

proposed that the Government shall find any money at all at the moment. The buildings will be erected by the Senate, who find the whole of the money. All that the Government will do is to guarantee to repay the money, namely £85,000. Of that amount, £21,000 was taken by the Government, I believe it was in the form of probate duty, and it is now proposed to repay it in this way. In addition, the Government are to find £60,000 as their contribution towards the erection of the building. But as the Government are not finding the money at the moment, the University will find the whole of the money, the Government undertaking to repay it by half-yearly instalments.

Mr. Pantou: When do the Government start to pay out?

The MINISTER FOR LANDS: On the completion of the building; after the architect has certified that the buildings have been completed. Then the Government will begin their half-yearly payments. I do not think there is anything else in the Bill I need touch upon at this stage. I believe the Leader of the Opposition knows a good deal about the arrangement entered into, because the transactions were carried on during his term of office. The Government are anxious that the Bill should pass as quickly as possible in order that the work may be started. The University are prepared to get on with the work at once, and of course it will absorb a certain number of persons now out of employment. So I hope the House will agree to the Bill as quickly as possible. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier debate adjourned.

House adjourned at 9.25 p.m.

Legislative Council,

Thursday, 6th November, 1930.

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

QUESTION—WYNDHAM MEAT WORKS.

Employees' board and fares.

Hon. J. J. HOLMES asked the Minister for Country Water Supplies: 1, Do the Wyndham Meatworks employees receive board and lodging in addition to the wages shown in the return laid upon the Table on the 30th October? 2, If so, what was the average cost per man for board and lodging? 3, If board and lodging are not included, what was the average cost per man for board and lodging? 4, What price per lb. was charged for meat supplied to the Wyndham boarding-house during the year ended 31st December, 1929? 5, What profit or loss is shown as the result of the boarding-house branch of the works? 6, Were the employees' steamer fares paid in addition to the 15s. per day paid whilst travelling to and from Wyndham? 7, If so, what is the average cost per man for steamer fares from Fremantle to Wyndham and return?

The MINISTER FOR COUNTRY WATER SUPPLIES replied: 1, Only canteen employees and drovers, as provided for in the industrial agreement. 2, 19s. 2d. per week. 3, £1 11s. 3d. per week. 4, Meat is not purchased during the operating season. Canteen supplies are drawn from the slaughtering department. A nominal charge of 3d. per lb. is debited to canteen accounts. Meat is purchased between seasons (after cessation of freezing opera-

tions) at 6d. per lb. 5, A statement of the canteen account will be laid on the Table. 6, Yes. 7, £10 each way.

Canteen Statement, 1929.

Expenditure—	£	s.	d.
Wages	4,102	16	2
Materials	5,418	16	0
Fares	434	12	6
Travelling wages	318	0	0
Employers' liability insurance	32	11	9
	£10,306	16	5

Receipts—	£	s.	d.
Receipts	8,612	13	2
Balance	1,694	3	3
	£10,306	16	5

BILL—TRAFFIC ACT AMENDMENT.

Reports of Committee adopted.

BILL—LAND TAX AND INCOME TAX.

Read a third time and *passed*.

BILL—ANATOMY.

Report of Committee adopted.

BILL — ROMAN CATHOLIC NEW NORCIA CHURCH PROPERTY ACT AMENDMENT.

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 2.—Add to paragraph (b) the following words and figures:—“Volume 478, Folio 57; Volume 479, Folio 85; Volume 994, Folio 48”:

The MINISTER FOR COUNTRY WATER SUPPLIES: I move—

That the amendment be agreed to.

The Bill has already been before this Chamber. Through an oversight these titles were not included. Unfortunately it is the second mistake in the same direction.

Hon. V. Hamersley: We asked at the time whether there were any other errors.

The MINISTER FOR COUNTRY WATER SUPPLIES: The hon. member is quite right. It appears, however, that the statement furnished by the church authorities omitted these titles.

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

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

BILL—STAMP ACT AMENDMENT (No. 1).

Recommittal.

On motion by Hon. H. Seddon, Bill re-committed for the purpose of further considering Clause 2.

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 2—Amendment of Second Schedule:

Hon. H. SEDDON: I move an amendment—

That the following be added to the clause to stand as paragraph (c):—“By inserting ‘any other place within the State where betting of any description is carried on, 0 0 1.’”

The definition of “betting ticket” in the principal Act is—

“Betting ticket” means and includes any document or thing purporting to be or serving the purpose of or usually or commonly known as a betting ticket or giving or purporting to give or intended to give or usually or commonly understood to give any right, title, chance, share, interest, authority or permission to or in connection with a bet.

That would cover any document in the nature of a betting ticket. The definition of “bookmaker includes any person carrying on the business of or acting as a bookmaker, or any person who seeks to gain his livelihood by betting or making bets. The term also includes the servant or agent of a bookmaker. Section 103 deals with betting tickets. There we find that stamp duty is chargeable on all betting tickets issued by a bookmaker, whether the amount wagered by the backer is or is not paid to the bookmaker on the

making of the bet. Section 104 prescribes that any bookmaker who makes a bet with any person shall forthwith write out a duly stamped betting ticket in respect of such bet, and shall cancel the ticket in the manner prescribed and issue it so cancelled to the backer. Section 16 of the Act provides that stamp duty to be charged for the use of His Majesty upon the several instruments specified in the Second Schedule to the Act shall be the several duties in the said schedule specified, which duties shall be in substitution for the duties chargeable under the enactments repealed by the Act and shall be subject to the exemptions contained in the Act. Therefore while the definitions of "bookmaker" and "betting tickets" cover the operations of those men whether on or off a racecourse, it is distinctly laid down that every bet shall be accompanied by the issue of a ticket; while in the schedule dealing with betting tickets which we have been amending by this Bill, apparently "betting ticket" covers only the issue of betting tickets on a racecourse.

Hon. A. Lovekin: Where do you get that limitation?

Hon. H. SEDDON: In the schedule provision is made only for the issue of betting tickets on a racecourse, whereas in the Act itself the provision is that wherever a bet is made a betting ticket shall be issued. So this provision in the schedule requires to be altered.

Hon. A. Lovekin: Are you moving to strike out "racecourse" from the schedule?

Hon. H. SEDDON: No; in order that the provisions of the Act shall be complied with, I submit the amendment I have read.

The MINISTER FOR COUNTRY WATER SUPPLIES: In my view the hon. member through his amendment stands condemned for attempting to bolster up the gambling evil in this State. The amendment, if carried, would mean that no matter what the sport were, the Government would impose a tax on the man making a book, and so would practically give him a moral right to bet. It is inconsistent to declare that betting is an offence and then condone it by taxing it.

Hon. A. Lovekin: We do the same with the bookmaker on the course.

The MINISTER FOR COUNTRY WATER SUPPLIES: No; the bookmakers are there operating under the W.A.T.C., and

an Act of Parliament has those bookmakers well under control.

Hon. H. Seddon: That is not the definition of "bookmaker" in the Act.

The MINISTER FOR COUNTRY WATER SUPPLIES: Those bookmakers can be dealt with. However, I do not propose to waste the time of the Committee, for I wish to have your ruling, Sir, as to whether the amendment is in order. Section 46 of the Constitution Act, Subsection 4, reads as follows—

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Council may not amend requesting by message the omission or amendment of any item therein; provided that any such request does not increase any proposed charge or burden on the people.

This amendment seeks to impose taxation, and so it matters not at all how many people it proposes to tax. The point is that it proposes taxation on the people.

Hon. J. Nicholson: Only on a section of the people.

The MINISTER FOR COUNTRY WATER SUPPLIES: That does not matter. I maintain that the amendment is not in order.

Hon. H. SEDDON: The Minister contends that the amendment imposes a charge on the people. My contention is that the amendment simply defines what is already provided in Sections 103-4 of the Act, where it is prescribed that stamp duty shall be payable on betting tickets, and that all bookmakers making bets shall issue betting tickets. There is in the Bill no provision for the inclusion of any betting tickets except the betting tickets provided on the racecourse. Therefore it is not in accordance with the Act.

Hon. J. M. DREW: In my opinion this will impose burdens on the people just to the extent that the land tax does. The land tax imposes burdens on only a limited number of the people, which is just what the amendment proposes. But I take another point: In the first place, betting on a racecourse is distinctly illegal, but is tolerated and to a certain extent sanctioned by the imposition of a tax on bookmakers. The carrying of this amendment will mean that all the betting shops will be virtually legalised. At present they are subject to raids by the police, but under this amendment I do not see how the Commissioner of

Police will be able any longer to raid those places. Again, if the Commissioner of Police were to continue his prosecutions, how would the tax be collected?

The CHAIRMAN: I have been asked to rule whether or not the amendment is in order. The purpose of the Bill is to increase an existing tax, and therefore it could not originate in this House. The schedule to the parent Act which this Bill amends provides that bookmakers operating within the grandstand enclosure shall pay 2d.; the Bill proposes that in future they shall pay 3d. And in the parent Act it is provided that a bookmaker operating outside the enclosure shall pay $\frac{1}{2}$ d., whereas the Bill proposes to increase the amount to 1d. Therefore the Bill applies only to bookmakers operating on racecourses, whereas the amendment intends to apply the tax irrespective of where the bookmakers are operating, and to impose a tax on bookmakers on whom the existing tax is not imposed. Mr. Drew has pointed out that it is not necessary that a tax should apply to all people. I do not know of any tax that does apply to all people. Therefore I rule that under Subsection 3 of Section 46 of the Constitution Act, this amendment is not permissible.

Hon. A. LOVEKIN: I would ask the Minister to report progress at this stage so that we may have a little time in which to consider the Chairman's ruling. I am inclined to disagree with that ruling, but first I should like to look further into the matter. The Bill is not an important one, and so I ask the Minister to report progress until the next sitting. Alternatively, I shall have to disagree with the Chairman's ruling now.

The MINISTER FOR COUNTRY WATER SUPPLIES: Some members die very hard. Mr. Lovekin has said that it is not an important Bill. Evidently he regards our taxing Bill as unimportant. This is a taxing Bill, and we want our taxing Bills through as quickly as possible.

Hon. H. Seddon: I wanted to give you some additional taxation.

The MINISTER FOR COUNTRY WATER SUPPLIES: I was astounded when I read the hon. member's amendment.

The CHAIRMAN: I have given my ruling and I will allow no discussion either on the amendment or on the ruling, unless a motion is moved to disagree with that ruling.

The hon. member must confine his remarks to the desirability of reporting progress as suggested by Mr. Lovekin.

The MINISTER FOR COUNTRY WATER SUPPLIES: I will meet the wishes of the hon. member and move—

That progress be reported.

Motion put and passed; progress reported.

BILL—STAMP ACT AMENDMENT (No. 3).

In Committee.

Hon. J. Cornell in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of second schedule:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 3 the figures "0 1 0" be struck out and "0 0 1" be inserted in lieu.

Hon. members will see that in Subclause 3 provision is made for the transfer of scrip or shares in an incorporated company and it is proposed to charge 1s. for every £5 of consideration on the transfer of the shares in a company other than a mining company. That will be equal to £1 on every £100. It seems an anomalous position because if we look at the next paragraph it states—

Transfer of scrip or shares of an incorporated mining company carrying on the business of mining within the State, on each transfer, 1d.

Why should there be any difference?

Hon. A. Lovekin: Because there is substance in the one company and nothing in a gold mining company.

Hon. J. NICHOLSON: Members representing goldfields provinces will hardly endorse the hon. member's interjection. My proposal is that the tax shall be 1d. on every £5. In Victoria the only duty charged for the transfer of shares in an ordinary company, any company at all, is 1d. or 2d. A very large proportion of the companies carrying on business in Western Australia have their offices in Victoria and all that an intending shareholder needs to do is to transfer his purchase to the Victorian register.

It costs nothing to make the transfer. As soon as the shares are on the Victorian register they are subject to a tax of 1d. or 2d. The maximum I think is 2d. We, as a State, are losing the benefit which should accrue to us eventually in collecting probate duty from the estate of any of the shareholders who may pass away. Whenever probate duty is paid, it is then paid, not to Western Australia, but to Victoria, and so our Treasury suffers. That is wrong.

Hon. H. Seddon: I drew attention to that in this House two sessions ago.

Hon. J. NICHOLSON: Yes, I remember. We should bring ourselves as nearly as possible into line and try to induce shareholders to keep the shares in our own State by insisting on their being registered in Western Australia so that when the time comes for the holders to throw in their cards the State will get the benefit.

The MINISTER FOR COUNTRY WATER SUPPLIES: Mr. Nicholson said this was a simple amendment. It may be simple, but it will prove very costly.

Hon. J. Nicholson: I think you will make money by it.

The MINISTER FOR COUNTRY WATER SUPPLIES: I cannot agree with the hon. member. For some years past, stamp duty on the transfer of shares has been 5s. for each £25, and it has been pointed out that the rate is so excessive that it has the effect of driving business to other States where the duty is lower. Recently the Premier was approached and requested to reduce the duty. Instances were given of cases of hardship where shares of small value were transferred, but although the Premier was anxious to assist local shareholders, the present situation did not justify his making the reduction. He, however, agreed to reduce the minimum amount of tax to 1s., and the amount on which the minimum of duty was payable, to £5 instead of £25, thus meeting the wishes of holders of shares of small value. Further than that he was unable to go. With regard to the contention that a reduction of the rate would cause more shares to be registered locally, I am doubtful whether that is correct to any great extent. Although stamp duty may enter into the question, the main consideration in the case of shares which are held for sale or speculation, or which may require to be realised on at short notice, is that there should exist a local market where dealing in

such shares is more or less a daily occurrence. Most of such dealings take place in the Eastern States, and the scope of the local market is greatly restricted in comparison with Eastern States markets. Holders of shares of this nature would therefore naturally require to have their shares registered in the Eastern States, and available for sale and transfer on any day when an opportunity offered. The amendment would have the effect of reducing the duty on shares of the value of £100 from £1 to 1s. 8d. Although it may be admitted that the present rate of tax is high and a reduction in other circumstances might be justified, a reduction such as is proposed is too drastic. The present proposals of the Government are designed to give a measure of relief to small holders, and beyond this the financial situation will not permit us to go. I oppose the amendment and trust the Committee will not agree to its inclusion.

Hon. A. LOVEKIN: The Minister has not told us the amount of revenue that is received from transfers in Western Australia. Under the present arrangement he may make a few shillings on the transfers, but he will lose pounds in another way. If a share is transferable at a much higher rate here than in Victoria, obviously the register of the shares will be in Victoria, and when dividends are paid they will be paid in Victoria; thus the chances are that this State will get none of the dividend duties. For the sake of the shilling on the shares, is it not better to keep the register here and see that the dividend warrants are payable here where you will get the tax on them?

The MINISTER FOR COUNTRY WATER SUPPLIES: The point, as I have already explained, is that there is no daily market here. It is a spasmodic market. The reduction will not have the result hon. members think; it will not have the effect of securing the register of shares in this State.

Hon. J. M. DREW: I admit the soundness of the arguments and facts advanced by Mr. Nicholson. I have heard them before repeatedly, and have investigated them. I am satisfied that a certain amount of business is being transferred from Western Australia to Victoria where the tax is small. I was anxious, as a result of my inquiries, to introduce amending legislation, but there was considerable doubt as to what the financial effect would be. It is impossible to keep a record to indicate what loss would

be incurred by decreasing the tax. Stamps are attached to documents in the city and in all principal country towns as well, and as no records are kept by the officials, the Treasury has no knowledge of what amount would be involved in any amendment. During the recess the Government should go closely into this question and endeavour to reduce the tax if possible. For this year, at any rate, I cannot support the amendment, which might have a serious effect on the finances.

Hon. E. H. HARRIS: I had intended asking the Minister for information as to the financial effect of the amendment, but in view of what Mr. Drew has said, it is impossible to get those details. If we could reduce the tax here, it might result in some of the companies, now registered in the Eastern States, opening accounts here and placing some of their resources with Western Australian banks. That would mean more or less indirect benefit to the State. As we will be voting in the dark, I cannot see my way clear to support the amendment. It is interesting to note that a person resident in Western Australia, who owns shares in a company registered in New South Wales, is subject to the tax imposed in the latter State on share dividends, for unemployment and sustenance purposes. The tax amounts to 3d. in the pound on dividends payable on shares held by the individual. That tax is levied in New South Wales but in no other State. I think it would be dangerous to agree to the amendment.

Hon. H. SEDDON: In other circumstances, I would wholeheartedly support the amendment, because I have referred to this phase on previous occasions. In the absence of definite information, and in view of the attitude we have taken up regarding the finances, we would not be justified in agreeing to the amendment at this stage.

The MINISTER FOR COUNTRY WATER SUPPLIES: I regret that definite information is not available, for the reason advanced by Mr. Drew; it is impossible to get it. Mr. Drew suggested that the Government should give the matter consideration during recess, and I can inform him that the Premier has practically promised to do that. I take it the whole position will be thoroughly investigated and perhaps, when times have improved, we may be in a position to deal with the matter.

Hon. J. NICHOLSON: In view of the explanation made by the Leader of the House and the remarks of other members, I would not be justified in proceeding with my amendment. I brought it forward last night so that the Minister could make inquiries, and I had hoped he would be able to give us particulars to guide us.

The Minister for Country Water Supplies: No particulars are available.

Hon. J. NICHOLSON: That is so, but I hope the Government will follow the suggestion made by Mr. Drew and have investigations made. They should see to it that records are kept of stamps issued both in the city and in country towns, so that we shall know the position regarding share transactions in six months and in 12 months' time. From those details we shall be able to ascertain the loss entailed in a reduction of the rate. Then again, a careful record should be kept of the shares held by people who die in Western Australia, where those shares are registered in Victoria. We will then appreciate the loss of probate duty that should come to the coffers of the State, but which, in existing circumstances, goes to Victoria. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 3—Further amendment of Second Schedule:

Hon. J. NICHOLSON: I move an amendment—

That at the end of Subclause 2 the words "or to any company or person" be inserted.

The MINISTER FOR COUNTRY WATER SUPPLIES: I took this matter up with the Acting Under Treasurer and the Assistant Registrar of Titles, and those officers are opposed to the amendment. The Acting Under Treasurer advised me as follows:—

The Government's proposal has been made for the purpose of enabling the Agricultural Bank to advance money to allow of employment. I think Mr. Nicholson's amendment should be strenuously opposed. It would be a complete change from the present procedure. It would be impossible to restrict the nature of the transactions for which mortgages might be postponed, and would have a very harmful effect upon our revenue. There is no other source from which the loss of revenue may be made good.

The Assistant Registrar of Titles advised me in the following terms:—

The proposed amendment appears to remove absolutely the restriction provided for in the Bill, "to enable the Agricultural Bank to advance money for clearing"; that is, to allow employment of labour to Agricultural Bank clients. The Bill, as drafted, exempted mortgagees who postponed their mortgages in favour of the Agricultural Bank. It appears to me the proposed amendment will extend this privilege to any mortgagee who postpones his mortgage in favour of the first mortgagee, whoever he may be. What effect this will have on revenue is impossible to estimate, but there is not the slightest doubt it will be largely availed of. Authority was given by the Executive Council early in September to remit fees dealing with this section of the Bill. The fees lost to revenue for two months amounted to £38 2s. and the stamp duty collected, £26 16s. 6d. The latter amount will be lost to revenue as the Bill now stands. If the proposed amendment becomes part of the clause, the loss of stamp duty (revenue) will be largely increased. It is very difficult to give even an estimated loss, but, in my opinion, a considerable loss of revenue will occur.

The amendment would throw the position open, and the Government would lose a tremendous amount of revenue. The Bill was introduced to facilitate transactions by the Agricultural Bank and to provide for more employment. It would be unwise to agree to the amendment. For financial reasons, the Government cannot afford to accept it at the present juncture.

Hon. H. J. YELLAND: Some time ago I approached the Premier regarding the matter dealt with under Clause 3. It has been the custom of the Agricultural Bank to accept statements from other banks in giving them prior claims, and to place that authority in the mortgage which, when registered, gives priority. The Act contains a provision setting out that the Agricultural Bank cannot lend money except on a first mortgage. When the position was reviewed by the Crown Law Department, it was found that it would be necessary to discharge existing mortgages, thus allowing the Agricultural Bank to register their mortgage first and secure priority. It meant discharging the old mortgages and re-registering new ones. The procedure placed a burden on the Agricultural Bank clients that was not intended, and therefore the Government arranged to waive the fees in connection with it. That practice has been followed for some time and it became necessary to include provision in the Bill so as

to make it legal. I think I can claim a fair amount of responsibility for the proposal.

Hon. J. NICHOLSON: Some farmers who have given mortgages to the Associated Banks are unable to obtain further advances and have approached the Agricultural Bank for additional accommodation. When the extra money has been made available, it has necessitated the execution of fresh documents in order to make the Agricultural Bank the first mortgagee. The Agricultural Bank will not be able to continue advancing money indefinitely, and if there are citizens in the community prepared to do what the Agricultural Bank has done, there is no reason why the stamp duties should not be waived.

Hon. J. J. Holmes: It would be risky to let anyone in ahead of the first mortgagee.

Hon. J. NICHOLSON: My amendment merely seeks to save the payment of double duty where there is only a re-arrangement of the security.

Hon. H. J. YELLAND: The point to be borne in mind is that the Agricultural Bank is bound by Act of Parliament to advance money only on the security of a first mortgage. The institutions which Mr. Nicholson would like to assist would be quite justified in accepting second, third or even fourth mortgages.

Hon. J. Nicholson: But the owner of the land would have to pay the double duty.

Hon. H. J. YELLAND: The object of the clause is to overcome a difficulty affecting the Agricultural Bank, but the amendment does not come within the scope of that object.

Amendment put and negatived.

Clause put and passed.

Clauses 4, 5 and Title—agreed to.

Bill reported without amendment and the report adopted.

RESOLUTION—PRINTING OF BILLS.

To amend Joint Standing Orders.

Message from the Assembly received and read requesting concurrence in the following resolution:—

That Nos. 4 and 7 of the Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly be amended by the insertion of the words "or other suitable material" after the word "vellum" in lines 4 and 3 respectively.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East [5.43]: This is a matter of considerable importance. Under the Joint Standing Orders it is incumbent upon us to use vellum for the printing of Bills. At present vellum is not obtainable in Australia and would have to be imported at very high cost, but a satisfactory substitute is available. If Bills, after being passed by Parliament, had to be held up before they could receive the assent of the Governor, solely because of the absence of vellum, an unfortunate position would be created. I therefore ask the House to deal with the resolution at this sitting.

The **PRESIDENT**: Under Standing Order 319 leave may be granted by the House to consider the message forthwith. I therefore put to the House the question that leave be given to consider the message at once.

Leave granted.

In Committee.

Hon. J. Cornell in the Chair.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: I move—

That the Assembly's resolution be agreed to.

Under the Standing Order referred to, No. 4, Bills that pass both Houses of the Legislature shall be fair printed by the Government Printer, who shall furnish three fair prints thereof on vellum to the Clerk of Parliaments. Vellum is not procurable in Australia at present and can only be imported at high cost. If it were necessary to print Bills on that substance, there are many measures which would have to be held up in the meantime. While there is such a good substitute as the hand-made paper of which I now have samples, and which can be used for the purpose. I hope the Committee will pass this motion.

Hon. A. LOVEKIN: The Committee can offer no objection to this amendment to the Joint Standing Orders. It is in their own interests that Bills which they have passed shall be printed; otherwise they cannot become law. We are told by experts that Imperial parchment, such as it is proposed to use, if properly looked after, will last for a thousand years before disintegrating or breaking up. If our Bills last a thousand

years, it will be longer than we shall live to take an interest in them.

Question put and passed.

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

BILL—BEES.

Returned from the Assembly with an amendment.

BILLS (2)—FIRST READING.

1, Roads Closure.

2, Vexatious Proceedings Restriction.

Received from the Assembly.

BILL—METROPOLITAN MARKET TRUST ROAD.

Second Reading.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [5.50] in moving the second reading said: When the Crown Grant of the Metropolitan Market site was issued to the Trust, it comprised certain closed streets, among which was Marquis-street, as shown on a litho. which has been laid on the Table of the House. That street provided access to the subway and the locality north of the railway line. Prior to the issue of the Crown Grant, the Perth City Council would agree to the closure of Marquis-street only on the condition that another street was provided in place of it giving access to the subway. In accordance with that understanding the street has been provided, and is shown in red on the litho. It has been constructed by the Trust, and has a width of 50 feet with a bitumen surface. Marquis-street has accordingly been closed and the new street called "Market Place," is now open to the public. When the Crown Grant of the Market site was issued, it was agreed between the Perth City Council and the Market Trust that the new street was to be taken over by the City Council upon conditions to be decided between them. Those conditions have been agreed upon. It is now desired that the new street shall be excised from the Market site and handed over to the Perth City Council in order that it may be pro-

claimed a street under the Municipalities Act. However, as the Market site was granted subject to a trust, Parliamentary sanction is necessary before the land can be excised and according this Bill is submitted. The conditions mutually agreed upon by the Perth City Council and the Trust are—

(a) The existing 50 feet of bituminous road to be taken over from the Trust by the Council when passed by the Main Roads Board as satisfactory, the Council to be responsible for its future maintenance.

(b) The Trust to contribute a maximum amount of £150 over a period of three years as its contribution towards the cost of any re-grading of the said road, which may be necessary when the road is being constructed to its full width of 99 feet by the Council, including adjustment of any approaches to market roads which may be rendered necessary by such re-grading.

(c) The buildings upon the unmade portion to remain the property of the Trust, together with any rents accruing therefrom until the road is made for the full width.

(d) The Council to give at least three months' notice of its intention to construct the road to its full width in order that the necessary arrangements may be made by the Trust in respect to the cancellation of tenancies, demolition of buildings, etc.

(e) That the Council will construct the road to its full width within five years or earlier if the Market Trust buildings on the west side of Market Place are completed within that time.

I move—

That the Bill be now read a second time.

On motion by Hon. Sir William Lathlain, debate adjourned.

BILL—AGRICULTURAL BANK ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from 4th November.

HON. H. SEDDON (North-East) [5.55]: What I have to say on this Bill can be said in a few words. On the face of it the measure appears to be an attempt to provide for the encouragement of local manufactures. To that extent it commends itself to the House. In my opinion this objective would have been far better achieved if the Government had brought down a comprehensive Bill providing that articles manufactured in Western Australia should carry a distinctive mark or label. Anything made entirely in Australia could carry another

mark, British articles could carry a third mark, and overseas foreign articles a fourth descriptive mark. If such a course were pursued, it would be more likely than the Bill now before us to attract public attention towards goods of local manufacture, and thereby encourage local production generally. The Bill appears to be limited in its operation, and I think one on the lines I have indicated would be far more effective.

HON. W. H. KITSON (West) [5.57]: Although the Bill does not go as far as I should like, I will support the second reading. The only virtue in it is that it may be regarded as a gesture to the trustees of the Agricultural Bank to fall into line with the idea that is now gaining ground that we should support local industry.

Hon. J. Nicholson: Is there anything to compel people to do that?

Hon. W. H. KITSON: No. The only virtue the Bill possesses is that it is a sort of gesture to the trustees of the Agricultural Bank, who are charged with the responsibility of advancing State funds for the development of Crown lands, that as far as possible they should see that the products of the State are used in such development. That is a very worthy object. With other members I am very pleased with the propaganda that has been noticeable in recent months, principally at the instigation of the Chamber of Manufactures. This appears to be having some results. My own opinion is that the Bill would have been of more use had it contained some provision of a compulsory nature. When it reaches the Committee stage it may be possible to amend it in such a way as to meet with the approval of members. I support the second reading, and hope the measure will reach the Committee stage.

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

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

Debate resumed from 4th November.

HON. J. J. HOLMES (North) [5.59]: The Bill has my whole-hearted support. It is a move in the right direction, although I think it is lamentable that we should have

reached the position when political elements should have interfered with the course of justice to such an extent as to necessitate legislation of this description. I have long since come to the conclusion that the British courts of justice have done more to keep the Empire together than anything else. The justice associated with the British Empire, compared with the justice that is meted out in some countries, has won the admiration of the world. I repeat that, in my opinion, the courts of justice of the British Empire have done more than anything else to cement the British Empire. The Bill aims at the continuation of that policy. The strain imposed by their positions on some stipendiary magistrates to-day is too great to be allowed to continue. Men are in those positions with the desire to do what is right; and occasions have arisen—I hope they will never occur again—when a magistrate has been faced with having to say to himself, “If I mete out justice, as I must do, what justice will be meted out to me?” I have received a circular issued by the Public Service Association, who seem to fear that some of their members will be overlooked in the appointment of stipendiary magistrates. I do not think any Government would overlook a highly qualified man in the Public Service who had done good work. Apart from that, the very fact that stipendiary magistrates will be servants of Parliament will do more than anything else to keep out the political element from appointments. This Chamber would always see that justice was done if a wrong appointment had been made. As regards another place, we know that for many years to come there will be continual changes of Government. During these times I do not think any Government can last more than three years; the pendulum is bound to swing after that period. If a man without the qualifications or without the moral capacity was appointed as stipendiary magistrate, I do not think his appointment would last for more than three years. Justice would always be meted out if a man were wrongly appointed. The appointment would only last three years.

Hon. G. Fraser: Can you quote any instance in support of that statement?

Hon. J. J. HOLMES: No, because the necessity for such action has never arisen here. I could, however, quote instances

where the political element has removed some of the best justices we have had, only because they discharged their duty according to their oath. That has happened in the past, and this Bill aims at preventing such happenings in the future. An appointee who was unsuitable for the position, would be running too great a risk in allowing himself to be pushed in by the political element. He is bound to be a qualified legal practitioner; and if he were once put off the bench as unsuitable, his career in the legal profession would be done for ever. Therefore I do not think civil servants have much to complain about on the point they raise, that suitable persons from outside the Public Service may be appointed stipendiary magistrates while there are suitable persons inside the service. A question has been raised as to the amount to be paid to stipendiary magistrates. We have to bear in mind that they are to be highly qualified men, members of the legal profession, and honourable members of it. The minimum salary proposed is £636, and the maximum £1,020. In normal conditions £1,020 per annum would not be too great an amount for the discharge of such duties by a highly qualified professional man.

Hon. A. Lovekin: That is more than a member of Parliament gets!

Hon. J. J. HOLMES: The only objection that has been raised against the Bill is the fixing of the maximum at £1,020. I hope the Minister in charge of the Bill will make it clear that there is no intention to make any increase at present. When times do rectify themselves, as we hope they will, an increase can be made. I am gratified that these responsible officers are to be removed from political influence, and I hope that during the present session other officers occupying important positions—not necessarily the officers themselves, but the offices—will be made secure from the political element. I refer to such positions as the Commissionership of Railways. However, the Bill is certainly a step in the right direction, and, as I said in opening, I support it whole-heartedly.

HON. J. NICHOLSON (Metropolitan) [6.7]: I agree with what Mr. Holmes has said, and I believe members of this Chamber will commend the Government for introducing the Bill. I feel sure the measure will

receive the hearty endorsement of every member. From what the Leader of the House said in introducing the measure, I realise that there are certain essentials in the appointment of every man to a judicial position. For one thing it is necessary to secure him in the tenure of his office. There must also be adequate remuneration. What Mr. Holmes has said on this point will, I feel certain, be duly considered by Cabinet when making appointments. Naturally the Government are not in a position to consider paying the maximum salary to any magistrate at present; but that is no reason why there should not be a maximum stated, so that those who may be appointed will have the hope of attaining the maximum in due course. Another point emphasised by Mr. Holmes is one regarding which all Western Australians can feel a certain pride, that those who have held the position of judge or magistrate in this State are men whose honour has never in any instance been impugned, or could be impugned. They regarded their duties as sacred, and sought to perform them with that degree of honesty and honour which has been one of the outstanding features of our judges and also of our magistrates. I am glad to see the proposal to safeguard the position of those magistrates who have not succeeded in qualifying by examination or otherwise for the positions which they hold. Every one of us can pay a compliment to the men holding positions as magistrates not only in our police courts but also in our local courts. They have performed their duties most efficiently, and have done everything possible to show themselves worthy appointees to the offices which they have the honour of holding. The limitation of 70 years which has been placed upon the holders of the office is quite a correct limitation. When a man has attained so ripe an age, it is fair of him to give some other person the opportunity to follow in his footsteps.

Hon. G. Fraser: Don't you think the age is too ripe?

Hon. J. NICHOLSON: No. Provision is made in the Bill that the holder of an office under it will be subject to having his service terminated earlier, provided there is some just reason for it; but until that reason arises, there is no occasion to do anything. I noticed recently that the senior stipendiary magistrate in New South Wales, Mr. Gates, had given a history of his ex-

periences. He is a man who was retired at about the age of 65. In view of this Bill, I was interested in reading that man's experiences, how he felt pride in the performance of his duties, and how his ripened experience enabled him to do better than he could have done in his earlier years. So that age is not always a determining factor. Some men are as virile and powerful at 70 as others at 60 or 50. At any rate, 70 years is a fair limit to put so as to give an opportunity to others. I support the second reading.

On motion by Hon. A. Lovekin, debate adjourned.

House adjourned at 6.13 p.m.

Legislative Assembly,

Thursday, 6th November, 1930.

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

MOTION—URGENCY.

Farmers' Bag Supplies.

HON. W. D. JOHNSON (Guildford-Midland) [4.34]: I desire, Mr. Speaker, to move the adjournment of the House to discuss the following matter of extreme urgency—

In view of the fact that the wheat harvest is waiting to be garnered, and merchants are not delivering bags on account of the Farmers' Debts Adjustment Bill not yet being passed, it is imperative that the Government