which happen to have been set down after motions of a debatable character.

ADJOURNMENT.

The House adjourned at 10·45 o'clock, until the next day.

Legislative Assembly,

Thursday, 19th July, 1906.

THE SPEAKER took the Chair at 4·30 o'clock p.m.

PRAYERS.

PERSONAL EXPLANATIONS (3).

MR. EWING.

MR. J. EWING (Collie): I desire to make a personal explanation in reference to a few remarks I made last night on the Collie coal question. I stated that the honorarium given to Dr. Jack for his investigations was £1,000, but I find I was in error. The honorarium was £650, of which amount £200 was paid to an assistant, leaving to that eminent scientist £450 for the work he did.

MR. JOHNSON.

MR. W. D. JOHNSON (Guildford): I desire to draw attention to a statement made by the member for East Perth (Mr. Hardwick) to the House on the 12th July. The hon. member stated that my name appeared in connection with the lease of an hotel at Kalgoorlie. The statement is absolutely incorrect. I think there are enough sins already recorded against me in *Hansard* which I shall have to answer for, without allowing this to pass. The statement is absolutely incorrect.

MR. HARDWICK.

MR. J. E. HARDWICK (East Perth): In explanation, what I said was only in connection with a pamphlet I had picked up, and it was not a definite statement on my part. It was only a reference made in a pamphlet authorised by C. G. Graves.

MR. BATH: Did you get it when you were canvassing?

MR. HARDWICK: I was not canvassing, so I could not. The hon. member has pointed out that the statement is perfectly incorrect. I pointed out at the time that I would not have referred to it—[MR. TAYLOR: Is the hon. member in order?]—I pointed out that I had no intention of doing the hon. gentleman who was contesting a seat any injury. However, as the hon. gentleman denies the statement, I withdraw it.

QUESTION—PROSPECTING EXPEDITION, NORTH-WEST.

MR. HOLMAN asked the Minister for Mines: 1, The names of the party or syndicate (of which Mr. Duff was one) that recently left for the North-West on a prospecting expedition? 2, What previous experience of prospecting, to the knowledge of the Minister, has each member of the party had? 3, The names of all those interested in the syndicate? 4, Has the Government granted financial or other assistance to the syndicate? 5, If so, to what amount or extent?

THE MINISTER FOR MINES replied: 1, Application was made on June 1st to the Department by T. Duff, on on behalf of himself and H. Page, for the loan of two horses, harness, and spring dray, for the purpose of prospecting the Gascoyne and Ashburton districts, and on the 6th this was approved. On the 18th he applied to be allowed to alter his application to enable him to proceed to Derby in lieu of the Gascoyne. This was refused owing to the receipt of a wire from the local Resident Magistrate, stating that a fair

amount of money and good equipment were necessary for that locality, Duff being informed that unless he could show that he had adequate funds the equipment asked for could not be granted. It is understood that a syndicate was then formed called "The Pilbarra Prospecting Syndicate," to provide necessary funds, and this syndicate made all subsequent arrangements with Mr. Duff as to the personnel of the party. 2, The prospectors known to the Department, T. Duff and H. Page, have had considerable prospecting experience, the former in the Eastern Goldfields and the South-West District, and in South Africa, the latter in Kimberley, Yilgarn, and other districts. There are two others in the party, one of whom is a connection of mine, the other is unknown to me; but these two had no connection with the application, nor were they to my knowledge cognisant of the application for some time subsequent to its approval. In the case of the former he asked if I had any objection to his joining the party, and I consented subject to his repaying the Department his quota of the cost of any assistance. 3, Unknown to the Department. The hon. member can apply to the secretary of the syndicate, who will probably furnish him with this information. 4. Yes. 5, Loan of two horses, spring cart, harness, etc., costing £52 19s. 4d.

BILL—POLICE.

CONSOLIDATION AND AMENDMENT.

Introduced by the ATTORNEY GENERAL, and read a first time.

PAPERS PRESENTED.

By the MINISTER FOR MINES: Papers relating to recent boiler explosion at the Sons of Gwalia mine. Report and papers connected with analyses of certain spirits analysed by the Government Analyst.

By the PREMIER: Table to accompany report of the Inspector General of Insane.

BILL—COLLIE AND ESPERANCE RATES VALIDATION.

Read a third time, and transmitted to the Legislative Council.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

SECOND READING.

Debate resumed from the previous Tuesday.

MR. T. H. BATH (Brown Hill): In regard to this measure, I may say that on two previous occasions since I have been in the House a measure of this kind has been introduced for the purpose of giving to managing clerks who may have been engaged for a specific time in a solicitor's or legal practitioner's office the right to practise in the State. On the last occasion when the matter was brought before the House I attempted, in common with other members, to introduce amendments or to suggest amendments which would have the effect of liberalising the measure. Unfortunately at that time the measure was entrusted to the tender mercies of a select committee of which I happened to be a member, and it seems to me the select committee got hold of the measure with the idea of not allowing it to get back to the House again. Certainly the result of its consideration of the measure was abortive, and we have had to wait until the present Bill was introduced for the attempt to confer what I believe these people are entitled to, the right to practise after a certain time in a solicitor's office. The Attorney General was somewhat astonishing in the course of his remarks in advocacy of the Bill, because in common with the Treasurer the Attorney General is a great believer in the virtue of competition, and he believes that in all departments of activity the individuals should be subject to vigorous blasts of competition, as being necessary to their well-being; but when we come to deal with the legal profession of which he himself is a member, and I may say an ornament, a different idea is adopted. It is in the interests of the profession, instead of being open to competition, instead of the freest possible opportunity consistent with the ability of the individual applying to be admitted, that we should hedge it round in every possible way with restrictions. The Attorney General in the course of his remarks stated that it was necessary that we should have these restrictions, and that it was necessary to go slow in making any amendment of the Legal Practitioners Act, because he did not

desire in Western Australia that anything should be done to lower the status of the profession. I am inclined to think that, making a comparison of the conditions obtaining in Western Australia with those obtaining in other places where much more liberal conditions exist, what is necessary in Western Australia is not greater restrictions but a greater liberalisation of the conditions surrounding the legal profession. We find, for instance in England, after passing the necessary examination for the bar, a person can be admitted to practise the profession; and we find on the other hand in Western Australia that a person has to serve five years' articles to a solicitor before he can be admitted, and he has also to pass the necessary examination; and no matter how long a person has been an articled clerk or a managing clerk, for 10 years or 15 years, he has no right to practise his profession. Here, with all the restrictions and safeguards to keep out what is considered the objectionable element, we have to go from Western Australia with these restrictions to England to secure two Judges. With all the restrictions imposed in Western Australia, we have had practically stated by those in authority in the State that we have not gentlemen practising the legal profession here who can be trusted to be appointed to a judicial position, and that we have to go to the old country where more liberal conditions prevail. [Interjection by the ATTORNEY GENERAL.] I do not know that the Attorney General is responsible for that. I am only pointing out that whilst he finds that these restrictive conditions are necessary in order to uphold the status of the profession, that status is not evident when we have to go to a country with infinitely more liberal conditions to get suitable gentlemen to act as Judges on the bench.

MR. FOULKES: The reason was that the best men here would not accept the appointment.

MR. BATH: If we take the conditions obtaining in New South Wales, we find that there, if any person can pass the necessary law examinations for three successive years, he is entitled to be admitted as a barrister. In New South Wales, as pointed out by the Attorney General, the professions of barristers and solicitors are separate; but the fact remains that a person can after three years' examinations be admitted to the Bar there; and to show that this does not introduce an undesirable element into the legal profession there we have only to point out that Mr. G. H. Reid, the present Leader of the Opposition in the Federal Parliament and an eminent man in his profession, was admitted by that means. Mr. Reid was, I believe, a clerk in the Government Printing Office in New South Wales. He studied for the Bar, and after passing the necessary examinations was admitted. We find also that other gentlemen who at the present time occupy fairly prominent positions in New South Wales legal circles have been admitted in precisely the same way. Then if we go to Queensland, where liberal conditions have obtained —I do not know whether they exist at the present time— we find that the newest appointments to the bench in that State, Mr. Justice Rutledge and Mr. Justice Real, also studied for the bar and obtained admittance through passing the necessary examinations, and, as I have indicated, they occupy the proud position of Judges in that State. Seeing that these liberal conditions elsewhere have been responsible for the admittance of eminent men of this character, and seeing that professionally they are on as good a footing or even better than those in Western Australia, I think that in the interests of that competitive system which the Attorney General was wont, in old times at least, to glorify, some much more liberal amendment should be introduced in the Act in this State. I quite agree with the proposal embodied in the Bill, that is to allow those managing clerks who have been a specific number of years in a solicitor's office to be admitted, but I think the Bill should go even farther. I think we should embody in the Act in this State those conditions which have proved advantageous to New South Wales, New Zealand, and the old country, and have been responsible for the admittance of many men, as I have already stated.

MR. J. C. G. FOULKES (Claremont): A Bill on these lines has been brought before the House on two previous occasions, and on each occasion I endeavoured to point out to the House the difficulties that arose in dealing with the legal pro-

fession in Western Australia. Comparisons have been made only within the last few minutes by the Leader of the Opposition with what takes place in other countries, but he, like many others, forgot that the conditions in the other States are not the same as they are here. The last time a Bill was brought forward I pointed out, and it must be well known to some members here, that in most countries there are two branches of the legal profession, one called the barristers' branch and the other the solicitors' branch. In those countries where these distinctions exist between the branches of the legal profession, separate rules with regard to the admission of applicants to the particular branch of the profession are framed. In this State the two branches are amalgamated; there is no distinction between a solicitor and a barrister; but in the other States referred to by the Leader of the Opposition, like New South Wales and Victoria, there are two separate branches.

MR. BATH: Oh, no; they are amalgamated in Victoria.

MR. FOULKES: Then it has been only very recently; but anyway, in New South Wales, the State which was most particularly referred to by the Leader of the Opposition, there are two distinct branches of the profession, and, as I said just now, there are different requirements for each. If one wants to enter the barristers' branch he has to comply with certain requirements, and if he wants to enter the solicitors' part of the profession he has to take other steps. Here there is an attempt made to dispense with the two necessary qualifications practically, and to pass a law that there shall be only one requirement for the two branches of the profession. It is my duty to point out to the House that this is a most difficult thing to do, because the requirements of the man who wants to enter the solicitors' branch are entirely different from those of a barrister. In 99 cases out of 100, as many people know, a barrister is an advocate; he has to be a good speaker and to be possessed of certain qualifications to enable him to become a success at the Bar. But with regard to the solicitor—and this applies to New South Wales and other countries where these distinctions are drawn between the barristers' part of the profession and the solicitors' part—he is not allowed access to the Supreme Court, and the qualifications which are necessary for a solicitor to practise are quite distinct from those required by a man who wants to join the barristers' side of the profession.

MR. BATH: Yes, but an applicant over here might only desire to plead.

MR. FOULKES: Yes; I am only desiring to point out that in the other States and in England also, when a man joins the barristers' branch of the profession he is not allowed to do solicitor's work, and a solicitor can do only solicitor's work. I repeat that a solicitor cannot be heard in the various Supreme Courts, and that a barrister is not allowed to do solicitor's work. A barrister cannot even transfer. I mention the distinction so that the House may see there is far more difficulty in dealing with this subject than the Leader of the Opposition has realised.

MR. JOHNSON: Would the hon. member point out why the two branches should be separate?

MR. FOULKES: I personally see no reason at all why they should be separate; but this is the point I want to emphasise, that if we amalgamate the two branches we must have the two requirements. There are certain requirements necessary for a barrister and certain requirements necessary for a solicitor, and if we amalgamate we must have the necessary requirements for the amalgamation. Take the requirements of a barrister in England, and also in Ireland. He is examined there in certain subjects. For instance, he must have a good knowledge of Roman law, and he has to study pleadings and have a knowledge of preparing papers concerning actions tried in the Supreme Court. A solicitor has not to learn that all. If we amalgamate the two branches of the profession, we must see that a man who is admitted shall have the qualifications and knowledge sufficient for both branches of the profession.

MR. JOHNSON: Cannot you leave that to the Barristers' Board?

MR. FOULKES: I am dealing now with this Bill. This measure does not make any provisions of that kind. If a man has served as a clerk in an office for ten years he is considered to have sufficient

qualification to enable him to practise as a solicitor and also to have sufficient knowledge to enable him to practise as a barrister. No clerk will acquire, by merely working in an office, sufficient knowledge to enable him to practise as a barrister. I wish to point out that it is really most important to give full powers to the Barristers' Board to see that these men, if admitted to both branches of the profession, are properly qualified. One difficulty with regard to the Bill, a difficulty which I quite realise, lies in defining the expression "managing clerk." There are offices and offices; there are managing clerks and managing clerks. Some managing clerks are experts in their particular departments, some have served perhaps 20 years in their offices, and are thoroughly versed in particular subjects, for instance conveyancing. But in other offices the managing clerks have been there for 10 years, during which period their work has been confined to local court or police court practice; and that class of work is all that they know. It will therefore be necessary to empower the Barristers' Board to frame regulations to decide who are to be entitled to rank as managing clerks. Take the case of a solicitor who has just started practice: he has in his office perhaps one clerk, a boy of 16. According to the Bill, that boy will be quite entitled to rank as a managing clerk; yet he, after being there for three or four years, will know very little more than he knew when he started. I am agreeable to helping the Leader of the Opposition and other members who wish to have this Bill passed; but I stipulate that full power be given to the Barristers' Board to prepare the necessary regulations. The Leader of the Opposition has very important amendments to propose. I know the kind of amendments he wishes, for he proposed them last year; and therefore I would suggest to the Attorney General that he should adopt the practice agreed to last year, and refer this Bill to a select committee. I shall be only too happy to serve on that committee, and to facilitate the passing of the Bill.

MR. P. J. LYNCH (Mt. Leonora): I was rather surprised, when the Attorney General gave an outline of this Bill, to hear him commit himself in such dogmatic fashion to an assertion of its great merits, without at the same time taking the House into his confidence and inviting from the Opposition or from the Government side an expression of views differing from his own. He made his strongest point out of the necessity for preserving society from a kind of horde of uneducated, ill-tutored legal practitioners, and urged that it was quite as necessary to preserve the community from the depredations of that class as to preserve it from medical quacks or charlatans. I feel that the cases are not at all parallel; because, in the relations between the legal profession and the rest of the community, a practitioner's fitness or unfitness can always be judged by the manner in which he acquits himself; and if he shows himself foolish or incompetent, his reputation as a practitioner immediately wanes, and the recollection of the community will prevent him from prospering as a lawyer. But take the case of the medical quack. If he is abroad and practises as a duly qualified man, it very often happens that his mistakes are covered, as has well been said, by a friendly shovel; whereas a legal practitioner's one mistake or his one evidence of incompetency is remembered against him by the community in which he lives. I feel in the present case, notwithstanding the great anxiety that the Attorney General has shown to preserve the community from the depredations of unskilful practitioners, that after all his leading motive is, perhaps unconsciously, to preserve his calling from an undue influx of competitors, who would certainly split up the spoils of those who are now engaged in a highly profitable profession. I fail to see why the same rule will not operate in the legal profession as is found to operate in every other profession, trade, or calling, that is to say a sufficient number of competitors would prevent the legal profession from being one of the most profitable in existence. It is, I presume, within the knowledge of every member that many lawyers have been able to retire after two or three years of intense application to their calling. I have been informed of one legal gentleman of very mediocre character here, who was drawing in rents about £900 a year; and as far as I can learn all this was the result of his professional labours. It is plain that

there are many men who can pass an examination, and yet never get within reach of the top of the tree, because they are not gifted with that genius or those other qualifications necessary for attaining that height; yet I feel that with a freer entry into that profession we should have more men of genius there, and consequently a more equal division of the good things now shared by legal practitioners. The Bill as it stands is undoubtedly, as the Leader of the Opposition maintains, a plain discount on genius. It has been mentioned here that some who are unquestionably the leading lights, the ornaments of the profession in the Eastern States, reached the zenith of their distinction because the mode of entry to the profession was in their day much easier than even the present Bill proposes or the present laws of the Eastern States provide. And while we have men such as Mr. Justice Real, who carried his carpenter's tools morning after morning in the Queensland township of Ipswich—men who are admitted on all sides to be a credit to the profession—I would ask, wherein lies the danger of adopting the system that has made possible the appearance of Mr. Justice Real on the Queensland bench to-day, of adopting the system that has made possible the easy entry to the profession of Mr. G. H. Reid, late Prime Minister of the Commonwealth and now in the front rank of the legal profession in the Eastern States? I am informed —I know not with what truth, and I will make the statement subject to correction —that even our own Chief Justice was never in any manner articled, and was not subject to the restrictions which the present law imposes. So that in face of the experience of these successful men who gained easy access to the profession, I hold that the present effort of the Attorney General is not going by any means far enough to encourage that native genius to be found amongst the sons of poor people who cannot, as the law stands, afford to have them spend five or six years of their youth without any income whatever. The law as it stands is unquestionably in favour of the richer elements in the community—those who can afford to sacrifice the time of their children. I believe that in America articles are altogether abolished.

THE ATTORNEY GENERAL: Do you know what are now the actual rules in America?

MR. LYNCH: I do not know what are the latest rules; but I have heard that articles in any shape or form have been abolished; and the American jurists stand as high in the estimation of competent judges as the jurists of countries where restrictive rules exist. There is in this Bill one blot which is of course quite in keeping with the character of the law as it stands, and which accordingly favours the legal profession; that is, an articled clerk must not practise his profession within three miles of the office where he served his articles, within 12 months after leaving that office. Now if, for instance, a blacksmith had a journeyman who left his service or an apprentice who had served his time, there would be no restriction at all on the apprentice or the journeyman if he set up alongside his former employer, and the same remark applies to most other trades and callings that we know of; therefore if what I may term the common law practice applies without restriction to other trades and callings, I wish to know why should this unnecessary restriction be placed upon a person just called to the Bar after serving as a managing clerk? I look on this restriction as wholly unnecessary, and as conferring an undue advantage on practitioners in this State. I am inclined to move special amendments with regard both to this point and to reducing the period for which articles must be served.

THE ATTORNEY GENERAL (in reply): I stated when introducing the Bill that it was the most liberal Bill in Australia to-day for the admission to the profession of those serving and those who have served in the capacity of clerks in any solicitors' offices.

MR. BATH: That is as other than articled clerks.

THE ATTORNEY GENERAL: At present, our provision as regards articled clerks is absolutely on a par with the provision in at all events some of the Eastern States; and in this Bill we are not dealing with articled clerks. This is a Bill to enable those who have not served articles to be called to the profession. The Leader of the Opposition dwelt on the fact that New South Wales

makes certain conditions of admission to practise as a barrister, and that those conditions are more liberal than the conditions we suggest in this Bill. But before dealing with that let me again compare the provisions of the Bill with the provisions now in force in New South Wales for the admission to the solicitors' side of the profession of clerks who have been employed in the offices of solicitors in that State. There, as I have said, a clerk requires to have been employed for a period of 10 years, and to have been employed for five years of that period as a managing clerk; and he has to pass two examinations. We propose in our Bill exactly the same term, 10 years, and exactly the same portion of that term as a managing clerk, five years; but we eliminate one examination, so that, on comparison, ours must be held to be the more liberal terms, because we simply ask them to pass one examination.

MR. BATH: I am not complaining about this provision; I am complaining that the Bill does not go far enough.

THE ATTORNEY GENERAL: Pardon me. Why I deal with the solicitor's side of the question in New South Wales and the solicitor's side of the question here, will be evident when I turn, as I shall turn now, to what is the position of a barrister. The Leader of the Opposition did not, I hope, seriously challenge the position I took up, that it is our duty to protect the public; because if we have regard for that position we must bear in mind that a man who has the right to practise only as a barrister has between him and the public the safeguard of the profession. A barrister can only be instructed by a solicitor. Therefore, if he is a man not fully competent to do the work, he does not get any. And he has the most severe critics in the world judging the value of that work, not the public themselves, who as we know are very generally described as being gullible and innocents, but members of the profession who know the value of legal knowledge.

MR. TAYLOR: A barrister is only retained by solicitors.

THE ATTORNEY GENERAL: Yes. Therefore, if he is not a competent man and fully possessed of the ability to plead cases, he remains—as so many have remained in the old country—a briefless barrister to the end of his days. If the hon. member had had any experience of the old country, and particularly of the law courts there, he would know that there are hundreds of men walking about those courts who have never had and who will never get briefs, who will pass the whole of their careers without earning a single penny, because those members of the legal profession denominated as solicitors have not sufficient confidence in the knowledge and ability of those men to allow them to appear in court and plead cases on their behalf. Here we give direct contact between the professional man himself and the public, and it is only right and proper that, where we give that direct contact, it is at least due from us that we should adopt the same precautions as are adopted in the other States, and particularly in the State of New South Wales, that mentioned by the Leader of the Opposition. The Leader of the Opposition suggested generally that the profession should be thrown open to competitive examination. [Mr. TROY: Hear, hear.] I think he must have misused the word. I think he must have meant "qualifying" examination.

MR. BATH: I did not say "competitive examination" at all; I did not use the term.

THE ATTORNEY GENERAL: I can only inform the hon. member that he did, probably inadvertently, use the term, and as I am assured that he did not mean the word as used, I shall pass on. In reply to the request made by the member for Claremont (Mr. Foulkes) for a select committee, I for my part see no use in referring a measure of this kind, which has been so often debated in this House and the merits of which have been threshed out, to a select committee. I hope the House on this occasion, even if it do not accept the Bill, will deal with it, and I shall submit it for that purpose. The member for Leonora (Mr. Lynch) has dwelt, with some considerable eloquence, on the fact principally that the legal profession is very lucrative. I am afraid that this is another instance of "the distant green hills." Everybody thinks that any profession to which he does not belong is exceedingly lucrative. When the hon. member—as I believe he intends to do some day—comes and joins our profession,

he will find that the rewards are earned just as hard in that profession as in any that could be named; and he will find, when he becomes a participant, that on the whole the rewards earned are fully deserved. There is nothing in the Bill that I have occasion to refer to, except to to say that I have gone as far as I possibly can, in my opinion, with safety to meet the wishes of those who have had, from time to time, promises that their claims would be considered; and in regard to particular clauses, when we go into Committee I shall be prepared to show to the House cogent reasons why they should remain as printed. I shall only refer to one clause mentioned by the member for Leonora, in passing, by reminding him that when I moved the second reading of this Bill—the member for Mt. Margaret (Mr. Taylor) at least was present—I gave good reasons why that clause should be inserted. When we get to the Committee stage I shall, if necessary, repeat them.

Question put and passed.

Bill read a second time.

BILL—GOVERNMENT SAVINGS BANK.

CONSOLIDATION AND AMENDMENT. SECOND READING MOVED.

THE TREASURER (Hon. Frank Wilson), in moving the second reading, said: I may perhaps be pardoned for referring briefly to the conditions which have obtained in regard to the Government Savings Bank up to the present. This Bill, of course, is more in the shape of a consolidating measure, perhaps, than a new one, because it contains, I suppose, at any rate three-fifths of the provisions of the old Acts which are repealed by this one. At the present time we have in our Savings Bank system some liberal provisions. Indeed, I may say that the bank is carried on under more liberal conditions than the Savings Banks of the other States, to some extent. For instance, the administration of our Savings Bank is controlled by the Treasurer, as members know. In some of the other States the Savings Bank is controlled by a certain number of trustees. That system to my mind is not desirable, and we do not propose to alter ours. Then as regards the maximum amount which may be deposited, Western Australia compares very favourably with the other States, with the exception of Victoria. In Victoria they are enabled to deposit a maximum of £1,000; but Western Australia comes second with a maximum of £600, while in South Australia the maximum is £500, and in New South Wales £300. Queensland has the broadest system in this respect of the lot, as she does not limit the amount which may be deposited in the Government Savings Bank. In all the States, including Western Australia, permission is given to deposit sums from 1s. upwards; but Queensland is rather conservative—she will not accept anything under 5s. The interest paid, of course, is subject to variation and alteration from time to time. At the present time Western Australia, New South Wales, and South Australia pay 3½ per cent., which is higher than the rates paid in Victoria and Queensland, namely 3 per cent., while on portion of the deposits in Victoria it is only 2½ per cent. This is, of course, variable. The interest-bearing limit varies to some extent. We pay full interest up to £300; South Australia pays interest only up to £250, Queensland to £200, and Victoria pays interest at 3 per cent. on the first £100 and 2½ per cent. on the next £150, making a total of £250. I need not refer to the investment funds, which are pretty general throughout the State; and so far as the machinery of the bank is concerned, it does not perhaps interest members to hear of it. I may say in regard to demand payments we have endeavoured to be liberal. By this Bill we liberalise to a considerably greater extent the Savings Bank of this State; still, up to the present it has been generally endeavoured to liberalise the system by regulation; and in this respect arrangements have been made whereby demand payments or rather repayments are made at the head office. That is, a depositor may come into the bank and ask for his money, sign the usual documents, and within a very short space of time, something like 10 or 15 minutes according to the business being transacted, he can get his money.

MR. BATH: That was provided in the 1902 Act.

THE TREASURER: Yes. I am explaining the system that obtains to-day.

I do not want members to go away with the idea that the system is not fairly liberal at the present time. With regard to withdrawals, in the other States at least a day's notice has to be given before money can be withdrawn to any great extent. Withdrawals by telegram have also been arranged here to some extent, so that anyone in any portion of the State may, by wiring down notice of withdrawal, get a reply back and get his money the same day. So far as this Bill is concerned, its main provisions are, first of all, to consolidate the existing five Acts of Parliament into one Act; and they are, of course, repealed when this Bill passes. Then we wish to change the title of the bank. At the present time it is called the Post Office Savings Bank, because it was connected—as were all the savings banks in the other States before Federation—with the Post Office, and was controlled by the Postmaster General. The other States have altered the name, and we think it desirable that the name should be changed here also, to dissociate it from the Post Office and from the Federal business, and to make it a State Savings Bank purely. We also propose to arrange to provide in this Bill for a more liberal power in the appointment of agencies. At the present time we can only appoint State officials or post office officials to take charge of our branches throughout the country. There has been found a considerable demand in places such as timber stations, contractors' camps, and construction works throughout the State for facilities of at any rate depositing a certain portion of the wages of the workers in the Savings Bank. This cannot be done now, but by this Bill we propose to give power so that other persons than the officials I have referred to may be appointed from time to time, as the necessity arises, as agents of the Savings Bank. In regard to withdrawals, as I have mentioned, withdrawals are permitted under regulations. We provide in the Bill for this power to be confirmed. We also provide that repayments may be made, under proper regulations, from moneys in hand, so that instead of, as they have had to do until lately, having to send the money to and fro—that is all the money paid in to a branch, transmitted to Perth, and repayments sent back again for that purpose—by this means under proper regulations we can safeguard the transactions and save exchange which has to be paid in transmitting money to and from branches. At present a deposit can be made by any individual or any person as a trustee and by a person on behalf of a minor, by registered friendly societies, trades unions, and charitable institutions. We intend to arrange that deposits may be made in the joint names of two or three persons, and that deposits by local authorities can be withdrawn by cheque as at present without the production of a pass book; and the term "local authority" will be widened to embrace churches, literary societies and kindred institutions, athletic clubs, and so forth.

MR. TAYLOR: Local governing bodies?

THE TREASURER: Yes.

MR. TAYLOR: But not by individuals?

THE TREASURER: No. Then there is the widening of the amount that can be deposited. At present a depositor can only pay in in any one year £250; the maximum is £600, and as I said before the interest-bearing amount now is £300. We propose to extend the first sum to £400, so that up to £400 can be deposited in any one year, and the maximum amount received will be £1,000. With regard to the interest-bearing limit, however, we propose in the Bill that this shall be fixed by the Governor-in-Council from time to time as it is thought desirable. It has been found that the present amount that may be deposited in the bank and other conditions in the Act are too restrictive. For that reason many people have been turned away and have not been enabled to utilise the bank to the fullest extent, and the bank of course has lost the use of the capital that would be lying in its coffers to-day. It has been found in many instances that a workman has deposited up to the maximum of £300; he may wish to withdraw the whole sum for a temporary investment, and in a short time may wish to replace the amount in the bank, but he is stopped by the limitation and can only deposit £250 in any one year. He can only put one-half of the amount in the bank, and hold the other or invest it in some other way. The widening of the amount to £400 in one year will obviate that necessity.

MR. JOHNSON: Why limit it to £400?

THE TREASURER: I do not say there is any serious objection to withdrawing even that limit. I do not see why a man should not make a deposit of £1,000 right off if it were so desired. It has been found that the very low limit has been conducive to a number of accounts being opened by individuals in the names of friends, children, and trust accounts in order to get round the low limit. This means a multiplicity of accounts, extra work to officers, cost to the bank, and it reduces the average amount to the credit of the depositors, so forcibly commented upon by the member for Leonora during the Address-in-Reply. We farther intend, if this House agrees, to allow a fractional part of a shilling, after the first shilling, to be deposited. Now a person can only deposit a shilling or any multiple of a shilling. We do not see why a fractional part of a shilling, after the first shilling, should not be deposited, and the bank will benefit accordingly.

MR. BATH: Now you have to carry the coppers in your pocket until you get a shilling.

THE TREASURER: Yes, after the first shilling.

MR. SCADDAN: I suppose that is done to meet the wishes of the Opposition.

THE TREASURER: No doubt we shall get unanimous support for that clause. There will be some amount of protection afforded to the bank which I think is desirable. At the present time it is doubtful, if an official receives money outside the prescribed place of business and utilises the money for his own purposes or loses it, whether the bank is liable for the amount. A case cropped up, I think at Geraldton, and we deem it desirable to protect the bank so that if a depositor hands money outside the official premises to an officer of the bank and it is lost the bank shall not be responsible.

MR. TAYLOR: He might have a difficulty in proving it.

THE TREASURER: But supposing he can prove it. It has not been thought for a moment that the bank should be responsible for transactions which take place in the street or elsewhere. Then there is the question of those who can operate on accounts. At present no one can draw on an account opened for a minor until the child is 12 years of age. This inflicts a great hardship, especially on persons in poor circumstances. In one or two years a person may have been able to put by money in the name of an infant, yet that money cannot be touched until the child is 12 years of age. We alter that so that a person depositing money in the name of a minor may withdraw it, and after 12 years of age the child himself or herself only can operate on the account. With regard to the rate of interest, as I have mentioned at the onset it is provided that this may be fixed from time to time by the Governor-in-Council, because it is not considered right or just or fair in the interests of the bank that there should be a hard and fast interest paid. If money becomes cheaper or more plentiful, the bank must have that relief that other banks receive by reducing the rate of interest if necessary. Farther, the Bill gives this power, that whilst we can limit the rate of interest on the larger deposits, say after £300, no interest shall be paid on the balance up to £1,000. That will enable us to give greater interest to the smaller depositors, which will be better for the people for whom the bank is principally in operation, and it will protect the margin of profit which the institution ought to make during its yearly transactions. Then there is the form of withdrawal. At the present time we have an obsolete warrant. Each depositor who wishes to withdraw must sign what is called a warrant. A man has to go to the bank and have a warrant filled in. These warrants run into thousands sometimes in a single day. Originally they had to be signed by the Treasurer himself in the first instance, but subsequently by the manager of the bank on behalf of the Treasurer. Now they are so numerous that they are simply printed forms. We wish now to abolish them altogether. A cheque will be adopted, and a depositor will have to sign this form of withdrawal—the cheque if we like to term it such—and his receipt on the back of the cheque form will be a sufficient discharge for the repayment of the money. He will not be able to withdraw money by cheque unless the bank deposit book is produced. It is intended to safeguard operations as much as pos-

sible, and when we recognise that there are over 63,000 accounts in the bank it will be seen how necessary it is that the depositors should produce their bank-book at each withdrawal; so that if a client wishes, when he has not the opportunity or time or it is not convenient for him to go to the bank, he can hand his cheque to some other person together with the deposit book, and that person can withdraw the money for him. Members can see it would be unwise to adopt the usual banking system of paying on cheque only. That would be impracticable with the number of accounts, and identification would be impossible, and we could only accept cheques on a branch of the bank in which the man has an account. This is the nearest approach to giving that liberty to the public which is granted by other banks. [MEMBER: What about telegrams?] The deposit book will have to be handed in to the bank up country with the cheque; a wire will be sent to the head office asking whether so and so can withdraw £10; the account can then be examined, and a reply sent to pay the £10. Members will see that it is a pretty safe method of transacting business, because although a man might come into wrongful possession of a deposit book, still he would have to forge the depositor's signature on the form; or if a person came into wrongful possession of a cheque, then he would require the depositor's book to make a withdrawal on that cheque. Then we propose also to extend the amount that may be paid out to the relatives of a deceased depositor without letters of administration. At the present time there is a limit of £50, but it has been found that often a depositor's estate is constituted entirely of the money to his credit at the Savings Bank, and it has been found to work great hardship upon perhaps the widow or children or relatives of a deceased person when the money cannot be obtained without letters of administration, which cost a considerable sum, as members are aware. It is proposed to raise the amount from £50 to £100 which may be paid by the Treasurer without letters of administration. We also propose to provide that power be given to pay ordinary debts, such as funeral expenses, when the relatives of a deceased depositor cannot be traced. This is a power that would be rarely exercised. There is another provision in the measure which I think will be very beneficial, and that is that in the case of insane or incapacitated depositors the Treasurer may pay out sums of money under certain conditions to the relatives of such persons or to others who will expend it in maintenance or medical attendance and things of that description; and provision will be made for transferring moneys from one State Bank to another in other States of the Commonwealth. Indeed this is a matter which will probably be extended also to the old country. Provisions have been made I believe in the United Kingdom Savings Bank Act in this regard. Great inconvenience has been found from time to time when a person leaving say this State and going to Victoria had money in the Savings Bank, which had to be withdrawn and transmitted to some other bank or some other institution. I propose to take power so that the money can be remitted direct to any other State, if the depositor so wishes. I purpose in Committee to amend the clause—I have not provided for it in my draft, but I think we ought to apply it—that this business shall be subject to such reasonable charges as may be decided on from time to time. The reason for that appears to be obvious, because otherwise we may have depositors becoming depositors merely for the sake of getting that money transferred free of exchange. We do not want to encourage that sort of thing. We do not want to cut too much into the ordinary banking business. At any rate, we certainly do not want to do so unless we get fair remuneration for that class of work.

MR. JOHNSON: Another place will look after that.

THE TREASURER: Oh yes; I dare say it will; but still I think we can as well look after it ourselves.

MR. ILLINGWORTH: You would charge the usual exchange.

THE TREASURER: Yes. Then there is a matter which has come under the notice of the officials, and that is a case which occurred in Victoria a short time since. A depositor's son produced a pass-book and forged his father's name, thus obtaining £60 from the Victorian Savings Bank. The depositor sought to recover. The first decision in the County

Court was given against the bank, but afterwards the Full Court reversed that decision. It is thought desirable, and indeed I think it was mentioned during the hearing of that action, to have cases of this description provided for in the main Act. We have a clause in our regulations which relieves us of responsibility under such circumstances; but, now that we are introducing this consolidating measure, we propose to insert a clause to that effect, in order that there will be no doubt as to our legal standing. We propose to take power to refuse to open an account for any person. This provision I think is taken from the Tasmanian procedure. We do not wish to do business with undesirable persons such as pickpockets and others; and I am assured that often people of this description will open up a small account in the bank in order to have the right to loiter about the premises, and to get the opportunity to take what they can from the pockets of those who come there at times.

MR. LYNCH: Where are you going to draw the line?

THE TREASURER: We are going to draw the line against those undesirable characters, and prevent them having an account at the bank when we know them to be undesirable. We are simply taking that power. Then it is intended there should be a limit to the unclaimed fund. There is already a depositors' unclaimed fund in existence, and it is intended that we shall at the end of seven years transfer all unclaimed deposits to the depositors' unclaimed fund at the Treasury. After another ten years, during which the money has been advertised each year, the unclaimed balance shall be forfeited to the Crown.

MR. BATH: You ought to have put it to an old age pension fund.

THE TREASURER: We will put it to the consolidated revenue, and then if the hon. member can carry a pension scheme, it will probably help to swell that fund.

MR. BATH: Appropriating other people's money.

THE TREASURER: It will be 17 years from the last transaction on the account before the money can be appropriated by the Treasury, so I think that is a fair provision to have in the Bill. The accounts that are transferred to the depositors' unclaimed fund in the Treasury number 1,574, and the total amount is £3,042. We also ask the House to give us power in this Bill to make a charge of 1s. per annum for each account, to cover the cost of opening these accounts and keeping them; at least, not to cover the cost, but a portion of the cost. We think it is a fair and reasonable thing that depositors should pay 1s. per annum for each account, but that 1s. will only be chargeable against the interest. If the interest of any account is not sufficient to cover the 1s. at the end of the year, it will not be so charged. It is intended a little later on in the Bill to provide that the usual statutory bank holidays shall be kept. It is intended to protect the bank inasmuch as when they have to keep open on a bank holiday, as they do at present, they have to get large sums of money withdrawn from a bank to meet probable withdrawals on a holiday, and we do not think it is reasonable that the State Savings Bank should be open when the other banks are closed. We ask for power to adopt this principle. I think members will see that the Bill generally provides for a certain amount of liberalisation; at any rate, it goes as far as we think we are justified at the present time in asking the House to agree to, and it certainly is very much in advance of any measure of this kind throughout the Commonwealth. I hope that when it reaches Committee members will give due consideration to all the new clauses. They will see whether a clause is new or not, because if it is a new clause there will be no marginal note relating to previous Acts in this State. If members give due attention to those clauses we can, I am sure, turn out a measure which will be of benefit and advantage not only to the Savings Bank, but also to the 63,000 and odd depositors who use that institution.

On motion by MR. BATH, debate adjourned until the next Tuesday.

BILL—PERMANENT RESERVES REDEDICATION.

SECOND READING.

THE PREMIER (Hon. N. J. Moore), in moving the second reading, said: This

is a measure which crops up every session. As members are aware, it is necessary to obtain legislative authority before the purpose of any permanent reserve can be changed. This Bill has reference to two reserves situated respectively in Subiaco and South Perth. In the first instance, the reserve referred to is No. 7214, situated at Subiaco, which is dedicated to the purpose of recreation, and we desire that the purpose shall be changed to that of a public school site. At present Subiaco is very thickly populated, and the Education Department finds it absolutely necessary to erect another school for the accommodation of the children in that municipality. The only Crown land available is this reserve which has been vested in the municipality of Subiaco, and the municipality having no objection to the rededication, I have great pleasure in commending the Bill to the consideration of the House. The other reserve is situated at South Perth, near Melville Park Water, and was made a reserve at the suggestion of Sir John Forrest in 1890.. In 1902 application was made to the Lands Department by the Perth Golf Club that the reserve should be vested in their trustees on behalf of the club for golf purposes, and was supported by the South Perth Municipal Council. The application was then refused, but in 1904 the South Perth Council asked that they should be given power to lease this land for 15 or 21 years, provided that permanent improvements to the value of £3,000 were effected during that time, and that the public should have free access to the reserve, no exclusive rights being granted to the club except when necessary to protect the property from wilful damage. Last February a deputation, consisting of the mayor and councillors, waited on me as Minister for Lands, and asked that the council should be given power to lease a portion of this reserve for 21 years. It was pointed out by that deputation that the reserve at present was merely waste land, that it was not being used at all for the benefit of the ratepayers in that municipality, and they thought that in the interests of the public generally it would be wise to give them power to lease this reserve. It was decided then that in giving this lease we should make a reservation of some five chains of the foreshore, thus enabling the residents and the public generally to have the right of entry at all times. I consider it would be much better to do that than to allow it to remain as at present, an uninviting patch of sand country, unsuitable for any recreative purposes, and it is not likely that the council would expend a sum of money out of their own pockets. I have therefore much pleasure in moving the second reading of this Bill.

MR. T. H. BATH (Brown Hill): When a Bill of this kind is introduced or submitted to the House, I always like to see present the member for the district concerned in the change of purpose of the reserve, in order that we may have his opinions in regard to the necessity or advisability of it. So far as the first one is concerned, of course no objection could be offered. As to the second, the fullest inquiry is needed before we change the purpose of the reserve, especially a permanent reserve marked A, and give to anyone the right to make it into what may be termed a semi-private recreation reserve. So far as this is concerned, it is a reserve at the present time. Nothing may be done with it at the present moment and it may be a patch of sand, but no one knows the time when it may be necessary to have that reserve. As it stands at present, there are not too many sites available, or too many unoccupied areas owned by the Crown, which are available for recreative purposes; and if we grant them the right of this reserve for the use of golf links, it practically means that should this State in the future desire to secure the return of it, it will be impossible for the State to do so because a certain vested interest will have been created. We know that on the goldfields in several instances reserves have been handed over in this way, and it has not only been difficult to protect the public rights which should be protected, but also very difficult afterwards, when the State has been desirous of securing land for various purposes, to get any portion of the reserve back. While I have of course no particular knowledge of this matter, other than that there has been some correspondence about it, I think we should have the opinion of the member for the district.

MR. W. B. GORDON (Canning): This matter has been under consideration

for the last two years; and Mr. Drew, when Minister for Lands in the Government of which the last speaker was a member, was perfectly agreeable to giving the right now sought. There is a large reserve at South Perth, of which no use is now made; in fact, it harbours all sorts of vermin. I take it that the Government are not prepared, and no Government would be prepared, to advance to the South Perth Council the money necessary for improving this area to make it fit for public use.

MR. JOHNSON: This land is not going to the council, but to certain golfers.

MR. GORDON: The Bill gives power to the council to sublet for golf links. But the main question, and the only question that can arise, is in reference to public rights. The public will have access to this land just as they have to-day. To-day it is of no use to the public; but the golfing people are prepared to spend some £1,500 in improving the land, which will still be there for the people, and not for any section. It will be open to any golfer who likes to play. It is not for one section of the community but for all. First, the public rights are not interfered with; secondly, the Government are not in a position to advance money to clear the land; thirdly, the money will be expended by those interested in golf, and the land will eventually revert to the council, having been cleared not at the public expense, but at that of the golfers. No resident in South Perth is opposed to the measure.

MR. JOHNSON: Why not dedicate the land to the council, and leave out the golfers?

THE PREMIER: The hon. member will notice that I have tabled an amendment striking out the words "and dedicated to the purpose of golf links," in the last line of Clause 2.

MR. GORDON: Any golfer who wishes a week's holiday can go to South Perth with his pushers, sticks, and other apparatus, and play golf; and he could not go to a better place. It is a most charming spot. In addition, the whole of the foreshore for several chains back from the river is perpetually reserved for the public, and it is not to be leased to the golfers; hence the golfing cannot interfere with the rights of the public. I, as well as the residents of South Perth, including the municipal council, am satisfied that the Bill is in the best interests of that part of my constituency. The council will give a lease of the land, on which a large sum of money will be spent, and eventually not only the council but the public will receive a due return.

MR. W. D. JOHNSON (Guildford): I should like to understand from the Premier whether it is his intention to dedicate this land to the council, and to make that body take the responsibility of leasing it to a private club, or whether he intends to allow the Bill to pass as printed, thus placing the responsibility on Parliament.

THE PREMIER (in reply): If the hon. member will look at the amendment tabled, he will find that I propose in Clause 2 to strike out all the words after "number," in the last line, and to insert in lieu "A 10250." The reserve number now in the Bill is an error. Farther, the words "and dedicated to the purpose of golf links" are to be struck out. I do this so that, in case the municipality are not satisfied that everything is *bona fide*, the land may again become a Government reserve. I have received from the council a letter to this effect:—

> Referring to your letter of the 10th instant, I am instructed to inform you that my council guarantees that the improvements of reserve 1663, to be carried out by the golf club or the council for golf, will be effected within two years of this date; otherwise no lease of the said reserve for golf or any other purpose for more than twelve months will be granted.

This Bill does not rededicate the reserve, but throws it from an A reserve into an ordinary reserve, by striking out the words "and dedicated to the purpose of golf links." As to what the member for Canning has stated, a certain reservation has been made, some five chains back from the foreshore, as shown on the litho. (produced), so that the public will not be in any way interfered with. A stipulation has been made that the public shall have free access to that portion of the reserve. I can confidently recommend the House to accept the Bill, as I feel sure that the lease will improve the municipality of South Perth, and at the same time the rights of the people will not be disturbed.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Change of purpose of portion of reserve A ∧ 1663:

THE PREMIER moved an amendment—

That all the words after "number," in the last line, be struck out, and that "∧ 10250" be inserted in lieu.

MR. LYNCH: Was it stipulated that the entire reserve should be free to the public?

THE PREMIER: Presumably there would be regulations governing the links when play was actually proceeding; but the stipulation was that the public should have access to the whole of the area.

MR. TAYLOR: How far would the regulations be stretched? We often passed Bills providing for regulations, which were frequently made during recess, and proved more stringent and more harmful than the Bills themselves, which to the lay mind seemed straightforward measures.

THE PREMIER: The council, not the Government, would make the regulations; but the council thoroughly understood that the Government desired, before approving of the lease, that the regulations should allow the public free access.

MR. BATH: The Government should not desire but insist.

MR. H. BROWN: Presumably the conditions would be similar to those governing a bowling-green reserve.

MR. COLLIER: Those were not too satisfactory on the goldfields.

THE PREMIER: In replying to the deputation he had said he would insist that a strip of land five chains wide be reserved between the foreshore and the links, and also that the public should at all times have free access to the ground.

MR. TAYLOR: According to the member for Perth (Mr. H. Brown), any citizen had free access to the Perth Bowling Club's green.

MR. H. BROWN: Absolutely. Any person could, if he liked, go there and play bowls.

Amendment passed, and the clause as amended agreed to.

Schedules (2)—agreed to.

Bill reported with an amendment.

BILLS—POLICE OFFENCES.

CONSOLIDATION AND AMENDMENT.

SECOND READING MOVED.

THE ATTORNEY GENERAL (Hon. N. Keenan), in moving the second reading, said: I desire first of all to make clear what it is intended to accomplish by this Bill. At present there are nine different Acts conferring summary jurisdiction on magistrates; and the consequence is that any man sitting on the magisterial bench, called upon to discharge the duties of a magistrate, has to consult nine different statutes, and is thereby not only much embarrassed, but frequently led into false positions and grievous mistakes. In this Bill we consolidate into one single measure the whole of the summary jurisdiction in this State. We repeal six Acts, with the exception of a single section of one Act, and we partly repeal three Acts. The effort of consolidating into one single measure our summary jurisdiction laws has been one that many previous Attorneys General have devoted their attention to; and I found before me on coming into office drafts which showed the work they had already accomplished and in some instances brought before this House. Finding these records awaiting the consideration of this House, I now submit in this Bill some provisions to which I myself am not particularly partial, and to which I shall certainly not be wedded, and which I shall submit to the consideration of members of the House entirely for their choice without any words on my part recommending their acceptance. I have done that out of respect to my predecessors, who have no doubt devoted considerable thought and care to the preparation of these drafts, and to whom it is due that at least I should submit to the House the results of their work before putting them aside. Also there are some clauses in Bill which are merely consolidating clauses of existing law, to which I attach little importance, and which possibly the House may consider it wise, now that we are consolidating our existing jurisdiction Acts, to omit from our statute-book. In the course of the remarks I have to make on the measure I shall draw the attention of the House to these clauses. In the Committee stage I shall be able, under the Standing Orders, to do so with greater freedom and at greater

length. It is, I am sure, the desire of the House that in a measure of this kind I should avoid as far as possible indulging in technical language, which in the surroundings of a legal man one is unfortunately led into; and I shall speak more in the language of a layman and less in the language of a professional man. It is my desire to do that in order that I may make as clear as possible to every member the provisions we propose to place on the statute-book. The first portion of the Bill to which some importance attaches on account of its novelty is that we have taken power to protect bailiffs in the execution of their duty. It may appear strange that hitherto no such power existed in our summary jurisdiction, but it is a fact that hitherto a bailiff would have been obliged to obtain protection from any assault upon him in the execution of his duty on the lines of its being a contempt of court. It is much better, instead of having an indefinite offence and an indefinite punishment, that we should see that the bailiff is entitled to protection in the execution of his duty, and that any person interfering with him should render himself liable to the penalty which we think commensurate with the offence. In regard to drunkenness, we have introduced some new provisions that I hope will commend themselves to the House as being highly salutary. We have provided that there shall be an offence known as "drunkenness with circumstances of aggravation." We have taken that from the New Zealand legislation of 1884, and I think it will recommend itself. Everyone will admit that mere drunkenness in itself is a trivial offence, one to which a man may most inadvertently commit himself. On the other hand, there are phases of drunkenness which are simply disgusting, and in which the offender is required to pay a far greater penalty than one who has committed what is known as the common act of drunkenness. One of these circumstances would be when a person is in charge of a child. Any person in charge of a child of immature age has cast on him or her (if it be a female) a duty which it is impossible for us not to recognise; and if that person under the circumstances gets drunk, it is perfectly clear that the offence is much worse, and that we must look upon it as far more serious than if it were committed in circumstances where there would be no example to seduce a child from the paths of virtue, or no evil influence to lead a child towards crime.

MR. H. BROWN: It is a heavy fine for the first drunk.

THE ATTORNEY GENERAL: Under the Justices Act, the machinery Act under which justices discharge their duties, they can remit fines to any extent. They have this power that, no matter what the penalty is fixed at in the statute, they can reduce it to what they like. That power was given because in a number of cases it was said that the penalty was so much and not to exceed so much, and the justices always thought that they were safe in fixing the fine at something between the two, or not exceeding the one. Phases of crime vary to an enormous extent; and therefore it was thought wise to give justices power in every case to reduce the penalty to what they thought would meet the case. So members need not pay any attention to the amount fixed as the penalty, except from the point of view of the maximum beyond which the justices cannot go. The minimum is left entirely to the discretion of the justices. We farther provide a special penalty for procuring drink for persons at the time in a drunken condition. This is clearly a matter that should be taken into serious consideration—supplying those who are incapable at the the time of exercising any discretion on their own behalf with a farther amount of intoxicating liquor. A peculiar provision which we introduce will enable justices to remand to a hospital for treatment any person brought before them suffering from drink. We take this provision also from the New Zealand Act, and I recommend it to the House as being an exceedingly wise provision; because very often it happens that a man brought before the magisterial bench would be far better off in a hospital than if he were sent to gaol or back into the streets again. It is entirely in the interests of the man, and therefore we give the justices a power which I am sure will be used with beneficent results. [MR. ILLINGWORTH: Sometimes the man is not really drunk.] I am sure that if he is not really drunk the justices will perceive the fact and exercise their discretion. We include

power to require security for good behaviour in the case of drunkenness. The power to require security to keep the peace has come down from time immemorial, but we have included in this Bill special power to require persons convicted of mere drunkenness to enter into recognisances to be of good behaviour for a term not exceeding one year. The object is to avoid imposing a penalty, because in some cases justice is met by a penalty amounting to a promise to be good for the future, just as we expect from children. We also bring in the term "habitual drunkard," defined as one who has been convicted three times within six months of the offence of drunkenness; and if a man is a habitual drunkard, the magistrates have power to prohibit persons from selling liquor to him. We all know in this State that there exists what is generally known as the "Dog Act," and that persons are from time to time put under its ban. I have known myself, and I feel sure that other members have known, where the application has been purely a friendly one, in which some person interested in the welfare of the individual has gone before the bench and made application to save the unfortunate man from rushing into an early grave. I think it is right that in this Bill we should preserve the power magistrates now possess to make these orders, and at the same time to tell them, as we do in this clause, that the order is to be made only when it is shown that the person the subject of the application is a habitual drunkard.

MR. TAYLOR: And three convictions in six months prove that?

THE ATTORNEY GENERAL: Yes.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

THE ATTORNEY GENERAL (continuing): Among the new provisions is one dealing with proof of no visible lawful means of support, in the case of a person accused of being an idle and disorderley person. As the law stands at present, if such person is found to be possessed on his person of some money or some property, he has an answer to the charge. We propose to ask the House to say that shall not be an answer unless he can prove that the money or property so found has been lawfully obtained. It should be a matter of ease on the part of any member to recognise the fact that a person who is arrested as being a rogue and a vagabond, or as being a disorderly person, and against whom that charge is made, can very often produce money, but it is not his own—it is money of which he has become improperly possessed. Therefore, we think we are entitled to ask that we shall be given the farther power of being enabled to require that an accused person shall give some account of how he became possessed of that money or that property in his possession, and that mere possession should not be itself a sufficient answer to the charge. We have also found it necessary to import into this Bill a provision governing the proof of intent. We provide that in proving charges of being on premises for an unlawful purpose it shall not be necessary for us to show that the person suspected has been guilty of any act or acts, but that he may be convicted on the circumstances of the case and on his known character, as proved to the satisfaction of the justices. The necessity for that arises from the fact that generally, when a charge is brought against any person of being on premises with an unlawful intent, he makes the answer that he was there by accident, or he was there to see a friend, or that he mistook the place for some other place, or for some other innocent reason; and although it may be within the power of the police to show that this person is of exceedingly bad character, and that his antecedents were such that no reasonable man would have any doubt of what his intent was, as the law stands to-day the police are not enabled to give that evidence. I think the House will recognise that it is in the interests of justice that we should be able to give evidence of that character. In dealing with another Bill, I spoke at some length on the necessity of giving those who have to administer the criminal law of the country the widest possible latitude in proving intent. The next provision of any importance is one governing the question of cheating. We have taken this from the South Australian statutes, and I believe the House will recognise, when it comes to deal with the Bill *seriatim*, that this provision is

absolutely necessary and in the interests of the community. Included in the Bill is a provision whereby any person who is proved to have sent, either by word or by letter, a challenge to fight for money is guilty of an offence. That is the existing law and not a new law on our part, and the question we have to consider is, is it not wise to keep it on our statute-book? It is perfectly true that when a contest takes place which is scientific in its character we do not interfere. But we have the power under the existing law, and we retain that power if the House passes the clause, to interfere at any time when it goes beyond the bounds of a scientific contest and develops into a mere brutal affray. If the House should limit that power of interference and say that the power should only arise under certain circumstances—and we would be always bound to see that such interference was justified--we would be bound to prove those circumstances, and the power to interfere would be deprived of its efficacy. And in many ways the House must trust to administration being wise, and we must give the administration rather wider powers than we think the administration requires, trusting to its wisdom to use those powers with discretion. This is an instance in which we ask to be given the power which exists at present. As members know, we do not exercise this power now for the purpose of suppressing manly contests, but we desire to retain the power in order that wherever a contest ceases to be a manly contest and becomes a brutal slogging match, we shall have the right to step in at once and stop it. We have also provided in the Bill that magistrates shall have the power of dealing summarily with charges of indecent conduct. At present this is the subject only of an indictable offence; that is to say, it must be always sent on for trial before a jury. Very frequently these cases are of small importance from a criminal point of view, and cases which it is eminently desirable should be dealt with at once, so as not to put the country and the accused person to the expense of being tried formally by jury. We have to put a proviso in, that if on the hearing of the charge a justice is of the opinion that it is a serious one and worthy of being prosecuted in the form of an indictment, he is to abstain from dealing with the case summarily. I think that is a wise provision. We wish to allow offences of this character that are not of great magnitude, which are of only trivial importance and not worthy of the importance of an indictment, in order to save the accused from very great expense to be dealt with summarily by the magistrates before whom the accused is brought. The provisions dealing with offences analogous to stealing are taken from the Act of 1902; they are word for word as they appear in that statute, and therefore, as regards those provisions, this is a consolidation Bill with one exception, that the penalty which is provided for the offence has been increased from imprisonment for six months or a fine of £50 to imprisonment for twelve months or a fine of £100. The reason justifying this increase is that this is a serious form of crime, and it is advisable that magistrates should have power to inflict a penalty at least as severe as they are empowered to inflict for vagrancy of a confirmed character. It is, of course, within the jurisdiction entirely of the court to say what the penalty will be; and by giving the power to the magistrate—and in these cases it is only the resident magistrate who has power to adjudicate—to inflict a penalty of a comparatively severe character, it does not follow that the penalty will be inflicted unless the circumstances of the case justify it. Under the existing law no distinction is drawn between the actual person found guilty of the principal offence and any person present at the time or on the premises, and charged as an accessory. It is advisable that the principal should be called upon, if he is found guilty, to bear a greater penalty than those associated with him in only a secondary degree. Power is taken for the purpose of executing search warrants, but that part of the Bill is merely formal. Hitherto the search warrant sections in the principal Act were scattered here, there, and everywhere, and it is thought advisable to place them in proper order and confine them to the particular divisions in the Bill in which members will find it divided. The next new provision introduced is with regard to valueless cheques. The law at present with regard to the passing of valueless

cheques is this. If any person has an account in a bank and gives a cheque drawn on that account, if the cheque be dishonoured and he is prosecuted for passing a valueless cheque, it is a sufficient answer to say, "I had an account at the bank; how did I know that the bank would not honour the cheque?" And the prosecution is not in a position to prove that he had such knowledge, and therefore the mere fact of having an account at a bank enables a man to victimise the public by giving them cheques drawn on that bank, although he may know—we have not the evidence to prove that he does know—that the cheque will not be honoured by the bank. We have put the position in this way: if a cheque is presented and dishonoured, unless the accused can prove that he had reasonable grounds for believing that the cheque would be honoured, and that he had no intention to defraud, he is liable to be convicted. I venture to say the House will agree that this is the right position to take up. Otherwise, a man may start to fleece the public, and if caught fleecing the public he may say that he had reasonable grounds for believing that the cheques he had scattered around would be cashed by the bank when presented. The next matter of any importance is that dealing with the keeping of gaming houses. And let me here observe that in this Bill we introduce not only gaming houses, but betting houses also; and we define them in a way that will cover the whole of the ground in connection with the conduct of betting transactions and gambling transactions. Under the Criminal Code there are only what are known as gaming houses, and frequently magistrates have been puzzled by the fact that the evidence disclosed only betting, and not gaming.

MR. TAYLOR: It is difficult to get a conviction.

THE ATTORNEY GENERAL: The member for Mt. Margaret points out that it is difficult to secure a conviction. This Act is meant to be administered by men who have no very great experience of law, but who are possessed of common sense. We have tried, therefore, to make the expressions used in it naturally and properly cover the whole ground of the offences they are called upon to prevent the occurrence of. We have gone farther than that, and have made the agent of the owner liable. This is an innovation which I feel sure members will endorse, because frequently the owner is a person who is not within reach of the law, and meanwhile the agent connives at the premises being used as a betting house, and we are not able under the existing law to make him liable. It is the custom, and it will always remain the custom, of the authorities to advise both the owner and the agent of the fact that unlawful gaming is going on; but our hands as regards the agent are tied. Therefore, we ask the House to give us power so that when we have given notice that unlawful gaming is going on, we shall not have as at present to look for the owner, but for the man on the spot who must know about it, namely the agent. Of course we reserve our full rights of taking action against the owner when we get the opportunity; but I ask the House to give that authority to the police which will enable them to deal with this class of offence, in regard to which it frequently happens that the owner of the premises is a negative quantity, and we have no means of getting at him.

MR. TAYLOR: You intend to reach the owner as well?

THE ATTORNEY GENERAL: If we can. Inasmuch as we have now divided the offences into that of conducting a gaming house and that of conducting a common betting house, we have had to make a provision that, where we find any betting house the owner will, if without any lawful excuse, be liable to conviction for an offence, and in order to facilitate search by the police of these common gaming houses we have given to the Commissioner of Police as well as magistrates the power to authorise search. In our present legislation are included certain provisions which are directed against the publication by newspapers or other advertising mediums of betting advertisements; but they have never been put into force. Ever since they have been on the statute-book, whatever Government has been in power—and I am not now criticising any Government in particular—has shut its eyes to these particular provisions.

MR. GULL: Here and everywhere else.

THE ATTORNEY GENERAL: Possibly here and everywhere else. I am

not criticising any particular Government.

MR. TAYLOR: What provisions do you say there are?

THE ATTORNEY GENERAL: The provision is that any person who sends, exhibits, or publishes any advertisement inviting a person to bet is guilty of an offence. We all know that offences of that character have been committed, and that the Government have for some reason—I do not suggest any improper reason—not taken any notice of them. What I wish the House to do is either to say when the Bill is considered in Committee, "We will strike out these clauses; we will take up the position that the newspapers in this State are to be given a free hand in inserting what advertisements they choose, inviting people to send money to Tasmania, or enabling people to wager on a horse here or elsewhere; we want that to go on," and therefore strike out these clauses, or else to leave them in with a distinct intimation that they are intended to be enforced. I have waited until this Bill was before the House in order that there may be some direct sanction of the statute that has for a long time been on our books and has for a long time been ignored. If the House says that these clauses are to remain, I shall take it as a direction that they are to be enforced; therefore I wish the House to look upon these clauses in this light. We have added to the existing provisions a clause taken from the Imperial statutes, which makes any person who is named in any circular as the person to receive money for betting the sender of that circular, until he proves the contrary. For instance, if a person invites any person, either by advertisement in the newspapers or circular in the streets, to visit the premises of so and so, and states that the gentleman communicates with Hobart, or that he has opened a book on the Flemington races or any other races, we shall be entitled when we bring any charge against that individual to put that circular in evidence, and that circular will be *primâ facie* evidence that the person receiving the money is the man who sends out the circular. Of course it will remain for him to prove the contrary. [Interjection.] We are not in a position to deal with what takes place outside the State: we have to deal with what occurs in Western Australia. There is a clause dealing with street betting, and it may occur to members that such provision is unnecessary. The reason for our inclusion of this provision in our measure is that municipalities have no more right to prohibit betting in the streets than they have to prevent any person walking down the street. They have the custody of the street, and all they have the right to do is to prevent any persons from interfering with other persons in the street. When they go beyond and make by-laws, they go beyond their powers—and I say, with the greatest possible respect for municipalities, as to which for many reasons I have a kindly memory and a kindly regard—it is advisable that we should pass this provision in the Bill which in itself prohibits street betting. When that has become law by the will of this House, which alone has the right to interfere with the liberty of the subject, prosecutions will be absolutely safe, as they will be put on a far clearer and more definite basis, because they will be conducted by the police authorities. There are a number of clauses introduced into the Bill dealing with obscene and indecent publications. These are new clauses which we have taken mostly from the statutes of New South Wales. Members will find, if they look at the interpretation clause, that the meaning of the word "indecent" is very clearly defined, and it is not necessary that I should elaborate it. It is of a character which, possibly, does not need any elaboration. Members will also see if they read the clauses which are about the middle of the Bill that we have taken very ample powers to deal with this class of very objectionable crime; and, furthermore, that we have not gone too far, because we have only taken the powers which will enable us to deal with it effectively without any exercise of improper authority on our part. Members will also notice that in one clause we have taken the power to deal with newspapers which publish literature of this class, either as advertisement or by way of report. It often happens that instead of its being an advertisement pure and simple it is inserted in the guise of a story, and of course the innocent may read that story, and people may find, when they have read up to a certain point,

that it becomes purely and simply an advertisement, and very often an advertisement for very improper purposes. We have taken power to deal with this, and I feel sure that the House will endorse the clause. We have also taken power in this Bill of a new character, dealing with cruelty to children, and we have adopted for that purpose provisions already existing in an Imperial Act. The provisions roughly are these. A child is defined as any person under the age of 16 years, and any person guilty of cruelty to a child—and that cruelty may be evidenced not by any one act, but by the fact that the child is found suffering from what must have been the result of continuous cruelty—becomes liable to severe penalties. Not only that, but the magistrates have power to remove the child from its custodian, and to dispose of it in a way which will secure its safety and ensure its being looked after properly. Furthermore, power is reserved to obtain money necessary for the maintenance of the child whilst it remains in the custody of the Court. We also, for the purpose of carrying out these provisions, have taken power to search the premises where it is suspected that a child is detained and cruelly treated. Moreover, inasmuch as frequently in these cases the person who has committed an offence of this character gets rid of the child, we have taken power to institute proceedings in the absence of the child itself. In regard to offences connected with cruelty to animals, the only new provision we have introduced is one dealing with the killing of animals, which we have adopted from the New Zealand statute; and by that provision, if it is made to appear to any justice by personal inspection or by the testimony of a witness that any animal impounded in any pound or found elsewhere is in such a weak, disabled, or diseased state that it ought to be killed, such justice has a right to order it to be killed. We also have a special provision with regard to cruelty to captive animals. It is often the case that wild animals, simply because they are wild, are treated in the most excessively cruel manner, apparently for the pleasure of men. We have provided that—

> Any person who, whilst any living thing is in captivity or close confinement, or is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from such captivity, shall wantonly infuriate, tease, or terrify it, or permit it to be so treated, shall be liable to imprisonment for six months, or to a fine of ten pounds.

I think that is a wise provision. Nothing can be a worse training for a man or woman than to be allowed to tease a wild animal wantonly without any reason, simply because it is a wild animal, and because, being confined, it is incapable of defending itself. There are no other provisions in the Act to which it is necessary for me to call attention, except the provisions which were originally brought in by Mr. Walter James and submitted to the House, and which constituted what, when I was introducing this Bill, I referred to as a portion of the rough draft I found left by my predecessors for the purpose of consolidating these Acts. These clauses refer to the prohibition of smoking by youths, and are taken from a New Zealand statute and from Queensland. [Interjection by MR. MONGER.] If my friend would wait for a moment he would learn that he would be perfectly able to walk the streets. In regard to this particular provision, it is certainly one on which I shall ask the House to express an opinion, without committing myself to any opinion as to whether it should remain on our statute-book or be cast out. If I were a private member, and therefore in a position to criticise not merely the acts of the present Government but the acts of all Governments, I might possibly point out a very sound and sufficient way of leading youths strictly to the path in which they should go. As a rule, they generally do exactly what they are told not to do, and indeed up to a certain extent I have found that a very good way to get young people to do something is to suggest that they ought not to do it.

MR. BATH: The better way is to tell them not to do it, and then set an example by not doing it.

THE ATTORNEY GENERAL: Possibly so. I know my friend the Leader of the Opposition has had an experience somewhat longer than mine. At any rate, with regard to these clauses I have brought them forward because they were drawn by an Attorney General who did great honour to the position he held

at the time, and were left as part of the consolidation Bills he intended to introduce to the House. I do not suggest that because I have included them in this Bill the House should accept them, but I do suggest that they should consider whether they are worthy of acceptance, not as being produced here to-night, but on account of the authorship of them, on account of the fact that they were adopted elsewhere, and if members approve now they may leave them in the Bill; or, on the other hand, I am perfectly open to a suggestion which may find itself more in accord with my own personal wishes, that these clauses should be thrown out.

MR. BATH: You will not send a whip around to your side of the House?

THE ATTORNEY GENERAL: I do not think that on any occasion I have sent round a whip to either side of the House. My comments on this Bill have been confined to its new features. I have not dealt with existing legislation which we have merely codified in the Bill, for to do so would weary the House; and presumably we are all more or less acquainted with the laws under which we live. I have essayed to place before members the new features of the Bill, to explain why they are included, and to ask the House to sanction the reasons which actuated their inclusion. With these remarks, I formally move the second reading of the Bill.

ADJOURNMENT.

MR. T. H. BATH (Brown Hill): I move—

That the debate be adjourned until the next Thursday.

THE ATTORNEY GENERAL: If the hon. member will make it Tuesday, I will put the Bill at the bottom of the list. If we postpone its consideration until Thursday, then on Tuesday we may not have sufficient matter before the House to allow of continuing the sitting. These long adjournments are objectionable. The Bill will not be reached on Tuesday, unless the House has time at its disposal and there is nothing else to do.

MR. BATH: We have already fixed sufficient business for Tuesday; and members will not have in the interim enough time for the consideration of that business.

MR. TAYLOR: I hope that the Attorney General will see his way to accept the motion. If the debate is adjourned till Thursday, I am sure that Opposition members will come prepared to deal with the Bill on its second reading. But we have other work for Tuesday with which I am sure members will be fully engaged.

THE ATTORNEY GENERAL: At the request of the Leader of the Opposition and the member for Mount Margaret, I will consent to an adjournment till next Thursday, on the understanding that on Thursday Opposition members will be prepared to go on.

MR. BATH: I am prepared to take up every adjournment I move.

THE ATTORNEY GENERAL: But I hope that every other Opposition member will perceive that we are taking a certain risk in postponing business at the rate we are now postponing it. The Government expect that members on the other side will be ready, when such business is resumed, to go on.

Motion passed; the debate adjourned for one week.

BILL—SECOND-HAND DEALERS.

Resumed from the previous Tuesday.

IN COMMITTEE.

MR. ILLINGWORTH in the Chair; the ATTORNEY GENERAL in charge of the Bill.

Clause 1—agreed to.

Clause 2—Second-hand dealers:

MR. HOLMAN: What was the definition of "second-hand articles?" On the goldfields almost every shop sold some articles that had been used before, such as furniture. Must all such dealers take out licenses?

THE ATTORNEY GENERAL: An amendment was tabled to exempt furniture dealers. To define "second-hand" was unnecessary. All understood that it referred to something not new—an article which somebody had used and disposed of after use. If the hon. member could prove that the Bill would severely handicap any class of business, the Government would meet him.

MR. HOLMAN: Much second-hand machinery was sold on the fields. By the clause, any person buying such machinery and selling it within seven

days must be licensed. Such proposals should not be sprung on the House. Postpone the discussion, so that we might fully consider these restrictions.

THE ATTORNEY GENERAL: The Bill was not new. It represented what had been the law in New Zealand for some years, and Great Britain had a similar Act. The Bill applied only to the person who sold in a shop or store. Second-hand machinery was dealt with in the open.

MR. TAYLOR: Sometimes in yards.

THE ATTORNEY GENERAL: "Shop" and "store" had almost the same meaning. They were *ejusdem generis*. The only handicap proposed was a license fee of 5s. a year for each dealer. The object of the Bill was not to raise revenue, but to facilitate tracing stolen property. If all second-hand dealers were licensed, they would be known to the police. The only possible restriction in the Bill was the provision for hours of business—from 8 a.m. till 6 p.m.; but these were the ordinary business hours.

MR. BATH: Though not novel in New Zealand and Great Britain, the Bill was novel here, and would be sprung upon second-hand dealers. In addition to the restriction mentioned by the Attorney General, Clause 11 would restrict harshly the purchase or the disposal of goods. Nearly every bookseller ran a second-hand department. Such firms must secure licenses, and post up notices that they were second-hand dealers. Surely the common law gave every facility to the police, who, furnished with a search warrant, could enter any shop. No doubt if any firm carried on illicit trade in the purchase of stolen goods, it would not be long before the police were on their track and a conviction secured under the present provisions. To facilitate this we were now asked to impose restrictions on those carrying on legitimate trade, but such restrictions on business were not warranted by the circumstances. An exemption should be specified in the cases of second-hand machinery, books, and furniture.

MR. HOLMAN: Under this Bill, every blacksmith shop on the goldfields would be practically a second-hand shop; in fact nearly every business in the State would need to put up the sign, "Second-hand Shop." He did not think the conditions on the New Zealand goldfields were the same as existed here. In new mining centres many people dealt in second-hand machinery and mining tools. No doubt it was desirable to discourage certain dealings in second-hand goods, but there should be no restriction on legitimate business.

MR. LYNCH: According to Clause 14, persons purchasing articles for the purpose of manufacturing other articles therefrom would be exempt. Would a man who purchased a tool, say a hammer, be exempt because he purchased the hammer for manufacturing other articles through its instrumentality? He (Mr. Lynch) once discovered in a second-hand shop a dress-suit belonging to an ex-M.L.A. That suit might have been purchased to make smaller suits out of it; and would that case come under Clause 14?

MR. BOLTON: The clause would act harshly on one or two trades. In the carriage-building line, it was usual when purchasing a new trap to get an allowance for the old trap. Would a license be required in that instance? Again, in the case of sheet-metal workers, it was necessary to purchase scrap brass and scrap copper. It might be claimed that these articles were purchased second-hand for making other articles. Would the firms doing this be exempt? A case had come under his notice where scrap copper had been purchased by a very reputable firm in Perth, and it had turned out that the copper had been stolen. If we exempted people who purchased scrap copper and brass—and most of the firms in Perth and Fremantle did so—we would leave open the door to the purchase of stolen property wider than it was under the law at present. Would the Bill apply to those firms? Also would the Bill affect carriage builders in the circumstances mentioned?

THE ATTORNEY GENERAL: It was provided in the Marine Stores Act that persons purchasing scrap metal must be licensed. That Act was a good illustration of what little restriction was put on the genuine trader by an Act of this description. It provided that dealers in marine stores, including copper, iron, brass, and scrap metal, had to take out licenses; but the Imperial Parliament passed their Marine Stores Act along

with a Second-hand Dealers Act, the latter dealing generally with the class of property the Bill now before the Committee covered. Under the Marine Stores Act, the holder of a collector's license was obliged to keep marine stores for four days after purchase, and the hours were restricted. The Act was on lines similar to the Bill now before the Committee, and there had been no complaint about its being a harsh measure for those engaged in the trade to work under. With regard to the instance mentioned by the member for Leonora relating to a second-hand suit of clothes, it was rather a conundrum, but the second-hand dealer would not cut up a garment in the manner suggested.

MEMBER: Would it be possible for the dealer to avoid the law by doing so?

THE ATTORNEY GENERAL: The magistrate would not allow an excuse of that description to stand, and would come to the conclusion that the garment had been effaced for the purpose of hiding its identity. There was danger now from the fact that a thief could get rid of goods by selling them to second-hand dealers who disgraced the calling; and members must not look for extreme cases. The administration of the law was carried out in such a way that extreme cases did not arise. We always allowed far greater powers than were used.

MR. BATH: It was unfortunate when it was attempted to use them.

THE ATTORNEY GENERAL: The hon. member knew, as a justice, that these wide powers were necessary to meet extraordinary cases, and were used only in such circumstances. There was danger to the community in these people having a free hand with no register except that the police knew their whereabouts; and the hon. member, being aware of this, should assist in having on the statute-book something which would not impose any hardship or disability on legitimate trade any more than the Marine Stores Act did. Second-hand books were rarely the subject of theft, and could be exempted. His only desire was to get a working measure, and the matter of second-hand books could be dealt with by adding to the clause suggested by the member for Coolgardie dealing with furniture. He (the Attorney General) would also meet the member for Murchison in regard to second-hand machinery. There was no desire to make this a harsh measure. All the Government desired was the power the police said it was necessary to have to protect the public. That was the duty of the Government, and he hoped the Committee would give assistance in carrying out that duty.

MR. BOLTON: Certain firms in Perth and Fremantle bought old copper for smelting purposes. Would it be necessary for these firms to take out a license as second-hand dealers? Would it be necessary for coach and carriage builders to take out a license, seeing that they had to exchange old vehicles for new, allowing something on the old vehicles? There were many carriage builders who would not care to be called second-hand dealers. All plumbers and coppersmiths in this State sold their scraps to smelters. In the case he had mentioned one firm sold £150 worth of copper scraps for smelting. That firm did not hold a license under the Marine Stores Act. Was it necessary for such a firm to take out a license?

THE ATTORNEY GENERAL: In regard to carriage builders, if a case such as the member instanced arose, and a carriage was exchanged for another trap, the Bill would have to be strained far beyond its extent to cover such a transaction. In every case where an exchange of vehicles was arranged the vehicle was brought under a contract to be exchanged. It was not taken to the carriage builder for the purpose of being sold, and left in charge of a man in a yard or on some premises which were enclosed.

MR. BOLTON: In some cases old vehicles were taken to the premises of a firm and left there for sale, if the firm would not allow sufficient money on the vehicle.

THE ATTORNEY GENERAL: In nine cases out of ten a contract for exchange would not be made on the premises. We could only imagine magistrates including a deal of that kind by straining the Bill far beyond its intent. Supposing a vehicle was stolen and taken and concealed, and it was on premises under the pretence of a purchase or exchange, there was a set of circumstances which the Bill was intended to

cover. In regard to scrap copper, the Bill did not provide for anything which was dealt with in previous legislation. That was a rule of law. The previous legislation dealt with marine stores, which included all metal, and any person who dealt in metal must have a collector's license, and if a firm did not have a license and dealt in metal, that firm would commit a breach of the Marine Stores Act of 1902. If the member knew of persons doing such business, it would be wise to advise them to take out a license under the Act which was intended to cover dealings of that kind.

MR. BOLTON: But these people must sell their scraps.

THE ATTORNEY GENERAL: The person to whom they sold their scraps must have a license. The previous legislation had not harassed the public in any way.

MR. TAYLOR: The conditions pointed out by Mr. Bolton would apply to saddlers. A person who required only one saddle for his use, and had a saddle that did not suit him, would naturally go to a saddler's shop and point out the defects. The saddler would make him a new saddle, and allow him so much for the old one. The same thing would apply in regard to jewellery. A man might go to a watchmaker and buy a watch, and the watchmaker would allow so much on the old article. He was glad the Bill would have to be strained to bring such persons within its purview. The Bill would only deal with cases where second-hand articles were found on premises and those articles had been stolen, and the circumstances surrounding the case indicated that the person who purchased an article knew it had been stolen.

THE ATTORNEY GENERAL: That was correct.

MR. TAYLOR: It was necessary we should be careful in passing legislation that would reduce a person from a legitimate trader to a second-hand dealer. A saddler who had to take a second-hand harness or saddle in part payment of a new one could not be designated a second-hand dealer. If such were the case, then the Bill would apply in a large measure to cycle agencies, because old bicycles were exchanged in part payment for new ones. The same thing would apply to motors. As long as the Bill would not interfere with these traders he had no objection to the clause.

THE TREASURER: It would require the greatest stretch of imagination to put the interpretation on the clause that some members feared. Because a timber merchant happened to purchase a second-hand plank of timber, that did not make him a second-hand dealer. Or if a dealer in machinery bought a second-hand engine, that did not make him a second-hand dealer. Every manufacturer or merchant dealing in new goods at different times received second-hand articles, and sold them again. That did not constitute the merchant a second-hand dealer under the Bill.

MR. HOLMAN was not satisfied with the reply of the Attorney General. If he would insert some provision so that any legitimate trader outside a second-hand dealer was exempt from the Bill, that would be satisfactory. He was not going to see legitimate dealers placed under hardship. Take, for instance, a blacksmith in Cue.

THE ATTORNEY GENERAL: A blacksmith was not a second-hand dealer.

MR. HOLMAN: As he read the Bill, any person who dealt in any way with second-hand goods was a second-hand dealer.

THE ATTORNEY GENERAL: Oh no; one who carried on a second-hand business.

MR. SCADDAN: What about second-hand machinery dealers, Messrs. Silverthorn and Adair?

THE ATTORNEY GENERAL: They would come under the Bill. The member for Murchison (Mr. Holman) had misconstrued the clause. If a blacksmith carrying on business as such bought a pick brought in to him, no magistrate would say that he was carrying on business as a second-hand dealer.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Application for licenses:

THE ATTORNEY GENERAL moved an amendment to insert before "magistrate" in Subclause 2, the words "police or resident." It was advisable that legislation of this character should as far as possible be administered by the paid magistracy.

MR. WALKER: This was really giving to the police easier means of carrying out what might possibly be to the detriment of the community, increasing crime and giving more business to the police. The police had already enough power to interfere with the rights and liberties of the people, poking their noses into all kinds of private affairs. The measure seemed to him to be nothing else but a measure to facilitate the chances of the police getting prosecutions whether they were *bona fide* or otherwise. They already had enough power under the existing laws, without providing any new legislation to make their jobs easier and to give them more jobs to do.

Amendment passed.

MR. BATH moved an amendment to add to Subclause 3 the words "and shall be renewable from year to year, subject to the provisions of this Act." As he had stated during the second-reading debate, a person engaged as a second-hand dealer might embark practically all his money in the business, and if some protection were not afforded him by a provision which would entitle him to a renewal some hardship would be inflicted. A second-hand dealer would have to go before a bench in regard to the question of his standing perhaps, and perhaps there might be business men on the bench who might be in opposition in the very line of business in which this person was engaged, and who might be able to prevent him from securing a renewal of his license. If a second-hand dealer was convicted and his license suspended, that of course would prevent a renewal from being granted, but provided he carried on his business in a legitimate way he should be entitled to a renewal.

THE ATTORNEY GENERAL accepted the amendment. In regard to all licenses of this character, however, there was no provision made that there should be any renewal. Such licenses were renewed as a matter of course.

MR. FOULKES hoped the Attorney General would give consideration to this amendment. There was not much chance of the holder of a license losing it if he acted honestly. The Leader of the Opposition suggested that a member of the bench might be carrying on business in opposition to the holder of the license; but there was no prospect of that contingency arising, because it was provided by the amendment moved by the Attorney General that these licenses were to be granted in each case by the police magistrate or resident magistrate.

MR. BATH: Clause 13 provided that a bench of honorary justices could cancel a license.

MR. FOULKES: Yes; they might cancel it on account of some conviction, but there was nothing to prevent that applicant from coming forward at any time afterwards and applying to the police or resident magistrate for a renewal. It would be a wrong step to take to agree that a man was entitled to have a license practically in perpetuity. If we stated that an applicant was to receive it, that would make it very difficult for a bench of magistrates to refuse a renewal, although there might be strong suspicion with regard to the misconduct of the applicant in the past. It would be quite sufficient to leave this in the hands of the police or resident magistrate.

Amendment passed.

THE ATTORNEY GENERAL moved a farther amendment to add the words "per annum" to Subclause 4. The license was for 12 months and the fee was 5s., and the words "per annum" would elucidate the position.

Amendment passed.

Clause as amended agreed to.

Clauses 5 to 9—agreed to.

Clause 10—Restriction as to purchase of goods:

MR. LYNCH: Dealers who had hired assistants were obliged to close their business at six o'clock, whilst others who professed not to have any hired assistants could keep open until eight. How would the present measure stand in regard to the two divisions of second-hand dealers? Which Act could override the other?

THE ATTORNEY GENERAL: Any dealer licensed under this Bill could not, by virtue of that license, carry on his business save between the hours specified, whether he carried it on by himself or with assistance.

MR. BATH: He could continue to sell goods after the hours specified?

THE ATTORNEY GENERAL: Yes. The object was not to prevent all trading, but to prevent purchasing and receiving second-hand goods. Stolen goods were usually brought in after dark. The

clause did not prevent his keeping the shop open for selling goods.

Clause put and passed.

Clause 11—Goods not to be changed in form or disposed of for seven days:

MR. BATH: This was a severe restriction on sales. Would not a record of the articles sold with names and addresses of the purchasers suffice? The clause would prohibit a dealer from polishing up a bicycle, to give it a better appearance. Thus he might lose the benefit of many sales.

THE ATTORNEY GENERAL: The hon. member forgot that the Bill referred to professional second-hand dealers. An ordinary bicycle agent would not be a second-hand dealer. If the latter bought a bicycle, it was in the interests of justice that he should be compelled to detain the article until the owner, if it had been stolen, had time to warn the police and have a search made. The dealer was prohibited only from changing the form of the article—for instance, changing the handles or other parts of a bicycle. He could clean it if he wished. As to keeping a record, when a man lent himself to illegitimate trading, a register of names of purchasers was a mere cover. A similar section in the Marine Stores Act provided a period of four days during which articles purchased must be kept unchanged as to form. He would not object to a similar amendment in this clause; but if we allowed a dealer to change the form of the article within that period, we might as well wipe out the Bill.

MR. HOLMAN: The clause would inflict hardship on poor people who sold small articles to get money to go on with. The price of these would be lowered if they had to be kept for a week before resale.

MR. WALKER: The clause, and the whole Bill, would inflict hardship on second-hand dealers, by presuming that they were dishonest. That was a direct interference with the liberty of the subject. The police would have the right to enter the dealer's shop at any time. Why were these people to be treated as mere agents for the police?

MR. TAYLOR moved an amendment:—

That the word "seven" in line 4 be struck out, and "four" inserted in lieu.

A member suggested three days; but better make this measure harmonise with the Marine Stores Act, dealing with a similar calling.

MR. HOLMAN: The Marine Stores Act and this Bill were not similar. The former dealt with itinerant traders; whereas the Bill affected the interests of people who sold a few articles to get temporary accommodation. Four days would be almost as bad as seven. He would move as a farther amendment that the period be three days.

MR. BATH supported the preceding speaker. As the debate on the Marine Stores Bill showed, its object was to have some control of marine store dealers. Most of these called at houses to purchase bottles and other refuse; but some called to pick up unconsidered trifles. A shopkeeper was on a different plane.

Amendment put and passed.

MR. EDDY suggested the addition of the words "except goods purchased at public auction sale."

THE ATTORNEY GENERAL: That was covered by Clause 14. If a second-hand dealer attended a sale and purchased goods and dealt with them again, he would not be within the purview of the Bill, because he would need to purchase them at his own store to bring him under the Bill. It would be scarcely possible for him to purchase at a sale at his own place of business. That would be an evasion of the Act.

Clause as amended put and passed.

Clauses 12, 13—agreed to.

Clause 14—Act not to apply in certain cases:

MR. HOLMAN suggested the addition of the words "business for" after "carry on," in order to make the clause read "Nothing in this Act shall apply to any person who does not carry on business for the sale or exchange of second-hand articles," etc.

THE ATTORNEY GENERAL: By inserting the words we would simply complicate matters.

Clause put and passed.

Clause 15—agreed to.

New Clause—Exemptions:

MR. EDDY moved that the following be added as Clause 16:—

Nothing in this Act shall apply to the purchase or sale by any person of second-hand household furniture, books, or machinery.

The impression was created that dealers would not have the opportunity of selling furniture because of the operation of Clause 11. Very often a person purchased furniture at auctions to sell it again immediately and within four days to some other persons he had in view. It was no dishonour to engage in this trade, and there could be no harm in acknowledging the trade by putting up the sign, "Second-hand Store." The object of the Bill was to provide for clean dealing, and to keep the trade for honest dealers and protect the gereral public.

THE ATTORNEY GENERAL moved an amendment—

That "mining" be inserted before "machinery," and that "or appliances" be added after "machinery."

The clause would then conclude: "household furniture, books, or mining machinery or appliances." The word "machinery" by itself was too wide. Some machinery was very valuable, such as used in the manufacture of jewellery, parts of which would be valuable enough for a thief to carry off and dispose of.

Amendment passed.

MR. TAYLOR: Where was the necessity to include second-hand furniture? It should be kept four days after purchase, like other goods.

THE ATTORNEY GENERAL had consented to the new clause with a desire to arrive at the opinions of members as to the form the Bill should take. It was beyond question that many people furnishing depended on second-hand furniture for their homes, and the dealer in second-hand furniture was a man who conducted a class of trade different from that of dealers in other articles. The hon. member could rest assured that no great harm would follow on exempting second-hand dealers in furniture from registering.

Question passed, the clause as amended added to the Bill.

New Clause—Dealing with intoxicated persons:

MR. LYNCH moved that the following be added as Clause 17:—

If any licensee under this Act buys or exchanges any second-hand goods from or with any persons who is at the time under the influence of intoxicating liquor, such licensee shall be guilty of an offence under this Act, and shall be liable on summary conviction therefor before any justice of the peace to a penalty not exceeding £10; and farther, on such conviction his license shall be forfeited or cancelled.

This was intended to apply to the case of that unscrupulous section of second-hand dealers who took advantage of persons in an intoxicated condition anxious to raise money by pawning their swags or clothes. The penalty was extreme, but just as much as he wished it to be, because he desired to drop without mercy on this class of dealer.

Question passed, the clause added to the Bill.

Schedules (3), Title — agreed to.

Bill reported with amendments.

BILL—BILLS OF SALE ACT AMENDMENT.

SECOND READING.

AMENDMENT, SIX MONTHS.

Debate resumed from the 17th July.

MR. W. B. GORDON (Canning): I do not know whether, as a layman, I can explain the effect the amendment brought down by the Attorney General will have. It seems to me a most conservative measure. I notice that the Attorney General in referring particularly to the Legal Practitioners Bill cited the Acts of other States. But in connection with this Bill he has not cited the Acts of other States. But we had them referred to at a meeting of the Chambers of Commerce, and I intend to refer to that meeting. Mr. Garner, in speaking, referred to the fact that this question was brought before the Queensland House of Parliament but was not passed. Still it was recommended by the Chamber of Commerce. In New South Wales an Act was passed, he said, but both Houses then dissolved. In South Australia something similar happened, and the most extraordinary thing is that this very self-same measure was tried to be passed previously in Mr. James's time and our House dissolved. I do not know if this is an intimation that the Government wish the House to dissolve again, but it looks very much like it. The only State in which this Law exists is Victoria.

THE ATTORNEY GENERAL: And Tasmania.

MR. GORDON: Members of the Chambers of Commerce did not know

that. I want to refer particularly to the meeting held by the Chamber of Commerce, and to the kindly way they referred to this Parliament. On the motion of Mr. F. Drake, seconded by Mr. Lowe, it was actually resolved that the Chamber approved of the principles of the Bills of Sale Bill now before the Legislature. I think it very kind of them to approve of the Bill before we knew anything about it. I am not aware that the Chamber of Commerce should guide this Parliament. We are quite capable of knowing our own minds without the appreciation of the Chamber of Commerce. I suppose they think it right in their little way; then let them be right in their little way. I think they would do better to reserve from publication such a motion as that, because it is evidently put forward with the intention of guiding this House. I disapprove of that. The Attorney General might have, with a good deal of credit to himself and advantage to the State, brought before the House a Bills of Sale Bill something in accord with the times in which we live—a Bills of Sale Bill of a democratic nature. There is an Act in force in South Australia, passed by Mr. Kingston 30 years ago, and the Victorian Act was passed 20 years ago. Our Act was passed in 1889, and it is of a conservative nature and most expensive. There are clauses in the Bill providing that no man can execute a bill of sale unless it is for over £30. If it is for £29 19s. 11¾d. it is not legal. Then the cost to a man who wants to give a bill of sale in this State is far too great. In South Australia where I was making a living, certainly against the lawyers, I got many hundreds of bills of sale to make out, and I used to draw them up for 10s. 6d. a piece. They were just as valid as any bill of sale drawn by the best lawyer in Perth, who would charge four guineas.

THE PREMIER: Cutting the price.

MR. GORDON: I was not doing that. The registration fee here is 15s. That seems out of all reason. All the paraphernalia and surroundings of a bill of sale in this State tend to the filling of the pockets of our legal friends. I would willingly have supported the measure if it had been of a democratic nature. I have been advocating a new Bills of Sale Bill for years. Privately, I never had the audacity, when Mr. James was Premier, to attempt to bring one forward, but I asked Mr. James many times to introduce a good, fair and square, liberal Bills of Sale Bill. It is not much good referring to the Act now in existence, so I will refer to the clauses of the Bill, and the probable effect they will have. Under the present Bills of Sales Act any contemporaneous advance made is valid, and the objection of the Chamber of Commerce—those advocating the clauses that are new and proposed to be inserted—is that the present Act is open to abuse. I claim that any Act is open to abuse, but to catch one rogue I object to inconveniencing 900 or 1,000 honest men. That is the tendency of this Bill. If a person wants to borrow money under a bill of sale he makes an arrangement with a man, and the bill is gazetted in the *Trades Circular* and sent broadcast throughout the State for seven or 14 days, according to the place where the person resides. Take the case of a farmer. He may be trading with a banker or a storekeeper. About September in every year a farmer who has not a credit balance at the Bank will be in want of money. He is in this position, he wants extended time, and the storekeeper or the banker says, "We will give you extended credit. You owe us £200 or £300, but we will give you farther credit if you give more security." He gives a bill of sale to secure the storekeeper, and that carries the farmer on until he gets his harvest in. Under the Bill this bill of sale will have to be gazetted either 7 or 14 days.

THE ATTORNEY GENERAL: What clause are you quoting from?

MR. GORDON: The bill of sale has to be filed, and the *Trades Circular* gazettes the bill of sale, and if a man owes a few pounds, the consequence is that every person he owes money to, if of a vindictive nature, can lodge a caveat, and the farmer cannot get the money. This may ruin an honest man. Very few men can stand a run, and very few bankers can stand a run. As soon as the caveat is lodged the lawyers step in. There will be two lawyers.

MR. TAYLOR: He will be very lucky to get off with two lawyers.

MR. GORDON: He will be very lucky to get off at all. Take the case of an

ordinary individual. He wants to borrow £200. He sees a good investment, but has not the ready cash, and he wants the money immediately. He knows he has money coming to him in a month or two or three months, and if he does not get the loan within 14 days he loses this investment, and somebody else who has the ready money gets it. The man who is free of debt has the security, and can secure the investment.

THE ATTORNEY GENERAL: Why should not the man get the money?

MR. GORDON: Because the Bill says he cannot get it under 7 or 14 days.

THE ATTORNEY GENERAL: The bill of sale can be registered. That has nothing to do with obtaining the money.

MR. GORDON: The Bill is not valid until it has been registered for 7 or 14 days.

THE ATTORNEY GENERAL: It has not to be registered for 7 or 14 days.

MR. GORDON: I can see the object of the Bill. The Chamber of Commerce claims that when a man gets into difficulties he has no right to borrow money to get out, unless all share and share alike. We have laws which provide for sending a man to gaol if he gives a preference to a creditor, and we have a law that if a man gives two bills of sale over the same lot of goods he can be sent to gaol. That is enough for a man taking a risk. A bill of sale drawn up properly is a good security, and people have to trust men in this country. People must take risks when borrowers have a fair reputation. People are disappointed at times, but we have no right to inconvenience hundreds of people to catch one rogue. Under Section 9 of the principal Act, if a man wants to take any special precautions he can do so if he loans money to a man of doubtful character. He can ask a man to sign an affidavit naming the persons to whom he owes money, and we have a law which will put that man in gaol if he makes a false affidavit. Surely that is precaution enough for a man who wants to invest, and who will take a risk from people he knows nothing about. Business men will not advance unless they get exceptional advantages. They will not advance money to persons unless they know them pretty well. The amount of fraud that exists under the Bills of Sales Act in existence now is practically *nil*. I beg to move—

That the Bill be read a second time this day six months.

MR. S. F. MOORE (Irwin): I second the amendment.

MR. FOULKES (Claremont): There is no doubt that this is a very important Bill, and requires a good deal of consideration. I notice in the report referred to by the member for Canning (Mr. Gordon) that the Chamber of Commerce has given the matter some consideration. All the members, judging by the report, do not seem to be quite satisfied as to whether the Bill does not require some farther amendment. A committee of three gentlemen was appointed by the Perth Chamber of Commerce to farther consider the Bill, and frame any fresh amendments they might think necessary in order to strengthen the Bill. I would suggest, therefore, that the House agree to the passing of the second reading of this Bill, and that the Committee stage be postponed to enable the various chambers of commerce in this State to have full opportunity to consider the measure. I do not agree with the member for Canning with regard to his interpretation of the action of the Perth Chamber of Commerce in regard to this Bill. It is essentially a commercial Bill, and one which affects the commercial houses in this State. In my own mind I have always considered that the granting of too easy facilities for the giving of bills of sale, particularly on articles like household furniture, is not a system which should be encouraged. There is nothing which damages a man's credit so much as giving a bill of sale; and it has been recognised by the Legislature, not only in this State but also by Legislatures in older countries, that it is necessary to protect people against themselves That is the reason why the limit was imposed that no sum under £30 should be protected under a bill of sale. It was to protect people from giving security over their household furniture, perhaps in many cases over all the assets they possessed, for the purpose of obtaining a small advance of an amount under £30; and more particularly to protect them against the wiles of the various moneylenders who exist in all the countries of the world. We have a Bills of Sale

Act which has been in force in this State for a number of years, and we have also a Bankruptcy Act. Various bills of sale have come under the review of the Bankruptcy Court, and from the inquiries made and from the result of proceedings taken in the Court of Bankruptcy, it has been proved over and over again that under a bill of sale various creditors secure an undue advantage on account of a preferential security having been given under the provisions of the Bills of Sale Act. I remember one case well which came within my experience, where there was one creditor for £400 and other creditors amounting to £2,000.

MR. GORDON: Is that the only case you know of?

MR. FOULKES: It is the only case I can remember at the present moment. The creditor for £400 took the whole of the assets of this particular debtor, and all the other creditors were left out in the cold. All that this Bill, so far as I have seen it, will provide is that before a man can register a bill of sale he must give seven days' notice, and it means practically giving seven days' notice to his other creditors. I do not think that is a very great hardship on that man. He has certain obligations— —

MR. GORDON: Not on that one man; but what about others who want money quickly?

MR. FOULKES: The hon. member says, what about others who want money quickly? I do not think there is very much hardship on them, and the rights of other creditors have to be considered.

MR. GORDON: Supposing he has not got any other creditors?

MR. FOULKES: I think it happens in most cases that when a man gives a bill of sale he is very hard pushed for money, and that he would be found to have more than one creditor. Any way, what I would recommend this House to do is to pass the second reading of this Bill, and postpone the Committee stage for, we will say, a month—[MR. GORDON: Bring down a new Bill]—so that the various commercial classes in this country may have full opportunity for discussion.

On motion by the PREMIER, debate adjourned.

ADJOURNMENT.

The House adjourned at 9·51 o'clock, until the next Tuesday.

Legislative Council.

Tuesday, 24th July, 1906.

THE PRESIDENT (Hon. H. Briggs) took the Chair at 4·30 o'clock p.m.

PRAYERS.

EX-PRESIDENT'S RETIREMENT.

LETTER OF THANKS.

THE PRESIDENT said: I have received a letter from the late President of this House (Sir George Shenton) as follows:—

Crawley Park, Perth, 18th July, 1906.

Sir,—I have the honour to acknowledge the receipt of your letter of the 16th inst., forwarding me a copy of the resolution passed by the Legislative Council on the 26th of June. Will you please convey my sincere thanks to the members of the Legislative Council for their very kind expressions of regret that I have been compelled to retire from the Council and the office of President. I shall always look back with pleasure on the 16 years I spent in the Council. Fourteen of these years I had the honour of presiding over it. I trust my health will be so far restored as to still allow me to assist in such measures as may tend to the material progress and advancement of this State.—I have the honour to be, etc.

GEO. SHENTON.