to the education of the pupils by providing amenities and educational facilities, the Government should pay a subsidy of a pound for each pound expended by them. The Beaconsfield Parents and Citizens' Association spent £90 on a projector for the school, and that is one of the best means of educating children.

The Minister for Education: When did they spend that?

Mr. FOX: Just about the time when we went out of office. I am certain that had the member for North-East Fremantle still been the Minister for Education that suggestion would have been carried out. Both he and the then Premier gave me an assurance that they would do so.

Mr. Bovell: We spent £220.

Mr. FOX: The hon. member represents a rich dairying district as he told us the other night and it is not much trouble for the people down there to get money. However, in an industrial district it is most difficult to get £90 because the people are called upon to pay other sums for various extras that are not supplied by the Education Department. I hope the Minister will look into the matter because I am sure he will recognise it as a worthy cause.

The Minister for Education: If you have bought it since last October 12 months, you will get a subsidy. A man must start somewhere.

Mr FOX: Perhaps it might be their initiative that prompted the Minister to suggest a subsidy.

The Minister for Education: I am afraid it was my own initiative this time.

Mr. FOX: If it is not too late, I will tell them to put in a claim and ask the Minister to give the matter his attention. There is nothing better to give children an opportunity of seeing what is taking place in various parts of the State than a projector. I saw some films on the timber industry at the Beaconsfield school and I had been down to see that particular place and the film was just as good as the reality. I saw the apple industry as well, and it covered the picking and packing phases. I also saw a film on dairying, and I think the Premier was in it.

Hon. A. H. Panton: Did he have his hand up?

Mr. FOX: So I trust the Treasurer will look into the matter. I will ask the secretary of the parents' association to send a claim to the Minister for the subsidy, and I hope he will give it favourable consideration.

Progress reported

House adjourned at 11.3 p.m.

Legislative Council.

Thursday, 18th November, 1948.

CONTENTS.

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

BILLS (4)—FIRST READING.

1. Companies Act Amendment.

   Introduced by Hon. H. K. Watson.

2. City of Fremantle (Free Literary Institute).

   Introduced by Hon. Sir Frank Gibson.

3. Country Towns Sewerage.

4. Electricity Act Amendment (Hon. E. H. Gray in charge).

   Received from the Assembly.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Third Reading.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [4.35]: I move—

That the Bill be now read a third time.

HON. E. H. GRAY (West) [4.36] A set of circumstances developed during the debate on this Bill which, coupled with the deadly silence of the Press—I refer to "The West Australian"—impels me to speak in support of the third reading. I hope the advice I shall give in all good faith and heart will be taken to restrain what I would call the destructive tactics of some of our new members, who are unacquainted with the traditions of this Chamber and who, I believe, made some serious mistakes during the passage of this Bill through the Chamber.

There have been nine Bills to amend the Workers' Compensation Act brought down since 1923, but only two of them were sponsored by Labour Governments. In 1923, the Mitchell Government introduced an amending Bill that was keenly debated—I was a comparatively new member at that time—but it got safely through. On that occasion, I never saw any division where the Minister was isolated and had to rely entirely on the votes of the few Labour members of this Chamber. Until this measure was debated in Committee recently, such a thing had never happened here. In 1924, a big Bill was introduced by the Collier Labour Government. It was a progressive measure which was keenly but fairly debated in this Chamber.

That Bill would never have passed but for the wonderful help of the late Dr. Saw, who was of great assistance from the medical point of view. With his assistance the Bill was piloted safely through the Chamber. In 1937, 1939 and 1941, while I was Honorary Minister, I was in charge of three further amending Bills which were passed by this House. The 1941 measure was keenly debated but got through safely. During none of the divisions on those Bills was I treated as the present Honorary Minister for Agriculture was recently. It was an astonishing sight to see important divisions being taken and the Chief Secretary and the Honorary Minister not being assisted by members of their own party, with the possible exception of Mr. Logan and Dr. Hislop. In fact, in some divisions the Ministers were left with practically only the support of the seven Labour members in this Chamber. I think it was a deplorable sight.

The PRESIDENT: I must draw the hon. member's attention to the fact that he cannot reflect on the decisions of the House. He may criticise them but he cannot reflect on them.

Hon. E. H. GRAY: Very well, Mr. President, I am sorry. I think the Minister was humiliated and there is no doubt that if it had not been for the support of the Labour members of the House, the Bill could not have reached the third reading stage. I was sorry to see the attitude adopted particularly by Mr. Watson and Mr. Hearn, who are highly respected businessmen in the community and who, in my opinion, could have been of great assistance to us when dealing with this Bill. Unfortunately, mainly through their efforts, we made one serious mistake in the Bill and that was to limit the expenditure of the board to £8,000.

There is no possibility of the Government accepting that amendment and I think it borders on being contrary to the rights of this Chamber and is unconstitutional. Another point was that after exceptionally keen debates on two different occasions, the board was agreed upon and all members seemed satisfied, but the next development saw the board to a great extent being shorn of its powers and to me this seemed a very unbusinesslike arrangement.

Hon. G. W. Miles: In rushing it through you would not give sick men pairs.

Hon. E. H. GRAY: I know nothing about that.

Hon. G. W. Miles: I do.

Hon. E. H. GRAY: I did not know anybody was sick. To have the board shorn of its powers was deplorable but unfortunately we must now put up with it. I want to impress upon every member in this Chamber that it is our duty carefully to consider what we do concerning legislation, because it affects ourselves, our families and everyone in the community. Hostile opposition to progressive measures plays right into the hands of the communist element in the community, and we should avoid that. That is the reason why I have spoken on the third

reading of the Bill. We should all be very careful what we say and that our words and decisions cannot be construed to encourage support the movement that believes in violence and bloodshed.

Another aspect in relation to the passage of this measure was the deadly silence of the Press on it, particularly "The West Australian." Members who read "The West Australian" will note that that newspaper gives a great deal more space to racing news than any other daily newspaper in Australia. On Thursdays, Fridays and Mondays, two pages are generally devoted to racing news and information. On Wednesdays there is a full page of the same type of information. If we compare this paper with the bigger journals in the Eastern States it will be found that there is far more publicity given to racing news in "The West Australian" than in any other paper in the Commonwealth. What publicity did members receive of their debates on this measure? It is legislation of the utmost importance to every family in the State.

Where "The West Australian" has given pages of racing details, it has only given inches to the debates of the State Parliament. I speak as a matter of duty and I think "The West Australian" deserves severe censure for its attitude because everyone is interested in this measure on account of its effect on thousands of people. I guarantee that more than one-half of the population of this State would not care a dump if they did not get any news of racing whatsoever. In fact, thousands of women would gladly see severe restriction of such news items because it would slow down their husbands and sons and daughters, activities in racing and betting.

It is deplorable to see a newspaper with the reputation of "The West Australian" devoting all this publicity to racing and giving none to a measure which affects the entire population of the State. I am most concerned about this. Practically the only publicity given to the debate in this instance was when an amendment to the Bill was opposed by the Minister and it went to a division. "The West Australian" published the particulars regarding the amendment and the report said that when the division was taken the Chief Secretary and the Honorary Minister voted against it together with the Labour members, mentioning no names whatever. This state of affairs has caused me great concern and I hope it will not occur again. I support the third reading of the Bill.

HON SIR CHARLES LATHAM (East) [4.47]: In all the years I have been associated with public life I have never before heard such criticism extended to members of Parliament. After all, this is a free Parliament where people are permitted to express themselves as they desire within the scope of decorum. To hear members charged by the hon. member with adopting destructive tactics is surely almost a violation of the Standing Orders. I should like to point out to Mr. Gray that the elected representatives of the people are here in this Chamber with the right to exercise their authority on behalf of those who elect them.

In my humble way I am not concerned what the communists think of what I do and I venture to suggest that there are few in this Chamber who care what the communists feel towards them. I should say that we have nothing to thank them for and I do not think we have any right to go on our bended knees and ask the communists of Australia to approve or disapprove of what we do. If there is anything damaging done to Australia it has been done by that organisation. Luckily we have very little communistic activity in Western Australia, but I do not want to give any consideration to the few that are here.

Hon. H. L. Roche: They have their fellow travellers, of course.

Hon. Sir CHARLES LATHAM: I do not think the speech by Mr. Gray will do any good. Let us examine the measure as passed. Will members say that there has not been a great deal of consideration given to liberalise the benefits to the workers of this State? All that can be complained of is the process which was used to give effect to that. I do not think there was any portion of the Bill which provided for increased benefits to workers which was not wholeheartedly supported by the members of this House. At least, I know of nothing to the contrary. It is a very generous gift by industry to raise the amount of compensation payable to a worker from £750 to £1,250 and increase the weekly payments from £4 10s. to £6 when a worker is sick.

I hope I shall not hear again members chastised in expressing themselves in a place which is deliberately provided for so doing. This is the right place to do it, not outside on a public platform. Members are responsible for their actions in the House and for the speeches they make in the House, and I venture to remind the hon. gentleman that, besides the Communist Party, industry also must receive consideration. If we force industry out of production, then the very people whom the hon. member wishes to placate will have something to cry out about, because workers will be deprived of their living.

Nobody can carry on an industry under the threat of bankruptcy, and other industries will not start here if insolvency faces them. That was the view I took when I opposed certain clauses of the Bill. If the Government introduces legislation that is not popular with members, the Government must accept the responsibility. Despite the fact that the Minister in charge of the Bill experienced some setbacks to his requests, he has not made any fuss. He fully appreciates what has been done. Would Mr. Gray suggest that, if the Bill had been introduced by a Labour Government, it would have been accorded a more favourable reception in this House? I venture to say he would not.

Hon. H. Hearn: His party would not have been game to.

Hon. Sir CHARLES LATHAM: I consider that this House has treated the Bill very liberally having in mind the additional charge that it will impose upon industry. Probably industry at present might be able to bear the increased burden, but this legislation is likely to be on the statute book for a very long time, and if prosperity in industry gradually declines, it will represent a very heavy tax on industry when we have to compete with other countries of the world. The burden on industry today is no light one. I deplore the hon. member's speech. It was not typical of him and, in view of his years of experience in the House, I am surprised that he should have made such a speech on the third reading of a Bill that will extend so much liberality to the workers of this State.

HON. C. F. BAXTER (East) [4.53]: I have occupied a seat in Parliament for a great many years, but I have had to wait until today to find one of the leading members of the House, a member who has occupied a ministerial position, indulging in such an outburst without the slightest justification. With Sir Charles Latham, I say we have been sent here by the electors and are representing the electors, and that our efforts have been directed to making the Bill a workable one that will be equally beneficial to every section of the community. Mr. Gray stated that the Bill had been passed with Labour support. Perhaps so, but if Labour members had had their way, there would not have been an "i" dotted or a "t" crossed.

Members were confronted with the duty of endeavouring to mould the Bill into a satisfactory measure, and it received more attention in this Chamber than it did in another place. Mr. Gray said that members here had sought to destroy the Bill. Nobody sought the destruction of the Bill and nobody advocated that the increased emoluments provided for workers, even though they are of an extraordinary character, representing as they do an increase from £750 to £1,250, should be reduced. The only move made to bring about a reduction was in the case of those men suffering through accident or illness and having no dependants.

True, some clauses of the Bill have been amended to a certain extent only, but in making those amendments, we considered the interests of the worker as well as of industry and the future of the State. Mr. Gray stated that the board had been shorn of its powers. What a ridiculous statement! When the Bill was presented to us, it provided for the appointment of a permanent full-time board. The effect of the amendment made here is to empower the Government, if there is not sufficient work at any time—and there may not be after a couple of years—to make it a part-time board, but it will still be a permanent board. There has been no interference in that direction. That is one way in which we have endeavoured to improve the machinery provisions of the Bill. The hon. member spoke about our displeasing the communists.

Hon. E. H. Gray: I did not say you were displeasing the communists.

Hon. C. F. BAXTER: The hon. member certainly conveyed that impression.

Hon. E. H. Gray: I said you were encouraging them.

Hon. C. F. BAXTER: If anyone is encouraging the communists, I should say it is the bodies with which Mr. Gray is associated. Not the slightest attempt has been made by the unions to get the communists out of their ranks and they are being controlled by communists. Anyhow, I am here to do my duty without fear or favour to anyone. So long as I have occupied a seat in the House, I have endeavoured to live up to my responsibilities as well as my ability enabled me to do so. I have tried to hold the scales evenly and do justice to all, irrespective of person or party. I object very strongly to any member vilifying and threatening members of this Chamber when they have merely done their duty to their constituents and to the country generally.

HON. A. L. LOTON (South-East) [4.56]: I also wish to voice my protest against the action of Mr. Gray in using the privilege of speaking on the third reading to launch an attack on individual members of this Chamber for the manner in which they have voted on the Bill.

Hon. G. Fraser: He was entitled to do it.

Hon. A. L. LOTON: And members were equally entitled to act as they have done. Mr. Gray has cast a reflection upon members of this House by stating that they had voted to destroy a Government measure. If the hon. member will look at the division lists, he will find that members who are not on the Labour side have not followed blindly the lead given by the Minister. We have been elected to exercise our privilege as members and vote as we think right on any measure, and I am surprised that Mr. Gray should have made such a spiteful attack on members who may be politically opposed to his party. I am the more surprised when I recall his long experience as Honorary Minister and the fact that in the past he has invariably shown himself to be very friendly.

HON. H. K. WATSON (Metropolitan) [4.58]: I had no intention of debating the third reading of the Bill, but as Mr. Gray has seen fit to mention me personally, I feel that the party political propaganda in which he has indulged should be put in its proper perspective. During the passage of the Bill through Committee, I moved several amendments that were not accepted by the House, but not for one moment would I have thought, either at this stage or at any other, of criticising the members who had voted against me. The decision was the decision of the Chamber, and that is all there was to it.

Despite Mr. Gray's long experience in Parliament and my comparatively short experience, it would seem that I have a better appreciation of the niceties and requirements of parliamentary practice than he has. He mentioned that individual members had opposed the Bill. I challenge him to name one member who opposed an increase in the monetary grant from £750 to £1,250 or the increase in the weekly allowance. Not one voice was raised against any of the additional benefits proposed to be conferred on the workers. All that members did object to and all that they amended in some respects were the provisions dealing with the operation of the board—really the machinery provisions.

I consider that the remarks made by Mr. Gray cast a very serious reflection almost on the integrity of members of this House. He presumes to instruct us to be careful how we speak and vote. I should say that every member of this Chamber, before he addresses himself to any Bill and before he votes, does give the matter every consideration, and votes according to his conscience, having regard to all the circumstances. None of us is here to represent any particular section of the community. We are in this House as elected representatives of the people to do our duty. Speaking for myself, I say that I represent all the electors in my province, regardless of whether they live in a £1,600 house or a £16,000 house.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Read a third time and *passed*.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

In Committee.

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

Clauses 1 to 3—agreed to.

Clauses 4 and 5:

On motions by the Chief Secretary, clauses postponed.

Clauses 6 to 9—agreed to.

Clause 10—Amendment of headnote to Part II:

Hon. C. H. SIMPSON: The amendment I intend to move will mean that the advisory board will not be constituted as proposed. I referred to this matter in my second reading speech, but for the benefit of those members who were not present I shall enumerate certain points that I made then. I gave seven reasons why the advisory board should not be constituted as proposed, as follows:—

1. It is unnecessary.

2. Its powers, emoluments and functions are not defined.

3. Its constitution is unsatisfactory.

4. It could be a potential source of disagreement between the Minister and the Commissioners.

5. It could build up a staff entailing expense and office accommodation.

6. In most cases it would duplicate the work which is now being adequately performed by railway personnel.

7. It would occupy the time of key personnel by requiring the attendance of one of the commissioners at each of its meetings.

This clause is designed to bring about one of the five changes which the Bill seeks to make, namely, the establishment of an advisory board. The members of the board are to be appointed for five years, subject to reappointment. The retiring age is to be 65 years and that would almost automatically prevent the appointment of a man whose age had exceeded 60 years, because obviously he would have to retire before completing his full term. As a result, good men with first class experience might be debarred from being appointed. The actual duties of the board are not mentioned in this clause, but are dealt with in Clause 13. The Royal Commission recommended the establishment of a board similar to this, but suggested it should deal only with matters of policy, and was very careful to itemise the matters it should handle. This provision goes to the other extreme. The board is not to deal with questions of policy, which shall be the function of the Minister, but with matters concerning the direction, management, maintenance or control of the railways.

The Royal Commissioners were experienced men and had more than the layman's knowledge of railway management. Obviously they were of the opinion that it was dangerous to appoint a board of laymen who might have a good deal to say in connection with the work done by experts. The board of its own motion is to be empowered to do certain things. I take it the intention is that it shall meet occasionally to deal with matters it considers concern the administration of the railways. When necessary, a commissioner will be in attendance at its meetings. The members of the board might also consider it necessary in order to gather certain information on the spot, to travel to any part of the system. They could inquire into the question of coal and a number of other matters, and would submit reports.

Hon. G. Bennetts: We already have traffic superintendents and inspectors doing that.

Hon. C. H. SIMPSON: That is so, but there is nothing to prevent this board from doing these things if it so desires. I do not think that is the intention. The point I am making is that because the board members might consider it desirable to go to certain centres and deal with many matters of administration, it would become pretty well a full-time board. Whether the Minister desires that or not, I do not know, but as far as I can see, under the provisions of the clause he can do nothing about it.

The Minister could not foresee the reactions of this Chamber. It seems to me that he might have said to himself "They may change that clause giving ministerial control over the Commissioner. They did it last year, but if they do that, I will still have a second shot in my locker. If I have the advisory board, then I have the right to send that board when and wherever I might require it to go, and it can make the necessary inquiries that I want." The Minister has got one barrel in and I consider the second barrel is unnecessary. He can, as Minister send a personal officer or a committee of experts on any particular subject, to any point that he so desires and they can report to him on the matter.

The CHAIRMAN: The hon. member would greatly help the progress of legislation if he restricted his remarks in the Committee stage and refrained from making another second reading speech.

Hon. C. H. SIMPSON: I have very little more to say but this is a very big clause and requires a certain amount of explanation. I am afraid that in time this proposed board might become hostile to the Minister or he might become hostile to the board and the Minister could not do away with it. This board may have a possible reaction on the rank and file of the railways and may become nothing more than a little Gestapo. The railway men of this State have been a most loyal body of men and their industrial record has been second to none in Australia. They have, on more than one occasion, taken steps to eliminate the influence of communism within their ranks.

The two principal men in the railways are the Minister and the Commissioner and the object should be to draw these two men as closely together as possible but a board of this kind, which is calculated to come between the Minister and the Commissioner, has nothing to recommend it. If the amendment is agreed to, the Minister can, if he wishes, reconsider the position in 12 months time and do something about it, but when he has time to consider the amendment, I am sure he will say "Thank God for the Legislative Council." I move an amendment—

That proposed new Section 7 be struck out.

Hon. H. A. C. DAFFEN: I oppose the setting up of this advisory board because I think it will enable the Minister to escape responsibility and it will control the railways through its advice to the Minister. This would defeat the set-up of the management and result in confusion and it would be detrimental to the railway system. The Minister can get all the advice he requires without having a committee permanently set up for the purpose. There would be no objection to the various sections, which are stated will compose the advisory board, setting up their own unofficial committee and they could still approach the Minister with complaints. The board will have too much influence on the railways if there is to be ministerial control.

Hon. G. BENNETTS: I agree with the amendment because I can see the danger of this board. There are traffic inspectors already in the railway department and these men are practical and have a good knowledge of the railways and the requirements of the general public. They travel through the districts and are constantly holding inquiries into different matters connected with complaints and so on. If we have an advisory board of three men travelling around we will probably find that it will cause trouble among the railway employees because the men will consider the board as a type of Gestapo.

It will also be expensive because of travelling allowances and so on whereas we would be duplicating the work of the inspectors. Any complaints made to the board would take some time to reach the responsible authority because it would be necessary to wait until there was a meeting of the board at which the matter could be discussed with a representative of the commissioners. As it is now, the inspectors can make reports on complaints in a shorter time and do it more efficiently. With ministerial control it should be sufficient to overcome any of these difficulties.

Hon. E. M. DAVIES: Quite a lot has been said by members about the duties of the board. The Bill provides that the board shall advise the Minister on any question that may be of importance. The fact that it is to be composed of three members from different sections of the community should be of considerable benefit. It is not proposed that the board will interfere with the rules and regulations regarding the running of the railways as they are already laid down. By having an advisory board it will mean that the three sections of the community affected by the railways will have representatives who will be able to place their complaints before the commissioners' representative. It does not mean that the Minister must take the responsibility of carrying out all the recommendations of the board but it is the desire of the Minister that he should be made acquainted with many of the factors and disabilities in the running of the railways.

Hon. G. FRASER: I intend to oppose the formation of an advisory board because it will be a body created without any power,

which seems to me to be quite useless. Mr. Davies suggested that the board could report to the Minister but I can see no better person to report to the Minister on behalf of the primary producers than the Farmers' Union and the members representing those districts. The workers also have their unions to advise the Minister on workers' troubles. I am inclined to liken the board to a Select Committee which meets and collects evidence, submits a report and 99 times out of 100 nobody takes any notice of it.

Hon. Sir Charles Latham: Don't say that.

Hon. G. FRASER: The only difference is that the advisory board will cost something to run whereas a Select Committee costs very little. Instead of achieving anything the board will have no more than a nuisance value.

Hon. H. HEARN: I support the amendment. Instead of having one commissioner, we are to have three, as well as the proposed advisory board, plus the Minister. In the administration of a huge business, such as the railways, it is not advisable to appoint a board that can give advice without having to accept any responsibility. The main thing the Government has to do is to see that the right men are appointed as commissioners. If that is done, then they, with the advantage of Government assistance and sympathy, will be able to remedy some of the tragedies of the past, which, surely, will not be repeated. The prospect of an advisory board holding a watching brief to report on what goes on, does not appeal to me as sound business practice.

The CHIEF SECRETARY: I am somewhat surprised at the remarks made concerning this proposal. Apparently, members have lost sight of the fact that the Minister, who will have overriding powers, is not selected for his position as a member of Cabinet because he possesses any knowledge of railway administration. Very few Ministers for Railways have known anything about the running of the system, and so they are merely political heads. We therefore appoint experts in railway management to run the business. Each member of this Chamber has from time to time, had occasion to complain about railway matters, and all he can do is to record his complaint in "Hansard," or else he can go to the Minister who subsequently approaches the Commissioner of Railways—who does nothing. There the matter ends. To overcome that difficulty, we propose to appoint liasion officers. Mr. Hearn asserted that the advisory board would be an irresponsible body. That was a most remarkable statement. He suggests that his organisation, which will appoint one of the members of the advisory board, would select an irresponsible person.

Hon. H. Hearn: Not our organisation!

The CHIEF SECRETARY: Yes, one of the organisations with which the hon. member is connected will have that task. So Mr. Hearn suggests that that big, responsible organisation in our commercial world will select an irresponsible person! The farmers are those most concerned with the railways and will they, through their organisation, select an irresponsible member for appointment to the board? I was surprised to hear Mr. Fraser and Mr. Bennetts object to the board. Here is an opportunity to give the workers who are connected with the Railway Department some small say in the rectification or errors that may be apparent to them, and yet we find members objecting to such a course. They object to organised Labour having a representative on the advisory board!

Hon. G. Fraser: Who would have as much say regarding management as I have.

The CHIEF SECRETARY: In its liaison capacity, the board will point out to the Minister forcefully the various troubles that arise, with a view to their rectification and to quickly altering unsatisfactory conditions. There are always two sides to every question; and very often the individual who does the most complaining has the least to tell about. The Minister has no time to investigate questions when they arise, and hence we will have a liaison committee that will be able to take note of various problems and investigate them on the spot. The board will be no branch of the railway detective service. It will not look for trouble nor seek to create trouble; its obvious purpose will be to avoid trouble and to make for the smooth running of the system. If the traffic inspectors are quite sufficient, as has been suggested, why are trains running late? Why are carriages and stock-trucks dirty?

Hon. H. Hearn: That is the Commissioner's job.

The CHIEF SECRETARY: Of course. But if the Commissioner does not do the job, what would the hon. member do?

Hon. H. Hearn: Sack him, and put another man there.

The CHIEF SECRETARY: How would the hon. member find out whether or not the Commissioner was doing his job? On the other hand, the board under the new set-up, will be able to advise the Minister if it can see that the commissioners are not doing their job. As it is now, no-one ever inquires why trains run late. The board will help there. Then again, if there are complaints to be made, they can be brought under the notice of the advisory board, which will have direct access to the commissioners, seeing that one commissioner must attend its meetings, and also to the Minister. The commercial world has complained continually about faults associated with the railway system. Here we provide an opportunity to have those complaints dealt with, and the representatives of the commercial world immediately say, "We don't want it." I think the board will be a godsend to the farmers, whose representations, through the advisory board, will be directed to shaking the Minister up and getting matters rectified. I can see no valid objection to the creation of a board, which will be merely advisory and cannot possibly interfere with the actual management of the railways.

Hon. E. H. GRAY: Two railwaymen have expressed varying ideas regarding the amendment. Mr. Simpson submitted a very good argument. We must take the position as it is and admit that the railways are in a shocking condition, for which I do not intend to blame anyone. The proposal t establish an advisory board is worthy of a trial. We should endeavour to revitalise both the staff and the management. The principal reason for the existing state of affairs is the shortage of money, plus the results of the tremendous strain imposed upon the system during the war period. As it is, everyone has the pip with the railway service, and no wonder. The success of the board will depend upon the Minister, the personnel of the board itself and the commissioners. It should be a useful adjunct to railway management and of great assistance to both commissioners and Ministers. I oppose the amendment.

Hon. J. G. HISLOP: I had no intention of speaking and had been inclined to vote against the amendment, until I heard the extraordinary statements made by the Chief Secretary, as a result of which I am rather disturbed. He informed the Committee that a Minister, in charge of this big system, never has any previous knowledge of the running of the railways, in consequence of which expert officers are appointed to deal with that phase. Now it is suggested that we shall set up an outside body to advise the Minister whether or not the experts are doing their job.

The Chief Secretary. I am afraid you are distorting my remarks, but I cannot blame you.

Hon. J. G. HISLOP: Seeing that the Minister for Health is seldom appointed because of his possession of a knowledge of medicine, is it the intention of the Government to appoint an advisory committee to assist that Minister?

The Chief Secretary: Is health a trading concern?

Hon. J. G. HISLOP: It is a very important matter to the public. If the Minister has no prime knowledge of the subject, must he have an advisory committee to see whether everything is satisfactory and those associated with the administration are carrying out their tasks? That is a procedure that does not appeal to me.

Hon. C. F. BAXTER: We are asked to appoint commissioners to run the railways and now it is proposed to set up an advisory board to pimp on them and to report to the Minister.

The Chief Secretary. It is not a pimping committee at all.

Hon. C. F. BAXTER: Mr. Gray talked about communists this afternoon. I cannot describe the proposed advisory board as anything but a Gestapo body. This is how it worked in Germany. The board will be required to pimp on the commissioners! That is how it appears to me. The tendency in this direction is being forced upon us quickly enough without our rushing into it. The wisdom of the Committee should be sufficient to reject the amendment.

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

Ayes	14
Noes	6
Majority for	8

AYES.

Hon. C. F. Baxter	Hon. W. R. Hall
Hon. G. Bennetts	Hon. H. Hearn
Hon. R. J. Boylen	Hon. J. G. Hislop
Hon. J. M. Cunningham	Hon. Sir Chas. Latham
Hon. H. A. C. Daffen	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. K. Watson
Hon. Sir Frank Gibson	Hon. C. H. Simpson (*Teller.*)

NOES.

Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. L. A. Logan	Hon. G. B. Wood
Hon. A. L. Loton	Hon. F. R. Welsh (*Teller.*)

PAIR.

AYES.	NOES.
Hon. W. J. Mann	Hon. E. H. Gray
Hon. R. M. Forrest	Hon. E. M. Heenan
Hon. L. Craig	Hon. H. L. Roche

Amendment thus passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That in line 3 of Subsection (2) of proposed new Section 8 after the word "Minister" the words "except as provided in Section 68 of this Act" be inserted.

The CHIEF SECRETARY: I have no objection to the amendment.

Amendment put and passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That in lines 3 and 4 of subparagraph (i) of paragraph (a) of Subsection (8) of proposed new Section 8 the words "Board and the" be struck out.

The amendment is really consequential.

Amendment put and passed.

Hon. C. H. SIMPSON: On behalf of Mr. Mann, I move an amendment—

That in line 1 of subparagraph (vi) of paragraph (a) of Subsection (8) of proposed new Section 8 after the word "or" the word "of" be inserted.

Mr. Mann is of the opinion that the amendment makes a slight shade of difference in the meaning of the provision.

The CHIEF SECRETARY: The only effect of the amendment will be to involve a little more printing. The word "of" is implied.

Amendment put and passed.

Hon. C. H. SIMPSON: On behalf of Mr. Mann, I move an amendment—

That a new subparagraph be inserted as follows:—"(vii) engages during the term of his office in any employment outside the duties of his office."

The object is to secure the full services of the commissioner.

The CHIEF SECRETARY: The amendment is unnecessary, as a succeeding clause provides that the commissioner and assistant commissioners shall devote the whole of their time and attention to their duties.

Amendment put and negatived.

Hon. C. H. SIMPSON: I move an amendment—

That a new subsection be inserted as follows:—"(17) The Commission may allot permanently, or delegate temporarily to the Commissioner, or to either of the two Assistant Commissioners, such powers and duties as the Commission may deem fit, and which are conferred on the Commission by the provisions of this Act."

The object of the amendment is to segregate, to a certain extent, the duties of the commissioners. The idea is that the commissioners should, within the limits of their own particular lines, enjoy a certain amount of independence. If carried, the amendment would simplify the making of decisions which have to be made promptly and could be made just as well independently.

The CHIEF SECRETARY: I cannot accept the amendment, as it would be an entire negation of the commission. If agreed to, the commissioners could act individually and separately. The intention is that they shall act in concert. We do not want one of the commissioners to be appointed as traffic manager and another in charge of dining-cars, and so on. The intention is that they are to act collectively.

Hon. C. H. SIMPSON: That is not the intention of the amendment. The Minister would be the responsible head and could allot certain duties while preserving the structure of the commission. One of the commissioners is to be an engineer, another a traffic man, and so on. Obviously the engineer would devote considerable time to the Midland Junction Workshops, for instance, but the commissioners would not act individually as managers of various departments. If the amendment were agreed to,

each one of the commissioners could be appointed by the commission as a departmental manager.

Hon. Sir CHARLES LATHAM: I oppose the amendment because it would divide the railways into three watertight compartments.

Amendment put and negatived.

Hon. C. H. SIMPSON: I move an amendment—

That in line 2 of proposed new Section 9 the words "of the board or" be struck out.

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

Clause 11—Amendment of Section 14:

Hon. C. H. SIMPSON: I move an amendment—

That in line 3 of paragraph (a) the words "the board or" be struck out.

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

Clause 12—Repeal and re-enactment of Section 15:

Hon. C. H. SIMPSON: I move an amendment—

That in line 2 of proposed new Section 15 the words "the board or" be struck out.

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

Clause 13—Amendment of head note to Part (111):

Hon. H. L. ROCHE: I must ask for your direction, Mr. Chairman. I think the amendment standing in Mr. Simpson's name is consequential, because it has reference to paragraphs (a) and (b) of Subsection (1) of proposed new Section 15B. If that amendment is agreed to as it appears on the notice paper, I will not be able to move my amendment.

The CHAIRMAN: Perhaps the hon. member's amendment could be moved on recommittal.

Hon. C. H. SIMPSON: I have discussed his matter with Mr. Roche, and mine is a consequential amendment.

The CHAIRMAN: What is the object of the amendment?

Hon. C. H. SIMPSON: The amendment I have in mind is to strike out paragraph (a) of Subsection (1) of proposed new Section 15B, and is consequential on the elimination of the board.

Hon. H. K. Watson: Is it the intention to insert other words?

Hon. C. H. SIMPSON: No.

The Chief Secretary: I think the whole of it will have to come out. Perhaps this part should be completely re-drafted.

Sitting suspended from 6.15 to 7.30 p.m.

The CHAIRMAN: At the tea suspension, the amendment before the Committee was to strike out paragraph (a) of Subsection (1) of proposed new Section 15B. I will ask Mr. Simpson not to proceed with his proposed amendment at this stage.

Hon. C. H. SIMPSON: I move an amendment—

That paragraph (b) be struck out.

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

Clauses 14 to 18—agreed to.

Clause 19—New Sections 53A to 53E:

Hon. C. H. SIMPSON: I move an amendment—

That in line 4 of Subsection (1) of proposed new Section 53E after the word "statements" the words in parenthesis "(including statistical records)" be inserted.

My reason for this amendment is that the accounts of the railways are to be brought under the control of the Auditor General, who will deal with the financial returns and statements. The question of statistics may not be considered as coming within the ambit of the Auditor General, but the statistical records have a certain amount of value that would be increased if we had the certificate of the Auditor General stating that the figures therein were correct.

The CHIEF SECRETARY: Every year the report of the Commissioner of Railways is placed on the Table of the House, and I think would include all this statistical data. Is the amendment necessary?

Hon. C. H. SIMPSON: The returns in many instances apply to running costs which are rather important figures, and it is essential that they be checked by an independent authority.

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

Clauses 20 to 22—agreed to.

Clause 23—Amendment of Section 68:

Hon. Sir CHARLES LATHAM: I move an amendment—

That paragraph (a) be struck out and the following new paragraph inserted in lieu:—

"(a) Substituting for all words in lines 1 to 6, the words 'The Commission may appoint, suspend, dismiss, fine or reduce to a lower class or grade any officer or servant of the department, and in the exercise of any of those powers, shall not be subject to the Minister, except in the cases of such offices and services as shall be prescribed; and'."

The reason for this amendment is that in the Act permission was given to the Commissioner to deal with officers or staff under his control but that authority was limited to officers in receipt of a salary of £400 or over. Since the passing of the Act in 1904, the value of the currency has changed so considerably that there are few officers that he could deal with. With this new paragraph inserted, it will mean that those senior officers will be under the power of the Minister and such power will be given to him by regulation. It will thus take away from the Commissioner the power to deal with officers over a prescribed salary.

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

Clauses 24 to 31—agreed to.

Clause 32—New Sections 85 to 91;

Hon. H. L. ROCHE: I move an amendment—

That a new section, to stand as Section 92, be added as follows:—

Notwithstanding any provisions of this Act to the contrary, any matter (whether a matter of policy or not), relating to the construction, purchase, acquisition or maintenance of any motor omnibus, or to the use of same for the purpose of conveying passengers shall not be determined by the Minister unless and until he has first obtained with regard to such matter the authority and approval of both Houses of Parliament.

I believe this amendment will be in the best interests of the people of the State and that Government instrumentalities should pass their operations to those services that can reasonably provide them to the people by other means. As a general rule social and development services come within the scope of governmental activity. Practically all the road bus services being operated by the Railway Department could be run far more economically and satisfactorily by private enterprise. Some restriction should be placed upon Governments wishing to embark on these services. My amendment would not debar the Government from conducting such services provided the approval of Parliament were obtained, and would not prevent the continuance of existing services.

The Kojonup service, which was later extended to Cranbrook, has shown a steady deterioration. When it was started in 1941-42 with an old gas producer-driven bus, it showed a net return, excluding overhead and indirect charges, of £1,833 or 61 per cent. on gross earnings of £3,001. In 1947-48, although the gross return was £10,537 the net return was only £955 or 9 per cent and the actual deficiency was £395. Had the State not been running that service, the 6 per cent. license fee charged to commercial omnibuses would have shown a return of £600. Allowing for this and a deficiency of £395, the State would have been better off to the extent of nearly £1,000. Yet this service is cited as justification for instituting other services.

The Auditor General, in his report, gives the net deficit on all bus services as £6,559 on earnings amounting to £36,915. One service, which has been operating for close on two years, showed a loss of £2,677 and it is still being operated. Another showed a loss of £2,121 in the first year of operation. So I say I believe that private enterprise could give a better service and money could be saved by the State.

The CHIEF SECRETARY: I seriously doubt whether the amendment is relevant to the Bill. The scope of the Bill is the appointment of three commissioners instead of one and a change in the keeping of railway accounts, as well as one or two minor matters but has nothing to do with the question of bus routes.

The CHAIRMAN: Standing Order 191 provides that any amendment may be made to any part of the Bill provided it is relevant to the subject matter of the Bill and otherwise is in conformity with the Standing Orders.

Hon. H. L. ROCHE: The amendment would come in under Clause 13 which deals

with the direction, management, maintenance and control of the railways, and, I submit, is relevant to that clause.

The CHAIRMAN: I am inclined to think that the Chief Secretary's contention is sound. There is no mention of motor bus services or the purchase or acquisition of motor buses anywhere in the Bill.

Hon. H. L. ROCHE: Clause 3 seeks to amend the principal Act and last year the Act was amended to enable the Commissioner to operate road buses. I submit that we are automatically amending that provision, which deals with motor buses.

The CHAIRMAN: I think the hon. member is rather stretching the point. I rule that the amendment is outside the scope of the Bill.

Amendment ruled out.

Clause put and passed.

Postponed Clause 4—Amendment of Section 1:

Hon. C. H. SIMPSON: I move an amendment—

That in line 8 of paragraph (a) the words "Advisory Board, s.7" be struck out.

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

Postponed Clause 5—Amendment of Section 2:

Hon. C. H. SIMPSON: I move an amendment—

That paragraph (a) be struck out.

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

Title—agreed to.

Bill reported with amendments.

BILL—FAIRBRIDGE FARM SCHOOL.

Second Reading.

Debate resumed from the previous day.

HON. SIR CHARLES LATHAM (East) [8.2]: I asked for the adjournment of this debate last night because I could not quite understand the ultimate effect of the legislation. Even now it seems to be complicated. Evidently the whole of the assets of the Western Australian Fairbridge Society are to be handed over to what is termed by the Attorney General the parent body. That definition is certainly wrong.

This society was established first in Western Australia by the late Kingsley Fairbridge. It had its origin here, and afterwards Kingsley Fairbridge made an appeal for money in the Old Country and an assistant body was brought into existence for the purpose of providing finance. The society secured a considerable amount of property near Pinjarra on which there is quite a number of buildings, and also on it is located the spot where the remains of the late Kingsley Fairbridge lie—and a very sacred spot it is, too, so far as the English children who have become domiciled in this State are concerned.

The Bill proposes first to transfer all the personal property, both present and future, of the Western Australian society to what is known as the Fairbridge Society, which is the English body. The two societies propose to hold in trust, as joint tenants, all the property they are possessed of at Pinjarra and, at the end of five years, or until the number of members of the Western Australian society is less than 11—whichever shall take place the latest—the whole of the assets, including the land at Pinjarra, shall be transferred to the English society. The Attorney General says this was done at the instigation of the Home Office. I do not know whether he means the Dominions Office.

The Chief Secretary: No, the Home Office. It is an Office of State.

Hon. Sir CHARLES LATHAM: Is it the home office of the Fairbridge Society?

The Chief Secretary: No, a Department of State of the British Government.

Hon. Sir CHARLES LATHAM: The Dominions Office controls Australia.

The Chief Secretary: This is the Home Office, which controls the homes from which the children come.

Hon. Sir CHARLES LATHAM: I understand. I have never heard of it. I have heard of the Dominions Office and the Under Secretary of State for Colonies. There is no interpretation of "Home Office" in the Bill, so I had to put my own interpretation on it. At the present time, there is a Western Australian committee which consists of two members nominated by the Treasury, two nominated by the Rhodes Fellowship, three by the Western Australian society and four by the Lon-

don society. They total 11. I do not know whether the 11 referred to in the Bill means this body which has been set up in Western Australia. If that is so, all the Fairbridge Society has to do is to withdraw its four members and the number drops below 11, and then immediately the whole of the assets would be transferred to the Fairbridge Society, which means the Fairbridge Farm Schools (Incorporated) of Great Britain.

This is a most extraordinary piece of legislation. It looks to me as if at any time the English section could close down the school and sell the whole of the land. I believe from letters that have appeared in the Press that this is a very unpopular move. I do not think the State of Western Australia is being treated fairly by these people. It is true they have, until recently, carried out their obligation of sending children here and providing money, but we must not forget that the Commonwealth and the State Government made substantial contributions to the upkeep of these children. The great advantage is that they have a home to go to if they get out of employment after reaching the time when they leave school. But for a while, because of some disagreement between, I understand, the Western Australian section and the Home section, no children have come here, although some were sent to New South Wales a little while ago.

I remember when I was in England in 1928, the then Prince of Wales—now the Duke of Windsor—had a long conversation with me about the establishing of homes outside Western Australia. It was he who pointed out to me that Western Australia had led the way in connection with the work originally initiated by the late Kingsley Fairbridge. He said it was proposed to set up farm schools in other States of Australia and in the Provinces of Canada. He asked me a few questions, and I suggested the main thing they wanted to get was land where there was a good rainfall and a good climate so that the farms would at least be partially productive, and so be able to contribute a substantial amount towards the upkeep of the homes. I do not offer any objection to the Bill, but the Government ought to be extremely careful in passing this legislation which deals with the giving away of a valuable asset of the State, which has a history behind it, to a body of people in Great Britain that know nothing at all about Western Australia o Western Australia conditions.

It is true, a small delegation came her a little while ago, and the outcome of it visit is this committee or board of manage ment that was appointed under the condi tions I previously mentioned. If they ar the only ones that have any interest in th scheme, then at any time we might expec a transfer of the land from the Wester Australian section to the English sectio because all they have to do it to withdra their four members and the number wi fall below 11. For whatever it is wortl I give this piece of legislation my blessing but I do not think it is in the interests o the State.

THE CHIEF SECRETARY (Hon. H. S W. Parker — Metropolitan-Suburban — i reply) [8.10]: I wish to correct a few wron impressions that Sir Charles Latham has Where the Bill talks about the society fall ing below 11, it means the Western Aus tralian Society and not the present com mittee.

Hon. Sir Charles Latham: Who are th members of the society?

The CHIEF SECRETARY: Those peopl who subscribe to it, and they elect four rep resentatives.

Hon. Sir Charles Latham: I have neve heard of the society.

The CHIEF SECRETARY: I am sorry

Hon. Sir Charles Latham: Have you hear of it?

The CHIEF SECRETARY: Yes, I mad inquiries.

Hon. Sir Charles Latham: How ofte does it meet?

The CHIEF SECRETARY: I do no know. We would not have a definition o the Western Australian society in the Bi if there were no such body. There is suc a body, and it does meet and elects it rep resentatives to this board. The solicitor for the society negotiated with the solicitor for the Fairbridge Society and, as a resul this agreement was entered into and the Bi drawn.

Hon. Sir Charles Latham: It is a funn thing that the 11 I mentioned should corre pond with their number.

The CHIEF SECRETARY: It is strange, but the number 11 often appears. The clause in the Bill provides—

The Fairbridge Farm School properties are hereby vested in the Fairbridge Society and the Western Australian Society as joint tenants upon trust for the purposes of the Fairbridge Society until such time as the membership of the Western Australian Society falls below eleven.

As soon as the Western Australian society ceases to exist, then the assets go to the other society, called the Fairbridge Society.

Hon. Sir Charles Latham: It is limited to five years, as well.

The CHIEF SECRETARY: I do not know where the hon. member gets that from.

Hon. Sir Charles Latham: You will see if you read on.

The CHIEF SECRETARY: The clause continues—

Or until the thirty-first day of December, one thousand nine hundred and fifty-three, whichever event shall last happen, or until the earlier merger of the Western Australian Society with the Fairbridge Society, and thereafter the Fairbridge Farm School properties shall by force of this Act become vested absolutely in the Fairbridge Society.

Hon. Sir Charles Latham: It is limited to five years.

The CHIEF SECRETARY: The joint tenancy is limited, yes, and then it goes to the other society. It has all been arranged by the two societies, and I do not know what else can happen.

Hon. G. Fraser: It is a sort of Ned Kelly agreement.

The CHIEF SECRETARY: It might be. Nothing else can happen. I saw the solicitors for the Western Australian society, and they said there was no alternative to this; hence they agreed to it.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STIPENDIARY MAGISTRATES ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had declined to make the amendment requested by the Council now considered.

In Committee.

Resumed from the 10th Novembrr. Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Amendment of Section 3:

The CHAIRMAN: The Council's requested amendment was—

Add at the end of the clause the following words:—"That the increase of the annual salary payable as aforesaid shall operate as from fifteenth day of October, 1947."

The CHIEF SECRETARY: I move—

That the requested amendment be not pressed.

Question put and passed; the clause agreed to.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE.

Second Reading.

Debate resumed from the 9th November.

HON. E. M. HEENAN (North-East) [8.20]: This is a fairly lengthy Bill which, as the Chief Secretary pointed out, codifies the law regarding divorce and has a number of commendable provisions. The first feature which I would like to commend is the clause which sets out a number of definitions that previously have been the subject of legal decisions but which are now set forth in a clear concise fashion. They should now be understandable to the public.

The measure goes on to make a number of improved alterations to the existing law. The first one is that proceedings for divorce will be commenced in the form of a writ which is the common procedure in civil actions. At present the procedure is in the form of a petition citation and it is a rather complicated formula. I commend the Chief Secretary, or those responsible for the Bill, for substituting the form of writ which I think will be a simplification of the existing procedure and will improve it considerably. As the Chief Secretary pointed out, there is an alteration to the existing law which provides that damages can be obtained against an adulteress under certain circumstances. As the law now stands, costs or

damages are not awarded against an erring wife or against a woman who is cited in connection with the proceedings. Sometimes it can be readily comprehended that a woman plays a very malignant part in these proceedings and I think the provision in the Bill will grant some redress against that erring type of female.

There are a number of other improvements to the existing law but I do not intend to cover them in detail. One wise provision which is proposed is that relating to proceedings which might be taken on the ground of desertion. Desertion must start at a certain time and carry on for a period of three years. The courts frequently have difficulty in determining when that period commences. A petitioner, that is a person asking for a divorce, might think that the period started, say, in June, 1945, but when all the evidence is sifted it might so turn out that the actual desertion did not start until two or three months later. Under the existing law, if that three-year period is not completed when proceedings are taken, the whole petition is dismissed. These petitions cost quite a large sum of money to bring forward and the situation is improved in the Bill by a proviso which stipulates that where the ground of the decree has not accrued at the time of the proceedings they can be adjourned or set aside until such time as the full period has elapsed. That is a provision which appeals to commonsense and which should be readily accepted.

The laws regarding domicile are greatly simplified and improved. The existing law is rather difficult and uncertain but the Bill takes a big step forward in the simplification of that aspect. I do not intend to weary the House with a number of other minor amendments which I consider are all calculated to improve the present set-up, but the Bill is essentially one for the Committee stage. I propose to move an amendment dealing with grounds for adultery. There is a provision in the Bill which states that adultery is not a ground for divorce within three years, except in very exceptional circumstances. My amendment is to strike out the proviso regarding exceptional circumstances because to my mind it seems that where adultery is committed within the first three years I cannot see any reason why it should be regarded in a different light if it is committed after the three years.

I have placed a few amendments on th notice paper and I have framed them afte consultation with a number of my lega friends. They are of a minor nature an the Chief Secretary has indicated to m that he is in accord with most of them. am sorry to remark that the Governmen has lost an excellent opportunity, with th introduction of the Bill, of handling a situa tion which has arisen over the past yea in regard to inquiry agents. We read in th papers from time to time where people ad vertise and offer all sorts of attractive in ducements to the public, or to that unfor tunate section of the public which is worrie with domestic affairs, to consult thes agents and they will alleviate the worrie They state that they will give these peopl scientific advice and, in short, solve all thei problems. As the law stands, they do no require any qualification to set up a busi ness.

I have known of members of the polic force who have been discharged for som cause or other—we can assume that would not be to their credit—and they hav then set themselves up as inquiry agent There are others, perhaps men of goo character, who set themselves up and stat their own terms. No license has to be ob tained; no moral standards have to be com plied with, no guarantees have to be pro vided. They just set themselves up willy nilly. They are not subject to any rule or regulations and we may regard them a necessary adjuncts to the laws which w ourselves have framed. Parliament shoul certainly do something about controllin these people, setting up standards wit which they should comply, providing som system of licensing for them and regulat ing the fees they should be entitled t charge.

Hon. C. H. Simpson: Put them under th Prices Commission.

Hon. E. M. HEENAN: Should anyon commence business as a land and estate agen or an auctioneer, he has to enter into certai bonds or provide sureties, as well as bein required to satisfy some tribunal that he i a person of repute. On the other hand these divorce agents conform to no suc standards and requirements. I have hear of some instances regarding the treatmen meted out by these individuals in thei dealings with sorely-tried men and women

their conduct and charges have been most unconscionable. I was hopeful that this would have been an opportunity to handle the situation.

As that has not been done, I can only hope that later on the Attorney General will take this matter into consideration and introduce legislation to cope with a situation that I and many others regard as an existing evil that provides opportunities for malpractices. I do not desire to traverse old ground, but I must express regret that whoever was responsible for the compilation of this Bill did not include clauses in it that would have the effect of controlling, or restricting, the license we now allow respecting the publication of evidence in divorce and matrimonial cases.

Hon. Sir Charles Latham: A judge can deal with that under the provisions of this Bill.

Hon. E. M. HEENAN: That is where a lot of laymen grasp half the truth. It is true that a judge can prohibit the publication of certain unsavoury details in divorce cases, but those are extreme and rare instances. We must remember that some hundreds of cases are dealt with in the divorce court every year and only a small proportion of them are publicised in the Press. Those of which notice is taken are of a type that provide certain spicy details which relate to individuals who are well-known in society or in public life. The details are not written up as they were presented in court, but are brightened by racy headlines and innuendoes that excite public attention. I am aware that that course opens up avenues for all sorts of undue influence. For instance, if the person concerned in a divorce case knows some of these inquiry agents, and they are on that man's side, he can get the details of the case suppressed or can secure its omission from publication altogether. But not all are dealt with that way, and it is altogether a most nauseating set-up.

By all means, if I am mixed up in a divorce case, let the Press publish my name and the name of the woman with whom I have associated. Let the Press publish the grounds of divorce and anything the judge may have said in giving his decision. Let the Press publish anything that is legitimate in that sphere, but it should not write up whole paragraphs about my family life and so forth. It would be all right if everyone was treated alike, but that is not the position. If any member of this House were concerned in a divorce case, it would be just a shame to see what would happen. That is an aspect concerning which the Chief Secretary will probably give me the quite proper reply that it has no direct bearing on the Bill I am discussing.

It is a feature of divorce and matrimonial affairs that I have always thought, and still continue to think, represents a not very creditable phase of our laws in this State. Elsewhere in Australia the situation has been handled, and it is about time we dealt with it. The Bill reflects a good deal of credit on whoever framed it and the measure will go a long way towards setting out, in concise and understandable form, the laws regarding divorce and personal status. I give it my full support.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Definitions:

Hon. E. M. HEENAN: I move an amendment—

That in line 4 of the definition of "adultery" after the word "rape," the words "or attempted rape" be inserted.

There is little or no difference between rape and attempted rape, and I think the amendment will improve the definition.

The CHIEF SECRETARY: I have no objection to the amendment. It would be very unfortunate if a woman had to live with her husband who had been guilty of attempted rape.

Hon. Sir CHARLES LATHAM: I am sorry the Minister has so readily agreed to the amendment. Attempted rape cannot be brought within the definition of adultery.

The Chief Secretary: Why not?

Hon. Sir CHARLES LATHAM: I do not say that it should not be included as a cause for divorce.

The Chief Secretary: That is what it amounts to.

Hon. Sir CHARLES LATHAM: Certainly not. We are dealing with the definition of adultery, which means sexual intercourse. That includes rape, but attempted rape does not amount to that. If the amendment were moved to Clause 15, I would agree to it.

The Chief Secretary: It is the same thing.

Hon. Sir CHARLES LATHAM: Certainly it is not. Why murder the King's English? The trouble is we have too many lawyers in the present Cabinet, and that is why we are getting too much of this legal stuff. I feel that another place would not agree to the amendment. Do not let us pretend that attempted rape is adultery.

Hon. E. M. HEENAN: If Sir Charles Latham persists in his contention, he should himself make some amendment to the clause. Adultery is defined. It includes rape.

Hon. Sir Charles Latham: That is unwilling sexual intercourse.

Hon. E. M. HEENAN: If Sir Charles Latham is willing to permit the definition of adultery include rape, logically he should permit it to include attempted rape.

The CHIEF SECRETARY: It is common in many Acts of Parliament to enlarge the meaning of a word. Sir Charles Latham must be aware of that fact. For instance, when he was Minister for Health, Parliament passed the Health Act, in which the term "boarding house" includes a tent. He did not object to that definition.

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

Clauses 5 to 12—agreed to.

Clause 13—Court may grant injunction in addition to order:

The CHIEF SECRETARY: I move an amendment—

That in line 3 of Subclause (1) the word "than" be struck out and the word "that" inserted in lieu.

This amendment corrects a clerical error.

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

Clause 14—agreed to.

Clause 15—Grounds for dissolution:

Hon. E. M. HEENAN: The motive of the framer of this clause is laudable. It is to preserve marriages as far as possible. Unfortunately, there are parties who are married either of whom may have within the first two or three years committed adultery. It seems a pity that that should be a ground for throwing the whole marriage overboard. I hope members will consider this angle. After having given the clause deep consideration, however, my view is that it is difficult to differentiate between adultery in the first two or three years and adultery in the following years. I move an amendment—

That the proviso to paragraph (a) be struck out.

The CHIEF SECRETARY: The amendment is worth while and I have no objection to it.

Amendment put and passed.

Hon. E. M. HEENAN: I move an amendment—

That in line 2 of paragraph (g) after the word "and" the words "during that period" be inserted.

As the paragraph stands, it is not clear that the husband must have habitually left the plaintiff without means of support for a period of four years, although it is plain that a ground for divorce is his having been guilty of drunkenness for that period.

Amendment put and passed.

Hon. E. M. HEENAN: I move an amendment—

That in line 7 of paragraph (g) after the word "and" the words "during that period" be inserted.

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

Clause 16—agreed to.

Clause 17—Grounds:

Hon. E. M. Heenan: I move an amendment—

That in line 1 of paragraph (c) after the word "plaintiff" the words "or their children" be inserted.

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

Clause 18 to 25—agreed to.

Clause 26—Circumstances in which Court shall refuse relief:

The CHIEF SECRETARY: I move an amendment—

That after the word "for" in line 10 of subparagraph (i) of paragraph (d) the words "a period of not less than three years for an offence against the criminal law

or has been frequently convicted of offences against the criminal law within any period of five years the sentences for which actually served in that period aggregate at least three years'' be struck out and the words ''an offence or offences against the criminal law for a period exceeding three years or for periods amounting in the aggregate to at least three years'' inserted in lieu.

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

Clauses 27 and 28—agreed to.

Clause 29—Duty of Court:

The CHIEF SECRETARY: I move an amendment—

That in line 1 of subparagraph (b) of paragraph (2) before the word ''refer'' the word ''to'' be inserted.

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

Clauses 30 to 45—agreed to.

Clause 46—Court may make order for maintenance and may make order in favour of guilty party:

Hon. E. M. HEENAN: I move an amendment—

That in line 2 of subclause (1) after the word ''order'' the words ''for dissolution of marriage or an order for judicial separation or order for nullity of marriage'' be inserted.

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

Clauses 47 to 55—agreed to.

Clause 56—Final order generally considered in rem, subject to exceptions—lack of jurisdiction, fraud, etc.:

The CHIEF SECRETARY: I move an amendment—

That in line 5 the word ''caller'' be struck out and the word ''called'' inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in lines 1 to 5 of paragraph (b) of the proviso the words ''entered into after a final order dissolving the marriage or declaring the marriage void and after the time for appealing against such order has gone by'' be struck out and the words ''after such final order (if the subsequent marriage is not otherwise invalid)'' inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 3 of paragraph (c) of the proviso the words ''for value and'' be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That at the end of paragraph (c) of the proviso the words ''as against such third party'' be added.

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

Clause 57—Question of validity of final order may be removed from inferior court to Supreme Court:

The CHIEF SECRETARY: I move an amendment—

That in line 8 of Subclause (1), after the words ''party,'' the words ''or person interested'' be inserted.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 13 of Subclause (1) after the word ''party'' the words ''or person interested'' be inserted.

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

Clause 58—Right to remarry:

Hon Sir CHARLES LATHAM: I move an amendment—

That after the word ''time'' in line 2 of Subclause (1) the words ''after the expiration of three months from the granting of final order'' be struck out.

This clause deals with the position after a decree absolute has been granted, and it states—

Either party to a marriage which has been dissolved or declared a nullity may re-marry at any time after the expiration of three months from the granting of the final order, provided that if there is an appeal re-marriage shall not take place until the final order is affirmed on appeal.

It is quite right that the latter words should be retained. After the decree absolute is made, the wedding generally takes place a day or a few days later, and I therefore do not see why the words should *not* remain.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in lines 3 and 6 of Subclause (2) the word ''facts'' be struck out and the word ''evidence'' inserted in lieu.

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

Clauses 59 to 64, Title—agreed to.

Bill reported with amendments.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [9.25] in moving the second reading said: This is rather an important Bill, and its first object is to alter the qualifications of legal practitioners. It is proposed to alter the existing qualifications of practitioners of the Supreme Court by bringing those qualifications into line with those required elsewhere in the Commonwealth. Secondly, it is proposed to give the Barristers Board authority to deal with negligent practitioners. Then follow subsidiary provisions for the tightening up of all conditions as to the services of articled clerks.

The Bill also proposes to permit Crown Law solicitors to have articled clerks serving under them. Thirdly, it is provided that no person shall be admitted as a practitioner unless he is a natural born British subject of the age of twenty-one years and is a solicitor admitted and entitled to practice in the High Court of England and Northern Ireland. In regard to the qualifications necessary for the admission of practitioners, I will explain the position elsewhere.

In England, New South Wales and Queensland, the legal profession is separated into two main divisions, that of barristers and that of solicitors. In the other States, that is not so. However, in Victoria, the practice is followed, although not enforceable by law, for barristers and solicitors to practise only in their respective spheres. In the smaller States of South Australia, Western Australia and Tasmania, the practitioners are permitted to practise both as barristers and solicitors. It is well recognised that a barrister's training is not nearly as severe as that of a solicitor. The barrister learns the theory of law but the solicitor must do all the practical work, as well as knowing the law, to enable him to draw, say, a companys' articles of association, or mortgages and to execute drafting generally, which is not performed by a barrister. Therefore, it is quite obvious that the training of a solicitor takes longer than that of a barrister.

Generally speaking, we can safely say that the period of training for a solicitor is five years whereas for a barrister it is only three years. In Western Australia a legal practitioner spends the greater portion of his time doing the work of a solicitor and a much lesser time as a barrister. It is obvious, therefore, that the basic qualifications for admission to the Supreme Court should be the qualifications necessary to become a solicitor rather than those necessary to be a barrister. The Bill is designed to achieve this object and the main effect of the Bill will be that a Scottish Writer to the Signet and a Scottish law agent will no longer, by virtue of such qualifications, be admitted as a practitioner to this State.

If an English barrister wishes to become a practitioner in this State, he must qualify as a solicitor or otherwise must obtain a degree in law similar to our own university degree and further, must serve the necessary period of articles to a solicitor. In fact, English solicitors almost always have the degree of LL.B. and then they attend one of the Inns of Court so as to become a barrister of that particular Inn. That Inn conducts the examination, but one of the qualifications necessary to become a member of the Inn is that the solicitor must dine there three times during a term.

The Bill expressly protects any person who is an English barrister but who has not been here for two years, as the present law requires. An English barrister or a Scottish Writer to the Signet may become a practitioner if he has resided in Western Australia for two years. That is preserved under this measure. In regard to Scottish lawyers, known as Writers to the Signet or law agents, the great bulk of Scottish law and practice is totally different from that in Western Australia. A Scottish solicitor of even the highest standing would find himself quite at sea to understand and practise our law. It is necessary for the protection of the public that no practitioner should be admitted to practice in this State unless he has the necessary qualifications at the time of admission to understand and practise our own law.

There again, the Bill also affects a person who has a degree in jurisprudence. In 1945 the Act was amended to allow a degree in jurisprudence to be a qualification for admission. At that time, it was thought that this would apply only to people who had obtained such a degree

at some university in the British Empire. Now, however, a case has arisen of a university student who has a degree in jurisprudence from the University of Prague, where the laws are entirely different from ours, and it would be quite anomalous to permit him to practise here on that degree alone. So that provision will be deleted from the Act. The proposal is that the degree of LL.B. must be that of a university recognised by the board. In other words, the board will not recognise the degree of a university unless the laws there are similar to ours. In South Africa the laws are on the Roman-Dutch system, which is entirely different from ours, and South African degrees would be entirely useless here. So the right will be given to determine which university degrees shall be recognised.

A further effect of the amendment will be that practitioners of the Supreme Court of Victoria will be entitled as of right to seek admission in Western Australia. At present practitioners of all States except Victoria may be admitted in this State, but Victoria requires a graduate in law to serve only one year's articles to a practitioner before admission, while our law requires two years' articles after graduation. The Act prevents reciprocity with Victoria because similar service under articles is required as prevails in this State. Victoria will accept our practitioners if we are prepared to accept theirs, and it is with a view to obtaining this reciprocity with Victoria that the amendment is proposed. The Barristers Board and the Law Society have approved of this. If the amendment be accepted, a person with the equivalent of a Western Australian law degree may be admitted after serving two years' articles, and a person admitted as a solicitor in England, in any Australian State, or in any other British country where a similar system of law prevails may be admitted without service of any articles, but a barrister will not be admitted on that qualification alone.

The next major proposal is to give greater authority to the Barristers Board. At present the only disciplinary powers of the board are in relation to illegal or unprofessional conduct, and then the board may only make inquiries and submit a report to the Full Court. The Bill proposes to give the Barristers Board a necessary measure of disciplinary power over practitioners who are guilty, not only of illegal or unprofessional conduct as at present, but also of any neglect or undue delay in the conduct of the business of clients. The board will have power to inflict a fine up to £100, to suspend the practitioner from practice for a period not exceeding two years, or to reprimand him, or the board may make a report to the Full Court. In any event, a practitioner may appeal to the Full Court against any order made by the board. A report to the Full Court generally means that the practitioner is struck off the rolls and granted leave to apply for readmission or not.

The control of articled clerks and their service to lawyers has received consideration. It has been found in the past that there are no satisfactory arrangements for country articled clerks to serve part of their articles in the city. Although a country articled clerk may come to town for three or six months to gain experience, this has actually been a breach of the terms of his articles. Now it is proposed that an articled clerk may, with the permission of the board, transfer his articles or carry out his work with another practitioner. This will be of assistance to country articled clerks.

Another provision is that the Crown Solicitor may have an articled clerk. At present only a practising solicitor—that is to say, one in private practice—may have an articled clerk, but now we are asking that the Crown Solicitor be permitted to have one. In South Australia this arrangement has been found to work well. However, there is a provision that the Crown Solicitor may not have an articled clerk unless he has the LL.B. degree. After he has been articled, he may be admitted, but he may not enter private practice until he has served 12 months with a private practitioner. The reason for this is that Crown Law practice is entirely different from private practice, but it is hoped that we shall get some promising students from the University and that they will qualify through the Crown Law Department and remain with the department as they do in South Australia. Having once served their articles in the department of South Australia, they remain.

The Public Service Commissioner is particularly anxious to improve the standard of the Civil Service by encouraging promising young men, particularly Crown Law officers, to take degrees at the University and to become admitted. This will benefit both the State and the officers concerned. At present there is a Crown Law officer doing a rehabilitation course in law at the University. He has six distinctions and two major passes in the eight subjects he has so far taken. He is now in his third year there and, being an ex-Serviceman, will be entitled next year to do his first of two years' articles concurrently with his fourth year at the University.

Unless he is allowed by legislation to do his articles with the law officers, he will be compelled to seek articles with a solicitor in private practice and will cease to be a public servant. Alternatively, he could never seek admission to the Bar. We desire to obviate any such hardship. If the Bill becomes law, it will tend to improve the standard of, and opportunities in, the Civil Service. A young man who enters the Crown Law Department will have an excellent opportunity. He will gain even greater experience than in a private office in quite a lot of civil and criminal work and will learn much concerning parliamentary drafting. This is an opportunity that few private practitioners have. We had an instance this evening of a Bill that was prepared by a private practitioner. I shall not mention the Bill, but I did ask Mr. Fraser to read the Title. Parliamentary drafting is a very difficult art indeed and calls for a considerable amount of experience and intelligence. If, after serving his articles in the Crown Law Department, the young man wished to leave, he would be able to get a place with a private practitioner and serve his twelve months' articles. This will be necessary for his own protection as well as for the protection of the public.

The final object of the Bill is to facilitate proof of charges against persons who do legal work for pay or remuneration without having the necessary qualifications to undertake the task. The present section has been found to be inadequate to protect the public and the legal profession from the performance for reward of unqualified work. Land agents and others often cover up their charges for legal work in connection with a particular transaction by charging heavily for services for which they are entitled to charge. The gentlemen to whom Mr. Heenan referred this evening on another matter charged quite a lot for legal advice. This amendment is designed to catch those who are not qualified to give legal advice and yet who give it for reward. In my own experience I have found that people have been seriously led astray by men who were not lawyers giving them advice. It is most dangerous for an individual to seek legal advice from a layman. The Bill has been approved by the Barristers Board, the Law Society and also the judges of the Supreme Court, and I feel sure that members will find no difficulty in accepting it. I move—

That the Bill be now read a second time.

HON. G. FRASER (West) [9.43]: There are one or two points on which I should like further information. One of the amendments provides that if an articled clerk ceases to perform his duties for one month, action shall be taken against him. I cannot see any saving provision that if he happened to be away temporarily on a holiday or for some valid reason, that fact would be taken into account. The Bill stipulates that the practitioner to whom he is articled shall forthwith make a written report to the board. There would probably be various occasions when an articled clerk might be away for a longer period than one month. If the provision is to be interpreted as I have read it, it will inflict considerable hardship.

I doubt whether that is the intention. Presumably the object is that if a person absents himself without leave, as it were, for a period of one month, action may be taken. However, it should be made clear that he may be away for a legitimate reason. One other point I am a little worried about is that the Bill will more or less set up conditions which, I understand, operate in England where the barristers and the solicitors are separate. I believe that applies in the Eastern States also. Here a lawyer is a barrister and a solicitor. I am a little afraid that this is another way by which legal expenses will become greater even than they are today.

The Chief Secretary: By keeping them together.

Hon. G. FRASER: No, by separating them.

The Chief Secretary: We are not separating them by this Bill.

Hon. G. FRASER: I got the impression, listening to the Chief Secretary, that certain restrictions were to be put on men who evidently, up to now, were regarded as being all right for the court work here. In future, however, the present credentials are not to be accepted.

The Chief Secretary: When once you are admitted here you are everything.

Hon. G. FRASER: Yes. I do not know whether the obstacles being set up now were present in the past. Are the qualifications now suggested different from what we have at present?

The Chief Secretary: The position will be different under this measure.

Hon. G. FRASER: The position will be tightened up. Previously a person coming from England as a barrister only would be admitted by the board because of the certificate he held.

The Chief Secretary: Yes.

Hon. G. FRASER: If a number of these people came here would there be any bar to their setting up as barristers?

The Chief Secretary: No. They would have to be admitted as legal practitioners and then they could practice anywhere.

Hon. G. FRASER: They would have to be admitted in the same way?

The Chief Secretary: Yes.

Hon. G. FRASER: I was worrying about whether a number of these people might come here and set up in practice, because members of the public have been used to going to a lawyer who, if necessary, would take their case to court. If a person were only a barrister, that position could not operate and the procedure, I assume, would be more costly than today. Another point, too, is that a barrister is a person who will not be admitted now, but the name of the board—the licensing authority shall I say—is the Barristers Board. I think there should be some alteration there.

Hon. H. Hearn: Call it the Solicitors' Union.

Hon. G. FRASER: We have never made any difference between the barrister and the solicitor, but now it is suggested that we shall.

The Chief Secretary: Only for the admission of oversea practitioners.

Hon. G. FRASER: Actually the person that the board will admit will be the solicitor and not the barrister. This is only a minor matter, but I point out that we shall have a Barristers' Board to admit solicitors.

Hon. E. M. Heenan: It is like the Medical Board admitting surgeons.

Hon. G. FRASER: It is a small misnomer which could be rectified. The remainder of the Bill appears to be quite O.K. I know this distinction will not cheapen costs, whatever else it might do.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 10:

The CHIEF SECRETARY: The Crown Solicitor has decided that the practitioner mentioned in paragraph (b) would not be useful to the Crown Law Department unless he had a degree, because he could not serve the ordinary articles to his own benefit, the benefit of the department, or anywhere else. I move an amendment—

> That paragraph (b) be struck out and the following inserted in lieu:—
>
> (b) By adding thereto provisos as follow—
>
> Provided that a person who shall have served his articles with the Crown Solicitor for the time being shall not be admitted as a practitioner unless and until he shall have obtained a degree of Bachelor of Laws in any University recognised by the Board for this purpose, and
>
> Provided further that no such person shall be entitled to practise on his own behalf as a practitioner unless and until he shall have satisfied the Board that he has had twelve months' experience in the office of a practitioner in private practice.

This amendment has been approved by others, and I ask the Committee to approve of it. Such a person would have to have an LL.B. degree and have done 12 months with a private practitioner before he could practise privately.

Hon. Sir CHARLES LATHAM: Will this be of any great benefit to the Crown Law Department?

The Chief Secretary: No.

Hon. Sir CHARLES LATHAM: I cannot see how it could be. Under the amendment a man will have to go to the University and obtain his law degree, then put in some time with the Crown Solicitor, and then he has to go to an outside office.

The Chief Secretary: After he has put in his time with the Crown Solicitor he can be admitted, but he cannot practise outside as a private practitioner.

Hon. Sir CHARLES LATHAM: Only within the Crown Law Department.

The Chief Secretary: Yes, and he could appear in court for the department.

Hon. Sir CHARLES LATHAM: He could not use his profession outside until he served 12 months.

The Chief Secretary: He would not have to be articled, but merely serve in a legal office.

Hon. Sir CHARLES LATHAM: Is that all he would have to do?

The Chief Secretary: No, he would have to do two years, in any event.

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

Clause 4—New Sections 13b, 13c and 13d:

The CHIEF SECRETARY: The object behind proposed new Section 13c is that we do not want some fellow who has plenty of money and has got an LL.B. degree, to decide to go fishing all the time that he is doing his articles. We want him to be a conscientious worker in the office in order to qualify. This provision is for the protection of the public.

Hon. Sir Charles Latham: Is there no examination after he has finished his articles?

The CHIEF SECRETARY: Yes, in certain subjects—practice is one.

Hon. G. FRASER: I understand there have been abuses under this heading and so there is a necessity for this provision. I thought, however, there might be some other way without making it compulsory for the practitioner concerned to report. A man might be off with a broken leg.

The Chief Secretary: He would then have a good excuse. I think it is safer to leave this as it is.

Clause put and passed.

Clause 5—Amendment of Section 14. Repeal and new section:

Hon. E. M. HEENAN: The effect of paragraphs (a) and (b) of proposed new Section 14 is that anyone who has been admitted as a solicitor in England, Northern Ireland or in any Australian State, any dominion, colony or dependency is entitled to claim admission under the Bill. However, I have noticed one omission which I mention with some degree of trepidation but in all seriousness, and that is that no solicitor who is practising in Southern Ireland or Eire, as it is now known, can come under the provisions of the Bill. The code of law operating in Eire is almost exactly the same as that which operates in England or any of the dominions. Some of the lawyers from Eire are brilliant and they should get the reciprocity which is given to all the other places I mentioned.

Hon. G. W. Miles: Are they not foreigners now?

Hon. E. M. HEENAN: I was hoping that no-one would mention that aspect.

Hon. G. W. Miles: They will have to be naturalised before you can bring them into the country.

Hon. E. M. HEENAN: The hon. member is discussing things about which I do not intend to speak. I move an amendment—

That after the word "England" in line 3 of paragraph (a) of proposed new Section 14 the word "Eire" be added.

The CHIEF SECRETARY: When the Bill was drafted this matter was given consideration. Eire is omitted because its national language is not English and we want English people here. It was thought that to allow a barrister or solicitor to come here would be imposing a language difficulty and, in view of all the facts, it was decided to leave it out entirely.

Hon. E. M. HEENAN: The question of language is simply a quibble.

Hon. G. W. Miles: There is no quibble about them being foreigners.

Hon. E. M. HEENAN: We have always regarded them as being one of our dominions, as much as Tasmania, New Zealand or South Africa.

Hon. G. W. Miles: Until they turned traitors to the Empire.

Hon. E. M. HEENAN: The English language has no finer exponents than the professors in the universities of Dublin and

no finer law text books have been written than by professors from their universities. I respect Mr. Miles's remarks but I believe their legal standards are equally as high, if not higher, than our own.

Hon. Sir Charles Latham: If they are naturalised they will be able to practise, will they not?

Hon. E. M. HEENAN: No.

The Chief Secretary: They can go to England, be admitted, and then come out here.

Hon. E. M. HEENAN: I know it is a delicate subject and I do not ask members to spare my feelings in any way because I am an Australian of three generations but I am looking at the matter in a sensible light.

Hon. G. W. MILES: I hope the Committee will not consider this amendment at all. Personally, I think it is an insult to the Committee to have had the matter brought up in any way. These people have proved themselves to be traitors to the Empire and we should defeat the amendment unanimously.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 9, Title—agreed to.

Bill reported with an amendment.

House adjourned at 10.12 p.m.

Legislative Assembly.

Thursday, 18th November, 1948.

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

MICE IN CHAMBER.

As to Precautions.

Mr. SPEAKER: I wish to inform members that I have been advised that mice have been discovered in desks in the Chamber and I urge all members to make sure that no sweets are left lying about.