Legislative Assembly.

Wednesday, 28th September, 1932.

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

QUESTION—UNEMPLOYMENT.

Mr. MARSHALL asked the Minister for Railways: Is it the intention of the Government to make work available for those now unemployed and increase the pay for those who may be employed, or who are at present employed that the people may be able to put a little by to tide over the Christmas holidays?

The MINISTER FOR RAILWAYS replied: As further funds are made available additional employment will be provided. The question of increasing the earnings is governed by the financial position.

QUESTION—HARVEY IRRIGATION.

Mr. COVERLEY asked the Minister for Works: What is the total mileage of drain concreting to complete the Harvey irrigation scheme?

The MINISTER FOR WORKS replied: Two miles.

QUESTION—KARLGARIN RAILWAY.

Mr. BROWN asked the Minister for Railways: 1, When will the Lake Grace-Karlgarin railway come under the system of operating railways? 2, If not in the near future, will he agree to carry all goods at operating railway rates?

The MINISTER FOR RAILWAYS replied: 1, About the end of March. 2, Wheat and superphosphates are already conveyed at throughout rates, and apart from these, it is not deemed advisable to alter the present system of charges on lines under construction.

QUESTIONS (2)—HOSPITAL TAX.

Kellerberrin Collections.

Mr. GRIFFITHS asked the Minister for Health: 1, Is the claim that £1,500 or more was collected in hospital tax in the Kellerberrin area last year correct? 2, Is he aware that funds of the Kellerberrin hospital are absolutely depleted, and that the maternity ward will be closed and the only trained nurse discharged if relief is not given before the 30th September?

The MINISTER FOR HEALTH replied: 1, Only with a great deal of difficulty would it be possible to ascertain the amount of tax collected from the Kellerberrin district. 2, We are aware of the financial position of the Kellerberrin Hospital, and the amount required to discharge its liabilities has been paid by the department.

Proposed Increase of Tax.

Mr. GRIFFITHS asked the Minister for Health: 1, Is he aware that the strongest exception is being taken to the adding of a further 4½d. to taxation under the guise of a hospital tax? 2, If so, will he consider the advisability of introducing it as a sustenance or unemployment tax?

The MINISTER FOR HEALTH replied: 1, It is not proposed to impose any additional taxation under the guise of a Hospital Tax. 2, Answered by No. 1.

QUESTION—MIGRANTS, REPATRIATION.

Mr. GRIFFITHS asked the Premier: 1, Will he explain why the resolution of this Chamber that migrants so wishing be returned to Great Britain has not been carried into effect? 2, If there are certain

obstructions to the wish of the House being given effect to, what are they?

The MINISTER FOR LANDS (for the Premier) replied: 1, Yes, when the adjourned debate on the motion moved by the member for Murchison is resumed. 2, Answered by No. 1.

PRIVATE MEMBERS' BUSINESS.

Mr. MARSHALL: Again I wish to direct attention to the fact that Government business appears on the Notice Paper ahead of private members' business, although this is private members' day. There are six Orders of the Day which are purely Government business and two notices of motion, making eight Government items that take precedence over private members' business. I have no desire to interfere with the progress of Government business, but how it happens that week after week Government business takes precedence of private members' business on the day expressly set aside for private members' business, I do not know. Is there any possibility of remedying the evil?

The Minister for Railways: It is not an evil.

Mr. MARSHALL: Not for the Government, but it interferes with the progress of private members' business.

The Minister for Railways: It has always been so.

Mr. MARSHALL: That does not make the position any better.

The Minister for Railways: All of them are formal matters.

Mr. MARSHALL: The Minister has no right to regard any item as formal. I may wish to discuss the first Order of the Day. All six items might be discussed. Yet we have passed a motion that Government business take precedence on Tuesday and Thursday, implying that private members' business take precedence on Wednesday. This is the second occasion on which we have had to remind you, Mr. Speaker, that the Government are imposing upon private members. As private members are in a majority they are entitled to consideration.

Hon. P. Collier: A big majority.

Mr. MARSHALL: Yes; the whole of the Opposition are private members, whereas there are only two on the Government side. Consequently the Government have not much support on which to rely, especially having regard to the attitude of members on the Metropolitan Whole Milk Bill last evening. We want to discuss our business.

The Minister for Lands: You are discussing it now.

Mr. MARSHALL: No, I am discussing the action of the Government in imposing on us and trespassing on our rights. To protect the rights of private members, should I be in order if I moved that the first six Orders of the Day and the two Notices of Motion be postponed?

Hon. P. Collier: Be discharged.

Mr. MARSHALL: No, I shall not go that far.

Mr. SLEEMAN: Last week I had occasion to protest against the action of the Government in placing their business ahead of private members' business. I thought the protest would have had some effect, but instead of two or three Government items heading to-day's Notice Paper, there are eight. Private members should make a stand in order to secure recognition. After all, the Government are merely clothed with a little more authority than are other members; yet they seem to have no regard for private members' rights. There is more private members' business on the paper this session than there has been at any time since I have occupied a seat in the House. We know what happened last week; I do not wish to refer to that again, but unless we protest, we shall be pushed completely aside. Next week, on account of Show Day, private members will not get an opportunity to discuss their business.

Mr. SPEAKER: Does the member for Murchison desire to move in the direction he indicated?

Mr. SLEEMAN: I move—

> That the first six Orders of the Day be postponed until after Order of the Day No. 19.

There is a principle at stake, and I am prepared to register my protest. Private members have a right to get their business disposed of; and if the House adjourns over next Wednesday on account of the Royal Show, the Government should give them, for their business, the following Thursday.

Mr. RAPHAEL: Last Wednesday I was led by members of the Government to believe that the arrangement of the Notice Paper for that sitting was due to an error, in respect of private members' business not

being taken first. To-day, however, the Government have gone one better than they went a week ago, and have put private members' business still lower on the Notice Paper. Country Party members and private Nationalist members will, I feel sure, support the motion, as the general election is approaching and many of those hon. members will not have another opportunity of carrying their legislative desires into effect. Let them seize this opportunity. Many members opposite, I repeat, will not be here next year. Some of the Bills introduced by private members are of more importance than Government Bills. The House will stand adjourned over next Wednesday, and that means the loss of another week to private members for their motions and Bills. A little later in the session private members will, in accordance with custom, be deprived of practically all opportunity to bring business before the Chamber.

The MINISTER FOR LANDS: This question was raised last Wednesday, and I hope hon. members will not now break down a precedent which has existed, I believe, practically ever since there was a Parliament in Western Australia. The business appearing at the head of the Notice Paper is purely formal. Had the Government thought there would be any objection raised to that business, the matters in question would have been placed lower on the Notice Paper. It has always been the custom to deal with purely formal matters at the beginning of each sitting. Last Wednesday the Premier gave an assurance that the arrangement of the Notice Paper for that day was due to a pure mistake on his part, one of those mistakes which will happen. It has been the custom to set aside one day per week for private members' business, and the Government do not wish to adopt any different course to-day. I hope hon. members opposite will allow the formal business to be disposed of, so that their own business may proceed.

The MINISTER FOR RAILWAYS: Hon. members who are raising objection should understand that this motion may prove to be something in the nature of a boomerang. It has always been the practice that when a motion for a return or for papers, more especially, is to be moved by a private member, who indicates that he does not desire to have the matter debated, the Government place the notice of motion at the head of the business paper, as has been done with other formal business in this instance. Thus a member keenly desirous of obtaining information early, in order that he may discuss the subject later, may in future be defeated if the motion now before the Chamber should be carried. There is no likelihood of any of the third readings on to-day's Notice Paper being opposed. The method of arranging the Notice Paper is one of give and take, and hon. members opposite should agree to what has been done in that respect.

Mr. MARSHALL: I agree with much of what the Minister for Railways has said, but among what he describes as formal business are two important notices of motion, one of which has already figured in the Press.

The Minister for Railways: Which one is that?

Mr. MARSHALL: The Minister may be challenged on his motion for leave to introduce a certain Bill. Strong exception is taken by some members to that measure. The Minister has already let it become known, through Press publicity, what are his intentions regarding the Bill in question.

The Minister for Lands: On a point of order, Mr. Speaker. Is the hon. member in order in speaking twice to the same motion?

Mr. MARSHALL: I am only now speaking to the motion.

Mr. SPEAKER: A point of order has been raised. I understand that the member for Murchison is speaking to the motion moved by the member for Fremantle. If the member for Murchison will confine his remarks to the subject matter of that motion, he is at liberty to continue.

Mr. MARSHALL: I have not yet spoken to the motion at all. I am entitled on a point of privilege, to ask you, Mr. Speaker, what you consider to be the right and proper procedure in this Chamber. Now I propose to speak to the motion moved by the member for Fremantle.

Mr. SPEAKER: If the hon. member will confine himself to that motion, and disregard interjections, he will get on much better.

Mr. MARSHALL: The Minister for Railways argues that all the matters objected to are formal. However, one motion to be moved to-day by that Minister may not be accepted as formal; indeed, far from it. A

motion for leave to introduce a Bill has been challenged during this session already. That was the motion moved by the Minister for Works.

The Minister for Railways: The motion moved by the member for Fremantle may prove a boomerang to private members.

Mr. MARSHALL: Possibly; and in that case we shall have to tolerate the boomerang. The Factories and Shops Act Amendment Bill was the subject of a lengthy debate, and I do not know that members generally are even yet satisfied to let the third reading go through formally. What business is to be considered formal, and what not formal, is a question to be decided by the Chamber, and not by the Government. Last Wednesday private members had but a poor opportunity of bringing forward their business. This Wednesday private members' business is preceded by eight items. Over Wednesday of next week the House will stand adjourned. A week or two later the Government will move a motion to cut out private members' day, and that is a motion which most members will feel bound to support. Then there will be no sanction whatever for the introduction or discussion of private members' business during the remainder of the session. Thus private members will find themselves practically ostracised for the rest of the life of this Assembly. I support the motion.

Mr. SAMPSON: I take the liberty of suggesting that now the question has been fully moved and seconded, the mover might ask leave to withdraw it. The carrying of the motion would have an embarrassing effect. Its defeat would have a bad effect, as constituting something in the nature of a precedent.

Mr. SLEEMAN: Adverting to the remarks of the Minister for Railways, I desire to say that I am always sportsman enough to allow a little give and take. My protest, however, was raised because in this regard it has been a case of all take and no give on the part of the Government. I have registered my protest, and I hope no such protest will be required in future. In the circumstances, I ask leave to withdraw the motion.

Mr. SPEAKER: During the 20 years I have been a member of this Chamber, it has always been the practice for formal Government business to be taken on private members' days. That includes Bills at the third-reading stage or Bills to be introduced. I also remind hon. members that every Premier, who has been in office since I have been a member, has always given private members an opportunity, even when the House is working under pressure towards the end of a session, to deal with their business appearing on the Notice Paper.

Motion, by leave, withdrawn.

BILLS (5)—THIRD READING.

1, Factories and Shops Act Amendment

2, Fruit Cases Act Amendment.

3, Swan Land Revesting.

4, Constitution Acts Amendment Act (1931) Continuance.

5, Industries Assistance Act Continuance.

Transmitted to the Council.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Further report of Committee adopted.

BILLS (2)—FIRST READING.

1, Wheat Pool.

Introduced by the Minister for Lands.

2, Lotteries Control.

Introduced by the Minister for Police.

MOTION — UNIVERSITY FINANCE, GOVERNMENT SUBSIDY.

To Inquire by Select Committee.

MR. J. MacCALLUM SMITH (North Perth) [5.10]: I move—

That a Select Committee be appointed to inquire into the financial administration of the University for the purpose of ascertaining to what extent the State is justified in continuing the present annual subsidy of £31,000.

My motion must not be construed in any way as an attack upon the University or upon any of the professors, whether of communistic or any other variety. The motion means exactly what it states. It is not intended as an attack upon the management of the University, nor is it proposed to interfere with their operations in any way. Hon. members know that the Government provide a

grant of £31,000 each year for the University, but how many can tell just how the money is spent? We are in the habit of passing the amount year after year without any inquiry whatever. It devolves upon members to ascertain how such a large sum is spent. That is the reason that animates me in advancing my suggestion that a select committee be appointed to inquire into the expenditure of the annual grant by the University. Little information has been supplied to Parliament by the University with regard to their finances. It is the practice to present copies of their reports and balance sheets annually. After I had given notice of my intention to move the motion, I found that the latest report supplied by the University was for the year 1929. Subsequently they furnished a copy of their report and balance sheet for 1930. Although we are in the ninth month of the present year, we have not yet a copy of the University's report for 1931. In the past the University authorities have sometimes supplied the report and balance sheet in June. For some reason or other, the report for 1931 has not been presented to Parliament yet.

Hon. S. W. Munsie: When does the University year end? In December or June?

Mr. J. MacCallum SMITH: It ends in December. In advancing my arguments in support of the appointment of a select committee, I must base them upon the report for 1930, the latest now supplied to us. From that report I find that the University have a finance committee comprising estimable gentlemen who are well-known citizens. I naturally concluded that before I finished reading the report, I would peruse some statement regarding the University finances. I have scrutinised the report carefully but I cannot find anything under that particular heading, notwithstanding that large sums of money have been handled during the period under review. One would naturally expect to see various items of expenditure segregated, but nothing of that sort is attempted in the report, until we come to Item 28, which comprises three lines and refers to "University Finances." Under Item 28 we get a statement on the University finances consisting of only three lines. It reads as follows:—

> The Government have been unable to increase the annual grant, which remains at £31,000. As a consequence no additional activities will be undertaken by the University for the present.

I understand that is not a correct statement. The University have been very unfair to the Government in putting it that way—"the Government have been unable." Any outsider reading that report would infer that the Government were practically bankrupt, were unable to provide an additional amount. That is the only inference that can be drawn. It is not true, for if the Government had wished to find the money they could have done so by cutting down somewhere else. Probably the Treasurer told the University it would be unreasonable to increase the amount during this time of stress, that they would have to economise, as he was not in a position to let them have an increase.

Hon. P. Collier: During the previous three or four years the grant was greatly increased.

Mr. J. MacCallum SMITH: That is so. It was most unfair of the University to set it out that the Government were unable to increase the grant. It is a bad advertisement for the State, and it suggests ingratitude on the part of the University, seeing that they have been going cap in hand to the Government for a grant every year. One thing this item discloses is the University policy, "as a consequence no additional activities will be undertaken by the University for the present." They do not say what the intended activities were; no information at all is given to the public. All I can gather from them is that they have cut out the printing of their calender, a most necessary publication at the University; they have suspended its printing, which costs only about £150. "Calendar" is another name for the report of the proceedings and examination, and all that sort of thing, during the past year. That has been cut out. I do not know whether it is one of the activities referred to. At any rate, that was the University's idea of cutting down expenses. As I say, this item, the only item regarding finance, occupies three lines. Let us go back to Item 21, dealing with students' sports and social life. There we get 20 lines. I think I should read out the paragraph about the students' sports and social life, so that it may be compared with

what the authorities think of the financial position. It reads as follows:—

> Interest in sport at the University has shown a considerable increase during the year, and there are now 12 sporting clubs affiliated with the sports council. Two pavilions and dressing sheds have been erected, one for men and women adjoining the tennis courts, and one at the women's hockey ground. Two clubs competed in inter-University competitions during the year The inter-University boat race for the Oxford and Cambridge cup was rowed on the Swan River on the 7th June and was won by the Western Australian crew, who have now three successes to their credit out of four starts. The rifle club obtained fourth place in the inter-University competition for the Benour-Nathan trophy at Adelaide. The cricket club competed this year for the first time in A grade competitions. Preparations have been made by the students for the transferring of the faculties of Arts and Law to Crawley, and the Guild of Undergraduates has agreed to a general levy of £1 upon the students for the purpose of furnishing the Guild Building (Hackett Hall), and covering any loss in the running of the refectory. The Union Council were formed to control and manage the Guild Building.

It seems to me extraordinary that an institution like the University, handling large sums of money, should dismiss the financial portion of their report with a paltry three lines and a mis-statement of facts, whereas they devote half a page of their report to trifling, piffling little remarks concerning their cricket club and their rifle club.

Hon. P. Collier: Outdoor sport is an important part of a student's life at the University.

Mr. J. MacCallum SMITH: Yes, there is a good deal in that. But this House has to find large sums of money, and I want to know whether we are justified in doing it when we are cutting down expenditure in every other direction. For the information of the House I should like to detail the grants given to the University during the past three years. In 1928 they received as a grant £32,750; in 1929 they received £30,500, and in 1930 they received £31,500. I do not know what they got last year, but I believe it was in the vicinity of £31,000.

Hon. P. Collier: Have you the 1924 figures? I think it was only £21,000 then.

Mr. J. MacCallum SMITH: I have not the figures, but I know the amount has been growing like a snowball. In addition to those amounts, they had a special grant of £7,000. Their total revenue during those three years was as follows:—In 1928 it was £42,172, in 1929 it was £45,614, and in 1930 it was £41,309. The expenditure on the other side of the ledger is worth looking at. The amount spent in salaries in 1928 was £25,735, in 1929 it was £27,320, and in 1930 it was £29,590. So it will be seen that the amount has been gradually increasing by about £2,000 per annum. Then the library in 1928 involved an expenditure of £488. In 1929 it was £1,481 and in 1930 it had risen to £1,903. That means about £40 per week spent on books. And that does not include students' books. They are merely books for the library.

Mr. Kenneally: But they would be available to the students.

Mr. J. MacCallum SMITH: Oh yes, I do not deny that. The lighting account has increased from £320 in 1928 to £496 in 1930, while the telephone account for the three years has been £207, £214, and £306 respectively. The total expenditure in 1928 was £27,634, in 1929 it was £29,574, and in 1930 it was £43,220.

Mr. Marshall: What was the number of students at the University during those years?

Mr. J. MacCallum SMITH: I believe it was 666.

Mr. Doney: But you might give us the progressive totals of the students from year to year.

Mr. J. MacCallum SMITH: I will do that later. As showing how the University stands at the bank, in 1928 its overdraft was £4,554, in 1929 it was £2,880 and in 1930 it was £5,164. I am surprised to find there is not a statement of assets and liabilities included in the report, so we can have no knowledge of how the University stands. It is an extraordinary thing that no statement of assets and liabilities should have been supplied. It might happen that the University will gradually become so involved that of necessity the Government will have to go to the rescue and pay off the liabilities. Certainly the University should supply a statement of assets and liabilities at the end of each year. That has been neglected. In view of the University's amateurish way of submitting financial statements, I felt that the auditor's report would have something to say and so I had a look at it. But what do we find? The auditor is a highly qualified gentleman holding a very high position in the city, but when I read his report I was greatly sur-

prised, as I think members will be also. This is all he has to say—

> I have examined the above statement with the books of the University, and I find same to be in accordance therewith.

What is the value of an auditor's certificate like that? It is of no value whatever. The books may be altogether wrong, and therefore the statement would not be giving the true position of the University. Imagine the Auditor General submitting a report of that sort, that he has examined the books and found them in accord with the general balance sheet. Such a certificate is worse than useless, for it is misleading. We expect an auditor to draw attention to all the items that come under his notice. He should be able to say whether the expenditure was warranted, whether it was properly authorised, and in many other ways make a report that would be of some value and assistance to the House.

Mr. Marshall: Do you imply that he is not able to say that?

Mr. J. MacCallum SMITH: Only because he is not supplied with the information.

Mr. Marshall: He has been supplied with all the information he wanted, otherwise he would not have given his certificate.

Mr. J. MacCallum SMITH: All he says is that it is in accordance with the books. I say the books might be all wrong.

Hon. A. McCallum: What right has an auditor to say whether the expenditure was warranted? That has nothing to do with him.

Mr. J. MacCallum SMITH: I think so. An auditor in examining the books of a company——

Hon. A. McCallum: Would he say whether the expenditure was warranted?

Mr. Marshall: Does the Auditor General tell the Treasurer of the State whether his expenditure is warranted?

Mr. J. MacCallum SMITH: Yes. You read the Auditor General's report and see how he criticises the Government expenditure.

Mr. Marshall: Only on certain points.

Hon. A. McCallum: Some of them want to lay down a policy, which is not their job. You want the University's auditor to do that.

Mr. J. MacCallum SMITH: This auditor should supply us with information of some value. At present his certificate is of no value whatever. I should like to compare the financial position of the University with that of the universities of the Eastern States, so that we might be able to find out in which way we are drifting. In New South Wales the Government grant to the University is £32,000, or only £500 more than the amount granted by our Government to our University.

Mr. Doney: In which year was that?

Mr. J. MacCallum SMITH: In 1929, which is the latest report available. In the same year the Government of Western Australia granted our University £30,500. The Melbourne University received £66,716, the Queensland University £25,857, the Adelaide University £24,000, and the Perth University £30,500. In New South Wales the people were called upon to pay 3d. per head towards their University, and the people of Western Australia were called upon to pay 1s. 5½d. per head. I will now compare the costs of administration in the same way. In Sydney the salaries and administrative costs ran into £206,000, in Melbourne £206,000, in Adelaide £117,000, in Brisbane £58,000 and in Perth £147,000. This works out in Sydney at a cost per head of the population of 1s. 7¾d., in Melbourne, 2s. 3½d., in Adelaide 4s., in Brisbane 1s. 2½d., and in Western Australia 7s.

The Attorney General: One would require to know what the endowments were. Some of the Eastern States Universities are heavily endowed.

Hon. P. Collier: They have had big bequests.

Mr. J. MacCallum SMITH: Ours is one of the most heavily endowed universities.

The Minister for Railways: The greater the population the less per head is the cost of running a university.

Mr. J. MacCallum SMITH: I admit that, but the disparity is really too great to pass over.

The Minister for Railways: The cost of salaries and administration would be higher in our University.

Mr. J. MacCallum SMITH: The cost is too high and that is why I have drawn attention to the figures. In Sydney the University has 2,520 students, the cost of administration and salaries was £206,000, and the cost per student was £82. In Melbourne there were 2,616 students, the expenditure was £206,000, and the cost per student was £78 18s. 6d. In Brisbane there were 666

students, the cost of administration was £58,104, and the cost per student £87 5s. In Adelaide there were 1,813 students, the cost was £117,971, and the cost per student was £65. In Perth there were 642 students, the cost £147,000, and the cost per student £261.

Hon. P. Collier: Is that the cost to the State or the cost of the University altogether?

Mr. J. MacCallum SMITH: That was the total cost for that year.

Hon. P. Collier: Of the University?

Mr. J. MacCallum SMITH: The cost of administration.

Mr. Marshall: The State contributed only £31,000 of that.

Mr. J. MacCallum SMITH: Yes.

Mr. Marshall: That is the total cost to us.

Mr. J. MacCallum SMITH: I am showing the cost per student here as compared with the cost in the other States. Perth requires one professor for every 46 students, Sydney requires one for every 52, and Melbourne one for every 90.

Hon. P. Collier: If our percentage of students per professor were as high as theirs, we should not be able to loan them away so much.

Mr. J. MacCallum SMITH: It is not necessary to quote any more figures. We have been reducing the votes for our secondary and technical education and for our country schools. In many instances we do not get £100 for a country school, and yet the University grant has not been reduced.

The Attorney General: It has been cut down just the same as other grants.

Hon. P. Collier: For last year.

The Attorney General: Since the passing of the financial emergency legislation.

Mr. Sampson: The University has been given no consideration in the way of reduced interest upon its loans.

Mr. J. MacCallum SMITH: We cannot afford to run the University as a free institution. I belong to a race of people who like to get as much as possible for nothing, such as free education and other things free, with this reservation, that I am in favour of everything being free if we can afford it. In this case Western Australia cannot afford a free University. Many students attending that institution belong to parents who can well afford to pay for their education. It has been said that if fees are charged, the poorer students will be debarred from attending. That difficulty could readily be got over by establishing the bursary system for any brilliant child who might desire to continue his education at the University.

Miss Holman: And penalise all the rest.

Mr. J. MacCallum SMITH: Our young people are being educated up to a high standard, but are they a benefit to Western Australia? When students pass through our University they generally have to be employed elsewhere than in this State. They have to go out of the country in order to get employment. Are we justified in spending this enormous sum every year? That is what I want to find out. I am not attacking the University itself. It is an institution of which we ought to be proud. It is a credit to the country, and I believe the professors attached to it are learned and distinguished men. I hope that Western Australia can continue to have a free University. From what I have read and learned, I should, however, like to know something more about the finances. I trust members will agree it is desirable to appoint a select committee to inquire into this question before we make any further grants to the institution. We are not justified in voting such a large sum of money when other departments are struggling to economise. I hope the motion will be carried.

On motion by the Attorney General, debate adjourned.

MOTION—GAMBLING LAWS, ADMINISTRATION.

Order discharged.

MR. PANTON (Leederville) [5.38]: On the Notice Paper appears in my name the following notice of motion:—

> That a Select Committee be appointed to inquire into the administration of the law concerning gambling, more especially in regard to the necessity of a Government monopoly for all its forms, or a greater share of equity to all its ramifications.

In view of the fact that the Minister for Railways intends to bring down a Bill to deal with this question, and that I shall then have an opportunity of discussing it, I move—

> That this Order of the Day be discharged from the Notice Paper.

Question put and passed.

BILL—LAND AND INCOME TAX ASSESSMENT FURTHER AMENDMENT.

Second Reading.

MR. H. W. MANN (Perth) [5.40] in moving the second reading said: In 1924——

Hon. P. Collier: Was it not 1878?

Mr. H. W. MANN: ——when the Leader of the Opposition was Premier, he brought down an amendment to the Land and Income Tax Assessment Act. I then moved an amendment similar to that appearing in Clause 2 of this Bill. This was supported by the then Premier and by the present Premier, and it passed through this Chamber. It also passed the Legislative Council. Another amendment, however, was moved and at a conference of managers the second amendment was lost, and my amendment went with it. Section 10 of the Land and Income Tax Assessment Act is as follows:—

> All lands owned by any person or society, and occupied or used exclusively for or in connection with any public hospital (whether supported wholly or partly by grants from the Consolidated Revenue Fund or not), benevolent institution, public charitable purpose, church, chapel for public worship, or the site of a residence of a minister of religion ministering at some place of public worship, or the site of, or occupied for the purposes of, a school attached to or connected with any place of public worship, or as a mechanic's institute, or school of art.

My amendment to the Act as outlined in the Bill, is to insert the words "or held" after the word "used." When towns have been surveyed, grants of land have been made to various religious denominations upon which churches, schools or benevolent institutions might subsequently be erected. Many years pass before the town is sufficiently developed to warrant the denomination concerned taking advantage of the grant. During that time the value of the land has been eaten up by taxation under the Land Act. Such land is exempted by the Federal Government, by municipal councils, and by road boards.

The Minister for Railways: No, it is not.

Mr. H. W. MANN: It is. The Government, however, charge land tax until the land is brought into use. No suggestion can be made that the land is held for the purpose of trade. It is held purely for the purposes set out in Section 10. It is usually only a small block of land and could not be traded away. It is a reasonable request that the Government should exempt such land from taxation. Some denominations are being hit to a greater extent than others by the existing law, but every denomination is being hit more or less by having to pay land tax on these land grants. When my Bill was before the House in 1924, one or two members criticised it on the score that there might be an inducement to hold the land for speculative purposes. I suggest that it is not possible. The area is small, and it is for a definite use, and cannot be dealt with in any way except for the purpose specified in the Act. Although the amount may run into a large sum of money as far as church funds are concerned, it is not a great amount for the Government to cede. To-day the churches find it very much more difficult to carry on and finance than do other public institutions. They are very hard-up in respect of funds.

Hon. P. Collier: You are going to run a lottery for their benefit.

Mr. H. W. MANN: I do not know whether that will be for church charitable purposes, but I do seriously suggest that this is a reasonable measure and I hope I shall receive some support for it, just as I did when the Bill was before the House on a previous occasion. I move—

That the Bill be now read a second time.

On motion by Minister for Lands, debate adjourned.

BILL—AGED SAILORS AND SOLDIERS' RELIEF FUND.

Second Reading.

MR. PARKER (North-East Fremantle) [5.49] in moving the second reading said: The Bill which I commend to the consideration of members is for a very worthy purpose. In 1930 a fund was started by the Returned Soldiers' and Sailors' Imperial League for the purpose of making some provision for aged soldiers and sailors, and also nurses. In view of the fact that pensions are being cut down, this fund may be very necessary. The object of the Bill is to provide a capital fund and it has to be invested until 1940 before it can be touched at all. By that time it is expected there will be a number of men who will be in need of

some financial assistance, and the desire is to provide what will amount to more than an old-age pension.

Hon. J. Cunningham: You are running the risk of having their pensions reduced.

Mr. PARKER: No; it will be for people who will be entitled to the old-age pension and we are hopeful of being able to build up the fund so as to provide assistance for necessitous cases, and also for widows of returned soldiers and sailors. There is no catch in the Bill in the way of cadging money from the Government. It is proposed to establish the fund by paying into it 50 per cent. of the net proceeds obtained from Poppy Day collections, which take place on the 11th November in each year. That fund was started in September, 1930, and at the present time is in credit to the extent of £1,373. The object of the Bill is to give the fund a statutory force so that, as the years go on, it will be properly controlled under statutory authority, and not like so many trust funds which drift from one to another. I have much pleasure in commending the Bill to members.

Mr. Marshall: What do you mean by sailors; do you mean ordinary A.B's. as well? There is no definition of what a sailor is.

Mr. PARKER: A sailor means one who goes out in ships.

Mr. Marshall: Do you mean that?

Mr. PARKER: Of course I do; and also those who served in the Royal Navy and the Australian Navy ashore.

Mr. Marshall: Why not have in the Bill a definition of the term?

Mr. PARKER: It covers returned soldiers and sailors and everyone except, perhaps, the member for Murchison, will know who is embraced in the Bill. I move—

That the Bill be now read a second time.

On motion by the Minister for Lands, debate adjourned.

BILL—TIMBER WORKERS.

Second Reading.

MISS HOLMAN (Forrest) [5.54] in moving the second reading said: This is a short Bill and the principle of it is not new as far as this House is concerned. The Bill is designed to protect a deserving body of men from being exploited; that is to say, a body of men known as sleeper cutters. There are many men employed in the work of cutting sleepers in this State, and they work either singly or in small isolated groups throughout the bush of the State. They are not often brought into daily contact with other workers, as the mill workers are brought into contact with their fellows. Sleeper cutters—particularly foreigners—in Western Australia are easily beguiled to sign away all their rights without knowing what they are doing. Often they have been compelled to sign a paper known as a contract of some sort, and in many cases this must be done before they can get work at all. Later I shall quote one or two of these so-called agreements which were used in a recent Commonwealth contract given to people in this State. It is not necessary for me to go into details as to how the men work because most hon. members know that they go out into the bush and that they are paid for cutting sleepers at so much per load, and the bush, as everyone will admit, is not now half so good as it was in years gone by. There is not much good bush left for sleeper cutting, and some time back, in 1923, to be correct, Parliament saw the injustice that was being imposed on sleeper cutters as far as compensation was concerned, and remedied that evil by passing a short Bill. This was introduced by the present Premier, Sir James Mitchell, and the evil was remedied by overcoming the so-called contracts by which the men were tricked out of their compensation. In 1923 Sir James Mitchell introduced a Bill to amend the Workers' Compensation Act and the wording of the principal clause in the Bill I am now submitting is almost identical with the wording of the measure introduced by the present Premier. In that amendment to the Workers' Compensation Act it was necessary to provide that notwithstanding any contract or pretended contract with the sleeper cutters and all men engaged in falling, hewing, hauling or the carriage of timber, they remained entitled to compensation under the Workers' Compensation Act. My object is merely to repeat what Parliament has already done for the sleeper cutters in respect of compensation for accidents they may sustain in their work. The manner in which foreign sleeper cutters are deprived of their right to sue for an adequate wage amounts in many cases to pure chicanery, and it is found that documents are signed by men in entire ignor-

ance and by which they cease to be workers, and are deprived of the wage for their labour. Whether or not a document is signed, the men are not able to sue for their wages. It is also wise to remember that in some instances there is actual collusion between employers and workers, because, as I have already mentioned, the men cannot get employment unless they sign these so-called contracts. I am certain that no one here would willingly countenance the continuation of such an undesirable state of affairs. Originally all sleeper hewers worked almost entirely for the large timber companies who also had mills and utilised the sleeper cutter to cut out land which had already been cut over for timber mill purposes. They were at that time paid either the daily rate or the piecework rate for the number of sleepers they cut. The employer in that case provided the land on which the timber grew, and owned the cutting rights thereon, and gave transport per medium of his bush railways. In short, the employer provided everything necessary for the carrying on of the sleeper hewing industry except the actual axes and other tools —hand tools—used by the cutters. Even in that respect—that was before 1917—an allowance was made for the wear and tear of their tools. Until the last few years we have not had so much fraud and trickery in this particular part of the industry as has happened in later years. Latterly a new type of person has come into the industry, a person who will take a contract without owning any country at all. He simply takes a contract at any price. If that is low, he gets the contract, and then makes his profit from the sleeper cutters. The industry being so depressed, the cutters have to take the price that is offered, and sometimes, where they are foreigners, they do not know what they are actually agreeing to work for; sometimes it turns out they have agreed to work for nothing. The so-called contractors default and leave the cutters lamenting. In recent times we have had a great deal of friction in the sleeper-cutting industry. The workers have found it very hard to get a decent rate for their cutting, and on many occasions have been unsuccessful when they sued for the money owing to them for cutting. The Bill seeks to extend the operations of certain Acts to cover these people. On reading the Master and Servant Act and the Industrial Arbitration Act, it seemed to me that the definitions were very wide and would cover the workers we wished them to cover. Unfortunately the courts of law have ruled otherwise. The definition of "employed" in the Master and Servant Act reads—

> The word "employed" shall include any servant, workman, labourer, clerk, artificer, apprentice, or other person, whether under or above the age of twenty-one years, or whether a married woman or not, who has entered into a contract of service with any employer, either at salary or wages, or for any remuneration, whether in money or otherwise, or to perform work at a certain price by the piece or in gross.

"Contract of service" is defined thus—

> The words "contract of service" shall include any contract between employer and employed, whether in writing or by parol, whereby the employer agrees to employ and the employed agrees to serve for any period of time, or to execute any work, etc.

The Industrial Arbitration Act contains the following definition of "worker"—

> "Worker" means any person of not less than 14 years of age of either sex employed or usually employed by any employer to do any skilled or unskilled work for hire or reward, and includes an apprentice.

That also is a wide definition. The Workers' Compensation Act includes in the term "worker"—

> any person working in connection with the felling, hewing, hauling, carriage, sawing or milling of timber for another person who is engaged in the timber industry, for the purposes of such other person's trade or business under a contract for service, the remuneration of the person so working being in substance a return for manual labour bestowed by him upon the work in which he is engaged.

Those are definitions to which I wish to direct the attention of the House. The Bill introduced by the Premier (Sir James Mitchell) in 1923 provided for that amendment to the Workers' Compensation Act, and is almost identical with the provision in the Bill now before us. In introducing the Bill in 1923 Sir James Mitchell said—

> It is proposed to bring two sets of people within the scope of the Workers' Compensation Act, the person working in connection with the felling, hauling, carriage, sawing or milling of timber for another person who is engaged in the timber industry, and the person employed at group settlements. Regarding the former it is necessary to amend the Act, although the Solicitor-General always contended that such a

person came within the scope of the Act. Some time back a timber hewer was killed, and a claim for compensation was lodged. The claim was resisted, so certain was the Solicitor-General on the matter; but when the case was taken to the High Court, it was lost.

Mr. McCallum: Is the Bill supposed to cover hewing?

The PREMIER: It will cover all timber workers, either those engaged on piece work or on wages. The occupation is perhaps more dangerous than any other, and it is proposed by the Bill to protect those engaged in it.

Then he went on to discuss the people employed on group settlements, with whom the other part of his Bill dealt. The then member for Forrest (Mr. O'Loghlen), in speaking on the Bill, reviewed the position of the sleeper cutters and told the House of cases that had been fought at the Government's expense to try to prove that the sleeper cutters were entitled to compensation. He concluded by saying—

> The High Court has ruled against the dependants. In the absence of an amending Act, that decision becomes binding.

The sleeper cutters did not know that they were not covered by the Arbitration Act and the Master and Servant Act, and consequently they have been at a severe disadvantage. On many occasions they have been covered by awards. It is rather peculiar that the judge who delivered the judgment in the Supreme Court in May last that sleeper cutters did not come under the Master and Servant Act was the judge who delivered the arbitration award in 1917. In that award he definitely set out the rates for bush workers including hewers—that is, those hewing at so much per load. The prices in those days were £1 16s. for the smaller sleepers and £1 14s. for the larger sleepers. In that award also provision was made for settlements monthly, and it was provided that workers should be entitled to a payment on account of their earnings at least once a week. Things are very different to-day, because some of the cutters have waited as long as three years and have not received any payment. Another provision in the 1917 award was as follows:—

> If any sleeper hewer has over one load of sleepers cut in the bush and not paid for on any pay day, he shall be entitled to have the same inspected by the employer's bush foreman or representative, who shall issue to the hewer a certificate certifying the number of such sleepers which in his opinion will pass the inspection of the forest inspector. Upon presentation of such certificate at the nearest office of the employer, the worker shall be entitled to payment forthwith to the extent of 90 per cent. of the sleepers so certified.

There was a further provision relating to the payment of fallers and hewers on determination of employment. In 1919 a Federal award set out piece-work rates to be calculated on a basis of 13s. per day, and gave the amounts for hewing sleepers as £2 8s. 9d. for small ones and £2 6s. for large ones. The last State award in the timber industry, delivered in 1930, did not actually mention sleeper cutters, but it did mention a broad axe man using a broad axe or an adze. This does not apply to spotters at spot mills. The sleeper cutter uses a broad axe. The provision in the Arbitration Act was supposed to cover sleeper cutters, but when they sued for the money due to them and the provision was quoted, they were ruled out of court. I should like to quote a specific case. In this instance no contract was signed by the sleeper cutter, and he was defrauded of the money that should have been paid him for the sleepers he cut. The particular order was for South Africa, and was cut for a sub-contractor named Tucak by a man named Milentis. Milentis sued Tucak and the case was taken as a test. Many men were done out of their wages at the same time. Milentis won the case in the local court, and there was an appeal to the Supreme Court. Milentis had only an oral order and the sleepers had been shipped to South Africa. The sub-contractor was paid, but the men could not get their money from him. The judgment of the Supreme Court was as follows:—

> NORTHMORE, Acting C.J.; This is an appeal from a decision given upon a complaint brought under the Master and Servant Act in the Greenbushes Court. The complainant was a sleeper hewer and the respondent to the complaint was a man who apparently bought sleepers for supply to those who were shipping overseas. It is admitted that a contract was made between the complainant Milentis and the respondent Tucak, under which Tucak was to pay to the complainant £2 per load for sleepers which he was to cut, and those sleepers were to be paid for when they had been passed by the Government inspector and when Tucak himself had been paid. It was also provided by that contract that the complainant was to receive no payment in respect of condemned sleepers, but that those condemned sleepers were to belong to him and he was to pay for their their cartage and inspection. Under that contract the complainant cut a certain number of sleepers which have not yet been paid

for by the respondent (the appellant in this case). He has made no payment for them to the complainant. The complainant therefore proceeded against him in the police court under the Master and Servant Act, and claimed that notwithstanding the agreed terms of payment for the sleepers he had cut, he was entitled to be paid in cash under the terms of an award which was made in connection with the timber industry by the Western Australian Arbitration Court.

Two questions arise upon this appeal. The first is whether in the circumstances the relationship of master and servant did exist between the complainant in the court below and the appellant in these proceedings. Of course, if it be determined that that relationship did not exist, that is an end of this appeal; but as there are, I understand, other cases in which evidence might be given to distinguish them on the facts from this case, the second question may arise, namely, whether assuming the relationship of master and servant to exist, the award in question extended to cover a sleeper-hewer.

On the first point, I think I need say no more than that the facts in the case cannot be distinguished from the facts in the case of Enor v. Lewis & Reid, Ltd. In that case, which was decided by the Full Court here, it was held that the relationship of master and servant was not created by such a contract as has been deposed to in this case. Therefore on that point the appeal succeeds; and it is really unnecessary to say anything further. However, as the other question has been argued, I may state that in my view the award in question does not cover a sleeper-hewer working as this complainant was working. Therefore, on that point also, the appellant is entitled to succeed.

DWYER, J.: I agree. On the second point my view also is that, so far as can be gathered from the evidence adduced, a sleeper-hewer cannot be said to be covered by the terms of the award. It may be that in other proceedings further evidence could be produced which would lead to a different conclusion.

Appeal allowed with costs; judgment in court below to be reversed; and judgment entered for defendant with costs.

Sitting suspended from 6.15 to 7.30 p.m.

Miss HOLMAN: Before tea I quoted the judgment of the Supreme Court, delivered on the 20th May, 1931, in the case of Tucak v. Milentis. Hon. members will recognise that by that judgment sleeper cutters were deprived of money they rightfully earned. The position now is almost exactly the same as it was when a Bill referring to timber workers was introduced by the then Premier in 1923. Until these judgments were given, sleeper cutters had no idea that they were not covered by awards and by the Master and Servant Act. I wish to make a few quotations from various affidavits and statements used in the courts during past years. Here is a statement that was used in 1924; I shall quote only a few paragraphs from it—

(4) That the Western Australian respondents contend that the true meaning and intention of the said clause is that they are not compellable to pay piece work rates higher than those actually set out in the above-mentioned awards without any regard to the basic wage payable in respect to the bush and bush sawmills. (5) That pursuant to such contention, the said respondents refuse to pay piece work rates higher than those actually set out as aforesaid. (8) That the effect of the contention of Western Australian respondents, if valid, would exclude pieceworkers in the said State from the benefits of the rates prescribed by the above-mentioned awards, and would place them at a disadvantage in relation to time workers. (9) That in many cases pieceworkers working 48 hours per week could not earn as much as time workers working the same week.

That is much truer to-day than it was at that time, because the bush is now in ever so much a poorer condition. Nowadays it is an excellent sleeper cutter who can hew two loads of sleepers in the week. Even in former days restrictions were severe: to-day, with the forestry regulations, they are very stringent indeed. The employers had no idea that these men were not covered, for the employers were quite willing to make offers to them through the Arbitration Court. In 1924 they did make certain offers of increases to the sleeper hewers. After judgment had been delivered in the Tucak v. Milentis case—which, as I mentioned before, was a test case brought on behalf of numerous sleeper cutters—an application for variation was made in the State Arbitration Court. From the proceedings in that case I wish to make a few more quotations. Mr. McKenzie, who represented the union in the court, put in an affidavit in support of his application for leave to amend the award: and in the course of that affidavit he said—

We desire to have included in Clause 2 (interpretation) the words "Broad axeman using broad axe or adze means a worker using a broad axe or adze in connection with the hewing of timber, and includes a sleeper cutter or beam cutter."

I mentioned previously Clause 57, which provided that broad axemen, excluding spotters, were entitled to a margin of 26s.

per week on the ordinary wages. The secretary of the union went on to say—

When clause 57 was embodied in schedule 1 of the award the union were of the opinion that that clause was inserted to cover broad axemen who were employed hewing beams or railway sleepers. In January of last year an application was made to the justice at Greenbushes in regard to wages claimed by a man named Milentis against a man by the name of Tucak. The justice gave a verdict in favour of the union for the amount claimed, with the result that an appeal was made to the Full Court. When the case was heard the court stated that item 57 in their opinion did not cover a sleeper cutter.

The secretary further stated that the union believed, when the award was given, that sleeper cutters were amply provided for. Mr. Carter, the employers' representative in the court, said later—

I would like to state that although you may not find in the discussion on the minutes any reference to the broad axemen, you will find reference to the whole question of piecework-ing, which revolves principally round sleeper cutting, and when you go through the evidence you will find no evidence from a broad axeman, but from sleeper hewers who testified that in the course of their work they used a broad axe. The court heard that evidence. It is admitted that the sleeper cutter must use a broad axe, but the court made a rate for the sleeper hewer who used a broad axe and another for the broad axeman pure and simple.

The case referred to in the following is that of Tucak v. Milentis—

The President: It may be in the case you have quoted that the person concerned was not a worker within the meaning of the Act, and if that is the case no award would apply to him. In any case we will look into the matter.

Mr. Somerville: If they are not workers and your application is granted, it will not make the position any different. If the Full Court decision turns on that, it does not matter how we amend the award to bring them in; they will not be covered unless their contract of service changes.

Mr. Carter: If you look into the matter carefully, I think you will find some light thrown on it. Mr. Mackenzie came before you asking for conditions comparable with Justice Webb's award, and we came before you asking for conditions comparable with Justice Lukin's award, and there there were provisions in regard to sleeper hewers.

It will be seen, therefore, that to all intents and purposes the sleeper cutters were covered by the award, and were entitled to sue for the money they earned, until decisions were given against them by the courts. The President of the State Arbitration Court reserved his decision, which was delivered in April of this year. I think I shall have to read his decision in order to put the case clearly before hon. members. He said—

This is an application by the W.A. Timber Workers' Union for leave to apply to amend the award by the insertion of the following matters after the words "broad axemen"—"Broad axeman using broad axe or adze means a worker using a broad axe or adze in connection with the hewing of timber, and includes a sleeper cutter or beam cutter." Now, the term "broad axeman" as contained in the award of this court now in existence, was taken from the Federal awards which have been in existence both here and in the Eastern States for a number of years. The last West Australian award was made in 1917, and Mr. Justice Northmore, as he then was, presided over the court of arbitration. There is no mention made in that award of broad axemen, nor is there any wage, daily or weekly, fixed for the sleeper cutter as such.

It will be remembered that I quoted piece work rates fixed for sleeper cutters.

We may therefore look upon it that the term was taken from the Federal award and imported here. I have looked in vain through the whole of the notes, so far as they relate to that portion of the wages schedule, to find any light or lead as to what a broad axeman really and definitely means. I can gather no such information as would lead me to believe that a broad axeman meant a sleeper cutter and *no one else*. While the term "broad axeman" is in the award and the wages are fixed for him, it is true that any worker, within the meaning of the Act of course, who is engaged in that class of work is entitled to receive the wages set forth in the award.

He quotes the case of Tucak v. Milentis again, and says further—

Now, any amendment that this court might make in an award would not and could not necessarily amend a position such as that. It is to be understood clearly that our Act limits this court as regards wages regulations. A worker is defined in the Act, and if we find that a person whose work or services are being investigated is not a worker within the meaning of the Act, then it is our duty to say so, and no complaint he may have in regard to non-payment of wages or not being paid sufficient wages can be remedied here. However, it seems to me that if a timber merchant or any other such employer within the meaning of the award employs a sleeper cutter or a beam cutter as a worker within the meaning of the Act, then such worker is entitled to have his wages regulated, and consequently I think what ought to be done in this case at present, is to permit the union to apply to the court to amend the award by the insertion of two items to be known as 57 (a) and 57 (b) respectively, namely, sleeper cutter, beam

cutter, and then when the court hears the evidence as to the nature of the work done and the distinction, if there is any, between them, or either of them, and a broad axeman, the court will be prepared to allot a wage which it considers adequate. That will not, of course, I repeat for the information of the union, in any way alter the position that a worker must necessarily be a worker within the meaning of the Act in order that any award we may make might have any effect on his industrial basis.

Mr. Somerville said—

I agree with the form the leave takes, but in addition to what His Honour has said I would like to make it as clear as possible that even if the court grants everything the union may ask for, in reference to sleeper hewers and beam cutters, the decision in the case of Tucak and Milentis will not be met in the way the union desires. That decision merely reaffirms a number of decisions given over a long period of years. So long as by some agreement between the sleeper hewer and the person or firm he works for, the relationship of employer and worker is avoided, so long will they be free from the terms of any award by this court. Their relationship will be governed by laws other than the Arbitration Act, in respect to which this court has no jurisdiction. The evils which arise from unregulated sleeper cutting, and the efforts made by unions to remedy them, I have been familiar with for many years. It would be deceiving the union to hold out any hopes that these evils can be dealt with by any alteration to the awards. They can only be removed by special legislation.

Mr. Bloxsome spoke as follows—

I agree with the decision and the remarks of the President. In this case the union is asking for leave to apply to amend the award in order to insert a fresh classification with reference to sleeper cutters, as they have no such classification in the award and are not inserted as such. I see no reason why another classification should not be added, if decided upon after hearing argument from both sides as to the necessary amount of wages which would be a fair thing for sleeper cutters and other men using the broad axe.

So that the union's application to the court was refused, and both the President and Mr. Somerville agreed that nothing could be done without special legislation. This Bill, I think, will supply the special legislation that is required.

Resolved: That motions be continued.

Miss HOLMAN: I have asked many men who are familiar with the conditions of the industry what they would regard as a moderate estimate of the wages lost by men in the South-West who have cut sleepers for contractors and sub-contractors. I was informed that £50,000 would be a conservative estimate of the loss of money earned by the cutters and not paid to them during the last eight years. As members will have appreciated by the judgments of the Supreme Court and Arbitration Court, the men have no remedy whatever. They cannot sue for their money under the Master and Servant Act. The Bill will not in any way injure the legitimate employers who pay the money that is earned by cutters. They will have nothing to fear from it at all. On the other hand, it will affect those people who have nothing behind them, own no land and have no business or any capital. It will prevent such people from taking contracts that do not admit of their paying a reasonable wage to the sleeper cutters. In fact, in many instances they are not compelled to pay anything at all. The defaulting sub-contractors leave the cutter, the storekeeper and everyone else lamenting. As a matter of fact, some of the storekeepers have carried the sleeper-cutting industry during the past few years. Possibly not a single sub-contractor paid anything like a fair rate to the men, or even offered to do so. They are people and firms not actively engaged in the industry, who merely submit tenders at low rates in order to secure contracts. Having secured contracts, they dole out parcels of sleepers to be cut. So far from obtaining any such consideration as might be gained from the clause I have read that enabled cutters to secure a percentage of their earnings before the whole of the sleepers cut were passed by the inspectors many of the men had to wait for upwards of three years before they could get their money, and in some instances did not get it even then. When some of these sub-contractors have secured contracts, the sleeper cutters have approached the local storekeeper, the butcher and the baker with a view to being provided with stores, so as to enable them to be fed while cutting. They have succeeded in making those arrangements and have thereby become indebted to the business people, who have had to carry them on until the sleepers cut were shipped, before they could hope for any money. In those instances where the sub-contractors defaulted, it meant that the men had cut the sleepers for nothing beyond their bare food, and the storekeepers were without payment

for the food supplied to the men. Contractors and sub-contractors should be controlled and forced to pay in accordance with the provisions of the Master and Servant Act. Instead of that they depend upon grinding their profits out of the cutters. I have already mentioned that in many instances sub-contractors have defaulted and left the sleeper cutters, storekeepers and others lamenting for their money. I will quote one such instance. There was a firm known as Urlich Brothers. They started in 1923 or 1924 on a sleeper contract with practically no capital. In 1928 they went out of business owing, roughly, about £10,000 to the cutters, storekeepers and property owners, and also for royalty. They were not prevented from embarking upon a similar business again. The sleeper cutters had no hold over them, and had no way by which they could recover the money owing to them. This year, when the Commonwealth order was available, Urlich Bros. took a contract from Sleigh and Viles and again defaulted, owing money to the cutters for all the sleepers cut for them. There are other instances. One man carried on for 4½ years and defaulted owing £3,000. A man named Smith started in 1927 and carried on for three months, when he defaulted for £150. A man named Coffin started in 1924 or 1925 and after operating for two years faded out of the industry owing £1,000. Another man named Hough carried on for a year and left his cutters lamenting for their money to the extent of £1,000. Not only have some of the small contractors nothing behind them, but in some instances they have collected the money on account of the sleepers and have not paid their cutters. The money lost in that way has totalled hundreds of pounds. In one instance a man cut 1,355 sleepers and all he received in return was £37 10s., which was paid to the storekeeper for stores. Urlich Bros. went bankrupt and so no one got anything. The sleeper contract provided by the Commonwealth Government will prove that the sleeper cutters are not contractors but merely piece workers. They do not own any country but merely cut sleepers for so much a load. He is a good man who can cut two loads of sleepers a week in these days. On present prices such a man could not even earn the basic wage, which is £3 11s. 4d. in the timber industry. Sleigh & Viles' contract was one for which a tender was submitted by the firm. It was a small tender and the price they guaranteed to supply sleepers at was £6 1s. 6d., at Port Augusta, which did not leave much for the cutting. One price they offered was £2 17s. 3d. f.o.r. at sidings to be mutually agreed upon. That amount was made up by these items—

	£	s.	d.
Royalty	0	7	6
Cutting, including men paying own insurance calculated at 5s. ..	1	19	0
Carting	0	7	6
Stacking rent	0	0	6
Turning	0	0	7
Inspection fees (this occasion free)		..	
Loading into trucks	0	2	0
Insurance (if any) all parties included in cutting rate above ..		..	
Contingencies	0	0	2
	£2	17	3

As a matter of fact, the insurance works out at 8s. rather than the 5s. mentioned in the details. The amount available for the hewer, therefore, was £1 19s. That was not the amount finally agreed upon. The amount paid to-day is £1 18s. per load, but if the man insures himself he has to pay about 8s., so that the return to the hewer is £1 10s. a load. If he does not insure himself, he takes a big risk, because sleeper-hewing is a dangerous part of the timber industry. If he should insure himself, the total amount the hewer can earn, if he is able to cut two loads in the week, is £3. Sleigh & Viles sent out contract forms in which they included the following:—

> I beg to advise that I have purchased from you a quantity of hewn and/or sawn jarrah sleepers at price, terms and conditions as hereunder:—Price to be £2 17s. 3d. per load covering workers' insurance charges (if any), and all royalty, wages and other costs and charges for delivery free on rail at mutually agreed sidings, or free on harbour board stacking site, Bunbury, price there £3 11s. Supplier not to supply from any other siding than named in this contract except by consent in writing from the buyer.

There is also this clause in the so-called contract:—

> Payment within 14 days after steamer sails, against number of sleepers delivered as customary.

Thus, the cutters were required to cut the sleepers and then allow the ship to sail with the results of their labours aboard, only to

find that they were deprived of their money. The men had no chance of getting their sleeper back or of keeping them until they received their payment. The contract also included this line—

Buyer is bound to take delivery only, subject to steamer's arrival and loading.

There is a clause dealing with the employment of British subjects—

No person not being a natural-born or naturalised British subject shall be employed by the contractor or any sub-contractor in, or in connection with, the execution of the service unless British subjects are not available for employment.

Then there is a clause relating to preference in employment, this being first to returned soldiers and sailors with satisfactory records of service, and next to financial members of trade unions. Then there are the rates of wages to be paid. I want to point out that this form was signed by the person who guaranteed to supply the sleepers. It will be noticed from this document that the men are "employed" by the contractor or the sub-contractor. In the document Viles provides for an inspection fee of 2s. 6d. and another charge of 3s. 9d. for the inspection per load of hewn sleepers. Thus the sub-contractor endeavoured to make every possible penny out of the men who had carried out the work for them. In this particular instance the inspection fee was covered by the Commonwealth Government and Sleigh and Viles should not have charged any inspection fee at all. When that fact was pointed out to them and the Commonwealth Government called them to order, they kindly paid half of it and gave the cutter the magnificent sum of 1s. 3d. extra. In their communication they stated—

I have altered the contract to suit the inspection fees, and as these will not be charged to you, it saves you 2s. 6d. per load, or in other words, brings your price down to £2 14s. I, however, agree to split the 2s. 6d. fees and give you 1s. 3d., thus bringing your price up again to £2 15s. 3d. or really 1s. 3d. better in net result than before. I hope you will appreciate this increase in rate to you. The new price, £2 15s. 3d., is shown in contract, and inspection fees are free to you.

They did not have to pay anything at all. No one had to pay any inspection fee, but still the firm very kindly gave themselves another 1s. 3d. I quote that instance to show what the men have to put up with, and what conditions they are forced to accept because they are not protected by the laws of the land. Between 30 and 40 men were defrauded by Urlich Bros. They were working at Australind. The firm sold sleepers to Viles, and presumably received payment. The men did not get any of the money, and they have no remedy at law. To prove that Viles is the contractor, I will read a fragment of one of his letters to one of the men who was cutting. It is as follows:—

Do you want any of my contract?

I draw attention to the fact that part of this precious contract the men have to sign is that the money will not be paid until 14 days after the sleepers have been shipped. And whether he took delivery, was dependent on the ship's arrival. Viles also informed the union that he would not be held responsible to the various storekeepers for goods supplied to the men, nor could he give any advances for sleepers hewn, as he had not sufficient capital to do so. Several storekepers refused to supply the men with goods until they had a guarantee that they would be paid. Cutters have had a great deal of experience of sub-contractors with no capital disappearing immediately after receiving payment, and thus leaving the sleeper hewers to pay for the food supplied, without having received payment for the work performed. In another of his letters this man asks the hewers why they are not carrying out the orders, whether it is because of the price he offers or the rate of wages they desire to work for. As a matter of fact, this Commonwealth contract was conducted under certain conditions. Clause 21 of the contract prohibited them from transferring or sub-contracting any part of the contract. The union complained that part of the contract was being sublet to these unfinancial people, but the Commonwealth did not admit that it was so. Here was the actual amount given by Viles to a man named Vizich: He gave him £3 4s. per load at the Bunbury yard. Vizich had to pay royalty and inspection fees, turning and carting, and that left him a balance of 22s. 2d. per load for hewn sleepers and no insurance. If he could hew two loads of sleepers per week, he would get £2 4s. 4d. per week. The Commonwealth Government did not recognise that there was any subletting in the con-

tract. The commissioner was satisfied there had been no subletting. So, according to that, these men were not contractors or sub-contractors in the eyes of the Commonwealth Government. They had to wait five months for payment for their sleepers until they were delivered at Port Augusta. This is only one instance of a firm which gave out sub-contracts to unsubstantial sub-contractors who had no backing, no country, no timber behind them: gave out parts of the contract and allowed them to do what they pleased with the workers in this country. And the workers have no right to sue for their money under the Master and Servant Act because, according to the judge in the Supreme Court, they do not come within that Act. I ask the House carefuly to consider the Bill. I believe the sleeper cutters are entitled to the same protection as any other workers have. They work hard and they have to carry out their work to a fraction of an inch. If the sleeper is not cut to the exact liking of the person who has ordered it, it is condemned and the work is not paid for. There are about 400 sleeper cutters now employed on various works, and in normal times the number would be much greater. So there is quite a large section of the community suffering under an injustice, because they cannot sue for their money in the courts. The sleeper cutter is under great expense, for he has to have certain tools and his position is but little different from the shearer who has to make an agreement to shear sheep and has to sign that agreement. In many instances the sleeper cutters do not sign anything, but have to work on a verbal agreement. They own no bush themselves, and have to cut the sleepers at the beck and call of the contractor. The shearer has to sign an agreement to shear his sheep at so much per hundred, and has to sign an agreement carrying a great many other conditions. The Kurrawang wood workers have to work under an agreement at so much per ton, and they have a State award. The wheat lumpers also have an agreement for piece work. So I contend there is nothing unreasonable in the Bill, which is almost exactly the same as that introduced by the Premier in 1923, when the then Government realised that the sleeper cutters were under great disadvantages in that the law did not allow that they were covered by the Workers' Compensation Act. Now the position has arisen that the law does not allow that the sleeper cutters are covered by the Master and Servant Act, or by the Industrial Arbitration Act. The Bill will put that position right, and I feel confident I may leave it to members to see that justice is done to a large section of the community working in the timber industry. I move—

That the Bill be now read a second time.

On motion by Minister for Works, debate adjourned.

MOTION—LEGAL PRACTITIONERS.

To inquire by Select Committee.

Debate resumed from the 14th September on the following motion by Mr. Sleeman:—

That a select committee be appointed—(1) to inquire into the Legal Practitioners Act, 1893-1926; (2) to inquire into the Supreme Court rates covering the scale of legal practitioners' fees, and into the methods of submitting and taxing costs, and all matters incidental thereto.

THE ATTORNEY GENERAL (Hon. T. A. L. Davy—West Perth) [8.8]: The motion moved by the member for Fremantle is couched in rather vague terms, but I presume the scope of the inquiry desired by him is to be gathered from the various plaints he mentioned in his speech when moving the motion. I regret the hon. member appears to have been rather badly instructed and was led into a number of errors. I think perhaps he also led himself into a number of errors by, I will not say, youthful impetuosity, but at any rate by making statements without first ascertaining the facts, which could have been very readily ascertained by a few minutes' inquiry.

Mr. Marshall: Without fee?

The ATTORNEY GENERAL: Yes, he would not even have needed to pray in aid the provisions of the Poor Persons' Legal Assistance Act. He could have walked into the department I have the honour to control and made some inquiries on certain subjects which would have immediately shown him that his suspicions, indeed the opinions which he expressed in this House, were not founded on fact.

Hon. P. Collier: Would there have had to be with him somebody with a fee?

The ATTORNEY GENERAL: No, he could have come in merely as the member for Fremantle and acquired all the information

he wanted without fear or favour. He then perhaps would not have made some of the grievous mistakes he did make in moving the motion.

Mr. Marshall: Could he have taken junior counsel with him?

The ATTORNEY GENERAL: I do not know that I would have objected even to the member for Murchison being in his company. I propose, if the House will permit me, to try to clear up some of the extraordinary misapprehensions which exist in regard to the relationship of the legal profession to clients. If in doing so I should be telling some members some things they already know, I hope they will forgive me for the sake of the knowledge I shall be giving to those who do not know. One constantly hears the legal profession referred to, just as one hears mothers-in-law referred to, in the slighting terms of the music hall stage. One knows that mothers-in-law are just ordinary human beings, no worse and no better than women who are not mothers-in-law. So, too, sensible people know that lawyers are just ordinary members of the community, who probably are at any rate no worse than other members of the community. The difference between lawyers and other members of the community is that the lawyer alone amongst all the followers of other avocations in the community is restricted by law, not only in his activities, but also in the charges he shall make against the rest of the community for his services. A common error into which people fall is that lawyers' costs are fixed by a combine of lawyers, who agree amongst themselves that they will not accept less than a certain remuneration for what they do. The very opposite is the fact. The lawyer may not charge more than certain charges which are laid down and imposed upon him by law. The lawyer may, it is true, irrespective of those costs set out by law, make a special written contract with his client to do a certain job for a lump sum. But even that written contract is subject, at any time the client chooses, to review and cancellation by a judge or by the court. That marks the lawyer off in a most important matter from any other section of the community. Certain other professions do agree amongst themselves that they will not charge less than a certain amount. For instance, land agents agree together that each of them shall charge a certain rate of commission for the services he may render to his clients. That is the minimum charge they will accept. It is the same with the architect. He charges a fixed rate of commission which he has agreed with other members of the profession to accept. The lawyer has never done that. There has existed in Western Australia for the last four or five years, and no longer, a law society to which 50 per cent. of the members of the profession belong. That law society has no control over costs. I understand it has never discussed the question, and it has nothing to do with the scale of costs which is imposed on the legal profession, and above which no member of that profession is allowed by law to charge. I would call attention to the provisions contained in two statutes dealing with the subject. The first is the Supreme Court Act of 1880, Section 24 of which confers upon the judges of the Supreme Court of Western Australia power to make rules, and amongst the subject matters which may be dealt with by those rules is the fixing of costs of proceedings in the Supreme Court. Those costs are to be found in a volume which can be bought for 18s. 6d., known as the Supreme Court Rules of Western Australia. This deals only with the costs which may be charged in matters of litigation. There is a common fallacy amongst people that the bulk of the time of a lawyer is engaged in conducting litigation. It is nothing of the sort. Litigation forms an unimportant portion of the time of the average solicitor. He spends far more of his time in advising on business matters, drawing documents of various kinds, and dealing with questions which really have nothing to do with litigation. When we come to the question of costs in non-litigious matters, we have to turn to the Legal Practitioners Act, Section 34 of which deals with the question of the maximum costs which any lawyer may charge for such matters as conveyancing, etc. This scale is fixed by the judges of the Supreme Court and the Barristers' Board.

Hon. P. Collier: What is the date of that?

The ATTORNEY GENERAL: It is consolidated in the 1927 volume. The date of the original Act is 1893. I have said that even where a lawyer makes a special agreement with his client to do a certain job for

a lump sum, that agreement is open to review. On that point I would refer members to Section 29 of the Legal Practitioners Act, which I will read. The whole of that section represents a remarkable limitation on the activities of these particular members of the community. The section reads—

> A practitioner may make a written agreement with his client respecting the amount and manner of payment for the whole or any part or parts of any past or future services, fees, charges or disbursements in respect of business done or to be done by such practitioner, either by a gross sum or otherwise howsoever. Such an agreement shall exclude any future claim of the practitioner in respect of any services, fees, charges or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such as are excepted by the agreement: Provided always, that the client who has entered into such agreement shall not be entitled to recover from any other person, under any order, judgment, or agreement for the payment of costs, any costs which are the subject of such first-mentioned written agreement beyond the amount payable by the client to the said practitioner under the same. And provided, also, that no such agreement shall exempt the practitioner from liability for negligence. Any such agreement may be reviewed by the Supreme Court or a judge thereof upon application by petition or summons, and if in the opinion of the court or judge the same is unreasonable the amount payable may be reduced or the agreement cancelled and the costs taxed in the ordinary way, and the court or judge may also make such order as to the costs of and relating to such review, and the proceedings thereon, as to the said court or judge may seem fit.

There is no other calling that is so restricted as the legal profession is restricted by Section 29 and other sections of that Act. They are the only means of earning a livelihood I know of in any part of the British Empire where, even if those making that living enter into a definite and binding agreement as to their remuneration they shall receive for the work that they propose to do, such agreement is subject to review at any time and may be broken or set aside and ignored despite the fact that it is signed by both parties.

Hon. P. Collier: The Act does not set out the scale of fees.

The ATTORNEY GENERAL: No.

Hon. P. Collier: How is that arrived at?

The ATTORNEY GENERAL: The scale of fees in litigious matters that come before the Supreme Court is fixed by the judges of the Supreme Court alone. Fees in the case of the local court are fixed by the Governor, and the regulations are laid on the Table of the House. The rules of the court, fixing the costs in Supreme Court actions, are made by the judges, but they have to be laid on the Table of the House and may be disallowed by Parliament. In effect, every penny that the lawyer is allowed to charge his clients is subject to the approval of Parliament. There is no other calling which even vaguely resembles that position.

Hon. P. Collier: The fees fixed by the judges are subject to the approval of Parliament?

The ATTORNEY GENERAL: Yes.

Hon. P. Collier: And they are embodied in regulations?

The ATTORNEY GENERAL: They are called rules of the court, but under the Interpretation Act they are on exactly the same footing as any other regulations.

Mr. Angelo: Why was the profession selected for this abnormal legislation?

The ATTORNEY GENERAL: I think it was rightly selected for abnormal control because of the extraordinarily responsible position occupied by the lawyer in relation to his client. The fact is that nine clients out of ten consult a lawyer perhaps only once in their lives.

Hon. P. Collier: Mostly they are unsophisticated people in the hands of wily men.

The ATTORNEY GENERAL: I admit that a lawyer, unless he be a thoroughly conscientious and reliable person, has tremendous opportunities for taking down, deceiving and overcharging his client.

Hon. P. Collier: Of which they never avail themselves.

Mr. Marshall: Speak for yourself. I have one instance I desire to quote this evening.

The ATTORNEY GENERAL: I agree with the interjection made by the member for Murchison (Mr. Marshall) when the member for Fremantle (Mr. Sleeman) was moving his motion, that there are some duds in the profession. Of course there are. If the member for Fremantle would tell me an easy method of checking not the ability and industry of a man before he desired to enter the profession, but his real character, he would be conferring a really priceless boon upon this and every other community. It is impossible to avoid some persons entering the profession or any other profession who

are actuated more by greed than by a sincere desire to carry out their job properly, and give valuable service to the community. It is possible to prescribe examinations, and to lay down that certificates of character shall be produced before a man is admitted, but still it is possible to get greedy, ignorant and careless persons into the profession.

Mr. Sleeman: We will agree upon that point.

The ATTORNEY GENERAL: Of course the hon. member can produce examples of greed, negligence and perhaps even dishonesty on the part of members of the legal profession, just as I could produce similar examples of similar qualities in members of other professions and other callings. Even such a well-informed person as the Leader of the Opposition was not quite clear that the costs that may be imposed by a lawyer are fixed as a maximum by the law of the land, and are not fixed for his own benefit as a minimum by the lawyer himself. I want it to be understood what the true position is, before we decide to hold inquiries of a particular kind such as has been suggested. In addition to the limitation of costs, there is a special tribunal apart from the ordinary courts of law, which act in the ordinary way, appointed to watch the conduct of members of the profession and investigate any charges made against them. That tribunal is the Barristers' Board referred to by the member for Fremantle. That board consists of all members of the senior bar, namely, King's Counsel, and four members of the junior or outer bar, namely, junior members of the profession. Everyone who is not a King's Counsel is called a junior. It may be absurd, but it is the language of the profession. In addition, the Attorney General and the Solicitor General, that is, the chief political Crown Law adviser and the chief permanent Crown Law adviser, are ex officio members of the board.

Mr. Marshall: There are five practitioners, not four.

The ATTORNEY GENERAL: It does not matter. The member for Fremantle first of all used an expression which did not sound as if it had been couched in his own words when he talked about the "unbalanced constitution of the board." I do not know exactly the meaning of that expressoin.

Mr. Sleeman: I am sorry if you could not understand my language.

The ATTORNEY GENERAL: I do not know whether the hon. member quite understood it himself.

Mr. Sleeman: It is similar to the unbalanced board you propose to establish under the Whole Milk Supply Bill.

The ATTORNEY GENERAL: The hon. member must not say I propose to do that.

The Minister for Agriculture: There will be no lawyers on that board.

The ATTORNEY GENERAL: I do not understand the expression. I take it that although the hon. member did not explain the meaning of "unbalanced constitution" he showed what was in his mind when he said that this board, whose job it was to satisfy itself that any particular person aspiring to be a member of the profession, should first have the necessary qualifications, and secondly should keep an eye not on the criminal acts of lawyers, but upon their breaches of professional etiquette, and should nevertheless have upon it some person who was not a lawyer. He suggested we should add to the board one, or perhaps more than one, layman. Some member of the cross benches suggested that if that were so there should be a layman on the medical board or the dental board.

Mr. Sleeman: Would you agree to putting a publican on the Licensing Bench?

The ATTORNEY GENERAL: The member for Fremantle said, no; it would not be necessary to put a layman on the medical board, because the medical profession had to pay for any mistakes it made.

Mr. Sleeman: I did not say that.

The ATTORNEY GENERAL: Whereas the lawyer could give bad advice and no one had any remedy against him.

Mr. Sleeman: I did not say that; I mentioned about the medical board, but I did not say I would not do it on account of that.

The ATTORNEY GENERAL: One restriction on our arguments on matters of this sort is that we are not permitted to refer to the record of the proceedings, but my recollection is that the honourable member differentiated between members of the medical board and the Barristers' Board by saying that whereas a medical man, when he made a mistake had to pay for it, there was no remedy for bad advice given by a lawyer. The position of a lawyer, a doctor, an architect, or for that matter a plumber or a wheelwright, is exactly the same in law.

If any one of those persons is guilty of negligence which results in damage, he is liable in law to make good that damage. As I interjected while the hon. member was speaking, the doctor has an advantage in that very often when he makes a mistake, his mistake is buried.

Mr. Hegney: That is only when the mistake is deliberate.

The ATTORNEY GENERAL: I cannot understand how a mistake can be deliberate.

Mr. Sleeman: I think you will find I answered that interjection of yours.

The ATTORNEY GENERAL: Anyway, it does not matter; I have told the House what the position is in law. If anyone undertakes a service which requires skill, and performs it without that skill, then he is liable to make good to his client or customer any loss suffered as the result. No lawyer can guarantee the absolute correctness of his advice, as the member for Geraldton pointed out. You get the Privy Council which has "the last guess" over-ruling the High Court of Australia on many matters. It is impossible for any lawyer, however wise, to dogmatise with absolute certainty that he is right.

Hon. P. Collier: He may be right and the judge who gives the decision against him may be wrong.

The ATTORNEY GENERAL: Of course.

Hon. P. Collier: That often happens.

The ATTORNEY GENERAL: A lawyer may advise his client without knowing that a recent decision has over-ruled a previous decision on which he has based his opinion. If that can be established, it is a clear case of negligence. If a lawyer advises his client, omitting to notice that a recent statute has been passed altering the law——

Mr. Sleeman: If a man can get a client of his to enter into an agreement to accept 17s. 6d. a week when he is entitled to 30s. there is something wrong.

The ATTORNEY GENERAL: My friend cannot get me to express an opinion——

Mr. Sleeman: Was there not something wrong about that?

The ATTORNEY GENERAL: There may or may not have been. No lawyer who deserves to have it said of him that he was reasonably careful of his client's interests would dream of advising that client——

Mr. Marshall: Tell us whether what the member for Fremantle has said was wrong.

The ATTORNEY GENERAL: The hon. member wants information from me by way of interjection——

Mr. Marshall: No, you had better not give it because you would send me in a bill of costs. I can see that now.

The ATTORNEY GENERAL: If the hon. member desires cheap advice, he will get it, and he will deserve all he gets. If the member for Fremantle has a friend, a constituent perhaps, and he thinks that friend has been advised negligently, or that a lawyer has acted towards him dishonestly, then if that client has no money there is ample provision for him to be properly and skilfully advised. All he has to do is to go to the department I control and he will there find an official ready and willing to assist him.

Mr. Marshall: Don't forget that the Barristers' Board has some jurisdiction there also.

The ATTORNEY GENERAL: The Barristers' Board has no more to do with such persons than the hon. member himself or you, Sir.

Mr. Marshall: But an assemblage of lawyers, yes.

The ATTORNEY GENERAL: If the members for North-East Fremantle and Claremont and I went outside this room, that would be an assemblage of lawyers. But we would not then have the powers of the Barristers' Board nor of a committee of lawyers. The hon. member should know this, because he was in the House when the Poor Persons Legal Assistance Act was passed. I do not think any case whatever was made out in support of the statement of the member for Fremantle that the Barristers' Board has an unbalanced constitution or that it should have some layman added to its personnel. Speaking for myself, I would never agree to such a course being taken. The member for Fremantle next moved on to what he described as laxity of professional conduct. I am not so foolish as to deny that some members of the profession have been guilty of laxity of professional conduct. It is useless to deny that there have been such cases because we know of instances in recent years. They have happened in the profession to which I belong just as they have happened in other professions. The hon. member then went on to quote two instances of what he described as laxity of professional conduct.

The first was what he claimed to be a frightful thing, the writing of a letter by a lawyer on behalf of a creditor to a debtor, saying that unless an amount was paid by such and such a day together with 6s. 8d. or 2s. 6d. or 10s. 6d., "our costs", action would be taken. The hon. member declared that that was an illegal charge and a frightful thing to do. Here is the true position: The creditor whose name we shall say is Jones goes to a lawyer; the debtor's name let us say, is Black. Jones declares that Black owes him £10 and he says to the lawyer, "I want you to recover it for me, and of course I do not want to be put to any expense in recovering it. He owes me money and he ought to pay it." The lawyer has one of two courses open to him. If he chooses he can go straight ahead and issue a summons without saying a word to Black. The summons is served and the costs are added to the debt which Black owes. The costs will be far more than the 5s. or whatever the amount was the member for Fremantle mentioned. On the other hand, the lawyer can write a letter to the debtor and very often lawyers' letters bring the debtor to light with the money, if I may use that expression. Then if the lawyer does not put in his request for the 5s., his costs, the creditor will say, "Why should I pay the 5s.; the debtor made me come to you to recover the money and now it costs me 5s. to get it." There is the position in a nutshell. Actually to the advantage of the debtor the lawyer writes a letter as the member for Fremantle quoted. Personally I do not think that is the proper thing to do, but if it was made a criminal offence for a lawyer to do this there would never be any letters before action written by lawyers. The first course would be to serve the debtor with a blue paper and add the cost to the debt. Personally I would not send such a letter because the writing of such a letter is liable to give the impression to a debtor that he is under a legal obligation to pay the 5s. Nevertheless it does not appear to be a terrible thing to do and if you wiped it out, the result would be to the detriment of the debtor. It is purely a matter of taste whether a lawyer does so or not. The other instance of laxity of professional conduct referred to by the hon. member was the case he quoted of one solicitor acting for two parties. I say quite definitely that it constantly happens that the same solicitor acts for two parties, and in many cases, he does so to the advantage of both parties. Two people want to enter into an agreement. Their interests may not be identical, but they both know the particular lawyer and trust him, and strange as it may seem to the member for Fremantle, quite a number of people in this community do know lawyers whom they can trust and respect, and whose advice they take on all kinds of matters, not necessarily all legal.

Mr. Sleeman: At no time during my speech did I desire you to believe that I thought otherwise. I did not say that all lawyers were rogues and vagabonds.

The ATTORNEY GENERAL: The hon. member certainly did not.

Hon. P. Collier: That would be too sweeping altogether.

The ATTORNEY GENERAL: I think the general tone he adopted—I do not think he meant it—might have led people who knew him less well than I do to think he entertained a rather bad opinion of lawyers generally. I think he realises that, in the main, we are ordinary, honest, decent citizens who have to make our living, and that we try to do it decently.

Hon. P. Collier: He spoke having in mind the few.

The ATTORNEY GENERAL: Perhaps so. One of the great troubles here as elsewhere is the habit of people to generalise from particular instances.

Hon. P. Collier: To argue from the particular to the general.

The ATTORNEY GENERAL: Yes. It is easy to talk in generalities, and when challenged to give instances, to produce one or two minor instances that do not affirm the proposition at all. It happens in the experience of the most honourable lawyer that he is often acting for two parties, much to the advantage of both. It saves them money and brings them into contact with each other, which is good for both. But if the facts of the particular case quoted by the hon. member are correct, then I say without the slightest hesitation that every lawyer must denounce the person referred to as being one entirely lacking in a proper sense of his duty. I have no doubt whatever that if the facts are correct, and if all the facts have been stated—it is of no use giving nine-tenth of the facts; all the facts should

be stated—and if the facts were related to the Barristers' Board, the professional man referred to would be most seriously dealt with by the board.

Mr. Parker: And dealt with by the court also.

The ATTORNEY GENERAL: As the hon. member reminds me, he would be seriously dealt with by the court on the recommendation of the board. The board have extensive disciplinary power of recommendation, but the court inflicts the punishment. The Barristers' Board, however, is not a police force. It is a judicial body—administrative as well—but it is not in a position to go round and find out what malefactions members of the profession have been guilty of. When I asked the member for Fremantle whether this particular case had been reported to the Barristers' Board, he replied that he did not know. I do not think it right to condemn the Barristers' Board, charge them with being a failure and not fulfilling their duty, and suggesting reformation, simply because a particular case of a wrongful act is quoted and the board have taken no action. Here I might mention that I am ex officio chairman of the board.

Mr. Sleeman: I can tell you that one of the members of the board knew about it.

The ATTORNEY GENERAL: I cannot see that that gets the hon. member much further. If any person has a complaint of unprofessional conduct against a legal practitioner, his course is to address a communication to the board reporting the facts and asking for an investigation. I would be surprised to learn that an investigation of a proper complaint had ever been refused. The board have no private police force of their own and cannot be expected carefully to peruse the newspapers. Newspaper reports do not necessarily disclose the true facts. Those are the only two instances mentioned by the hon. member under the heading of what he termed lapses of professional conduct. As to No. 1, it does not appear to me to be a matter of any seriousness, and No. 2 I have answered.

Mr. Sleeman: Brush it to one side.

The ATTORNEY GENERAL: No, I said that if what the hon. member stated was correct——

Mr. Sleeman: I am referring to No. 1.

The ATTORNEY GENERAL: The first one does not matter. It is overcome in this way. If the gentlemen in the Press gallery will give publicity to the remark I am about to make, it vanishes. The remark is that no person is under a legal obligation to pay the fee asked for by a solicitor when the solicitor writes a letter demanding it.

Mr. Sleeman: If the Press do that, they will be doing a service to many people.

The ATTORNEY GENERAL: Before leaving the question of professional conduct, there is one point I wish to make. It may be said that self-praise is no recommendation, and as I am a member of the profession, perhaps my remarks may not carry as much weight as I would wish them to carry. But I say with all sincerity that the public of Western Australia are well served by their lawyers. By comparison with other parts of Australia, costs are lower and actions are conducted with much less delay and with at least as great skill as they are in the Eastern States. Members must have read frequently of actions tried in Sydney that have lasted not for days, but for weeks and months. There was a divorce case in Sydney the other day in which counsels' addresses lasted anything up to 48 hours. That case went on week after week.

Hon. P. Collier: The parties to it were very wealthy.

The ATTORNEY GENERAL: Wealthy or not, that is the fact.

Hon. P. Collier: There would have been very brief addresses had there been no money behind the case.

The ATTORNEY GENERAL: I would not say that the presence of money does not actuate the profession, but that that point of view is conspicuously absent in Western Australia is evidenced by the fact that we dispose of our cases, whether they be High Court appeals involving legal arguments, divorce cases, libel cases, or other actions, on the average, I suggest, in one-sixth of the time that similar cases occupy in Sydney or Melbourne.

Hon. P. Collier: Clients in Western Australia have not one-sixth of the wealth of clients in New South Wales.

The ATTORNEY GENERAL: One-sixth of the wealth of a rich man in Western Australia would be quite enough to keep a lawyer going for a long time if he were dishonest enough to string out the case. But I say sincerely and solemnly that the code of behaviour of the profession here is high. Most of us desire to dispose of

causes in which we are engaged to plead in the cheapest and most expeditious manner possible. I think all will agree that most members of the legal profession are decent men who would be anxious to do their work quickly, properly and in the interests of their clients. During the last few years we have had an instance that the profession are not unmindful of their obligations to the community. That instance is the carrying out of the provisions of the Poor Persons' Legal Assistance Act which was introduced by my predecessor in office, the member for Geraldton. He introduced the Bill, and I claim credit that, on my instigation, the provision of legal defence by the profession for poor persons, practically free of charge to the Government, was inserted in the Bill.

Mr. Sleeman: You are a long way behind the doctors in that respect.

The ATTORNEY GENERAL: I do not know that we are. Since the passing of the Act, a very large number of persons have been enabled to assert or defend their rights in the courts of law through the medium of skilful lawyers at no cost to themselves and at very little cost to the State. If a person goes to the Crown Law Department and expresses a wish to litigate as plaintiff or defendant, he is handed over to a clerk in the department who takes a full statement of the facts. The statement is sent to the Law Society, who consider the claim, and if they consider the claim or defence good, a lawyer is assigned and that lawyer has to carry through the action. If the action is in the local court, he is paid 25 per cent. of the ordinary fee: if it is in the Supreme Court he is paid one-tenth of the ordinary fee.

Mr. Sleeman: All that the doctor gets is the experience.

The ATTORNEY GENERAL: I am not drawing comparisons, but I wish to show that the profession undertook to do that work and have done it most loyally and efficiently. I wish to pay this tribute to the profession: I am grateful to them for the way in which they have carried out their obligations under the Act. Frequently it has not been possible to pass a claim through the ordinary channels: that is, take a statement, pass it on to the Law Society, get it examined and hand it over to an assigned lawyer. In such cases I have asked the Under Secretary to ring up one of a number of men and ask, "Will you take this case on immediately without its going through the ordinary channels?" and I have not known one of them fail to give ready acquiescence to place his services at the disposal of a poor person who could not pay for ordinary representation.

Mr. Sleeman: The Crown pays a certain amount.

The ATTORNEY GENERAL: I have told the House what the Crown pays—one-tenth of the ordinary costs in Supreme Court actions and one-fourth of the ordinary costs in Local Court actions, which would not pay the rent or the cost of stamps or newspapers for the lawyer. Another point was raised by the member for Fremantle, and I think he was a little bold to offer an opinion on the subject because it has been a moot point throughout the English-speaking world. He expressed the opinion that the profession in Western Australia should be divided. As members know, in the Old Country there are two kinds of lawyers—the solicitor and the barrister.

Mr. Marshall: There are two kinds in this State—the good and the bad.

The ATTORNEY GENERAL: There are more kinds than that, because the gradations from bad to good probably move on a sort of chromatic scale. Even in the Old Country, where the profession have always been divided into two branches—solicitors and barristers—there is a distinct trend of thought in favour of their amalgamation. I have heard business men in the Old Country say they would prefer to have their cases argued by their solicitors, who are their almost daily advisers on business matters. When it comes to a question of argument in a court of law, however, they have to work through their solicitors through the advocate who goes to the court and argues the case. My own idea from the selfish point of view is that a division of the professions would be preferable.

Mr. Sleeman: You agree with me.

The ATTORNEY GENERAL: I do not agree with the hon. member.

Mr. Sleeman: Then I agree with you.

The ATTORNEY GENERAL: I do not think the hon. member is competent to express an opinion.

Mr. Sleeman: That is why I agree with you.

The ATTORNEY GENERAL: There is a lot to be said against it. There is no part of the world, where the professions have

been amalgamated, where they have ever subsequently been divided.

Mr. Sleeman: I can understand that.

The ATTORNEY GENERAL: Whereas there have been attempts to amalgamate them when they were previously divided, and these have failed. In most parts of the English-speaking world the professions are amalgamated. In America they are amalgamated. There are, however, lawyers there who specialise in court work, just as they do here. There are some men who, although they are members of firms, mainly do court work but nevertheless they are amalgamated. In South Australia they are amalgamated. In Victoria they are amalgamated in law but separated in practice.

Mr. Sleeman: They divided themselves there.

The ATTORNEY GENERAL: No. They were divided in law, and the law decided that they should be amalgamated, but the law was ineffective to achieve that.

Mr. Sleeman: They will not be amalgamated, so they still remain divided.

The ATTORNEY GENERAL: Yes. In New South Wales they are divided as well as in Queensland. In New Zealand they are amalgamated and they are also amalgamated in Tasmania. If anything, they are more amalgamated than divided. From the selfish point of view of the solicitor or barrister, it is a healthier business to live under the divided system.

Mr. Sleeman: But not as good a paying proposition.

The ATTORNEY GENERAL: It is a much more expensive proposition. Suppose the hon. member was in business in Melbourne and desired to be advised by a solicitor. He would go to his solicitor, who would listen to what he had to say. The solicitor would then say, "I think we had better obtain counsel's opinion upon this." He would then ask for his instructions, and would prepare the instructions for counsel to advise. His clerk would be sent to the barrister, who in due course would advise and return his opinion. The hon. member would then again call upon his solicitor to receive that opinion. There would be a fee of 6s. 8d. for the original attendance on the solicitor, there would be the instructions to counsel to advise, a matter of two or three guineas, and there would be attending counsel therewith 6s. 8d., and paying his fee, and that of his clerk, a matter of £2 4s. 6d., for a short opinion, and when he received it back there would be a further attendance and a charge of 6s. 8d., a total of anything up to five or six guineas.

Mr. Sleeman: If I were here I would go to one firm.

The ATTORNEY GENERAL: What happens here is that a man wanting legal advice would go straight to his solicitor who would charge him a simple fee for that advice. Probably the hon. member would get for 6s. 8d., 10s. 6d., or £1 1s., advice that would be just as good as that which would cost £5 5s. in Melbourne. A divided profession is more expensive to litigants than an amalgamated profession. On the other hand, I agree that a division of the professions makes for greater skill on the part of both parties. The man who spends all his time pleading in the courts and advising, and perhaps only pleading in certain courts and only advising on certain matters, becomes extremely skilful in those directions. Here we are more inclined to be jacks of all trades. We cannot help that because of the smallness of the community. To that extent there would be an advantage in a division of the professions. I am satisfied that the professions in Western Australia will never be legally divided. They have never been divided anywhere in the world once they have been amalgamated. Not only are the vested interests of the man who has worked up a practice too great, but the clients themselves do not want it and do not like it. There are small breakaways. We have one member of the profession who practises entirely as a barrister. I refer to the member for Nedlands (Mr. Keenan). As the community grows we will find more men who will indicate to the public that they are only prepared to practise as pleaders and advisers, and not as solicitors in the ordinary sense of the word. Even where there is not a definite division, we will find certain members of firms who are recognised as specialists in court work.

Mr. Sleeman: You told us what happened in other places where they are divided so far as advice and certain things are concerned, but you did not say what would happen when they were preparing for a case in the court.

The ATTORNEY GENERAL: Later on I may admit that there may have been a little grain of reason in the hon. member's remarks.

The Minister for Lands: Of wisdom?

The ATTORNEY GENERAL: Oh no; a little grain of justification in what he said.

Mr. Sleeman: I have to be thankful for small mercies.

The ATTORNEY GENERAL: The hon. member then went on to deal with bills of costs and certain items contained in them. I admit that to a layman some of these things sound rather absurd. He read out various items contained in lawyers' bills of costs. I agree that they do sound rather absurd. The whole of the charges are built up upon these items. Members of the profession have not the right to charge a lump sum such as a land agent, an architect, or a doctor or dentist may charge. They can only charge a sum that is made up of a lot of items. Some of these are very archaic. The system of costing has been imposed upon members of the profession. It is not due to any choice of theirs. It is imposed by law. It is an archaic system which was brought here from the Old Country, where the two branches of the profession are divided. It was passed on to us where the two branches of the profession are amalgamated. In that way we do get quite a number of what would appear to be rather absurd charges. One extraordinary charge was referred to by the hon. member without understanding it, and that was the item "and paid his fee and clerk." The hon. member thought that referred to the solicitor's clerk.

Mr. Sleeman: Who told you I thought that?

The ATTORNEY GENERAL: No one told me, but the manner in which the hon. member used the expression gave me that impression.

Mr. Sleeman: You are generally right, but you are wrong on this occasion.

The ATTORNEY GENERAL: If the hon. member understood it. I am sure many other members did not. The clerk mentioned in the item is the clerk that a barrister has in England. A barrister's clerk is a person who has no knowledge of law, and has nothing to do with it. He merely sits in an outer part of the barrister's chambers. When a brief comes along, he says, "Where is the cheque." He is not paid by the barrister. When a solicitor sends out a brief to a barrister, a fee for the clerk has to be added. I quoted earlier the case of a barrister's opinion costing £2 4s. 6d. In that instance, the amount represented £2 2s. for the barrister and 2s. 6d. for the clerk. The clerk is probably the person associated with a suite of chambers which may be occupied by quite a number of barristers. In Melbourne I think there are two clerks for all the barristers in the city, and they make a handsome living out of the work. They keep the books of the various barristers, see that the cheques are paid, and that the fee marked is reasonably high for the prestige of their principals. Admittedly there are all sorts of items in a solicitor's bill due to the bringing together of the two systems, which when analysed do not look reasonable. If we cut out all these apparently absurd items, unless we are going to reduce substantially the lawyer's income, we will have to add it on somewhere else. The member for Fremantle was frank enough to say it would take a lawyer to understand a lawyer's bill. One can readily understand that his interpretation was not very understandable. He referred to one item which started off "Attending you, advising you will make appointment with Mr. Blank."

Mr. Sleeman: We amended that.

The ATTORNEY GENERAL: What the hon. member left out was the full stop. He read the item out as if 16s. 8d. had been charged by a lawyer merely for saying to his client, "I have made an appointment for you with Mr. Blank." Actually we get, "Advising you." "We will make an appointment for you." It is impossible without knowing the length of the attendance and the importance of the advice to say whether 16s. 8d. was a very large or a very meagre fee. Probably the most important thing any lawyer does is to give initial advice to his client, whereas the remuneration for that is the very smallest remuneration for any work that he does. It constantly happens that a lawyer needs to spend not hours but days before he is in a position to advise his client. He gets for that a fee varying from about 6s. 8d. to, at the very outside, £5 5s. As a matter of fact, for the ordinary advice which the ordinary lawyer gives in the ordinary run of business, even though it takes him hours to prepare himself to give that advice properly, he will charge 10s. 6d. I remember the member for Swan (Mr. Sampson) once saying that I personally had given him a piece of advice which saved him some hundreds of pounds, and that when he got the bill it was 10s. 6d. I do not say that he ought to have been charged any more for

that particular piece of advice. If I recollect aright, I happened to be able to give him the advice quickly because I happened to be au fait with the particular subject on which he consulted me.

Hon. P. Collier: But the member for Swan did not stand on the bare fee. He made it good. He is a good chap.

The ATTORNEY GENERAL: All I can say is that the member for Swan was good enough to admit that on one occasion I had given him for 10s. 6d. advice which saved him a lot of money. Seriously, the most important job a lawyer does is the job of the initial advice, which may require an immense amount of time and study, and which is very poorly paid indeed. So if one goes through a lawyer's bill, one finds there items for payment for something which is really nothing, and a tiny amount as payment for something that is immensely important. The next point raised by the hon. member was the recent reduction of costs made by the authority which deals with those things here; that is, the judges plus the Barristers' Board in one instance and the judges on their own in another. The hon. member complained that a reduction of only 15 per cent. had been made in law costs, whereas the 22½ per cent. reduction was the generally recognised standard of common sacrifice. Personally I regret that the 22½ per cent. reduction was not made: I think it should have been. But when one regards the thing fairly from one point of view, there is no reason why those costs should have been altered at all, because there is no other profession which has a maximum imposed upon it. Doctors charge what they like—subject, naturally, to the courts of law being able to express an opinion on the matter.

Mr. Sleeman: Two wrongs do not make a right. Because someone else is allowed to do something, that is not to say lawyers should be allowed to do it.

The ATTORNEY GENERAL: I do not want to see legislation enacted fixing doctors' fees. Doctors get paid, in the main, what the people think is proper.

Mr. Panton: No. What the people can afford.

Mr. Sleeman: Last night I thought you were supporting a Bill to fix prices.

The ATTORNEY GENERAL: If the hon. member thought that, then he was not watching was was going on. I agree that as a mere gesture, and nothing more, it would have been better if all the 22½ per cent. had been taken off; but I want hon. members to understand that not three Bills in a hundred going out of a lawyer's office —I am talking about lawyers in substantial practice—are up to the scale which the law imposes. When a lawyer in a big way of business sends out a bill, it shows the detailed items. The law requires that. We lawyers do not like doing it; it is an absolute incubus on our shoulders; but it has to be done because the law requires it. As a general rule it will be found that at the foot of a long bill, with all the items totted up to say, £33 6s. 8d. or perhaps £33 4s. 2d., there is to be found such a statement as "Say 20 guineas." The reason is that every bill of costs has to be regarded with some relation to the value of the job done—not to the amount of service rendered or the amount of time occupied. Take the instance of a mortgage. A man comes in and asks the lawyer to draw a mortgage for £300. Another man comes in and wants a mortgage for £3,000 drawn for him. The work of drawing a mortgage for £300 is just the same as that of drawing a mortgage for £3,000, but the charge cannot be the same in both cases. The law lays down what is the maximum a lawyer can charge.

Mr. Marshall: But you will not lose anything on the £300 mortgage.

The ATTORNEY GENERAL: The amount of work for a £3,000 mortgage is exactly the same as that for a £300 mortgage. The result is that for the £300 mortgage—and probably for the £3,000 mortgage —the lawyer does not charge within 25 per cent. of what the law allows.

Member: Would there not be any difference in the work?

The ATTORNEY GENERAL: Not the slightest. The documents are exactly the same, and there is just the same amount of attendance at the Titles Office and so forth. It is interesting to note what has been done in other States as to reduction of costs. In New South Wales, I find, a 10 per cent. reduction has been made, and in South Australia also a reduction of approximately 10 per cent. So Western Australia has at least done as well as those two States.

Mr. Sleeman: You cannot tell on that information very well. There were judges in the East who refused to be reduced a

penny; but the Western Australia judges were reduced.

The ATTORNEY GENERAL: Of course they were. Knowing the judges we have here, I think they would have been thoroughly disappointed had they not taken their share of the common burden. I want this to be understood, too: as everybody knows, a general reduction in earning capacity has occurred in the case of the lawyer, as in the case of everyone else. I actually get put to me requests from practitioners to arrange for exemptions from their annual practising fee of £5. There are lawyers not making enough to live at the present time. It is to be expected. Architects are perhaps worse off than anybody else. An architect may not have earned a penny for two or three years. But many lawyers are not earning sustenance, and the best of them have probably had their incomes reduced very substantially. The next matter attacked by the member for Fremantle was Section 13 of the Legal Practitioners Act, which section, he said, was unparalleled in any similar Act in any part of the world.

Mr. Sleeman: Never! That is wrong.

The ATTORNEY GENERAL: Yet the hon. member challenged me to tell him any other part of the British Empire where a similar provision existed.

Mr. Sleeman: I said I did not know of one; but I stand corrected. Still, when I asked the question, you said you did not know.

The ATTORNEY GENERAL: It does not matter what the hon. member said. He held this provision up as being iniquitous. Is not that so?

Mr. Sleeman: I still hold it to be iniquitous; and if it were the law in a dozen countries, I would not agree that it was not iniquitous. It is most iniquitous.

The ATTORNEY GENERAL: All I say is that this provision is identical with that existing in the English Act. Not that that fact proves it to be right. However, I am prepared to assert that it is not an iniquitous provision, but an absolutely sensible provision. I ask hon. members to consider what the section does say.

Mr. Sleeman: Is that the English Act you have?

The ATTORNEY GENERAL: No; our Western Australian Act. It merely says—

> No articled clerk shall without the written consent of the board—

That is, the Barristers' Board—

> —during his term of service under articles, hold any office or engage in any employment other than as bona fide clerk to the practitioner to whom he is for the time being articled, or his partner; and every articled clerk shall, before being admitted as a practitioner, prove to the satisfaction of the board, by affidavit or otherwise, that this section has been duly complied with.

What is iniquitous about that? All it says is *that during the two years, or five years,* or whatever the term may be for which a man is supposed to be articled, he shall be genuinely articled, shall genuinely spend a fair working time each day in practising the profession which he is going to ask to be admitted to.

Hon. P. Collier: All his time?

The ATTORNEY GENERAL: All his time, yes; unless he is permitted, by consent of the Barristers' Board, to be exempt from that provision. I cannot imagine any form of apprenticeship—and an articled clerk is certainly an apprentice—any form of apprenticeship under which the people watching whether or not the apprentice was learning his job would not have the right to see that he did spend his whole time on that job, unless they consented to something to the contrary. From inquiries made of the Barristers' Board I find that in no case during the last 30 years—and the secretary to the Barristers' Board cannot go back further than that—has any request to be allowed to engage in some outside activity been refused. Surely that section must exist; surely there must be somebody to see, if the service of articles is to be worth while, that they really are served.

Mr. Sleeman: But that provision does not do it.

The ATTORNEY GENERAL: Why not?

Mr. Sleeman: You can be articled to a man who never had a case, and that fact does not affect the position.

The ATTORNEY GENERAL: What does the hon. member mean?

Mr. Sleeman: A young fellow who can afford to live on his own, or who has parents that can keep him, may be articled to a firm that does not get a case in a week, and he will get through just the same.

The ATTORNEY GENERAL: I referred to that extraordinary delusion earlier in the evening. The hon. member thinks a lawyer's

business consists of the sole job of going to court. There are some lawyers——

Mr. Sleeman: Who never go into court; they would be conveyancing lawyers.

The ATTORNEY GENERAL: The hon. member has probably never heard the names of some lawyers who have never gone into court in their lives, and who nevertheless do highly responsible and important work. They are just as much lawyers, and just as important to the community, as the men who figure in the newspaper reports as appearing in the police court day after day. What I am suggesting is that there must be some such body if the service of articles is to be of any value at all. I rather gather the hon. member does not think the service of articles is of much value. But, if it is, then there must be some body to exercise some kind of supervision in order to ensure that articles are genuinely served. I do not suggest that the Barristers' Board is 100 per cent. effective as to that. There must be a certain amount of industry and honesty on the part of both the lawyer and the articled clerk. If neither of them desires that the articles shall be honestly served, I suppose they will manage to get round the Barristers' Board. But it is not an iniquitous proposition that the Barristers' Board should have the right to see that articled clerks do their studying. The section in question represents an official provision, and nothing could be wiser or more sensible. And nothing could be wiser or more sensible than the way in which that section has been administered during the last 30 years.

Mr. Sleeman: Do you say the same thing applies to barristers in Great Britain?

The ATTORNEY GENERAL: No.

Mr. Sleeman: You know that an English barrister can come out here and be admitted?

The ATTORNEY GENERAL: Yes. We will deal with that later.

Mr. Sleeman: But you are leading the House astray. The English Act applies to solicitors, and not to barristers. Yet an English barrister is a barrister out here.

Mr. Parker: Not until he comes out here.

The ATTORNEY GENERAL: Why not let me proceed?

Mr. Sleeman: I just want to put you right there.

The ATTORNEY GENERAL: The hon. member is not putting me right. If his memory carries him back six or seven years, the hon. member will recollect that I told the House that that was the position; and, what is more, in 1926, I think it was, I introduced into this House a measure which, to a certain extent, removed that anomaly.

Mr. Sleeman: To a certain extent.

The ATTORNEY GENERAL: Do not let us be in too much of a hurry. That brings me to the question the hon. member has just raised. At the present time a man who desires to become a lawyer can gain his end much more easily than he could nine years ago, despite the fact that the member for Fremantle (Mr. Sleeman) told the House most emphatically the other night that the profession was becoming more than ever a close corporation, thereby making it more difficult for the poor boy to gain admittance. As a matter of fact, a great number of the present members of the profession entered it as poor boys. When the member for Fremantle and I were 18 years of age, I suppose I was just as poor as he was. If it were not that I had the good fortune to obtain a scholarship, I would not have had a shilling with which to carry on my education, or to enter the profession. I am perfectly sure I might have got in in the end, although perhaps my admission would have been delayed much longer. At present I am prepared to assert that any boy of ability and character, however poor he may be, can, perhaps after a period of patience and industry, enter the legal profession, and he can do it more easily than was possible before the introduction of the measure I placed before Parliament in 1926. In 1924, a member who is now no longer in this House—he was then member for East Perth—introduced a Bill to amend the Legal Practitioners Act. The Bill, in effect, set out that any person could, at any time, present himself to the Barristers' Board and demand to be examined in law. If he failed the first time in some subjects, he could go for them again at a later stage. In other words, he could take his examination piecemeal, bit by bit. If he passed in the end, he was to be given a certificate, and when that individual reached the age of 30, he could apply to the Barristers' Board and demand to be admitted. That Bill went through this House on the casting vote of the Speaker. There were 16 votes for it and 16 against it, and the Speaker, in accordance with necessity, allowed the Bill to be passed, and it was finally rejected by the Legislative Council. In speaking against that Bill, I suggested that the proper way of getting

over the difficulty and of making the profession more readily accessible to the poor boy, was to establish a Chair of Law at the University. With the goodwill of the Leader of the Opposition, who was then Premier, and with a remarkable response from the legal profession who backed up my proposal that they should tax themselves by contributing to the establishment of a Chair in Law, that step was consummated in 1926. That meant that a man could earn his own living and attend law lectures, thus securing a good, sound training in law at the University. All that was asked of such a man at the conclusion of his course was that he should serve articles for two years. I do not think any hon. member would suggest that, as a general proposition, a man should be allowed to practise as a legal practitioner without some definite training in the practical side of the business.

Mr. Sleeman: How many who are practising in Perth now have not served articles?

The ATTORNEY GENERAL: Possibly 3 per cent.

Mr. Sleeman: Among the leaders?

The ATTORNEY GENERAL: I do not know what the hon. member means by "the leaders," but let us assume that he regards King's Counsel as leaders. Of the 10 Ks.C. on the list—it must be remembered that not all of them are in practice—half were trained in the Old Country and were admitted as barristers, while the others were trained locally.

Mr. Sleeman: That is, 50 per cent. of them have never served articles.

The ATTORNEY GENERAL: Yes. It must not be forgotten that the man who is appointed a King's Counsel proceeds on the barristerial side of the profession, and it is the conveyancing side and the work of the solicitor that is the practical side of the profession, which is important from a practising point of view.

Mr. Sleeman: But barristers who come from the Old Country are also solicitors here.

The ATTORNEY GENERAL: Yes.

Mr. Sleeman: And practise on both sides of the profession.

The ATTORNEY GENERAL: How many does that apply to?

Mr. Sleeman: A good few.

The ATTORNEY GENERAL: But how many? The position is that the whole of the men in Western Australia to-day who have not served their articles and who have come here during the present century, comprise six or seven Rhodes scholars——

Mr. Sleeman: You must include them.

The ATTORNEY GENERAL: Very well. There are those six or seven Rhodes scholars, and John F. McMillan and R. D. Lane. So it will be seen that the matter is not of such vast importance after all. It must be realised that in the last century, when the population of the State increased so rapidly because of the opening-up of the goldfields, people came from all quarters of the globe. A great many men were then admitted as barristers.

Mr. Sleeman: Is there any good reason why those who have been admitted were allowed to practice as solicitors and barristers, without being articled at all?

The ATTORNEY GENERAL: No reason at all. I have no doubt that in due course we shall say that they will have to serve two years as well, which will mean two years longer still.

Mr. Sleeman: If a man took his degree in Britain, would that make it better for him here? Would it be better than if he took it here?

The ATTORNEY GENERAL: No.

Mr. Sleeman: Then why allow a man from Great Britain to be admitted without serving articles?

The ATTORNEY GENERAL: I think there is a lot to be said in favour of stopping the practice.

Mr. Sleeman: That is all right, so long as you are consistent.

The ATTORNEY GENERAL: I was consistent when I said that I was inclined to agree that they should be made to wait for two years. Perhaps we may have to go further and say that not until after they have been admitted for at least two years and have served articles for two years, shall they be admitted. I do not propose to agree for two seconds that, because a very few people are able to enter the State qualified as barristers in the Old Country and are admitted here without serving articles, as a general practice in Western Australia we should allow our people to be admitted without serving articles. If we were to do that, we would immediately lose reciprocity with the other States.

Mr. Heguey: You would give preference to the "Tothersiders."

The ATTORNEY GENERAL: We would have to do that.

Mr. Sleeman: You know they do not have to serve two years in Victoria?

The ATTORNEY GENERAL: No, I do not know that. If it were not that I have known the member for Fremantle for nine years and have formed the opinion that he is naturally a sincere person, I should have doubted, from the method he adopted in moving the motion and from some of his remarks, his general sincerity in dealing with the subject. While moving a motion purporting to help the public from the lawyers' point of view, he took it upon himself to make an attack upon the Government of which I am a member, and, in particular, upon my administration of my particular department. His comments had nothing to do with the subject matter of the motion he submitted to the House. In my opinion, he was ill-advised in making those two specific attacks. The first thing he said was that King's Counsel represented, it was generally thought, purely political appointments—spoils to the victor.

Mr. Sleeman: Yes, I said that.

The ATTORNEY GENERAL: It does not matter whether the hon. member utters a libel at first hand as a statement by himself, or whether his statement is merely a repetition of what someone else has said. The utterance is just as offensive to the persons about whom it is made. That is one matter in respect of which I think the hon. member could, and should, have found out the facts before expressing his opinion.

Mr. Sleeman: I may have found out the facts.

The ATTORNEY GENERAL: The hon. member did not, nor did he attempt to do so.

Mr. Sleeman: Didn't I?

The ATTORNEY GENERAL: No.

Mr. Sleeman: That just shows that the Minister does not know what he is talking about. I know the whole of the facts, and inquired about them. Perhaps the Minister is alluding to the fact that the Chief Justice has to recommend a man before he gets the appointment.

The ATTORNEY GENERAL: If the hon. member knew the facts, and nevertheless stated here that King's Counsel were appointed on the basis of political spoils to the victor, then he apparently is not able very accurately to draw his inferences from facts. As far back as 1900, an Executive Council minute was passed, and still subsists, setting out that no King's Counsel shall be appointed except on the express recommendation of the Chief Justice. It must also be remembered that before that can happen a member of the legal profession must first approach the Chief Justice and ask to be appointed a King's Counsel. Many men do not like doing that. However, that is necessary, and the Chief Justice has to recommend him before an appointment can be made.

Mr. Sleeman: Has that always been acted upon?

The ATTORNEY GENERAL: As far as I know, yes. I understand that at one time the Government supported by the hon. member took the view that they would not appoint any King's Counsel because they regarded it as something in the nature of a title, and they did not believe in titles. That was perhaps the reason why the former member for Kanowna, the late Mr. Walker, was never appointed a King's Counsel.

Mr. Sleeman: I am glad to hear that I supported a Government that adopted that attitude.

The ATTORNEY GENERAL: It is not a question of a title at all. Such an appointment does not confer upon the holder a handle to his name, as does a title granted to a distinguished citizen. An examination of the position will show that there could not possibly be any suggestion of political favour in the appointment of King's Counsel. Let us take the four latest appointments. There is Mr. H. B. Jackson, K.C., who was appointed by the Labour Government.

Mr. Corboy: That is inconsistent, in view of what you just said, that they did not appoint Ks.C.

The ATTORNEY GENERAL: I said that at one time they took that view. However, that was the first of the four. I am not sure what Mr. Jackson's politics are, but I do not think he is a supporter of the Labour Government, nor do I think he would be rewarded by the party for imaginary services rendered.

Hon. P. Collier: He is hardly what would be called a valued member of our party.

The ATTORNEY GENERAL: I think that describes him. Then there is Mr. M. G. Lavan who, if he has any politics at all, I suppose is on our side. Then there is Mr.

J. L. Walker, who was appointed to his present position by the Labour Government, and whose only connection with politics is that he was once the partner of a Labour Minister. Then there is my own appointment, which was perhaps political but which, at all events, went through the usual channel. So the hon. member was speaking out of his turn there, and I am sorry he did not leave it alone. The next thing he undertook to demonstrate was when he said that in his opinion my department had been wasting public money by sending briefs out to counsel, to private counsel. Then he went on to say that he complained that my department had been wasting money by not sending out briefs to private counsel, because they had sent the Crown Prosecutor up to Wyndham. The hon. member made that attack, a political attack on the administration of my department by myself and by the Under Secretary for Law. In that respect I suppose one might almost regard the motion as being a no-confidence motion on the Government. However, I expect that on private members' days one would hardly regard it as seriously as that. But I do complain that the hon. member did not come to the department to find out the facts, for then he would have ascertained that no brief can be sent out of the Crown Law Department except with the written consent of the Attorney General. Also he would have found that the money paid out in the briefing of people outside the Crown Law Department amounts to approximately £250 for the last 12 months. And he would have found that by sending the Crown Solicitor, instead of an outside person, to Wyndham to conduct certain prosecutions many scores of pounds were saved. But also he would have been told that it was essential to send up somebody from here to Kimberley to conduct these prosecutions, because there is only one lawyer in the whole of Kimberley, and we had to give the poor wretch who was being prosecuted some chance of being represented in the prosecution. I complain of the hon. member electing to express an opinion on the subject which must have been ill-informed, and which was entirely contrary to the facts. If the member for Geraldton (Hon. J. C. Willcock) were here—for six years he occupied as Minister for Justice the chair which I occupy as Attorney General—he would back me up in saying there is no man in the Government service of Western Australia so jealous of the expenditure of public money as is Mr. Hampton, the Under Secretary for Law. If I might venture to use an expression for which you, Sir, may correct me, I have heard it said that he will skin a louse in the expenditure of any money in his department—a very noble quality in a man who is spending somebody else's money. The member for Geraldton would confirm me in saying that every penny which is being spent on briefing people outside the department is being spent on Mr. Hampton's recommendation to me and with my written consent. I say the House need have no fear that any briefs have been sent out which could have been avoided, that in that connection no expenditure has been made which was wrong. The hon. member is asking that a select committee of this House should be appointed with the roving commission which is covered by the very vague terms of his motion and amplified by the wide range of the complaints he has made, complaints which have been spread outside the scope of his motion and have embraced attacks on the administration of this Government and the appointments made by this Government. I do not feel disposed to agree that a select committee, with the hon. member as chairman, should be appointed.

Mr. Sleeman: Would it be any the worse for that?

The ATTORNEY GENERAL: I think it would be in this case, because the hon. member has shown by his attack on the Government's administration of the department that he may not be prepared to confine his inquiry even within the very broad limits set forth in his motion. And another thing, at one stage in the hon. member's remarks he made use of an expression which appeared to me to show that he had made up his mind on certain subjects. A select committee, I take it, is supposed to act judicially, supposed to go away with an open mind and make inquiries, consider the evidence given to it, and come back and inform the House of what decision it has come to after impartial consideration of the evidence put before it and the documents examined by it. The hon. member has made up his mind. He said, "I do know that the fees charged by the legal profession are excessive. No one will convince me otherwise." Surely

the hon. member can hardly ask the House to appoint him chairman of a select committe to hold an inquiry on judicial lines when he has declared in most emphatic language that he has already made up his mind, and that nothing in the world will make him alter it. I do not feel prepared to agree to such a proposal. It does not seem to me to be fair that a person who has made up his mind so emphatically should be entrusted with the job of advising the House as to whether what he has said was right or wrong. In conclusion, I want to say this about the hon. member's motion—I indicated earlier what I felt—that there is some justification for some of the remarks he made. I myself am of the opinion that litigation costs too much. That is a different thing from saying that solicitors' costs are excessive, or that solicitors make too much. I do not think solicitors as a profession do make more than the services which they render the community are worth. Solicitors make less money—I am talking now from statistics—substantially less money than do doctors, dentists, publicans, pastoralists, boot manufacturers, bootmakers, bookmakers and a host of other people. The law in Western Australia is not a very remunerative profession; it is probably the least remunerative of the so-called professions. I am leaving out professions such as school teaching, which is notoriously said to be the worst paid and the best rewarded profession of them all. But amongst professions where people are really skilled artisans, doing jobs one after another, the lawyer makes less money than any other, less probably than land agents do in normal times, and I am not prepared to take it as a general proposition that the average earnings of lawyers are higher than they deserve. Indeed, who can say just what particular remuneration any particular service to the community may be worth? It is a matter of opinion. But I do agree with the hon. member, if he will re-state his proposition this way: That the costs of litigation are too high. Indeed this Government have recognised it, in a way—I do not want to draw comparisons between Governments—and this is the only Government for many years past which have recognised that fact and tried to remedy it. We did, in fact, bring down a measure two years ago, which came into operation last year, and which has most importantly rectified it. I refer to the Local Courts Act Amendment Act, which increased the jurisdiction of the local court from £100 to £250. We wanted to make it £500, but another place, with their usual caution said we had better go gently. However the Act increased the jurisdiction of the local court from £100 to £250, and therefore enabled actions which in the past had to be prosecuted in the Supreme Court, with its cumbersome machinery, and with much higher costs, to be brought into the local court with its simpler machinery and much lower costs. So the Government can claim to have shown a distinct desire to bring down the cost of litigation. I cannot agree to the proposal for the appointment of a select committee on the lines indicated by the motion, but I am prepared to promise that the Government will appoint a judge of the Supreme Court to investigate the best methods of reducing the cost of litigation. I know that one of their honours has given a great deal of thought to this matter and has some views on it which I think are sound, and which would most materially cheapen and expedite the course of litigation, and perhaps remove some of the objectionable features which the hon. member has mentioned. For instance, I agree with him that the second counsel may frequently be properly described, in the expression the hon. member used, as a dummy. I know that second counsel does go into court at times, and if the leading counsel were to drop dead the second counsel would have to ask for an adjournment. I think a man who takes a brief on those terms ought to be ashamed of himself.

Hon. P. Collier: Such a man very often takes no part at all.

The ATTORNEY GENERAL: I agree.

Mr. Corboy: It is taking money under false pretences.

Hon. P. Collier: Why should a client have to pay for the services of such a man?

The ATTORNEY GENERAL: I agree wholly, and I say it ought to be dealt with. Of course the taxing master is there to disallow it.

Hon. P. Collier: Yes, but it is the custom.

The ATTORNEY GENERAL: I agree that it is a matter requiring investigation, and I suggest—I do not know whether the hon. member will agree with me—that the best course would be for the hon. member

to withdraw his motion and let me appoint a man, who knows what he is talking about, who will speak with the force, not only of his knowledge but of his wisdom, to report to the House as to the best steps to be taken to clear away any anomalies that there are, to see that litigation is made as cheap as it can be without becoming inefficient, and as quick as possible, because justice delayed is frequently justice denied. Whether the hon. member withdraws his motion or not, I propose to make that appointment. I have had it in mind for a long time to do so.

Mr. Corboy: Irrespective of the fate of the motion.

The ATTORNEY GENERAL: Yes; I have intended to do it. I have discussed some of the problems that have been mentioned during this debate with the gentleman I have in mind. I cannot agree to the motion to appoint a select committee.

On motion by Mr. Marshall, debate adjourned.

PAPERS—HERDSMAN'S LAKE.

Debate resumed from the 14th September on the following motion by Mr. Millington (Mt. Hawthorn):—

That the file dealing with the Herdsman's Lake settlement be laid upon the Table of the House.

THE MINISTER FOR LANDS (Hon. C. J. Latham—York) [10.2]: I do not propose to offer any objection to the tabling of the papers. I understand it is necessary for the member for Mt. Hawthorn to obtain certain information for use in moving another motion of which he has given notice. I was absent when he made his speech; but I have had an opportunity to peruse it, and I think he dealt fairly fully with the motion he anticipates moving later.

Mr. Millington: Oh no.

The MINISTER FOR LANDS: I propose to say a few words so that the hon. member may not have any misconception regarding the ideas of the Government when the land was settled. It was never stated that those blocks would be set aside to enable anyone to earn a living from them. They were intended to do what the member for Swan desires under his motion. The intention was to provide opportunities for men who desired small farms in close proximity to the metropolitan area, so that they could devote their spare time to developing a piece of land, enabling them to run a cow and some poultry, grow fruit and vegetables, and thus provide portion of their domestic requirements. The Government built a house on each of a number of blocks, but I am sorry to say that the project has not been the success that the Government desired it should be. The price of the land is the same as that fixed when the area was cut up in chequer-board fashion. The price is even less to-day than it was then, because under the original conditions it was necessary for the selector of a block on the chequer-board survey to take another block some distance away. He had to take two blocks, not one. I want members to understand that it was never intended that those blocks should provide a living for people. A good deal of argument has been submitted by the member for Mt. Hawthorn, as well as other members, during the discussion of the Metropolitan Whole Milk Bill, that certain dairymen were conducting dairying operations on properties on which they were paying no interest. That system will be perpetuated in respect to market gardening if members are not careful, and I wish that fact to be realised. I propose to lay on the Table the files dealing with the purchase of land, the fixing of values and conditions of settlement, expert reports on soil, ring drainage, and requests from settlers. There are files dealing with individuals, but I understand the hon. member does not require them.

Question put and passed.

The Minister laid the papers on the Table.

MOTION—MIGRANTS, REPATRIATION.

Debate resumed from the 14th September, on the following motion by Mr. Marshall (Murchison):—

That in view of the world financial crisis making it impossible for the Government to fulfil their contract to provide thousands of migrants with work or establish them on farms in accordance with the Migration Agreement, this House, believing that this position will continue for a considerable time, is of opinion that the Government should take immediate steps to repatriate migrants now unemployed and desirous of returning to their Homeland.

THE MINISTER FOR LANDS (Hon. C. G. Latham—York) [10.7]: Last year a similar motion was submitted to the House and was carried, but I hope that on this occasion it will not be agreed to. Last year I submitted to the House arguments which I think made perfectly clear the impossibility of the Government doing as was requested. The carrying of that motion had an effect on migrants in this State that I feel sure members had no desire to create. Immediately after the passing of the motion, the Government were inundated with applications from people to be repatriated, and it was totally impossible to give effect to the resolution. I can only repeat what I said last year. The whole matter of repatriating migrants is wrapped up in the Imperial and Commonwealth agreement, what was known as the £34,000,000 agreement, which was passed by the Imperial Parliament, the Commonwealth Parliament, and the State Parliament. Under that agreement we undertook, for every £75 advanced for public works, to accept a migrant, and until the agreement was suspended, we honourably carried out that undertaking. If we are now going to repatriate these migrants, which was part of our contract, I suggest we may be asked to refund the whole of the money that was advanced to us for a specific purpose. It would of course be impossible to do that. It certainly could not be done for a year or two even if it were desirable that we should do it. We cannot fulfil our contract in that respect. Secondly, most of these migrants were brought to Australia under an advance made to them for their passage money, amounting to £33 per head. The Imperial Government paid one-third, the Commonwealth Government another third, and the migrants undertook to pay their third. In many cases these migrants have been unable to make their payments or have neglected to do so, and the Commonwealth Government have rightly refused to release them from their obligations. Until payment is made, it will be impossible for these people to obtain passports. The migrants who desire to return home have the idea that they are going to be better off than if they remained in Western Australia. This State is doing more for the migrants, together with the rest of the unemployed, than any other part of the world is doing. I will read some extracts from letters showing what the private position is of some of the men who have gone home, and desire to return to Western Australia:—

G.F. 28/8/1931.

"I have no money and cannot find employment in order to pay my passage money back to Australia. I am willing to do anything to get back to Western Australia."

W.B. 23/10/1931.

"Want to work passage back to Western Australia. Went out as assisted migrant in 1923."

W.S. 7/11/1931.

"I am anxious to rejoin my wife in Western Australia. Unfortunately I have limited funds and have tried several shipping companies. Personally, I am a bad asker, and I would be only too pleased to work my way back in any kind of boat. Let me know if you could help me in any way. I am fully aware of present conditions in Australia."

J.C. 20/12/1931.

"I have tried hard to obtain employment of any kind, but simply cannot get work, and I am in a very bad position. The only way now for me is to go to Tilbury and to do my utmost to get a boat to Australia. Will you advance me fare to the Docks?"

W.R. 22/2/1932.

"I went to Western Australia in 1912, and returned last July owing to the crisis. I have one girl and three boys. I am at present unemployed, and realise the mistake I made in leaving the Golden West, and we are all yearning to get back again."

W.J.W.L. 2/3/1932.

"My wife and I came from Western Australia last June. Since we have been here things have been very bad with us. Would you please inform me as to how we could get our passage back to Western Australia. I am quite willing to pay the fare after I get back."

H.R.B. 11/4/1932.

"I arrived at Southampton from Fremantle on March 14, 1932. I have no cash for return and I would like your advice and help if you could help me to get back to Fremantle."

These are extracts from letters received by the Agent General. Last week I received a letter from the husband of a woman who is at Fremantle. This is the strain in which he writes. The husband by the way, has already worked his way Home, but in a letter from London dated the 15th August he says—

"I came back home to raise money to get my wife and children Home but have been unable to do so. Our people cannot see their way clear to loan me the money, and after

exploring every avenue I have to admit I have failed. I think you know I was thoroughly convinced if I could see our people personally I should at least be able to raise half."

Mr. Sleeman: It would be impossible for people to be worse off in England than they are here.

The MINISTER FOR LANDS: They would be much worse off there. When they reach Home, they are excluded from any financial assistance for six months. In this State we are paying 7s. per unit per week, which in the case of six members of the family represents £2 2s. a week. I venture to say that plenty of workers on full time in England are unable to earn that.

Mr. Sleeman: In one case there are eight people to keep on that.

The MINISTER FOR LANDS: Some of them were working a little while ago.

Mr. Sleeman: There are seven and the mother.

The MINISTER FOR LANDS: If that is so, they will be getting enough for eight units.

Mr. Sleeman: They do not get enough for eight units.

The MINISTER FOR LANDS: They would get £2 9s. a week. It would be a long time before a person in the Old Country was able to get that much. The member for Murchison estimated that there were between 30 and 50 per cent. of migrants amongst the unemployed. If we take the figure of 40 we find that no less than £454,000 has been spent on the relief of migrants in the last two years.

Mr. Sleeman: It would pay better to send them Home.

The MINISTER FOR LANDS: It is impossible for us to capitalise the sustenance we are paying to these people. If it were possible we would probably repatriate a lot of them, but we could not raise the money.

Mr. Sleeman: You are breaking the contract to the migrant by keeping him here.

The MINISTER FOR LANDS: All we undertook to do was to provide them with work for one year and we have carried out that contract.

Mr. Sleeman: You said something about settling them on the land. You have settled some of them.

The MINISTER FOR LANDS: We agreed to settle them on the land, but did not undertake to keep them there against their will. Many of the settlers left of their own accord when they need not have done so. In a big scheme of that sort it is impossible to satisfy everyone. There is no differentiation between the treatment accorded to our people and that accorded to migrants. If we were to pay the fares of these people to England, one half of the migrants would have to go without sustenance for 12 months. We could not raise the money to send them Home, even if we forgot the agreement with the Imperial and Commonwealth Governments. The cheapest fares would cost £40 per head.

Mr. Marshall: Do you want them to go first class? Do not talk about fares.

The MINISTER FOR LANDS: We have investigated the matter.

Mr. Marshall: What was the cost of bringing them out?

The MINISTER FOR LANDS: The cost was £33, and to-day the rate of exchange is against us

Mr. Marshall: Not £33 per head.

The MINISTER FOR LANDS: Yes. It was suggested that the "Kangaroo" might be chartered. I have made inquiries about that. The greatest number of persons she could carry would be 250. It would not pay to send the "Kangaroo" to Great Britain even if we got a full contract for the 250 passengers.

Mr. Angelo: The ship could bring back all the returned migrants who want to come back here.

The MINISTER FOR LANDS: Yes. let her carry these home: and then, as soon as they become dissatisfied there, let her bring them back here. In order that hon. members may understand the position relatively to the Commonwealth, I mention that there is still owing to the Commonwealth Government by the migrants a total of £114,323. It is, of course, for that reason the Commonwealth Government refused to issue passports to the migrants.

Mr. Sleeman: Yes, and they allow us to keep them.

The MINISTER FOR LANDS: If the migrants cannot obtain passports, there is no chance of getting them away. After all, there is nothing to prevent people from getting about. Even this State had migrants who migrated directly to Western Australia but afterwards went over to the East. As

regards the debt of £114,323, it must be remembered that the Imperial and Commonwealth Governments have already contributed that amount as well.

Mr. Richardson: The £114,323 is owing to the Federal Government.

The MINISTER FOR LANDS: Yes. The Federal Government made the advance to enable the migrants to come out here. It matters not whether the motion is carried again, but I hope it will not be carried this time. We have no right whatever to mislead these people. In any case, I assure the House, effect cannot be given to the motion. During the last 2½ years very many of these people have gone back home. Some have paid their own fares; some have had their fares advanced by relatives at Home; some have worked their passage back. In 1930, 1,076 migrants left Western Australia; in 1931, 1,208; this year, up to date, 556. The letters which I have quoted enable hon. members to realise that these migrants left a far better country for a country where there is a great deal more hardship. In England they cannot obtain any relief at all until they have been there for six months.

Mr. Marshall: And they cannot get any relief here until they have been here three months.

The MINISTER FOR LANDS: The suggestion of repatriation cannot be entirely accepted by the State. It cannot be accepted by us, for reasons of finance; and because of the agreement we entered into we cannot, in any case, assist these people to leave Western Australia. We entered into an honourable understanding to take these people from the Old Country and establish them here. We accepted the loans that were offered to this State at a very low rate of interest, and we used the money for our public works. We increased our land settlement by means of that money. Until such time as the agreement is varied or terminated, we as a State intend to honour it. One reason why I hope that the motion will not be carried is that it builds up the hopes of these people only to be disillusioned when they come along to apply for repatriation. As hon. members know, the State cannot issue a passport, and no one can leave the State without a passport. The Commonwealth Government refuse to issue passports to these migrants until the debit which I mentioned has been met. It is but honest and fair to these people to let them know what the conditions are at Home. I oppose the motion; and I sincerely hope that the mover, in the interests of the people whom he wishes to benefit, will not proceed with it. If it were only Western Australia that was suffering from the prevailing economic conditions, it might be possible to find a solution of the problem; but immediately we start to empty out our population and thus make Western Australia more attractive, we shall have people coming here from the Eastern States to fill the places of those who leave Western Australia. And people will also come here from other parts of the world.

Mr. Sleeman: But they will have to wait three months before they can get food here.

The MINISTER FOR LANDS: That may be so, but still they will come here. If we were able to transport the whole of our unemployed abroad—I venture to say every member of this Chamber will agree—within six months another crop of unemployed would have grown up. I trust that the future of Western Australia will not prove so dismal as its present is. With improving prices for our surplus products, our wheat and our wool, we are now again on the way to prosperity. The people who have come out here, and particularly the children of the migrants, will prove excellent Australian citizens. We have to build up the population of this country. Western Australia cannot carry indefinitely the tremendous indebtedness she is carrying to-day; we must have more people here to assist us to carry that load. There is plenty of work to be done in this country. No member will deny that there is plenty of work available here. It is merely a question of getting the money to pay for that work, and the only way of obtaining the necessary funds is by getting prices that will enable us to continue to increase our production. Unfortunately, during the past two years our staple exports have been sold at prices which have not covered production costs. Still, I believe that we are just on the edge of a movement forward; and when that movement starts, hon. members will say they are pleased at having at least been able to people the country and thus enable the great work ahead of us to be carried on.

On motion by Mr. Griffiths, debate adjourned.

House adjourned at 10.28 p.m.