for the number to subscribe in order to bring a test case and have the matter decided!

Mr. Mann: Why object to giving them assistance?

Mr. MONEY: If we give assistance in this case, we must give assistance in thousands of cases.

Mr. Mann: There is not another case similar to this one.

Mr. MONEY: Many cases are similar to this. Whenever a purchaser fails to make a search and there is an encumbrance, the same dispute arises. The mortgagee has his rights because he is registered. Anybody can go and search the position.

Hon. W. C. Angwin: Everybody is not a lawyer.

Mr. MONEY: I wonder at that interjection. When the people of this State asked to be relieved of the lawyers, and the Transfer of Land Act was brought in, the result was to make it simple for the people to do their own work in that respect. Now, when people fail to do the work, the answer given us is that they are not lawyers. The more silly they, say I, not to be protected by lawyers. They say they can do this work for themselves. They say it is as simple as A B C. If they fail to do work which they say they can do, so saving the services of a lawyer, it is right that they should take the consequences.

Mr. Mann: Those are the feelings of a lawyer.

Mr. Marshall: I understand now why there are no land troubles at Bunbury.

The COLONIAL SECRETARY (Hon. R. S. Sampson—Swan) [10.20]: This matter is of very great interest to me as member for Swan. Evidently it is also of some interest to the member for Katanning (Mr. A. Thomson) and the member for Bunbury (Mr. Money). But Katanning and Bunbury are a long way from Gosnells, and those two hon. members cannot be acquainted with the grave position existing there. This question was before the House in 1918, as has been mentioned. Preceding speakers have, however, failed to point out in what way relief is to be secured for the purchasers. The difficulties in regard to the situation have existed for years. Purchasers have paid their instalments, in some cases to the full extent of the purchase money, but find themselves unable to obtain transfers. Now we are told by the member for Bunbury that that is their own fault. I contend it is our duty, so far as our power extends, to give those people relief.

Mr. Money: Are they in possession of their land?

The COLONIAL SECRETARY: Some of them are occupying the land, but occupancy does not confer the full benefit which should be enjoyed by those who have paid the full amount of purchase money. They are unable to sell the land, or to raise a loan on it should they so desire. The local authorities are inconvenienced because of the fact that the rates on this land are not being paid. The purchasers are, in practically every case, small settlers, and not in a position to find the money to fight this question time after time, as apparently is necessary. Cases have been tried in court, but paucity of funds has prevented a definite result being arrived at. The matter is very complicated.

Mr. Latham: Too complicated for this House to deal with.

Hon. W. C. Angwin: The House is not asked to deal with it.

The COLONIAL SECRETARY: I do not think I am called upon to suggest, nor do I think any other member is called upon to suggest, whether the receiver has used funds wrongly. That is a question for the proposed Royal Commission to look into. But I do contend that all the statements made by the mover of the motion stress the urgency of the need for the appointment of a Royal Commission to straighten out this tangle. After years of effort a solution is no nearer than it was in 1918. The previous member for Swan, Mr. Nairn, was most anxious that the matter should be settled. He had hoped that as the result of the previous discussion something would be done and a Commission appointed. However, there was no appointment of a Commission, and the matter has dragged on right through the long period intervening. As member for Swan I ask the House to support the mover and allow these people the right, which should be theirs, of full ownership of the land for which they have paid. I shall vote for the motion, and I earnestly hope it will be carried.

On motion by Mr. Teesdale, debate adjourned.

House adjourned at 10.25 p.m.

Legislative Council.

Thursday, 27th September, 1923.

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

QUESTION—LEGISLATIVE COUNCIL ESTIMATES.

Hon. V. HAMERSLEY asked the Minister for Education: 1, Are the Estimates of this House, as set out in the Estimates of Revenue and Expenditure for the current year, and as distributed to members, in the form recommended to the Government by the President? 2, If not, by whose authority have they been altered.

The MINISTER FOR EDUCATION replied: 1, No. 2, The Colonial Treasurer.

QUESTION—PUBLIC LIBRARY.

Hon. H. SEDDON asked the Minister for Education: 1, What was the capital cost of the public library building erected in Perth? 2, What is the annual cost of upkeep? 3, What amount is expended for books, periodicals, etc., purchased for the institution?

The MINISTER FOR EDUCATION replied: 1, £27,000. 2, The annual grant for the upkeep of the Public Library, Museum, and Art Gallery is £6,000. The whole institution is worked as one, and the accounts are not separated except so far as books and specimens are concerned. 3, The amount spent on books, periodicals, etc., for the year ending 30th June, 1923, was £551 6s. 7d.

BILL—LUNACY ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. V. HAMERSLEY (East) [4.35]: I moved the adjournment of the debate yesterday in order to glean some information about this Bill, and in order that the Minister might be able to enlighten us upon it. From the remarks of Mr. Moore it was apparent that the Bill deals with one individual only.

Hon. T. Moore: There is more than one.

Hon. V. HAMERSLEY: It seemed rather strange that we should be asked to pass a measure dealing specially with one individual. I presumed that certain papers dealing with that case would be laid on the Table of the House. I understand now they are not available, but the Minister has told me that members individually can see them. I trust that members will make themselves acquainted with the full particulars of the case before passing the Bill. There is a certain amount of danger, in that we might innocently be the means of releasing someone——

Hon. T. Moore: Of a Supreme Court judge releasing someone.

Hon. V. HAMERSLEY: We might be the means of going behind a Supreme Court judge. I have made inquiries, and do not know why this case could not be dealt with apart from this Bill. I understand the individual in question has been adjudged by six doctors to be sane. It is reasonable to suppose, therefore, that he can be taken away from where he is, and restored to the place he was in before, namely the Fremantle Gaol. That would be the ordinary procedure.

Hon. T. Moore: He has never been in the Fremantle Gaol.

Hon. V. HAMERSLEY: I understand he went from the gaol to the asylum.

Hon. T. Moore: That is wrong.

Hon. V. HAMERSLEY: If the authorities at the asylum see no necessity for keeping him there now, it will be their duty to return him to the place from which he came. There will then be nothing to prevent a judge or the Governor from releasing him if that is desired. I believe the man was committed at the pleasure of the Governor. The Bill opens a way for any person who may in future come up for trial, say on a charge of murder, to plead lunacy. This process could be gone through by one and all, and the Bill may be the means of throwing an immense amount of work upon the authorities at Claremont, as well as upon the judges. I do not think that is the wish of Mr. Moore.

Hon. T. Moore: Certainly not.

Hon. V. HAMERSLEY: It would not be right for this House to permit anything of that kind. Unless I hear a great deal more in favour of this Bill, it is my intention to vote against the second reading.

Hon. J. W. KIRWAN (South) [4.42]: The hesitancy that arises in the minds of members concerning this Bill is perhaps due to the fact that they have not grasped exactly what it means. I understand that it is not Mr. Moore's desire to give a Supreme Court judge power to discharge a man who is at present confined as a lunatic. The Bill merely gives power to the judge to furnish a report to the Governor. In certain cases the examination will be made by a Supreme Court judge, who can take all the medical evidence that will be available. If the Inspector General of the Insane, or the superintendent of the asylum, or anyone else considers there are no good reasons why a person who is being detained as a lunatic should be still further detained, all the evidence connected with the case can be produced before a judge. It may be a case such as that referred to by Dr. Saw, where a man may be perfectly sane, but may have homicidal tendencies which break out intermittently. Mr. Moore says that six doctors have declared the individual in question to be sane. All that evidence will be inquired into by a judge of the Supreme Court. The Bill will give to the judge a power he does not at present possess to inquire into the matter. It does not say that the judge shall discharge the person from the asylum, but merely states that he shall furnish a report of his examination to the Governor. The Governor-in-Council may then exercise his own discretion. The judge does not even make a recommendation; the Governor-in-Council considers the whole matter upon his report. It seems to me that in a case of this kind the House ought not to hesitate to pass the Bill. Mr. Hamersley assumes that

it refers to one particular case. I do not know whether it does, but even if that assumption be correct, if an injustice has been done to any individual, it is not too much to ask that a special Act shall be passed to remove that injustice. From what Mr. Moore stated, the particular case he specified may be only one of others that may crop up.

Hon. J. Cornell: The superintendent may order the man's discharge to-day.

Hon. J. W. KIRWAN: It may be necessary to appeal against a decision of the Inspector General of the Insane. No man is infallible. A judge of the Supreme Court would be extremely slow to order a man's discharge if the Inspector General recommended that he should be detained. On the other hand, if six doctors say that the patient should be discharged, it will be for the judge to go into the whole matter in a judicial way and make a report to the Governor in Council, who may, or may not, order the man's discharge.

Hon. A. J. H. Saw: Perhaps the Inspector General does not care to take upon himself the responsibility of ordering the release of a man who has shown homicidal tendencies.

Hon. J. W. KIRWAN: Quite so, and there again is one way in which we may assist the Inspector General of the Insane. This duty may place the Inspector General in a difficult position and I should imagine that officer would welcome the amendment. It may be that in some cases he may be puzzled as to whether a man is homicidal.

Hon. A. Lovekin: Will it be possible, under this amendment, for prisoners at Fremantle gaol to appeal to a judge?

Hon. J. W. KIRWAN: No. If the hon. member will look up the original Act he will see that this amendment will apply only to specific cases such as are mentioned in the second paragraph.

Hon. J. E. DODD: Is it the second paragraph of Section 107 that is referred to?

Hon. J. W. KIRWAN: Yes. The amendment is to be added to the end of the second paragraph. It will be seen, therefore, that it can apply only to those who are detained in the circumstances indicated by Mr. Moore. In addition to that, the judge himself states that he cannot deal with men who are at the Claremont Hospital for the Insane in accordance with the will of the Governor-in-Council. It seems to me that all that is sought is to give the judge power to take action to prevent the possibility of injustice in certain cases.

Hon. J. Cornell: But the Governor-in-Council has power to release such a man to-morrow.

Hon. J. W. KIRWAN: Yes, but it may be desirable that there should be an inquiry, at the instance of the patient's relations, to ascertain whether he should be released or not. It will then be for the judge to make a report to the Governor-in-Council and the Governor-in-Council will be in a position to act as is deemed advisable. The amendment will bring this matter in a direct way before the Governor-in-Council. It will also provide an appeal, in a sense, from the decision of the Inspector General of the Insane. The Inspector General may not agree to accept the responsibility of taking action, and this will enable an inquiry to be made before the judge, and the available medical opinion will be placed before him. In that way, the responsibility will be taken from the shoulders of the Inspector General. I should imagine, if the Government were to consult the Inspector General, he would be pleased to have that responsibility removed from him in such cases as those referred to by Mr. Moore.

Hon. W. CARROLL (East) [4.51]: In common with Mr. Hamersley, I would like a little more information before the Bill goes to the vote. I am not a legal man, but as I read Section 107 it would appear that it is quite possible, under the first paragraph, for a man to be brought before the judge. Mr. Kirwan quoted only the second paragraph of the section. The first paragraph reads—

> If a judge receives information upon oath, or has reason to suspect that any person of sound mind is confined in any hospital for the insane or licensed house, the judge may order the superintendent of such hospital or licensed house to bring the confined person before him for examination at a time to be specified in the order.

Then it goes on to say that if such a man is found to be sane, the judge may direct that the patient shall be discharged by the superintendent of the hospital or licensed house. In the circumstances referred to by Mr. Moore, even if the judge has not the power to order the release of a man, I think by implication the judge has power to make a report to the authorities.

Hon. T. Moore: The judge says he has not that power.

Hon. J. W. Kirwan: The last few words of the second paragraph govern the position.

Hon. W. CARROLL: I presume Mr. Kirwan refers to the words "unless he is detained therein for some other cause by due process of law." Notwithstanding the inclusion of these words, I think the judge has power to make a report, and hand it to the responsible Minister for further steps to be taken.

Hon. A. J. H. Saw: The judge says that is not so.

Hon. W. CARROLL: We know that it is possible for pressure to be brought upon the Governor-in-Council to do something that in other circumstances would not be attempted. I do not wish to impute motives to anyone, but it must be realised that public opinion has been brought to bear from time to time, and this has caused things to be done that would not otherwise have been agreed to. We should have much more information regarding this matter before we agree to the second reading of the Bill. There is more than a suspicion in my mind that the Bill is for one specific person, and before voting on it, I would like to know from Mr. Moore whom he

has in mind and what crime that man was charged with when he was first taken into custody.

Hon. J. E. DODD (South) [4.55]: This is a short Bill and I do not think it has been before the House for very long. Perhaps no harm would be done if Mr. Moore were to agree to postpone the further debate until next week. Personally, I am not convinced regarding what the Bill really means. From my experience I am inclined to support it. I take it, it refers to persons who have been committed to an asylum from a court of law.

Hon. T. Moore: That is so.

Hon. J. E. DODD: It is hard to gauge what the Bill really means from what we have before us now. I suggest that Mr. Moore should agree to further postpone the second reading stage till next week, so that we may have an opportunity of looking into it further.

Hon. J. DUFFELL: I move—

That the debate be adjourned.

Hon. A. LOVEKIN: Before you put that motion, Mr. President, may I ask whether you are willing to allow the papers in this case to lie upon the Table of your room? The Minister raises an objection to the papers being laid on the Table of the House, on the ground that publicity may be given to them. If the papers were placed on the table in your room, Mr. President, that would permit us to see them there.

The MINISTER FOR EDUCATION: I much prefer that any hon. member who desires to see the papers should come to my office.

Hon. J. Duffell: They would be as safe in the President's room.

The MINISTER FOR EDUCATION: Well, that is my opinion.

The PRESIDENT: I have not heard of any such suggestion before! I am in accord with the views of the Leader of the House, and if you want to see the papers you should go to the proper place to see them. I have never heard of papers being laid on the President's table before! In the circumstances, it is better to go to the Minister's office, and I am certain the Minister will let you see the papers there.

Hon. J. CORNELL: The attitude taken up by the Minister is rather extraordinary. The position boils itself down to an individual connected with the Bill. The Minister has no objection to the Bill being passed, but he has a decided objection to bringing the papers out of his office. He asks members concerned to go to his office to see them. The latest utterance of the Minister is a direct contradiction of his statement that he would like to see the Bill go through. I do not see why there should be so much secrecy attached to these papers.

Hon. T. Moore: I do not desire any secrecy.

The PRESIDENT: The question before the House is the adjournment of the debate.

Hon. J. CORNELL: That is what I am speaking to. I for one will not take the trouble to go to the Minister's office to see the file. I will draw my own inference and vote accordingly.

The MINISTER FOR EDUCATION: I would like to explain that I have no desire for secrecy. Members are entitled to see the papers, but, out of consideration for many people concerned, I do not want them to lie on the Table. I am satisfied the papers will be safe in your keeping, Sir, if you will take the responsibility for them.

Hon. J. Duffell: Is more than one case dealt with in the files?

The MINISTER FOR EDUCATION: I have not said so.

Hon. A. Lovekin: The Speaker allowed the same thing to be done the other day.

The MINISTER FOR EDUCATION: If you, Sir, will take the responsibility for the papers, I shall have them placed in your room and under your custody to-morrow.

The PRESIDENT: I have not heard of the President having been asked to take charge of papers.

Hon. A. Lovekin: The Speaker did it in connection with the Industrial Council papers.

The PRESIDENT: Either the papers are laid on the Table or are not. I do not see why the President should have anything to do with them.

Hon. J. Duffell: There would be secrecy if they were placed in your room. If they are laid on the Table, they are open to the Press.

Hon. A. LOVEKIN: The papers dealing with advances by the Council of Industrial Development were asked for in another place, but the Government would not lay them on the Table. With the consent of the Speaker, they were placed in his room so that members could peruse them. It was more convenient to have them there than to require members to go down to the Supreme Court. I suggest that if it would not be inconvenient to you, Sir, the same course might be adopted here. The President would not be responsible for the papers.

The Minister for Education: Then who would be responsible?

The PRESIDENT: It is not a matter of responsibility; it is a question of precedent. I have not heard of the President having been asked to take charge of papers, and if I do it in this case I may be asked to do it half a dozen times. The papers should be laid on the Table or not laid on the Table.

Hon. C. F. BAXTER: It will not be possible for many members to peruse the papers prior to Tuesday next.

Hon. T. Moore: Adjourn the debate until a later date.

Hon. C. F. BAXTER: A number of members will be returning to their homes to-night or to-morrow, and the mover would be well advised to extend the time mentioned in his motion, say, for a fortnight. Then every member would have an opportunity to see the papers in the office of the Minister for Justice.

Hon. T. Moore: A fortnight should not be necessary.

Hon. C. F. BAXTER: To peruse the papers thoroughly will take a considerable time. It will be useless to do it in a half-hearted manner.

Hon. J. DUFFELL: If it is the wish of the House, I suggest that the date in the motion be altered to the 9th October.

Motion (adjournment—as altered) put and passed.

BILL — RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT.

In Committee.

Resumed from the previous day.

Hon. J. W. Kirwan in the Chair; the Minister for Education in charge of the Bill.

The Minister for Education had moved to insert a new clause as follows:—"A section is inserted in the principal Act as follows:—'This Act shall not be deemed to repeal by implication the Interstate Destitute Persons Relief Act, 1912.'"

Hon. A. LOVEKIN: The more I think over this matter, the more I am satisfied the Bill should not find a place on the statute-book. The proposed new clause will really make a travesty of legislation. I pointed out the other day that where two Acts run on parallel lines, the courts may rule that the earlier one was repealed by implication. Mr. Holmes said he had yet to learn that anyone but the legislature could repeal an Act of Parliament, and the Minister suggested he had never heard of such a thing as a repeal by implication.

The Minister for Education: Very few cases.

Hon. A. LOVEKIN: That is quite true, but there are some cases almost on all fours with this. Let me mention one that happened a few years ago. The State Children Act was passed and in it was incorporated all the bastardy laws, but the Bastardy Act of 1870 was allowed to stand. Difficulty arose and it was found necessary to put in the schedule of the amending State Children Act that the Bastardy Act was repealed. This was intended to obviate any difficulty, because the State Children Act entirely repealed the bastardy laws of 1870 although it did not specifically say so. While the function of the legislature is to make and repeal laws, it is the duty of the courts to interpret them. Courts interpret the laws according to fixed principles, and one of the principles is that if a later Act runs on the same lines as a previous statute, the last word of the legislature is taken to be the will of the legislature and it is assumed that the previous Act has been repealed. I think Mr. Nicholson will agree that that is the principle. Craie's "Statute Law" says—

> If one statute enacts something in general terms, and afterwards another statute is passed on the same subject which, although expressed in affirmative language, introduces special conditions and restrictions, the subsequent statute will usually be considered as repealing by implication the former statute.

Maxwell says—

> Again, if the co-existence of two sets of provisions would be destructive of the object for which the later was passed, the earlier would be repealed by the later.

Broom's "Legal Maxims" lay down the same principle that later laws repeal earlier laws inconsistent therewith—

> It is then, an elementary rule that an earlier Act must give place to a later, if the two cannot be reconciled, and one Act may repeal another by express words or by implication; for it is enough if there be words which by necessary implication repeal it.

The Interstate Destitute Persons Relief Act and the Reciprocal Enforcements of Maintenance Orders Act run on parallel lines except in this respect: that under the former, there is all the machinery for giving effect to the Act, while under the Maintenance Orders Act, there is no such effective machinery provided. The Maintenance Orders Act passed last session, which had application to Great Britain only, was right, but we are asked to amend it to make it apply to the other States, and thus, by implication, we shall be getting rid of the machinery of the Interstate Destitute Persons Relief Act. That Act is absolutely necessary. I am afraid the two statutes cannot run on parallel lines.

Hon. A. J. H. Saw: But parallel lines never meet.

Hon. A. LOVEKIN: The Interstate Destitute Persons Relief Act is working well. The machinery is good and money is being collected under it. I wish to avoid giving lawyers in another State a chance to raise the point, and get an order made under the Interstate Destitute Persons Relief Act quashed on the plea that the measure now under consideration, being a subsequent measure on parallel lines, supersedes the earlier Act. The proposed new clause to some extent will negative that view, but at the same time I can conceive of a court holding that while the later Act must not be deemed to repeal the earlier Act, the two are not consistent. Therefore the court will say, "What are we to do? We must admit that both are the law and, according to the rule of interpretation, the earlier Act must give way to the later Act."

Hon. J. Nicholson: Unless we have such a clause as this.

Hon. A. LOVEKIN: But I do not know what interpretation a court would put upon that provision.

Hon. A. J. H. Saw: Toss up, I expect.

Hon. A. LOVEKIN: Is this Bill needed? If it is, let us have it. If it is not, it is of no use putting it on the statute-book, because

it will only give rise to complications. The Bill is totally unnecessary.

Hon. J. Nicholson: At whose suggestion was it introduced?

Hon. A. LOVEKIN: I believe it was drafted by the Crown Solicitor, Dr. Stow, because South Australia made an application for reciprocity in the State in connection with the Maintenance Orders Enforcement Act. My view is the South Australian authorities overlooked that we had already got this reciprocity. I have seen the file and I do not think they realised they had in force their own Destitute Persons Relief Act, which is on all-fours with ours. They had the Reciprocal Act applying to Great Britain and said, "Let us apply it to the States as well." I give my view for what it is worth, but it is the view of one who has had something to do with administering the Act. If we pass the Bill I think we shall only complicate matters and do harm instead of good.

Hon. J. Nicholson: If the Bill is passed, you admit that the new clause should be inserted?

Hon. A. LOVEKIN: Undoubtedly.

Hon. J. DUFFELL: When a Bill is brought before Parliament to amend an existing Act, the assumption is that the operation of the Act has shown amendments to be necessary. But this new clause is a clear indication that no need exists for a Bill to amend the existing Act, which has operated satisfactorily for 11 years.

Hon. A. Lovekin: We can reject the Bill on third reading.

Hon. J. DUFFELL: In order to make doubly sure of preserving an Act which has given satisfaction for 11 years, I support the new clause.

The MINISTER FOR EDUCATION: This discussion seems to me much ado about nothing. There are two Acts now operating in South Australia.

Hon. A. Lovekin: Yes, but that does not make it right.

The MINISTER FOR EDUCATION: There has never been any trouble about those two Acts.

Hon. A. Lovekin: One of them has been working only a few months.

The MINISTER FOR EDUCATION: This Bill was practically asked for by the South Australian Government for the sake of absolute reciprocity throughout the British Empire. That reciprocity does not exist at present. The Governor in Council on the 21st December, 1922, passed rules and regulations under the parent Act.

Hon. A. Lovekin: Look at them and see how you can collect money under them.

The MINISTER FOR EDUCATION: Perhaps one cannot. The new clause was suggested by Mr. Nicholson as a safeguard. If it is carried, there will be no danger of one measure interefering with the other. According to Beale's "Cardinal Rules of Legal Interpretation," with regard to repeal by implication the rule of law is that a statute is not repealed by a subsequent statute by implication unless the two statutes are inconsistent.

Hon. A. Lovekin: The two measures are inconsistent, which brings them within that rule.

The MINISTER FOR EDUCATION: Mr. Lovekin's work in the Children's Court is highly appreciated by the Government, but this Bill is regarded by the Solicitor General as necessary. The Solicitor General said to me to-day that if Mr. Lovekin would look into this small measure, he would find that though small, it would prove very useful. The South Australian Government have asked for this Bill in order that we may work in unison with them.

Hon. A. Lovekin: Tasmania has passed our Act relating to destitute persons, and has ignored this legislation.

The MINISTER FOR EDUCATION: The new clause is a reasonable and fair compromise.

Hon. J. CORNELL: Why this extraordinary procedure? Does this amending Bill repeal any portion of the Interstate Destitute Persons Relief Act?

The Minister for Education: No.

Hon. J. CORNELL: If it does not, why this new clause? If it does repeal any portion of that Act, let us state definitely what portion is repealed. Then people will know where they stand.

Hon. A. LOVEKIN: I do not wish to press the matter unduly, but it is more important than appears on the face of it. Suppose an order is made under the Interstate Destitute Persons Relief Act of 1912. The order goes to the East and is there placed in the hands of a collector, who collects the money. If an order goes East under the Reciprocal Enforcement of Maintenance Orders Act, it is sent to the Master of the Supreme Court in another Dominion, and is registered in his office, and an index of the orders is kept, and apparently that is all there is about it.

Hon. J. Nicholson: But it becomes an order of the court.

Hon. A. LOVEKIN: But nobody is compelled to trouble about it. Just now there are two Acts on this particular subject, and those two Acts conflict. A person concerned, if he objected to an order being enforced by the collector, could say, "There is another Act. This order should have gone to the Supreme Court, and proceedings should have been taken there." Then the matter goes to the court, and the court has to interpret the two Acts. It is all very well for us to say in this Bill that it shall not be deemed to repeal another Act. The court will say, "We must adopt the ordinary practice of interpretation of Statutes, and take the Act passed last. The order has now gone to the collector and is no use at all. The order must go to the Supreme Court, and lie there until somebody does something else." Why should we pass this Bill at all when we already have legislation dealing with the subject?

I can see difficulties staring us in the face. Unless the Minister can show that this amending Bill will be of some real use to us, it ought not to be gone on with.

Hon. J. NICHOLSON: Mr. Lovekin but emphasises the need for adding the new clause. I can assure Mr. Cornell the clause will be a distinct safeguard. Since the measure has passed the second reading, it would be folly not to adopt this provision. If the House thinks it is unwise to pass the Bill as amended, there is a remedy on the third reading. At this stage we can only agree to the amendment. The Interstate Destitute Persons Act has all its machinery embodied in the Act, where as the Reciprocal Enforcement of Maintenance Orders Act provides for the machinery through regulations. Those regulations can easily be added to.

Hon. J. Cornell: There is no section in the later Act saying that we repeal the earlier Act by implication.

Hon. J. NICHOLSON: The Reciprocal Enforcement of Maintenance Orders Act deals with only the reciprocal enforcement of those orders as between this State and the United Kingdom. What we are seeking to do in the Bill is to extend the Act to the sister States of the Commonwealth. So, if we pass the Bill, we shall have two Acts under which to proceed. Mr. Lovekin says the Interstate Destitute Persons Act provides a ready means for enforcing such orders, but I am sure the Bill will be of great assistance to him. However, at this stage we can only agree to the amendment.

Hon. J. CORNELL: If, on becoming an Act, the Bill is construed to have in fact repealed the Interstate Destitute Persons Act, all the tarradiddle about implication will not carry much weight.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—LOCAL AUTHORITIES (ADDITIONAL POWERS).

Second Reading.

Hon. A. BURVILL (South-West) [5.36] in moving the second reading said: This is a short and simple measure, but is necessary to the local authorities. It provides that they shall be able to finance and control local recreation and amusement. I do not expect any opposition to the Bill, nor do I think it will provoke much discussion. It is on all fours with an Act in New South Wales giving the local authorities power to control places of amusement for gain. "Gain" is used not in the ordinary sense, but in the municipal sense. Some time ago in the South-East Province a local authority secured a design for an agricultural hall to cost £2,100. The Act under which the board worked would not allow them to borrow more than £1,500. Local residents accepted the burden of £600, and the hall was built. The trouble then was that the Act did not empower the local authority to control places of amusement. However, a committee came to the rescue, and during the first 12 months the gross proceeds of the amusements were £649, the nett profit being £440. At the present time Wagin desires a new town hall at an estimated cost of £7,000. The local authority cannot get any subsidies or grants from the Government. If the Bill be passed, the local authority will be able to go ahead and control picture shows and other amusements. In consequence, there will be no occasion to ask the Government for financial assistance in the building of the town hall, for the local authority will be able to pay interest and sinking fund without striking a rate, or if it be necessary to strike a rate, it will be but a small one. Other instances of existing difficulty could be quoted. In the New South Wales Act of 1919 there is a section containing the following:—

> The council may control and regulate premises and appliances used for (a) skating rink, (b) public amusements and games, merry-go-rounds, shooting galleries, and Aunt Sally. The council may control and regulate public amusements and resorts, and may control and regulate the conduct of people therein in the interests of public convenience, safety, and order. The council may provide, control, and manage places of public recreation, entertainment, amusement, or improvement. The council may establish and maintain or subsidise public bands or orchestras.

Hon. E. H. Harris: Can it conduct race meetings?

Hon. A. BURVILL: Probably it can.

Hon. J. Nicholson: That is a public recreation.

Hon. A. BURVILL: In the "Laws of England," Vol. 20, it will be seen that the same powers exist in the Old Country. The Bill, when passed, will not be mandatory on any local authority. Moreover, it will be necessary for the local authorities to consult the ratepayers. But certainly it will be a boon to the local authorities, for it will enable them to finance public utilities without Government aid, which is now practically unprocurable. I move—

That the Bill be now read a second time.

Hon. C. F. BAXTER (East) [5.44]: There has been a good deal of talk about State Trading Concerns, but I think this goes one better. My experience of local authorities suggests that they have quite enough to do at present in conducting their legitimate affairs. I am surprised to hear that any local authorities would want to exercise powers additional to those already vested in them. Even to-day, if they want to finance amusements, they have the three per cent. fund.

The Minister for Education: That would not go far.

Hon. C. F. BAXTER: It would go quite far enough.

Hon. J. Cornell: Yes, if the city of Perth is to be taken as a criterion.

Hon. C. F. BAXTER: Even with the present volume of business passing through the hands of local authorities, we have a fair percentage of defaulting secretaries. The Bill will serve to add to the difficulties of the local authorities. It will empower them to use ordinary revenue.

Hon. W. Carroll: Every penny of it!

Hon. C. F. BAXTER: Yes; to run picture shows and dances, and establish bands and all sorts of musical combinations.

Hon. R. J. Lynn: And Aunt Sally.

Hon. C. F. BAXTER: Even Aunt Sally. I do not know where we are going to finish. I am strongly opposed to a measure of this kind. Let local bodies stick to their own functions. We should not give them these wider powers, especially when we know that the majority of the local governing bodies do not want them.

Hon. J. Cornell: Put in a new clause limiting this kind of thing to Wagin.

Hon. C. F. BAXTER: It is dangerous to give a local authority, acting in an honorary capacity, power of this description which may be used by a section of the ratepayers.

Hon. E. H. Harris: It says "they may."

Hon. C. F. BAXTER: We may find in a district where there are a few racing people, a demand being put forward that a race meeting shall be run, and then if there should be a deficit on that race meeting, the ratepayers being asked to meet that deficit. A similar thing may happen in connection with cinema shows. If private enterprise fails in conducting this form of entertainment what chance would a local body have of being successful? If the Bill is placed on the statute-book I feel sure that members of another place will regret it.

Hon. J. CORNELL (South) [5.48]: The Bill appears to be a simple one and easy to put into application. The chickens will come home to roost, however, when the ratepayers are saddled with the Bill. Whilst I have been for a long time past in favour of a provision for road boards in remote places having statutory power to conduct some forms of amusement, where no one else is likely to come along to provide it, it is not right that we should give that power to all municipalities and road boards. The idea which has given rise to the Bill originated in Wagin, and I understand that Wagin is a fairly large town. If the patronage that is extended towards the form of amusement set out in the Bill is not sufficient to induce people who specialise in that kind of thing to go to Wagin and solicit the patronage of the community in that town, and then the municipal council takes it up, the outlook is a pretty bad one for the ratepayers. If the Bill becomes law it will be possible for the municipality, without consulting the ratepayers, to spend a thousand pounds or two in the establishment of an elaborate concern.

Hon. E. H. Harris: The council may buy out somebody.

Hon. J. CORNELL: It would not be so bad if there was a safeguard in the Bill to the effect that if a majority of the ratepayers in a road board or municipal district were of the opinion that such a form of amusement was necessary to the community, it should be undertaken by the local body. There would then be a safeguard. I have been a bumble and I know that local bodies serve a very useful purpose. I know, too, that very often they urge members of Parliament to get things done for them which afterwards are proved to be not in the best interests of the town. It is clearly set out in the Municipalities Act how money raised by way of rates shall be expended, and that if a local body wishes to go outside the functions specified, the ratepayers must be consulted. If we pass the second reading of the Bill I intend, in the Committee stage, to move for the insertion of a new clause to provide that the measure shall apply solely to the Wagin municipality.

On motion by Hon. E. Rose, debate adjourned.

BILL—ELECTRIC LIGHT AND POWER AGREEMENT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. J. Ewing—South) [5.52] in moving the second reading said: This is a short Bill to ratify an agreement made between the Commissioner of Railways and the Perth City Council. The Electric Light and Power Agreement Act, 1913, vests in the City Council the right to distribute retail current to any local authority whose boundaries are wholly or partly within a five mile radius of the Perth Town Hall. The City Council can, however, supply current in bulk to any local authority whose boundaries are partly outside the five mile radius, thus reserving to the local authority the right to retail outside that radius, current supplied by the City Council. In error the City Council supplied direct to consumers outside the five mile radius, but within the Queen's Park Road Board territory. This was a breach of the Act, and took from the Commissioner of Railways the right that he had. The City Council were entitled to supply direct to consumers in that portion of the area within the five mile radius. Similar circumstances applied to the Belmont Road Board, and it was thought desirable that an arrangement should be made whereby the City Council could supply the whole of the Belmont district, where they have their network of wires, the Commissioner of Railways to supply Queen's Park area where he has wires, including also that part within the five mile radius. Eventually an agreement on these lines was arrived at. On the basis of that agreement the Bill has been drawn. The Bill merely ratifies the agreement. It is exclusively in the interests of consumers that the agreement should be ratified. Mr. Duffell asked a question as to why

the Bill was presented at such a late stage seeing that the agreement was entered into over two years ago. It may be late to bring down the ratifying Bill, but better late than never. I move—

That the Bill be now read a second time.

On motion by Hon. W. Carroll, debate adjourned.

MOTION—WATER SUPPLY DEPARTMENT BY-LAW.

To disallow.

Debate resumed from the 25th September on the following motion by Hon. A. Lovekin—

That by-law 132 (4a) made under the Metropolitan Water Supply, Sewerage, and Drainage Act, 1909, be and is hereby disallowed.

Hon. W. CARROLL (East) [5.55]: From the debate which has taken place on this motion I have gathered that under the by-law in question trading concerns pay 1s. 6d. per thousand gallons for excess water used by them, while sporting bodies are asked to pay 1s. I enter my emphatic protest against that. The House should pause before it endorses a principle of that kind. It has frequently been said of Australians, and particularly Western Australian, that we are a nation of sports. We have resented that, but if we permit this condition of things to continue, by which we allow sporting bodies to get water at a cheaper rate than that at which it is sold to industrial concerns, we shall be acknowledging the fact that we admit sport to be of greater importance than industry. I sympathise with the Minister in the statement he made that the department cannot afford to reduce the price of water required by industries because of the loss that would follow.

The Minister for Education: And the shortage of water.

Hon. W. CARROLL: At the same time the Minister did not suggest the obvious way of getting over the difficulty, namely, by increasing the charge to the sporting bodies to the level of that imposed on the various industrial concerns.

The Minister for Education: That was disallowed by this House.

Hon. W. CARROLL: Then we should undo what was done foolishly on a previous occasion. It is not a question of the amount of money involved, it is the principle that we must consider. I object most strenuously to the procedure on account of my intimate acquaintance with the shortage of water that took place in the agricultural areas last summer, when the people engaged in farming operations were compelled to pay 25s. per thousand gallons for water at the various sidings. At that time the head of the Government told us that if the agriculturists paid what the water actually cost to take to the various sidings, the charge would be 37s. On the face of that we apparently agree to permit sporting bodies in the metropolitan area to have the use of water at 1s. a thousand gallons, and this too, remembering that it is already being retailed at a loss. I should like to read a line or two from the remarks of His Excellency the Governor General, as reported in the "West Australian" to-day—

> It is a truism to say that the future of this great State depends mainly upon primary industries. . . . If that be true, surely we ought to do what we can to see that those engaged in primary industries are assisted in every possible way.

I agree that this by-law should be repealed, but I do so on grounds that are utterly opposed to those advanced by the mover of this motion. If the Government and this House were doing the right thing in the circumstances they would increase the cost of water to sporting bodies to at least the amount charged to industrial enterprises. In my view the sporting bodies should pay even more. This would be a step in the right direction, and would assist the Government to raise that money which the Minister says is now being lost on the service.

On motion by Hon. J. M. Macfarlane, debate adjourned.

BILLS (2)—FIRST READING.

1, Inspection of Scaffolding.

2, Supply (No. 2), £1,050,000.

Received from the Assembly.

House adjourned at 6.5 p.m.

Legislative Assembly.

Thursday, 27th September, 1923.

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