Hon. J. M. Macfarlane: And in the metropolitan area as well.

Hon. A. THOMSON: I have in mind places many miles from a railway. If you were to ask the department to appoint a justice of the peace to any one of those localities, you would be laughed at. In many parts of my province, unless the Electoral Department prepared to provide a greater number of polling booths than they have provided in the past, hundreds of electors will be disfranchised. The postal votes are for the benefit of people seven miles from a polling booth. Many electors in the outback parts of my province have not seen a polling booth for years, and I cannot visualise their coming in to vote unless someone goes out and brings them in. I am afraid this provision will mean that hundreds of people in country districts will not have an opportunity to vote. If it be intended to retain the old postal voting system, let us embody the whole of its provisions.

Progress reported.

House adjourned at 9.51 p.m.

Legislative Assembly,

Wednesday, 20th November, 1935.

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

"HANSARD" REPORTS.

MR. SPEAKER [4.32]: I desire to make a statement in regard to a question which arose yesterday evening. During the discussion on the Education Estimates last night, I understand that the member for Williams-Narrogin (Mr Doney) stated that he had been incorrectly reported by "Hansard" in being represented as having said that he could name a hundred smaller schools that were urgently needed in the farming areas. I have here the reporter's transcript, in which the passage is clearly typed, as follows:—

> I question whether it [a school at East Perth] was as urgently needed as I dare say are a hundred smaller schools I could name in the farming areas.

That is as the hon. member's speech appears in "Hansard" of the 14th August, page 217. The same page of the transcript bears a couple of slight alterations elsewhere in the hon. member's own handwriting; so evidently the hon. member not only made the statement, but passed it as correct when he perused the typescript. I have also seen the shorthand note and the "hundred" is recorded plainly in figures. The "West Australian" of the 15th August reported the passage thus—

> He . . . . . thought the money was more urgently needed for 100 smaller schools he could name in farming areas.

As Chairman of the Printing Committee, which controls "Hansard," I thought it only fair to state these facts to the House to show that the reporter in this instance was not at fault.

MR. DONEY (Williams - Narrogin) [4.35]: Am I permitted to make a reply, Mr. Speaker?

The Premier: Yes. Apologise.

Mr. DONEY: I must express my surprise that this matter should have been deemed of sufficient importance to be brought up; but I have to defer to your decision, Mr. Speaker, on that point. Perhaps, despite holding that opinion, I may say I appreciate the jealousy of the "Hansard" staff, or of the particular member of the staff making complaint, for the undoubtedly fine reputation the staff have achieved for themselves in the matter of correctness of the reports which they put up. I think, too, that I will be the very first to concede that not only do they report the words of hon. members, but that they also contrive to preserve the sentiments which hon. members desire to convey. I am supposed to have said "one hundred," whereas in an explana-

tion made yesterday I claimed to have used the word "numbers." This, of course, happened a good while ago.

The Premier: The hon. member is not going to start in and contradict it now, surely!

Mr. DONEY: I am not necessarily going to concede everything that is alleged against me.

The Premier: You started to apologise, not argue.

Mr. DONEY: I do not necessarily apologise, although I may be willing to go half way in that direction.

The Premier: You passed that yourself, and did not correct it.

Mr. DONEY: I do not know that I am to be guided by the Premier.

The Premier: I would not like to guide you very far.

Mr. SPEAKER: Order!

Mr. DONEY: It is conceivable that I did use the word "hundred."

The Premier: It is not merely conceivable. It is the fact.

Mr. DONEY: I do not want so many interruptions from the Premier. I think myself that I used the word "numbers." It would be, in my opinion, an absurdity to use the words "one hundred," having regard to the context of my speech. I cannot imagine that in the circumstances I could have used them. Still, if "Hansard" says that I did say "one hundred," I am ready to agree that my faulty enunciation gave them an excuse. To preserve good feeling between "Hansard" and the House, I do not mind going the length of admitting that instead of saying I had been "obviously misreported," it might have been better had I said "possibly misreported." As I remember the occasion, I used the word "numbers." I may not have used it. But I certainly do not apologise for having given the House a wrong impression. I certainly do not. I am, however, willing to admit, as I have said, that "Hansard" had every excuse for writing down the words "one hundred," particularly having regard to the fact that the word "hundred" and the word "number" are so much alike. I apologise for any trouble that I may have caused "Hansard"; but beyond that, of course, I cannot go.

HON. C. G. LATHAM (York) [4.40]: Am I permitted to make any remarks in connection with this matter, Mr. Speaker?

Mr. SPEAKER: I cannot have discussion on it. As Chairman of the Printing Committee, in view of the possibility of an injustice being done to "Hansard" I took the action that I have taken. I had occasion to speak to "Hansard" about the omission of something the other day, and I think it only right to let the House know about this matter also.

Hon. C. G. LATHAM: I am just wondering whether "Hansard" is going to question the right of members of Parliament to have the final word as to what they have uttered. In this matter there is a principle at stake, a principle which we have to be very careful about.

Mr. SPEAKER: I accept the responsibility as Speaker.

The Premier: "Hansard" has been accused of misreporting.

Hon. C. G. LATHAM: "Hansard" may make mistakes.

Mr. SPEAKER: Order!

QUESTION—AUDITOR GENERAL.

Mr. RODOREDA asked the Premier: 1, Seeing that it is the Government's policy to retire public servants when they reach 65 years of age, at what age is it intended to retire the present Auditor General? 2, What age is the present Auditor General? 3, If any different basis applies to the retirement of the Auditor General, will the Government please state whether the Auditor General can be retired from office on any grounds, and, if so, what are those grounds?

The PREMIER replied: 1, This cannot be stated. It is the policy of the Government to retire public servants at 65 years of age, and the Audit Act compels the retirement of the Auditor General at 65, but this provision does not apply to the present occupant of the office. 2, 69 years. 3, Under Section 9 of the Audit Act, 1904, the removal of the Auditor General from office is subject to the presentation of an address to the Governor by both Houses of Parliament praying for removal. It is further provided that the Governor may suspend the Auditor General for incapacity, incompetence, or misbehaviour, and lay a full statement of the grounds of such suspension before both Houses of Parliament. Unless, within forty-two days after the receipt of such statement, each House passes an

address to the Governor praying for the removal of the Auditor General, he shall be restored to office.

QUESTION—TRAFFIC ACT.

One-eyed Persons as Drivers.

Mr. SAMPSON asked the Minister for Police: 1, Has a regulation been gazetted making it illegal for a person in possession of only one eye to secure a license under the Traffic Act? 2, Has it been definitely decided to reject claims of those who have not previously been granted a license? 3, As the loss of one eye is frequently compensated for by greater strength in the other, will he give further consideration to this matter and agree that each case shall be treated on its merits?

The MINISTER FOR LANDS (for the Minister for Police) replied: 1, No regulation has been gazetted, but instructions have been issued to this effect. 2, Yes. 3, No, as a person with one eye is not considered physically fit to drive a motor vehicle.

ANNUAL ESTIMATES, 1935-36.

Report of Committee of Supply adopted.

In Committee of Ways and Means.

THE PREMIER (Hon. P. Collier—Boulder) [4.41]: I move—

That towards making good the Supply granted to His Majesty for the service of the year ending 30th June, 1936, a sum not exceeding £5,760,476 be granted from the Consolidated Revenue Fund.

Question put and passed.

Resolution reported.

ANNUAL ESTIMATES—STATE TRADING CONCERNS.

In Committee.

Mr. Sleeman in the Chair.

Division—State Brickworks, £19,298:

The MINISTER FOR AGRICULTURE: Having undertaken the handling of these Estimates on behalf of the Chief Secretary, I wish to say that the capital of the State Brickworks is £54,012, that the loss for the year ended the 30th June, 1935, is £3,897, but that the actual position of this trading concern, after allowance has been made for profits earned in previous years and paid into the Treasury, is that its accounts still show a profit of £10,070. During last year 5,609,955 bricks were manufactured, as against 4,698,886 during the previous year. The cost of manufacture was 40s. 11.75d. for the year ended June 1935, as against 41s. 5.90d. for the previous year, or a reduction of 6.15d. It was not until the close of the previous year that any marked increase was shown in the building trade, and over the whole period of that year only one kiln with a capacity of 150,000 bricks per week was in operation, but we were able to sell large stocks of bricks which had accumulated in previous years. As an instance of the improvement in the trade, the bricks on hand in December, 1934, were, first-class 697,000, second-class 1,085,000, while at the 30th June, 1935, only 60,000 bricks were on hand. Seeing that the trade was likely to increase, both Hoffman kilns were put into operation and No. 2 kiln was repaired and bricks stacked therein ready for burning at the end of June last. It is anticipated that early in the new year all the kilns will be operating. In connection with the current year's expenditure, the slight increase allows for the position of a works manager who was appointed in September, 1935. Last year only five months payments were made in connection with that office. Provision is being made also for the increased trade which is anticipated in consequence of the building revival.

Hon. C. G. LATHAM: Will the Minister tell us why it was necessary to go to New Zealand in order to get a manager for the brick works? It is extraordinary if in our own State we could not get a man capable of controlling a concern with an annual expenditure of £18,000. It is rather an insult to the people of this State that we should have to go to New Zealand for a manager, when we have so many people unemployed. I think the Committee ought to protest against the importation of a man. Not very long ago we found ourselves importing men from various parts of the world, and when the first slack period came we had to dismiss them. Now here we have to bring over from New Zealand a manager for the State Brickworks. There must be some reason for it, and the Minister ought to tell us that reason. It seems to me an extraordinary thing.

The Premier: We frequently appoint men from overseas to important positions.

Hon. C. G. LATHAM: But this is not a very important position; the management of a concern with an annual expenditure of £18,000. It is altogether wrong. There are any number of people here who have been in charge of brickworks and who ought to be competent to manage this concern, particularly when we have so many people seeking employment. They may not all be qualified for the management of a brickworks, but there are plenty of them who probably would be so qualified, I propose to ask that the papers connected with the appointment be laid on the Table, so that we can see who the applicants were and whence they came. The Minister may be able to give us the information and so save me that duty.

The MINISTER FOR AGRICULTURE: The position of manager of the State Brickworks was advertised throughout Australia. Many applications were received, and after the greatest consideration had been given to those applicants who desired to fill the position, the most skilled in the particular work required proved to be the present occupant, and so he was selected.

Mr. McLARTY: I understand the manager of the State Brickworks was appointed from New Zealand because he had had considerable experience in brickmaking and was particularly well skilled in the making of those coloured bricks—I cannot recall their trade name—which in the building trade are very largely used. I understand that was one of the considerations which were responsible for the appointment of the present manager. He has had considerable experience in the making of that class of brick. I am particularly pleased to hear the Minister say that there is such a promising outlook for the use of bricks. Two kilns have been working for some time past, and I am pleased to think the State Brickworks are likely to continue working in the future.

Mr. RAPHAEL: I am inclined to agree with the Leader of the Opposition. We have had something of the sort before, and I suggest to the Government that there are plenty of experienced men in this State capable and deserving of selection for the job. Also I wish to bring before the Minister my hope that we shall not have a repetition of what happened in the past, before 1929. The same thing is done, I suppose, in most parts of the world, but we do not want it here. I refer to the cornering of bricks. At the peak period of building operations in this State one man had the whole say as to who should purchase bricks produced at the State Brickworks. I hope the same thing will not occur again, that a man shall be able to come along and make a profit from our State trading concerns, as he did before. I hope that further complaints will not be necessary in connection with this matter.

Division put and passed.

Division—State Hotels, £48,694:

The MINISTER FOR AGRICULTURE: The gross profits from the hotels for the year ended 30th June, 1935, after allowing for depreciation, was £9,194, as against £8,800 for the previous year. From the above sum the Treasury have been paid £3,304 in interest. The profits represent 14 per cent. of the capital employed, and after deducting the interest paid to the Treasury they represent 9 per cent. of the capital employed. The capital of the State hotels is £65,511, after the reduction of £8,451 under the terms in the Financial Agreement. Since the inception of the State hotels in 1903, the profits have aggregated over £154,000, which is in excess of the capital now employed by £89,000.

Hon. W. D. Johnson: And still we have the capitalisation to pay.

The MINISTER FOR AGRICULTURE: Yes. The total amount of profits and interest paid to the Treasury since the inception of the hotels exceeds £209,000, which represents more than three times the capital employed.

Mr. RODOREDA: I should like to ask the Minister why the estimated profit is charged against this State trading concern as an expense. I do not see that it is done with any other trading concern. There may be something in the Trading Concerns Act which calls for it, but the Minister will notice in the details of "Recoups to Revenue," "Interest and Sinking Fund, Departmental Charges," and then the profit for last year, making a total of £8,058. There is £8,600 charged against this concern as estimated expenses for this year. An estimated profit of £5,000 is included and put in as an expense! If the Minister knows of a definite reason for this, I should like to hear it.

Division put and passed.

Division—State Implement and Engineering Works, £58,154:

The MINISTER FOR AGRICULTURE: Although the State Implements Works is shown as a trading concern, it is in the main a Government workshop. No agricultural implements are now being made there, although a few spare parts are being sold to replace parts of machines previously manufactured at the works and sold. In company with other firms doing business in agricultural machinery, there is a heavy loss on this part of the business. Last year's operations showed a loss of £21,263, mainly due to increased provision for bad debts, the reserve for which is now £27,794. It was not possible for the works to pay interest to the Treasury last year, although the amount due is entered as a liability in the balance sheet.

Division put and passed.

Division—State Quarries, £16,957:

The MINISTER FOR AGRICULTURE: The capital of the Boya State Quarry is £35,070. The loss for the year was £2,002, as compared with a loss in the previous year of £2,102. During the year ended 30th June last, the quarry produced 31,776 tons of stone, as against 49,471 tons produced in the previous year, a reduction of slightly over 17,000 tons. This reduction was mainly brought about by a very large order for ballast metal which was filled in the previous year, and which was not repeated last year.

Mr. SAMPSON: I should like to obtain some information as to the cost per hour. The State Quarries, I understand, do not always have to face competition, and it would be interesting—perhaps it is too much to ask the question without due notice—to ascertain what are the costs per hour, whether those costs have been carefully examined, and whether they include overhead costs. There are various quarry concerns in this State, and I believe the privately operated quarries pay their way; at all events, they do make progress in respect of numbers employed and quantity of stone quarried.

Mr. Raphael: At one of those quarries all the work is done by Maltese.

Mr. SAMPSON: I do not wish to bring in anything about nationalities, but only costs. It would be interesting to know how the costs are arrived at, and how the price of stone from the Boya quarries compares with stone available from privately operated quarries. That is very important, because it might be that the Government could purchase their stone cheaper than they can produce it. It is perhaps a difficult question to answer without notice, but it is an important one.

Mr. Raphael: They purchase a lot of stone by contract now, as is demonstrated by the tenders called.

Mr. SAMPSON: It might pay the Government to purchase the whole of their stone. The Government quarry is carried on more or less without having to face competition. On a previous occasion the question of the cost per yard of stone quarried was raised, and I admit that I was not satisfied with the answer. I am wondering whether it is possible for the information to be supplied, though not necessarily today, because that might be too much to expect. I venture the opinion that it would pay the Government to purchase their requirements of stone in competition by tender rather than run their own quarries.

Mr. MARSHALL: Under the heading of recoups to revenue an increase is shown in the amount of interest and sinking fund from £88 for the year 1934-35 to £415 for the year 1935-36. What is the reason for that enormous increase of interest and sinking fund? I understood that those charges were almost fixed amounts, and I cannot understand such a large increase.

The MINISTER FOR AGRICULTURE: As previously indicated, the concern made a loss last year, and no interest was actually paid to the Treasury. This year an improvement is expected, and on that account the added sum has been shown, because it is anticipated that the concern will be able to pay it. Regarding the question raised by the member for Swan, I will have inquiries made.

Hon. W. D. JOHNSON: It is only fair to the State Quarries to say that the member for Swan has not the full information. His remarks would be liable to convey that the State Quarries had a monopoly to supply State requirements, irrespective of competition. That is not true. The State Quarries try to get Government orders, but their price has to bear a relation to the prices of competitors. There are quarries that can

quote below the State Quarries. We found that Southern Europeans were being employed under conditions a long way below the industrial standard that Western Australia endeavours to maintain. That state of affairs was exposed.

Mr. Sampson: Are not those employees under an award?

Hon. W. D. JOHNSON: The men were working more than the recognised hours, and were not being paid the recognised rates of wages, with the result that the price quoted was below that which quarries maintaining the industrial standards could quote.

Hon. C. G. Latham: Do not those men work under an award?

Hon. W. D. JOHNSON: Unfortunately those things happen. After they have been discovered, it is possible to put the award into operation. The instance I am quoting happened at York where a new quarry was opened.

Hon. C. G. Latham: That quarry did not enter into competition with the State Quarries.

Hon. W. D. JOHNSON: No.

Hon. C. G. Latham: Let us have information about one that enters into competition with the State Quarries.

Hon. W. D. JOHNSON: The quarry competed for the supply of Government requirements, and because of the relative quotes, some people considered that the local price was excessive. When the point was examined, it was found that the industrial conditions were not being maintained, and the matter was put right. What I wish to convey is that the Boya quarries maintain the recognised industrial standards, no more and no less, and their quotations must bear comparison with those so easily available from adjoining and competitive quarries. Because of the State Trading Concerns Act, we cannot ascertain the exact financial position of the State trading concerns. The Act makes it impossible for the true accountancy position to be presented. We had a striking illustration provided by the State Hotels, which have returned the capital invested three times over, and yet the capitalisation is maintained, and interest is still being paid.

Hon. C. G. Latham: That does not apply to the quarries.

The Minister for Mines: It is the same right through.

Hon. W. D. JOHNSON: Yes. No member can claim to understand the financial position of the State trading concerns. The Estimates do not disclose it. The bookkeeping methods are directed by the Act of Parliament, and are not based on sound accountancy methods. The Boya quarries are competing with outside quarries, and the competition is very keen indeed.

Mr. SAMPSON: I regret if I led the member for Guildford-Midland to think that I was reflecting on those who work in quarries. I had no such intention. Any reference to the profit arising from State hotels has no bearing on the subject. As compared with quarries, I should say that the competition in the hotelkeeping business is more or less a sinecure. The information I sought was the cost of producing a certain quantity of stone.

Hon. W. D. Johnson: Do you want it so that private employers will have the information?

Mr. SAMPSON: I am not here to represent any particular section.

Hon. W. D. Johnson: It could be used in that way.

Mr. SAMPSON: I want to know the cost of stone. A harassed Treasurer cannot always find the equipment necessary, and I should not be surprised if the State Quarries are not equipped with the most modern machinery. If they are not so equipped, they cannot possibly compete with quarries operating elsewhere that possess up-to-date equipment. Within the last five years the cost of stone has decreased in a most amazing fashion. Are the Government Quarries equipped with the necessary plant to produce stone at competitive prices? When we are considering State trading concerns, we should ascertain whether they are operating under reasonable conditions and have proper equipment.

Mr. HEGNEY: The member for Swan questioned whether the Boya quarries were equipped to compete with other quarries, but he did not specify any quarries that were better equipped than those at Boya.

Hon. C. G. Latham: He asked whether they were fully equipped.

Mr. HEGNEY: His case was that they should be better equipped so that they could compete. The point he made was that the State Quarries were not so well equipped and therefore were unable to compete. Still, he did not mention any quarries with better

equipment. I know many of the quarries in or adjacent to the metropolitan area—the White Rock Quarries at Gosnells, the Greenmount Quarries, the Mountain Quarries, the Parkerville Quarries, and the Boya Quarries. There are other quarries at Bunbury. I consider that the Boya Quarries have a magnificent face of rock and are fairly well equipped with machinery and are able to compete, provided there is fair competition. The margin between any of them is very small indeed. As a matter of fact, there was the instance referred to by the member for Guildford-Midland. A contract was let by the Tender Board because the price was 2d. under the quote of the State Quarries. On investigation it was found that no industrial conditions existed at that quarry, which was at York. There are Jugo-Slavs and Italians working in the White Rock and Greenmount quarries, but they are members of the A.W.U., and the labour conditions are fair and reasonable. Regarding one quarry, I know the cause of the unfair competition was not in the production of the rock or the preparation of the rock for market, but in the transporting of it. It was a family concern, and members of the family worked during the night, thus breaking down the cost. That quarry happens to be in the electorate of the member for Swan. The State concern conforms to industrial conditions, of which the men receive the benefit. I should like to know whether the hon. member believes in men rising at 4 o'clock in the morning to begin work, or whether he believes in reasonable hours obtaining. Those are points that enter into this business. When a competitior works all the hours of the clock, the State Quarries cannot compete. Put the work on a proper basis, and ensure conformance with industrial conditions, and the State Quarries can produce rock on an equality, or probably at a few pence per ton cheaper than can other quarries. I am presenting the point of view as I know it. I am not here as a protagonist of the State Quarries. Industrial conditions are observed in most of the quarries around Perth, and the employees are members of the A.W.U. They are unionists, whether they are Italians, Jugo-Slavs or other people. The cost comes into the transport of the rock from the quarry to the job. What I have told the hon. member with respect to the quarries in his electorate is substantially correct, and I commend what I have said to his notice.

Hon. C. G. LATHAM: On page 52 of the Auditor General's report the position of the State trading concerns is set out. Amongst other concerns, I find the position of the Boya Quarry set out from its inception to the 30th June, 1935. The loss shown against this concern over the period mentioned is £8,669. Since the inception of the quarry, it has paid into Consolidated Revenue as an allowance made for profits a sum of £2,500. This undertaking, therefore still shows a loss of £8,669. Only a Government concern could conduct its business on those lines. If it were a private concern making such losses, it would soon be in the bankruptcy court. The member for Guildford-Midland and the member for Middle Swan stated that the York quarries were competing with the State quarries. It is a hopeless position for the latter if the York quarries can send stone down here and compete with the Government concern.

Mr. Hegney: The York quarries are midway between the Government quarries and the centre concerned.

Hon. C. G. LATHAM: There is stone to be had all along the route, and there would be no competition in respect to that material. The York people do not come into the matter. It may be that the material was required for local use.

Mr. Hegney: It was a question of stone for Meckering.

Hon. C. G. LATHAM: Then it was somewhere in the hon. member's electorate. I imagine that the York price would be more favourable when the distance of transport was taken into account.

Mr. Raphael: The labour conditions were "crook."

Hon. C. G. LATHAM: They were not so bad as they are in the hon. member's surgery in Victoria Park. It would be unfair to suggest that the State quarries could compete with York at a place like Meckering. The geographical position of Meckering gives the York quarries a great advantage over the State concern. I doubt whether at any time stone was carted from York for the Eastern Goldfields line. There is plenty of granite at Northam.

Mr. Hawke: There are trainloads of it.

Hon. C. G. LATHAM: I should think granite would serve the purpose of the railways in that connection. I have watched very closely and know of no instance of any gravel being obtained for top-dressing, neither have I seen any stone carted over

great distances for railway requirements. To make a comparison with York, therefore, is altogether beside the mark. I would again like to stress the point that the aggregate loss over the years sustained by the State quarries was £8,669; that is the net loss. It seems impossible to dispose of these State trading concerns at a reasonable figure. The late Government attempted to get rid of them, but did not get offers that nearly represented their value. If, as the member for Swan suggested, the equipment may not be up-to-date, the sooner it is made up-to-date, or the quarries are placed in a position to compete with others and make a profit, the better it will be.

Hon. W. D. Johnson: Suppose the equipment is up-to-date?

Hon. C. G. LATHAM: We should investigate and ascertain why the State quarries cannot compete with private concerns. If a private quarry lost all these thousands of pounds, the concern would soon be in liquidation.

Hon. W. D. Johnson: They cannot provide the industrial standards.

Hon. C. G. LATHAM: The family in question may be outside any award of the Arbitration Court. Generally speaking, all the quarry employees are controlled by an award. Even the men who drive the lorries are governed by an award.

Mr. Marshall: They are not.

Hon. C. G. LATHAM: There is an award for them. This may not apply to the family that the member for Middle Swan has mentioned. Those people are not working for others but for themselves. It might be impossible to bring them under any award. Men working in the quarries are subject to awards if they are working within a certain distance of the metropolitan area. The same thing applies to the carters. The position is unsatisfactory, but I suppose at the moment it is impossible to alter it.

Mr. SAMPSON: I am sorry the member for Middle Swan has misunderstood my statement.

Mr. Hegney: Then make it clear.

Mr. SAMPSON: I have never said that the Government quarries are not properly equipped. I asked whether they are, and not the reason for the position. I have never stated that the men who work for the Government do not work as they should. I only asked for information, as is the right of every member. I have no criticism to offer in respect to those who work in quarries. They have a heavy job even under the best conditions. The hon. member referred to some quarry in my electorate. What does it matter where the quarry is, or what it is?

Mr. Hegney: You referred to one in my electorate.

Mr. SAMPSON: I was not aware that it was in the hon. member's electorate. I am not dealing with electorates but with State trading. If the Premier is unable to provide the quarry with proper equipment, that is one explanation of the position. If he is able to give them the equipment, perhaps the quarry is not in the right location. That would also be an answer. We must get at the facts.

The Premier: Do you know that the State quarries have not proper equipment?

Mr. SAMPSON: I do not.

Hon. W. D. Johnson: He is only fishing.

The Premier: Then why suggest I am unable to provide it?

Mr. SAMPSON: If they have not proper equipment, it may be that the Premier is unable to provide the money with which to secure it.

The Premier: Who suggests they have not got it?

Mr. SAMPSON: The Auditor General's report shows the loss that has been made.

The Premier: That is not necessarily the answer.

Mr. SAMPSON: It suggests that there is something wrong somewhere, I hope we may be able to find out what is wrong. I have given two possible reasons. It may be due to lack of equipment or to the unsuitability of the site. It may also be due to the expenditure involved in carting.

Hon. W. D. Johnson: And it may be due to unfair competition.

Mr. SAMPSON: The quarry may not be properly situated from the geographical point of view.

The Premier: It may be due to the atmosphere of the Swan electorate.

Mr. SAMPSON: That is all right. I hope to have the company of the Premier on a tour of the electorate, when I am sure any lingering doubts he may have will be dispelled. Regarding certain stone workers in the quarries, I have been in their home and seen the excellent conditions under which they live. They feed as well as the member for Victoria Park would feed.

Mr. Raphael: No wonder you have been there!

Mr. SAMPSON: I should like to have an answer to the questions I have put up.

Mr. RAPHAEL: It is perhaps reasonable to expect in some instances that Government concerns should at times be run at a loss. The same thing may be said in connection with the Perth City Council. An analogy could be made between the two bodies. I know of one successful tenderer who tendered for some tens of thousands of tons of stone from the White Rock Quarry. One of the tenders was very low. It was desired to get rid of a lot of stone and it was necessary to break out a certain amount of stone to get to a better class of material. The other stone was only in the way, and would have had to be shifted in any case. This was the case of a Railway Department tender. The position has been put up by the member for Middle Swan. He referred to the conditions of a particular family which was able to enter into active competition with the State trading concern. One member of the family is a traveller for the firm, another is the typist, another is the office manager, and four or five others cart the stone. They work from early morning until late at night. I am sure no member of this Chamber would desire that men should work 18 hours a day, and that this would apply not only to members on this side but to National and Country Party members as well. All would desire that decent labour conditions should be observed. I do not think the member for Swan is really advocating that men should work from 14 to 15 hours a day. The member for Toodyay advocated that. I know he works his men up to 18 and 20 hours a day.

Mr. Thorn: There is no doubt about you!

Mr. RAPHAEL: I appreciate the hon. member's embarrassment at such a question as this arising. I know the policy he has adopted in the past. We have had the spectacle of the hon. member advocating long hours. He may well take note of the argument that has been put forward on this side of the House, and endeavour to bring the family in question to the right way of thinking. The hon. member has partaken of their salt, and we might well ask him to endeavour to induce those people to conform to decent labour conditions. We have had some trouble in the City Council, and a big row occurred a little while ago. The same arguments that have been put up here were put up there. I hope this debate is going to be a lesson for the hon. member, and that next year he will allow these Estimates to pass through without an acrimonious discussion.

Mr. HAWKE: It is true as stated by the member for Guildford-Midland that a contract was let to a private firm for the supply of ballasting material at Mackie's Siding last year. This material was required by the Railway Department. I understand that the price paid was only a small amount below the price tendered by the Boya State Quarries. I had an opportunity of inspecting the work that was being done at Mackie's Siding by the private firm. In the early stages the men were being grossly exploited. They were immediately placed on piece-work at very low rates, and had to work long hours to get anywhere near the basic wage at the end of the week. Soon afterwards I asked some questions in Parliament about the matter. I was informed that one of the conditions imposed by the Government Tender Board to successful tenderers was as follows:—

> That not less than the award rate of wages ruling in the district where work was to be executed must be paid.

Whether there is any ruling rate of wages for the York district or for the area surrounding York, I do not know. But it is true that the workmen on that job were exploited by that private company. I hope, therefore, that some consideration will be given to the position so that such exploitation will be avoided in the future. It is not fair that material required by a Government Department such as the Railways should be obtained from a private company when that company is allowed to exploit in the manner I have indicated, especially when consideration is given to the fact that another State Department, bound by an Arbitration Court award, tendered for the supply of the material that the private company are providing. I hope careful consideration will be given to that phase of the matter in relation to all contracts let in the future.

Division put and passed.

Division—State Shipping Service, £171,970:

The MINISTER FOR THE NORTH-WEST: It is hardly necessary for me once more to instance the very great advantage to the North-West particularly, that the State Shipping Service offers. It is almost superfluous for me to mention it and members will agree that the service rendered is excellent. The reductions made in recent years in freight and passage money charges have greatly affected the aggregate earnings of the shipping service, but on the other hand have been of considerable benefit to the people of the North. Oversea earnings show a slight decrease, and great difficulty is experienced in maintaining regular earnings from that source on account of the irregularity of services oversea, combined with the demands made upon the "Kangaroo" regarding the shipping of cattle from North-Western ports. Endeavours are made at all times to provide a schedule that will be of the greatest convenience to the residents of the North. It is unfortunate that the effect of the activities of the service upon the people in the North cannot be indicated as of benefit in connection with the Vote, or that the increase in the trading operations of exporters cannot be made apparent in the financial returns. The service has given a great impetus to oversea trade, and we have endeavoured to meet the requirements of the exporters in the best manner possible.

Mr. FOX: Will the Minister take into consideration the possibility of carrying out necessary repair work on State ships in Western Australia? It is unfortunate that we have not docking facilities, and so cannot meet all requirements of ships, but wherever possible I urge that repair work be done locally. Recently it was necessary to send the "Kybra" to Adelaide, and I understand from people who follow up repair work that some repairs that could have been carried out in Western Australia were effected in Adelaide. I do not think that is fair, seeing that this State has to provide the money involved. In those circumstances we should have for our own people the benefit of all the work that can be done here. Naturally I can understand that it may be convenient to carry out such repairs coincident with docking in Adelaide. Then again the "Kangaroo" at present is en route to Singapore, and I understand that some repair work is to be carried out when the vessel reaches that port.

Mr. Thorn: Cheap labour is the draw at Singapore.

Mr. FOX: While, from one standpoint, objection cannot be taken to work being carried out at Adelaide by means of white labour, strong exception can be indicated to similar work being done at Singapore by black labour. If the position is as I have suggested, the Minister should consider whether it would not be possible for that repair work to be effected at Fremantle.

Hon. C. G. Latham: At Singapore white labour is employed too, you know.

Mr. FOX: I understand that most of the work is done by black labour, and I would prefer to see such work carried out in Australia with the advantage of white labour. Recently the "Minderoo" ran on a bank and had to be taken off the coast. I understand that vessel operates under a license granted by the Commonwealth Government, and that license should not be allowed to be transferred to another boat. I believe the transfer has already been effected, but I think it would have been preferable to put another ship on the coast to deal effectively with the trade that is offering. If that were done, it would provide additional employment for seamen and other workers, and would avoid the necessity for black labour handling so much cargo on the North-West coast.

Mr. RODOREDA: I take this opportunity to bring under the notice of the Government the very unsatisfactory state of affairs regarding shipping facilities on the North and North-West coast. During the last two or three years, the position has become worse, and under the restrictions that are imposed at present I cannot see any prospect of an improvement. I do not blame the State Shipping Service for the position. As members know, regularity is a matter of prime importance in the transport business, and that essential condition cannot be maintained on the coast by the State ships, simply because the necessary plant is not available. At present the "Koolinda" is pushed to the limit of her resources, both as regards the vessel and the crew. She is raced in and out of ports, and has two or three days only at Fremantle. That does not give the crew a chance to pick up. It may be pointed out that other ships operating in Australian waters have the

same experience, but it has to be remembered that the crew of the "Koolinda" as well as working the vessel, have to work the cargo in and out at ports on the trips north and south. That means that, after working all day on the ship, they may have to continue all through the night loading or unloading cargo at ports. In such circumstances the efficiency of the crew must become impaired, and I cannot think that the "Koolinda" will be able to stand up to the demands made upon her much longer if she is to continue being rushed up and down the coast as has been found necessary during the past two years. I was disappointed to find that no provision had been made by the Government to establish a fund to enable a new vessel to be put on the run. I am pleased that we shall have the support of the member for South Fremantle (Mr. Fox) in that respect. Probably we shall be told by the Treasurer that the Government cannot finance the purchase of a new ship. It seems to me the Government will have to face that position sooner or later. If they cannot finance the purchase of a new boat, there is one thing only that can be done. The restrictions that are now imposed by the Commonwealth Government on boats trading along the coast will have to be withdrawn. The present position is very unfair to the people of the North and North-West, simply because the Government cannot afford the necessary plant for their shipping service in order to provide the schedule and conveniences that the people require. I suggest that the Premier take this matter up with the Loan Council and advance a special request for funds along the same lines as he adopted regarding the power house. He could put up a better case in support of his proposal to purchase a new boat than he was able to submit in respect of the power house. Naturally it goes against the grain for me to advocate the withdrawal of the restrictions imposed on ships manned by black crews, but it has to be recognised that the restrictions have not served the purpose the Government had in view when they were imposed. They hoped to compel the shipping companies to provide a fortnightly service, but whether it was on account of the passive resistance on the part of the shipping people or not, nothing of the sort eventuated. The present conditions have been on trial for three years, and the position has become gradually worse. After the unfortunate mishap to the "Minderoo," another boat, the "Kepong," was placed on the run and the latter vessel has proved very unsuitable. There is no passenger accommodation on the boat and but limited cargo space. In those circumstances there are not enough vessels on the coast to cater for the cargo that is offering. Two or three weeks ago one vessel went North and left behind 250 tons of cargo, mostly foodstuffs for northern ports. That cargo was left behind because no space was available for it on the boat. The shipping agents told me that they had arranged to shut out 400 tons of Singapore cargo in order to leave space for coastal cargo. That space was filled, and still 250 tons had to be left behind. There was no other boat for 13 or 14 days to take the foodstuffs North. The Government will also have to consider the provision of a boat suitable for the banana trade at Carnarvon. That requirement is essential in order to assist the industry. The trouble is that the banana growers have to pick the fruit to comply with transport requirements, and cannot pick the bananas when most suitable. Land transport has proved a failure. Bananas will not stand the knocking about they get when overlanded, in addition to which that form of transport is more expensive than despatch by sea. The industry is expanding so rapidly that shortly there should be sufficient cargo available for Carnarvon as well as banana consignments to warrant a small boat being placed on the coastal run to serve that port alone. It will have to be done eventually, or the industry will not be able to expand. Another matter I wish to place before the Minister is the unfortunate position that arises yearly regarding the boat available for the despatch of Christmas supplies to people in the North, and also to enable the children at school in the south to proceed north for their holidays. I believe that the latest boat to leave Fremantle in order that people may reach their homes in the North before Christmas will sail on or about the 6th December. That means that the people at most of the ports will have no perishable supplies, no butter, no fruit, no vegetables, nothing that will indicate to them that the festive season is upon them. They will not be able to store the perishables during the interim between their arrival and Christmas Day. I think

that is a matter that could be kept in mind and a schedule arranged so that a more satisfactory service towards Christmas time might be instituted.

Division put and passed.

Division—State Sawmills, £523,698:

The MINISTER FOR AGRICULTURE: The operations for the year ended the 30th June, 1935, terminated very satisfactorily with a net profit of £27,683, but owing to the reduced turnover this year, the net profit will no doubt be less. There are no unusual items of expenditure, but because of the heavy stock reductions for the year ended the 30th June, totalling £59,692, it is not expected that the turnover for the current year will be quite so large. Orders on hand, however, indicate that the whole of our 700 wages and salaried employees will be retained, and it is likely that the local trade activities will make it possible to employ another 10 or 15 men.

Mr. RAPHAEL: The Minister has told us that he expects an expansion of the activities of the State Sawmills. May I express pleasure at the number of employees in the Victoria Park yard as compared with the total working there 12 months ago. I believe there are twice as many men there to-day. I should like the Minister to explain the basis of the employment in that particular yard. I do not quite agree with the methods adopted, nor do I agree with some of the appointments that have been made, although I have the greatest faith in the branch manager there. I consider that an investigation should be made as a result of which possibly conditions might be put on a more satisfactory basis than they are at the present time. I do not ask the Minister to move in this direction immediately, but I am advancing the suggestion so that it may be carried further. The effect of the operations of the State Sawmills has been to keep down prices. If the State Sawmills had not been in active competition with other mills, I have no doubt that the price of timber would be 20 per cent. higher than it is at the present time. We have had the displeasure of listening to members now sitting in opposition advocating the sale of this as well as other State trading concerns. If they had had their way I have no doubt the sawmills would have been one of the first to go.

Hon. C. G. Latham: I do not know that you are right in saying that.

Mr. RAPHAEL: At any rate we have had the satisfaction of knowing that the number of employees engaged by the State Sawmills has been doubled, and that all the mills have come into their own. The employment of the additional number of men has helped to relieve the Government of the responsibility of providing relief work, for that section at any rate, and the present condition of things augurs well for the future. I hope the Minister will remember to inquire into the matters I have mentioned, and principally the appointment of men to the Victoria Park yard.

Division put and passed.

Division — Wyndham Freezing Works, £290,000:

Hon. C. G. LATHAM: There is only one matter to which I wish to draw attention. I notice in the balance sheet and statement of accounts of the Wyndham Freezing Works for the year ended the 31st January, 1935, and the Auditor General's comment thereon, it is set out in the final paragraph—

> According to the costing figures there was a loss of £80 4s. 7d. for the canteen which was operated by the concern from the 2nd November, 1934.

There are in some of the State trading concerns losses which it is impossible to control, but at least there should have been a profit in the canteen of the Wyndham Freezing Works. The men there are paid weekly, I suppose, and the management should see that the canteen is reserved entirely for the men and that the general taxpayer should not have to provide for the loss. There has been quite a big enough loss at the freezing works without having to incur a loss in the feeding of the employees.

Division put and passed.

This concluded the Estimates of the Trading Concerns for the year.

Resolutions reported.

BILL—ST. GEORGE'S COURT.

Second Reading.

Debate resumed from the previous day.

HON. C. G. LATHAM (York) [5.53]: I have had the opportunity of perusing the

Bill since its introduction last evening and the only objection I have to it is the width of the proposed new street. I do not think we should perpetuate this kind of thoroughfare in the city. We know what happens in narrow streets; they simply become parking places for motor vehicles. St. George's Court is to be only 40ft. wide and we know that the public will seize the opportunty to park their cars there and it will become just as bad as Howard-street is now. It is almost impossible at times to drive down Howard-street while cars are parked on either side of the road. I am sorry it has not been possible to make the road wider.

The Premier: The land is being given.

Hon. C. G. LATHAM: Yes, but this narrow street like others may become a nuisance, especially with the increasing traffic. It would have been better if there had been no street at all there. Regarding the piece of land marked on the litho, which is a part of the Armstrong estate, I do not propose to say anything. Certainly there can be no claim in respect of it because it has been a right-of-way for many years.

The Minister for Lands: Sixty years.

Hon. C. G. LATHAM: We are really not changing the purpose and I can see no reason for objecting to the proposal. At the same time, we should not take this as a precedent for the making of narrow streets in the city.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet—in reply) [5.55]: It would have been impossible to make the street wider than it is proposed to do. The Bill provides for the next best thing, that is, a thoroughfare having a width of 40ft., which is certainly better than the original width of 9ft. The effect will also be to beautify that part of the city. The other parties to the agreement, the Atlas Insurance Company, the Collie Co-operative Coal Company, Limited, and the Bank of New South Wales, could not possibly give additional land.

Hon. C. G. Latham: Of course they could not.

The MINISTER FOR LANDS: The fact remains that we shall have a thoroughfare of 40ft. which will be of great advantage to the city.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. N. KEENAN (Nedlands) [5.58]: This Bill and two others to amend the Public Service Appeal Board Act and to amend the Public Service Act of 1904 are designed to give effect to the ballot that took place amongst the members of the Civil Service Association for the purpose of determining whether the minimum and maximum salaries payable, and other incidental matters connected with their employment, should be taken away from the Public Service Commissioner and entrusted to the jurisdiction of the State Arbitration Court. It would obviously have been quite futile to have held that referendum unless there was an understanding that the result arrived at would be given effect to. Such an understanding, of course, must be fully honoured, and for my part I can see no reason why any exception should be taken to the Bill. But perhaps it is not fully and generally recognised that a very large proportion of what would be generally called public servants are already outside the scope and jurisdiction of the Public Service Act. In the appendix to the Public Service List for 1935, at page 97, hon. members will find a large number of public employees who are exempt from the operation of the Public Service Act, altogether apart from those that are specifically mentioned in Section 5 of that Act. They alone comprise a large number of persons. Hon. members will also find reasons given for those particular persons being taken out of the operation of the Public Service Act, and the date when that was done. From that perusal members will see that this state of affairs has existed for a great number of years—in fact, since 1906 in most cases. Therefore to remove the balance of public servants from the operation of the Public Service Act and entrust them to another tribunal is not by any means such a revolutionary step as at first sight

it might appear, if one takes into account the fact that already so many of our public servants are exempt from that Act. We must at the same time admit that this step, although it cannot, for the reasons I have given, be looked upon as revolutionary, is nevertheless a step of some magnitude. It marks a departure from our historical treatment of a number of public servants which no doubt will, in our history, be looked back upon either as an effort in the right direction or possibly, if we are making a mistake, as an effort leading us into a great deal of trouble. But whilst I am in full accord with the unquestioned carrying-out of the undertaking which the public servants received when they took this referendum amongst themselves to determine whether they would remain as they were or would seek a transfer of the government of their conditions to the Court of Arbitration, while I am in full accord with that promise being carried out in the strictest sense, nevertheless I am possessed of some fear that the members of the Public Service have made a mistake in electing to adopt this course. I propose, with all due respect, to state the reasons why I am possessed of that fear. The Public Service Act was passed in 1904 for the very special reason of providing for the due and proper protection of the rights of the public servants who come under it. The Act provided for the appointment of a man who was to be entitled "The Commissioner," and who was to be fully versed in all the conditions applicable to the employees in our Public Service. He was to devote the whole of his time to the study of those conditions, and he was of course also empowered by various provisions included in the Act to take steps to enable him to acquire the most intimate knowledge of those conditions. Further, by special provision he was also entirely freed from any political interference. On the other hand, not by any flight of imagination can the Court of Arbitration be supposed to possess those powers and that knowledge. It is impossible to attribute to the Court of Arbitration any special training in, or any special knowledge of, the conditions peculiar to our public servants. Indeed, I share with many others the view that the Court of Arbitration would be a much more efficient court to carry out the law that is entrusted to it if, instead of being a fixed tribunal, in the case of different industries into which it has to inquire it was a tribunal drawn from the particular industry at the time being inquired into—with, of course, a permanent head, but also with representatives both of workers and employers in the particular industry. Further, the members of the Court of Arbitration are expected to be such supermen as to have a wide and general knowledge of everything that occurs in the industrial world. And now, by this Bill, we are asking them to acquire a wide general knowledge of what occurs in the Public Service.

The Premier: That is the principle of the wages board system operating in Victoria, that each industry has representatives sitting on the wages board.

Hon. N. KEENAN: Yes. It is a principle which personally I regard as being the most effective to produce the best results.

The Minister for Works: Those who have worked under that system are not too hearty in support of it.

Hon. N. KEENAN: I do not know about that. I am not prepared to voice anything more than my own convictions on the subject; but I have heard many persons in this State voice the same opinion, that it is more desirable that the tribunal should not be a fixed one but should vary with the industry it is attempting to inquire into and deal with. However, I am merely pointing out that now we are proposing to add to the load of duties which the Court of Arbitration has to discharge the extra load of knowing properly the conditions of our public servants. That view possibly it is which suggests to me the fear that the public servants may have made a mistake in electing this tribunal instead of that which has been in force since 1904. But it is for the public servants to stand by their election; and I have no doubt that if it turns out not to realise all their hopes, they nevertheless will stand by that election. But there is one matter which is decidedly to be regretted —that in complying with the wishes of our public servants in giving them this particular form of administration, we are not agreeing to the wish they expressed except with certain irritating reservations, to which I propose to allude briefly. The one I principally want to point out, among others, is

contained in the proposed new Section 147, the second proviso to which reads—

Subject to Section 148 of this Act, nothing in this section shall affect or interfere with the exercise by the Commissioner in relation to Public Service officers under the Public Service Act, 1904, or by any other employer in relation to any group of Government officers under his administration of any powers of classification or of any other power in relation to any of the matters aforesaid within the jurisdiction of the Court under this section; but any act, matter, or thing done by the Commissioner or other employer——

"Employer" of course merely means the Crown, because this Bill relates solely to the Public Service—

——in relation to any matter in respect whereof the Court has jurisdiction as aforesaid shall be liable to be reviewed, nullified, modified, or varied by the Court in the course of exercising its jurisdiction in respect of such matters under this Part.

In effect that means that the Public Service Commissioner can go on acting as he has acted in the past, and possibly use the wide powers he possesses unless he is hailed up by the Court of Arbitration. I cannot imagine anything more likely to lead to a state of unrest and strife in the Public Service than a condition of that kind. If we are going to hand over—as there is no doubt we should hand over—the whole fixation of the classes, and of the grades in the classes, and of the maximum and minimum salary to be received by each officer——

The Minister for Justice: In any grade; not by each officer.

Hon. N. KEENAN: Well, the maximum and minimum salaries. May I read to the Minister for Justice the powers set out in proposed new Section 147 of the original jurisdiction of the Court of Arbitration—

(a) to define classes and determine and fix grades within such classes, and to provide the minimum and maximum salaries of each class——

Not of each individual, but of each class; quite true—

——(b) to determine the method by which the Government officers shall be advanced from the minimum to the maximum of the salary assigned to their class through the grades within their class . . . .

So that we are giving to the Court of Arbitration—if we are going to trust that court to deal with the matter at all—the same powers as those originally enjoyed by the Public Service Commissioner since 1904; to say nothing of the circumstance that the Public Service Commissioner can go on exercising those powers as long as he is not stopped by the Court of Arbitration. This, I suggest, is to create a very easy cause of strife. I hope the Minister will appreciate that fact, his attention having now been drawn to it. Again, under proposed new Section 150——

Mr. SPEAKER: Order! The hon. member is not in order in dealing with clauses in a second-reading speech. On second reading he can only deal with the Bill generally.

Hon. N. KEENAN: I shall not mention the proposed section, but I am following the matters with which the Minister dealt in moving the second reading; and that is to deal with the character of the Bill. Another part of that character is to create a tribunal on which the Civil Service Association will be entitled to be represented, and also what is known in this Bill as the employer or the Commissioner. That would be a very welcome tribunal; but, unfortunately, if the terms of the Bill are examined it will be found that these are merely assessors, merely have the right to express their opinions—nothing more. They cannot in any way influence the result. They are painted laths. They merely can express their opinions. That, again, I feel will be a cause of strife instead of a cause leading to friendly relations, because we know perfectly well that unless the opinon expressed is accepted—and that alone gives it any binding force—there will be grave disappointment. Moreover, we have in the Bill adopted a good deal of the Industrial Arbitration Act which is relevant. But there is one part of that Act particularly relevant, Part III., which makes provisions dealing with agreements, such agreements then becoming binding on the parties. That part might well have been adopted in this Bill.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. N. KEENAN: Before tea I was pointing out that certain portions of the existing legislation, the Industrial Arbitration Act, could well be incorporated instead of a number of the clauses in this Bill, which constitute a mere clumsy and objectionable variant of what is to be found in the Industrial Arbitration Act. There is very little more I wish to add in comment on the Bill, except to point out what is possibly the most irritating condition that appears to be attached to this gift. I again stress the fact that if

you make a gift it is essential that you make a generous gift, because, if not, those to whom you make the gift will not appreciate it and will not make adequate return. So I am pointing out that in another part of the Bill we find provision made whereby if the Public Service Commissioner or the Crown commits a breach of an award made by the court in pursuance of powers given to it in this Bill, the Public Service Commissioner or the Crown shall go scott free and all that will happen, as provided in the Bill, is that the court may—not shall—report the matter to the Governor and thereupon the Governor shall remedy the matter complained of.

The Minister for Justice: It would not be of much use fining the Public Service Commissioner.

Hon. N. KEENAN: It is not a matter of fining at all; it is the matter of condoning the offence that is objectionable. The Crown need not carry out its responsibilities in this regard. The word "shall" is used, but you cannot bind the "Crown" in a statute, except with its own consent, as illustrated in the well-known Laffer case, which came under the Public Service Appeal Board Act. In that case it was held that the Crown was not bound by the words. I do not wish to make any further observations on the Bill because, if it is as we learnt from the Minister that the Bill has been accepted by the persons most affected, I do not intend to move any amendments at all. But I should certainly like the Minister to give consideration to the one idea I am stressing, namely, that if you are making a gift, it should be a generous gift and not hedged about by conditions, for then the gift will not be appreciated by those who receive it. Therefore I have nothing further to add, either on this Bill or on the two complementary measures which I am assured by the Minister merely serve to give effect to this Bill.

MR. NEEDHAM (Perth) [7.35]: I support the second reading and welcome the Bill as something which should have been carried into effect long before now. I listened to the speech of the member for Nedlands (Hon. N. Keenan), who appeared to express regret that such legislation should have been brought down. He instanced the fact that for over 30 years the civil servants in this State have worked under a system at the head of which is a man entitled the Public Service Commissioner, a man who is expected to have a complete and expert knowledge of all the ramifications of our civil service. My honourable and learned friend seemed apprehensive because this new departure, as he called it, was about to be taken, and that the civil service would suffer as the result of the change which they seek and which the Government, through this Bill, propose to give them. My honourable friend is evidently of opinion that, as in the past, the traditional custom of the civil service should be to be governed, or continue to be governed, by the Public Service Commissioner. After all, that tradition, or the honouring of it, did not give much satisfaction to the civil service in point of salaries. Although they have had for over 30 years the assistance of experts at the head of their departments, they are to-day and have been for many years the lowest paid civil service in the Commonwealth. My friend, the member for Canning, reminds me that so severe and unpleasant and intolerable were the conditions under which they were working a few years ago that they resorted to the use of the strike weapon in order to bring their grievances before the Government of the day.

Mr. Cross: It was not a Labour Government.

Mr. NEEDHAM: Of course not. Had a Labour Government been in power there would not have been any necessity for the civil servants to resort to the weapon of the strike. The member for Nedlands also said there must have been an understanding arrived at prior to the taking of the referendum and, that understanding having been arrived at, the referendum resulted in a majority voting in favour of asking leave to go to the Arbitration Court and, that being so, that undertaking should be honoured. The hon. member did not produce evidence of any such undertaking with any Government of Western Australia during the past 30 years, and I venture to say there has not been any understanding between the Government of the State and the civil service. The referendum was taken and, as we know, it resulted in an overwhelming majority in favour of changing the present system for that of the Arbitration Court. The Bill before us is the culmination of a long and sustained effort on the part of the Civil Service Association to secure admission to the court. The agitation to secure

this provision to avail themselves of the law of arbitration as against that of determinations by the Public Service Commissioner was commenced long before the recent referendum was held. That referendum was so emphatic in its verdict that the association was encouraged to seek the co-operation of the Government to bring about the measure which we have before us to-day. The Bill is largely of a machinery nature, amending the Arbitration Act so as to enable the civil servants to go to the court and, if they so desire, the court may determine the hours which the civil servants shall work and the remuneration they shall receive and the conditions under which they shall labour. They have a perfect right to that method of settlement and determination; they are citizens of the State and they have a perfect right to avail themselves of the law of the land if they think it is going to benefit them in their positions. I realise that this measure is in the nature of a Committee Bill rather than a Bill for a second reading debate. I shall be very much surprised if before it gets through the Committee stage some amendments are not discovered to make the Bill embody all that the association desires, and what the Government intend to give them. I was amused by the assertion of the Leader of the Opposition when he referred to a statement by the Minister who moved the second reading of the Bill. That Minister in the course of his second reading speech said that one of the reasons for the introduction of the Bill was that the civil servants, as a result of their referendum, had requested it. The member for York then asked this question: Was legislation to be introduced because a majority of people requested it? He added that the procedure should not be followed of introducing legislation merely because people wanted it. Whenever has legislation of a progressive nature been introduced in Parliament when it was not asked for, or when there has not been an agitation in the public mind demanding it? I remind the Leader of the Opposition that the party he represents and the people he represents in this Parliament have frequently clamoured for legislation; not only asked for it but clamoured for it and got it. There is no section of the community more favoured in that regard than the very interests whom the hon. member so worthily represents in this Chamber, namely the farming community of this country. The statute-book of the Federal Parliament, as also that of the State Parliament, teems with legislation placed there at the request of the very people whom my honourable friend represents, while the hon. member asks why legislation of this nature should be brought in merely because the civil service have asked for it. The hon. member went on to say that he was in favour of arbitration. He did not need to remind us of that, because we know he favours the basic wage of the Federal Arbitration Court. He need not have reminded us of that fact, because I think he knew something about it, and he had been reminded from this side of the House once or twice before, that he was in favour of the Federal basic wage, and against the basic wage of the State Arbitration Court. So there was no necessity for my hon. friend to protest so much and tell us he was in favour of arbitration, when his speeches are there to indicate that he is entirely in favour of the Federal basic wage.

Mr. Thorn: Who told you that?

Mr. NEEDHAM: My hon. friend stated that, except when dealing with the financial emergency legislation, which he had to support because it had been agreed to by all the Australian Governments, he was not in favour of a reduction of wages or of an increase in hours. Further on he said that hours and wages were entirely a matter for the Arbitration Court. With that sentiment I heartily agree, but the hon. member did not practise it when he had a chance to do so.

Hon. C. G. Latham: Yes, I did.

Mr. NEEDHAM: The hon. member was a member of a Government who brought in legislation that placed shackles on the Arbitration Court, and made this Parliament the arbiter in the matter of hours and wages, not the Arbitration Court. At the very period to which he referred, other Australian Governments, in introducing emergency legislation under the aegis and cover of the Premiers' Plan, did not include in its ramifications employees of private firms. The Leader of the Opposition was a member of a Government that assumed the right to get this Parliament to dictate to the Arbitration Court what the hours and wages of employees of private firms should be. It is all very well for the hon. member to say that

the fixing of hours and wages should be the absolute right of the Arbitration Court, and not of Parliament, when he was a member of a Government that did not put that policy into operation. There is no denying the fact that Parliament is not the proper place to determine hours and wages. I am glad to see that the civil servants are to be given a chance to approach the Arbitration Court. In electing to place themselves and their fortunes as regards their wages and conditions of employment in the hands of the Arbitration Court, I venture to say that the civil servants of this State have everything to gain and nothing to lose. By no stretch of imagination can I believe that their salaries will be fixed at a lower level than they are at present, and there is some hope of their getting an increase. We have the statement of no less a personage than the Public Service Commissioner that the salaries of our civil servants are the lowest in the Commonwealth. As I said at the beginning of my speech, this is more a Bill for Committee than for debate on the second reading.

Hon. C. G. Latham: There is nothing much in it to consider in Committee.

Mr. NEEDHAM: I conclude with the hope that when the measure becomes law, it will be the means of conferring many a long-deferred benefit on the civil servants of the State.

THE MINISTER FOR WATER SUPPLIES (Hon. H. Millington—Mt. Hawthorn—in reply) [7.48]: I wish to reply to some of the statements made by the Leader of the Opposition and the Leader of the National Party. I shall first refer to the remarks of the Leader of the National Party, because he criticised the structure of the Bill. The structure has been purposely and specifically adopted because the Public Service Commissioner will still be the employer. Therefore he must have the powers of an employer. The court will be invoked only if it is found impossible for the Public Service Commissioner, as employer, and the Civil Service Association of employees, to arrive at an agreement. The same holds good in respect to a suggestion that a mistake has been made. If a mistake has been made, it will be very easy to remedy because, without any difficulty, we shall be able to revert to the old order, and the Commissioner, provided the Civil Service Association do not appeal to the court, can arrive at an agreement with them respecting salaries and conditions and all that has been arranged in that way in years gone by. The hon. member suggested that the Court of Arbitration possessed no special knowledge, and further said it was possible for the court, if thought fit, to appoint assessors. This provision is also contained in the Arbitration Act, though it is not availed of, but it might be necessary when administering this new section, and so the power has been provided. The hon. member also stated that he did not favour the present constitution of the court. I do not know that that has anything to do with the Bill. The fact remains that where there is a variation of members of the court, there must be difficulty in securing consistency and responsibility. Where there is inconsistency in industrial agreements and awards, no end of irritation arises. Whatever may be said in favour of wages boards, and they are mostly admired at a distance, the fact remains that the Arbitration Court in this State has been eminently successful, and there has been a consistency in the awards issued irrespective of districts. Thus we have not the glaring anomalies that exist in regard to awards in other countries. As to the court not being a body capable of hearing cases and giving wise and just decisions, I think we have been particularly fortunate in that respect. Where the case is properly presented, I think the court is quite capable of assessing the evidence tendered and has proved capable of giving a satisfactory award. In any event, the Civil Service Association in this State pin their faith to the court. I assume that we shall discover in Committee just what those irritating reservations are. What irritating reservations? The hon. member also used the term clumsy variant of the present Act. He also used the term "irritating gift."

Hon. N. Keenan: I do not think the Minister understood me.

The MINISTER FOR WATER SUPPLIES: What is the position? I am assured by the Premier that the assumption of the hon. member is entirely wrong. What happened was that the Civil Service Association, of their own volition, took a ballot, and the decision having been overwhelmingly in favour of a desire to approach the Arbitration Court, the Premier was asked that

the court be made available to them. It seems to me that there is some suspicion, but everything was done publicly and above-board. We are not suggesting that some special favour has been conferred upon the Civil Service Association. Have we ever suggested that? What has happened has been as I have stated. Let me read what I said when introducing the measure. The Leader of the Opposition also misquoted me in this respect.

Mr. Marshall: That is not unusual or surprising.

Hon. C. G. Latham: Have you returned?

The MINISTER FOR WATER SUPPLIES: The report is headed "dangerous procedure" and states—

> The only reason given by Mr. Millington for introducing the Bill was that the civil servants had requested it by an overwhelming majority referendum vote. Was legislation to be introduced because a majority of people required it? It would be a very dangerous procedure. The people might be asked whether they required a reduction of taxation, etc.

Of all the men in this House, the Leader of the Opposition objects most to being misquoted. Let me read a quotation from my speech which, by the way, has not been corrected.

Hon. C. G. Latham: You mean there was no need to correct it.

The MINISTER FOR WATER SUPPLIES: That is so. I said—

> In this instance there are many good reasons, but if I were to give one alone, it would be that some form of arbitration for the fixation of wages and salaries and conditions of work is in operation in every State of the Commonwealth and in the Commonwealth itself.

Hon. C. G. Latham: I think you will find I said that.

The MINISTER FOR WATER SUPPLIES: I think you will find that it does not appear in the Press report.

Hon. C. G. Latham: I am not responsible for what appears in the Press, but I am responsible for what appears in "Hansard."

Member: That £2 18s. 1d. was in the Press.

The MINISTER FOR WATER SUPPLIES: I continued—

> Therefore it can be said that it is the recognised policy of Australia.

Hon. C. G. Latham: I did not put people in gaol because they told a lie to get a job.

The MINISTER FOR WATER SUPPLIES: If the Leader of the Opposition will kindly listen, I want to show that I have been misquoted by him. I pointed out that it could be said that this was the recognised policy of Australia. Is that a reason?

Hon. C. G. Latham: I admit that.

The MINISTER FOR WATER SUPPLIES: I continued—

> The Civil Service Association in this State have expressed the wish in no uncertain language, by a large majority vote secured at a secret ballot, to come under the provisions of the State Industrial Arbitration Act.

That provides a reason and a valid reason. Can anyone provide a reason why they should be denied facilities for referring any dispute to the Arbitration Court?

Hon. C. G. Latham: They have an appeal board, you know.

The MINISTER FOR WATER SUPPLIES: What has that to do with it?

Hon. C. G. Latham: They can appeal to the board; it acts the same as the court.

The MINISTER FOR WATER SUPPLIES: The work that is being done by the Commissioner in the way of fixation of salaries will be done to a large extent by the court. Therefore the Civil Service Association desire to be given access to the court. I proceeded to say—

> The Bill will enable them to do so, and so, if the Bill becomes law, they will have achieved their desire.

I do not know what the member for Nedlands meant when he said that this was given grudgingly. There is no suggestion that it was given grudgingly. This being a new departure as regards the civil servants, we have endeavoured to simplify the method of approach to the court. The duties and powers of the board are set out clearly, as well as the duties and powers retained by the Commissioner, because he is still necessary. The duties and powers of the appeal board are also set out. In each case they are different from what will have existed prior to this Bill becoming law. There certainly are difficulties, as I explained when introducing the Bill. The Arbitration Court cannot deal with individuals. It deals with the minimum rate to be paid for a given class of work, and the increased allowances for skill, etc. Having fixed the class and determined the rate of pay that shall apply to such classes, the court may also determine the rate at which the people concerned shall advance within such classes. If the class was between £200 and £300 a year, the court could say whether the officers should go from the minimum to

the maximum in five or four years, and the Public Service Commissioner would be bound by those conditions. As to the individual, all individuals will have to be placed by the Commissioner himself as at present. If there is any difficulty, and it can be shown by any public servant that he has been placed in a wrong class, he can have access to the appeal board. The whole thing is simplified. There were suggestions that there should be an appeal by individuals to the court. That would be impossible. The court makes an award which holds good as at present for a period of not less than 12 months before it is subject to review. In the meantime, the Public Service has to be carried on. Following upon the decisions of the court, public servants have to be placed in their correct classes, having regard to the award that has been delivered. I believe in practice there will be no difficulty. I think the member for Nedlands (Hon. N. Keenan) classed the section which has been interpolated into the Industrial Arbitration Act as "a clumsy variant." The Crown Law authorities have done more than spend a few minutes in scanning the Bill. They have devoted a great deal of time to it. Under this provision the Civil Service Association, Incorporated, which is a registered body without being registered as an industrial union, has the right to approach the court. That is one of the reasons why this special section or "clumsy variant" is necessary. It will be found that the Bill as drafted will do what was intended, and that the whole procedure has been simplified as much as possible considering that everything is in the nature of an experiment. As to the enforcement of the award, it is true that the clause concerned reads that the court "may" submit a report. The necessary amendment will be made in Committee, as I realise that this clause should be made mandatory. When altered it will read that the court "shall" do so and so, just as in the following lines it says the court "shall report." With regard to breaches of the award, a necessary section in the existing law is incorporated in the Bill. A public servant will have the right to take steps for an enforcement just as is done in the case of an industrial union. Instead of the Government being subject to a penalty, the machinery is provided to give them the opportunity to remedy what has been done. There is a distinct instruction that the breach or dereliction as already mentioned in such report, shall be corrected. The Bill gives a definite direction and instruction to the Government that the dereliction be corrected. It is considered that this is the appropriate way to deal with questions of that kind. I now come to the criticism of the Leader of the Opposition. He wants to know why teachers are not included in the Bill. They have never asked to be included. A very serious question might be asked of any Government that, without any request from the teaching staff, included them in a measure of this kind to enable them to approach the Arbitration Court. The teachers have no desire for this.

The Premier: It is contrary to the whole spirit of the Arbitration Act that people should be compelled to go to the court if they do not wish to.

Hon. C. G. Latham: We do not want it if the teachers are satisfied.

The Premier: They do not want to in this case.

Hon. C. G. Latham: There is no need for them to use the opportunity if they do not wish to do so.

The MINISTER FOR WATER SUPPLIES: If teachers were included in the Bill, the Government could create a dispute and take them to the court whether they liked it or not. They would then be subservient to the Arbitration Court, a thing they do not desire. Teachers are not included because, not only do they not desire to be included, but I assume they object to being included. That is a sufficient answer to the Leader of the Opposition. I should like to know whether he has been importuned by the Teachers' Union to ascertain why they have not been included. Had they made the same application as the Civil Service Association made, consideration would have been given to their request.

Hon. C. G. Latham: You are unfair. The teachers have not spoken to me. You should not say such a thing. You say I have been importuned by the teachers.

The Premier: There is no reason to complain that they are not included, if they have not asked to be included.

Hon. C. G. Latham: I merely asked a question. I made no assertion.

The MINISTER FOR WATER SUPPLIES: I have replied to the question.

Hon. C. G. Latham: Do not make out I said something I did not say.

The Premier. We do not force arbitration upon people.

The MINISTER FOR WATER SUPPLIES: The Leader of the Opposition also wants to know why there is a limit of £700 a year beyond which officers may not approach the court.

Hon. C. G. Latham: It was £500 a year.

The MINISTER FOR WATER SUPPLIES: I think it was £699 a year. I quoted precedents in two cases. One was the case in New South Wales where public servants below a limit of £750 a year can approach the court, but that does not apply to any officer receiving more than that salary. The Railway Classification Board Act in this State excludes from the jurisdiction of the Railway Classification Board all heads and sub-heads of departments. The Act was passed in 1920.

Hon. C. G. Latham: Why do you exclude them?

The MINISTER FOR WATER SUPPLIES: There is a reason for this. We had to stop somewhere. Does the Leader of the Opposition contend that in the Public Service everyone from the office boy to the Director of Works receiving £1,500 a year should go to the court.

Hon. C. G. Latham: They can go to the Appeal Board to-day.

The MINISTER FOR WATER SUPPLIES: They can still do that.

Hon. C. G. Latham: Why not the Arbitration Court instead of the Appeal Board?

The MINISTER FOR WATER SUPPLIES: We still need the Appeal Board.

Hon. C. G. Latham: I know you do, for classifications.

The MINISTER FOR WATER SUPPLIES: The Arbitration Court cannot be used for appeal purposes and the Appeal Board will stand. We have not excluded anyone from the benefits that may accrue under the Bill. All officers up to £700 a year will have the right to approach the court, and though other officers receiving more than that salary may not so do, they will still receive any benefits that accrue. The Commissioner is directed in the Bill that the classifications that he makes of officers over and above £700 a year shall not be inconsistent with the awards of the court. Those officers will have the advantage of whatever is done though they will not be a party to the complaint. It is necessary to stop somewhere. No one knows better than the hon. member, and the member for Nedlands (Hon. N. Keenan) that heads of departments are in the position of employers. They are confidential advisers to Ministers of the Crown. Actually they are the controllers of the big departments. It is not advisable that they should go to the Arbitration Court. We have, therefore, purposely excluded them. There are about 50 of them, and they will be the only officers who will be left out of the awards. Notwithstanding this, they will get any advantages that would accrue to them from any increase given by the court to those under £700 a year. Although excluded, they would suffer no disadvantage. The Leader of the Opposition also wanted to know why we have placed a limit of £500 in cases where variations in the basic wage would apply. That can be varied in Committee.

Hon. C. G. Latham: You could make the amount £700.

The MINISTER FOR WATER SUPPLIES: In connection with the railway officers classification, the basic wage does not apply when the salary reaches a given amount. At that stage the matter is a trifling one, but a variation of 2s. a week is very important to the man on £3 9s. a week, and represents a big percentage of his wages. The matter is a trifling one to the man on £700 or £1,000 a year.

Hon. C. G. Latham: But you ought to be consistent.

The Premier: Consistent in taking a shilling a week from a man on £1,000 a year.

The MINISTER FOR WATER SUPPLIES: In the outside world basic wage variations do not apply to men on substantial salaries. I defy the hon. member to show that it does. It applies only up to a certain stage. It would be considered trivial to apply it beyond that stage.

Hon. C. G. Latham: Under local government awards it applies to the maximum salary of an officer.

The MINISTER FOR WATER SUPPLIES: It would be a trifling matter and purely negligible to apply it to a £1,500 a year man.

Hon. C. G. Latham. It affects some on £1,100 a year. Let us be consistent.

The Premier: Consistent in our stupidity!

The MINISTER FOR WATER SUPPLIES: We did not need to be consistent in applying a principle that affects men on the basic wage, to men receiving a substantial salary of over £700 a year. It would

take the hon. member all his time to work out the percentage of increase in such cases.

Hon. C. G. Latham: There has been a falling off in the basic wage of about £42 a year in the last few years. That is more than 1s. a week.

The Minister for Mines: That is due to the lower cost of living.

Hon. C. G. Latham: Does not that affect the basic wage?

The MINISTER FOR WATER SUPPLIES: We are speaking of basic wage variations.

Hon. C. G. Latham: The basic wage is £42 less than it was in 1932.

The MINISTER FOR WATER SUPPLIES: The variation is only what takes place now.

Hon. C. G. Latham: But it may go up.

The MINISTER FOR WATER SUPPLIES: We are talking of variations of £5.

Hon. C. G. Latham: That came afterwards.

The MINISTER FOR WATER SUPPLIES: The hon. member wanted to know whether quarterly adjustments are to be made. Certainly not. Salaries will be fixed on an annual basis and adjustments in respect of the basic wage, if any, on the £5 basis will also be effected annually. We have never agreed to quarterly adjustments. They were provided for during a time when the cost of living was decreasing rapidly. In order rapidly to decrease wages, quarterly adjustments were resorted to. We have not troubled to have it altered.

Hon. C. G. Latham: I remember when it was introduced at one time by you people, and it was thrown out elsewhere.

The Minister for Health: Yes, that was when the cost of living was increasing.

The Premier: It was when the cost of living was coming down that you went for quarterly adjustments.

The MINISTER FOR WATER SUPPLIES: Under our proposed alteration, the adjustments will take place annually. I propose to refer now to something that I did not mention when I moved the second reading of the Bill, but the subject was introduced by the Leader of the Opposition himself.

The Premier: Of course, it was irrelevant to the Bill.

The MINISTER FOR WATER SUPPLIES: But it has something to do with the arbitration question. Repeatedly the Leader of the Opposition has made the statement, and he again used the Bill for the purpose of reiterating it. On this occasion he stated—

> Except the financial emergency legislation, which he had been bound to support owing to arrangements made by all the Australian Governments at the time, he had never advocated a reduction of wages in this State, and he did not stand for such a principle, nor for increased hours.

That is what he told the House. I think it is just about time we had an understanding as to what the hon. member did say.

Hon. C. G. Latham: That is so.

The MINISTER FOR WATER SUPPLIES: Therefore I propose to produce the evidence of what he did say. I have here a copy of the "Primary Producer," dated the 23rd February, 1933.

Mr. Marshall: That is the year when the Leader of the Opposition became famous.

The MINISTER FOR WATER SUPPLIES: There is a slogan published over the name of the paper reading, "The State's Most Reliable Farm Journal."

Mr. Needham: That is the incriminating document.

The MINISTER FOR WATER SUPPLIES: We have never been able previously to get a reliable publication of the hon. member's statement. I now propose to go further. The statement is made under the name of the journal, which indicates that it is the "official organ of the Primary Producers' Association and the Dried Fruits Board." Surely the paper therefore must be official enough. In the course of a leading article that is very well and crisply written, it is stated—

> Appropriately describing the Country Party's policy as the natural national policy for a primary producing State, the Leader of the Party, Mr. C. G. Latham, officially opened the election campaign on Friday night last at York.

The Premier: He did not have a reporter there, so this was probably furnished before he went there.

Hon. C. G. Latham: No, that is not so.

The MINISTER FOR WATER SUPPLIES: Let us see further what this official publication stated. In the leading article there is this—

> The policy speech is published in full in this issue, and there is therefore no need to do more than to draw attention to its main features.

At last we have the official declaration.

Hon. C. G. Latham: I have read that official declaration before in this House.

Mr. Needham: We want to hear it again so that we may remember it.

The MINISTER FOR WATER SUPPLIES: In the course of this officially published report of the hon. member's speech, there are more headings that I have time to count. We find under the heading of "Arbitration and Workers' Compensation," this official statement, which has been officially published in the official paper of the Primary Producers' Association and the Dried Fruits Board—I did not know that was the position regarding the Board before—

Mr. Marshall: And never officially corrected.

The MINISTER FOR WATER SUPPLIES: In this publication we have the official declaration—it is not an electioneering pamphlet—of the hon. member's policy, and there is no doubt we have the real statement at last. He is reported in this official publication as having stated—

> The operations of the State and Federal Arbitration Courts and the incidence of workers' compensation affect industry considerably, and because of this we contend that there should be a review of our arbitration laws. We believe that the court should consist of a president only, with representatives of the employers and employees acting as advocates for their respective interests. The duplication of machinery and the system at present in operation is unnecessarily costly. Then, in making an award, we believe that the president should take into consideration not only the wages to which an employee might be entitled, or what an employer can pay, but also the ability of the industry to carry the financial burden.
>
> It is useless to pursue a policy of wage fixation if the amount so paid is to be added to the cost of commodities and eventually passed on, leading to pyramiding of costs which become greater than industry can bear, and finally brings about a cessation of activities.

Now we come to the real point.

Mr. Thorn: That is what we have been waiting for.

The MINISTER FOR WATER SUPPLIES: Yes, and now you have it officially.

Mr. Thorn: We are waiting.

The Premier: With some anxiety.

Hon. C. G. Latham: Not the slightest. I have quoted several times what appears in that statement.

The MINISTER FOR WATER SUPPLIES: The report continues—

> We desire the adoption of a more scientific method of determining what is a fair thing to all concerned. The Federal basic wage as it applies to the State would, if adopted, obviate the duplication now taking place, and bring Western Australia into line with Victoria and Tasmania, where the Federal wage is accepted as the basis for wage adjustment.

Mr. Raphael: What about that?

Hon. C. G. Latham: That is all right.

The MINISTER FOR WATER SUPPLIES: In his declaration of policy the hon. member continues—

> It is unsatisfactory to find two men side by side working under different arbitration laws, one receiving more than the other, because of the difference in the basic wage, yet both having to pay exactly the same price for commodities.

Hon. C. G. Latham: That is so.

The MINISTER FOR WATER SUPPLIES: Now what is implied by that statement?

Hon. C. G. Latham: I see! You intend to put your own interpretation on the statement.

The MINISTER FOR WATER SUPPLIES: The hon. member stated, in his official announcement of his official policy, that he desired to legislate in conformity with the Federal Act.

Hon. C. G. Latham: The basic wage may be higher before the next election.

Mr. SPEAKER: Order!

The MINISTER FOR WATER SUPPLIES: The hon. member, in his policy speech, said that the proposal was not to substitute the Federal Court for the State Court. He was not prepared to do that, but what he did say was that he proposed to bring Western Australia into line with Victoria and Tasmania, and apply as the basis the Federal basic wage.

Hon. C. G. Latham: I never said anything of the sort.

The MINISTER FOR WATER SUPPLIES: The hon. member also showed that he proposed to reconstruct the court.

Hon. C. G. Latham: Yes.

The MINISTER FOR WATER SUPPLIES: In doing so, he has advanced that formula as the basis regarding the basic wage. He suggests that the court should have a free hand, and fix a rate that was reasonable.

Hon. C. G. Latham: The court fixes the basic wage on the information that is available.

The Premier: The court fixes the basic wage in accordance with the lines laid down in the Act.

Hon. C. G. Latham: That is so.

The MINISTER FOR WATER SUPPLIES: It is not fixed on the basis of what industry can pay. The court has received a distinct direction from Parliament.

Hon. C. G. Latham: Yes.

The MINISTER FOR WATER SUPPLIES: In order to indicate the difference between the Federal basic wage at the time the hon. member made his statement and the State basic wage, I rang up the State Statistical Department and asked for a reply to the question I put to them. I wanted to know what the State basic wage was and the amount of the Federal basic wage at that time, namely, March, 1933.

Hon. C. G. Latham: What are they today?

The MINISTER FOR WATER SUPPLIES: This is the official reply that I received: The State basic wage at the time when the hon. member delivered his policy speech was £3 9s. The Federal basic wage was £3 4s. 6d., less 10 per cent., which brought the basic wage down to £2 18s. 1d.

Hon. C. G. Latham: What do you mean by "less 10 per cent."?

The MINISTER FOR WATER SUPPLIES: The Federal court had reduced all wages by 10 per cent.

Hon. C. G. Latham: In Western Australia?

The MINISTER FOR WATER SUPPLIES: Yes.

Hon. C. G. Latham: How did that come about?

The SPEAKER: Order! The Minister has the floor.

The MINISTER FOR WATER SUPPLIES: The Leader of the Opposition cannot have followed the doings of the Federal Arbitration Court closely because that is exactly what the court had power to do and actually did at that time.

Hon. C. G. Latham: And was that the reason why we amended the Industrial Arbitration Act at the time?

The Premier: The reason you adopted your policy was that it meant 10s. 11d. a week less.

The MINISTER FOR WATER SUPPLIES: That was the point. The Federal basic wage was to be the basis in respect of which the State Arbitration Court was to be definitely instructed by law to comply with. I pointed out that the Federal basic wage then was £2 18s. 1d., a difference of 10s. 11d. per week.

The Premier: That was the Leader of the Opposition's policy.

The MINISTER FOR WATER SUPPLIES: Here we have the hon. member's policy clearly indicated in this official newspaper. The reply I received from the State Statistical Department will bear inspection, and so I have shown the difference it meant under the hon. member's proposal. Notwithstanding that, he has come here and repeatedly told us he had never advocated anything of the sort.

Hon. C. G. Latham: Nor have I done so.

The MINISTER FOR WATER SUPPLIES: He has expressed his anxiety regarding the civil servant on £230 a year. Members of the Public Service will tell him that his sympathy would have been appreciated had it been apparent much earlier.

Hon. C. G. Latham: They will not tell us anything of the sort. We have no candidates there.

The MINISTER FOR WATER SUPPLIES: They will remind him of the fact that his sympathy would have been more welcome at a time when their salaries were reduced by 18 per cent.

Mr. Marshall: That is so. He rocked it into them.

Hon. C. G. Latham: You may remember also that we were forced into that position.

Mr. Marshall: The hon. member smashed them without compunction.

The MINISTER FOR WATER SUPPLIES: It is just about time that this business was settled. I have not quoted from an electioneering pamphlet but from this reliable newspaper.

Mr. Marshall: A most reliable paper!

The Premier: A most authentic production!

The MINISTER FOR WATER SUPPLIES: The official organ of the Primary Producers' Association. There is nothing unofficial about that.

Hon. C. G. Latham: No one has disputed it.

The MINISTER FOR WATER SUPPLIES: Yet here we have the hon. member proposing to impose a formula on the State Arbitration Court, which would have had the effect of reducing wages at that time by 10s. 11d. a week. If what I say is not correct, I will apologise, but I remember that, when speaking the other evening, the Leader of

the Opposition misrepresented me by suggesting that the sole reason for the introduction of the Bill was the vote taken by the Civil Service Association. I say that the reason for the introduction of the Bill is that arbitration is the accepted policy of every State and of the Commonwealth. When the members of the Civil Service Association expressed by an overwhelming majority their desire to have access to the court, the present Government decided to give them the opportunity. We do not claim, as was suggested by the member for Nedlands (Hon. N. Keenan), that we deserve special credit for what we have done.

Hon. C. G. Latham: Why did you not do it last year? The referendum was taken in 1933.

The MINISTER FOR WATER SUPPLIES: The Government had a fairly hurried time last year, but we have introduced the legislation now.

The Premier: No Government can force a body of men to go to the Arbitration Court without their consent.

The MINISTER FOR WATER SUPPLIES: The Bill complies with what the civil servants have requested, and we have presented it in a manner that will meet with their approval. We propose to give the civil servants an opportunity to go to the court, and they will have to take the same chance as other organisations. Time will determine whether they reap any advantage. The fact remains that we are providing them with an opportunity to approach the court. That is in accordance with the law of the land. They have expressed the desire in no uncertain voice and we do not claim to be entitled to any special credit because of that. On the other hand, I say that the Government have not acted grudgingly nor is there any mystery about it, as suggested by the member for Nedlands. We are not claiming any special credit and we are not going to be disciplined by the carping criticism aimed at the Bill.

Hon. C. G. Latham: There has not been any carping criticism.

The MINISTER FOR WATER SUPPLIES: Members opposite have not the courage to oppose the Bill.

Hon. C. G. Latham: We will give you all the carping criticism you want from "Hansard."

The MINISTER FOR WATER SUPPLIES: The hon. member has given grudging support to the Bill.

Hon. C. G. Latham: That is why the Bill was introduced yesterday and will be finished to-day!

The MINISTER FOR WATER SUPPLIES: We have introduced this legislation in a manner which is defensible and which will give satisfaction to the service.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; the Minister for Water Supplies in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New part inserted in principal Act:

Hon. N. KEENAN: This part is made up of a number of proposed new sections. Is it proposed to put these sections separately to the Committee? I wish to refer to subparagraph (ii) of proposed new Section 147. Does the Minister intend to have dual authority, that the Commissioner shall go on exercising the same powers as the court has the right to exercise, subject always to having his action, as set out in the paragraph, "reviewed, nullified, modified or varied by the court in the course of exercising its jurisdiction in respect of such matter under this part"? Is that the intention?

The MINISTER FOR WATER SUPPLIES: The Public Service Commissioner will still be the employer. Even when this becomes law, no dispute may exist and the Commissioner carries on. He would require to have the power that he has to-day to make an agreement with the Civil Service Association. Even if that association drew up a log and referred it to the Commissioner, it would be possible for certain things to be settled, and he would have the power to do that. He could carry on as at present and only in the event of a disagreement arising it would become necessary to refer it to the court. It is necessary that the Commissioner should have these powers. I have discussed the matter with the Crown Law Department; it has been examined carefully, and I understand the provision referred to is necessary. Here the power is given to the Commissioner with the limitation as set out in the final words of the clause. The Civil Service Association have the right, if they so desire, to appeal to the court. They may

never go to the court. It is quite possible, as is the case in Queensland, that this will happen. Although for many years the members of the service in Queensland had the right to approach the industrial court, only a small section approached the court there. Everything else was done by agreement. Of course, if it is impossible to arrive at an agreement with the Commissioner, the matter will be referred to the court. But it is necessary that the Commissioner shall have this power because he is still the employer, and there is the reservation that any decision arrived at by the Commissioner shall "be liable to be reviewed, nullified, modified or varied by the court in the course of exercising its jurisdiction in respect of such matter under this part." Under this paragraph the court has the overriding power.

Hon. C. G. LATHAM: There are in the Bill no fewer than 22 proposed new sections. I was wondering whether they could be dealt with seriatim.

The CHAIRMAN: Yes, that can be done, beginning with proposed new Section 140.

Hon. N. KEENAN: If no one desires to refer to any before No. 147, I shall again allude to that, and to paragraph (ii). The Minister is under a misconception if he thinks this proposed section has anything to do with any agreement made by the Commissioner with the association. All that is provided for in proposed Sections 151 to 153 about which I shall have some observations to make later. No. 147 has nothing whatever to do with the Commissioner attempting to make an agreement with the association and then, not being able to do so, and in consequence a dispute having arisen, it is referred to the court. This is simply giving the Commissioner identical jurisdiction as conferred by the first part of the section on the court. So it creates dual authority, which is not desirable; in fact, it is always dangerous.

The Premier: There cannot be dual authority if the court has overriding power.

Hon. N. KEENAN: It is not as if they were concurrent.

The Premier: Up to a point.

Hon. N. KEENAN: There is no "up to a point" at all.

The Minister for Justice: The court has no jurisdiction until there is a dispute.

The Premier: The court does not come in until there is a dispute. They may go for 20 years and the court may never come into it.

Hon. N. KEENAN: The Minister is under a complete misconception.

The Minister for Water Supplies: I do not think I am.

Hon. N. KEENAN: The Minister thinks that when the Commissioner attempts to get a settlement or an agreement with the association and fails, this particular proviso will give the court power to come in. But that is not so at all. All of that arises under subsequent sections. Here we have a possible irritant, and I see no reason for it.

The MINISTER FOR WATER SUPPLIES: The hon. member is hardly right. Here is the advice of the Crown Solicitor—

> If paragraph (ii) of the proviso to new Section 147 were excluded as suggested by the Civil Service Association, then Section 147 might be construed as being repugnant to and so nullifying Sections 152 and 153. That would mean that conditions of employment could be fixed only by the court and not by mutual agreement of the parties.
>
> The said paragraph will not give the Commissioner any power which he does not already possess, and it will not allow him to defy the Arbitration Court. The said paragraph (ii) will leave open to the Commissioner the opportunity when available to exercise his power under Section 152, but he will then be obliged to exercise that power only in the manner prescribed by Section 152 under which he is bound by existing awards and registered agreements.

As stated in the Crown Solicitor's opinion, no additional powers are conferred by the provision. My belief is that a good deal as regards salaries and conditions of work will be mutually arranged, and that therefore the Commissioner requires that power. The clause gives it to him. It is a power which he possesses to-day, under existing legislation. In the absence of this clause the Commissioner's powers would be restricted by the succeeding sections mentioned by the hon. member.

Hon. N. KEENAN: I was not aware that the Civil Service Association took any exception to any part of the Bill, and certainly not to this proviso; nor was I aware that the matter had been referred to the Crown Law Department in consequence of that exception.

The Minister for Justice: There was no exception taken. Explanation was desired.

Hon. N. KEENAN: I did not know that anything of that nature had occurred. I had no knowledge, either, of the matter

being referred to the Crown Law Department. If the Crown Law Department did inform the Minister as appears from what he has read—that without this proviso the Commissioner could not exercise his powers to enter into industrial agreements as provided in proposed Sections 151, 152 and 153—then I gravely differ with the Crown Law Department, for the simple reason that under the Industrial Arbitration Act any employer—who has no power to fix conditions of employment—can enter into an agreement with employees. The effect of that is identical with the effect of proposed Sections 151, 152 and 153 in the Bill. Employers and employees can come together, and if they agree the agreement is registered by the court. But the employers have no power to fix conditions. Under this proviso, however, the employer, subject to the over-riding authority of the court, could exercise all the authorities of the court. The dual control may readily lead to irritating results. However, I shall not argue the matter any further. Proposed new Section 151 is one of the sections I have described as clumsy variants of what is to be found in the Industrial Arbitration Act. Part III. of that Act makes ample provision for industrial agreements between employers, or unions of employers, and unions of workers. All that would have to be done in this Bill is in that portion which includes certain parts of the Industrial Arbiration Act. In place of that, proposed Section 151 is inserted, and also Sections 152 and 153. I do not know the reason for it. It is so easy to include the provisons of what may be termed the parent Act, which have been used again and again, so that their use is thoroughly well-known. The simple language of what I have termed the parent Act is preferable to what is contained in the Bill. However, I do not want to lay stress on that, because everyone has the right to express himself in his own way, and the meaning remains the same. The Bill does not use existing legislation which has been found workable, but provides new matter.

The MINISTER FOR WATER SUPPLIES: It has to be remembered that a special section is devoted to the Civil Service Association. It has been suggested that by a simple two-clause Bill the association can be given access to the court. However, it is not done in that way, but done in this elaborate manner.

Hon. N. Keenan: You take the whole of Part IV. Why not take Part III. as well?

The MINISTER FOR WATER SUPPLIES: That might have been done; but I understand that what has been done, although elaborate, is thoroughly effective.

Hon. N. Keenan: It has never been tried. This is a verbose variant.

Hon. C. G. LATHAM: Proposed Section 161 refers to the court ordering that any variation of the basic wage shall apply to the Public Service. I move an amendment—

That in the first proviso the word "five" be struck out, and "seven" inserted in lieu.

It is not a variation of £5 that is in question here, as the Minister has suggested. The variation comes later. The amendment, raising the salary limit from £500 to £700, brings the proposed section into conformity with what is already provided.

Amendment put and passed.

Proposed Section 162—Incorporation in this part of provisions contained elsewhere in this Act:

Hon. N. KEENAN: This is what I referred to on the second reading.

The Premier: Yes, you want "shall" instead of "may."

Hon. N. KEENAN: That is so. I move an amendment—

That in line 12 of proposed Subsection 3 "may" be struck out, and "shall" inserted in lieu.

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

Clause 6—agreed to.

Title—agreed to.

Bill reported with amendments.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

Order of the day read for the resumption of the debate from the previous day.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second reading.

Debate resumed from the previous day.

HON. N. KEENAN (Nedlands) [9.4]: I have very little to say on the Bill, except to point out that it excludes the individual public servant from the Public Service Appeal Board, the court constituted by the Public Service Appeal Board Act, as well as excluding the group of public servants whose salaries are below £700 per year. If the Minister will look at Subsection 1 of Section 6 of the original Public Service Appeal Board Act, he will there see all the powers set forward and exercised today. He will find that the provision deals with both individuals and groups of public servants for the redress of any anomaly. But in Clause 2 of the Bill it is set out that Subsection 1 of Section 6 of the Public Service Appeal Board Act will not apply to any individual public servant or group of public servants or to an individual officer or group of officers within the meaning of Part IX. A of the original Act, when such public servants or group of public servants are occupying positions at salaries of less than £700 per annum. So if the Minister tells the Committee that any one public servant with a grievance could approach the Public Service Appeal Board, notwithstanding that his salary is under £700, I must say I fail to see that the Bill makes that clear.

The Minister for Water Supplies: To which clause are you referring?

Hon. N. KEENAN: To Clause 2 of the Bill.

The Minister for Water Supplies: Very well, it shall be looked into.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; the Minister for Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 6:

Progress reported.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. SLEEMAN (Fremantle) [9.10]: It seems to me the Bill is fairly jumbled up. Probably it is supposed to be a Bill for a guarantee fund, but there is a lot of other matter wrapped up in it. On several occasions have I endeavoured to induce the House to amend the Legal Practitioners Act. As a matter of fact, a couple of years ago this House agreed to certain amendments being made in the parent Act. When I saw the announcement that the Minister was bringing down a Bill to amend that Act, naturally I expected that some of those earlier amendments would have been included in the Bill. However, I was disappointed to find that the only amendment I had previously asked for which was included in the Bill was the provision for a guarantee fund. So what I complain about is, not only what is in the Bill, but the many things that have been left out of it. The least we could have expected from the Minister was an amendment of Section 13 of the Act. There will be remembered some of the discussions we had on that Section 13, which should have been repealed long ago. In 1932 the House agreed that Section 13 of the principal Act should be repealed and a new section substituted as follows:—

> (1) No articled clerk shall, during his term of employment under articles, engage in any other employment during the hours within which the officer of the practitioner to whom he is articled is, in the usual course, open to the public for the transaction of business.
>
> (2) Any articled clerk may be remunerated for his services by the practitioner to whom he is articled.

That is a reasonable amendment, and when I saw the Minister was bringing down this Bill I thought that amendment might be one of the earliest in the Bill. That Section 13 as it stands is a disgrace to this country and a stumbling block to the son of any poor man being called to the Bar. It is almost impossible for a boy, unless he has the permission of the Barristers' Board—and that is next to impossible—for after he has concluded his articles he has to prove to the satisfaction of the board that he earned nothing during the time he was in articles.

That is the great stumbling block to young men in this country. The last time I brought down this amendment I was twitted with acting for one man alone. However, the time to be twitted on that score has gone past, for that young man has been articled for some 18 months and no longer requires the permission of this section. But there will be other young men wanting to be articled, and if this section be not taken out of the Act those young men will not be able to reach the Bar. If the Bill is not sent to a select committee, I shall endeavour to get an amendment made to prevent the Barristers' Board from taking advantage of Section 13. Then we have the bankruptcy clause in the Bill. I do not know whether it is right to provide that a man who unfortunately becomes insolvent shall have his livelihood taken from him. The Minister mentioned one or two people—I think a policeman was one, but I cannot remember the other.

The Minister for Justice: A member of Parliament.

Mr. SLEEMAN: I do not think that is right, either. I have known members of Parliament, I will not say in which State, who, owing to their financial position, have been afraid to cast a vote in the way they desired. If they had cast a vote in a certain direction, their creditors would have stepped in and made them bankrupt. When the like of that can happen, it is time that the position was reviewed and that we determined that the financial position of a member should not be used to influence the casting of his vote in a certain way. I am not prepared to say that the livelihood of a man should be taken away because he has become bankrupt. If his bankruptcy has been due to fraudulent practices, the Barristers' Board have power to deal with him.

Mr. Marshall: They could deal with him under another Act.

Mr. SLEEMAN: Yes. During the recent hard times a large number of people could have been declared bankrupt if their creditors had chosen to take that course, but I will not be one to say that if a man is made bankrupt he shall lose his livelihood.

The Minister for Justice: You would not trust a bankrupt with money, would you?

Mr. SLEEMAN: There are honest and honourable men who have been unfortunate and have become bankrupt, and I would trust many of them with all the money I possess. I have not possessed much, but I certainly would trust some of them with it.

Mr. Marshall: Unsecured creditors have no legal redress, and it is done every day.

The Minister for Justice: They have redress in the court.

Mr. SPEAKER: Order!

Mr. SLEEMAN: If that clause is retained, I have been informed by members of the legal profession that a large number of solicitors could be made bankrupt if their creditors chose to press them. If the clause is allowed to pass, I am afraid it might be used as a lever in some instances. Creditors will be able to say that if those solicitors do not pay up immediately, they will be declared bankrupt. Thus their living will be taken from them and they will not be able to practise as barristers.

The Minister for Justice interjected.

Mr. SLEEMAN: What would happen then? We would have a revival of the debate that took place some nights ago. The lawyer who was up against things, in order to avoid being declared bankrupt and thus losing his livelihood, would have recourse to the moneylenders, and would borrow from them in order to satisfy his other creditors. The profession is the only avenue in which such men would be able to earn a living. They have been in the law all their lives and have never done laborious work, and, rather than be declared bankrupt, they would go to the moneylenders. We know how the moneylenders would squeeze them, and thus the position of such lawyers would become worse than ever. I hope the House will not approve of the principle of depriving a man of his livelihood because he becomes bankrupt. I have been looking for the provision in the New Zealand Act, and while I will not say it is not there, I will say that I have not been able to find it. I think a speaker the other evening said it was in the New Zealand Act.

The Minister for Justice. No, in the English Act.

Mr. SLEEMAN: If we copied everything from the English Act, I would not mind so much, but I object to picking out little bits. If the Minister will make it as easy for people here to enter the profession as it is in England, I will support him. The establishment of a guarantee fund I have always advocated as a safeguard against unscrupulous members of the profession. I do not wish to infer that all lawyers are unscrupu-

lous. Good and bad men are to be found in all walks of life, including the professions.

Mr. Raphael: Mostly amongst solicitors.

Mr. SLEEMAN: I would not say that. I have known some very fine men who are solicitors. Good and bad are to be found everywhere. Sometimes bad ones are to be found amongst members of Parliament, and in saying that I am not reflecting upon any member of the House. A guarantee fund is needed in order to safeguard the interessts of the people, but I do not agree with the proposal in the Bill. I cannot approve of a flat rate. Some of the legal men in this State are barristers and not solicitors. They do only the pleading in the courts and the work of barristers, and there are others who display brass plates and who, in my opinion, are neither barristers nor solicitors. They specialise in the raising of loans, etc., and quite a lot of money passes through their hands.

Mr. Raphael: And a lot stays in their hands.

Mr. SLEEMAN: We should not require of the man who has no trust accounts, or next door to none, that he shall pay the same as a firm with perhaps £200,000 of trust funds a year, as I understand one firm has. I consider it would be more equitable if the payment were based on the turnover for the year. We might as well say to the small employer of labour that he shall take out an insurance policy for the same amount as is required of a large employer. We do not ask for any such thing. The large employer goes to an insurance company, who inquire as to his average annual wages bill. On that he pays, and at the end of the year an adjustment is made. An employer who employs only one man and whose wages bill is only £200 or £250 a year pays accordingly. It is not right that the small man in the profession should be charged the same amount as a large firm handling perhaps £200,000 or £300,000 a year. Some of the solicitors, I understand, handle hardly any trust funds at all. Some are more largely engaged as barristers, or have other ways of earning a living, although all of them are classed in this State as barristers and solicitors. I am wondering why it should be necessary, in establishing the fund, to build up another job instead of having the money paid in to some existing institution. I thought at first that it might be paid into the Treasury and withdrawn on the certificate of the trustees of the fund. Then I thought the fund might be operated through the State Insurance Office. I understand that there are insurance companies willing to undertake the risk of insuring legal practitioners for much less than the probable cost under the procedure laid down in the Bill.

The Minister for Justice: They could effect an insurance.

Mr. SLEEMAN: I understand that there are insurance companies prepared to quote for the profession as a whole, and that members of the profession could then work out the pro rata cost amongst themselves. If they are thus able to insure against defalcations and safeguard the money of the people, the most convenient and cheapest method of doing it should be permitted to the profession. Then I come to another bankruptcy clause in the Bill. It relates to people about to be called to the bar. In the course of a conversation with a solicitor this morning, he said, "If that provision had been law when I was called to the bar, I might never have been admitted. I was not allowed to receive payment, and unfortunately for me, when I was about to be called to the bar, I was in debt to the extent of about £190." At that stage the man could have been declared bankrupt had his creditors chosen to press him, or he might have been declared bankrupt by somebody out of spite. If that had happened, he could not have been admitted. That is another reason why Clause 13 should be deleted. A young man, unless he is fortunate enough to have wealthy parents, cannot serve his articles and be ready to be called to the bar showing a surplus. I venture to say that most of the young men not possessed of wealthy parents would be showing a deficit at the time of being called. Therefore I want the Minister to say definitely that he will not hold this as a bar against the young man about to be admitted. I hope that no young man will have the experience of being declared bankrupt on the eve of being called to the bar and thus be prevented from embarking on an avocation for which he has been training for years. There is another matter which should have been provided for in the Bill, but I do not know whether my legal friends will agree with me. A clause is required to prevent lawyers from briefing counsel from their own firms. When I introduced my Bill a couple of years ago

the House approved of that principle. The Bill, as it left Committee, contained a clause as follows:—

Section 49 of the principal Act is hereby amended by the addition of a paragraph as follows:—(7) Charge, receive, or share in any fee or honorarium for acting as counsel in any cause, matter, or transaction in which either he himself or a practitioner in partnership with him is acting as solicitor, or charge, receive, or share in any fee or reward for attending, instructing, or conferring with counsel if such counsel is either himself a practitioner or in partnership with him.

I do not wish to go over the whole of the ground I traversed at that time, but I had ample evidence to show that people were being robbed by some of the legal firms. A man would consult a solicitor who would decide that he must employ counsel.

Mr. Marshall: And so he vanished.

Mr. SLEEMAN: No, he briefed his uncle, who, in turn, decided that he must have a junior counsel, and he would engage his son. Thus there would be three of the family—solicitor, senior counsel and junior counsel—engaged in the case. I pointed out that, even in a small case arising out of a motor car accident involving damages to the extent of £100, three solicitors from one firm appeared. It is time that an end was put to that sort of thing. It is merely an incentive to solicitors to brief their own partners. I am disappointed that the Minister did not include a similar provision in this Bill. The board is to consist of one Government representative, one representative of the Barristers' Board, and one representative of the Law Society. That would be a most lopsided board. We are to have one representative from the Barristers' Board, which means the legal practitioners; we are to have another from the Law Society, which again means the legal practitioners; and then we are to have a Government representative.

Mr. Marshall: And the Government representative would be a lawyer.

Mr. SLEEMAN: He would probably be from the Crown Law Department. What about the poor old consumer—the poor old consumer of law, if I may so describe him—the man who owns the trust money that the solicitor controls? Is any provision to be made for the representation of the people who pay the money to solicitors? The board seems to be one-sided and I am surprised at the Minister suggesting such a constitution. I hope that the poor old consumer will be recognised and that a representative will be given a place on the board. There is another clause which concerns legal practitioners more than it does me. It appears that if a trustee gets into prison for a crime or a misdemeanour he is struck off the board controlling the fund. Because a man gets into gaol, it is not to say that he is a dishonourable man and should be struck off. Suppose one of our leading pleading lawyers was a member of the board, and was unfortunate enough when driving to his office in the morning to knock a man down and to be sentenced to 12 months' imprisoment. Would that be any reason why he should be put off the board, and would that mean that he was no longer an honourable man? The idea must be knocked on the head that because a man has been in gaol he is no longer honourable. It all depends on the reason for his incarceration. I know many good and honourable men who have been in gaol. A man may be unfortunate enough to suffer this penalty through no fault of his own.

The Premier: He may be put in gaol because of the fault of the solicitor defending him.

Mr. SLEEMAN: It is not a question of a criminal offence but of any crime or misdemeanour. I should like to know the correct interpretation of the word misdemeanour. Are my legal friends in the Chamber going to stand for this? Are they going to say that one of their colleagues who may be on the board shall be put off the board, because through some misdemeanour he has been put in gaol?

Hon. N. Keenan: To what clause do you refer?

The Minister for Justice: Clause 28.

Mr. SLEEMAN: The Bill also provides for a maximum contribution of £50. I understand that according to the New Zealand Act there is no maximum. I do not know why there should be. If a man starts early in life and goes on in the profession until he reaches the age of 70, he will have contributed a large amount of money. I know one solicitor on the goldfields who is nearly 80. Is it going to be said that the maximum payment irrespective of the trust moneys controlled shall be £50? The New Zealand Act is better than that. In that country a man pays for the whole of the term until he retires or dies. The board will

then refund a certain amount in case of death, and in case of retirement the solicitor can draw a certain amount from the fund. That is preferable to the provision in the Bill. The other evening the Minister read a letter from the Barristers' Board and one from the Law Society; at any rate he led me to believe that both organisations were in favour of the Bill. I think there must be some mistake. Everywhere I have gone in the last couple of days I have heard that members of the legal profession are opposed to the measure. They are on their toes at the thought of such an Act being passed as it is printed. I know the Minister would not tell us what he thought was incorrect. I do not know what has happened. I am sure that half the members of the profession are opposed to the Bill. It is my intention, after the second reading is carried, to move that the Bill be referred to a select committee. We shall then get the real story from all points of view, irrespective of whether witnesses are consumers of law, gentlemen who hand out the law, or are solicitors who appear before the gentlemen who hand out the law. I hope the Minister will agree to the suggestion. Only a few days would be required to get the necessary evidence.

MR. FOX (South Fremantle) [9.35]: I agree that the Bill should be more liberal in respect to articled clerks, who should be permitted to earn something during their articles. Our education system permits of young fellows getting the highest education in the land and attending the University. Very often, because the father is not able to help his son during his articles, the young man has to drop his intention of entering the legal profession. I have known of two such cases in the last three years. A young fellow, son of a labourer, went through the University. He wished to take up law, but when he went into the matter he was unable to do so because his father could not maintain him during the period of his articles. The lad himself was not able to earn anything during that time. I do not see the necessity for the clause relating to bankruptcy. I know two or three lawyers who have lost quite a lot in connection with farms. One man in particular told me he was pretty heavily in debt at present. It would be possible for someone who had a grudge against him to make him a bankrupt, put him out of business, and deprive him of his livelihood. If a solicitor goes bankrupt and it is found he has done anything dishonest, he should be prosecuted and dealt with severely by the court. During the last two or three years we have known instances of lawyers who have done something dishonest. They have been punished by the court, and afterwards the Barristers' Board has called up the offender charged him with unprofessional conduct and caused him to be struck off the roll. The clause in the Bill can only refer to lawyers who become bankrupt through misfortune. If such men are struck off the roll, they will not be able to pay their debts. All possibility of their doing so will be removed, and they will never get back on the roll.

The Minister for Justice: A creditor would be very foolish to do that because he would never get his money.

Mr. FOX: There is a chance of the lawyer being made bankrupt. Many creditors may be involved, and the amount owing to one individual may not be very great. Their collective claim may be beyond the ability of the lawyer to meet. The creditors may have a grudge against him, and in a spirit of vindictiveness they may combine and cause him to be struck off the roll. I agree with the member for Fremantle. Although the same disability applies to members of Parliament, I question whether that is in the interests of the State. I can visualise legislation coming before this House, and some members, because perhaps they are tied up with institutions, being forced to give a vote that they would not otherwise cast if they were free agents. I see no reason for the retention of the clause relating to bankruptcy. I hope the Minister in his reply will tell us why it has been embodied in the Bill.

HON. N. KEENAN (Nedlands) [9.40]: This Bill is intended primarily to achieve one object, the establishment of a guarantee fund to which members of the legal profession in this State will contribute.

The Minister for Justice: That is its principal object.

Hon. N. KEENAN: Some portions of the Bill are foreign to that principle, particularly Clause 4 which deals with not the case of a practitioner, but only

an applicant for admission to the profession, and therefore not a person to whom the Bill has any reference. Already the Barristers' Board, under the Legal Practitioners Act, Section 14, has power to refuse a certificate at its discretion to any person who is otherwise qualified and prevent him from becoming a barrister or a solicitor of the Supreme Court, if he is not a fit and proper person to be so admitted. An appeal is allowed against the decision of the board, subject to its discretion not being overridden, and subject to the discretion not being arbitrarily exercised. We should not attempt to do anything more than devise a scheme for bringing into existence either a fund or an indemnity in favour of the public who have to carry on their business with members of the legal profession. I shall oppose Clause 4 of the Bill, and shall be bound to oppose that portion which gives the board the right to withdraw a certificate from a legal practitioner merely because he has taken advantage of the law relating to insolvency. I wish to refer to one matter which is foreign to the Bill, but has been discussed, namely, the supposed prohibition by the Barristers' Board against any person entering upon his articles being able to earn his living in any way. So far as I know there is no such prohibition. The board has power to approve of the manner in which articled clerks shall earn their livelihood. I have never heard of any case where a refusal has been given.

Mr. Sleeman: A couple of years ago I produced a letter from the Barristers' Board on that point.

Hon. N. KEENAN: That letter merely said that the board would not give any answer until the stamp duty had been affixed to the document. I think I drew the attention of the Treasurer to the matter at the time. It was purely an academic inquiry until the necessary steps had been taken of getting the duty stamp affixed to the document. The board consists of reasonable men who have worked their way up in their profession. They were not born with silver spoons in their mouths but have made their way by merit and diligence. I would hesitate to think they were going to shut out another man who was coming forward merely because he happened to be, as they were in their early days, a person of small means. This, however, is foreign to the Bill itself. The Bill will constitute a heavy burden on the young man who first embarks upon the legal profession. Many are called to the Bar, but they cannot all start immediately in a lucrative practice. They must start in a small way. They generally find things exceedingly difficult in the early years, and frequently find it troublesome to pay the rent of their offices or to carry on at all. If an additional burden is placed on their shoulders by their having to meet an annual charge approaching £10, including the cost of keeping up the Chair of Law at the University, these young men will experience a bad time. It is a very heavy burden to impose upon young men who are starting out in the profession. I have no hesitation in saying that unless the imposition is unavoidable, it is not justifiable.

The Minister for Justice: The Bill does not impose that amount.

Hon. N. KEENAN: But under the Bill a lot more than that may be imposed as a levy. The charge may be £10, irrespective of the levy. It has been suggested by the member for Fremantle (Mr. Sleeman) that a policy could be secured with a public company or with the State Insurance Office, if willing to accept the risk, up to a certain maximum amount per annum that might cover the whole of the profession, and that that accommodation could be secured at a premium that would be much less for the whole profession to carry than will be the charge indicated in the Bill. If that be so, it may be desirable to adopt that course.

The Minister for Justice: The Bill will not prevent that being done.

Hon. N. KEENAN: The Bill will not prevent that course being adopted, but the Bill provides trustees with what I might describe as "cushy" jobs.

The Minister for Justice: They will effect the insurance.

Hon. N. KEENAN: The Minister knows that the trustees will have to be paid.

The Minister for Justice: But very little.

Hon. N. KEENAN: It is always a matter of a "very little" until it comes to the paying, and then the "very little" seems to grow. Even if the payment were to be merely a small one, it will mean an addition to the load that these young men will have to carry. It must be borne in mind that it is proposed to impose a flat rate, and thus the same amount will have to be borne by

all members of the profession, not only by those who have been established in practice for years and have the means with which to carry the load, but by those who have newly entered the profession. It will prove a grave deterrent and I believe an undue burden on those who are newly established. In these circumstances, I would like the Bill referred to a Select Committee, as suggested by the member for Fremantle, in order to examine its provisions and ascertain whether it is not possible to devise means by which the public may be protected, which I regard as quite legitimate, and yet at the same time not impose an undue burden on what I may describe as the struggling portion of my profession.

MR. WATTS (Katanning) [9.47]: I am afraid I have approached the Bill with somewhat mixed feelings. In the first place, I realise the Minister has introduced the Bill in what he believes to be the interests of the profession, but, nevertheless, I see in it much that I deem undesirable and inequitable. One cannot help agreeing with the views put forward by the member for Fremantle (Mr. Sleeman) and the member for Nedlands (Hon. N. Keenan), respectively, in connection with the alterations desirable in the proposed fund, with the object of the burden being lessened upon certain of the legal practitioners. It is a matter for regret that any such fund should be deemed necessary. The standard of fairness and honesty in the profession in this State has been as high, if not higher than elsewhere, and if such a step is necessary in connection with the legal profession, I would point out that there are possibly other occupations that might with advantage receive similar attention. I have never practised in the metropolitan area, and consequently I do not propose to deal with the question from the point of view of those who practise in the city or its surroundings, but from the point of view of the country practitioner who possibly finds himself in a different situation from that enjoyed by those practising in the metropolis. When we consider that the legal profession has undertaken to provide for a Chair of Law at the University of Western Australia, with which proposal I have no serious quarrel, we can realise that in providing for the upkeep of that institution the lawyers of this State have undertaken a task that is accepted by no other branch of the profession in the world. At the same time, it will be a means of assisting to bring into being a number of legal practitioners who, from the very nature of things, find themselves with very little capital with which to start in the world. A great number of those young men are going into the country districts. Had they not taken advantage of the free tuition provided at the University, funds would not be necessary for the upkeep of the Chair of Law, because those people would not have been financially capable of undertaking their own education in law. They were obliged to take advantage of the free tuition, and consequently they have been confronted in these days of depression with an extremely difficult position. I know many of them, and I am fully aware that the proposed levy of £10 would probably represent to them a month's income at the present juncture. In discussing the question generally with a member sitting on the Government cross benches the other day, surprise was expressed to me by him that some of these newly admitted practitioners could succeed in making a living at all. I could not help agreeing with him. It is quite an erroneous idea that members of the legal profession, whether in the city or in the country districts, can bear a greater burden of taxation than is imposed at present. There may be some city offices not known to me that have been able to retain their full volume of business, and if so, that has been due to the fact that they have retained their clientele throughout the period of depression, but such firms must be few and far between. They may have been able to maintain their connection with the larger firms and businesses that carry on in the city. None of that work is available to practitioners in the country districts. If large firms in the rural areas do have such legal business to be transacted, it is not entrusted to the country practitioners and practically the whole of that work is done in the city. So it is primarily with the country storekeepers and the farmers that the business of the country lawyer is concerned. There is no salvation for the farmers yet, and the position is that unless and until they are restored to greater prosperity and better financial con-

ditions, there is not much prospect for practitioners operating in provincial towns. On top of the existing annual practice certificate that at present costs £5 per practitioner, there is the proposal embodied in the Bill that will mean an imposition of not less than £3 but not more than £10 as the individual's contribution to the insurance fund. I am thoroughly in agreement with those hon. members who have just spoken when they declared that this contribution should be established on some proportionate basis that would have regard to the amount of trust funds handled during the year. There is no doubt in my mind that the legal practitioner in the country district handles very little trust money at all. The position that will arise when the proposed fund reaches £20,000 also appeals to me as unsatisfactory. When that amount is reached, and it is quite possible it will be reached within a reasonable time, perhaps not more than 15 years, the contributions to the fund will cease. Therefore it appears to me that those who are at present in practice will be building up a fund to cover defalcations by a generation of solicitors yet unborn. I do not see why such a proposal should be allowed to find a place on the statute-book, particularly as there is the alternative that an insurance policy should be taken out. The Minister, by interjection, suggested that provision is already made in the legislation for such an insurance policy being availed of. I am aware there is a provision authorising the trustees to take out a policy to cover legal practitioners generally or singly, but I cannot find that any such policy, if taken out, is to be in substitution for the contribution.

The Minister for Justice: They could make it what they liked.

Mr. WATTS: There is nothing to indicate that, and I am afraid that when we give some proposed authority power to do anything, they are liable to avail themselves of that opportunity. In those circumstances, the contribution might be levied as is provided, and the insurance policy might be taken out as a further cover. We have the fidelity guarantee system before us, and I think that should be the basis of the proposition. For one thing, the amount named in the policy would be available immediately, in addition to which the cost per head, so far as I have been able to ascertain, would be greatly minimised and the protection for the public, if essential, would be obtained just the same. I took the opportunity to forward a copy of the Bill to a friend of mine who is a legal practitioner in business 400 miles distant from Perth. In response I have received a communication from him. He suggests that the proper alternative to the provisions of the Bill is that if the public require protection, they should undertake some of the expense involved in that protection. So there we have another alternative to the two proposals already under discussion. As has already been pointed out, the burden on the individual practitioner in many instances is likely to be too great. If it is felt that the proposed insurance policy is unsatisfactory, there is still a further alternative, and that is that the Government should subsidise the fund to be created, by contributions from Consolidated Revenue. If the Minister does not regard any other proposal as satisfactory, it seems to me it is not entirely desirable that the honest practitioner should, in perpetuity as it were, be a contributor towards the cost of such a move without assistance from Consolidated Revenue. It has been stated that the Bill provides for a refund to a practitioner if no claim is made on his account against the fund. A perusal of the Bill will show that it merely sets out that the trustees may exercise that privilege in the event of a practitioner being in necessitous circumstances. Would it not be reasonable to provide if no claim is made as indicated, for at least a reasonable proportion of his contributions to the fund to be restored to the practitioner upon his retirement or to his dependants in the event of his death. Another matter to which I desire to draw attention, relates to the question of audits. The Bill provides that audits shall be permitted, without any reasonable ground having first to be advanced. I am not opposed to the principle of audits, because there are obviously occasions when they are desirable. Those occasions do not arise just when the trustees may think it would be a good idea to conduct an audit, but when there is some definite grounds for suspicion against a particular legal practitioner. That being so, only when reasonable circumstances suggest that course should be adopted, should the trustees be permitted to take advantage of this position.

The Minister for Justice: But they would not rush in for the purpose of conducting an audit.

Mr. WATTS: That may be so, but when power is given to exercise such privileges, the net result is generally that the power is always employed.

The Minister for Justice: It would be employed with discretion.

Mr. WATTS: Some attention should be given to the powers to be vested in the trustees in that respect. It is quite possible that the power would not be exercised under a board holding views expressed by the Minister, but at some future date there may be those in power who do not hold the same views as the Minister. In that event a different attitude might be adopted regarding the audit.

The Minister for Justice: Oh no!

Mr. WATTS: That has happened in other directions.

The Minister for Justice: When this power is exercised it will be exercised with discretion.

Mr. WATTS: I do not propose to dwell further on that point. I support the observations of the previous speaker regarding the striking of a practitioner off the roll in the event of bankruptcy, or in the event of his accepting the provisions of the law relating to insolvent debtors. With the member for Fremantle, I agree that there are times when bankruptcy is not dishonourable at all, and I think we would be very well advised to leave the law as it stands at present. The Barristers' Board have very definite powers at the present time, and in proper cases they are not averse to exercising those powers. The matter should be left to them, as it has been heretofore. Nor do I think that any alteration should be made in the way of not issuing a certificate of admission to those who happen to be in unfinancial circumstances. The present law in that respect, I consider, is entirely satisfactory. The Bill provides for the keeping of a trust account by every practitioner. It may be necessary to make that provision, although I believe there are very few practitioners who have not kept trust accounts. However, it is as well to make plain to persons interested in the matter that trust accounts must be kept. If a practitioner has got into difficulties and has kept no trust account, the courts have been extremely hard upon him. They do not regard with any friendliness any practitioner who has mixed up his own funds with those of a client. In effect, the law has been to keep a trust account, and as a rule the legal practitioner has kept one. Except that it will be a statutory necessity if the Bill be passed, there will really be no alteration in the practice in future. The member for Fremantle suggested that the consumer of law, as he expressed it, should be given representation on the board.

Mr. Sleeman: You would not deny that, would you?

Mr. WATTS: As the Bill stands, practitioners' money will be paid by the practitioners for the benefit of the public.

Mr. Marshall: You have not interpreted that correctly, have you?

Mr. WATTS: The public will be very fortunate if the funds thus provided are administered by men engaged in the legal profession. I do not know whom the Government nominee will be, but I do know that the other two gentlemen would be legal practitioners of some standing, and no doubt the same remark would apply to the Government nominee. I have no hesitation in saying that the constitution proposed is the proper one for the board. I hope that the Minister will be prepared to refer the Bill to a select committee. I was wondering what we could do in the way of amending it in Committee. It will be a very difficult measure to amend without careful consideration.

Mr. Sleeman: You can propose a select committee if you like. I do not want to do so.

Mr. WATTS: I will leave that to the hon. member. It is not that I am opposed to proposals contained in the Bill or that I wish to see it knocked about considerably. At present, however, the provisions are unjust and inequitable, and if the injustice and inequity can be removed, I shall become a very strong supporter of the proposals.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton—in reply) [10.4]: I have not much to say in reply to the speeches on the second reading. The object of the Bill is to provide for a fund out of which insurance might be effected, or by the management of which persons might be reimbursed if victimised through unscrupulousness, fraud or dishonesty by any member of the legal profession. This matter was brought up in the House three or four years

ago, but was allowed to drop for the time being. Then negotiations were carried on by the two combined legal associations—the Barristers' Board and the Law Society—who, after considerable discussion, agreed to the principles contained in the Bill. It is not often that we impose upon people the need for insuring themselves in regard to their business dealings with the public. In no other profession has it been found necessary to do that.

Hon. C. G. Latham: What about land agents?

The MINISTER FOR JUSTICE: They pay a fee for registration.

Mr. McDonald: They have to take out a bond.

The MINISTER FOR JUSTICE: That is right. The member for Fremantle, as most of us are in danger of doing, became rather mixed regarding the three or four Bills dealing with legal matters. The Bill he referred to dealt with the Supreme Court, but I did say that almost the same thing applied to this measure. The subject matter of this Bill has been discussed fully in all its bearings by the two executives of the legal societies and they have agreed to the provisions. As I stated on the second reading, they were not over-enthusiastic about it, but they considered that they had some responsibility and that the measure would create considerably more confidence in the profession than some people appeared to have. In some quarters it is customary to speak in a derogatory manner of members of Parliament. That applies also, but in a greater degree, to lawyers. We have heard them referred to as sharks. I do not subscribe to that sort of thing, and when practitioners are spoken of in that way, it is not good for the profession. The members of the profession resent it, and are prepared collectively to take the responsibility of assuring that their members are worthy of the confidence of the public. If any practitioner destroys or abuses the confidence reposed in him, the profession will reimburse the individual. The profession will undertake to see that any practising member, who is entrusted with trust funds or legal business which might cause money to come into his possession, will act honestly and with probity in his dealings with his clients. That is one reason why the legal profession are prepared practically to tax themselves to maintain their credit and the confidence of the public. There is something in the point mentioned by the member for Nedlands and the member for Katanning as to members of the profession contributing to the fund on a flat rate or on a sliding scale. During the negotiations with the Barristers' Board and the Law Society, that aspect was very thoroughly discussed, and it was thought hardly possible to make an equitable arrangement. They did not see how it could be brought in. A member of the legal profession could hardly be asked how much business he was doing, or say from his books what trust funds he had control of, or to give information upon his semi-private business.

Mr. Watts: That could easily be ascertained by sending in an auditor. That would be no worse than to ask solicitors to give the necessary particulars.

The MINISTER FOR JUSTICE: No one would be troubled with an auditor unless there was some cause for complaint. Unless something came to the knowledge of the board, suggesting that they were justified in making such an order, they would not do it, but if they were justified it would be their duty to do this. The board will not be policemen of the profession. They will not go out looking for faults. If any complaint is made or necessity arises for inquiries being made, they will have the necessary authority to make them. They will not exercise general supervision over anyone in the profession. The majority of the trustees will be selected by members of the profession. If they do not carry out their duties as trustees of the fund in the way they are expected to do, in a reasonably decent and discretionary manner, they will not long retain their positions. They would soon lose the nomination of the society they represented. I do not fear anything of that kind. I know from experience there have been cases where solicitors have been carrying on in a way which is not up to the ethics of the profession. That fact has been known to members of the profession. No one wanted to take an active part in making inquiries, and the matter has been allowed to go on until eventually trouble has arisen. I have had correspondence with people outside the State complaining of what has been done here. When inquiries have been made and only then, has the matter been cleaned up. Everyone who has a complaint to make about a solicitor

should not have to apply to the Minister for Justice to deal with it. They should rather go to the Barristers' Board under present conditions. In the case of people outside the State, they may apply direct to Government sources, and the Minister may take up the matter with a view to elucidating it, finding out whether there is a genuine cause for complaint, and making an endeavour to alleviate the position. If necessary the Barristers' Board may be communicated with, and they may be notified of the action they would be expected to take. Without any disrespect to the Barristers' Board I think they have not been very much alive or active as a body. They do not meet very often. When they have a fund to be safeguarded, a fund into which they are putting their own money, it will generate more activity in the board. That is one of the reasons why trustees are being appointed. They will do better work than has been done in the past. The Bill was brought down particularly for that purpose. I do not wish to get into a discussion with the member for Fremantle or the member for South Fremantle concerning Clause 13. The Bill has come down late in the session. If we attempt to do too much we may do nothing. I would not like anything to be done that will prevent the Bill from becoming law. Neither do I want to send it to another place too late to be dealt with.

Mr. Sleeman: Are you going to sacrifice the working man's son to please the Upper House?

The MINISTER FOR JUSTICE: This Bill was brought down after an agreement had been arrived at with the Law Society and the Barristers' Board. They agreed to the proposal for the formation of a guarantee fund. I think the hon. member also agreed that this ought to be done.

Mr. Sleeman: You worked in a few things and left others out.

The MINISTER FOR JUSTICE: We are endeavouring to give effect to what was brought before the House and agreed to by the House, and subsequently agreed to by the Law Society. Although we may not be going far enough, we are making a step forward. We are establishing a fund which will be a safeguard to the public, will give the public confidence in the profession, and will cause the profession to be carried on in a more business-like and commercial manner. The member for Katanning said that trust funds were kept separately. That is so in most big offices, but in many cases they are mixed up with the private funds. This Bill will make that illegal in future.

Hon. C. G. Latham: I have never had a cheque from a lawyer that was not drawn against a trust fund.

The MINISTER FOR JUSTICE: That lawyer may have been dealing with property accounts. Others may be dealing with the collection of debts on behalf of a client or anything else.

Hon. C. G. Latham: I am referring to the collection of debts.

The MINISTER FOR JUSTICE: Such moneys are always paid out of trust funds. Evidently the hon. member has always dealt with a lawyer who carries out the provisions contained in the Bill. They will be no hardship to him. If that were the general practice there would be no need to bring down this legislation. It is to make general a practice which most members of the profession follow and which seems most desirable to enforce, that this Bill has been brought down. I am not wedded to the condition with regard to a flat rate of contribution. If some system could be evolved whereby the contribution was arranged according to the measure of responsibility or liability of the practising solicitor, or was arranged according to the risk he took, I would be prepared to give it consideration. The whole thing was discussed in all its bearings by the executives of the two bodies concerned. I take it they represent the legal profession. I do not know to whom else we could have applied, unless we decided to get into touch with every practising solicitor in the State, which would be impossible. The Crown Law officers consulted both of the societies. The whole thing was discussed and the Bill built up and agreed to. When this point had been reached the Bill received the assent of the Government, who were prepared to go on with it. This trust fund will be built up by contributions made only by legal practitioners. Neither taxpayers nor the ordinary clients of the practitioners will make any contribution to the fund, although they will be the people to receive most of the benefit from that fund.

Mr. Sleeman: If a man loses his cash, it has to be paid out of the fund.

The MINISTER FOR JUSTICE: But the client will not have contributed anything

to the fund which will repay the money he has lost.

Mr. Sleeman: He will have contributed a lot to the pockets of the supposed fraudulent solicitor.

The MINISTER FOR JUSTICE: He may not have done so. I am not agreeable to the proposal to refer the Bill to a select committee. There are no points in dispute, nor are there aspects on which light could not be thrown during the Committee stage. It is not my desire to force the Bill through Committee at one sitting. If there is any aspect on which further information is desired, opportunity will be given to obtain it; but I do not consider that the time, expense and delay involved in a select committee inquiry are justified in this case.

Mr. Sleeman: What expense is involved?

Hon. C. G. Latham: There is no expense in connection with a select committee.

The MINISTER FOR JUSTICE: I suppose there is no expense in Parliament meeting, either.

Hon. C. G. Latham: That is totally different.

The MINISTER FOR JUSTICE: There is the extra trouble and bother involved in select committee proceedings. There is the necessity for bringing people to give evidence, whereas information is available from other sources. When a Bill is referred to a select committee, there is generally a reason for collecting a large amount of information not obtainable in the ordinary way. Then the measure is discussed in select committee, and a proposal is brought down to be dealt with by the House. Not many points arise for discussion in connection with this simple Bill. The whole measure has been drafted in consultation with the executive of the Law Society.

Mr. Sleeman: That executive is repudiated by many solicitors outside, who know nothing about the matter. I have met dozens of solicitors outside who say that.

Mr. SPEAKER: Order! That phase might be debated when the proposal for a select committee is under discussion.

The MINISTER FOR JUSTICE: I believe I have now dealt with most of the points raised during the second reading debate.

Point of Order.

Mr. McDonald: On a point of order, Mr. Speaker. Would it be correct for members of this House who happen to be members of the legal profession to vote on the Bill, having regard to the provisions of Standing Order 192?

Mr. Speaker: The member for West Perth has raised a question as to Standing Order 192, which reads—

> No member shall be entitled to vote in any division upon a question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.

The question raised by the member for West Perth has been raised frequently over long periods, and it has been ruled upon by eminent Speakers of the House of Commons. I shall read two of their rulings. Mr. Speaker Abbot, on the 17th July, 1811, ruled as follows.—

> This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of State policy.

Mr. Lloyd George having challenged the votes of three members of the House of Commons on the Local Government (Ireland) Bill, Mr. Speaker Gully ruled as follows on the 13th July, 1898:—

> The Rule of the House is well understood; that there must be a direct pecuniary interest of a private and particular, and not of a public and general nature; and where the question before the House is of a public and general nature and incidentally involves pecuniary interest to a class which includes members of the House, they are not prevented by the Rule of the House from voting. If it were otherwise, it is obvious that on a proposal for altering the law of rating anyone who was either a landlord or a ratepayer might be prevented from voting. It appears to me that in the present case no question of privilege arises.

I think we might come nearer home, to our own State. I have in mind two occasions on which members of both Houses voted on the question of their own salaries, in which they certainly had a private and particular interest. I rule that Standing Order 192 does not affect members of the legal profession who are members of this House.

Question put and passed.

Bill read a second time.

To Refer to Select Committee.

Mr. SLEEMAN: I move—

> That the Bill be referred to a select committee of the House.

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

Ayes	17
Noes	19
Majority against	2

AYES.

Mr. Fox	Mr. Seward
Mr. Johnson	Mr. Sleeman
Mr. Keenan	Mr. J. H. Smith
Mr. Latham	Mr. Thorn
Mr. McDonald	Mr. Warner
Mr. Mann	Mr. Watts
Mr. Marshall	Mr. Welsh
Mr. North	Mr. McLarty
Mr. Sampson	(*Teller.*)

NOES.

Mr. Clothier	Mr. Rodoreda
Mr. Collier	Mr. F. C. L. Smith
Mr. Coverley	Mr. Tonkin
Mr. Cross	Mr. Troy
Mr. Hawke	Mr. Wansbrough
Mr. Hegney	Mr. Willcock
Mr. Lambert	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Munsie	Mr. Wilson
Mr. Raphael	(*Teller.*)

Question thus negatived.

The MINISTER FOR JUSTICE: I move—

That Mr. Speaker do now leave the Chair for the purpose of considering the Bill in Committee.

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

Ayes	20
Noes	15
Majority for	5

AYES.

Mr. Clothier	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Coverley	Mr. Rodoreda
Mr. Cross	Mr. Tonkin
Mr. Fox	Mr. Wansbrough
Mr. Hawke	Mr. Willcock
Mr. Hegney	Mr. Wilson
Mr. Johnson	Mr. Wise
Mr. Keenan	Mr. Withers
Mr. Lambert	Mr. Raphael
	(*Teller.*)

NOES.

Mr. Latham	Mr. F. C. L. Smith
Mr. McDonald	Mr. J. H. Smith
Mr. Mann	Mr. Thorn
Mr. Marshall	Mr. Warner
Mr. North	Mr. Watts
Mr. Sampson	Mr. Welsh
Mr. Seward	Mr. McLarty
Mr. Sleeman	(*Teller.*)

Question thus passed.

In Committee.

Mr. Withers in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 3 of the principal Act:

Mr. SLEEMAN: I move—

That progress be reported.

Motion put and negatived.

Clause put and passed.

Clause 3—

Mr. SLEEMAN: I move an amendment—

That in line 2 of subparagraph 3 of paragraph (a) after "certificate," the words "as a solicitor or solicitor and barrister combined" be inserted.

Progress reported.

House adjourned at 10.35 p.m.

Legislative Council,

Thursday, 21st November, 1935.

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

PAPERS—LAND AT ROCKY GULLY.

HON. A. THOMSON (South-East) [4.33]: I formally move—

That Correspondence File No. 932/32 and Classification File No. 283/31, dealing with land now thrown open for selection in the Hay district (at Rocky Gully), be laid on the Table of the House.

On motion by Chief Secretary, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT.

Leave to Introduce.

HON. J. CORNELL (South) [4.34]: In moving for leave to introduce the Bill, I desire to say that its purpose is to insert in the Constitution Act that part of Clause 18 of the Electoral Bill dealing