being. He, too, has a total service of 34 years. Mr. Horgan is another case in point. He has

had a total of 33½ years' experience as clerk of courts, and was for 4½ years acting resident magistrate, a total service of 37¾ years. He was at Carnarvon as magistrate, but has been transferred to the Children's Court. Then there is Colonel Mansbridge, who is at Broome. He was mining registrar and clerk of courts on the goldfields for 25 years. He was filling one of those positions when he went to the war. On his return he was appointed acting magistrate at Broome, and has occupied that position ever since. He has been there for eight years. Mr. Mansbridge has had 38½ years' service. Next there is Mr. Butler, who is acting resident magistrate and warden at Cue. He has been mining registrar and clerk of courts for 27 years, and acting warden for 6¼ years. His total service is 34 years. Of the five officers I have mentioned not one has less than 34 years' service. Very few of the gentlemen holding these positions have been legally qualified, and none was asked to pass an examination. All the same, the State has been fortunate in securing the services of very capable and practical men to fill these posts. For some years there have been complaints because of the number of acting appointments that have been made to the magistracy. In seeking for an explanation of this I have come to the conclusion that the salaries offered are not sufficient to attract men who are in the legal profession. On those occasions when applications have been called for it has been considered that the applicants have not been suitable for the posts. The duties of magistrates are growing in importance each year. We should, therefore, endeavour to do away with these acting positions, particularly in the case of magistrates. Another part of the Bill deals with reclassification. It is known that the Public Service Commissioner, on reclassifying the service, always fixes minimum and maximum salaries. There is a considerable difference between these two. For some years past, under a certain salary, namely £288, the annual increment (the progression from the minimum to the maximum), has been automatic. There has been a grade rise every year, going up in multiples of 12 until the maximum is reached. That does not apply to other grades. If the Bill is passed the increment will become automatic, which is only right. If a person is in a certain grade, which carries a maximum salary and an annual increment, and his service has been satisfactory in every respect, he is entitled to receive that increment as the years go by. One other point is the question of additional remuneration for persons who are filling acting positions. Public Service Regulation No. 79 makes provision for additional remuneration for officers who are acting for others, but there is nothing in the Public Service Act under this heading. A new section has been asked for by the Civil Service Association to give statutory effect to the regulation I have mentioned. At present an officer who has been acting in a position for three months or longer, and is receiving less than the minimum for the position he has been temporarily occupying, is paid at the minimum salary for the whole time. If the salary is more than the minimum, he is paid only half the difference between his salary and that of the officer whose place he has been taking, after the first three months. The amendment reduces the period to one month, with payment in each case for the whole of the time the officer has occupied the position.

Member: After the one month?

The HONORARY MINISTER: After the one month officers are paid for the whole of the time. We know that there is an appeal board, presided over by a judge, to hear appeals against classification, principally. Of another appeal board, which exists under a section this measure seeks to repeal, the Public Service Commissioner is chairman; and thus he hears appeals of officers against penalties imposed upon them by him. Such a system of hearing appeals is undesirable. I trust members will accept the amendment proposed in the Bill, under which all appeals will be heard by the board that has a judge for president. It is not believed that the number of appeals under the new system will be great, as they will be principally appeals against dismissal. The Bill contains numerous other amendments, of minor importance, which lend themselves to discussion in Committee. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [11.22]: This measure is essentially one for Committee, but I wish to give my whole-hearted support to the amendment proposing permanency of tenure of office for the acting magistrates who have been mentioned. I do not wish to draw any invidious comparison; but if a comparison is to be made between magistrates not legally qualified and

magistrates thus qualified, I would point out that the unqualified men stand out a long way from the qualified men as regards reversal of their decisions by higher courts. I know all the acting magistrates, and in my opinion there is only one thing wrong with the amendment: it has been too long delayed. Western Australia is extremely fortunate in having secured such a body of magistrates as that on which the Bill seeks to confer a recognition long overdue. I am one of those who have lived long enough and worked hard enough to recognise that in the battle of life, common sense, reasoning power, and logic often put a man who is not endowed with a University education far ahead of the man thus endowed. For my part, I will often take the former's opinion in preference to that of the latter. The man who is qualified, often thinks that because of his qualification he can give an opinion without reading the case. The other man gives an opinion after reading the case. I have much pleasure in supporting the second reading of the Bill.

On motion by Hon. V. Hamersley, debate adjourned.

House adjourned at 11.25 p.m.

Legislative Council,

Thursday, 5th December, 1929.

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

BILL—LAND AGENTS.

Reasons.

The Honorary Minister submitted the reasons for disagreeing to the amendment made by the Assembly on the Council's amendment.

Reasons adopted, and a message accordingly returned to the Assembly.

MOTION—MINING REGULATIONS, AMENDMENTS.

To disallow.

HON. J. NICHOLSON (Metropolitan) [4.35]: I move—

That the amendments to Regulations under "The Mines Regulation Act, 1906," published in the "Government Gazette" on the 15th November, 1929, and laid on the Table of the House on the 26th November, 1929, be and are hereby disallowed.

The amendments to the regulations number four and are important. I shall read the amendments that have been tabled, otherwise it will be difficult for hon. members to follow my remarks. The amendments are as follows:—

Rock-boring machines:

46. A district inspector of mines may, by notice in the record book, prohibit the use of any rock-boring machine which in his opinion causes dust which seriously and materially endangers the health of workmen. Dry percussion machine drills shall not be used in mines, except in shafts and winzes.

Ventilation of dead ends:

47. In all mines where compressed air is used underground, it shall be compulsory for the manager to instal Venturi blowers or other appliances or means which, in the opinion of the district inspector, are equally efficient in all dead ends.

Work in hot places:

48. In all cases where employees are required to work in hot places underground, where 6-hour shifts are worked, they shall, after a period not exceeding three calendar months, be transferred to work in one of the coolest portions of the mine for a period not exceeding three calendar months.

Firing underground:

49. As far as is reasonably practicable, firing underground shall be restricted to the end of each shift, and no workman shall continue to work in the track of the fumes and dust created by such firing.

My reading of the amended regulations must impress hon. members with one outstanding fact and that is that the regulations will leave in the hands of the district in-