reasonable thing. The farmers should be able to carry their own wool to market, which in many cases would mean a considerable difference in the amount received by the farmer for his wool. Mr. Thomson explained the big difference between the price of wool being conveyed by road as against by railway. I will certainly support the clause that alters the 15-mile radius to a 30-mile radius. That would obviate the trouble taken in connection with permits, and also the expense. I agree, too, that this should apply, not only to the district round about the metropolitan area, but also to the country. I am in acordance with the proposal that an appeal should lie to a magistrate by individual carriers or by the local authorities. I will support the second reading.

On motion by Hon. L. B. Bolton, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [9.57]: I move—

That the House at its rising adjourn till Tuesday next.

Question put and passed.

House adjourned at 9.58 p.m.

Legislative Assembly,

Wednesday, 21st October, 1936.

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

QUESTION—MOTOR VEHICLES PURCHASED BY GOVERNMENT.

Mr. RODOREDA asked the Premier: 1, Are all motor vehicles for Government departments, including Main Roads Board, purchased through the Tender Board? 2, How many of each cars and trucks have been purchased during the two years immediately preceding the 30th June, 1936, by all Government departments, including the Main Roads Board? 3, How many of each cars and trucks were of American manufacture? 4, Is it not considered advisable that preference should be given to vehicles of English manufacture?

The PREMIER replied: 1, Yes. 2, This information, covering a period of nearly three years past, from August, 1933, to June, 1936, was prepared recently and is now laid on the Table of the House. 3, Answered by No. 2. 4, This is always considered and given where possible. In the past, considerable difficulty has been experienced in inducing English manufacturers to provide motor vehicles suitable to our requirements, but this difficulty is gradually being overcome.

QUESTION—YAMPI SOUND, KOOLAN ISLAND LEASES.

Hon. C. G. LATHAM asked the Minister for Mines: 1, When did Mr. H. Buckley first make application for Koolan Island leases Nos. 2 to 8 inclusive? 2, On what date were

these leases granted? 3, Does file No. 1032/35 contain any information concerning the leases? 4, If so, will he lay the file upon the Table of the House?

The MINISTER FOR MINES replied: 1, Leases 2 to 8 inclusive were granted on 24th January, 1919, and Mr. Buckley obtained same by transfer from the registered lessee. Such transfers were registered at the Mines Department on 21st March, 1932. 2, Answered by No. 1. 3. File 1032/35 mentions the leases, but does not contain any information concerning them. 4, This file will be laid upon the Table of the House.

QUESTION—REPURCHASED ESTATES.

Hon. P. D. FERGUSON asked the Minister for Lands: 1, How many repurchased estates in the Victoria District have been revalued since the 1st January, 1934? 2, What are the names of the estates? 3, What was the total original price charged to the settlers on each of the estates? 4, What is the total written down price charged to the settlers on each of the estates? 5, Who made the latest revaluations? 6, Was the Glendale Estate near Calcarra repurchased for returned soldier settlers? 7, If so, when? 8, What was the total original price charged to the settlers thereon? 9, Are those settlers still in occupation? 10, Has application been received by the Lands Department for a revaluation on similar lines to the repurchased estates in the Victoria District? 11, If so, has the request been complied with? 12, If not, why not?

The MINISTER FOR LANDS replied: 1, Nine. 2, 3, and 4—

Estate.	Original price charged settlers.			Reduced price charged settlers.		
	£	s.	d.	£	s.	d.
Guaranu ..	35,367	16	3	25,250	18	0
Inering ..	28,657	2	8	28,560	12	8
Wondoondy ..	45,341	5	5	33,745	9	9
Mendel ..	19,566	4	11	17,251	16	7
Carnamah ..	22,069	12	3	19,914	12	2
Cockatea ..	17,602	9	7	15,459	11	5
Yarra Yarra ..	19,292	10	3	18,021	0	11
Menang ..	9,746	14	4	*9,746	14	4
Yandanooka ..	165,069	10	2	118,246	14	8

* No reduction.

5, Board composed of the Surveyor General and Messrs. A. A. McGilp and J. Hunter. 6, Yes. 7, 25th June, 1920. 8, £4,034 17s. 3d. 9, Yes. 10, No. 11 and 12, Answered by No. 10, but the existing prices have been reconsidered and the department is of the opinion that no reduction is warranted.

QUESTION—RURAL BANK.

Mr. BOYLE asked the Premier: 1, Is it the intention of the Government to consider the advisableness of establishing a Rural Bank? 2, If so, will such bank follow the constitution of the Rural Bank of New South Wales?

The PREMIER replied: 1, Yes. 2, This will be considered in the light of all the information available.

BILLS (3)—FIRST READING.

1. Financial Emergency Tax
   Introduced by the Premier.
2. Lotteries (Control) Act Amendment.
   Introduced by the Minister for Police.
3. Metropolitan Milk Act Amendment.
   Introduced by the Minister for Agriculture.

RETURN—AGRICULTURAL BANK, ABANDONED FARMS.

MR. DOUST (Nelson) [4.38]: I move—

That a return be laid on the Table of the House showing—

- The total expenditure since the inception of the scheme to the 30th June, 1936, of renovating abandoned farms in the Manjimup Agricultural Bank district—(a) on abandoned soldier settler properties; and (b) on group settlers' blocks.
- The total area so renovated—(a) on soldier settlers' locations; and (b) on group settlers' holdings.
- The total expenditure from the inception of the scheme to the 30th June, 1936, on the Walpole settlement.
- The area partially cleared and sown with pasture.
- The number of dairy cows supplied by the Department.
- The total cost of administration to the 30th June, 1936.

I do not move this motion with the intention of embarrassing the Government, or of antagonising them, or commenting upon any actions they may have taken so far as holdings in the Manjimup area are concerned. Whilst the motion itself speaks

of the Manjimup Agricultural Bank district, I am referring to areas in Northcliffe and Pemberton as well as in Manjimup. I wish to ascertain the total cost of the area cleared or renovated on soldier settlement locations, and also those of Agricultural Bank or group settlement locations. The information is required to show the deterioration or depreciation that has occurred on these blocks since they were abandoned. When the information has been supplied I think the Government, members of Parliament, and the people generally will recognise that something must be done in the near future to prevent these blocks from reverting once more to their natural conditions. The cost of bringing these blocks up to the stage they had reached when abandoned was very high, and the cost of renovating them after they had been abandoned for two or three years will, I think, cause surprise. If this cost is not to be a continuous one and a constant drain upon the finances of the State, somethings must be done in the near future, otherwise the blocks will again revert to a state of nature, and the Government will lose the value they hold in these farms. I think the information also will tend to emphasise the necessity for maintaining the properties, and the tremendous cost that will have to go on in the future, leading ultimately to the loss of all the values that lie in them. If the blocks are to be kept in saleable order, they must be maintained. The cost of doing this may, of course, be out of all proportion to their value to the State. Undoubtedly the Government will lose their value altogether, on the other hand, if they are not renovated. I think there are directions in which the unemployed can be kept at work more economically to the State than by continuing the present system. It is impossible that we should continue the system of going over these blocks every two or three years. Once they are improved it is necessary that the particular department concerned should take steps to have them re-occupied. Questions 3, 4, 5, and 6, as set out in my motion, refer entirely to the Walpole area. That scheme has been in operation for about seven years. Unless the Government are very careful we shall have another group settlement scheme with more disastrous results than in the past.

The Minister for Lands: Of what use is it to tell us to be careful? Tell us what we should do.

Mr. DOUST: It has often been said that if the group settlement scheme were started over again it could be completed at a figure 75 per cent. less than the original cost. In this Walpole scheme we are starting a new group settlement area. I am very much afraid that we are not by any means reducing the costs to anything like the proportion I have mentioned. I shall be very much surprised if the settlers now on these blocks can take them over at their present cost and make a success of them. Even on the accrued costs to-day there will have to be a considerable writing down. It is quite impossible for a very large number of those settlers to carry on as at present without further assistance. They are working on about £2 a week. The settlement is supposed to be made up of unemployed married men. From that aspect it is possible that the cost to the State is very much less than if those people were employed on other Government works. It is questionable whether other work would not be of greater advantage to the State than the clearing of this land because, if the settlers have to leave it at a time when they should be expected to have been placed on their feet, the land will revert to a state of nature. The same position may be created that has obtained in connection with the major group settlement scheme. In that event, the money expended on the blocks I have in mind will represent a direct loss to the State. I am informed that new land is being cleared at a time when the older holdings are being permitted to deteriorate rapidly. I have also been informed, in respect of some blocks that were cleared five or six years ago, that settlers are now being given fresh contracts to clear those particular holdings. If that be so, then no real progress has been made with regard to those properties. I cannot say if that is correct, but that is the information that has been conveyed to me. Some of the settlers may, undoubtedly, not be suitable for the work they are expected to undertake, and if that be so, it is only right, proper and just that they should be dispossessed now, rather than be permitted to remain on their holdings for eight or 10 years and then be put off. Under those conditions, the settlers would merely waste their lives by continuing at operations for which they were unsuitable. Why allow them to continue, only to create much dissatisfaction at a later date? If the unemployed married men who have taken over the pro-

positions are found unsuitable, they should be forced off their properties and be permitted once more to secure sustenance work. I understand that they are not forced off their properties under present-day conditions, and if they leave their holdings they are not allowed to go back to sustenance work. In the existing circumstances the settlers are doing no good for themselves—I refer to those who are known to be unsuitable—and they are certainly not an asset to the State. The actual cost of clearing is comparatively low, when contrasted with the cost of maintaining the properties. The Walpole country is similar to that at Northcliffe and Pemberton, and the original clearing costs are very light compared with the ultimate expense of eradicating the undergrowth, and so forth. I trust the Minister will treat the motion as formal. In any event, I certainly would like to have the information before the consideration of the Loan Estimates. In my opinion, a different method should be adopted respecting these settlement schemes, and if that were done, it would be of benefit to the State and the settlers alike.

MR. BROCKMAN (Sussex) [4.48]: I have pleasure in seconding the motion because what the member for Nelson (Mr. Doust) has said applies equally throughout the whole of the South-West. There does not seem to be a proper system for cleaning up holdings and developing new areas. The present method is far too costly. If we compare the development of new land in the South-West with that undertaken in connection with previously improved holdings, it will be found that present-day operations entail a tremendous expenditure. I cannot see how the people on the holdings can possibly meet their liabilities under existing conditions, in view of the high cost of improvements. I hope the Minister will take some action, because it is vitally necessary in connection with the development of the southern portion of the State. The member for Nelson pointed out that the later system of development represents an improvement upon that adopted in connection with the earlier group settlement scheme, but, nevertheless, costs are still far too high. I am sure that much cheaper methods could be adopted. The valuation of the older group settlement holdings is depreciating rapidly. A week or two ago I inspected a holding near Augusta. I had been on the block four or five years previously. At that time it was held by a man named Trinidad, who has since been dispossessed, the reason for that action being unknown to me. At that time I estimated the value of the property at £1,200. I contend, based on what I saw of the holding a week or two ago, that no man who knew anything about farming would pay more than £200 for the block to-day. In that instance the value of the property has depreciated to the extent of £1,000. The weatherboard house on the block has practically tumbled down, and all the sheds are in a similar state of disrepair. As members know, the out-sheds are generally built on frames made of saplings, and they rot in the course of time. If the holding is occupied, the saplings are replaced as they wear out, but when the property is not occupied, the sheds simply tumble down. The pastures, which cost a lot to put in, have deteriorated, and I do not think five acres of subterranean clover could be found on the whole block.

Mr. Sleeman: What is the reason for that?

Mr. BROCKMAN: Sheer neglect. The pastures have never been top-dressed and have never been looked after at all. I mention that particular holding to indicate what is happening. There are so many vacant blocks in the South-West that the matter should receive attention. More than half the blocks in my electorate are vacant. If definite action is not taken in the near future, all the holdings will depreciate to the same extent. It has taken five or six years for the block at Augusta to lapse into the condition I have described, and that is what will happen respecting all the other group settlement holdings throughout the southern portion of the State. We have heard a lot about the expenditure on the settlement schemes and how detrimental it has been to the interests of the taxpayers. I agree that that is so, but unless we take steps to improve the situation the general taxpayers will suffer a great deal more. I hope the Government will view this matter seriously and at least see to it that the improvements on the holdings are maintained.

On motion by the Minister for Lands, debate adjourned.

MOTION—WATER SUPPLIES, GREAT SOUTHERN DISTRICTS.

To inquire by Select Committee.

MR. WATTS (Katanning) [4.55]: I move—

That a select committee be appointed to inquire into—

(1) Existing water supplies in the districts on and adjacent to the Great Southern railways, having particular regard to —(a) the towns in such districts on whose behalf applications have been made; and (b) the requirements of the farming areas.

(2) What action, if any, should be taken for the improvement of existing water supplies in places where they are inadequate and the provision of public water supplies where none is available, including practicable sources and cost of supplies.

I desire once more to call attention to the state of affairs affecting water supplies in the Great Southern districts, to which subject I and other members have already made reference during the present session. Secondly, I genuinely desire to have the inquiry that I propose. When I made reference to the Great Southern water supplies during the Address-in-reply debate, I contented myself by remarking on the serious condition of supplies in connection with the towns. At present there are large areas throughout the agricultural districts in that portion of the State where water supplies already represent a serious problem. I do not propose that, without very careful thought and consideration, the farming community in general shall be obliged to provide themselves with water supplies on the basis of payment of additional rates, but in the areas to which I refer there is almost an entire absence of what I think are called key dams, where water can be obtained in times of emergency such as we are about to experience this year. I am afraid that in years past the Great Southern has been regarded as a district where there is never likely to be any shortage of water. If anyone had the temerity to advance such a suggestion, there seemed always to be applied a policy of hush, and nothing further was heard about the matter. During recent months the question has become more immediate, and I believe it to be my duty, as the representative of part of the Great Southern districts, to bring this matter before the House for the purpose of having it definitely considered in the light of such evidence and facts as may be obtained. I desire to inform the House that the total rainfall registered at the Katanning post office for the present year, from the 1st January to the middle of October, has been 1,366 points, or approximately 13½ inches.

Hon. P. D. Ferguson: You are lucky!

Mr. WATTS: Of that registration, about 12 inches fell since the 1st April and, of course, the greater part fell in June. There is also the fact, with regard to the Katanning water supply, that there is still about one-fifteenth of the total capacity of water in the reservoir, notwithstanding the rainfall to which I have just referred. Although the reservoir can contain approximately 31,000,000 gallons, there may be 2,000,000 gallons of water there this afternoon. The town itself has been definitely cut off from the use of that water except for most necessary purposes. The local authorities have been obliged, in order to assure that the septic tanks at the hotels and similar places shall be kept in order, to have recourse to a salt water well, where they have erected the necessary pumps and tanks in order to safeguard the health of the community. If that were not done, members will readily recognise the difficult and dangerous position that could arise. The scheme at Katanning, with which I shall deal before referring to other matters, has been in operation for approximately 19 years, having been inaugurated in 1917 or 1918. In order to demonstrate to members that this is no new condition of affairs, I may mention that the secretary of the Katanning Water Board has informed me that the Railway Department has been obliged to convey water during at least six seasons since the inception of the scheme, and that it has been necessary to provide ratepayers with restricted rations of water during at least ten seasons. Therefore during the 19 years the Katanning scheme has been in operation, the ratepayers there have not been able to obtain sufficient water during ten seasons and the railways have had to go to the expense of carting water at intervals during six seasons. The local authorities at Katanning have done their best with what an engineer described as a not very promising proposition. The Government made available the services of an engineer to inspect the scheme and in the course of his report, which the Minister made available to the board, he said—

The board are to be congratulated upon maintaining and improving their scheme, and cer-

tainly making the best of a not too promising proposition.

I call attention to this phase because the local authorities had some difficulty in deciding what action, if any, should be taken to improve the existing scheme. Before the engineer visited Katanning, the board had determined to spend some additional money upon improvements. After his visit they were extremely doubtful whether any such expenditure was warranted. Before the engineer came, the board had suggested to the Minister that they might receive some assistance from the contribution towards the payment of interest and sinking fund, which had come from the Federal Government. The reply to that request was received on the 1st August, 1936, from the Under Treasurer, who informed the board that the matter was receiving attention and that they would be advised in due course. The board has heard nothing further about it. The effect of the engineer's report was to make the board dubious whether any such expenditure in the direction suggested was warranted. The engineer in his report further informed his superiors that it was very difficult to find any place in that district where water supplies might be provided. He made a number of proposals which involved very heavy expense. He suggested roofing the reservoir, which is all right once it is full, but is no use in the present circumstances. But even if it were practicable, the roofing would cost £15,000, and the engineer ended up by observing—

> I very much doubt if the gain is worth the expenditure. The Katanning area has been thoroughly inspected for any other possible source of supply, but they are all precluded either on the grounds of salinity or expense.

That report was made on the 2nd July. The question therefore appears to be most difficult and one which I think should receive very careful consideration before the local authority in that area and the authorities in other places, to which reference will later be made, indulge in any further expense. The utilisation of the additional expenditure which might be considered necessary in a number of centres in the establishment of one big scheme would probably do far more good. For the sake of clarity I will make reference to the present position of the Katanning Water Board's liabilities. The loans received from the Public Works Department total £18,875. I am not going to refer to loans totalling something like £4,000 which the board has since taken up outside the department for reticulation and other purposes. The original loan of £18,000 received from the department now stands as a liability of £9,107 only, there having been payments into sinking fund of £9,768. The Board has never made default. The present position is that the board must find something like £1,350 as their contribution towards this very excellent scheme which for ten years has provided an insufficiency of water and this year with none. From my point of view, and I think from the point of view of many other members of this House, when difficulties such as this come under notice it is the duty of the Government to give assistance as far as possible. I have dealt fully with the position of the Katanning townsite with regard to water. Were the reservoir full, it might provide a spot from which those in the agricultural areas could obtain supplies of water in cases of emergency. Something of that kind might be of assistance, but there is nothing in the reservoir, or practically nothing. No proposal of that nature could therefore be entertained by the board. The Government are going to be put to great expense as a result of the shortage of water and through no fault of the local authorities who have genuinely done their best in the matter. They have cut the railways off less often than their own ratepayers. The Government have been put to some expense in this connection in previous years and that will be the position again in the future. It is reasonable from this point of view, therefore, that the Government should give more consideration to the provision of an adequate water supply than has been given to date. In some of the agricultural areas close to Katanning great difficulty is experienced through lack of water. I have a letter from the Secretary of the Kent Road Board, Nyabing, in which he says—

> Most dams of any decent size and catchment area will water stock up to January, but this would be the approximate limit of any ordinary or average dam with a requisite drawing on its reserve. The Government have installed at Pingrup a squatters' tank which can be coupled to any railway truck, and the engineer has just gone out there to put the fittings in order. There is a Government dam one mile out of Pingrup which can be used in case of emergency. At Nyabing the only dam for seven

miles is Holland's tank near Manuel's on the road to Pingrup. The Nyabing dam has been definitely proved salt by analysis, and the engineer inspecting stated that it was impossible to divert the salt water. Nyabing has therefore no Government dam, and not even a squatters' tank so that water could be taken from the train.

In regard to the dam at Nyabing, the Kent Road Board called for the services of an engineer some months ago and his report is set out shortly in what I have read in the letter from the secretary of the board. Representations have been made on behalf of the board, but no further action has been taken to alleviate their distress. By the time January is reached, unless something extraordinary happens, they will be in a very difficult position. Even now we are engaged in trying to get temporary relief in the nature of a squatter's tank. Closer into Katanning the difficulty is considerable, particularly in the district where the property of my predecessor here, the late Mr. Arnold Piesse, is situated. I have a communication from that district which reads as follows:—

> I can assure you that the water supply in the Murdon district is very acute. Farmers in this area have no idea what they are going to do. Most dams are dry, and for those that have any water November will see them out. The Government dam at Murdong siding is the only place to cart from, and that won't see more than a couple of weeks' carting. It is the same cry from all. All stock will have to be sold, but who is going to buy?

That is the position in that particular place. Gnowangerup has had a very dry season, possibly drier than those to which I have previously referred, and the people there find themselves in a similar position. Apart from a few isolated sections, there are no places in those districts where any key dam is situated, to which settlers could go for relief. There is a small dam at Gnowangerup itself, but I fear it will be totally inadequate if any great demand arises. That demand is quite likely to arise and I am afraid the result will be that a large number of those holding stock will be unable to carry them this year. The burden of my song is that while I recognise we can do nothing this year, the things I refer to have happened in the past and will happen again, and I want to know whether there are not some means whereby their repetition can be prevented. The district of Tambellup, situated further south along the line, is also having difficulties through inadequate water supply, although I admit their difficulties are not so great as those of some of the other places to which I have referred. I do not wish to detain the House, although I could provide members with quite a lot more information on this subject. I will just refer shortly to the position of some of the other towns. We have heard during a recent debate of the difficulties at Pingelly and Narrogin. I think it could truthfully be said that the only town on the Great Southern line which is satisfied is Wagin. How they have come to be in that good position I do not know, but I think Nature helped them in the provision of a rock catchment.

Members: And a good member!

Mr. WATTS: Maybe that is so. Unfortunately there are not rock catchments in all the areas adjacent to the country in question and it seems to me that for the moment we can leave Wagin out of our calculations. There is another matter to which I wish to refer before submitting my motion and that is the water at Mundaring Weir. It is not for me to say that such a scheme as I have in mind is practicable or that it could be adopted, but I think it is at least worthy of consideration. I made inquiries from the department some weeks ago and ascertained that with the exception of one year the weir has overflowed every year since its inception. Its maximum overflow has been more than 30 thousand million gallons and the average overflow 10,940 million gallons. That water which goes to waste, I presume, into the Indian Ocean would provide sufficient water to supply 350 Katanning water schemes to capacity. Mundaring water is supplied as far south as Beverley along this line, and it seems to me that some use might be made in the direction I have suggested of the water which is now wasted. I recognise that unlimited funds cannot be made available for the purpose of providing water, but definite and sympathetic consideration should be given to some proposition for providing an adequate supply which is reasonably within the capacity of the people to pay for, and what is not reasonably within their capacity should be dealt with by the Government. I consider that the proposal to convey Mundaring water further south and make use of some of the excess during the period of overflow might very well be considered as a practical proposition. Some three weeks

ago I wrote to the Minister on the subject, but unfortunately to date he has not been able to furnish me with a reply. In conclusion, let me say that I have approached this matter particularly at the request of the people of my own district. They want to know what is going to be done. They say that the present position cannot be allowed to continue. They are not unreasonable, but they want to know what can be done and what are the prospects of something being done before too long a period elapses. The ratepayers of the town of Katanning are paying approximately £1,700 per annum in rates—which at present are 1s. 9d., and have been 2s. in the pound—for water which they cannot have and for water which, when they do get it, consists of approximately 20 per cent. of mud, and in some circumstances is almost unusable for any purpose. Is it to be wondered that the people come to me as their representative in Parliament and ask that these matters be ventilated with a view to the fullest inquiry being made? I submit the motion.

MR. SEWARD (Pingelly) [5.17]: In seconding the motion I do so in the hope that some action will be taken along the lines indicated by the member for Katanning. I have spoken on this matter on various occasions, but some of the facts will bear repetition. Possibly I cannot do better than once more bring prominently before members the unhappy state of the Pingelly water scheme. That scheme was put in about 25 years ago, and I have no hesitation in saying that there is no worse example of an engineering work than the water scheme at Pingelly. A heap of stuff was thrown across the river, some of it wood, some earth and some sandbags, and there it has remained ever since. Periodically it has been broken away at the top by the wash of water and has been filled up in a higgledy-piggledy fashion, and the weir, if it can be so termed, is a standing and everlasting disgrace to the officials responsible for putting it there.

Mr. Sampson: It is a marvel that it remained.

Mr. SEWARD: It is no marvel, because there is not sufficient rush of water to wash it away. When the scheme was put in 25 years ago there were plenty of weirs in Australia—I had seen them myself—so there was no excuse for the engineer who was responsible putting that thing there. He put the heap of stuff there and made no provision for water to get away. The water in the dam has been there for a considerable number of years because it has no earthly chance of getting away. Each year as the winter rains occur the water reaches the top of the bank and overflows. The water for the town supply is pumped from the bottom of the dam, and that water has been lying there for years. Its condition is becoming worse every year, and consequently the town supply is also getting worse. It might be suggested that if an opening were made in the bank and that water were allowed to run away and a new supply run in, it would be better, but that I would not recommend. The river has been growing salter with the passing years as the amount of land-clearing has progressed. Therefore I do not think the scheme could be converted into a practicable one, even if the water that has been impounded there for years were allowed to run away. This is a matter that could be investigated by the select committee whose appointment we are seeking. To give some idea of the cost of the scheme, I will quote figures from the Auditor-General's report. The original cost was £11,031. On the scheme there is an annual loss, which last year amounted to £708. If we add to the original cost the accumulated losses, which now amount to £7,418, the present cost of the scheme is £18,450. In addition to the loss being made every year the scheme is supplying water that the people cannot use. At present the ratepayers of Pingelly are paying between £500 and £600 a year for water which is of very little use. Naturally they do not like having to pay for something they cannot use. They are sick and tired of sending deputations to Perth with requests for relief from the present intolerable position. The water is no good for gardens and stock refuse to drink it. Recently the road board installed a pump and troughs at an existing well in the town to provide a water supply for stock. Strange to say, the water will not kill buffalo grass. It might be asked, "Why continue the scheme?" The water is required for flushing purposes; the electric light station uses it, and it is necessary for certain septic tanks. While it is of very little use for ordinary purposes, it has certain limited uses, and it would be extremely disadvantageous, particularly to the owners of septic tanks, if the supply were cut off altogether.

Apart from that consideration, it would be better if the scheme were done away with. The member for Katanning indicated the possibilities of alternative schemes. The Government from time to time, in response to requests on behalf of the residents of Pingelly, have investigated various propositions in the district, and the only good scheme suggested is that known as the Boyagin rock catchment. That consists of two large rocks which I believe meet below the surface, and by putting a concrete wall from rock to rock, sufficient water could be impounded to provide an excellent supply for Pingelly, and possibly also for Brookton, if that was considered necessary. To that I shall refer presently. The only trouble is that the estimated cost of the scheme, about £36,000, was regarded as being more than the township of Pingelly could bear, but when we realise, as I have pointed out, the amount of money that we are losing annually on the existing supply, it must be readily conceded that it would be cheaper and better for the State to incur the larger expenditure because then good water could be supplied, and the loss to the State, even financially, would not be as great as it is at present. Pingelly, as the member for Katanning has indicated, is not the only town along the Great Southern so circumstanced. The Brookton reservoir is also causing considerable alarm. That reservoir is capable of holding 30,000,000 gallons, but at the beginning of last summer it had only 5,000,000 gallons in it, and that water also was going salt and was of very bad quality. According to the Auditor-General's report the Brookton reservoir cost £20,982. The loss last year was £633, and the accumulated losses total £5,383. Mention has also been made of the Narrogin reservoir, which last year supplied water which was not fit for the requirements of the town. As the Minister well knows, there were a number of deputations, and quite a noise was made about the reservoir. Wagin is the one town where there is a good supply, but I would remind members that the Wagin supply, before the present scheme was installed, was put in by the same engineers as those responsible for the Pingelly scheme, and, of course, it had to be abandoned. The water was like that being supplied at Pingelly—unfit for use. Members might ask, "What is the trouble along the Great Southern?" It must be apparent that if nearly all the reservoirs are in the condition indicated, there must be some underlying trouble. It is not possible to find an earthen reservoir in the Great Southern capable of holding water that will not in time turn salt. This is the natural tendency in that part of the State. It is not a question of there being insufficient rainfall: we get any quantity of rain. The problem is to get a container to hold the water for the district's requirements over the long period of the summer amounting to about seven months. That is the trouble: it is impossible to get an earthen reservoir to hold the water that will not turn salty. There are two solutions of the problem. One is to bring the water from elsewhere, such as Mundaring, as suggested by the member for Katanning, and the other to provide rock catchments. Rock catchments, of course, can only be utilised where they exist. There is one at Pingelly which probably would be capable of supplying the requirements of both Pingelly and Brookton. I do not know whether there is one at Katanning, and I fear there is none at Narrogin. If it is not practicable to take water from Mundaring, an alternative would be to convey the water impounded at the Wellington reservoir, Collie, to a high point on the Great Southern such as Cuballing, whence the engineers say it could be gravitated as far as Merredin and of course also north and south along the Great Southern. To provide that scheme would need money. But the construction of the goldfields water supply took money also, and it is well to remember that, but for the goldfields water supply, Kalgoorlie would probably be non-existent to-day. Similarly the Great Southern towns cannot be expected to develop or expand beyond their present size unless they have satisfactory water supplies. Certainly it will not be possible to start any secondary industries there unless we have good water supplies. Consequently, the development of those towns depends upon the solution of this very vexed question. Before leaving that aspect, let me say how disappointed I was that the committee appointed by the Minister earlier in the year to investigate country water supplies were not charged with the responsibility of investigating supplies for country towns. I understand that the committee confined their inquiries

have been included in the inquiry. At about that time a deputation waited on the Minister and he informed us that the Assistant Under Secretary of the Water Supply Department was about to visit South Australia to investigate the position there. I should like to hear the result of that official's investigations, whether he was able to alight on any reasonable scheme which might be adopted to relieve our difficulties. In addition to the towns, there are the districts east of the Great Southern to be considered, particularly those of Kulin and Wickepin. Representatives of Kulin have approached the Minister at various times and urged the necessity for providing a key dam in that district. Kulin is better situated than are the towns of the Great Southern in that there are rock catchments at no great distance from the town, but there is no key dam in the district to supply the needs of the settlers in a drought year when the dams fail, which is likely to happen at any time. Last year as a result of representations, three standpipes were provided on the Kondinin scheme to serve settlers further out than those served by the scheme itself. While those are highly appreciated, it will readily be understood that the Kondinin reservoir cannot bear continuous strain in that respect. According to advices received from the head of the department, I venture to say it would not do to put any further standpipes on to that scheme. Consequently, to supply the area in the south around the Kulin district it will be necessary to apply some rock catchment scheme such as I have indicated, or an alternative scheme to convey water from Collie or even from the Mundaring Reservoir overflow. However, rock catchments are available in the district, and they should be utilised. Those are the only matters I wish to mention in supporting the motion for a select committee. The position is becoming worse every year, and the sooner something is done to arrive at means of remedying it, the better it will be for the Minister in charge of the department, and for the people who are at present penalised not only by getting bad water but also by being made to pay for it.

MR. STUBBS (Wagin) [5.32]: In supporting the motion moved by the member for Katanning, I wish to add a few words regarding the importance of doing something in the near future for the relief of the existing position. Previous speakers were quite right in pointing out that the great difficulty is to secure holding ground for conservation of water. I have in mind the sinking of a huge dam many years ago —one of the largest in the Great Southern district at that time—on a property 18 miles west of Wagin which I was endeavouring to develop. With regard to the reservoir I secured the advice of many of the oldest settlers in the district, people like the Piesse family, who had been there for nearly 50 years. I was informed that a certain site would give me a holding ground without danger of permeation by salt. A dam of 8,000 cubic yards was sunk in the spot which I was advised would be impermeable to salt. The dam was sunk to a depth of nearly 20 feet, and filled in a short time. For three or four years it was the admiration of all who saw it. Fish were placed in it by the late Sir Walter Kingsmill, and for several years they throve; but at the end of three years I noticed that the water in the dam was beginning to be of a very bright colour, more like rainwater than anything else. When tested, the water had a sweet taste. At the end of the fifth or sixth years it was so salt that cattle and sheep would not touch it. I mention that incident because a few years later, when the first Wagin water scheme was installed, the very gentlemen who told me to place my reservoir in a certain position so that it might be free from salt were loud in their condemnation of the engineers to whom the Government had assigned the task of installing the Wagin scheme. The engineers disregarded the advice of the late Hon. Charles Piesse, who held a property adjacent to the site. The result of the expenditure of £18,000 of public money was that the whole of the money might as well have been thrown away. Firstly, long before the scheme was completed, a storm came along and carried away half the bank, so flooding out the town. When the dam was completed, a hole was discovered in the bottom of the reservoir, due to blasting operations. The result was that half of the water running into the dam from the rock catchment percolated through the ground and came out south of the town. The next casualty was that the 4,000,000 or 5,000,000 gallons of water impounded were found to be composed of mud and slush instead of potable water. The scheme was thereupon abandoned, and the present scheme, designed by Mr. Stileman, a former to country supplies. Country towns should

Engineer-in-Chief, was sunk by means of bores and shafts to a depth of 60 or 70 feet. That dam was found to be impervious to the rising of salt from the lower strata of earth. To-day that second Wagin scheme is one of the finest of its size in the whole of Western Australia. It contains about 30,000,000 gallons of water equal to any water coming out of a rainwater tank. The proposed select committee, if appointed, will have only a few weeks to transact their business. What is agitating my mind is that if the committee do not complete their investigation between the present time and the close of the session, the Government may in their wisdom see fit to appoint them an honorary Royal Commission. But while the grass is growing, the horse is starving. That is a simile which I use in the hope that it will meet with the approval of all hon. members. If the Government are desirous of assisting in bettering the conditions that exist in towns like Katanning and Pingelly, a competent hydraulic engineer should be despatched immediately to examine the position and report on it. That engineer should be able to formulate a suitable scheme. In my opinion better schemes are available than that outlined by Mr. Watts, namely to secure the overflow from the reservoir at Mundaring. The cost of putting down a line of pipes over the distance of 200 miles from Mundaring to Katanning and the districts beyond would be enormous. Personal observations made by me of large stretches of water around Collie lead me to believe that it would be less costly to secure those supplies, if the water is of the quality it appears to be—and I may add that it is being used by the Collie people. Again, there is a scheme to obtain water from the Porongorups, from which large quantities of water run into the Southern Ocean. These could be impounded without any fear of permeation by salt. In my opinion one of these two schemes would be preferable to that suggested by Mr. Watts, as well as much cheaper. The hon. member mentioned how many million gallons of water went west from the existing scheme. Whatever is done should be done promptly. I will give the House an instance which came under my notice yesterday. An urgent letter arrived from a town that is partly in Mr. Watts's electorate and partly in mine.

Mr. SPEAKER: The hon. member is not entitled to refer to other members by name.

Mr. STUBBS: Partly in the electorate of the member for Katanning.

Mr. Marshall: As an ex-Speaker you should have known better.

Mr. STUBBS: Sometimes, Mr. Speaker, one hears members referred to by their names, and sometimes one does not hear them so referred to. But I have no desire to discuss the question which you, Sir, have raised. The town of Nyabing is partly in the electorate of the member for Katanning, and partly in mine. A scheme has been in operation there for some years. Yesterday a letter marked "Urgent and important" was received stating that a Government engineer had examined the water and had condemned the tank as being unfit for any further expenditure. I was asked, seeing that the town was practically without water, what could the Government do to supply some. It was stated that even if the railway could supply truckloads of water, there was no storage for it when it arrived at the town. The Under Secretary for Works and Water Supply has sent the townspeople a telegram asking them whether they are prepared to pay for water if the Railway Department haul it. To that message a reply has not yet been received. During the coming summer the water difficulty will be acute in the Great Southern district unless a miracle happens. Unless heavy thunderstorms occur between now and Christmas, hundreds of people in those districts will be without water for any purpose whatever. I hope that the Minister, when speaking on the motion of the member for Katanning, will indicate a willingness to assist the select committee, if appointed by the House, by furnishing evidence calculated to help towards alleviation of the position existing in Katanning and other centres along the Great Southern railway. I trust the motion will be carried.

On motion by the Minister for Water Supplies, debate adjourned.

BILL—RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

Report of Committee adopted.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

HON. N. KEENAN (Nedlands) [5.44]: This is a very short Bill brought down for the purpose of repealing one section of the Legal Practitioners Act of 1863; but the passing of the Bill, although it is very short in its concept, would bring about a highly important change in the government of the profession to which it relates. I do not propose to read to the House again Section 13 of the Act, because the Minister in the course of his second-reading speech read the section in full, and the House will therefore bear in mind what its language is. But I may point out that it is the intention of that section to give a body created by the Act and called the Barristers' Board a certain amount of authority to regulate the employment of those who are serving articles of clerkship in this State. I suggest that there were two reasons for giving this authority to the Barristers' Board. The first was to secure that anyone serving articles of clerkship should devote sufficient time to learning thoroughly a knowledge of the principles and practice of the laws. The second reason was to secure that a person serving articles of clerkship shall not engage in employment that is unsuitable, having regard to the fact that, when he or she becomes a legal practitioner, he or she will require to be possessed of a high standard of character. In regard to the first reason, that is that this authority is given in order that it may be ensured that the articled clerk will devote sufficient attention to his preparatory work to be properly grounded in the principles of the law, I submit it cannot seriously be questioned that some authority, whether it be the authority named in this Act or some other authority, must be entrusted with the duty of requiring those who are serving articles of clerkship to become, as I have said, properly grounded in the principles, but above all in the practice, of the law. Because, suppose another course was suggested; suppose it was suggested that such a course as is prescribed in Section 13 is unnecessary, what would be the result? It is absolutely certain that some would be admitted to the profession who were not properly qualified for the practice of the law; and we must appreciate that this fact would lead, in all probability, to irremediable damage and loss to someone or other who happened to resort to that particular practitioner for his services. I submit it is inconceivable that this House should lend itself to bringing into existence a danger of that character, a very real danger; because, if any thought be given to the matter, it must be recognised as being extremely likely to happen, unless there is the precaution taken in Section 13 which enables the Barristers' Board to ensure that those serving articles of clerkship shall be properly grounded, not only in the principles but also in the practice of the law. It may be said that examinations have to be passed, and that those examinations would prevent any person who was not qualified from being admitted to the profession. But that is not so. No examinations can take the place of necessary practice. It is a fact which all those at all conversant with the profession know only too well that a man or a woman can pass an examination with a considerable degree of brilliancy and yet be lamentably wanting in the knowledge of the practice which forms so much of the work of a solicitor's office. And in Western Australia every legal practitioner is a solicitor. That is a fact which must impress those who have given any consideration to this matter, namely, that we cannot substitute by examination what is gained, and can be gained only, by this practice.

Mr. Lambert: But the additional work which the clerk undertakes might not be inconsistent with his studies.

Hon. N. KEENAN: I do not think that interruption has anything whatever to do with what I mean. Of course, beside the study which is involved in office practice, he may indulge in odd employments. That is not the point to which I am adressing myself. I am addressing myself to the fact that we should continue to give some authority the right to see that this training is efficient, that it is not merely on paper, but is efficient. That is what the Barristers' Board attempts to do. The board ensures that the practitioner admitted to the practice of the law is properly versed in the practice, as distinct from the principles, involved in the law. Someone might pass an examination with the highest credit to himself or herself with regard to the principles of the law, but be of very little use in the practice

of the law. What I have said should be sufficient to justify the retention of Section 13, because it is essential that we should have some authoritative body to protect the public. Then there is the second reason I mentioned, and which I now propose to say a few words about. It is that it is necessary to secure that a person serving articles of clerkship shall not engage in an employment which is unsuitable, having regard to the standard of character which that person must live up to when he joins the profession. There are, perhaps, few of us who realise to a proper extent what the confidence and trust which must be placed in a legal adviser really is, what it really amounts to. There are few of the contingencies of life which require more confidence and more trust than has to be placed in a legal adviser in matters of business or, indeed, any other matter. One is obliged to pour out to him the very secrets of one's soul in many cases, and one could not do that unless one had the fullest confidence in his legal adviser as a man beyond all reproach, and a man on whose decision one can implicitly rely. It may be said that there are black sheep in the profession. Undoubtedly there are. But the Barristers' Board is the body that deals with such persons. Yet the Bill has been brought down to curtail the powers of that very board which has persisted in driving dishonourable individuals out of the profession. In every case I know of where legal practitioners have been convicted of dishonest practices, without a single exception this board has taken steps to deprive them of the right to practise in future, and has driven them out of the profession. No such rule of conduct is pursued in any other profession. I admit it is not necessary in any other profession.

Mr. Hegney: What about the medical profession?

Hon. N. KEENAN: The medical profession will not expel a man because he has been convicted of dishonesty or, indeed, of any other crime. But I confess it is not necessary in any other profession, because in no other profession is there required the same high standard of character. This is what I want the House to understand, that if this profession is to fulfil all the obligations which have been cast on it right down through the ages, it must be held to be a profession of men and women prepared to be bound by the highest principles of honour. So it is necessary that the board should have some control over those who are aspirants to join the profession, during the years of their clerkship, in order that they should do nothing which would not tend to develop that character which they will require if they enter the profession. There remains an allegation which has been put forward in this House, that the board has abused its powers. Suppose that were correct, it would merely constitute a ground for limiting the powers, and not for abolishing all those powers. The Bill asks simply for the abolition of those powers. Let that be as it may; what ground is there for alleging that the board has abused its powers? We heard from the Minister a statement which showed that, out of 139 applications made under this section for leave to engage in other employment than that of an articled clerk, only in one single instance had the leave been refused, and then on grounds which I feel sure would commend themselves entirely to the House. So there is no ground whatever for alleging that the board has abused its powers, and even were it so, it would only justify the imposition of some restriction and not the abolition of those powers. Having, therefore, examined this matter, not from a professional point of view, but from the point of view of the public at large and those who resort to the profession, I find myself in agreement with the view the Minister has put forward, and therefore I propose to support the Minister in resisting the passing of the Bill.

MR. HUGHES (East Perth) [5.57]: I am sorry that I cannot agree with the hon. member who has just resumed his seat as to the dire consequences that would fall on the people of Western Australia if we took this archaic and useless section out of the Legal Practitioners Act. I think the House has been misled a good deal as to what is the real meaning of this section. The Minister told us that if this section were to be taken out of the Act, the Barristers' Board would have no control over people serving articles, or over the terms of the articles. Now the member for Nedlands (Hon. N. Keenan), inferentially, has led us to believe that people of bad character could get into the profession if this section were removed from the Act. If I may deal with these statements in reverse order, I may say that Section 15 requires that no person shall hereafter be admitted as a practitioner unless he has satisfied the board, and obtained from them a certifi-

cate, that he is, in the opinion of the board, in every respect a person of good fame and character and fit and proper to be so admitted, and has observed and complied with the provisions of this Act and the rules. So it is Section 15, not Section 13 that deals with the question of character. What Section 13 does is to say that nobody who is in articles can, without the written consent of the board during his term of articles, hold any office, or engage in any employment other than as a bona fide articled 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. I oppose that section on exactly the same grounds as I objected to the nurses at the Claremont hospital being compelled to reside on the premises after having finished their hours of service. I consider that if an articled clerk performs his duties during his hours of service, then when it comes to five o'clock he should be a free man and he should be permitted to do what he likes, not carry on a relic of bygone days when many restrictions were imposed on the profession. The section in question has nothing at all to do with the articles, or the terms of the articles between the practitioner and the clerk, nor does it prevent the Barristers' Board refusing, if it so desires, to register the articles. If the Barristers' Board has, as it has to-day, the power to examine what the articled clerk is doing during his term under articles, the board will still have the power even if the section does go out of the Act. But as a matter of fact, the Barristers' Board is not interested in what an articled clerk does during his service in articles. The board has never been known to make any inquiries as to how an articled clerk is filling in his time, nor has the board been known to make any inquiry as to whether the practitioner is teaching his articled clerk the law. The board is not interested. I made a suggestion to the board that we should amend the law to provide that every articled clerk should keep a daily diary of what he did, and that the board should periodically inspect the diary to see whether the articled clerk was serving his articles faithfully, and whether his principal was performing his part by teaching the clerk. We know that in some cases articles are simply the means of getting cheap labour for a number of years. I know of boys who were at the University when I was there and who, in their fifth year of articles, had never drawn up a mortgage or lease or articles of association, who, in fact, had never done anything in the way of practical legal work. The duties of those boys were to run to the typist's office and generally perform the work of a junior clerk or carry out the duties of a local court clerk. They were almost restricted to that one avenue of employment, and some of those boys had paid as much as 200 guineas for the privilege of becoming articled. And the Barristers' Board was not interested, not concerned whether those boys went through their articles or not, only that the principal must not pay the boy any wages during his period of articles without the consent of the Barristers' Board. I cannot see why we should interfere with the right of a principal who has a boy serving his articles if the boy is worthy of being paid and it suits the principal of the business to pay him. Why should someone come in and say "You must not pay this boy any salary"? If an employer is willing to pay, why should the legislature step in and say "No, not unless you get the consent of someone else"? Would it interfere with the boy's learning of the law and the practice of the law if he were being paid a salary? We could rest assured that the principal would not pay the boy a salary unless he was worthy of it. If the principal were allowed to pay a salary, the more efficient the boy became, the more salary he would receive. It is extraordinary for me to find one who claims to be a member of the Labour Party advocating that an employer should not pay his employee any wages. Of course it is an open question whether the Barristers' Board can interfere with the payment of wages, and it would be difficult if a test case were made of it and it happened to be held that they were not allowed to pay; then the articles for the five or the two years respectively would have been served for nothing. It was the opinion of the late Mr. Davy, when Attorney General, that the Barristers' Board had no right to interfere with the payment of an articled clerk. The point, however, has never been settled and it is too risky to let a boy serve five years and at the end incur the risk of having the articles nullified just because he had received a salary. It would be in keeping with other

legislation that has been before the House if we put a clause in the Bill compelling a principal to pay a clerk during his period of office. We are going to compel the factory owner to pay his employee during his period of service.

Mr. Sleeman: If they were paid they would not require to earn anything outside.

Mr. HUGHES: No. The Minister for Justice made the point that if we allowed an articled clerk to work outside, he might engage in some undesirable occupation and instanced that he might run a two-up school. I do not know any fairer game than two-up. Would he learn any more on the Stock Exchange than he would in a two-up school? The Minister would not have any objection to the son of a rich man dabbling in shares during the period of his articles. After all, if the clerk did acquire some knowledge at a two-up school, it might be useful to him later because he might be called upon to act for people concerned in the running of a two-up school. I have never heard of a practitioner refusing to take a brief for a person accused of conducting an illegal practice such as illegal betting or conducting a two-up school. Therefore, the more general knowledge a clerk can acquire of the world before he becomes a practitioner, the better service is he likely to give after he becomes a practitioner. There are many worse things that one can do than play two-up, and I should be sorry to see that because one had played two-up that was to become definitely a factor for excluding a person from the Bar. As a matter of fact, where I was reared, two-up is the national pastime. I submit—and this is borne out by publications that have recently come to hand —that lawyers are becoming more and more men of business, and the wider the knowledge a lawyer acquires of the business affairs of the community before he begins to practise, the better service he will render to his clients. Would it be such a terrible thing if a man whilst serving his articles from 9 a.m. to 5 p.m., that in order to maintain himself during that period, he carried on some occupation such as selling tickets at a picture show? Would that be such a terrible disadvantage to him? Strangely enough as far as the LL.B. degree is concerned, while students are doing their course at the University, so long as they attend the prescribed lectures and pass the requisite examinations, no questions are asked as to what they do in their spare time. While the student is getting his five years' grounding, all the practice in the world is no good unless there is the theoretical learning, and that is proved amply by the difficulty experienced by those who are admitted under the managing clerk provisions of the Act, who after ten years in an office, are allowed to practise if they pass one examination. We know that they experience the greatest difficulty in passing, because they are carrying out a preliminary examination and trying to pass the final examination without having done the intermediate examination. We know that they have to try six or seven times before they get through. I do not know whether the Minister was indulging in a childish grudge against University-trained men when he said that the Universtiy student with a degree could not draw up a legal agreement or a document of any sort. Of course that is ridiculous. The University course in this State is exactly the same as that prescribed at Oxford and Cambridge, and in Sydney and Melbourne, and in fact every other university. One can take the published list of examination questions which come from London and compare them with the questions submitted in Western Australia, and there will be found the same types of questions. Strangely enough this is the only place in the world where a person with a law degree has to submit to a further examination. All the big men of the Eastern States, when they get their University degree, go straight to the Bar as barristers without having to serve articles.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HUGHES: Before tea I was dealing with the cheap gibe of the Minister for Justice who had reflected on the qualifications of local LL.B.'s, and pointing out that they did the same course as is done in Oxford, Cambridge, Sydney and Melbourne. Strangely enough, although it is considered essential for the local graduates to have a period in articles, at Oxford and Cambridge the graduate is not obliged to serve any articles. Once a graduate gets a degree in the Old Country he can come to Australia and can be admitted with certain restrictions. A man is obliged to reside in Western Australia for six months, and must have been admitted for a period of two years. If it is necessary to protect the public against

anyone practising law who has not done a period in articles, and to preclude that person from earning anything during the period of his articles or from carrying on any outside work, it is strange that we should allow to come to Western Australia anyone who has an English degree. Such a person can after taking his degree spend 18 months at Monte Carlo, come to Western Australia, spend the first six months of his time opposing members of this House when an election is pending, can sell insurance, or engage in any occupation he likes, and at the end of that period can be admitted to the Bar and be let loose on the public without having spent one day in articles. Why is it necessary to put a penalty on the local graduate that we do not put on the graduates from England? For all the talk about the public being injured by people who are not properly trained, not one case has been cited in support of that argument.

Mr. Sleeman: It is the other way about.

Mr. HUGHES: Expensive mistakes have not been made by the young men in the profession, but they have been made by the men at the top of the tree.

Mr. Raphael: Who pays for them?

Mr. HUGHES: The hon. member ought to know. The most recent case of a mistake in law is furnished by the action James v. Commonwealth. In this instance the bill of costs was very high. The mistake was not made in that instance by men who had just been admitted to the Bar. It was made by men who had spent a lifetime in the profession. But even they were not responsible. The Minister for Justice says he does not want bad advice given to the public. Lawyers are not responsible for a bad interpretation of the statutes. The people responsible for that are those who make the statutes, because they do not make them clear and unmistakable.

Mr. Thorn: But lawyers draft them.

Mr. HUGHES: They are submitted to a higher authority before they become law. If our laws were made clear and not ambiguous there would be no opportunity for lawyers to misinterpret them.

Mr. Thorn: There would be no need for any lawyers if they were made quite clear.

Mr. Raphael: That would remove a lot of parasites from our midst.

Mr. HUGHES: I could understand if the opponents of the proposal had objected to anyone coming into the State to practise law without serving any articles. That is a penalty applied only to the local graduate. There may be two boys in this State. One can struggle through the University, and at the end of that period he has to do two years in articles. That does him no great harm if during that time he is allowed to earn his living. The father of the other boy may have a few thousand pounds, and may be able to send him to England. If so, the boy gets his law degree in five years, is admitted to the Bar, and on his return to Western Australia 18 months after can, following upon six months' residence here, practise at the Bar without having served one day in articles. Why that discrimination against the local product? I do not suggest excluding English barristers, but no reciprocity is extended to us. The Western Australian barrister cannot go to England and practise there. I believe this is one of the few States with which there is no reciprocity. All that is asked in the Bill before us is to be put on the same footing as the son of the parent who has £2,000 with which to send the young man to England. If we do not get absolute equality we should at least remove that embargo which prevents a young man from earning his living while serving his articles. We have heard a lot about permission not being refused in the case of young men who desire to enter the profession. Permission has been refused.

Mr. Sleeman: More than once.

Mr. HUGHES: I was refused myself for two years, and would not have been granted permission then but for the fact that a member of the Barristers' Board made a fool of himself in the Fremantle Court by making a silly statement which appeared subsequently in print. When I asked to be be allowed to earn my living whilst serving my articles I was told in a letter that until my articles were registered the board could not give a decision. A paragraph was put in a letter stating that the general opinion was that an articled clerk could not do anything else whilst he was serving his articles. I was told by a member of the board not to put in an application, because the board had no means of refunding me that £13 2s. I would have to pay on my articles. It was, therefore, no use putting in an application. I finally got permission by the following means: We were in the Fremantle Court when a member of the board, Mr. Dunphy, made

an interjection about some fees I had charged. I replied, "Nearly as bad as the lawyers." He said, "You will never be a practising lawyer in this State." I replied, "No, because you are using your position on the board to keep me out." This appeared in the "Daily News." If it had not appeared there I would never have been given permission to earn my living while in articles.

The Minister for Employment: That is another sin the "Daily News" has to answer for.

Mr. Thorn: Good comes out of it sometimes.

Mr. HUGHES: I can understand the Minister not believing in fair and open competition. After that I was advised to make an application, and was granted permission to earn something while I was serving my articles. In some States the power to grant permission to earn a living in such circumstances is vested in a judge, a man who is not subject to political influence. King's Counsel very seldom attend meetings of the Barristers' Board, which is just run by practitioners. In my case until a practitioner was foolish enough to make the statement he did, my application was not considered on its merits. No exception was taken after I was returned to Parliament. The Act says that one shall not engage in any employment. I suppose the board took no exception to a man being a member of Parliament while serving his articles. The board has from time to time granted permission for articled clerks to receive a salary. And why not? If an employer is willing to pay a wage, whose business is it? Have we reached the stage when we want to prevent employers from paying their employees? I should have thought the Minister for Justice would have advocated increasing the payment to employees instead of keeping in force this other archaic law. I do not suppose it will apply to many people. Anyone who wants to work at night or is obliged to earn his living while getting his law degree has plenty to do. I cannot imagine anyone who could get his law degree without working at night wishing to work at night for the fun of it. We are told that if a man carries on any other occupation in his spare time he will dissipate his energies, and will not be able to do full justice to his articles in the day time. There are many ways in which an articled clerk can dissipate his energies at night without indulging in any remunerative labour. Most articled clerks are young men. They indulge in the ordinary pleasures of young men, and do not devote their evenings to study. It would not be wise for them to do so, because they would have too much work and insufficient play. It is absurd to say that because a man works four or five hours at night he is going to dissipate his energies so that he cannot carry on his work in the day time. He must have one thing. He must have sufficient physical strength to do it, or he will break down, because of the constant strain of working day and night. I know something about this because I have been working by day and studying at night since I was 13 years of age. I knew that the first essential to enable me to do that was to have the benefit of a strong constitution. It should be a matter for the individual himself, particularly in the case of a University graduate, to prove whether he can do it before he gets his University degree. In order to do that, he has to attend the required number of lectures, which sometimes number 10 or 12 in a week, and to do the study necessary to keep pace with the lectures delivered by day. If he can do that and earn his living for five years during the currency of his course, that is pretty cogent proof that he has the capacity to enable him to continue doing so for another two years. We could get over the difficulty, of course, if we were to allow articled clerks to be paid while serving their articles. I submit there are no grounds at all for continuing the section in the Act that restricts the liberty of the individual to enter the profession. If there is anything wrong with professions in general, it is the evil disclosed in the tendency of wealthy people to put their children into a profession, irrespective of cost or suitability of the youth for the particular profession selected. There are many men in the professions throughout the world who would not occupy their positions were it not for the desire of their parents to have a son or daughter in those professions. When unlimited means are available for the purpose, it can be done merely by passing the prescribed examinations. If any youth has the time at his disposal, he can pass the examinations, because those tests are not set for geniuses but for the fair average candidate.

Mr. North: And yet some fail.

Mr. HUGHES: They are below the average. If examinations were set for geniuses, the fair average candidate would still get through, so the latter merely needs time. For this reason there is in the various professions a large percentage of people who are not adapted for the particular class of work they have undertaken, although they might have proved geniuses in other walks of life. Educationists throughout the world, in consequence, are paying great attention to the suitability of students for different avenues of employment. It is quite common now for schoolteachers to give consideration to the question of the walk in life for which particular students are suitable. If we throw open the professions to those who have the adaptability for the particular class of work chosen by them and place them all, as far as possible, on an equal basis, we shall produce in the various professions the highest possible standard of efficiency, because we shall be implanting a theoretical knowledge in fertile soil. There are many eminent physicians who would have proved hopeless as lawyers, and, I suppose, many eminent lawyers who would have proved hopeless as tradesmen. Many who become first-class tradesmen would have been totally unsuitable in any other occupation. The history of the world has shown that we ought to provide the fullest scope for talent to express itself in the avenue most suitable to it. I believe that we have an opportunity now and we should liberalise the entry into the various professions, not only for the benefit of the individual but for the benefit of the community as a whole, by means of natural selection, making available to the public at large an opportunity to those who have the natural ability to work in any particular sphere of life. If we start off with natural ability and provide full scope for theoretical training combined with practical experience, we shall reach the highest possible standard of efficiency. That is all that the member for Fremantle asks for in connection with his Bill. He asks us to throw open the legal profession to talent rather than to privileged ancestry.

MRS. CARDELL-OLIVER (Subiaco) [7.52]: It is rather with diffidence that I make any contribution to the debate in opposition to what has been said by a lawyer, because I am not supposed to know, and a lawyer is supposed to know. There seems to have been some misunderstanding, so far as I can judge, regarding the difference between English law and Western Australian law. The member for East Perth (Mr. Hughes) said that a student with an Oxford or Cambridge degree can come to Western Australia and practise. I submit that is not so. On the other hand, he can come to Western Australia and practise if he has been a barrister in England. If a man has secured his law degree at Cambridge or Oxford, he must serve articles here for two years before he can be admitted to the Bar, and be permitted to practise. If he is a barrister of two years' standing in England, he can practise in this State. I thought I would like to make that point quite clear, because it has been brought home to me in connection with my own sons. In those circumstances, I ought to know what I am talking about. If I am wrong, I shall be glad to be corrected. I think the member for East Perth rather muddled the question regarding the law in England and in Western Australia.

MR. NORTH (Claremont) [7.54]: I am sorry to deprive the member for Fremantle (Mr. Sleeman) of the right of reply he seems so anxious to indulge in.

Mr. Sleeman: No, I would like to hear what you have to say.

Mr. NORTH: I am anxious for the member for West Perth (Mr. McDonald) to resume his seat in the House, and I believe he will be present in five minutes or so. Although I have not been briefed on this occasion, I have a few remarks to offer relative to the Bill. I listened with great attention to some of the speeches that have been delivered, and am reminded of an occasion in the Federal Parliament many years ago when the late Mr. E. A. Harney, K.C., who was known in this State as Ned Harney, delivered an address on Freetrade. I believe the whole House sat in rapt attention to listen to Mr. Harney's eloquence, and members seemed ready to follow him in anything he might propose in view of the arguments he advanced in support of Freetrade. In the lobbies the speech was discussed, and Mr. Harney said to members, "Of course I could have made an equally good speech in favour of Protection." In consequence of that remark, he lost his influence, because thereafter he was suspected of merely being a lawyer. Now we have heard two speeches,

one by the member for Nedlands (Hon. N. Keenan) and the other by the member for East Perth (Mr. Hughes). I listened carefully to their remarks, and it struck me that they represented utterances by two eminent members of the community who could have put up equally good speeches on the other side, if they had been so instructed. I merely assume that, because I am convinced the member for Nedlands spoke as he really thought. I have heard speeches by lawyers on many occasions in this House, and they must always be suspected of using their professional knowledge and technique, in consequence of which one must be cautious. Regarding my own conclusions with reference to the Bill, I am concerned with the fact that both the member for Fremantle and the member for East Perth dealt with a question that vitally affects the social system under which we live.

Mr. Raphael: It is a pretty rotten system.

Mr. NORTH: What is the complaint those gentlemen make? They ask us to say that the sons of any persons in the community shall have equal rights with respect to legal training. The talk about earnings after hours was not urged on the score that the poorer man should be penalised by doing double work as against the son of wealthy parents who could receive his training by day and enjoy himself by night. It was our social system that was attacked on the score that certain persons have to scramble for a living.

Mr. Fox: If you proceed along those lines, you will have a hard time staying with your party.

Mr. NORTH: While I admire the member for Fremantle in his effort, I can only regard his Bill as purely a commentary on our social system. I do not think we shall remedy the evils he seeks to remove in the manner he suggests, particularly when we realise the thousands of families who are without a sure means of support apart from Government assistance. Rather would I support the suggestion of the member for East Perth that articled clerks should receive payment for their services during the period of their articles. I can understand that viewpoint. Even there, I would like to consult with some professional gentlemen, because I may be making suggestions that are impracticable.

Mr. Patrick: Why, if they intend to join the firm?

Mr. NORTH: It may be quite impracticable in the offices to arrange payment of that sort. To hear members talk, one would think that the legal profession was a fortune-hunting profession, that there was gold lying on every doorstep. If members would look around the city with a critical eye, and study the hundred or so lawyers that are here, how many would they find driving their motor cars?

Mr. Raphael interjected.

Mr. NORTH: Another question is, how can we park Victoria Park? I should like to distinguish clearly between the training given those members of the profession who come here from abroad, and those who are trained here. I am a very good example—one of those referred to surreptitiously during the debate—of what may be termed the mere nincompoops, sent to the profession in order to have some sort of handle attached to their name and to go through life with some kind of social standing. But I want to point out that the British standard of training is high from the point of view of the barrister, and the member for Nedlands is a glorious instance of those who come from abroad with a good barrister's training.

Mr. Raphael: A very sleek instance.

Mr. NORTH: It is obvious that every member of the profession should spend a considerable time learning the practical side of the lawyer's profession, which is quite different from the barrister's side. It consists of routine work, and work that has to be learned through practice. I cannot understand why there is so much emphasis laid by members of this House upon the fact that there is a difference between practising this profession and learning the theory. Does that not apply to everything? Does it not apply to politics? Have we not seen member after member come to this Chamber, after having left his own constituency, glorying in his long speeches before a large audience in which he said what he would do when he came here? Have we not seen them come here and discover how different is the practice in this House compared with what they had to do in fighting the election? It is the same in the law. In my own case—and I am a humble member of the profession; it is some years since I handled a brief or drew a mortgage——

Mr. Raphael: Drew or owed?

Mr. NORTH: The training required of a prospective lawyer in the University and

the legal examinations in any British temple of justice are pretty severe. A great many are plucked.

Hon. C. G. Latham: I thought their qualifications were decided by the number of dinners they ate.

Mr. NORTH: That only goes to show what a liberal profession it is. I remember that when I was going through the University of Oxford, my tutor said to me, "Well, North, the only real qualification for a successful barrister is a good digestion." I believe that he was right, because a good digestion does have a good deal to do to-day with success in that illustrious career. I think too much emphasis has been laid by the hon. member who introduced the Bill upon the great advantages which accrue from entering the profession, as compared with the advantages accruing to members of the community engaged in other callings.

Mr. Patrick: Is the hon. member supporting or opposing the Bill?

Mr. NORTH: I feel pained to think that the hon. member has not reached a conclusion on that matter. The difference between the profession in question and other callings is not really as important as the hon. member thinks. We are living in an age, as we often hear from members of this House, when the legal profession, and other professions perhaps, may be on the wane, in importance—not in intrinsic importance but in importance in relation to the community as a whole. We should remember that this honourable profession goes back right down the ages. I would be sorry to remind the House of some of the laws, Acts and statutes which remain upon the statute-books of the Empire, and were in force when this profession commenced. In 1357 I think it was —anyway, many years ago—we had a statute relating to treason. In that year anybody who cast aspersions on any of the member of the Royal Family could be hung, drawn and quartered, even through merely making a humorous remark about their private lives. We should remember that there is no possible connection between the world of that day and that in which we live, and the status of the various professions is bound to change with the passing of time. To-day it is the mechanic, the man in the power factory, who is going to bear quite a new relationship to the world of to-day and to-morrow, and we should not take so much notice of whether we should have 10 or 20 more persons enlisted in this particular honourable profession we are discussing. Although influenced by the member for Fremantle, and completely in accordance with his view that there is need for a change in our system to permit every citizen in the State who so desires to enter this profession, I say that it should be, and could be, and will be done without need for anybody to work overtime after hours. I support also the remarks of the member for Nedlands.

MR. SLEEMAN (Fremantle—in reply) [8.10]: May I say that I do not claim to come under the category of the people mentioned by the member for Claremont (Mr. North). He said he had listened to two speeches and that either of the speakers would have been able to put up as good a case for the other side. I can assure the House I am most sincere. For some years I have been trying to alter Section 13 of the Act, and I am confident that I am going to be successful this time. If I fail, I will try again. That is not a threat but a promise, and I intend to persevere until I get justice for the sons of poor persons of this country to enable them, as well as the sons of richer men, to enter any profession. Were it not for the fact that the clerks in the legal profession do not get the wherewithal to keep body and soul together, and that premiums are asked for on nearly every occasion, there would be no need for this Bill. While there is another place in existence, we are a long way from getting something on the lines the member for Claremont would wish. I can assure him that anything he could do, or anything he could tell me that I could do, to see that clerks in the legal profession in this country are paid in accordance with the work they do, and to secure the abolition of premiums, I would be pleased to have him do, or to join with him in having done. The member for Claremont brought himself into the picture, or I would not be doing so. He proved the argument made by the member for East Perth, who said that some people might be a great success in some professions, but not in professions which they did not like, and with which they would not persevere. I know the member for Claremont is not very fond of the legal profession. I have heard it said that he did not desire a legal career.

Mr. North: I passed my examinations all the same.

Mr. SLEEMAN: Somebody said "We would rather that our son or nephew should be a lawyer," and accordingly the member for Claremont was pushed into the profession. He got out of it as soon as he could. That is one of the fruits of the rich man's son being pushed into a profession in which he does not wish to be.

Hon. C. G. Latham: Is he not a better member of Parliament because of his training?

Mr. SLEEMAN: I should say that his training would improve him considerably in any profession. The member for Claremont said the profession of the lawyer was not very lucrative. It is like that of the engineer. A good engineer finds his profession lucrative. A man not so skilled can command only a small salary. The same applies to the legal profession. Sons of rich men have been articled to some of the biggest dud lawyers who have ever stood in shoe leather. The result is the production of more duds who will never be any better. Why should the rich man's son be let into this profession and the poor man's son kept out? The member for Subiaco questioned the remarks of the member for East Perth. I have made a lot of inquiries and all the information I have indicates that provided a man is wealthy enough to send his son to London to take his degree and eat the dinners to which other members have referred, he is sure to be called as a barrister. Two years afterwards, if called to the Bar, no matter where he might go—as the member for East Perth said, he might go to Monte Carlo and practise roulette—if he comes to Western Australia, he may, after six months' residential qualification, be called to the Bar here without serving articles. There is no provision in the Act against the rich man's son. The member for Murchison might be a poor man as compared with me. Suppose he had a son who had to serve articles in Western Australia and had to get permission from the Barristers' Board to earn while serving his articles. Without that permission he would be required to prove to the satisfaction of the board, after having served his articles, that he had not earned. Otherwise he would not be called to the Bar. The member for Murchison would be called upon to pay probably £100 to £200 to get his son into the profession and then would have to keep the young fellow. To keep him respectably and allow him to enjoy some of the pleasures of life to which a young man is entitled would cost probably £2 or £3 a week at the least. A poor man could not afford to pay that and yet I, being richer, could send my son to England where, after eating his dinners, he could be called to the Bar, put in his time qualification at Monte Carlo or elsewhere, and then come to Western Australia, devote six months to opposing members of Parliament, and be called to the Bar.

Mrs. Cardell-Oliver interjected.

Mr. SLEEMAN: Barrister and solicitor are one in Western Australia. In Great Britain a man has only to be called to the Bar as a barrister and, when he settles here, he becomes both barrister and solicitor. That is the unfair part of it. A young man in Western Australia has to serve articles to become a solicitor, but in England he may become a barrister without serving articles. He has no Section 13 with which to contend. A number of legal men in Western Australia have never served articles and have never had Section 13 operating against them. They have come here and have been called to the Bar and have become both barristers and solicitors. The member for Subiaco should now be satisfied.

Mr. North: She might support your Bill.

Mr. SLEEMAN: I am looking to her, as a reasonable member, for her support. She has told us that she favours consideration for the children of poor men; she would supply the children of poor parents with milk. Surely she is prepared to give a poor man's son or daughter a chance to enter the legal profession! She claims that the poor man's son or daughter is entitled to the best of education and, to be consistent, she must support the Bill.

Mr. Raphael: Do not bet on her support or you will lose.

Mr. SLEEMAN: Betting is illegal. If I am disappointed in the hon. member, it will not be the first occasion I have suffered disappointment since entering the House.

Mr. Marshall: And it will not be the last.

Mr. SLEEMAN: Possibly not. Much has been said about the legal profession with which I do not agree. I have to make out the best possible case to refute those arguments, and if I should hurt anybody's feel-

ings, I hope my remarks will not be regarded as personal. I am here to do my best in the interests of the sons and daughters of poor parents. I was not surprised to hear the member for West Perth (Mr. McDonald) speak in opposition to the Bill. I know that he is the mouthpiece of the Law Society, and now he has joined the Barristers' Board and I should say he is also the mouthpiece of that body. To confirm my statement, may I read from the monthly journal of the Law Society of Western Australia? It refers to recent action by the member for Victoria Park regarding the legal profession and states—

> Through the prompt action of Mr. Ross McDonald the council was advised in good time of Mr. Raphael's motion for the appointment of a special committee to inquire into the Legal Practitioners Act generally, and the council had several meetings to consider what attitude should be taken in the matter.

So the member for West Perth may be regarded as the mouthpiece of the Barristers' Board as well as of the Law Society. In my opinion the hon. member put up a very poor case, so poor that it calls for very little reply. Had the Barristers' Board been on trial for murder, I consider that its members would by now be hanging at the end of a rope, because the defence put up by the hon. member was so tame and did not do him justice. My summing up of the hon. member's remarks is that he in his heart could not see much harm in the Bill, though as a member of the profession and mouthpiece of the Law Society and Barristers' Board, he had to say something against the Bill. I was astounded at the action of the Minister for Justice in opposing the Bill.

Hon. C. G. Latham: Now whom did he represent?

Mr. SLEEMAN: I think he represented the Crown Law Department; I make no bones about saying that. When I decided to introduce this measure, I confined it to repealing Section 13, because I did not want to have the question on this occasion associated with anything else. I thought there could be little objection from either side of the House if I confined the Bill to a repeal of Section 13. I know that on previous occasions excuses were made for opposing the Bill that other things were contained in the measure. On that score the whole Bill was condemned. On this occasion I confined the Bill to the one question and therefore I was astounded that the Minister should oppose it. The objections advanced against this Bill were not raised on previous occasions.

Hon. C. G. Latham: You cannot introduce new matter when replying to the debate.

Mr. SLEEMAN: Of course not.

Mr. Marshall: One Speaker will do us.

Mr. SPEAKER: Order! The member for Fremantle is speaker at the moment.

Mr. SLEEMAN: I was astounded at the case put up by the Minister. On other occasions there was very little objection to the Bill, but he opposed this measure because it was not identical with the one brought down previously. But the Minister did not stick to his argument. He stated that if I had brought down a measure as before to allow articled clerks to earn outside of office hours, he would not have had so much objection to it. Then he went on to condemn a suggestion that articled clerks should be allowed to earn outside of office hours. He said that if the Bill became law, it might mean that young fellows would engage in occupations such as that of a bookmaker's clerk. The Minister must know that bookmaker's clerks do not work when solicitors' offices are open. You, Mr. Speaker, know as well as I do that bookmakers' clerks work on Saturday afternoons when the gallops are on, Saturday nights at the trots or on holidays.

The Minister for Justice: Some of them work all the time.

Mr. SLEEMAN: And others work only when the bookmakers are engaged pencilling at the races. The Minister knows—and it is of no use his trying to quibble about it—that a lot of bookmakers' clerks are engaged on Saturday afternoons and Saturday evenings to do the pencilling while others are engaged on public holidays. Most of them are not engaged when solicitors' offices are open. What harm would there be in a young fellow articled to the law engaging as a bookmakers' clerk? Is there anything degrading or dishonest about it? Is he not entitled to do anything he can to carry him through his articles?

The Minister for Justice: Run a sly-grog shop, for instance?

Mr. SLEEMAN: The Minister mentioned his objection to articled clerks engaging as bookmakers' clerks. What harm is there in that profession? Would he prefer to see a young fellow poll on his parents rather than go out and earn an honest shilling for himself? The Minister was certainly wrong in advancing that argument. He also said

that bookmaking was an illegal profession. If it is an illegal profession, the Minister for Justice is approving of it because the present Government, just as did past Governments, collect taxes from the bookmakers. On the one hand the Minister is prepared to collect 1d. or 2d. per ticket from a bookmaker, but on the other hand an articled clerk must have nothing to do with bookmaking because it is illegal and that would render him not a fit and proper person to qualify for the law. The Minister's argument was upside down. He cannot have it both ways. Either he has to prevent bookmakers' clerks from operating or he must admit that it is an honest way of earning a living.

The Minister for Justice: What about a tote attendant or a ring-keeper at a two-up school?

Mr. SLEEMAN: It is no more degrading for a bookmaker's clerk to be called to the Bar than for a tote attendant to be elected to Parliament and to become a Minister. I know that in this country there have been tote attendants who have been elected to Parliament and later attained Ministerial rank. Is there any difference from the point of view of honesty in a bookmaker's clerk and a tote attendant? I cannot say that I disagree with the member for East Perth in his statement that two-up is the fairest of all games. I have not had very much to do with two-up, but I have seen it played and confirmed gamblers have assured me that, provided a two-up school is properly conducted, it is preferable to any racecourse in the world for fair play. Let me read Section 13 of the Act.

> No articled clerk shall, without the written consent of the board, during his term of articles hold any office or engage in any employment other than as a bona fide articled 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.

Therefore he cannot earn anything. He cannot hold any office. Most of the members who spoke on the Bill carefully avoided saying anything about offices. The Barristers' Board might say to a man holding the office of honorary secretary to a football club, "You cannot hold that office; you cannot carry on your articled clerkship and hold an office of that sort as well." Or if politically minded the board might say that a president of the A.L.P. or of the National or Country Party was holding an office which he was not entitled to hold while articled to a solicitor.

Hon. C. G. Latham: He might be one of the Trades Hall trustees.

Mr. SLEEMAN: Yes; they might say that because a man was connected in an honorary official capacity with the Trades Hall he was not entitled to be articled to a solicitor or be called to the Bar. I do not say the members of the Barristers' Board are so biassed, but other people are. There are people so biassed that they would say any man connected with the Country Party ought not to be entitled to become a lawyer.

Mr. SPEAKER: Order! I ask the hon. member to address the Chair.

Mr. SLEEMAN: The Minister for Justice said he sympathised with the desire of the mover of the Bill to improve the Act. I do not want the Minister's sympathy, and I am sure the young fellows desirous of entering the legal profession want not Ministerial sympathy but practical assistance, such as will enable them to become articled to a solicitor without undergoing the degradation of going to the Barristers' Board and saying, "Please may I earn something to keep the wolf from the door while I am preparing to enter the legal profession?" The Minister must agree that what these young people want is not his sympathy but practical assistance, so that the sons and daughters of poor parents may have the same opportunity as the sons and daughters of rich persons enjoy. The Minister will not assert that the son of a poor man is necessarily worse than the son of a rich man. Many young fellows in Western Australia will never be able to enter the legal profession unless the position set forth in the Bill is established. I have told the House previously that the late Governor General of the Commonwealth, Sir Isaac Isaacs, said in my hearing that he was the son of a very poor father and that had it not been for the menial work he was able to get around Melbourne he never would have been able to go through his studies. In Queensland a young fellow trained first as a carpenter, later went in for the legal profession, was called to the Bar, and eventually became a Supreme Court judge. Therefore I ask the Minister for Justice to see that people of that sort have the opportunity to be called to the Bar of Western Australia in the same way as persons more comfortably situated. Prece-

dents, and opinions expressed by various people, appear to count for quite a lot. Here is the opinion of a previous Minister for Justice—

> I support the member for Fremantle. There is evidence of absolute snobbery in the attitude of the Barristers' Board. To anyone who can make his way in the world against natural disadvantages or against the advantages others enjoy by reason of having wealthy parents, we should say "Good luck!" Under the conditions suggested by the member for West Perth, what hope would anyone have of entering the profession unless his parents were wealthy.

That was the opinion of the previous Minister for Justice.

Hon. C. G. Latham: When was that said?

Mr. SLEEMAN: In 1933, by the previous Minister for Justice, the present Premier.

Hon. C. G. Latham: If you sit down, you will probably get enough support.

Mr. SLEEMAN: I am not worrying whether I get support or not. I am putting up what I think is the right and proper case. The present Minister for Justice says that articled clerks must not be admitted to practice to become a menace to the public, that they must have experience which can only be gained in lawyers' offices. I do not know whether the present Minister for Justice thinks that a rich man's son articled to one of the poorer classes of solicitors in this State will gain better experience than the son of a poor man articled to a solicitor of higher standing will obtain because he earns something in the afternoon or evening. The rich man's son might be putting in his afternoon or evening at cocktail parties. We should say to the poor man's son that we wish him every luck, and we should try to push him as much as we can to get him through his articles. The Minister went on to say—

> The board must have control. A young fellow might be following an illegal occupation.

Apparently the Minister would say that a young fellow earning his living is not entitled to any consideration whatever from the board. If the young fellow was of bad character, the operation of Section 13 would not be necessary. Moreover, there are other sections operating as safeguards for the Barristers' Board. I trust the House will not accept the Minister's suggestion that the Bill should be defeated. The member for Nedlands (Hon. N. Keenan) declared that this was one of the most honourable professions. He said it was the only profession that expelled a member for dishonesty. In point of fact, it is not the only profession adopting that practice. On the other hand, I declare that frequently the legal profession does not expel members for dishonesty. The member for Nedlands, if he agrees with some other members of his profession, must have heard a certain statement made in this Chamber. I do not think he ever objected to that statement, and I do not think the Barristers' Board ever took notice of it. I wish to show what is an act of rank dishonesty on the part of some legal men in this country. I do not brand all Western Australian practitioners as being the same, for there are good and bad in every profession. However, here is an act done by legal men in this country with the knowledge of the Barristers' Board, who take no notice of it. If the board were concerned for the interests of the public, some legal practitioners would be expelled from the profession or at least pulled up with a sudden jerk. Here is a quotation from a speech by the late Mr. T. A. L. Davy, as Attorney-General, on a motion I launched here for an inquiry into the legal profession. Speaking of the practice of taking junior counsel into court, I said that in my opinion there was dishonesty practised in the legal profession. Mr. Davy spoke as follows:—

> For instance, I agree with him (the member for Fremantle) that the second counsel may frequently be 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.

The Attorney-General and leader of the Bar of this country, while leader of the Bar, made that statement in this House. And it is rank dishonesty! The junior counsel is there simply to extort money from clients. The junior counsel walks in, says nothing, knows nothing about the case. And the member for Nedlands speaks about the high standing his profession has attained in Western Australia! It is up to Parliament to see that something is done in this regard, instead of permitting the people to be robbed as they are being robbed in certain cases. I hope the Minister for Justice will do something to see that the legal profession rises to a

higher level than it occupies at present. The Minister went on to say that he could not disagree with the Barristers' Board. Let us see what we can agree with and what we cannot agree with. If the Minister cannot disagree with the Barristers' Board, I certainly can. I have here a copy of a letter sent by the board, through their secretary, to a young man who asked permission to earn—

I duly placed your letter of the 23rd ult. before my board for its consideration on the 13th June last. Whilst appreciating the difficulty of your position, the members of the board present at the meeting directed me to point out to you that at present you are not an articled clerk, consequently the meeting could not deal with the subject-matter of your letter. The exercise of the board's statutory discretion can only be invoked by an articled clerk on an application made under the provisions of the Act and Rules. Such application would be dealt with by the board at a meeting of the board, and such meeting may be attended by members of the board who were not present at the meeting above-mentioned. For your information, however, I may state that, as a matter of principle, the members present at the meeting were of opinion that an articled clerk cannot satisfactorily serve two masters, and that any articled clerk, even with your University degree, must necessarily devote the whole of his time and attention to his study and practice of law during the period of his articles mission to the Bar.

The Minister says he does not disagree with a letter like that. I say there is nothing in it one can agree with. The board say that because a young man is poor, he cannot serve two masters. In point of fact, it should not be necessary for him to serve two masters. However, there are in this country many good people who have served two masters when down and out, until they got on their feet. Hundreds of men have had to serve two or three masters, working part of the time for one and part of the time for another, and so on—working for the Government on sustenance on one day, and for a private employer on another day. The dictum of the Barristers' Board that a man cannot serve two masters I would describe, in a term favoured by the member for Swan, as balderdash. They go on to say that this profession would expel any member guilty of any dishonesty. I have here a lawyer's letter reading as follows:—

We are instructed by Messrs. —— to apply to you for payment of the sum of ———— owing by you to ————, and we have to inform you that unless the above amount, together with 10s. 6d. costs of this application, be paid to us on or before ——— at 10 o'clock in the forenoon, our instructions are to take legal proceedings against you without further notice or delay.

That is another case where, I say, members of the profession are not altogether honest. The legal firm that sent that letter knew that they had no legal right to the 10s. 6d. they demanded. They were trading on the ignorance of the addressee.

Mr. McDonald: They could get 10s. 6d. by issuing a summons.

Mr. SLEEMAN: But if the man to whom that letter was written had paid up, they were not entitled to 10s. 6d. Such firms trade on the ignorance of laymen. It is time the Barristers' Board woke up and told those people that they were in the wrong. The late Mr. T. A. L. Davy, when Attorney General, admitted in the House that a legal firm could not collect 10s. 6d. for such a letter.

Hon. C. G. Latham: They can claim it from the person instructing them.

Mr. SLEEMAN: Of course so, but not from the respondent.

Mr. McDonald: They can issue a summons, write a letter and get very much more.

Mr. SLEEMAN: But what they do is to take a flying shot at the man owing the money, and if it comes off they get a larger fee than they are entitled to. The legal profession as a whole know that this is going on, and the Barristers' Board must know it is going on, but still they remain silent, and thus are aiding and abetting the practice instead of seeing to it that honest people are not robbed. There are hundreds of such cases every year. In consequence, quite a number of people rush into the pawnbroker's and put up even their wedding rings in order to pay off the amounts owing. I have here some information about a man who attended the London University and the Law School and subsequently went back to Bombay to carry on the legal profession. From the beginning he stipulated to all clients that he would abandon their case if he found it to be unjust, and after a few years he gave up the practice of law, saying that it was immoral.

Mr. Hegney: Who was that—Ghandi?

Mr. SLEEMAN: Yes, it was. The lawyers probably are neither better nor worse than the members of any other profession. I hope that in the interests of the sons and daughters of poor people in this country,

the House will pass the Bill. I have put it up in this way because I thought there would be no objection to it, and I left other contentious matters in the Act to be tackled at some future date.

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

Ayes	37
Noes	5
Majority for	32

AYES.

Mr. Boyle	Mr. Munsie
Mr. Brockman	Mr. Needham
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Coverley	Mr. Patrick
Mr. Cross	Mr. Raphael
Mr. Doney	Mr. Rodoreda
Mr. Doust	Mr. Sampson
Mr. Ferguson	Mr. Shearn
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. Stubbs
Mr. Hegney	Mr. Styants
Mr. Hill	Mr. Thorn
Miss Holman	Mr. Tonkin
Mr. Hughes	Mr. Warner
Mr. Johnson	Mr. Welsh
Mr. Lambert	Mr. Willcock
Mr. Mann	Mr. Wise
Mr. Marshall	Mr. Wilson
Mr. Millington	*(Teller.)*

NOES.

Mr. Keenan	Mr. Watts
Mr. North	Mr. McDonald
Mr. F. C. L. Smith	*(Teller.)*

Question thus passed; Bill read a second time.

In Committee.

Mr. Hegney in the Chair; Mr. Sleeman in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal of Section 13 of the principal Act:

Mr. NORTH: This clause, of course, is the Bill. The member for Fremantle was discussing the alleged presence of black sheep in the legal profession. As proof that the medical profession also includes some men who are not all they ought to be, I should like to submit this for the hon. member's information: in Fremantle some years ago I was being examined for an insurance policy. It was just after the war. The medical officer, having put me under the routine examination, said the policy could not go through just then because I was suffering from severe sugar. He added that, by a couple of weeks' treatment, he could put me right for a couple of guineas. Being suspicious, I went to my own doctor next day and received from him a clean bill of health.

Clause put and passed.

Clause 3—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—SUPPLY (No. 2), £1,600,000.

Returned from the Council without amendment.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [8.49]: I have no objection to the principle of the Bill, as I indicated yesterday when moving the second reading of the Land and Income Tax Act Amendment Bill. But, as I pointed out when we were discussing that measure, Parliament, when making a deduction, made it for the purpose of exempting a person carrying on a business. In that provision in regard to beekeeping and poultry and pig raising, we carried out the intention that Parliament had when making the original exemption. It has been found by experience that some people use a comparatively small portion of land on which to run a cow, and on that account claim exemption, on the score that they are using the land for grazing purposes. At the same time, on the block there may be a house worth perhaps a couple of thousand pounds. The same may be said of people who grow a little lucerne with which to feed a racehorse and who, again on that account, claim that they are using the land for agricultural purposes, and therefore are entitled to exemption. So I take no exception to the Bill, but I propose in Committee to move an amendment to Clause 2 which will have the effect of granting the exemption desired, but only to those people who use the land for the business in which they are engaged and on which they are depending for their living. I indicated yesterday when introducing the Land Tax and Income Tax Bill the attitude I would take when the hon. member's Bill now under discussion came before us.

MR. HEGNEY (Middle Swan) [9.2]: I support the Bill. I was pleased to hear the Premier say that he would offer no objection to the measure, except that he would safeguard the position by amending it so that exemption would be claimed only by those who were definitely engaged in the business for which they claimed exemption. In the district I represent quite a number of people are engaged in pig-raising, which is their sole means of livelihood. Others who are also engaged in kindred industries will be able to make a claim for exemption. It is a fair proposition for those people who are engaged in industries such as pig-raising, poultry farming, or bee-keeping, and I am glad that the Premier is able to agree to the Bill.

MR. SAMPSON (Swan—in reply) [9.3]: I am glad that the Premier approves of the Bill, but I hope that his suggested amendment will not be a fly in the ointment. I realise that last year the then Premier was wrongly advised, and I am positive that no member in this House would have opposed the principle contained in the Bill had the facts been given by the department concerned. I am glad it now has the Premier's approval.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; Mr. Sampson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 9 of the principal Act.

The PREMIER: I move an amendment—

That the last word of the clause, "purposes," be struck out and "business" inserted in lieu.

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

Clause 3, Title—agreed to.

Bill reported with an amendment.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT (No. 1).

Second Reading—Defeated.

Debate resumed from the 30th September.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [9.11]: The Bill which has been introduced by the member for Nedlands (Hon. N. Keenan) seeks to delete Subsection 7 of Section 11 of the principal Act and to insert the following:—

It shall be the duty of any person or persons charged with the promotion or proposing to construct any new railway or tramway, or to extend any existing railway or tramway, to confer on such proposal with the board, which shall inquire into the same and report thereon. The board's report shall be laid before Parliament when the Bill to authorise the construction or extension of the railway or tramway is introduced.

The hon. member is asking Parliament to approve of the Transport Board inquiring into and reporting in regard to any proposition that might be submitted by any person or persons charged with the promotion or proposing to construct any tramway or extension to any existing railway or tramway, and that such report shall be laid on the Table of the House when the Bill to authorise the construction of the proposed tramway or extension of an existing tramway or railway is presented to Parliament. When he introduced the Bill, the hon. member assumed that when the State Transport Co-ordination Act was presented to Parliament the word "tramway" was inadvertently omitted. That, however, was not the case. Section 11 of the Public Works Act, 1902, reads—

The Governor by Order in Council may authorise the Minister to undertake, construct or provide any public work subject as to railways to Section 96, and such authorisation shall be deemed an authority to such Minister by and under this Act.

Section 96 of the Public Works Act provides—

Every railway shall be made only under the authority of a special Act.

It is therefore clear that no railway can be constructed unless a special Act is passed by Parliament, but subject to the approval of the Governor-in-Council, any other work may be constructed without a special Act. Before the State Transport Co-ordination Act was passed, all proposals for the construction of new railway lines, or extensions to existing lines, were referred to and investigated by what was known as the Railway Advisory Board, the personnel of which included the Director of Agriculture, the engineer in charge of railway construction and the Surveyor General.

Mr. Patrick: The Transport Board reported on the last railway.

The MINISTER FOR WORKS: The Transport Board has superseded the Railway Advisory Board, and the Transport Board now reports in respect to railways. The report has to accompany a Bill authorising the construction of a railway. In regard to the construction of a tramway, whenever money is required for a new tramway—"tramways" include trolley bus services—it is the practice to provide it on the Loan Estimates under the item "Tramways." In respect to that, the attention of Parliament is invited to the annual report of the Commissioner for Railways, which is made available before the Estimates are presented. The proposal in regard to the construction of new tramways or the extension of existing tramways, or the provision of trolley buses, can then be considered and questioned. The point is that because it has been considered necessary in times past for the Advisory Board, and now the Transport Board, to report upon any proposed railway, and that such report shall accompany the Bill for the authorisation of the construction of the railway, it does not presuppose that that shall be the practice in respect to the extension of a tramway. The hon. member is therefore wrong in assuming that tramways were inadvertently omitted from the State Transport Co-ordination Act when it went through Parliament. There is another view also taken by the hon. member in respect to the powers of the Transport Board. He says the Act was passed for the purpose of controlling transport in the State, and the scheme of the Act was to bring into existence a board called the Western Australian Transport Board, which, after the Act became law, was to have complete control of all transport in Western Australia, and have the right to determine the conditions under which it would be conducted. In respect to the assumption that the Transport Board was to have complete control, it certainly was never intended. Section 11, which this Bill seeks to amend, says that on the direction of the Minister the board shall do certain things. This shows that the Minister has the right to direct the board to do certain things. The board may also of its own volition inquire into and report whether the services of any railway or part of a railway, or of any tramway or part of a tramway are adequate. To assume that the Transport Board is to have complete control of transport is erroneous. In respect to public works, it has been the practice, acting on the authority of the Public Works Act, for the Government by Order-in-council to initiate and authorise most important public works. Only recently without the passage of any Bill through this House, an extension of the goldfields water pipe line from Kalgoorlie to Norseman, involving the expenditure of £200,000, was approved by Executive act. A recent authorisation of an extension of the goldfields main to the Barbalin dam, estimated to cost £65,000, was put through by Executive act. The authorisation of the Government to do this is obtained under the section I have quoted. It is now suggested that it was intended not only that the Transport Board should report, but if this Bill becomes law it will be necessary to bring down a special measure to extend a tramway for half a mile. That has never been the practice. Extensions have been put in in recent years from 10 chains to 20 chains and up to half a mile. To assume that in future not only must the Transport Board report upon any tramway extension, but that a Bill must be brought down to the House and authorisation given by Act of Parliament, the same as in the case of the railways, is to go too far. The fact is that from all important works railways have been exempt. The Government are authorised to construct railways only under the authority of a Bill passed by Parliament. I do not know whether the hon. member is still under the impression that this was inadvertently omitted from the Act. It was designedly omitted. It was never intended to bracket tramways with railways in this matter, and it was omitted in conformity with the Public Works Act. I am sure the member for Nedlands (Hon. N. Keenan) when he reads the section of the Public Works Act to which I have referred, in conjunction with the reference in the State Transport Co-ordination Act, will see at once the reason why tramways were omitted. They were omitted definitely and designedly.

Hon. N. Keenan: Do you refer to the Public Works Act of 1904?

The MINISTER FOR WORKS: I refer to the Public Works Act, 1902. Section 11 and Section 96 definitely say that railways shall be built only under the authority of a

special Act. That is the reason why this was omitted from the section mentioned by the hon. member in the State Transport Co-ordination Act. That must now be clear to him. As a matter of principle, if Governments can be trusted, and they are so trusted under the Public Works Act, to authorise and construct works of importance and involving enormous expenditure, I see no reason at this stage why tramways should be excluded from that authority. If authorisation were needed for the building of a tramway for half a mile, or the installing of a trolley-bus service on a given route, an authorisation would have logically to be given also for other important works. This would be completely out of conformity with the policy and with the law that has been in existence over all these years. The very fact that the Public Works Act has been in existence since 1902, and that succeeding Governments have carried out important works, ought to be sufficient to satisfy the House that there is no reason why exception should be taken, and why the authority of the Government should be limited in respect to tramways only. Tramway work is sometimes of only a trivial nature such as some small extension which may be needed urgently. In any case, I assure the hon. member that tramways were not inadvertently omitted from the Act, but were designedly left out of it. For these reasons I oppose the second reading of the Bill.

MR. NORTH (Claremont) [9.25]: This Bill was intended to enable the House to discuss the trolley bus route to Claremont. If I understand the Minister aright, and subject to the reply of the member for Nedlands, he pointed out that even if we do amend the Act by adding the word "tramway," it will not enable us to achieve our objective of having that matter brought before the House. He further points out that the correct place to discuss the question of the trolley bus route is on the Estimates, either Loan or Revenue. I understand that the matter will be brought up on the Estimates. I shall therefore not speak upon the merits of the Bill at this juncture. The legal arguments are in the hands of the mover of the motion.

HON. N. KEENAN (Nedlands—in reply) [9.26]: I regret having to differ from the Minister on such a material fact as the tramways being constructed under the Public Works Act of 1902, or of any amending Act of the Public Works Act of 1902. Tramways are constructed under the Tramways Act of 1912. It was specially passed to enable tramways to be constructed. No one contends that any section of the Public Works Act relates to the construction of tramways. The Act of 1912 provided for the construction of tramways on the authorisation of an Order in Council. The Public Works Act has nothing to do with it.

The Premier: That was what the Minister said.

Hon. N. KEENAN: In the particular Act to which I am drawing attention tramways and railways were linked together. The construction of a tramway was decided upon on an Order in Council. This gave power also to break up public roads for the purpose of such construction, and to stop traffic on public roads for the purpose of such construction. None of these powers is exercised under the Public Works Act. There is also power to break down a bridge if necessary. Tramways were linked up with the Railway Department, and placed under the control of the Commissioner for Railways, who was to have the management and control of all Government tramways for the time being open to traffic. That is how the position stood. A tramway did not require a Bill as railways do, for the authorisation of its construction, but only an Order in Council. It would require a Bill only if a statute were passed requiring such Bill to become law before the line could be constructed. This Bill does not amend the statute of 1912, which gives power to carry out that work by Order in Council. There is no obligation to bring down a Bill unless that statute is amended. I have put this into the Bill so that it may provide for what would arise if the statute were amended, and tramways and railways were put on the same footing. What is the difference between a railway to Claremont and a tramway to Claremont? Both use about the same weight of rails, but one is driven by steam and the other by electricity. Otherwise there is no difference between them. It is logical that if a railway can only be constructed in pursuance of a Bill passed in the House, so should a tramway be constructed only after a Bill has been passed to authorise it. That, however, is not the law to-day. The law is the statute of

1912, which, in the case of a tramway, requires only the authority of an Order in Council. That remains the law notwithstanding that this Bill might be placed on the statute book. Now as to the effect that was intended when the State Transport Co-ordination Act was passed! I am merely repeating what the present Premier said when he brought down the measure. He said it was intended to create a supreme authority to govern the carriage of goods and passengers for reward. The language of the section indicates that that was the intention. It is true that at the beginning of Section 11 it is stated that the Transport Board may either of its own volition or on the direction of the Minister, do certain things. That is to give the Minister power to put them in motion. What has to be done has to be done by the Transport Board, but it may not be proceeding to do those things, so the Minister is given power to put them in motion. What they are charged with the duty of doing is to inquire into and report upon any railway or any tramway. This shows that the two services are absolutely linked. The board are to inquire into and report upon the services of any railway or part of a railway or any tramway or part of a tramway. They are to state in that report whether the services rendered are adequate for the requirements of the district or area concerned. Subsection 2 deals with what is to happen in consequence of the act of the board. It says that if in the opinion of the board the services of any railway or tramway as aforesaid are inadequate the board may recommend the closure or partial closure or the resumption of either the railway or the tramway. Under Subsection 3 the board can call for certain alternative means, the carriage by road transport or air transport in the area served by the railway or tramway. Finally, subsection 6 says that the capital cost of any railway or tramway so dealt with has to be carried to the capital account of the Railway Department. The two things are linked together in the statute of 1912. One is called a railway and the other is called a tramway. Both are under the control of the Commissioner of Railways, and both are to be treated alike, joined together, the whole service being one with the other.

The Minister for Works: You know that a railway has to be authorised by Act of Parliament, and that the other never has required such authority.

Hon. N. KEENAN: I have stated that the statute of 1912 only requires the authority of an Order in Council.

Mr. Patrick: And you say your Bill does not alter that.

Hon. N. KEENAN: Not in the least.

The Minister for Works: What do the last words mean?

Hon. N. KEENAN: They are put in to provide for the possibility that some amendment may be made to the statute of 1912 to place railways and tramways on the same basis. Until such amendment is made, that portion of the Bill is inoperative. What is left, is what is of importance and what is operative? There was clearly an oversight when the State Transport Co-ordination Act was passed. The subsections I have quoted merely link up railways with tramways. The board must report in the first instance upon the efficiency of the railway or tramway. The board's power is only to recommend the closure of a tramway, and the duty is cast upon the board to recommend some alternative service when necessary.

The Premier: We could close a tram route without any recommendation from the board.

Hon. N. KEENAN: To do that would be to commit a breach of the Act.

The Premier: No.

Hon. N. KEENAN: The board may of their own volition, or on the direction of the Minister, inquire into and report upon whether the service of any railway or part of a railway, or of any tramway or part of a tramway, is inadequate for the district, and whether such service should be closed. If in the opinion of the board the services of any railway or tramway are inadequate for the requirements of the district and such district can be better served by road or air transport, they may recommend the closure or partial suspension of the service of either the railway or the tramway. It is clearly intended that before a tramway route is closed there shall be a report made by the board. It was the intention of the Act to give the board complete control in regard to the charge both of goods and passengers for hire.

The Premier: If the Government could only build railways and tramways on the recommendation of the board, they would be handing the control of the country over to the board.

Hon. N. KEENAN: No, I do not suggest that. I suggest that should be amended.

When it is a matter of the construction of a new tramway, a report from the board should be obtained, because in the opinion of the board, the work may not be necessary. The board may consider, having regard to existing services, either by rail or in some other form, that the work may not be required. The board under the Act is charged with the duty to examine the proposal and put its views before the Government of the day. This is not a party measure. No one suggests that the Bill implied any party obligation. Irrespective of which Government may be in power, I suggest that the whole intention of the Act was that the board would give consideration to a proposal before any steps could be taken to close down any existing line, or to construct any new line. The board should be invited to consider the position, and the Government should receive a report from that body. The Premier says that the Government might disregard the report. That is quite correct. The idea underlying the Act was that the Government were to secure that report. While the law will remain as indicated in the Government Tramways Act of 1912, the extension of a system may be authorised by a mere Order in Council. I want to provide against that possibility. As the position stands to-day, I admit the law does not require any more than an Order in Council as regards tramways, and if the Bill were in Committee it might be suggested that it was premature, that this is still the law of the land, and that would justify the striking out of the last part of the sentence in the Bill. The other part will still apply, and that is what is really of importance, namely, that the Government of the day should invite the board that was brought into existence under the Transport Co-ordination Act to express an opinion on the project and secure a report as regards either the closing down of any existing tramway, which is the case to-day under the Act, or the construction of any new line which is not the case under the existing Act, but which, I think, was obviously overlooked.

The Minister for Works: Do you suggest that the final sentence should be struck out?

Hon. N. KEENAN: Yes.

The Minister for Works: That would render the existing law inoperative.

Hon. N. KEENAN: No.

The Minister for Works: Yes, it would.

Mr. Patrick: Another instance of lawyers differing!

Hon. N. KEENAN: If the last sentence read to the effect that the board's report shall be laid before Parliament when the proposal to extend a railway was introduced, and the word "tramway" could be omitted, what objection would there be to that? It is very desirable to make the Act complete. It was intended in every instance whether it was a tramway or a railway, or whatever service was to be rendered, that the board should express an opinion on the proposal—not necessarily to tie the hands of the Government, but for the purpose of guiding. I suggest that the Bill be read a second time, and an amendment along the lines I have indicated could be moved in Committee.

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

Ayes	20
Noes	24
Majority against	4

AYES.

Mr. Boyle	Mr. Patrick
Mr. Brockman	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Ferguson	Mr. Shearn
Mr. Hill	Mr. J. M. Smith
Mr. Hughes	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. McDonald	Mr. Welsh
Mr. North	Mr. Doney
	(Teller.)

NOES.

Mr. Coverley	Mr. Nulsen
Mr. Doust	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr Lambert	Mr. Troy
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wilson
Mr. Munsie	Mr. Wise
Mr. Needham	Mr. Cross
	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Stubbs	Mr. Collier
Mr. McLarty	Mr. Withers

Question thus negatived; the Bill defeated.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

THE MINISTER FOR EMPLOYMENT (Hon. A. R. G. Hawke—Northam) [9.44]: The Bill proposes to amend Section 47 of

the Child Welfare Act, which provides that the Governor may, on the recommendation of the Minister, order the release of any ward from the control of the Department or of an institution. It provides that, before any release is agreed to, the Minister shall, wherever practicable, give both parents an opportunity to appear in person before him to put forward any reasons they may desire as to why such release should not be granted. The Bill also proposes that where either parent is dissatisfied with the decision of the Minister regarding the release of any child, the right of appeal to a magistrate against the decision shall be available. Under the present system, children are almost always released from State control on representations made by one or both parents, or by relatives. Usually children whose release is desired are already under the care of one or other of the parents or relatives under what is known as the parole system. It occasionally happens that parents are asked to accept back from the care of the department children who have been in the charge of the department. These cases are very rare, because naturally parents will take their children back from the care of the department on the department being prepared to release them, and whenever the parents are in a position to provide the necessary care and control for them. The present system has operated for many years. It has operated very successfully, with almost entire satisfaction. The member for Subiaco (Mrs. Cardell-Oliver), in explaining the provisions of the Bill, cited only one case in support of the change the Bill proposes to make. Even if that were a good case, even if it were a case which proved that the Minister made a grave error in doing what he did, that would not provide justification, in my opinion, for making an alteration in the present Act. Simply because some provision in some Act of Parliament is proved to have worked unfairly in one instance out of 5,000 or 10,000 instances is no justification for altering the Act of Parliament in question. If that practice were to be followed, we would be amending almost every Act of Parliament in every session of Parliament. However, the case which the member for Subiaco put forward as justification for the Bill is not a case that proves the Minister to have made a mistake.

Mr. Cross: The Minister made no mistakes.

The MINISTER FOR EMPLOYMENT: I am prepared at any time to make available to any member the file in connection with that case. I am convinced that every member of the House, with the possible exception of the member for Subiaco, and the member for Victoria Park, would agree that the case does not provide justification for altering a provision in the Act. It provides that the Governor may, on the recommendation of the Minister, release from the control of the State to the parents concerned children that have previously been in the charge of the State. Even if the House were to approve of the Bill, it would not achieve the objective which the member for Subiaco sets out to achieve. It would not prevent children being released to one or both of the parents. Clause 51 of the Child Welfare Act provides that children may be released for periods to one or other of the parents, or to relatives, and it would be quite possible for the same thing to happen in these circumstances as happened in connection with the case which the member for Subiaco explained to the House when introducing the Bill. So even if Section 47 be amended in the direction desired, it would not overcome the position, or provide that measure of protection which the member for Subiaco evidently feels is necessary. To make the position absolutely secure in the direction the member for Subiaco desires, it would be necessary to amend not only Section 47 but Section 51 as well. The Bill does not propose to amend Section 51, and even if the amendment in the Bill were to be entirely accepted, it would not achieve the objective aimed at. The only case cited in support of the complaint made against the present provision is a case of a very doubtful nature, as most members would agree if they took the trouble to peruse the file. Power exists today for the Governor, on the recommendation of the Minister concerned, to release from prison a man sentenced for some offence. That provision has not been challenged, yet it is proposed in connection with the power of releasing a child from the care of the State that there should be an appeal possible to any person who feels aggrieved. It has not been shown that the present provision has worked unfairly, and I ask members to oppose the second reading of the Bill. It is hoped during next session of Parliament to bring down a comprehensive amending Bill to the Child Welfare Act

for the purpose of making the Act more in acordance with modern requirements and conditions. On that occasion it will be possible to give further consideration to proposals of this kind. I have no doubt that the Bill has been brought forward with the best possible motives. I am sure the member for Subiaco desires to remedy a position which she feels might have led to an injustice in one or more cases in the past, and to alter a provision which she feels might inflict some injustice in the future. In view of the satisfactory operation of the provision in almost every case, however, and that there is almost all the protection desired in the present Act, I do not propose to support the second reading.

MR. RAPHAEL (Victoria Park) [9.52]: I support the member for Subiaco in a measure which I think is overdue. The Minister has told us of the satisfactory administration of the department, despite the fact that he has been in charge of it for only a very short time. He says that members have the right to see the files concerning the cases of persons who are aggrieved. The Minister took the pains to reply when I interjected that it would be only the member for Subiaco or for Victoria Park that would perhaps disagree with his statement that the case cited was of a doubtful nature. The other night in speaking on the Estimates I did not mince my words in putting up a case for those aggrieved persons who I consider have been shown an injustice by the department. One would not mind the Minister speaking as he did if he were in close touch with the cases mentioned, or if the people who had suffered disabilities were given an opportunity of putting up their case. At present, if a person is dissatisfied the only opportunity he has of securing redress is to go to the member of Parliament representing his district. The Minister did not suggest that the case quoted by the member for Subiaco was good or bad. He said it was doubtful. A few weeks ago I had to deal with the case of a man named Quinn who had had to accept relief from the Child Welfare Department. He had the misfortune to have to bow to Mr. Meachem. People as unfortunate as he are hounded down to the lowest dregs humanity can be hounded down to.

Mr. Sampson: That is most unfair!

Mr. RAPHAEL: You shut up, or I will give you something unfair too! I say these people are hounded down to the lowest dregs by the inspectors of that department of which the Minister is in charge. If they show the slightest independence to Miss Stewart or Mr. Meachem, or attempt to fight their case, they are threatened with having their children taken away from them. And a Minister of the Government, and a Labour Minister at that, stands up and backs them up! I think it is damnably disgraceful that he does so. Quinn is a widower. He was left with four young children to rear. For six years during the infancy of these children this man was in ill-health and unable to work, and after all that time he took a drop of drink. I have known him for many years, and this is the first occasion on which he drank. I would have taken a drink every day, if I had been in his position. Because he did it on one day, Miss Stewart immediately recommended to the department, and the recommendation was forwarded to the Minister that the two children under the age of 14 should be removed from parental control and placed under a foster parent. The member for Swan would agree with that, but members on this side of the House endorse the view of the member for Subiaco, that the parents definitely have a right to put their case before the court through a solicitor or through somebody capable of presenting it. At present Miss Stewart makes a recommendation to Mr. Meachem, and he recommends to the Minister per medium of the file, and it is on the file that the Minister decides the case. What chance have parents to put up their case? In many instances they are in ill-health and have not an opportunity to present their arguments against the Minister's decision. Mr. Quinn had the children for six years and because he took a drop of drink on one occasion Miss Stewart removed the children from his control.

Mr. Thorn: That is not true.

Mr. RAPHAEL: The member for Toodyay says that is not true. I am prepared to donate £10 to the Children's Hospital if I am wrong, provided the hon. member will do the same if he is wrong.

Mr. Thorn: You have not got £10.

Mr. RAPHAEL: Then I will get it.

Mr. Thorn: You are talking nonsense.

Mr. RAPHAEL: The hon. member will not take the part of those who stand in need of help. I know what his thoughts are.

Mr. SPEAKER: The member for Toodyay is not under discussion.

Mr. RAPHAEL: If he were, he would probably extend a little more sympathetic consideration to those people. The member for Subiaco has taken a step in the right direction in proposing that parents so situated should have an opportunity to ventilate their cases in the court if they so desire. What right have the Government to say that, because people through stress of circumstances are compelled to accept help from the department, their children shall be taken from them?

The Minister for Employment: This Bill will not affect that position.

Mr. RAPHAEL: It will. The Minister puts up one argument at one minute and another argument the next minute. The people have a right to ventilate their cases and this will afford them that opportunity in the event of children being taken from them on the recommendation of the departmental officials and with the sanction of the Minister. I commend the hon. member for having introduced the Bill.

MR. SAMPSON (Swan) [10.6]: I have a great regard for the Child Welfare Department and cannot agree with any remarks reflecting on the officers of the department. I have had considerable experience of them and I know they are sympathetic and take a reasonable, considerate and proper view of all matters that come before them. They are indeed humanitarian in their viewpoint. The proposal is that previous to the release of a child the parent should be consulted and given an opportunity to take the child, and we are asked that the matter might be heard before a magistrate. Frequently a child is doubly an orphan, and in that event the measure would not apply. Dependence upon the Child Welfare Department may have become compulsory because of need, but that need should not deprive parents of the rights they possess in connection with their children. The Act provides that the Governor may, on the recommendation of the Minister, order the release of any ward from the control of the department or from any institution, and that upon production to the secretary, or in the case of an institution to the superintendent or matron of such order, the child shall be forthwith released. I have confidence in the Minister; I know he would take a sympathetic view of any case. The parent has a special right and our system of civilisation demands reference to the parent or parents in cases of the kind. I am aware that in many instances parents are neither qualified nor suitable to have the care of their children. That does not apply in all cases. Accordingly the consideration asked for in this measure should be given. I am also aware that the sole surviving parent may be the victim of mental trouble, may be a confirmed degenerate, and that there may be other difficulties. These cases do not represent 100 per cent. of all the cases, and after all parents do have a special right over their children. If a parent has not that right, who has? Temporary needs which call for the care and support by the Child Welfare Department should not deprive parents of that privilege.

Hon. P. D. Ferguson: A magistrate would not give that type of parent the care of a child.

Mr. SAMPSON: There would be no fear of the result of the submission of a case to a magistrate in those instances where the parents could not properly care for their children; but the parents should be heard if they desire to be heard. These cases should be dealt with in camera. It would be better for all concerned if such were the case. The Minister has correctly pointed out that only one case has been mentioned. These cases do not become generally known. When one case is known it may mean that many are dealt with which do not become known. It was stated by the Minister that the section has been working successfully. I would not dispute that. I have confidence in the department. The principle contained in the Bill is of so important a nature that I do not propose to do other than support it. Parents call for special consideration; in many instances it is in the best interests of the children that that consideration should be given. The mover of the motion provides for the removal or release of the child. She goes even further than that. If a child is released, it will be permanently removed from the care of its parents. Thereafter they would have no legal control over the child. Modern requirements, indeed the requirements of every age, call for that consideration which the member for Subiaco has requested. The Bill is of a humanitarian nature. It provides for consideration for the parents, to whom in a great majority of

cases their children are their nearest and dearest possession. I shall vote for the second reading.

HON. C. G. LATHAM (York) [10.13]: I support the Bill which is a very simple one. All it provides is that there shall be a right of appeal in the case of an alteration in the control of the child. According to the Act the Governor-in-Council has certain rights. The member for Subiaco has informed the House quite correctly that there is no appeal against an Order-in-Council. She desires to take that power away from the Governor-in-Council and hand it to the Minister, giving the Minister the right to do what the Governor-in-Council has the right to do now, and also giving the right of appeal against the decision of the Minister. There seems to be nothing wrong with that. The Minister has no need to fear that any magistrate will do what his departmental officers will not do. In consequence, I think this Bill gives parents at least an opportunity to express their views, and probably obtain control of their children when hitherto they had been unable to do so. I wish to dissociate myself from any remarks that were made by the member for Victoria Park (Mr. Raphael) concerning the officials of the Child Welfare Department. His experience is different from that of most members.

The Minister for Employment: He only abuses the officials.

Hon. C. G. LATHAM: I know of no officers of the service who give more sympathetic consideration to people who visit them, including parents of children who have had to be taken into the control of the State, than these officers. They are most patient. I cannot understand the hon. member's remarks about Miss Stewart. He has had an extraordinary experience apparently, compared with the experience of most other members. Over the number of years that I have been in politics I have frequently come into contact with the department. Sometimes there have been grievances that I have desired to get put right. The cases have been fully explained to me, even if the files have not been shown to me, and I have been given the fullest information. Very frequently the cases have been such that I have not been able to support them. The officers of the department are very sympathetic in their outlook.

Mr. Wilson: Always.

Hon. C. G. LATHAM: Particularly is that so in connection with children taken over by the State. The officers of the department have indeed been very helpful parents to many of those children.

Mr. Wilson: That is my experience too.

Hon. C. G. LATHAM: There is no need to reflect upon officers of the service.

Mr. Raphael: I will please myself what I do. I do not ask the hon. member to direct me.

Hon. C. G. LATHAM: I do not for a moment propose to endeavour to create intelligence where it is impossible to get it.

Mr. SPEAKER: The Leader of the Opposition must not reflect upon another member.

Hon. C. G. LATHAM: I am not doing so, but if he likes to apply that to himself he may. The hon. member has no knowledge of any subject. The Bill has nothing to do with that side of the question. It merely gives to parents the right of appeal. At present there is no appeal against the decision of the Governor-in-Council. The hon. member desires to take that authority from the Governor-in-Council, hand it to the Minister, and afford this right of appeal against the Minister to a magistrate. That is a just thing. It will not injure the department or the Minister's control. Possibly it will give some satisfaction to parents who feel they are aggrieved, and will give them an opportunity in court to state their own case.

MR. SHEARN (Maylands) [10.18]: This Bill is of a simple nature and such as to warrant the support of the House. There was nothing in the remarks of the Minister that could militate against the measure commending itself to us. I wish to refer to the remarks of the member for Victoria Park (Mr. Raphael). For a number of years I have come continuously into touch with the officers of this department. It is obvious to me that it is because of the attitude which he so frequently adopts in this House that he has evidently incurred the displeasure of some of these officers. My experience has been entirely in the other direction.

Mr. Raphael: You have not been here very long yet.

Mr. SHEARN: If I had to rely for my place here upon such exhibitions as we see from the hon. member, I would not hope to

be here very long. I do not mind his interjections, because he does not disturb me in the least. It is to my mind discreditable in any member of this Chamber that he should take advantage of the position he holds here to abuse officers of the Public Service. It is the duty of every member to protect the public servants of the State. If he has any grievance against them, such as I have had at times, there is a proper place in which to discuss such grievances, and it is not here. A member who attacks the public servants of the State shows great lack of courtesy. What the member for Victoria Park has to say about the officers in question is wholly unjustified. I support the Bill and do not feel that the Minister has any need to fear anything from it. It merely provides for an appeal from the decision of the departmental officers. I am sure that no magistrate in his senses would do anything drastic in any case which had not first been exhaustively dealt with by the officers of the department. I support the second reading of the Bill.

MR. WATTS (Katanning) [10.20]: I shall support the second reading of the Bill, because I contend it is a reasonable and proper proposal. I am extremely surprised at the Minister's objecting to even the second reading being carried. The main amendment proposed by the member for Subiaco has nothing whatever to do with the Child Welfare Department, and I shall not touch on the relationship of that department with either members of Parliament or anybody else. I propose merely to deal with the two provisos which the hon. member proposes to add to the section. Why I am surprised at the Minister's objection to the second reading being carried is that I can hardly believe he objects to the parents of the ward, if they can be found, being notified of the Minister's intention and given an opportunity to place their views before him. That is the first proviso. Even if the Minister objects to the proposal that after his decision has been given, the parent, if feeling aggrieved, may go to a police magistrate by way of appeal, the first proviso seems to me nothing but common justice. Surely, in the circumstances contemplated by the Bill, a parent is entitled to be told what are the Minister's intentions in regard to a child, even though that child may have become a ward of the State. I see no reason whatever why the Bill should not pass the second reading, and opportunity be given for the carrying of that proviso if the other proviso should be struck out in Committee. The second proviso gives the right of appeal to the magistrate of the local court at Perth, and I see no objection to that either. I do not suppose for one moment that the Minister expects us to believe that all Ministers of the Crown are without fault and that at no time will there be a case in which there might not easily arise a sense of injustice and a desire to see that justice is done. That being an evident possibility at some future time, the second proposal is entirely reasonable. I shall support the second reading of the Bill and the retention of both amendments in their entirety.

MR. NEEDHAM (Perth) [10.23]: I move—

That the debate be adjourned.

Motion put and negatived.

HON. P. D. FERGUSON (Irwin-Moore) [10.24]: I desire briefly to support the Bill sponsored by the member for Subiaco. I experienced considerable surprise at the Minister's attitude in opposing the measure. My main reason for supporting it is its principal proviso, giving parents the right of appeal to a magistrate from a decision of the Minister. Most children are very dear to the hearts of their parents; and there are many children who have been made wards of the State purely and simply on account of some disability or other that the parents have suffered under during recent years, due in large measure to the troubled state of affairs that has existed in this country, and in many cases due to no fault of the parents. When such people want to regain control of their child, it is only right that every opportunity should be given them to appeal to some higher tribunal. Means of appeal to some higher tribunal than the Minister are popular today. As was remarked here this evening, Ministers are not infallible. There are people closely associated with the Minister and with the Government in political affairs who are seeking channels for appeal from one thing or another. In almost every newspaper we pick up nowadays we see that some section of the movement with which the Minister is associated seeks an appeal from the decision of the President of the Arbitration Court. Bills are brought forward seeking to grant the

right of appeal from decisions of the State Transport Board. Appeals are set up in nearly every walk of life from the decision of some court or other. If an engine-driver in the Railway Department gets the sack, or is disrated, or is fined a day's pay for some offence which the Commissioner considers he has committed, that engine-driver has the right of appeal. As regards nearly everything that comes before any tribunal for decision nowadays, provision is made in some form or other for appeal to a higher tribunal. If appeal is provided in all the instances I have mentioned, surely there is ample justification for the provision of appeal in a case where the very existence of a child may be at stake. Therefore I support the Bill.

MRS. CARDELL-OLIVER (Subiaco - in reply) [10.27]: I desire to thank all hon. members who have supported the Bill. When moving it I felt quite sure that it would get the support of every member of the House, because it is so very simple and so very humane. I trust that the Minister will change his mind and vote for the Bill. If the hon. gentleman does not do so, I hope he will be just as lonely as was the Minister for Justice when he sat there and a Bill was carried against him.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 10.31 p.m.

Legislative Assembly.

Thursday, 22nd October, 1936.

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

QUESTION—RAILWAYS, WATER CARTAGE.

Mr. WATTS asked the Minister for Railways: What has been the cost of carting water for the railways in consequence of the failure of the water supply at Katanning during the financial years 1935-1936, 1936-1937 (to the 30th September, 1936)?

The MINISTER FOR RAILWAYS replied: 1935-1936, £945; 1936-1937 (to the 30th September, 1936), £309.

QUESTIONS—ABORIGINES.

Chief Protector and Political Influence.

Mr. COVERLEY asked the Minister representing the Chief Secretary: 1, Have the inquiries into the alleged statements of the Chief Protector of Aborigines relating to political influence been completed? 2, If so, will he lay the papers upon the Table of the House?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, Yes, if desired by the House.

BILL—CITY OF PERTH ENDOWMENT LANDS ACT AMENDMENT.

Introduced by the Premier (for the Minister for Lands) and read a first time.