Hon. Sir James Mitchell: You have no right to say that.

The MINISTER FOR LANDS: If the Leader of the Opposition had not thought there was a difference between the two classes of land a Bill of this nature would have gone through two years ago. The Royal Commission decided that both should be included.

Amendment put and negatived.

Clause put and passed.

New clause:

Mr. THOMSON: I move:

That a new Clause be added to stand as Clause 11, as follows:—Owner may retain portion of land intended to be acquired. Notwithstanding anything in this Act to the contrary, any owner who, before a declaration is published under Section seven that land has been taken under this Act, may notify the Board of his desire to retain a portion of the land intended to be taken sufficient for the sustenance of himself and his family; and in such case he shall have the right to retain such portion of the land as may be agreed upon between such owner and the Board or, in case an agreement is not arrived at, as shall be determined by a Local Court, and the decision of the Court shall be final.

It is only reasonable that a man should be allowed to retain enough of his land to enable him to sustain himself upon it.

The MINISTER FOR LANDS: I oppose the new clause. If it were carried it might be possible for a man, whose property was required for subdivisional purposes, to retain the best of it for himself and leave only the poorer portion. I would again point out that the Government do not desire to acquire improved land.

Mr. Thomson: You will take some.

The MINISTER FOR LANDS: Very little. The more highly land is improved the more expensive will it be to acquire.

Mr. Thomson: But the board might give the owner the poorer part of his land and take only the best of it.

The MINISTER FOR LANDS: No. There would be a fair subdivision.

Hon. Sir JAMES MITCHELL: If the owner of a resumed area wishes to take one of his blocks, and is willing to improve it, he should be given the opportunity to do so. It would save a lot of money, and the owner would be treated with consideration. The clause does not provide for that, but the necessary provision could easily be made without interfering with the Government's intentions. If the member for Katanning will put up the necessary amendment I will support it, but I cannot support his present amendment.

Mr. Griffiths: There should be some protection of this kind for the man who wants land.

Mr. SAMPSON: I see no force in the arguments brought forward in support of the amendment. It is not reasonable to suppose that a man and his wife and children would be sustained as the result of operations upon the small section that would be retained. The amendment is pernickety, and its adoption would certainly not increase the effectiveness of the measure.

Mr. THOMSON: I will accept the last speaker's correction if he can show me where the Bill gives the owner the right to claim part of the land taken from him. My amendment has been put up with a sincere desire to give reasonable protection to those whom this party represent. The Minister's assurance is not worth a snap of the fingers when we are legislating.

New clause put and negatived.

Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 11.15 p.m.

Legislative Assembly,

Tuesday, 2nd September, 1924.

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

QUESTION—ESPERANCE SETTLERS, ASSISTANCE.

Mr. LATHAM asked the Minister for Lands: 1, What was the cost per acre to the settlers for the land put under cultivation by the Government at Esperance for the year 1923-24? 2, What was the return per acre for the above-mentioned area? 3, Is there an indemnity provided by the Treasurer to the trustees of the Agricultural Bank aginst any loss in this area?

The MINISTER FOR LANDS replied: 1, Sixty-three shillings per acre, which includes depreciation and maintenance of machinery, transport, fuel, seed, superphosphate, insurance, cornsacks, harvesting, and all other charges 2, The yield ranged from eight bushels to nil. All crops were not stripped, and a comparatively large area cut for hay for very light returns. 3, The cost of cropping was not provided from the Agricultural Bank funds.

QUESTION—INSPECTION OF MACHINERY.

Forrest-place Crane Accident.

Mr. RICHARDSON asked the Minister for Mines: 1, Is the Press report of the evidence tendered by Inspector Gill at the coronial inquiry at Perth on 6th August, 1924, touching the death of Peter Harrison, crane driver, at Forrest-place, correct, wherein he stated: "No notice has been given of the removal of the crane from the place where it was previously working, the Swan Brewery, but this was not required by the Act"? 2, Did the Inspection of Machinery Department institute proceedings against A. T. Brine & Sons, contractors, for failing to notify the department of the removal of a crane from the Swan Brewery to Forrest-place, as provided in Section 70 of the Inspection of Machinery Act? 3, What was the result of the prosecution? 4, Was the prosecution instituted without the consent or knowledge of the Chief Inspector? 5, Is he aware that at the coronial inquiry the jury expressed the opinion "that a strict inspection by the Machinery Department should be made on the erection and re-erection of all cranes"? 6, Is the Machinery Department in possession of the details of a test applied to a crane on the Fremantle quay after its removal from Bunbury? 7, Who represented the department when the test was made? 8, Have the owners notified the department as provided for by Section 70 of the Act of the place of removal of this crane? 9, If so, on what date? 10, How long since has it been the practice of the department to compute the strength of jibs and other important parts of cranes? 11, Is it a fact that hitherto the strength of parts was merely estimated?

The MINISTER FOR MINES replied: 1, The evidence tendered by Inspector Gill as to removal of the crane was not fully or correctly reported in the Press. He was asked if it were necessary to notify removal of the crane from the Swan Brewery, no mention being made of Forrest-place, and answered "No." After a contract is finished a contractor can dismantle and store machinery without notice. The inspector was next asked whether A. T. Brine & Sons should have given notice of re-erection at Forrest-place, and answered "Certainly." Asked if they did so, he replied "No." The inspector further stated that the certificate issued on the crane when erected at the brewery was automatically cancelled by the removal of the crane, and in any case, by material alterations made when re-erecting it. 2, No; but proceedings were taken against the contractors for working the crane without a certificate under Section 44 of the Act. 3, Defendants were fined £2 and £1 4s. costs. 4, Proceedings were taken by the Chief Inspector's instructions. 5, Yes; the Act only applies to machinery erected as provided in Section 16. All machinery under the provisions of the Act is inspected as soon as notification is received from the owner after erection or re-erection, and before the issue of a certificate. 6, No. 7, No one. The department has no knowledge of a test having been made. 8, No. 9, Answered by No. 8. 10, Up to recently all cranes in this State have been self-contained, and have been made by reputable British makers. All of them are working within the makers' tested and guaranteed loads, and computations, except in the case of ropes and other minor details, have been unnecessary. Cranes such as Brines', which include foundations, etc., not supplied by the makers, have been computed, and loads assessed accordingly. 11, The tensile strength of material used cannot be computed. After ascertaining the nature of the material (i.e., whether steel, iron, cast iron, etc.), computations are made on the assumption that the material complies with the usual standards for such material. Wherever possible, particulars of the brand, breaking stress, etc., of the material are obtained.

QUESTION—COLLIE LAND, APPLICATIONS.

Mr. WILSON asked the Premier: 1, Is he aware there have been numerous applications from coal miners, timber workers and others in the Collie coal fields district for land there, that such applications invariably have been refused, and that the reasons for the refusals are that the land has been dedicated as a forest reserve? 2, Is he aware that the applicants generally do not desire financial help to clear the land, but that they intend to clear the land in spare time consequent upon the irregularity of the work in which they are engaged? 3, Will he cause investigations to be made so that land can be made available for these persons?

The PREMIER replied: 1, There have been nine applications for land in the No. 4 State Forest at Collie. There may have been numerous inquiries, but no record is kept of these. 2, I have no information. 3, Inquiries will be made, but land in a State Forest can only be made available with the approval of Parliament.

QUESTION—KENDENUP COMMISSION, COST.

Mr. A. WANSBROUGH asked the Premier: What was the total cost of the Kendenup commission of inquiry?

The PREMIER replied: The expenditure to date, which is far from complete, is £509 3s. 2d.

BILLS (2)—THIRD READING.

1, Unclaimed Moneys Act Amendment.

2, Closer Settlement.

Transmitted to the Council.

BILL—PRIVATE SAVINGS BANK.

In Committee.

Resumed from the 28th August. Mr. Lutey in the Chair; the Premier in charge of the Bill.

Clause 6—Licensed savings banks to deposit securities with Minister:

Mr. ANGELO: I move an amendment—

That after "£10,000" in paragraph (a) of Subclause 1 the words "or a lesser sum sufficient to cover all the liabilities of the bank under its savings bank business" be inserted.

The Premier said the Bill was introduced for a two-fold purpose—to protect the savings of the people, and to preserve to the use of the State a reasonable accumulation of those savings. The amendment will in no way interfere with the Premier's laudable desires. A lesser sum equivalent to the whole of the deposits for the time being up to £10,000 would be lodged in the same way as the security mentioned in the Bill, and the institution, whose inauguration has led to the introduction of the Bill is devoting, and I can safely say will, devote the whole of its accumulated deposits to assisting the producers of this State. The amendment would render it unnecessary for the institution to put up a huge sum of money, for if it had to do so it might be unable to assist at least a dozen farmers. The deposits in the savings bank section amount to only a few hundred pounds.

The PREMIER: I hope the hon. member will not press his amendment. The Bill is intended to safeguard the interests of depositors, and this deposit of £10,000 is a guarantee of the stability of the bank, and must be put up by any person desirous of embarking upon the savings bank business. It will also act as a check upon any small company that may wish to start a savings bank. It is very necessary that adequate guarantees should be provided for depositors. We insist upon a £10,000 deposit being paid by life insurance companies, to protect the interests of those who do business with them, and also upon 25 per cent. of the deposits each year being put up until they reach the sum of £20,000. If this is necessary in the case of life insurance companies, it is equally necessary in the case of a savings bank. The amendment is not capable of practical application, because the liabilities of a bank vary from day to day. It is the responsibility of the Government to see that those persons who invest their small savings in a banking institution of this kind are adequately safeguarded. If the amendment were carried, it would destroy the whole purpose of the Bill.

Mr. ANGELO: The bank I referred to is a co-operative bank, and its shareholders are all primary producers. They complain that the savings banks in the State do not make advances to them equivalent to the deposits they lodge. To overcome this difficulty they established a bank of their own.

The Premier: It should be no hardship for the bank to put up the £10,000 deposit, for it would be paid interest upon it.

Mr. ANGELO: Perhaps under Clause 7 the Premier will do what he can to protect the interests of the Primary Producers' Bank.

Hon. Sir JAMES MITCHELL: If the Primary Producers' Bank were the only institution in question, I am sure the Premier would agree to the amendment.

The Premier: That is so.

Hon. Sir JAMES MITCHELL: The danger of the amendment is that it will encourage others to start out in the savings bank business without putting up a penny. We do not want any more savings banks. It would have been better to have had a one-clause Bill prohibiting their establishment.

The Premier: I think there is only £700 in the savings bank section of the Primary Producers' Bank. It could hand that money to us and go out of business as a savings bank.

Hon Sir JAMES MITCHELL: No doubt it has gone to some expense in starting the business, and if the Premier could help it in any way it would be a gracious act on his part to do so. If the clause means that all who wish to establish a savings bank may do so, I cannot support it.

Mr. ANGELO: From what has been said, I think the bank may safely rely upon the Premier giving it a fair deal. Perhaps when he knows the good work it is doing, he will exempt it from the provisions of the Bill. This measure cannot last more than a few months. The Commonwealth are talking of introducing a comprehensive bank Bill, and that would override any State Act. With the permission of the Committee, I will withdraw the amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 7—Quarterly investments with Minister:

Mr. GEORGE: A man may receive a little extra money and put it into a savings bank. Shortly after, he may desire to withdraw it. If that happens after a big sum of money has been paid in, and the first part of this clause is carried out, the bank may be put to considerable trouble in meeting the extra withdrawals. The clause provides that every licensed savings bank shall once a quarter invest with the Minister a sum equal to 70 per cent. of the excess of the total deposits made over the total withdrawals during the last preceding quarter. Seventy per cent. is rather much, and might embarrass the bank. Fifty per cent. would make a working business proposition. I remember the Australian Bank failures in 1893, when the withdrawals from the banks were very heavy, and forced some of the banks down. A good deal of the money withdrawn here was put right away into the Government Savings Bank. Had there been another savings bank, as contemplated by this Bill, no doubt it would have received a considerable proportion of those withdrawals. We hope there will never be another bank crisis like that of 1893; but if it did occur, such a provision as this might prove highly embarrassing. Banks do not keep much cash in hand; they cannot afford to do so; they lend out their deposits as speedily as possible. While their credit is good, the position is perfectly safe; but in times of crisis each bank has to rely upon itself. I shall not move an amendment, because I do not profess to know much about banking business. The position would be all right if there were a provision that the bank could, in a time of crisis, go to the Government and obtain the amount of the deposit.

The PREMIER: I do not think there is much occasion to fear what has been suggested by the hon. member. In my opinion 70 per cent. of the excess of deposits over withdrawals is a reasonable proportion. The times referred to by the hon. member were quite exceptional, and had to do with banks other than savings banks. The people who deposit in savings banks are not people who are able suddenly to make either large deposits or large withdrawals.

Mr. George: They did in that case.

The PREMIER: They made large deposits in the Government Savings Bank, but they were not likely to withdraw those sums again quickly.

Mr. George: They did here.

The PREMIER: The hon. member must bear in mind that there is a margin of 30 per cent. A situation such as the hon. member fears is not likely to arise here. Even then persons who found themselves so fearful of the safety of their deposits as to withdraw them from a private bank, would not be likely to deposit them in a private savings bank, but would go to the Government Savings Bank, or to some other private banking institution in which they had confidence.

Clause put and passed.

Clauses 8 to 15, inclusive—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—ROAD DISTRICTS RATES.

Second Reading.

Debate resumed from the 26th August.

Mr. GEORGE (Murray-Wellington) [5.10]: The Bill is a step in the right direction. My reason for moving the adjournment of the debate was that it seemed to me the present might be an opportune time for embodying in our legislation some extra protection for the metropolitan water supply in respect of its rates and charges. For many years there has been trouble, in this connection, as regards land that has not been transferred. I have taken the opportunity of seeing the Crown Solicitor, Mr. Sayer, and discussing the matter with him. I believe an Act passed during the last year or two conferred on the authority controlling metropolitan water supply some more power than that authority possessed previously. Mr. Sayer has drafted for me an amendment, of which I have sent a copy to the Minister in charge of the Bill. In Committee I propose to move that the following be added to Clause 2:—

> But subject as regards any registration after the commencement of this Act to the payment by the transferee before the registration of the transfer of any rates for the time being due in respect of the land, including rates and charges due and payable under any Act relating to water supply, sewerage, and drainage.

If the Minister sees his way to accept that amendment and the House agrees to it, it will remove any doubt that may exist regarding rights that are, or should be, to compel charges on the land to be paid by the person who purchases the land and gets the transfer. That course is absolutely fair.

The Minister for Lands: In that case the Water Supply Department will be getting greater protection than the local authority.

Mr. GEORGE: I do not know about that. The devil looks after his own, and I suppose we must look after State money as far as we possibly can. For that reason I am taking the course I have indicated.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Extension of time for registration of transfers:

Mr. GEORGE: I move an amendment—

That the following be added to the clause:—"but subject as regards any registration after the commencement of this Act to the payment by the transferee before the registration of the transfer of any rates for the time being due in respect of the land, including rates and charges due and payable under any Act relating to water supply, sewerage, and drainage."

The MINISTER FOR WORKS: I raise no objection to the amendment, although I am advised that the existing situation covers the point raised by the hon. member. Still, the amendment may make assurance doubly sure. There have been occasions when the Water Supply Department have attempted to recover rates, and the fact of their withdrawing notices they had issued has been interpreted as casting a doubt on the legality of their position. The notices were withdrawn owing to the faulty manner in which they were issued. Since the change of Government, that has been overcome and no faulty notices are issued now. There may be a change of Government in the future and more care may be necessary. No harm will be done by agreeing to the amendment.

The MINISTER FOR LANDS: As one who has had considerable experience in local government affairs, I believe the amendment is dangerous. It means that road boards will have to take steps more extreme than they have done in the past. Frequently in order to assist persons in difficulties, road boards and municipalities have allowed rates to run on. The result has been that large amounts have been owing. Similarly the water supply rates have run on. The effect of this is that it becomes useless for a road board to put up any such property for sale, seeing that the amount that would be recovered would not equal the rates owing.

Mr. George: The amendment does not refer to water rates exclusively.

The MINISTER FOR LANDS: The amendment means that every penny owing to the Water Supply Department for rates must be paid, irrespective of whether the road board receives anything out of it or not.

Mr. George: Not at all.

The MINISTER FOR LANDS: Yes, it does. A transfer could not be made unless that were done. The amendment means it would be useless to put up land for sale, and and it will debar road boards from exercising their rights under the Act.

Mr. George: Should not the road board rates as well as the water rates be paid?

The MINISTER FOR LANDS: Yes, but the sale of many of the blocks would not realise sufficient to cover the rates owing.

Mr. George: The amendment says that all rates must be paid including water supply rates.

The MINISTER FOR LANDS: That cannot be guaranteed, for experience in the metropolitan area as well as in country districts, shows that blocks put up to auction by the local authorities, have not brought sufficient to cover the rates owing on them. I am sorry to disagree with my colleague, the Minister for Works, but I do not like the amendment.

Hon. W. D. JOHNSON: Evidently the amendment seeks to extend the scope of the Bill, but neither I nor many other members know what the debate is about. I am prepared to be guided by the Minister to a great extent, but I will not vote "on the blind." Such an amendment as the one under discussion should appear on the Notice Paper so that members may see what it means. As it is, we do not know. I will oppose the amendment, not because I understand it, but because I do not know its wording.

Mr. GEORGE: An apology is due to the Committee for not having the amendment placed on the Notice Paper. It does not contemplate any diabolical harm.

Hon. W. D. Johnson: According to the Minister for Lands there may be some danger in it.

Mr. GEORGE: While I was Minister for Works in charge of the Water Supply Department, I know that difficulty was experienced in securing cash owing on properties. At Midland Junction the local authorities planned a sale of properties without, so far as I know, making any inquiries as to what was due on account of water rates. That led to difficulties. If a person is to secure benefits, it is not wrong to expect him to pay dues owing upon the land with which he is concerned. I do not think there is any danger in the amendment.

The Minister for Lands: Road boards and municipalities cannot sell land until rates have been owing for five years; then they have to advertise their intention before they can submit the blocks to auction.

Mr. Davy: The sale wipes out the arrears.

The Minister for Lands: Of course.

Mr. GEORGE: The arrears to the Metropolitan Water Supply Department could not be wiped out by that means, for no power is given to local authorities to override the Government.

The Minister for Lands: An Act overrides the Government.

Mr. Thomson: It would appear that the road board forces the sale and the Water Supply Department gets the rates.

Mr. GEORGE: That is not the position. At any rate, I would not have proposed the amendment if I did not think importance attached to it.

The CHAIRMAN: The latter portion of the amendment referring to rates due on account of water supply, sewerage and

drainage refers to matters coming under another Act, and that will involve an amendment to the Title of the Bill.

Mr. GEORGE: I do not think so. The amendment applies to action by road boards.

Hon. W. D. Johnson: This all demonstrates the advisability of reporting progress so that we may look into the position.

Mr. GEORGE: I have no objection to the matter being postponed.

On motion by Hon. W. D. Johnson, progress reported.

BILL—INSPECTION OF SCAFFOLDING.

Second Reading.

Debate resumed from 21st August.

Mr. GEORGE (Murray-Wellington) [5.30]: I have gone carefully through the Bill. I do not think there can be any doubt about the necessity for it, although we may well desire to make some amendments in its provisions. Last session a Bill with a similar title was brought down, but unfortunately it did not pass. I think the House is quite satisfied that, owing to the large volume of construction going on in the metropolitan area and the fact that the older small buildings are being replaced by lofty, ornate structures, our scaffolding regulations should be carefully attended to. It may be argued, of course, that our contractors and builders are men of experience, and therefore not likely to omit such precautions as are necessary to prevent injury. Nevertheless, accidents do occur, as we saw recently in Forrest Place when, unfortunately, the collapse of a crane resulted in loss of life. So I think a Bill of this sort is needed. But some of the provisions in the Bill are quite new. For instance, it has been decided to include inspectors under the Inspection of Machinery Act. That, I think, is wise. The 8-foot limit prescribed in the Bill of last session has been omitted from the measure before us. Also it is intended that the operations of the Bill shall extend to ships and boats. That, of course, is quite new. Last year we debated the question of whether the Bill should apply to gear in wells, and decided against it, notwithstanding which the provision reappears in the present Bill. It is further provided that inspectors may visit and inspect scaffolding by day or by night. Such a provision should, I think, be fully justified in Committee. At the very least we ought to provide that the person responsible for the erection of the scaffolding should be given due notice of such visits. The Bill provides that an inspector may give notice in writing of what he requires. In my view that "may" should be amended to "shall." Provision is made that when an accident happens, no alteration shall be made to the defective scaffolding. Hon. members will agree that this should be amended, and that the defective scaffolding should be altered, not with the idea of permitting the responsible person to interfere with it in order to cover up the defect, but merely to ensure safety by precluding a repetition of the accident. The Bill does not provide, as the previous one did, that regulations made under it shall be laid before Parliament. That may be covered by some other Act. I merely draw attention to it. I must congratulate the Minister for Works on the zeal with which he is getting to his task. In moving the second reading a few days ago he told us he had seen a man working on the top of a ladder over 30 feet from the ground. Three ladders, he said, were lashed together and were standing in the middle of a right-of-way. There were two horses and a cart a little further away, and if the horses had bolted the man on top of the ladder must have lost his life. I do not know whether this was quoted as an illustration of the doctrine of "go-slow"; for last session the hon. member said this—

> This morning as I left the Perth railway station I saw a man painting the parapet of the building next to the old "Sunday Times" office. He had two ladders lashed together with ropes, and was working at a height of 30 feet from the pavement.

I draw attention to the fact that, whereas the man in last year's illustration could get up 30 feet with the aid of two ladders, this year he requires three ladders to attain the same height. I trust the Minister will be able to clear up this point for us when he replies to the debate.

Mr. THOMSON (Katanning) [5.40]: I do not think the Bill is required. For making that statement I may be accused of want of humanity. Yet I have had years of practical experience, and I cannot see any necessity for the introduction of the Bill. In these days of high costs we are faced with a Bill that can only mean added costs of construction. As for the safety of the public and of the workmen, that can well be left in the hands of the local authorities. To-day a man wishing to erect a structure in the metropolitan area, or indeed anywhere else in the State, has to submit his plans to the local authority. If he has to erect scaffolding on the outside of the building, the local authority lays down conditions calculated to safeguard the public. The builder can come out only a certain distance with his scaffolding. He must erect a proper barricade, and the public must be protected from the danger of falling bricks or other material.

Hon. J. Cunningham: What about inside scaffolding?

Mr. THOMSON: Well, the public are protected there just the same. To pass the Bill will be to create another public department with a full staff of inspectors and sub-inspectors. It is provided that the necessary money shall be furnished by Parliament from time to time. Reading that literally, one would think the Government were to provide the cost of the inspection of scaffolding. But there is another provision that says the Governor may prescribe the scale of fees to be paid for the inspection of scaffolding and gear. Sub-inspectors, it is directed, shall keep minutes and report to the chief inspector. That means that an inspector going around the various buildings shall report on each of his visits. Of course, for two reasons that is deemed to be necessary: first, to safeguard those who are working on the building by seeing to it that the scaffolding is properly erected and, secondly, in order that certain prescribed fees may be collected. The objection I have to it all is that it can only spell added cost of erection of buildings. As with the building fees, one erecting a building will be called upon to pay anything from £1 upwards, according to the value of the building. We could not well have a flat rate covering all buildings from cottages to large warehouses. If only the scale of fees were before us, we should have some knowledge of what the thing is likely to cost. All that we know is that the Minister in charge of the Bill will consult the inspectors and will then prescribe that certain fees shall be imposed. Perhaps the Minister, when replying, will give an indication of the fees that he has in view. Suppose we add one per cent. That amount, on a £500 cottage, will mean £5. It will be an addition to other costs already abnormally high. It may be argued that £5 is neither here nor there, but we have to remember that in larger buildings the amount will be considerably more and it will have to be added to the cost of construction. Again, the Bill gives great powers to the inspectors to be appointed. The inspectors will declare that all scaffolding and gear shall be as prescribed by regulation and shall be maintained and used in accordance with the Act. I know that the Minister will say that the Act will be administered with common sense. He may also point out that there is a proviso in the Bill, which was not included in the previous Bill, that will give power to divide the State into districts. The Government, therefore, will have the power to declare an area. Generally speaking, I do not see any need for the Bill, chiefly because the matter of attending to scaffolding can with safety be left in the hands of the local authorities. If it is proposed to deal principally with the metropolitan area, we must bear in mind that the local authorities have a building surveyor who is supposed to see that the buildings, permission for the erection of which has been granted, are constructed in accordance with the plans submitted. We can entrust that authority with the work of seeing that the scaffolding and gear are as they should be, and if we adopt that course we do away with the expense of building up another department. Those of us who happen to know a little about building are aware that there are many occasions when scaffolding and gear used may not be all that is desired. It is a common thing for builders to use what are termed first floor joists when they reach that level in a building. It may be right to debar builders from using those joinsts. Clause 12 reads—

> If any scaffolding or gear is not kept in conformity with this Act, or if with respect to the same there is a breach of this Act, or if the owner fails to comply with an order or request duly made by inspector with respect to the same, the owner shall, if no other penalty is provided, be liable to a penalty not exceeding £20.

I wish to make it clear that I am not in any way in favour of inadequate scaffolding, or of anything being done that will endanger the lives of those who are engaged in erecting buildings. As a general rule, however, speaking as a workman and an employer, the desire is to do everything that is possible to make scaffolding safe. In these days of high costs, it can truthfully be said that unless an employer provides proper scaffolding, he is taking a course that is penny wise and pound foolish. I do not think there is a man contracting in Western Australia who is stupid enough to ask his employees to work on scaffolding that is not perfectly safe. These are some of the reasons why I consider that the Bill is not required. The only effect will be to build up a separate department. I am convinced that if we were to request the municipial councils in the metropolitan area to attend to the erection of scaffolding, every purpose would be served. In this way we would obviate the creation of another department.

The Minister for Works: There will not be any separate department if I am in charge.

Mr. THOMSON: There may be. To-day we have the Machinery Department, which is quite a separate affair. There is a chief inspector, and then district inspectors, and of course a clerical division. I cannot see how the Minister will avoid the establishment of another department, or perhaps a sub-department. In any case there will be increased cost, and it is on that account that I intend to oppose the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. CHESSON: If it is intended to apply the Bill to the work of sinking wells in outback places such as pastoral areas, a hardship will be inflicted. Experienced men who engage in this work secure themselves perfectly when well sinking, and when water is struck a windmill is erected. If there is to be an inspection it will be pretty hard on that section of the community. In the country most of the ground in which wells are sunk is firm and therefore no inspection at all is required. The clause need not apply outside the metropolitan area. Probably there is need for it in the metropolitan area because most of the wells are sunk in sand.

The MINISTER FOR WORKS: It is not intended that the Bill shall apply generally throughout the State.

Mr. Latham: You have power to make it so apply.

The MINISTER FOR WORKS: We cannot make a law for one part of the State, but we can say that an Act shall operate over a particular area. That is what we propose to do in this case. I give the Committee an assurance that there is no intention to apply the measure to the out-back districts; the present intention is to limit the Bill to the metropolitan area, though subsequently it may be applied to certain municipalities.

Mr. J. H. Smith: What is the radius?

The MINISTER FOR WORKS: Probably 25 miles from the Perth Town Hall.

Mr. Latham: That is all right so long as it does not interfere with well sinking on a farm.

Mr. Sampson: In many instances 25 miles from Perth would land you in the bush.

Mr. Marshall: The bush! You have not seen it yet.

The MINISTER FOR WORKS: There must be power to supervise the erection of scaffolding in wells in the sandy soil around Perth. The men have asked to be protected and we propose to protect them.

Mr. George: It is the disused well that is dangerous.

The MINISTER FOR WORKS: Not necessarily; lives have been lost in wells that were still in use. If the wells around Perth were as safe as those in the Murchison country there would be no necessity for the Bill to apply to them.

Mr. Panton: You want a proper ladderway for the wells here.

The MINISTER FOR WORKS: Yes.

Mr. Sampson: Is this measure to be confined to a 25-mile radius?

The MINISTER FOR WORKS: No, I am not binding myself to that. I suggested 25 miles as the radius that may be decided upon.

Mr. GEORGE: The Bill of last session defined scaffolding as any structure built up and fixed to a height exceeding 8ft. from the horizontal base on which it was built up and fixed, etc., and I am strongly of opinion that we should not depart from that definition. The scaffolding for an ordinary one-storey cottage does not go very high, and timber to be used in the building of the house is generally utilised in the scaffolding. To apply this measure to every building is going too far, and will certainly add greatly to the cost of building. I do not know that this will make any difference to the pocket of the contractor; if he has to comply with these conditions, he will make his price cover the increased outlay. The 8ft. limit was a fair compromise and would meet all requirements. The danger lies in scaffolding for huge buildings such as the G.P.O., the A.M.P. and Surrey Chambers. We have buildings that would be a credit to any city in the world, and it is the scaffolding for them that should be well looked after. No matter how careful a contractor may be, no harm will be done by having inspectors to supervise the scaffolding. I move an amendment—

That after "structure" in line 1 of the definition of "scaffolding," the words "built up and fixed to a height exceeding 8ft. from the horizontal base on which it is built up and fixed" be inserted.

The MINISTER FOR WORKS: I cannot accept the amendment. Last session I placed my views clearly before members. In the Eastern States some of the Acts have a limitation. South Australia in 1907 limited the height to 16ft., but in 1908 that provision was repealed and the height was left unlimited, as is proposed here. Members opposite seem to be under the impression that there must be one class of scaffolding irrespective of the height of the building.

Mr. Thomson: No, we want to do away with the inspection of a small building.

The MINISTER FOR WORKS: To do that would be wrong, because a fall from a height of 8ft. is liable to have as serious results as a fall from twice that height.

Mr. Thomson: I would sooner take the 8ft.

The MINISTER FOR WORKS: South Australia has regulations dealing with different classes of buildings, and no doubt regulations framed under this measure would provide that the material to be used in the construction of a building might be employed for scaffolding, so long as it was satisfactory. I want this measure to be up-to-date. Why should we lag so far behind the other States?

Mr. George: They may be too forward.

The MINISTER FOR WORKS: They may be going too fast for some people. The hon. member would have us start now where South Australia was in 1908.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR WORKS: This Bill will be administered with commonsense and reasonableness. It is breaking new ground, and because of that a good deal of mystery appears to surround it. I do not wish to start off at the spot left by the other States some sixteen years ago. As we are doing the job let us bring it up to date. I cannot accept any amendment that will place us where South Australia was many years ago.

Mr. THOMSON: The Minister apparently objects to his Bill being amended in any way. I can see no necessity for the inspection of scaffolding in the case of a one-storey building, for that will only add to the cost of the structure. I hope the amendment will be carried.

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

Ayes	.. .. ..	13
Noes	.. .. ..	22
Majority against	..	9

AYES.

Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. George	Mr. J. H. Smith
Mr. Griffiths	Mr. Thomson
Mr. Lindsay	Mr. Latham
Mr. Mann	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Clydesdale	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Teesdale
Mr. Holman	Mr. A. Wansbrough
Mr. Hughes	Mr. Willcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(*Teller.*)
Mr. Lamond	

PAIRS.

AYES.	NOES.
Mr. Richardson	Mr. W. D. Johnson
Mr. Teesdale	Mr. Lambert

Amendment thus negatived.

Clause put and passed.

Clause 3—Expenses to be paid out of moneys appropriated:

Mr. THOMSON: This Bill establishes another Government Department. Last year's Estimates showed that the inspection of machinery cost £5,292, that the revenue derived from that source was £6,089, and that the credit balance was £797. I intend to move that the clause be struck out, and the following words inserted in lieu:

> *For the purpose of carrying this Act into execution the Acts governing the municipalities and road boards shall be amended, giving them power to levy the necessary fees.*

The administration of the law respecting the inspection of scaffolding should be carried out by the local authorities. Without casting any reflection whatever on the civil servants we have, I strongly object to further increasing the civil service. We are told by both past and present Ministers that members of Cabinets are overburdened with work. This Bill will increase the burdens of Ministers.

The CHAIRMAN: If the hon. member wishes to have the clause struck out, he will vote against it. He can move his amendment in the form of a new clause at the end of the Bill.

The MINISTER FOR WORKS: The logic of the member for Katanning is incomprehensible. He demurs at the expense which he says the measure involves, but his proposal would mean separate inspectors for each municipality and road board in the metropolitan area, whereas an inspector under a central authority would easily look after three or four municipal and road districts. My objection to giving municipalities and road boards such authority as that provided in the Bill is that they do not represent the people, being elected on a restricted franchise, a property basis. If the electorates of local governments are considerably extended, I shall be prepared to assist towards enlarging the powers of those bodies. A proposition such as this, affecting the lives of men, should not be handed over to authorities elected on a purely property franchise. I certainly will not have a new department set up for the purposes of this Bill; the existing governmental machinery will be employed to administer the measure. I hope the Committee will retain the clause. The cost of inspection will not be anything like one per cent. of the cost of the work inspected. A cottage will not cost 10s. to inspect, and numerous cottages can be inspected in one day.

Hon. W. D. JOHNSON: If the suggested amendment were carried, its mover could not insert the words he desires to insert. It is not competent for the hon. member to amend totally foreign Acts by this Bill.

Clause put and passed.

Clauses 4, 5, 6—agreed to.

Clause 7—Powers and duties of inspectors:

Mr. GEORGE: This clause is fairly strenuous, empowering an inspector to

enter at any time, by day or by night, any place where he has reason to believe there is scaffolding, for the purpose of examining such scaffolding. The owner should be given advice beforehand of the intended visit of an inspector.

Clause put and passed.

Clauses 8 and 9—agreed to.

Clause 10—Scaffolding, etc., to be in accordance with the Act:

Mr. THOMSON: I do not like this clause. Earlier in the evening the Minister said the South Australian measure contained a schedule directing that certain things should apply to certain structures. We have the Minister's assurance that the department will be reasonable, but what appears reasonable to the department not infrequently does not seem so to the practical man using the appliances in question every day. Surely those who drafted the Bill had an idea as to how it should be carried into operation. We are in effect asked to sign a blank cheque.

The MINISTER FOR WORKS: I have an inherent distaste for government by regulation. Had it been possible, I would have included in the Bill every detail which will be fixed by the regulations. Indeed, I tried to do it; but I discovered that it was impossible.

Mr. Thomson: Would it not be possible to indicate what class of material would be required for the scaffolding for a building of a given number of storeys?

The MINISTER FOR WORKS: Whatever regulations are made will be based on regulations obtaining throughout the Eastern States. The Committee should accept our assurance that nothing unreasonable will be done. We will not ask for anything more stringent in our regulations than operates in the Eastern States. We will go quietly for a start. I cannot give definite details at present.

Clause put and passed.

Clauses 11 to 19—agreed to.

Clause 20—Who may be proceeded against for offences:

Hon. Sir JAMES MITCHELL: Will the Minister explain to what extent the owner or occupier of a property will be held responsible under the clause.

The MINISTER FOR WORKS: The definition of an owner is set out in the interpretation clause and shows that "owner" means the "owner of any scaffolding and the mortgagee, lessee, hirer and borrower thereof, and any overseer, foreman, agent, and person having the control, charge, or management thereof."

Hon. Sir James Mitchell: But what about the occupier of premises?

Mr. George: The occupier is not mentioned in the interpretation clause. There cannot be an occupier of scaffolding.

The MINISTER FOR WORKS: The occupier is first mentioned in Clause 18. The intention is clear that the owner of the scaffolding will be liable for anything in connection with that scaffolding and the owner or occupier of a house will only become liable should he prevent the inspector from entering upon the premises, or from carrying out his duties. That is the extent of the liability of an occupier.

Hon. Sir James Mitchell: But Clause 20 sets out that the occupier has to prove that he used due diligence to enforce the Act.

The MINISTER FOR WORKS: I cannot understand how it can be argued that an occupier has any responsibility regarding the scaffolding. Only one phase of the Bill concerns the occupier and that would arise should he not permit the inspector to carry out his duties. It is perfectly clear that no liability attaches to the occupier regarding anything concerning the scaffolding.

Hon. Sir JAMES MITCHELL: The clause has been badly drafted. I accept the Minister's assurance that the owner or occupier of a building has no responsibility regarding the work of a contractor engaged upon painting or repairing his premises. It would be unthinkable if the owner of a cottage who had arranged to have his house painted should be landed in trouble and perhaps be sued for damages arising from faulty scaffolding. I know that the Minister does not intend that any such responsibility should attach to the owner or occupier of a dwelling, but the matter should be looked into.

Clause put and passed.

Clauses 21 to 24—agreed to.

Clause 25—Regulations:

Mr. THOMSON: Paragraph (c) sets out inter alia that regulations may be framed "requiring written notice to be given to an inspector before the erection of scaffolding or gear, which notice shall state the estimated cost of the work in connection with which scaffolding or gear is intended to be used." That shows clearly that it is the intention of the Government to impose charges according to the value of buildings constructed.

The Minister for Works: You suggested that yourself!

Mr. THOMSON: No, I said that was what would happen. What I said is shown in the paragraph I refer to.

The Minister for Lands: You would not charge the same for a four-roomed cottage as you would for constructing a four-storey building.

Mr. THOMSON: Quite so, but it is a pity that no fees is prescribed in the clause.

I commend that suggestion to the Minister. Under the Municipalities Act and the Road Districts Act, power is provided to charge fees.

The Minister for Lands: Motor licenses vary according to the sizes of the vehicles.

Mr. THOMSON: That is not the intention here. The intention here is to charge on a percentage basis and this means increased taxation. It is on all fours with the authority given to local governing bodies to levy building fees when they pass plans.

The Minister for Lands: Not all municipalities impose building fees.

Mr. THOMSON: Most of them do, and under the Bill we shall have imposed a similar scale of fees.

Hon. Sir JAMES MITCHELL: This clause ought to go out altogether. It represents legislation by regulation with a vengenance. I do not suppose such a clause has ever appeared in any other Bill.

The Minister for Lands: Be careful. You had better examine some of those you have fathered in days gone by.

Hon. Sir JAMES MITCHELL: Probably there never has been such a clause as this. Under it the Minister will be able to do all manner of things by regulation. Of course, in a measure like this we must have power to make regulations, but this clause gives the Minister power to extend the scope of the Bill. The Committee would not be justified in passing such a clause.

Mr. Heron: You set them a bad example.

Hon. Sir JAMES MITCHELL: Not at all. We want a reasonable Bill. Here we have 24 clauses, after which Clause 25 gives the Minister power to do anything he pleases. I agree with leaving the scale of fees to be fixed by regulation, but not with a proposal to allow the Minister to extend the legislation by regulation. I invite members opposite to vote against the Minister.

Mr. Panton: You give us good advice.

Hon. Sir JAMES MITCHELL: In this instance I do. The principle of the clause is altogether wrong. The Minister should be given power to make regulations in respect of the 24 clauses, but nothing more. He has been instructed by my learned friend, the Minister for Lands.

The Minister for Works: Yes; I just told him what I wanted.

Hon. Sir JAMES MITCHELL: And he has shown you how to get it. The Minister for Works himself, when moving the second reading, apologised for this clause. It is altogether a bad clause, for it gives the Minister unreasonable power.

The MINISTER FOR WORKS: The Leader of the Opposition has roundly condemned the clause. I wish to tell him it has been taken word for word from the Bill brought down by his Government last session. The only alteration to it is the addition of the provision governing mechanical gear.

Mr. George: That is all right. It is necessary.

The MINISTER FOR WORKS: Yes, there can be no objection to that. The clause was quite all right when embodied in a Bill brought down by the late Government.

Hon. Sir JAMES MITCHELL: It was not my Bill.

The Minister for Lands: Don't disown your children.

The MINISTER FOR WORKS: It was in charge of one of your Ministers. I regret that so much power has to be taken by regulation, but in a Bill such as this there are a hundred and one details to be considered, and to set them all out in an Act of Parliament would not be possible.

Mr. GEORGE: I agree that the provision governing mechanical gear should be in the clause. The Minister says that is the only point of difference between this clause and the corresponding clause in last year s Bill. Just the same, the scope of the Bill has been so greatly widened by the elimination of the 8ft. limit, the inclusion of wells and ships, and in other ways, that to be complete the regulations will have to be very voluminous. Therefore the Leader of the Opposition was perfectly justified in his criticism.

Mr. THOMSON: I move an amendment—

That after "fees" in paragraph (d) the words "which shall not exceed one per cent. of the cost of the work" be inserted.

Mr. Latham: The Government may regard that as the minimum.

Mr. THOMSON: If we do not stipulate one per cent., they may charge 2 or 3 per cent.

Mr. Latham: Make it one-half per cent.

Mr. THOMSON: The Minister is willing to accept one per cent., and it would be better to stipulate that than leave the amount unlimited.

The MINISTER FOR WORKS: I have no objection to the amendment if it be made to read "one per cent. of the estimated cost of the building."

Mr. Thomson: I accept the Minister's suggestion.

Mr. Latham: That is far too high; make it 5s. per cent.

The MINISTER FOR WORKS: I do not think it will cost a fraction of one per cent. I know the charges elsewhere——

Hon. Sir James Mitchell: What are they?

The MINISTER FOR WORKS: And the fees here will not approach one per cent.

Hon. Sir JAMES MITCHELL: One per cent. is too high. If the Minister knows the fees elsewhere, he should tell us what they are. I move—

That the amendment be amended by striking out "one" and inserting "five shillings" in lieu.

The present Minister will not always be in office.

The Minister for Works: I think I shall be until I die of old age.

Hon. Sir JAMES MITCHELL: It will be bad for the country if that occurs. The aggregate amount at 5s. per cent. will be considerable.

Mr. THOMSON: I am prepared to alter my amendment on the lines suggested by the Leader of the Opposition.

The Minister for Works: Look out, or you will lose the lot.

Mr. THOMSON: All regulations must be laid on the Table, and it will be within the province of the House to reject any of them.

Mr. George: But a lot of money will have been collected by way of fees.

Mr. THOMSON: That cannot be helped. Will the Minister accept 5s. per cent.?

The Minister for Works: You had better stick to the one per cent.

Mr. THOMSON: Very well, I shall do so.

Amendment on amendment put and negatived.

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

Clauses 26, 27, Title—agreed to.

Bill reported with an amendment.

BILL—NOXIOUS WEEDS.

Second Reading.

The MINISTER FOR AGRICULTURE (Hon. M. F. Troy—Mt. Magnet) [8.41] in moving the second reading said: It has fallen to my lot to introduce a Bill which I was largely responsible for having defeated last year—at least not the Bill in its entirety, because this measure contains several further amendments that experience has shown to be necessary. Probably I shall be taunted by some members opposite about having seen fit to change my views regarding the principles embodied in this Bill, and if that be so, I can only say with St. Paul that when I was a child I spake as a child, and when I became a man I put away the things of a child and spake as a man. Last year I spoke without having the knowledge that the Minister only could have regarding the injury being done to this State and to its industries by noxious weeds, and since I became installed in the Department of Agriculture I have realised the necessity for a Bill of this description. I have also realised the necessity for a Bill containing wider provisions than those that were embodied in the Bill introduced by my predecessor. A Noxious Weeds Bill was introduced into this House in 1904, but experience has proved that the measure is most unsatisfactory. Our agricultural and pastoral industries have developed very considerably since 1904 and we find that in Western Australia, as in the early stages of development in other countries, noxious weeds are spreading throughout the agricultural and pastoral areas. Unless steps be taken at once these pests will be responsible for the loss of thousands of pounds of wealth as time goes on. In Queensland owing to the spread of the prickly pear there is 24,000,000 acres of land out of production, and the eradication campaign now being carried on in that State is costing the Government £100,000 per year. Happily we in Western Australia are not affected by a pest of that kind, but still there are noxious weeds peculiar to this country that will spread unless action be taken under legislation of this description. At present seed is imported into this country containing noxious weed seeds, and the department has no power to prevent it. Stock is brought into the State carrying noxious weeds on their manes, tails and fetlocks, and the department has no power to intervene. Recently the Bathurst burr was imported into the State on horses and sheep. Last year on the manes, tails, and fetlocks of horses imported from South Australia and Victoria this occurred, and the stock travelled as far as Brookton and other districts before it was discovered. On the files there are letters from road boards and other interested persons protesting strongly against the importation of stock carrying these weed seeds. Because of that, the department has been compelled to take action giving the local authorities the necessary power to deal with the matter. Mr. R. T. Robinson, who at one time sat in this Chamber, recently telegraphed from the transcontinental railway that he had seen a number of sheep that were travelling on the train, and that the fleeces of these sheep were carrying Bathurst burr. All the department could do was to get into touch with Messrs. Elder, Smith & Co., and request them to have the sheep shorn at Kalgoorlie, have the wool packed in bales, and brought to Fremantle. Every possible precaution, therefore, was taken to prevent the burr from getting about. I am glad to say Messrs. Elder, Smith & Co., carried out the request. The prompt action of the department, and particularly that of Mr. Robinson, was responsible for the fact that we were able to cope with that particular importation. The Bathurst burr plant has been in evidence over quite a big stretch of country in the Kalgoorlie district. This year the department will spend a considerable amount of money in destroying the burr there. Eastern goldfields areas are attracting a good deal of attention from South Australian pastoralists. The whole country is being settled, and it is incumbent upon us now, as people will be bringing their stock here, to create the powers necessary to cope with the introduction of noxious weeds. The Bill provides for imported stock being placed in quarantine at the point of disembarkation until all noxious weed seeds have been destroyed. The responsibility of seeing that

the stock are freed from these seeds rests with the importers. Provision is made in the Bill that stock brought here for exhibition purposes shall be exempt. That is understandable, because the department has full supervision over all stock imported for that purpose. We shall be able to see that the stock does not go abroad throughout the country.

Mr. Latham: What will you do if the stock is sold?

The MINISTER FOR AGRICULTURE: The stock will be under our supervision when sold. The department will have that stock under its eye from the day it arrives in the country. If the stock carries fleeces containing seeds, the department will take the necessary action. In 1904 the Act under which we are now operating provided that the department alone should be responsible for eradication of the weed. The department endeavoured to have this work carried out by honorary inspectors in the country districts. This method proved most unsatisfactory. It is not to be expected that an honorary inspector will make enemies in his own locality by enforcing upon his fellow settlers the duty of eradicating noxious weeds. This Bill proposes to invest that power in the local authorities, who, in turn, will have power to use their ordinary revenues in carrying out the work of eradication. If the local authorities do not carry out the work, the department will have power to step in and charge the local boards with the cost. For the purpose of the Bill, "local authority" means a road board district or a municipality.

Mr. Sampson: Their work will be limited.

Hon. Sir James Mitchell: The geranium weed at Geraldton will tickle the Minister for Railways.

The MINISTER FOR AGRICULTURE: There are many noxious weeds in the State that are apt to become a source of expense and loss if not promptly dealt with. The stinking roger is not a noxious weed in the proper sense, but it is a noxious weed where wheat growing is the only industry. It is not a noxious weed where sheep alone are being raised.

Mr. Griffiths: It is good feed for sheep when there is no other feed.

Mr. Latham: It is jolly poor feed then.

The MINISTER FOR AGRICULTURE: Stinking roger is very good feed when there is no other, at which time sheep will eat anything. Beside this, there is the weed known as Paterson's curse. If the carnation weed got abroad in the agricultural areas, it would be a very great pest, but happily it has been kept in check by the department. The blackberry, I understand, is largely confined to the South-West. Now we have the Bathurst burr being imported into the country. In my opinion this is one of the worst of the pests, because it depreciates the value of wool. Our pastoral industry is growing to such an extent that Western Australia is bound to be the greatest wool-producing State in the Comonwealth. The eastern wheat belt will also be producing sheep in a few years, and we must therefore see that this pest does not spread, as assuredly it will do unless the powers contained in this Bill are carried into effect. The Bill is a simple one. The Governor may declare plants to be noxious weeds. The local authority will have power to destroy these weeds after notice has been given. If the local authority does not destroy them, the department may step in and do so at the expense of the local authority. The Bill provides for the quarantine and inspection of imported stock to prevent the introduction of weeds, the exception being stock imported for exhibition purposes. The local authority may also apply its ordinary revenue for the purposes of the Act. These are the main provisions of the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

Debate resumed from 26th August.

Mr. NORTH (Claremont) [8.55]: Three particular objects have been mentioned by the Minister as the reason for the introduction of this Bill. The first is the abolition of special juries, the second to ensure absolute secrecy as regards jurors, and the third to provide for the placing of women on the jury list on their application. Regarding the second object, everyone will agree as to the necessity for preventing any whisper or suggestion of jury rigging. A measure that is likely to increase secrecy on this question is bound to receive support. With regard to the first and third objects, there is room for a little investigation. I have been through the various Acts in Australia, applying to the question of special juries, to ascertain what actually constitute the qualifications for jurors in the other States. This may assist the House in coming to a decision as to whether or not we should pass this Bill. In South Australia the special jury list consists of bankers, merchants, accountants, engineers, architects, or the tenants or occupiers of properties of an annual rateable value of £100. In Victoria, special jurors consist of capitalists worth £1,200—if they can be called capitalists—or persons receiving interest at 5 per cent. equal to £60 a year. In New South Wales the jury list consists of justices of the peace, Crown lessees, bank directors, merchants, accountants, engineers, station managers, brokers, chemists, druggists, warehousemen, commission agents, architects, and occupiers of land of a rateable value of

£100 a year upwards. It will be agreed that special jurors in that State cover nearly everyone in it. The list is almost as wide in qualification as in the case of our common jury list. I suggest to the Minister that his wishes may perhaps be met if he uses a list of that description for the jury list here, so as to limit it to a certain extent. As at present constituted it embraces everyone who owns £50 worth of land.

The Minister for Railways: Make everyone a special juror.

Mr. NORTH: It also includes persons owning £150 worth of personal property.

Hon. Sir James Mitchell: Five hundred pounds' worth.

Mr. NORTH: I am speaking of common jurymen. In Queensland we see another side to the picture. Under the Act passed last year the Assembly rolls are used as qualification for the jury list. That is far wider in scope than the Minister proposes in this Bill. This shows how varied the qualifications for special jurymen are in Australia, and it cannot be said which set of qualifications is the right one. In the case of common jurors, an interesting distinction is noticeable under the South Australian law. In that State the authorities distinguish between civil cases and criminal cases in respect to common jurymen. Anyone owning property of a rateable value of £10 a year is entitled to serve on a criminal jury, but in civil cases he must have property valued at £30 a year. It is interesting to note that in New South Wales in criminal cases both the Attorney General and the accused are able to apply for a special jury. As I have pointed out, the special jury qualification in that State embraces practically all its inhabitants. That being the case, to my mind it is hardly necessary for us to interfere with the system of special juries. It may be said that there is a distinction, and that in certain cases men of one persuasion might be voted against by a jury of special jurors. However, I know of cases on the corresponding side, where men of small possessions have succeeded very well before special juries. I myself have been in two cases in which the plaintiff fought before a special jury, the defendant's solicitor having applied for a special jury in order to make his client's case a little stronger, as he thought. In both cases, I am glad to say, my clients succeeded, one of them getting damages of £300 or £400 against a tramway board, whereas the defendant's solicitor had thought that before a special jury he would be able to whittle the damages down to perhaps £30 or £40. Therefore I think we are justified in resenting the Minister's suggestion that there have been cases of miscarriage of justice or undue bias in the decisions of gentlemen who are bankers, or merchants, or possessed of £500 in real estate. We all have bias. A common jury has bias just as a special jury has. There is a certain amount of bias which in some cases overcomes logic. Were it not so, the world would be a very different place. To how few cases can we apply our logic! Nearly always we have to fall back on sentiment or feeling.

Mr. Panton: That is a strong argument against special juries.

Mr. NORTH: It is an argument against all juries. However, the time apparently has not yet come for abolishing juries, although they have come down to us from the misty past. In the case of civil justice, as distinguished from the criminal courts, it is very desirable that the jurors should have a certain amount of interest in the case, so that they may be able to keep awake. That is the special reason for special jurors. They are men who have an interest in the State, or possess some business which puts them on the alert. My own slight experience in the courts has been that many juries which are not called "special"—an invidious term—are apt to go to sleep; and that is highly disconcerting.

The Premier: Disconcerting to the solicitor.

Mr. NORTH: Frequently it has a worse effect on the trial than on the solicitor. We would be well advised to adapt the framework of the New South Wales Act to our jury list, and apply that generally. That would meet my views, because it would give us juries drawn from a wide circle of the community and yet consisting of people who, by reason of their occupations, would be bound to listen to the evidence and give a true verdict according to the evidence. As regards women serving on juries, the subject is dangerous to mention, because in these days of democratic rule and universal suffrage, the ladies want to have a say in everything. The Government are undertaking a very risky experiment, and if it fails the responsibility will be on their heads. England has had experience of women serving on juries; and in that connection the only news which has reached us through the Press, as hon. members may have noted, has been as to women fainting in court and having to be carried out, and so delaying the course of justice. Let us hope that Western Australian women who apply to serve on juries will prove of better calibre. The cunning suggestion of the Minister, that only those ladies who are anxious to serve on juries should be put on the jury list, may not work well in practice, for we all know that there are certain ladies in the community who are anxious to get on committees and so forth.

The Premier: Anxious to get anywhere.

Mr. NORTH: Their presence in the criminal court will be a greater incentive than ever to keep out of it. Now as regards the more serious point of actual justice in the jury chamber. The whole jury system has simply grown up in a higgledy-piggledy fashion from the mists of antiquity. Nobody can quite say how it started, but it replaced another system even more uncertain—I refer to the system of making people stand on hot ploughshares, which was one method of discovering justice before juries were thought of. Certainly it is better to have 12 men, whoever they are, to decide on one's fate. But imagine a criminal court with some of our ladies sitting on the jury, especially those self-important ladies who are likely to come forward to sit in criminal cases. As we know, at present a unanimous verdict is required in criminal cases. It stands to reason that the stronger personality decides the verdict. Four or five jurors may have strong views on the evidence, and they may easily force seven or eight to their way of thinking.

Mr. Hughes: Doesn't that apply to-day?

Mr. NORTH: Yes; but here is a chance of improving our jury system, and the proposal is to bring into it another section whose personality will not be so strong, in my opinion, as that of the men.

Mr. Panton: Are you a married man?

Mr. NORTH: That is a very awkward question to answer in a Chamber like this. Does the hon. member want to know who wears the trousers?

Mr. Hughes: Yes.

Mr. NORTH: Under the proposal of the Government we are likely to get what will be considered by prisoners, and probably by their solicitors, "dud" verdicts. As the Bill is before us, here is a chance to improve the jury system, to give it a little kick forward in the march of time. Ministers should consider the question of juries voting by ballot.

The Premier: No.

Mr. NORTH: There are drawbacks to everything, but at present we have to consider the possibility of a sprinkling of ladies sitting on a jury and giving their verdict. Undoubtedly in many cases the stronger personality will overcome the weak.

The Premier: Which is the stronger in your opinion?

Mr. NORTH: I cannot imagine. I am leaving that point to the decision of hon. members. But I am picturing in my mind some of those ladies who are likely to come forward to serve on a jury. I know of a case in which my late partner made a magnificent defence for a criminal, and very nearly got him off on the tactics of the fight. However, the accused had to do two years in gaol. It leaked out later that 11 out of 12 voted the man innocent, but that the twelfth, a shopkeeper in Fremantle, thought that that gentleman's type of physiognomy would be better in gaol, even for two years, than outside, so long as he, the twelfth juror, kept a shop in the district. That is an extreme case, no doubt; but assuredly the jury system is not perfect. The more we look into it the less we like it. Therefore, in passing I strongly urge the Minister, now that he is introducing ladies into the jury box, to let the jurors vote by ballot after they have had their discussion.

Mr. SLEEMAN (Fremantle) [9.10]: I am glad that the Government have brought along this Bill, which is many years overdue; and I am pleased that special juries will be abolished if the measure gets through the two Houses.

Hon. Sir James Mitchell: I don't think it will get through this House.

Mr. SLEEMAN: I believe that it will pass here all right, and that the common sense of the Upper Chamber will also see that it goes through. I have yet to learn that a justice of the peace, a bank director, a merchant not keeping a general retail shop, or the owner of real estate to the value of £500, has any more brains than the average member of the community, nor do I think that such men are fairer than the ordinary individual. The system of special juries should have been abolished long ago. It is also satisfactory to learn that the present scale of jury fees is to be abolished, and that the Governor is to prescribe a new scale. Any man who comes out to do the work of his country should not be at a loss through it, especially the working man, who has to leave his work and be at a considerable loss by the time a case is finished. The member for Claremont (Mr. North) said that in the case of women on juries their personality was likely to be overcome by the stronger personality of men. He practically suggested that the women would be the weaker personalities.

Members: No! Not at all!

The Premier: He was too cautious.

Mr. SLEEMAN: I consider women have just as strong personalities as men have.

Mr. Latham: We all believe that.

Mr. SLEEMAN: I object to the requirement that women wishing to serve on juries should send along to the Government a written notification to that effect. Women ought to be in the same position as men in that respect. There are certain cases tried in our criminal courts in which it might be advisable to have juries composed solely of women. I believe there are cases with which women would deal more severely than men would, and which require to be dealt with severely. For that reason I shall move during the Committee stage that women be placed on an equal footing with men in this respect. If a woman is inclined to go on a jury, she should not have to write and ask for permission. It would be said outside, if a woman appeared in the jury box under such conditions, that she was looking

for publicity and notoriety, and was a busybody who had asked specially to be put on the jury. In that connection also I shall move an amendment during the Committee stage. Even in the case of common juries a property qualification is at present required. I regret that the Minister has not seen fit to wipe out that qualification, for which I see no necessity whatever. Any man or woman capable of voting for the return of members of Parliament to make the laws of this country should also be eligible for inclusion in the jury list. I hope that my amendments will be carried.

Mr. DAVY (West Perth) [9.15]: I would like to remind hon. members that the function of a jury is not to inflict punishment but to find on the facts whether a man is guilty or not guilty of the charge laid against him, and in a civil case to decide whether the plaintiff or the defendant has succeeded. The member for Fremantle (Mr. Sleeman) seemed to be under the impression that juries have some say in the punishment inflicted.

Mr. Sleeman: They have the right to say whether a man is guilty or not guilty.

Mr. Panton: And that has some effect on the punishment inflicted.

Mr. DAVY: He also suggested that some cases should be dealt with by women jurors because the offenders would be dealt with more severely. I trust that men or women chosen as jurors will always endeavour to fulfil their oaths and find their verdict on the evidence. The question whether the offence is a bad one or not does not enter into the consideration of the matter.

Mr. North: It should not.

Mr. DAVY: With the utmost respect for the Minister in charge of the measure, I submit that it is entirely unnecessary. It is one to which the House should not be called upon to devote any time. As has already been pointed out, three main issues are dealt with in the Bill. First of all there is an attempt to satisfy what is thought to be a desire on the part of women to get on juries.

Mr. Latham: The desire of some women!

Mr. DAVY: If there is any legitimate desire on the part of women to take a share in the work of juries, it is in relation to certain classes of offences. The women's movement feels that where women are concerned and where women are defendants in criminal cases, it is only right and proper that women should sit to judge them. There is a good deal to be said for that point of view.

Mr. Panton: They generally judge more harshly than men.

Mr. DAVY: The provisions of the Bill do not satisfy that desire in any degree whatever. The measure simply says that any woman who wishes to do so may apply to be placed on the jury list. Having been placed upon the list the applicant will not be treated as a man or a woman, but simply as a name. There is no assurance that any woman will sit on a case in which a woman is concerned, or that any but men will sit on the jury. There will be no assurance that women will not sit on a case of the foulest and most disgusting description where a man only is concerned.

Mr. Sleeman: You may find that too.

Mr. DAVY: If this is meant to be a concession to that alleged desire on the part of women, it does not comply with their suggestion.

Mr. Marshall: I can see how you beat our lady member now!

Mr. DAVY: At any rate that is my objection to that part of the Bill. I will not debate the question as to whether or not women should sit on juries. The fact remains that if the Bill becomes law, there will be nothing to prevent a woman insisting upon her name being placed on the jury list. Once her name is put on the list she cannot get out of it if chosen for a particular case. Such a woman may be the mother of a number of children and presumably the father will have to stay away from work to look after the kids while his wife is locked up for three weeks on a trial such as the Auburn case. If the question is to be tackled, the better way is to provide for special juries composed of women for special cases or to provide some arrangement whereby some women shall sit on certain cases of interest to women.

Mr. Thomson: That is a good suggestion.

Mr. DAVY: The next point of interest refers to the proposal to abolish special juries. As I understand it, the motive behind the mind of the Minister in his desire to abolish special juries, is that the existence of provision for special juries rather indicates that men with more money will have more brains than men with less money. I take it that feeling has prompted the attempt to abolish special juries. I have to remind hon. members that even a common juror requires to have property qualifications. If we abolish special juries we do not get rid of that invidious distinction. That being so, the apparent motive of the Minister will not be satisfied if the Bill becomes law. I would also remind the House that special juries are concerned with civil cases only. In Western Australia the sitting together of a judge and jury is the reverse of the normal state of affairs. The jury never sits to deal with civil cases except as the result of a special application by one or other of the parties. Consent to the appointment of a jury is entirely within the discretion of the judge who, if he considers the case is not a fit and proper one for a jury to try, will refuse the application. I hope I shall not be misunderstood if I say that in my short experience I believe that

the kind of cases in which the aid of a special jury is invoked, is that in which the invoker intends to rely to a certain extent upon prejudice rather than upon merit. If a man has a bad case in which he hopes that the passions of his judges will help him, then he applies for a jury.

Mr. Panton: That is why we object to the special jury system. It is used against us.

Mr. DAVY: In the event of an application for a special jury being agreed to, the party applying for the jury has to pay the difference between the cost of a special jury and of a common jury. The object in applying for a special jury is that one may happen by chance to get amongst the six or twelve men chosen—the number is fixed by agreement between the parties—someone of more education than one generally finds on a common jury.

Mr. Sleeman: They want the man who has more brass. Education makes fools of some people.

Mr. DAVY: The object is not to get men who have more brass, but we know that special juries are selected from bank managers and other persons in that category. It is no use being hypocritical about it; every member of the House knows, if he is honest with himself, that if we get a collection of persons possessing some property, though they may be picked casually, and if we also get a collection of men possessed of no property, men with more education will be found among the former than among the latter.

Ministerial members: No, that is not so.

Mr. DAVY: If members are honest they will admit it. It is not an invidious distinction at all. We do not say that because an individual possesses education he is better than his fellow, nor need we necessarily have more respect for him. The fact remains that people who have handled affairs have more opportunities to cultivate their brains than those who are not in such a position. That is a distinction one may honestly and sincerely recognise without being accused of being undemocratic. However, the matter is of such little importance that it is not worth worrying about. We do not get rid of the invidious distinction because we still retain the property qualification for the common jury. Moreover, there are very few cases for which juries are applied. I do not desire to labour the point, as I do not think the Bill is worthy of much notice. It will not do any harm, but it will not do any good. I do not like to see legislation dealt with that will not perform some definite good. The third section of the Bill is aimed to provide against a prevalent wickedness that has been manifested in the Eastern States. I refer to jury rigging. I have not heard of any instance of that in Western Australia, and I do not think that jury rigging exists here. I do not think there is any necessity for these new provisions.

Mr. HUGHES (East Perth) [9.25]: The member for West Perth (Mr. Davy) appears to me to have made out the best case so far for the Bill. He asserted that juries decided only on the facts as to whether a person was guilty or not guilty.

Mr. Thomson: That is what they should do.

Mr. HUGHES: The member for West Perth said that the duty of imposing punishment rested with the judge, and I gathered from his remarks that he considered the duty of inflicting a sentence was more onerous than the duty of deciding whether a man was guilty or not guilty of the charge preferred against him.

Mr. Davy: You must have misunderstood me if you thought I made any such contention.

Mr. HUGHES: Both are onerous duties. If a person is found guilty of an offence, it is within the power of the judge to say whether a long or a short sentence shall be imposed.

Mr. Davy: Or no sentence at all.

Mr. HUGHES: The hon. member suggested that to decide such an important point as to whether or not a person was guilty we should retain the provision for special juries.

Mr. Davy: But special juries deal only with civil cases.

Mr. Mann: They are not empanelled for criminal cases at all.

Mr. HUGHES: In my opinion the duty of finding whether a man is guilty or not is as onerous as the duty of inflicting punishment.

Mr. Mann: But there is nothing in the Bill dealing with such a position.

Mr. HUGHES: It is provided that those sitting on common juries must have property qualifications; but there is no obligation upon a judge who inflicts the sentence to have the property qualification himself.

Mr. Latham: But he has the qualification of education.

Mr. Davy: A judge is generally selected for his intelligence.

Mr. HUGHES: A man's intelligence is not to be gauged by the property he possesses.

Mr. Davy: Of course it is not.

Mr. HUGHES: The hon. member said that the man having property would have more intelligence than would the man who possessed no property.

Mr. Mann: He did not say anything about intelligence; he said he would have more education.

Mr. HUGHES: He said intelligence.

Mr. Latham: No, he did not.

Mr. HUGHES: At any rate a judge has no property qualification.

Mr. Thomson: He generally has.

Mr. HUGHES: A judge is not obliged to have any property. Even though a judge receives £1,750 a year as salary, we know

that many men in receipt of more than that have no property. Such men spend the money that they receive. It is interesting to me to find upon inquiry that no question is asked of a judge before he is appointed, as to whether he has any property qualification.

Mr. Davy: But surely you pick your judge for the brains he possesses.

Mr. HUGHES: If a judge is picked for his brains, why should we not have jurymen selected because of their brains too?

Mr. Davy: We shall require a new system altogether.

Mr. HUGHES: In respect of special juries the same thing applies. Local court magistrates and Supreme Court judges are sitting on civil cases day in and day out, yet nobody suggests that those judges and magistrates should have certain property. The hon. member says that a man with £500 will have more education than he that is penniless. But wealth is no criterion of education.

Mr. Sampson: You suggest that it is a sign of lunacy.

Mr. HUGHES: I have no desire to make personal reference to the hon. member. The fact that the Bill does not eliminate the property qualification for common jurors seems to worry the member for West Perth (Mr. Davy). As the amending Bill is now before us, surely we can amend the principal Act as we like. We certainly ought to delete that section providing for a property qualification; then we should satisfy the member for West Perth. Ability to weigh the facts is what assists the jury in deciding whether or not the prisoner be guilty. Many people of education are strongly biassed, and so unable to weigh facts as well as can others of no education at all. Therefore property is no guarantee that a man is able to weigh facts and give a well-balanced judgment. Take the young fellow whose parents are wealthy enough to send him from college to the University where, at about 25 years of age, he takes his degree of Bachelor of Arts. He has no knowledge of the outside world.

Mr. Latham: He does not necessarily pass as an educated man.

Mr. HUGHES: In the generally accepted term he is educated. The educated man is he——

Mr. Latham: That knows how to do the right thing at the right time.

Mr. HUGHES: Take the boy fortunate enough to pass from college to the University. Although 25 years of age, he has no knowledge of the world. Yet, according to the member for West Perth, he is an educated man.

Mr. Davy: I did not say anything of the sort.

Mr. HUGHES: He is supposed to be an educated man, better able to weigh facts and arrive at a well-balanced judgment than is the man who has been at work since he was 15 years of age. Personally I would rather rely on getting a well-balanced judgment from the man who has had 10 or 12 years of worldly experience than from our glorified schoolboy.

Mr. Davy: Some of the best educated men I have known have never had a day's schooling.

Mr. HUGHES: Then I do not know how you are going to determine who is fit for the jury and who is not. One does not need a great deal of education to be able to find on the evidence. The jury are not asked to decide points of law.

Mr. Mann: They often have to decide intricate cases on handwriting and other technical matters.

Mr. HUGHES: No.

Mr. Davy: It is so.

Mr. HUGHES: In nearly every case where a question of handwriting arises, experts are called to give evidence.

Mr. Davy: And the jury have to weigh the evidence of those experts.

Mr. HUGHES: Even so, in what way is the ownership of property going to assist them?

Mr. Davy: Probably such persons have seen more handwriting than have men without education.

Mr. HUGHES: The officers of the Electoral Department see more handwriting than do any other section of the community. Yet no one would suggest that they alone are the people who ought to be on juries.

Mr. Davy: In handwriting cases it might be a good scheme.

The Minister for Railways: They could be witnesses.

Mr. HUGHES: Property is no indication of education, and education is no guarantee of judgment.

Mr. North: Then you believe in examination for jurors?

Mr. HUGHES: No, I hold with every citizen being obliged to serve on the jury. We are asked to believe that 11 responsible citizens were convinced of a man's innocence, yet to please one person they brought in a verdict of guilty. I think the hon. member who put that up to us must have been misinformed. If we are within our rights in amending the principal Act, when in Committee I will move to delete from Section 5 the provision imposing a property qualification on jurors. On looking at the section we see that a bank manager or a merchant can sit on a special jury. But even a bank manager may have no property.

Mr. Davy: I should like to meet him.

Mr. HUGHES: A merchant may have no property. A man trading as a merchant in a big way may be regarded as thoroughly financial; yet we may wake up one morning to find him in the bankruptcy court.

Mr. Davy: He is bound to have some training, and training is the point.

Mr. HUGHES: The fact that a merchant, whether or not he has property, is allowed to sit on a special jury, abolishes the need for the property qualification. Because a man

is a merchant is not to say that he has more education or better judgment than another man. In our daily life we meet men who have devoted the whole of their time to business, and, therefore, have no knowledge of anything else. Yet we are asked to believe that such men are more broad-minded and better educated than are the rest of the community. That is absurd, for frequently the man of money is not more highly educated than the average man.

Mr. Marshall: He is only more fortunate.

Mr. HUGHES: In some cases he is not only more fortunate, but less honest. Plenty of them have made fortunes supplying customers with 15 ozs. for a pound of butter. So honest have business men been that it has been found necessary for Parliament to control weights and measures, with a view to protecting the public from the avarice of business men. I wish the possession or wealth could always be attributed to scrupulous honesty and liberal education. However, many men have become wealthy by dishonest means, and have no education at all. The whole clause is illogical, and I hope another place will exhibit sufficient democracy to pass the Bill.

Mr. Latham: You have made out a case for it to be blocked there.

Mr. HUGHES: As regards ladies serving on juries, we have reached a stage when we realise that men are not necessarily possessed of superior intelligence or judgment. Much has been said of one particular class of lady who will come along and put her frame into whatever is going.

Mr. Davy: A very unladylike trait, that.

Mr. HUGHES: I have not had many dealings with the ladies.

Mr. Marshall: You cannot help your face, can you?

Mr. HUGHES: It is not right for anyone to contend that man possesses better judgment or exhibits greater honesty than does woman.

Mr. Davy: No one has dared say that, no matter what he thought.

Mr. HUGHES: To force a lady to apply for enrolment on the jury list is wrong. Either ladies as a class are entitled to sit on juries, or they are not. It is an obnoxious way of bestowing citizen rights to provide that only those who demand them shall be entitled to them.

The Minister for Lands: Thousands of women in this State would not sit on a jury.

Mr. HUGHES: The member for Fremantle (Mr. Sleeman) has an amendment that will deal chivalrously with those who desire to be excused. He proposes to move that all ladies eligible to serve shall be placed on the jury list, and that those who desire to be excused can be excused by serving notice on the authorities.

The Minister for Railways: It is a different way of getting at the same thing.

Mr. HUGHES: No, it is not. It will remove the obnoxious provision of compelling those who wish to serve to apply for enrolment.

The Minister for Lands: It is a very narrow difference.

Mr. HUGHES: I do not know that it is very narrow. It will place the women in a position to obtain citizen rights as a matter of course. If we give them a little concession by allowing them to obtain exemption, not from a particular case, as the member for West Perth (Mr. Davy) seems to think——

Mr. Davy: I did not say that.

Mr. HUGHES: Women will be able to secure a general exemption on request, but once on the jury list they will rank equal with men and must take their turn.

Mr. Thomson: I should not like my wife to be on a jury.

Mr. HUGHES: Then she could secure exemption.

Mr. Thomson: Once her name was placed on the list, it would have to remain on.

Mr. HUGHES: I do not think the member for Katanning should be able to say whether his wife shall enjoy citizen rights.

Mr. Panton: Don't worry; he will not have that right.

Mr. Latham: Under the Act of last session women are entitled to sit on juries.

Mr. HUGHES: No, they are not. If we are going to admit the principle of the equality of the sexes, and we in the Labour movement stand for that principle——

Mr. Davy: What! Equal liability for the sexes?

Mr. HUGHES: I said equality of the sexes.

Mr. Davy: Then why does a man have to support his wife? Why talk of equality?

Mr. HUGHES: Does the hon. member contend that, because a man supports his wife, the wife has no liability to the husband?

Mr. Davy: No, but you claim equal liability.

Mr. HUGHES: The hon. member ought to know that the wife has responsibilities, just as the husband has. Although the husband goes out to work, the wife does just as much work in the home. What is the use of the hon. member contending that the wife has no liability?

Mr. Davy: She has no liability to support her husband?

Mr. HUGHES: That is the worst of lawyers; they can think only in precedents.

Mr. Latham: Then if I were you, I would not join them.

Mr. HUGHES: The member for West Perth is thinking of liability in the legal sense.

The Minister for Lands: Under the old age pensions women have a liability.

Mr. HUGHES: Yes. I do not wish to deal with their liability in the strictly legal sense, but the womenfolk have responsibilities equally with the men. Very often they carry the bulk of the responsibility, and do as much work as their husbands. If we are not prepared to give women the right to remove their names from the list, it will be only be-

cause, in our opinion, women should enjoy the same privileges as men. Where they desire to exercise their rights, democrats of the Labour movement should not deny them the privilege. In Committee we hope to receive the support of members to do away with the qualification for common juries and give women the same right as the men, plus the concession to avoid service if they so desire.

Mr. Mann: Do you think women desire to sit on juries?

Mr. HUGHES: Those who do not need not.

Mr. GRIFFITHS (Avon) [9.54]: I have been somewhat amused to hear the arguments between friends on my right and the member for East Perth (Mr. Hughes). There is a good deal in the argument of the member for West Perth about women, if required to sit on juries, encountering revolting cases not fit for women to hear.

Mr. Hughes: What about the lady lawyer and the lady doctor?

Mr. GRIFFITHS: As a result of their training they are better fitted to come into contact with cases of that description. There is no analogy between the two. If ladies are to be permitted to sit on juries, they cannot be selected to sit on certain cases suited to their particular outlook or mentality. The provision that ladies may apply to be enrolled on the jury list will get us nowhere. If they are to be allowed to serve, they should be put on the same footing as men.

The Minister for Lands: The women do not want it.

Mr. GRIFFITHS: I do not think many women will apply for inclusion. I am only too glad to evade my responsibility to serve on a jury.

Mr. Thomson: Being a member of Parliament, you are not eligible.

Mr. GRIFFITHS: So much the better, but before I became a member I did my utmost to evade service, because it interfered with my business and I had no desire to serve. Under the provisions of this measure only a few women in search of notoriety and limelight will apply for enrolment.

Mr. Clydesdale: There will be plenty of applications.

Mr. GRIFFITHS: I suggest that the Minister consider the advisableness of exempting dentists from service. A friend of mine came to the city to attend the recent farmers' conference. He had occasion to visit a dentist on nine consecutive mornings. The dentist attended him for two days and then, owing to his being required to sit on a jury, had to pass him on to another dentist. The dentist should be exempt as is the medical man. There was a good deal of force in the argument of the member for East Perth regarding special juries. When considering a man's capacity for weighing evidence, the question of his being a merchant or having a banking account would not influence me.

Mr. Latham: Or whether he is an habitual drunkard.

Mr. GRIFFITHS: The same argument might be used regarding the principle of one man, one vote. Plenty of men who hang around hotels can think as clearly as we can. A former member of this House was often laughed at on account of his English, but he gave utterance to more horse sense than many men of exceptional training. I often fell foul of him in respect to many things he brought forward, but I do say he was a man of sound judgment and full of common sense. He had received but little education, but he showed that he was better equipped in the matter of knowledge than many who profess to have had a high class training.

Mr. Latham: He had the education.

Mr. GRIFFITHS: Not as we understand it. He possessed plenty of good sense, and was one who had the views of a man of the world as to what was right and correct.

The MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [10.0]: On more than one occasion I have had to face special juries, and I am glad to see that another attempt is being made to abolish them. It is the universal custom, whenever a man is engaged in industrial strife or industrial argument for the law to be used against him, and he has to stand his trial not before his peers but before a section of the land-possessing community. Twice I have been charged before the courts of this country upon matters connected with industrial disputes; on neither occasion was I granted the privilege of being tried by my peers.

Hon. Sir James Mitchell: You got off on both occasions.

The MINISTER FOR WORKS: I did not. It was a case of fifty-fifty. I got off once, and was convicted on the other occasion.

Mr. Marshall: That is the way they worked it.

The MINISTER FOR WORKS: On the first occasion I was convicted in connection with a pamphlet that was issued in Perth, when I was not within 100 miles of the city at the time.

Mr. Davy: You were not tried by a special jury.

The MINISTER FOR WORKS: I was tried twice.

Mr. Davy: You cannot be tried by a special jury.

The MINISTER FOR WORKS: What is the use of saying that, when I was so tried.

Mr. Davy: The Act gives no power for you to be tried in that way.

The MINISTER FOR WORKS: It reminds me of the young fellow who was locked up in gaol, where he met a hardened and confirmed criminal. This man said to him, "Why are you here?" He explained the reason, and the old criminal said, "They cannot put you in gaol for that," and the young man replied, "But I am here." Whatever the member for West Perth

(Mr. Davy) may say, out of his legal knowledge, I can be tried by a special jury, because I was so tried on two occasions.

Mr. Davy: Tried!

The MINISTER FOR WORKS: Yes, and once convicted.

Mr. Davy: But there can only be convictions in criminal proceedings.

The MINISTER FOR WORKS: I know it cost me £1,000. I was found guilty. Is that not a conviction?

Mr. Thomson: What was the case?

The MINISTER FOR WORKS: I was tried on a charge of conspiracy, such as might have been laid in the dark ages. My name appeared on a document, and the authorities charged me with having issued it because my name, as secretary of the organisation, appeared upon it; but I was not within 100 miles of Perth when the document was framed. I was, however, charged and found guilty.

Hon. Sir James Michell: Why did you not charge the originator of the document with forgery?

The MINISTER FOR WORKS: The member for West Perth talks about training on the part of members of a special jury. Why should the training be all in one direction? Why are not men, trained amongst the workers, who know the desires and customs of the workers, empanelled on these juries? They are debarred from being there to try their fellow workers. No working man in the country was permitted to take a seat on a special jury when I was there. Not even a retailer could take his seat upon a jury. He must be a wholesaler. A retailer might come into touch with the common people, and is not permitted to sit on a special jury because he may be tainted through mixing with the common folk. Only the wholesaler is permitted to become a special juror, because he is far removed from the common people. The whole thing savours of the dark ages. We talk about living in enlightened times. Men have been convicted in the courts of this State, though not tried by their peers. It has cost trade unions of this country hundreds of thousands of pounds to be tried by men who are trained and educated to be prejudiced against industrial workers. Notwithstanding this the people are denied the right to be tried by their peers.

Mr. Sampson: Why did you put your name to the document?

The MINISTER FOR WORKS: In times of industrial or political strife, when feeling is running high, these cases come up for trial. People talk of British justice, but a man is brought to trial at such times before a jury that is selected from a totally different section of the community from that in which he lives.

Mr. Thomson: Abolish juries altogether.

The MINISTER FOR WORKS: The system is unreasonable and unfair; it was brought into being at a time when the working classes had no say in the government of the country. Does the hon. member consider that the responsibilities of a man serving on a jury are greater than those of a man in his position, or than those of a man in my position as a Minister of the Crown? But I have no qualification to sit on a special jury. Is that logical, reasonable or fair? That, however, is the law of this country, as it has been handed down to us from the dark ages. When cases arise out of our industrial laws under the Workers' Compensation Act or the Employers' Liability Act, a working man cannot sit on the jury. Men are empanelled who know that the decision they give will, sooner or later, be applied to them in their own business.

Mr. Latham: That has nothing to do with juries.

The MINISTER FOR WORKS: These men are trained in a special section of the community. How can we expect justice or fair play to be meted out in such cases? The whole system should have been abolished years ago, but it has been handed down to us and still remains in existence.

Mr. Sampson: Who took the responsibility of putting your name to the document?

The MINISTER FOR WORKS: I will not discuss that phase of the matter. No matter who took the responsibility, I accepted it, and I took the responsibility of it before the law courts. I do not mind appearing before the courts, so long as when I am charged I am tried before my peers. The hon. member can be charged and tried by men in his own station of life, but not so with me. Why that distinction between us?

Mr. Sampson: I do not know that any distinction exists.

The MINISTER FOR WORKS: It does exist, because I have not the qualification for a special juryman. I am just as liable to be brought up to-morrow as is the hon. member.

Mr. Sampson: More likely.

The MINISTER FOR WORKS: I speak with some feeling. I know what it means to the industrial workers of the country, and have been right up against it myself. I know what it is, because the trade unions have tried to get justice. So long as that system remains they can have no confidence in trial by jury.

Mr. Sampson: You should not have allowed your name to be put on the document.

The MINISTER FOR WORKS: What is the good of talking nonsense? Let the authorities bring me before the courts on any charge so long as I know I am to be tried by my peers. I am not finding fault with the reason for my being put into the court, but with the fact that I was not tried by my peers. That is the fundamental principle of British jurisprudence.

Hon. Sir James Mitchell: Do you say no working man ever sat on a special jury?

The MINISTER FOR WORKS: No. He must be a bank manager, a merchant, a

capitalist, and so on, before he can sit on a special jury.

Mr. Hughes: And many of the merchants have big overdrafts.

The MINISTER FOR WORKS: The whole system is rotten. No logical argument can be put forward in support of it. The industrial workers of the country have no faith in the system. There is a feeling throughout the country that the moment a man is charged with an offence and is taken before the courts, a special jury will be applied for. In 99 cases out of 100 the application is granted, because it is merely a formal matter. The industrial workers know that when they are charged before a special jury justice will not be meted out to them.

Hon. Sir James Mitchell: They have special juries only in civil cases.

The MINISTER FOR WORKS: I am speaking of civil cases, more particularly cases relating to conspiracy.

The Minister for Railways: And libel.

The MINISTER FOR WORKS: The authorities trot out the conspiracy laws that have been handed down to us from the Middle Ages of Great Britain without any alteration. I hope the Government will not be long in office before they wipe them out. When two or three people get together, discuss a certain matter and decide on a certain course, a charge of conspiracy is laid against them. They are brought before the court, and the section of the community that knows nothing of trade unionism, or about the desires or aspirations of the working classes, have their feelings played upon, and have the atmosphere around them fanned by skilled lawyers to prejudice them against the industrialists who are being tried. These lawyers tell them about the dark and devious ways of the defendants, paint pictures of their meetings in dark dungeons and about the concoction of schemes to overthrow society. They build up a great story in order to influence the special jury. On one occasion I went down to the courts when a conspiracy case was on, one in which I was not interested. When I entered the court an eminent K.C. was addressing the jury. He said, "There is no doubt the whole scheme was plotted and conceived by Trades Hall, in Beaufort-street, and the man behind the whole thing is that fellow McCallum." And I did not even know the case was on! He built up his case, prejudicing the minds of the jury, and was successful in inducing them to believe that a deep-laid scheme had been hatched to deprive certain men of their living.

Mr. Thomson: You are proving the case for the abolition of all juries.

The MINISTER FOR WORKS: I do not want to abolish juries, but I do want to see abolished those juries that are made up from amongst the ranks of only a section of the community. I want the same privileges as others enjoy. We know what happened in the case of the Fremantle lumpers. They were accused of being disloyalists, because they refused to work with Germans in the early stages of the war. They said they had good reasons for declining to do so. These men were afterwards described as enemies of their country, and they were charged before the courts with conspiracy with the object of depriving the Germans of their living. The case cost them thousands of pounds, for they were convicted of conspiracy by a special jury.

The Premier: And later on they were called Germans.

The MINISTER FOR WORKS: They were accused of being enemies of their country and of receiving German gold. I could go on with innumerable cases which have been put up against us right through, and on every occasion the decision has come from a special jury. The Government could sack Germans, and Ministers were not prosecuted; but the Fremantle lumpers were prosecuted for doing practically the same thing. What was regarded as a patriotic action on the part of the Government was declared by a special jury to be an offence on the part of lumpers. It cost the lumpers thousands of pounds to defend the case. However, I rose to point out that the issue is a real one, and that there is not an imaginary situation created, but a real situation. We have repeatedly had to face it. As industrial workers, we hold that we are entitled to the same trial as any other section of the community. We want to be tried by our peers not by a section who by and large are against us, whose feelings will be played upon by skilful lawyers. We do not want to be tried by a section who know nothing about industrial workers. Hitherto we have been tried not by men who knew us, but by men removed from us, men foreign to our mode of living. Under the law as it stands, they are the only men who can sit in the jury box to try us. I hope the House will wipe out the provision which restricts the selection of men to sit on juries.

Mr. MANN (Perth [10.17]: The Minister for Works has spoken extensively on the clause dealing with special juries. Now, special jurors are only engaged in civil cases, where it is a matter of pounds, shillings, and pence. I am more concerned about jurymen who are going to try a man for his life, or try a man for an offence which may involve a long term of imprisonment. In that respect there is room for better scrutiny of the men who go into the jury box. The jury list is compiled somewhat in this fashion: A police officer is told off to go round the various streets of the city. He has a fixed set of questions to ask the lady, or whoever it may be, that comes to the door; such questions as—What is your name? What is your husband's name? What rent do you pay? Do you own this property? And then the man's name is added to the jury list, and in due course he is called as a juror. I have known a man to sit on a

case for several days before it was discovered that he was deaf.

The Minister for Lands: You know that the jury list has to go before the court.

Mr. MANN: Yes; but that does not do away with the fact that a man unable to hear evidence may be put on the jury list. Again, men in ill health are empanelled, and such men may get on to a case that lasts several days, and be unable to apply themselves to the case.

The Minister for Railways: Jurors are always let off if they say that.

Mr. MANN: But, owing to ignorance, jurymen frequently do not ask to be excused. They take their seats in the jury box, and later it is found that owing to ill health or some other cause, they are incapable of acting as jurymen. Better provision should be made in that respect. I am with the Minister in his attempt to prevent persons from foreseeing which jurymen will be called. Persons so interested will say to themselves: "Last session it was the B's. This time it will be the C's. It will commence with Ca." Then they begin to wonder whether they know a man whose name commences with those two letters. And so on. Thus people are able to lay themselves out to ascertain which men will be on the jury.

Mr. Panton: You don't agree with the member for West Perth that there is no jury-squaring in Western Australia?

Mr. MANN: I do not.

Mr. Davy: There is very little.

Mr. MANN: There is not by any manner of means as much as there is in the Eastern States. In Melbourne and Sydney are to be found recognised jury-squarers, men who follow that profession, if profession it can be called. By paying sufficient money the assistance of jury-squarers can be secured. I may tell a little story of an episode well known among the legal fraternity of Melbourne. A man was indicted on a charge of unlawful wounding, and the evidence was thought to be very strong. The defending solicitor told the accused man's friends that he saw very little chance of his getting out of it, but that if there was a sympathetic jury there would be a chance of a verdict of common assault. The friends looked through the jury list and found someone they knew. He was interviewed, and was told, "Don't argue with the other jurymen, if you are on the jury, but stick out for a verdict of common assault." He agreed. The trial took place, and the Crown case was somewhat weak, and the accused's solicitor put up a brilliant defence. When the jury had retired, the foreman said, "I am going to take a vote in favour of acquittal." All the jurors were for an acquittal except one, and he stuck out for a verdict of common assault; and as the others could not shift him by argument or persuasion they eventually came round to his way of thinking and brought in a verdict accordingly. After the trial was over, the prisoner's friends went to congratulate the juror, and they asked, "Did you have to put up much of a fight with them?" He replied, "Yes. All were in favour of acquittal, but I stuck out for common assault." Jury-squaring is not of frequent occurrence in this country, but I have known men who had friends in the jury list exhaust their challenges with a view to securing the presence of friends in the jury box. I remember a man being asked to show cause for his challenge. His reply was, "I don't like the look of that juryman; I think he would be against me." That was not considered justifiable cause, and the juror was allowed to go into the box. I certainly agree with that part of the Bill which will prevent people from ascertaining what jurors will be summoned for certain sessions. It will, I consider, serve a good purpose. Another point I desire to make is that there should be a closer examination of jurors as to their ability to apply themselves to cases, in point of health, hearing, mentality, and so forth. I commend the Bill.

On motion by Mr. Marshall debate adjourned.

House adjourned at 10.25 p.m.

Legislative Assembly,

Wednesday, 3rd September, 1924.

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

QUESTION—AGRICULTURAL MACHINERY, HIRE PURCHASE SYSTEM.

Mr. GRIFFITHS asked the Minister for Justice: 1, Will the Government go into the matter of the Act relating to the hire purchase of machinery? 2, Is he aware that a purchaser, after having almost paid for an implement, may then have it taken from him, and that the seller will thus get