I am not going to say that those things have happened, but I do say that the file should prove whether or not they did happen. I do not think the Minister can have any objection to laying the papers on the Table.

Question put and declared passed.

The Minister for Mines: But, Mr. Deputy Speaker, I intended to move for the adjournment. I was waiting for the hon. member to read his motion.

The DEPUTY SPEAKER: The hon. member read his motion at the opening of his remarks.

Hon. W. C. Angwin: You, Sir, have declared the motion carried.

The Minister for Mines: But it was under a misapprehension.

Hon. W. C. Angwin: The motion was definitely carried.

The DEPUTY SPEAKER: The hon. member read his motion, every word of it, at the opening of his remarks.

The Minister for Mines: I was waiting for the hon. member to read his motion, when you put the question. The member for North-East Fremantle knows that I cannot lay the papers on the Table without having first perused them.

Hon. W. C. Angwin: The motion has been on the Notice Paper for some time.

The DEPUTY SPEAKER: I must inform the Minister that I heard the hon. member read the motion at the beginning of his remarks. There is nothing in the Standing Orders rendering it compulsory on him to read the motion again at the conclusion of his remarks. I put the motion to the House and declared it carried.

House adjourned at 10.12 p.m.

Legislative Assembly,

Thursday, 28th August, 1919.

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

QUESTION—DISCHARGED SOLDIERS' DEPARTMENT, APPOINTMENT.

Hon. P. COLLIER asked the Minister for Lands: 1, Has Mr. N. Brazier been appointed to a position of inspector or other office in the department administering the Discharged Soldiers' Settlement Act? 2, If so, when was the appointment made, and what is the salary attached to the office? 3, Was the position advertised in any newspaper or other publication?

The MINISTER FOR LANDS replied: 1, Yes, until August 31st instant. 2, September 1st, 1918. Salary £58 6s. 8d. per month, with an allowance of £8 6s. 8d. to cover the cost of providing horse and trap hire or other means of transport. 3, No; the position not being considered as coming under the Public Service Act.

Hon. W. C. Angwin: It should have been advertised all the same.

Hon. P. Collier: You should have given every returned soldier a chance. It was a back-door appointment.

QUESTION—PUBLIC SERVICE ACT, AMENDMENT.

Mr. UNDERWOOD (for Mr. Gardiner) asked the Premier: 1, Is it the intention of the Government to introduce an amending Public Service Act this session? 2, If so, will he consider the advisability of making provision for—(a) The fixing of salaries for permanent heads equivalent to those paid by private employers for like work and responsibility. (b) Such permanent heads to accept the same responsibility and penalties for their administrative actions as employees outside the public service. (c) A simple method of dispensing with any service which is proved unsatisfactory or unnecessary.

The PREMIER replied: 1, The matter is being considered. 2, These suggestions also are receiving consideration.

QUESTION—DEFICIT AND SINKING FUND.

Hon. W. C. ANGWIN asked the Premier: 1, What was the accumulated deficit from 30th June, 1911, to 30th June, 1916? 2, What was the deficit on the 30th September, 1911? 3, What amount was contributed to sinking fund from 30th June, 1911, to 30th June, 1916? 4, Can this amount, contributed to sinking fund, be considered a saving and be deducted from the accumulated deficit on 30th June, 1916? 5, If so, why were the Government in office from 1911 to 1916 not credited with such saving? 6, If not, can Ministers who held office since June, 1916, credit themselves as to any contribution to sinking fund since 30th June, 1916, with saving such amount?

The PREMIER replied: 1, £1,374,263. 2, £28,994. 3, £1,264,179. 4, No. 5, Answered by No. 4. 6, No.

Hon. W. C. Angwin: I hope your colleagues will remember that when they address the Chamber of Commerce.

BILL—ROAD DISTRICTS.

Introduced by the Minister for Works and read a first time.

RETURN—RAILWAY COAL, COLLIE AND NEWCASTLE.

On motion by Mr. WILSON (Collie) ordered: "That a return be laid upon the Table of the House showing—(a) The prices paid by the Railway Department for Collie coal in trucks at Collie for the years 1916, 1917, 1918 (each year separately). (b) The price paid by the Railway Department for Collie coal in trucks at Collie since May, 1919. (c) The percentage average equitable value of Collie coal in relation to Newcastle coal as defined by the Chief Mechanical Engineer of Railways and the Royal Commission on Collie coal industry of 1914. (d) The amount of Newcastle coal purchased by the Railway Department for 1916, 1917, 1918 (each year separately). (e) The prices paid by the Railway Department for Newcastle coal in trucks at Fremantle for the years 1916, 1917, 1918 (each year separately). (f) The tonnage amount of Newcastle coal purchased by the Railway Department for the year 1919, and the price paid per ton on trucks at Fremantle. (g) The price paid for Collie coal in trucks at Fremantle by the Railway Department since May, 1919."

BILL—TRAFFIC.

Second Reading.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [4.42] in moving the second reading said: Members will have in mind that, some years ago, the Government of the day introduced a Traffic Bill. It was felt such a Bill was very much needed to bring the various matters affected up to date, and to enable the road boards, which had grown considerably in numbers during the few years previously, to do their part in a more effective way. The Bill was fairly fully discussed in this House and, I believe, in another place, but it met with considerable opposition from a certain section of those affected, whose opinions were voiced in this House, owing to the fact that the Minister, in my opinion quite rightly, desired that the fees collected for licenses should be pooled and devoted, with a subsidy from the Government, to making and maintaining main roads. At that time, the license fees collected amounted to something like £20,000 per year, and it was proposed by the Government to add a further £20,000, making a total of £40,000, which would have been a very respectable and sufficient sum, if properly handled, to deal with the reinstatement, making and maintenance of the main roads of the State. I understand the Automobile Club and the various road boards were in accord with the views of the Government, but the Perth City Council, and, I believe, the Fremantle Council were opposed to it.

Hon. W. C. Angwin: We are opposed to it still; we are opposed to this, anyhow.

The MINISTER FOR WORKS: The hon. member will have an opportunity to state his views, and I am sure he will not offer any factious opposition.

Hon. W. C. Angwin: You have framed the Bill to suit Perth.

The MINISTER FOR WORKS: I am satisfied that, if the hon. member will endeavour to assist me, with the co-operation of the House we shall have a Bill that will be of service, and not one that will be suitable only for the waste-paper basket. So that the House may have an opportunity of judging whether my reference to these two important cities has any bearing on the matter or not, let me say that during my term of office it has been necessary to take a complete census of the traffic appertaining to Perth, Fremantle, and the various other local governing bodies lying between. A census was taken with regard to the Perth-Fremantle traffic, and another regarding that which goes from Perth to Subiaco, through Karrakatta and Claremont to Fremantle.

Hon. W. C. Angwin: You ought to have a census taken for the Canning road, too.

The MINISTER FOR WORKS: Possibly, but we did not do so. It is rather strange to find that the percentages in respect to both of these roads give practically the same result. The traffic originating in and belonging to the city of Perth gives a percentage of 45.07 to Fremantle municipality, 13.34 per cent. to Claremont municipality, and the balance is divided amongst the other local authorities. It is evident that the share of the fees for Perth and Fremantle must be fairly large, and both of these municipalities would doubtless not desire to lose any portion of their share. This Bill has eliminated that portion of our legislation, because we feel that the machinery clauses and improvements that are necessary for the regulation of traffic are so urgently required that it is undesirable to run the risk of any further delay.

Hon. W. C. Angwin: Has my district to keep up the roads for the whole of the licenses from the Canning River to Victoria Park?

The MINISTER FOR WORKS: I would not be surprised. It is acknowledged that it is necessary to have a Bill brought forward for the better regulation of traffic. At present there are no less than five different Acts dealing with traffic in this State. The Cart and Carriage Licensing Act, 1876, a certain section of the Tramways Act, 1885, the Width of Tires Act, 1895, certain sections of the Municipal Corporations Act, 1906, and

certain sections of the Roads Act, 1911, comprise the list. The conditions now existing are different from those appertaining when both the Cart and Carriage Act, 1876, and the Width of Tires Act were passed, and the provisions embodied in those Acts have become totally inadequate. The by-laws which have been made by different bodies are disjointed and conflicting. It is quite evident that such a state of affairs is a menace to good government and must necessarily mean divided responsibility. In this Bill we are endeavouring to eliminate all provisions relating to traffic from the various Bills I have mentioned, and have grouped them in this particular Bill, which, when passed, can be regarded as a plain straightforward statement of the powers and responsibilities that rest upon the local governing bodies. We shall, in fact, have a uniform set of regulations. We shall have the same fees throughout the different districts, and the different statutes and by-laws which have from time to time been got together to suit the different roads boards will be displaced by uniform laws. The Bill also proposes to amend the law and consolidate it in regard to licenses for the use of vehicles. It is divided into five parts and four schedules. Part I. provides for the fixing by proclamation of the date upon which the Bill will come into force as an Act. It is in turn divided into parts, repeals wholly or in part certain other Acts, and supplies the interpretations, which are of a general character. A special set of interpretations will be also found in the second schedule. Part 2 provides for the licensing of all vehicles enumerated in the second schedule. Such licenses will be issued by the licensing authority in that district in which the applicant resides at the time of application. Only one license for each vehicle will be required, and this will operate over the whole State. If, however, the vehicle is to be used for carrying passengers, or for the carriage of goods, another license for such purpose, in addition to a vehicle license, will be required to be taken out. Licenses will terminate at the end of the financial year of the local authority issuing them. We have, as far as possible in all the Bills referring to these matters, endeavoured to bring about a uniform time for the termination of the financial year of each local authority. All owners of vehicles, whether Government or otherwise, must apply for a license in respect thereto. There are certain exemptions for the payment of license fees, such as the Crown, local authorities, fire brigade boards, ministers of religion, and so on. These exemptions apply only to the payment of fees. They do not exempt any owner who is using the roads from the necessity for taking out a license. Provision is made that where the owner pays his license in one particular district, and subsequently uses the vehicle for which the license is taken out in another district, the local authority of such district shall be entitled to a fee, and if any dispute arises it will be referred to a magistrate.

Mr. O'Loghlen: Why not refer it to the Minister?

The MINISTER FOR WORKS: Ministers have too much to do. Part 3, regarding traffic inspectors, makes provision for each local authority to appoint its own traffic inspector, who is to issue licenses, and prosecute offenders, and will exercise such powers as may be necessary. It is thought that the town clerk of a municipality, or the secretary of a road board district will in most cases be appointed to these positions, but in the case of our principal cities special appointments will doubtless be made.

Mr. Pickering: Is there any remuneration attached to this office?

The MINISTER FOR WORKS: The hon. member will find the information he wants in the Bill. Members of the police force may act as inspectors if the Commissioner of Police gazettes an order to that effect. Provision for this is made in the Bill. The assistance generally of the police will be availed of in the different districts, owing to the fact that police are patrolling them already and have a better opportunity of overseeing the traffic than has the secretary of a road board in a big district. In cases where a prosecution has to be instituted, or any steps of a stringent nature have to be taken, the police will act when requested to do so by the local authorities.

Hon. W. C. Angwin: Who is to get the fines?

The MINISTER FOR WORKS: The Public Works Department recently called for a return of the license fees paid. It was found that the total amount collected was £20,926. When this return was checked it was discovered that had it been properly looked after the amount would have been exceeded by about £1,200. The local authorities have been fairly lax in important items of this nature. When the Bill is passed it is considered by the Public Works Department that the staff which deals with local government matters will be able to bring things more up to date, and insist upon the regulations being carried out to the full. Part IV. deals with motor vehicles, and provides for licenses for drivers. Hon members will see from the Bill what these are and that these licenses are separate and apart altogether from those required in the case of ordinary vehicles. The granting of drivers' licenses will rest with the Commissioner of Police, who will require applicants to satisfy his examiner that they are qualified to drive. Unless they are so qualified and can pass the examination, they will not be allowed to drive.

Mr. Pickering: A very necessary provision.

The MINISTER FOR WORKS: The fee that will have to be paid is 5s. Certain penalties are provided in the case of persons driving without a license, driving recklessly

driving whilst intoxicated, and in the case of other similar offences.

Hon. W. C. Angwin: Why should the Commissioner of Police interfere with the local authorities?

The MINISTER FOR WORKS: The Commissioner of Police, through his men, exercises a wider and closer supervision over the various districts than the local authorities are able to do unless they put on a special staff.

Hon. W. C. Angwin: Not in the matter of driving.

Mr. O'Loghlen: The police can report to the local authorities.

The MINISTER FOR WORKS: It is thought that this is a better way of dealing with the matter. So far as locomotive and traction engine drivers are concerned, these will get their certificates from the Chief Inspector of Machinery, as heretofore. We do not propose to repeal at once the Width of Tires Act, 1895. It will remain in force and will be of use. This part of the Act does not apply to any motor vehicles or cycles using only pneumatic tyres. Part IV. provides for the making of regulations, and before the measure comes into operation it will be necessary to have a set of uniform regulations drawn. These are in preparation now. Part V. deals with, inter alia, the liability of owners of motor wagons, locomotive engines, and traction engines for any extraordinary damage or injury they may cause to any road, and it is provided that in case of any such damage to a road, or to bridges or culverts, notice must be given to the local authority. The local authority will be empowered to recover damages from persons injuring a road by heavy traffic or extraordinary traffic. I have no doubt the member for Forrest (Mr. O'Loghlen) will support me when I say that during the last few years the roads leading from the hills have been almost destroyed by heavy sleeper carting, and that some of the local roads have been destroyed by the carting of logs and other timbers. In the Brunswick district the cartage of tuart logs over the roads from the Estuary, although the carter used eight-inch tyres, practically spoiled the entire road. The member for Sussex (Mr. Pickering) knows that some of the roads and bridges in his district have been destroyed by that traffic.

Mr. O'Loghlen: The bridges were washed away.

The MINISTER FOR WORKS: Not until they had been broken down by the heavy loads. The schedules repeal certain Acts I have mentioned, and provide for fees in respect of carts, carriages, cycles, and motor cars. With regard to the last named, the measure contains provision for making the fee correspond as nearly as possible to the capacity of the car for damaging roads. The weight of the car and the strength of the engine are taken, and from those data a formula is evolved fixing the license fee. There is one point to which I draw the special attention of hon. members. The list of fees fixes the fee for a trailer at 10s. per wheel. When the Bill is in Committee I shall ask permission to alter that amount, as at the time it was inserted in the Bill nothing like the practice of recent months was contemplated. Only a week or two ago I encountered a rather heavy motor lorry, fully laden, and dragging behind it a trailer carrying a further load of four tons, or perhaps five. Ten shillings per wheel would not compensate for the damage done to the road as the result of that weight of material carried. Although it may be said, and has been argued in my office by the parties concerned, that the trailer, having no motive power, is only a passive load on the road, the answer is, as I pointed out to the gentlemen, that while this contention may hold good for such time as the trailer is standing still, the trailer cannot move unless power is applied somewhere. Consequently, the motor wagon, which has to pull the trailer along, must exercise a far larger mechanical force than it would but for the trailer, with corresponding damage to the road. Accordingly, I shall ask leave to amend the fee for trailers. The Bill provides for the transfer of licenses from one district to another on what I believe to be fair lines. I have already given the percentages of traffic on the Perth-Fremantle-road and the Subiaco-Fremantle-road, and in Committee I shall be able to afford a good deal of information in regard to the regulations and fees applying to motor cars in other States.

Hon. W. C. Angwin: Are you going to purchase the Fremantle tramways? I ask because you take control of them by Clause 46 of this Bill.

The MINISTER FOR WORKS: The purchase of the Fremantle tramways is not contemplated by the Government, who have quite enough to do with the Perth tramways at present. I shall be able to give information as to the probable amount of the fee on each make of motor car; I have it all worked out.

Hon. W. C. Angwin: Have you made inquiries regarding the road to Fremantle south of the river also?

The MINISTER FOR WORKS: The Government, having spent £26,000 on the Perth-Fremantle-road, and having had no return from that expenditure, thought they should make the inquiries which I have mentioned. If the House in its wisdom should think fit to reinstate the clause pooling the license fees and other similar receipts, in the hands of the Minister, I should not object. Indeed, I would welcome it. If hon. members will let me know what further information they require, I shall make a note of the points and endeavour to answer them in closing the discussion. I do not anticipate a long debate on this Bill, which is essentially one for Committee. I invite the assistance of all hon. members, and I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier, debate adjourned.

BILL—STATE CHILDREN ACT AMENDMENT.

In Committee.

Resumed from the previous sitting.

Mr. Stubbs in the Chair; the Minister for Mines in charge of the Bill.

Clause 25—Insertion of section after Section 119:

(Hon. W. C. Angwin had moved an amendment "That in proposed new Section 119a, lines 5 and 6, the words 'to have committed and to be liable to be tried for any offence' be struck out.")

Hon. W. C. ANGWIN: The Minister has informed me that he proposes to take certain action, and accordingly I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR MINES: I ask the Committee not to pass this clause. Upon consideration of the debate on it, I am satisfied that it conflicts with the real intention of the measure, and more particularly with the intention of Clause 7, which provides that not even a summons shall be issued against a child except in the case of an indictable offence. Now, Clause 25 goes the length of authorising arrest. The principal Act does all that is necessary for bringing a child to justice or before a court.

Clause put and negatived.

Clause 26—agreed to.

New clause:

The MINISTER FOR MINES: I move—

That the following be inserted to stand as Clause 18: "Alteration of title of Part VIII.: 18. The title of Part VIII. of the principal Act is hereby altered by the addition of the words 'and the care and adoption of children.'"

Question put and passed; the clause added.

New clause:

Hon. W. C. ANGWIN: I move—

That the following be inserted to stand as Clause 11: "Section 24 of the principal Act is hereby amended by inserting in Subsection (6), in the last line, after 'eighteen years,' the following: 'or during such shorter period as the court may think sufficient.'"

As the law stands, the Children's Court can commit a child to an institution only until the child reaches the age of 18 years; or, in other words, the court has no power to send a child to an institution for a period of, say, six months. However, the Children's Court has been doing in this respect what it has no absolute legal power to do. Hon. members will agree that the court should have power to impose a short detention, such as six months, if that is considered sufficient.

The Minister for Mines: I agree to that.

New clause put and passed.

New clauses:

On motion by Hon. W. C. ANGWIN the following new clauses were agreed to:—

Clause 12—Section 26 of the principal Act is hereby amended by inserting in paragraph (a), after "eighteen years," the words "or during such shorter period as the court may think sufficient"; and by inserting in paragraph (c), after "eighteen years," the words "or during such shorter period as the court may think sufficient."

Clause 13—Section 28 is hereby amended by inserting in paragraph (a), after "eighteen years," the words "or during such sorter period as the court may think sufficient"; and by inserting in paragraph (d), after "eighteen years," the words "or during such shorter period as the court may think sufficient."

New clause:

Hon. W. C. ANGWIN: I move—

That the following be inserted to stand as Clause 14: "Section 58 is hereby amended by striking out in line 3 the words 'until he shall attain the age of 14 years.'"

The provision to be struck out limits the time during which the Minister may assist any State child in the care of a foster-mother or at any institution. It has been the practice that such assistance ceases when the child attains 14 years. In some instances it would be of advantage to the child to continue the support, and in the case of a smart child it would be of advantage to the State if that child were allowed to continue at school for some period after reaching 14 years of age. The question should be at the discretion of the Minister. The amendment will achieve that object. While this applies to a State child, it does not apply to all our institutions. For instance, it does not apply to that favoured institution, the school at Pinjarra conducted by Mr. Fairbridge, at which a boy is maintained by State funds until he is 17 years of age.

Mr. Pickering: Those boys are being technically equipped.

Hon. P. Collier: The institution is under the aegis of the Country party.

Hon. W. C. ANGWIN: The boys are sent out from the Old Country with the guarantee that those who sent them will maintain them, but they are here only a few months when the State steps in and provides for them better conditions than are offered to our own children in similar institutions.

Mr. Pickering: Are the orphanages State institutions?

Hon. W. C. ANGWIN: The State pays for only such children as are sent to those institutions by the State. The Fairbridge school has special privileges, as against such institutions as Clontarf, Red Hill, and the Salvation Army orphanage.

Hon. P. Collier: It is proposed to extend the Pinjarra school.

Mr. Pickering: I hope so.

Hon. W. C. ANGWIN: I hope not. No arrangements have been made to extend child immigration. We are paying £54,000 per annum for the maintenance, principally, of our own children, and that demand is more likely to increase than decrease. There is no necessity for burdening the taxpayers to assist child immigration from England. I do not care how many boys come out, so long as they are maintained by those who send them.

The MINISTER FOR MINES: We are prepared to accept the amendment. In quite a number of instances we have continued making the payment beyond the prescribed time. Just the same, such a principle is open to abuse. We should not be permitted to avoid our obligations by saying we cannot continue assistance beyond a definite period. It is only right that we should have discretion in this respect.

New clause put and passed.

New clause:

On motion by Hon. W. C. ANGWIN the following new clause was agreed to—

Clause 18—Section 83 is hereby amended by inserting in line 5 after "eighteen years," the words "or during such shorter period as the court may think sufficient."

New clause:

The MINISTER FOR MINES: I move—

That the following new clause be added to stand as Clause 11:—"The court on application made by the department or by the parent or guardian of any child against whom an order has been made under this Act, may re-hear the case and may make such recommendations to the Minister thereon as may in its opinion meet the circumstances."

This is to meet the objections raised by the members for Kanowna and for Perth in regard to the opportunities that should be given to parents, guardians and the department to have cases reviewed. My principal objection was that under Clause 11 the court might be compelled to re-hear an application every day in the year, while under a previous sub-clause, which has been struck out, the department was compelled to comply with the order made by the court. By that, of course, we were handing over the administration of the department to the members of the court, and it was to that I took exception. The new clause does not empower the court to make an order, but merely to re-hear a case and make a recommendation to the Minister. It will not be able to vary its own order, except by consent of the Minister, who will still retain his responsible position at the head of the department.

Mr. O'Loghlen: Could you not give the Minister power in the first place, without going to the court?

The MINISTER FOR MINES: He has that now. But, under the existing conditions, when an application is made to the Minister, he refers it to his officers, who get a report, and, perhaps, in six months time we reach some decision.

Mr. O'Loghlen: My experience has been that the department fixes it up all right.

The MINISTER FOR MINES: It is not proposed to abrogate the right of the department to act without consulting the court at all. It merely permits the court to re-hear a case and make a recommendation to the Minister. It does not prevent the Minister taking action without reference to the court.

Hon. P. COLLIER: I prefer the existing position. I have not much faith in appeals to the court. More equitable treatment will be accorded to the parents or guardians by the department itself, by the Minister acting through the department, than will be accorded by the court. The amendment, it is true, will not take away the right of the Minister or of the department to decide without reference to the court; at the same time it practically places an obligation on the Minister to refer all cases to the court. It opens the door for Ministerial avoidance of facing a case, and the passing of it on to the court.

The Minister for Mines: I do not think so.

Hon. P. COLLIER: It offers an inducement to a Minister to pass on to the court the question of reviewing a case. I prefer to have it dealt with by the department. Appeals from Cæsar to Cæsar may be all right in some jurisdictions, but I do not think they would be advisable in the Children's Court. The clause that was struck out found its way into the Bill originally as the result of representations made by members of the Children's Court who felt that their dignity was being flouted by the fact that the department stepped in and varied orders, and showed clemency in cases where the court thought it should not have been displayed. Members of the court have felt affronted by the action of the department. That was mainly responsible for the clause first finding its way into the Act. I prefer to allow the condition of things which has obtained in the past to prevail. There has been no demand for the amendment. I have never heard a member yet complain about the treatment he has received, or even the public or the children, at the hands of the department. If a practice is found to be successful, why make a change? There is this also: a request is made to a Minister for the release of a child. The Minister passes that request on to the court. The child has to be dragged before the court—it is taken out of the institution to be sent to the court. Perhaps it goes back to the institution; and after a lapse of a few months the parents make another application and the child again goes before the court, and it has to go through the same procedure as on the previous occasion. That is not good for a child. The practice of the past should continue; the child should know nothing about the application which is being made on its behalf. A child should not

know that efforts are being made to bring about its release. Such a thing serves to create unrest in the mind of that child while in the institution. I prefer to see the old practice continued.

Hon. T. WALKER: I do not agree with the leader of the Opposition when he says that there have been no complaints. The class of people who claim the benefits of the Act are those who have the strongest views. Generally the children, who are taken under the care of the court, are those of the poor and the friendless. They are not able to get hold of a member of Parliament, or anyone else; they suffer without complaining. The amendment it is sought to make is an absolute necessity. It has been discovered by actual knowledge that such a thing is required. In one case I know of, a child which was considered incorrigible was sent to the hospital, and at the hospital it was discovered that it was not the child who was to blame but the parents. The facts were discovered but the court could not vary its order. I know it can be said that the Minister can do this, but "Minister" means the officers of the department. The Minister cannot be in touch with all that goes on. Let us suppose that a mistake has been made, and that a child has been wrongly blamed, and that it was the parents who were incorrigible instead of the child. Now set to work to effect the remedy. If it is possible to go before some court and place the new facts before it, in the course of a week the remedy is effected. But if, first of all, it is necessary to visit the Minister, it is found that the Minister passes the matter to an officer. That officer forwards it to another, and so it goes along a routine of slow red-tape investigation, and what could be done in a week takes four, five or six months.

Mr. Duff: That would depend on the Minister.

Hon. T. WALKER: It depends on the department. The hon. member should know what red-tape is, and it exists here more than anywhere else. And there is this danger: every department, be it the State Children or any other, seeks to make itself omnipotent. Where we see that evil conspicuously showing itself, shall we allow it to pass on? Every time the evil is seen we should try to mitigate it. It is not the Minister but the officers whose desire it is to be made important.

Hon. W. C. Angwin: Not in the State Children Department.

Hon. T. WALKER: The hon. member has a weakness for some members of the service. I, too, have a weakness for some. I regret to say that recently a life was lost through the epidemic which is raging. I regret exceedingly that the death occurred of an officer in whom the utmost trust could be placed, and whose humane feelings were always shown. But they are not all of that kind; most of them desire to magnify their office and keep all hands off. The court in itself is not supposed to be a criminal court, although there is a tendency to make it such. The same class of magistrates sit on that bench who sit on the bench at the police court, and they carry police court experience into that court. That should not be so. There is a necessity for specially selected men to sit on that bench, not ordinary people with ordinary ideas of right or wrong, irrespective of cause or effect. If we could have the courts similar to those which have been established in America and also in England, where men of special experience preside, men with big hearts who are able to administer advanced and enlightened justice, something that has a link with human nature, and who show a feeling of sympathy for the erring and the weak, there would be no cause for complaint. Such a court would be ideal. I would trust such a court every time before an incoming Minister of the Crown, who is put there, not for his fitness, but for political convenience.

Hon. W. C. Angwin: Give me a Minister every time.

Hon. T. WALKER: The hon. member has been a Minister, and of course we must not take away the dignity and importance of the position. If we could always have a Minister like the member for North-East Fremantle in such a position, I would not take the risk of appointing justices; I would make him all-powerful.

Mr. O'Loghlen: Justices, like politicians, are not appointed for their fitness.

Hon. T. WALKER: To have a court such as we require it must be really alive. The object of the Government should be to do justice to all citizens and if Ministers will not perform that duty, they are not fit for their positions. The whole meaning of the clause is that, when there are reasons to vary an order in the direction of mercy, the opportunity shall be given. I cannot understand why it should be opposed. We should give this power to the court to get speedy justice, without the red-tape and formality necessary when an appeal is made to a department.

Hon. P. COLLIER: I oppose the new clause because I desire to keep the door of mercy and clemency wide open, and that can best be done by retaining the power in the hands of the Minister, instead of referring to the court.

Hon. T. Walker: Why not abolish the court and let the Minister do it all?

Hon. P. COLLIER: The court hears the case once and, if fresh evidence or reasons can be adduced to show that the order should be varied, the power can well be reserved to the Minister. When the member for Kanowna (Hon. T. Walker) was a Minister, he fought most strenuously to reserve to himself the power to exercise mercy and clemency.

Hon. T. Walker: But I did not take away the power of the court to hear and re-hear.

Hon. P. COLLIER: The hon. member is not prepared to concede to the present, or

any future Colonial Secretary, the power to exercise mercy. He said Ministers are not appointed for their fitness. Are members of the Children's Court, justices of the peace, appointed for their fitness? In nine case out of ten, these are political appointments to satisfy the vanity or aspirations of friends of members of Parliament. Any man, occupying the office of Colonial Secretary, is more likely to be endowed with the qualities that fit him to exercise these powers than are members of the Children's Courts.

Mr. Pickering: Who appoints the members of the court?

Hon. P. Collier: The Government.

Mr. Pickering: That is, the Minister, and you cannot trust him because you say he is subject to political influence.

Hon. P. COLLIER: Are not the appointments of justices political appointments? Has the hon. member ever secured the appointment of a friend as justice of the peace? If not, he is unique indeed.

Mr. Pickering: No, I always get the names from the local governing bodies.

Hon. P. COLLIER: That is worse, because it amounts to handing his powers to the local authority without exercising his own judgment. I believe a greater degree of mercy and clemency will be obtained through the Minister than will be possible by reference to the court. The member for Kanowna said that, notwithstanding an appeal to the court, the Minister would still have power to exercise his discretion. What a farce that would be. The Minister would refer a case to the court, and the court, after reviewing it, would decide not to vary the decision. Yet the member for Kanowna suggests, that the Minister could then set aside that decision and exercise his own judgment. Such action on the part of the Minister would not be justified. The Minister would be bound to accept the decision of the court. Where at present the Minister would review a case and decide probably to exercise mercy and release the child, under this new clause the application would be referred to the court, and the court having given its decision, the matter so far as the Minister was concerned would end. The new clause would operate in the opposite direction from which the member for Kanowna desires. He said he knew of a number of instances of just grounds for complaint against the department. I cannot say that has been my experience. I believe there is no department with which fault has been so rarely found as this one. My experience of it has been entirely satisfactory. I have found the officers fair-minded and reasonable, and whenever new light could be thrown on a case, I have found them prepared to sympathetically consider it, without the lapse of six or seven months. I prefer the position to remain as it is rather than hand a case back to the court merely to preserve the dignity of the court.

Hon. T. Walker: It is not so.

Hon. P. COLLIER: I know that this proposal originated because of the offended dignity of some members of the Children's Court.

Hon. T. Walker: I would like to see proof of that.

Hon. P. COLLIER: I know it to be a fact, and that is sufficient for me.

Mr. PICKERING: I regret that the reputation of members comprising the Children's Court is so bad.

Mr. O'Loghlen: You have heard, on the other hand, that the reputation of the officers of the department is bad.

Mr. PICKERING: I regret that also. The new clause is very fair and should be accepted. While I admire the sentiments expressed by the leader of the Opposition, we should not assume that the Minister will always exercise mercy. I am confident that the court, having power to re-hear, would give a case equally just and faithful consideration as the Minister.

Hon. W. C. ANGWIN: There should be a time limit for the re-hearing of cases. I have known of cases in which the legal fraternity have taken a very great interest. Some of them, having lost a case in the court, have written the member for the district and then drafted a letter to the department for which they have charged 10s. Therefore, if a re-hearing were urged and the object not gained, the same course would be adopted to get the decision of the Minister. I have in mind a case in which a clause of this description would have been availed of. Twins were committed to the charge of the State on the ground that the mother was not a fit and proper person to look after them. The officers of the department admitted that the children were not neglected, but the children were committed to the State; and the Minister, not being satisfied that the mother would look after them, declined to release them for a considerable time. During the time they were away from their mother, one died and the other nearly died, although they had been in good health and well looked after before being handed over to the department. If the solicitor could have obtained a re-hearing of that case, there is not the least doubt the children would have been released. On the other hand, I think almost the only persons who will avail themselves of the clause are those who can afford to employ solicitors. Most people would apply direct to the State Children Department. So long as the Minister has full power to deal with the matter without people having to go to the expense of appealing to the court I can see no harm in the clause going into the Bill.

New clause put and passed.

[The Speaker resumed the Chair.]

Bill reported with amendments.

BILL—CROWN SUITS ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [6.2] in moving the second reading, said: We are all aware that in the absence of legislation claims can only be enforced against the Crown by the old-fashioned method of petition of right, and that this does not apply to actions founded on torts. In this State, in 1898, Parliament passed the Crown Suits Act, which enabled certain claims against the Crown to be dealt with in the same manner as in the case of suits between subject and subject. The matters upon which a petition was founded against the Crown were, in cases of breach of contract, and in cases of certain wrongs arising in connection with public works, such as negligence. This meant that no matter what the amount of the claim was that anyone had against the Crown, the claimant was forced to go to the Supreme Court to file his petition. The object of the Bill is to enable claims against the Crown within the Local Court jurisdiction to be brought in the local court. The Local Court jurisdiction deals with claims not exceeding £100, with certain exceptions, such as titles to land, libel, seduction, and other matters. Under the Bill, when a person has a claim against the Crown, within the Local Court jurisdiction, instead of his lodging a petition in the Supreme Court, such petition can be filed in the Local Court. In order to protect any objection the Crown may have, which protection is necessary because the prerogative of the Crown may perhaps be in question, a petition cannot be filed in the Local Court without the consent of a Crown Law officer, that is, the consent of the Attorney General, the Solicitor General, or some person authorised by the Attorney General. At present, with the consent of a Crown Law officer the trial only, in a petition of right, may be heard in the Local Court. It was thought by many that not only could claims against the Crown be tried in the Local Court, but that petitions could be filed in the Local Court. A case came before the Full Court not long ago, when it was decided that although the hearing of a petition of right might take place in the Local Court under certain circumstances, with the consent of a Crown Law officer, the petition could not be filed there. The result of filing a petition in the Supreme Court is that the petitioner has to follow the usual procedure of that court, and deliver pleadings and so forth, which are not necessary in purely local court matters. The decision in respect to small claims, therefore, was rendered more expensive than if only the Local Court procedure had to be adopted, and it also took a longer time before it was given. The object of the Bill is to remedy the defect, which was made clear by the case of the Crown v. Barnham, reported in W.A.L.R., page 28. When a petition is filed in the Local Court, the ordinary procedure as regards Local Court actions will apply. Under the old procedure there was a disadvantage accruing from the fact that the petition was filed in the Supreme Court, and no matter what the amount was that was recovered, the successful party would be entitled to costs on the Supreme Court scale. Under this Bill, however, if an action is brought by petition of right in the Local Court with the consent of a Crown Law officer, the petitioner can only recover the same costs as he would recover under the Local Court procedure. Another provision in the Bill is that where a petition has been brought into the Supreme Court the Crown can apply to have it remitted to the Local Court. In cases of tort, the Crown, like any other subject, can apply to have the action remitted to the Local Court and get security for costs in certain cases. The main object is to give the Local Court jurisdiction as regards claims against the Crown in matters within its jurisdiction, in order to avoid the necessity for filing petitions in the Supreme Court.

Hon. T. Walker: Is that all there is in the Bill?

The ATTORNEY GENERAL: That is all.

Mr. O'Loghlen: Could you not put in some provision for the abolition of special juries?

The ATTORNEY GENERAL: I am not prepared to do that. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Stubbs in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Substitution of new section for Section 35 of the Crown Suits Act, 1898:

[The Speaker resumed the Chair.]

Progress reported.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [7.32]: In moving the second reading of this Bill, I at once say to the House that the object of the measure is to cure some defects which have been discovered in the Justices Act, more especially in applying the provisions of that Act to other Acts. The difficulty which has arisen starts in the definitions which are given in the principal Act. It arises principally on the definition of a breach of duty, which the principal Act defines to mean "any act or omission not being a simple offence or non-payment of a debt." "Simple offence" is

defined to mean any offence, indictable or not, punishable on summary conviction before justices by fine or imprisonment, or otherwise. Of course, where it is a case of taking proceedings under the Justices Act for a simple offence, or for an indictable offence, that is to say where a person is committed for trial in the Supreme Court, no difficulty arises. But in practice it has been found that the definition of breach of duty does not cover all the matters in other Acts of Parliament where summary jurisdiction is applicable, and in many cases where it is the only jurisdiction which can be applied. Difficulties have arisen in many cases, and especially as regards enforcing the orders which have been made by justices. By way of example, I will refer the House to proceedings under the Bastardy Act. The principal Act provides the procedure for carrying out the Bastardy Act, and in a case which occurred some years ago, and went to the Full Court, a question arose as to how far a certificate of dismissal in summary jurisdiction would apply to proceedings taken under the Bastardy Act. In that case an affiliation plaint had been made against a man under the Bastardy Act, and the complaint was dismissed. He obtained a certificate of dismissal, which, had the procedure of the Justices Act applied in its entirety, would have prevented any second proceedings being taken for the same cause. But proceedings were taken against him for exactly the same thing, and he pleaded the certificate which he had obtained under the Justices Act. The Full Court, after going into the matter, held that the certificate under the Justices Act was no bar to proceedings again taken under the Bastardy Act, which of course is quite contrary to the ordinary ideas of English justice. I think the member for Kanowna (Hon. T. Walker) remembers the case. Again, let us take the Lunacy Act. Under that Act a man may be charged with being found wandering abroad and being of unsound mind. The way this is enforced is to take summary proceedings under the Justices Act. But in that Act the definition of "breach of duty" is "any act or omission not being a simple offence or non-payment or a debt"; and it must be obvious to anyone that being found wandering abroad and being of unsound mind can hardly, in the ordinary sense, constitute a breach of duty. That is another illustration. Again, take the Roads Act. "Breach of duty" is defined not to include failure to obey an order for the payment of money. And yet one finds in the Roads Act that proceedings can be taken by a roads board for non-payment of rates in summary jurisdiction. It is perfectly obvious, of course, from the definition of "breach of duty" that this does not come within the Justices Act, not being a summary offence and not an indictable offence. Again, suppose a man is charged under the Inebriates Act with being an inebriate. That, again, would not come within the definition of a breach of duty. Further, a case might easily arise under the Master and Servant Act, under which measure an employee can sue his employer for wages. To get over these difficulties one of the principal clauses of this Bill strikes out the definition of "breach of duty" in the principal Act and substitutes the word "matter" therefor; and "matter" is defined to mean "any act, omission, fact, or event (except an indictable offence not punishable summarily) upon complaint whereof justices may give any decision against or in respect of any person." So that when the Justices Act is amended so as to include an indictable offence and a simple offence, and a matter, the whole ground is covered in respect of all Acts where summary jurisdiction is made applicable. The object of this Bill is to bring everything into conformity, so that when complaints are being dealt with under these various Acts and summary jurisdiction is given, justices, and especially country justices, may find the whole procedure laid down in the Justices Act, which they can then take for their guidance. Further, by some of the Acts in question people are exempt from imprisonment. For instance, a female cannot be imprisoned under the Masters and Servant Act. Therefore, care is taken in this amending Bill to provide that no person shall be liable to imprisonment who is exempted under any Act. There is a further difficulty which frequently arises under the Bastardy Act and the Married Women Summary Jurisdiction Act. Under both these Acts orders can be made for periodical payments, but as the Justices Act does not apply in its full entirety to those two Acts, there has always been a difficulty in enforcing an order for a periodical payment of money under the Bastardy Act or the Married Women Summary Jurisdiction Act. The effect of the definition which I seek to include in the principal Act, as regards "matter," will avoid the difficulties which have arisen in this respect. Another provision of the Bill which I commend to the careful consideration of the House is the clause which apportions in a proper ratio, a fine or in default imprisonment imposed by an order.

Hon. T. Walker: That is a very difficult thing to do.

The ATTORNEY GENERAL: Yes, and that is why I commend the clause to the attention of hon. members. Sometimes one sees a sentence imposing a fine and, in default, a term of imprisonment which is absurdly out of proportion; and of course the converse also occurs. It may or may not be right to interfere with the discretion of justices upon this point, and that is why I draw special attention to the clause. But there is an incidental advantage which will be gained if the principle of the clause is adopted. Sometimes a man is convicted and ordered to pay a fine or, as an alternative, to be imprisoned. Say he is fined £10 with imprisonment for three weeks in default, and say the fine is ordered to be paid by instalments. It sometimes happens that the man pays instalments totalling £5, and then is unable,

owing to pecuniary difficulties, to pay the remainder. Then his position would be this: not having paid the whole of the £10, he becomes liable to imprisonment for three weeks. That position can, of course, be remedied by an appeal to the Attorney General to recommend the remission of the balance of the fine or the remission of portion of the term of imprisonment; and in practice that is done. But it would be very much better to provide that in such circumstances the alternative term of imprisonment should be reduced in proportion to the amount paid by way of fine. That, again, would not interfere with any application to the Attorney General for remission of the balance of the sentence.

Hon. P. Collier: That is a new principle, is it not?

The ATTORNEY GENERAL: Yes.

Hon. T. Walker: But it has already been adopted through the method described. That is to say, the Attorney General has done it.

The ATTORNEY GENERAL: In practice it has been adopted.

Hon. P. Collier: Is it the law in any of the other States?

The ATTORNEY GENERAL: I am not aware that it is. The object of the measure is to secure uniformity in summary procedure. There is another important class of cases in which we ought to secure uniformity and give greater elasticity. I refer to appeals. The present right of appeal is two-fold in its nature. Section 183 of the existing Act allows the right of appeal to any person summarily convicted, when an order is made by any justice, in which imprisonment is adjudged without the option of a fine. I do not propose to interfere with that. But the provision goes on to say "Or a fine or a penalty is imposed exceeding £10, then an appeal lies." The appeal lies either to the circuit court or to the court of general or quarter sessions, or to a judge of the Supreme Court. In appealing to quarter sessions from a conviction made by a justice, it very often happens that one is appealing from Cæsar to Cæsar, which is not very satisfactory.

Hon. P. Collier: We have just endorsed that principle.

The ATTORNEY GENERAL: We will not do so this time. While preserving to any person who has been imprisoned without the option of a fine the right of appeal to a district court or to a judge of the Supreme Court, I propose to abolish all other rights of appeal mentioned in that section, and to substitute another method. Another method, which is already prescribed by the Act, is appealing by way of a case stated. That arises out of points of law only. In cases where a person is convicted, and a point of law arises, the magistrate can be asked to state a case for the opinion of the Full Court. But that is not satisfactory, for the reason that, first of all, it means that the parties have to agree upon the facts stated. In practice it generally works out that the magistrate is asked by the appellant to state a case. The magistrate then asks the appellant's solicitor, and also the solicitor for the respondent, to appear before him and agree upon the facts. It generally means rather lengthy and not very satisfactory argument. Again—and this is only human nature—there is in the minds of some people, unfortunately, a natural desire to have their findings upheld. Generally speaking, in practice I do not think the profession have found that an appeal by way of case stated on a point of law really works very well. Before deciding to rescind this method of appeal, the Crown Law officers, with myself, consulted judges of the Supreme Court to see how far in their opinion the present practice of cases stated is worth while. In lieu of this a right of appeal will now be open to anyone, whether it be a question of law or of fact. We propose to insert in the Bill clauses which will enable an order for review to be obtained. An order for the review of any decision which may be given under the Justices Act can be obtained from a judge of the Supreme Court in chambers, ex parte, upon affidavit; only, of course the party must satisfy the judge he has a prima facie case for an appeal. That will prevent appeals being brought which have no possible chance of success. When that order is obtained the judge who makes the order can direct that the appeal be heard either before the Full Court or before a single judge. It might be convenient, where there is a circuit judge, to make an order for the appeal to be heard before a single judge. Hon. members interested in this question will find provision for procedure of this nature in the Victorian Act, and also in the Queensland Act. This appeal, while it is wider in its scope than the present method of appeal prescribed in the existing Act, will be, I think, more satisfactory, both as regards its working and also in the possible prevention of unnecessary and hopeless litigation.

Mr. Robinson: Will that appeal be made by way of a re-hearing?

The ATTORNEY GENERAL: They can hear it on the evidence given before the magistrate. The procedure is laid down fully in the Bill itself.

Mr. Hudson: In the Victorian practice there is no re-hearing. There is the affidavit of the appellant and the answering affidavit of the respondent.

The ATTORNEY GENERAL: Clause 21 prescribes the procedure. Those are the two principal matters in the Bill. There is another little matter to which I would call attention: It sometimes happens that goods are seized under a warrant in execution to carry out an order made by justices. In such cases sometimes a claim arises for the goods. The goods may belong to somebody else. At present if the person executing the warrant persists in retaining these goods, or in selling them, the only remedy is against the unfortunate officer, by bringing an action for damages or for trespass; or, if the goods have been sold, the person who

claims them may obtain an injunction from the Supreme Court. Both those remedies are cumbersome. In the Supreme Court, and also in the local court, if anything of the kind arises a simple procedure is adopted. In the Bill provision is made that the same procedure shall be adopted as in the Local Court Act, namely, when a claim of this kind is made, the person executing a warrant can cause a summons to be issued in the nearest local court, calling upon the claimants of these goods to justify his claim. It is a quick and inexpensive method of disposing of the claim of persons who, rightly or wrongly, contend that the goods seized under warrant belong to them. Those are the principal objects which it is sought to attain by the Bill. There are many other amendments which, however, are rather of a machinery nature. I move—

That the Bill be now read a second time.

On motion by Hon. T. Walker, debate adjourned.

BILL—GENERAL LOAN AND INSCRIBED STOCK ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. J. Mitchell—Northam) [7.57] in moving the second reading said: By this Bill we propose to increase the rate of interest which may be paid for money raised. It will be remembered that in 1910 a Bill was passed in which such rate of interest was fixed at four per cent. Unfortunately, from time to time during the war it has been found absolutely necessary to enhance that rate. In 1915 the interest that might be paid for money raised was increased to five per cent. Last year the Treasurer found it necessary to ask the House to agree that the rate of interest should be increased to 6½ per cent. Money has been raised under that provision at a nominal rate of 5½ per cent.

Hon. W. C. Angwin: But you reduced the price, to make up the interest to over six per cent.

The PREMIER: It is true that a small discount was paid.

Hon. W. C. Angwin: According to your own figures, it amounted to £6 2s.

The PREMIER: But the cost of raising money has nothing whatever to do with the rate of interest paid. The money was raised in London by the Federal Government for the State, and of course we had to pay the charges. I believe that six per cent. will be a sufficient rate, and I ask the House to agree that six per cent. shall be paid in future. It is necessary that we should have this amendment, because under the Bill of last year no money can be raised at the prescribed rate after the 30th September of this year. Unless the amendment is agreed to, the rate of five per cent. prescribed in the Act of 1915 will remain. It is not desirable to pay a discount to raise the money, yet a discount will have to be paid if the rate remains at five per cent. It is better that we should issue our loans as near to par as possible, even if we have to pay 5½ per cent., which is the ruling rate to-day. The last loan which was raised in London—a conversion loan—by the New South Wales Government, was floated at 5½ per cent., and that State got £99 10s. I want the House distinctly to understand that in fixing the rate proposed, the Treasurer is not being authorised to raise a loan; the Bill merely fixes the rate at which money may be raised. I move—

That the Bill be now read a second time.

Hon. P. COLLIER (Boulder) [8.3]: A somewhat similar Bill to this caused a good deal of trouble to the Government before they secured its passage last session. Hon. members will remember that an amending Bill was introduced by the Treasurer early last year, in which the rate of interest was fixed at 6½ per cent. Amendments were made to the Bill by another place, but those amendments did not secure the endorsement of this Chamber, with the result that agreement was only finally arrived at by managers being appointed from both Houses. The outcome was that another place limited the operations of the Act to the 30th September of this year, besides placing a limitation upon the total amount that could be borrowed at 6½ per cent—a limitation of £750,000. I should like the Premier to tell us in Committee the amount of money that was borrowed under that Act last year.

The Premier: About £458,000.

Hon. P. COLLIER: The rate of interest, as stated, was 5½ per cent., and with the flotation expenses, that rate was increased to more than six per cent. The fact that the Government have to secure the consent of Parliament to pay a higher rate of interest, which we recognise as a maximum rate, indicates that it is necessary that the Government should go slow on the borrowing policy. The Bill does not authorise the Government to raise money; that will be a matter for the consideration of the House when the Loan Bill is introduced and the Loan Estimates are placed before the Chamber. But it certainly marks a very large increase in the amount of the rate of interest paid over a long period of years. Up to 1915 the maximum rate of interest that could be paid on inscribed stock was 4 per cent. In that year an amendment was made raising the interest to 5 per cent. Last year it was 6½ per cent., and now the Government seek authority to pay as high as 6 per cent. for any money that may be raised in the near future. Whilst it may not altogether be apropos of this Bill, it serves to point a warning in regard to the loan expenditure that may be indulged in. Certainly there are few works likely to be constructed in this State for some years to come that will be able to carry the burden of 6 per cent. interest and

sinking fund. There is another peculiar feature about this, and it is that whilst the Government are asking the consent of Parliament to pay up to six per cent. for money they propose to borrow, they are at the present time, and have been for the past year or two, lending money themselves at the rate of 5½ per cent. I think the amount which has already been lent at that rate of interest is £120,000, or the amount, at any rate, to which the Government have committed themselves.

Hon. W. C. Angwin: And it may be much more than that.

Hon. P. COLLIER: And those figures only deal with two or three matters.

Hon. W. C. Angwin: What about the butter and the bacon factories?

Hon. P. COLLIER: It is the policy of the Government to lend up to the total they have received under the amending legislation of two years ago, but it seems to me foolish on their part to borrow money at 6 per cent. and let others have it at 5½ per cent. Of course it will be argued that this money which is being lent at 5½ per cent. has been obtained at 4½ per cent. That, however, is no argument at all for the comparatively low rate of interest which has been fixed, because the Government have confiscated — that is really what it amounts to — moneys of the insurance companies at the rate fixed by Parliament, namely, 4½ per cent., and have not permitted the companies who own that money to obtain the market rate of interest. This House has confiscated their money at 1½ per cent. below the market rate. But the fact that we have done that does not entitle the State to lend the money at any rate below that which is ruling for the time being. In this respect it is time the Government altered their policy. What justification is there for lending money to private companies in this State at 5½ per cent., when the Government cannot obtain it for less than 6 per cent.? These companies are private trading concerns, out for profits and dividends just as other companies. Of course they put forward the argument that they are established in the public interest, but it cannot be denied their aim is to make profits, similarly to other trading concerns in the State. I do not know whether we would be justified in allowing the Premier to pay 6 per cent. interest. If the Government can afford to lend money at 5½ per cent. we should throw upon them the obligation of securing it at the same rate of interest. That would be a logical attitude to take up. We know, of course, that the Government can obtain money perhaps at 5 per cent., by allowing a considerable discount. I think there are three ways by which they can borrow money, namely, issuing short-dated Treasury bills upon which there is no limit at all; they can obtain money under the Treasury Bills Deficiency Act at a limit of 6 per cent., or they can issue inscribed stock at the rate now asked for, 6 per cent. However, I suppose there is no option but for Parliament to give the Government the power to obtain money at whatever the ruling rate may be. We know that the Treasurer will not pay more than he is compelled to pay. If he can obtain money at less than 6 per cent. he will do so. When the Bill is in Committee I should like the Premier to give us some information in regard to future borrowing. I take it, of course, that no more money will be obtained from the Commonwealth Government, but that from now on the State will be forced to go on the London market for any money we may desire to raise. We are, however, warned that it will be necessary in the immediate future, and for years to come, for the State to go slowly in regard to its borrowing policy. If we find ourselves loaded up with public works, which have only been able to pay 4 per cent. interest, then I do not know how we are going to manage to pay 6 per cent. in the future. However, for any money which the Government may require it will be necessary to pay more than 5 per cent. just now—the limit in the Act, and therefore the power asked for will have to be granted.

Hon. W. C. ANGWIN (North-East Fremantle) [8.10]: In looking down the list of quotations of the past few years, we cannot but come to one conclusion, and that is that the confidence of the money-lenders was greater in the Labour Government than it is in the so-called National Government. I have no desire to refer to the period prior to the war, because we know that we then got money very freely and very cheaply. In connection with the last loan floated by the Labour party on the 4th July, 1916, and which was left for the succeeding Government to spend, we received £100 for every £100 asked for.

Hon. P. Collier: What was the rate?

Hon. W. C. ANGWIN: Five and a-half per cent.

The Premier: I should think you would.

Hon. W. C. ANGWIN: That loan cost us, including the expenses of flotation, etc., £5 7s. 8d. But we find that the hon. members who have occupied the Ministerial bench since, cannot realise £100 for every £100 required, and they have done what the Government would do to-day if we refused to pass this Bill. It does not matter whether we pass the Bill or not, so far as the Government are concerned, and I am surprised that another place did not realise that fact when they dealt with a similar Bill last session. It makes no difference to the Government, because Parliament has very little say in regard to the flotation of loans. Parliament has only to say whether the Government shall raise a loan or not, and the price that is fixed for it is generally a matter for the Government and their advisers in London. If we do not pass this Bill we will find the Government raising a loan next time and paying £100 for every £90 they receive. They will fix such a premium that it will cost more than 6 per cent. when

everything is taken into consideration. The National Government found it necessary to raise a loan in September, 1917. The Labour party raised their loan on the 4th July, 1916.

Mr. SPEAKER: This Bill only limits the interest; it does not interfere with the loans.

Hon. W. C. ANGWIN: It provides for the interest that is to be paid, and I am dealing with the interest only. On the 7th September, 1917, there was floated a loan of £1,114,000, or £14,000 more than the Labour party's loan. That was floated at 5½ per cent., which was exactly the same rate, but the price was £98 10s.

Mr. Harrison: Others were on the market at the same time.

Hon. W. C. ANGWIN: That made no difference because the Commonwealth were responsible for this; an agreement was made by the chief of the present Premier at a conference held in Melbourne at that time. That loan cost the Government £6 2s. per hundred and they are lending money at 5½ per cent. and, in some instances, lower rates. If anyone else acted similarly, he would soon be in the bankruptcy court. Public works are required and the State needs developing, and if the Government can obtain money at 4½ per cent., it is their duty to use it and not pay 6 per cent., so that some people may have the advantage of cheap money.

The Premier: Much of it was expended at Fremantle.

Hon. W. C. ANGWIN: That does not make it any more profitable for the State. The figures I have quoted show clearly the confidence enjoyed by the Labour party in comparison with those who have since held office. It would be useless to oppose the Bill because the fixing of a lower rate only means a reduction in the price of the loan at issue.

The PREMIER (Hon. J. Mitchell—Northam—in reply) [8.17]: I assure the House I have no wish to pay more than I can possibly help for money, or to raise more money than we actually need. I agree with the leader of the Opposition that it is not a time to borrow freely. The member for North-East Fremantle claims that the loans raised by the Labour party were issued on better terms than those raised by succeeding Governments. The reason is not far to seek. It is more difficult to get money today than it was in 1915 or in 1917. Further, I would point out to him that it is sometimes good policy to lend money cheaply to develop industry. I do not say we can afford to do it at present to any great extent, but it might be good policy at times to lend money cheaply to assist industry. The money which we lent at 5½ per cent. was raised compulsorily from the insurance companies at 4½ per cent.

Hon. P. Collier: I do not stand for confiscation.

The PREMIER: The leader of the Opposition asked where we would be able to raise money. We shall have to go to the London market. We have made satisfactory arrangements to operate in London when the market is favourable.

Hon. W. C. Angwin: What interest are they charging?

The PREMIER: The late Treasurer made a very satisfactory arrangement for an overdraft equal to the amount of the sinking fund.

Mr. O'Loghlen: That only applies to the sinking fund.

The PREMIER: There is a limit of £600,000 for two and a half years, and interest will be charged on the amount advanced.

Mr. O'Loghlen: The arrangements made by the late Treasurer apply only to the sinking fund.

The PREMIER: Yes. The money raised at 4½ per cent. is lent to-day at rates up to 7 per cent. In many cases it is undesirable to charge a greater rate of interest than is absolutely necessary. Several millions have been lent to the agriculturists at 4½ per cent., notwithstanding the present rate.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Munsie in the Chair; the Premier in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 18 of General Loan and Inscribed Stock Act, 1910:

Hon. P. COLLIER: Can the Premier tell us how much loan money he has in hand?

The PREMIER: I cannot give the hon. member the exact sum, but there is sufficient to carry on until the end of this year.

Clause put and passed.

Title—agreed to.

[The Speaker resumed the Chair.]

Bill reported without amendment, and the report adopted.

BILL—PRICES REGULATION.

Second Reading.

The ATTORNEY GENERAL (Hon. T. P. Draper—West Perth) [8.26] in moving the second reading said: This is one of the Bills which was promised in the Governor's Speech. Of course, it has for its object the regulation of prices of foodstuffs and necessary commodities, in other words, the necessaries of life. It is not an easy matter to handle and can only be regarded as a temporary measure which is necessitated and justified by the abnormal times in which we live.

Mr. O'Loghlen: It is three years behind the times.

The ATTORNEY GENERAL: We are really undergoing no new experience in the history of the world. We have just passed through probably the most gigantic struggle that has ever been waged upon this earth, but at the end of every war of any magnitude, there always have been difficulties and complaints of the high cost of living. In justification of this measure, which is undoubtedly a departure from the ordinary practice in Parliament to interfere as little as possible with the channels of commerce, we must remember that at this time practically all the ordinary channels of commerce are disorganised. It is not necessary to remind the House that apart from the shipping strike, shipping all over the world is very much in demand, and naturally the shortage of shipping, apart from any strike, interferes largely with the cost of the necessary commodities in this State. Further, Western Australia is not a manufacturing community. A great blow to the earlier manufacturers was given by federation and we have not yet recovered, but Western Australia does produce very largely most of the essentials—not all—for feeding the community. In this respect, too, we are hampered because so many of our men went to the war; many of them have only recently come back, and few of them have really resumed their ordinary methods of livelihood. On that account we are hampered because of the absence of many of those who, in the natural course, are producers of food. As another result of the war, there is no doubt whatever that many people in this State, which has not had the advantage of large expenditure of loan money for war purposes, have been impoverished during the last four or five years, and there are some, I am sorry to say, and I am afraid not a few, who at the present time, by reason of the high cost of living, are unable to obtain the necessaries of life. That is not the only thing from which we are suffering. In recent years we have been able to produce all the meat required for feeding the people. At this particular time we are unfortunate in having a late season in the South-West, and in having a drought in the northern portion of the State, which usually comes to the rescue of the metropolitan area at the time when the South-Western supplies of stock are not available. Owing to the drought, even if we could bring cattle and sheep from the North-West, the stock route would be impassable. In considering this measure we shall also have to remember the peculiar position occupied by Western Australia as part of the Commonwealth. So far as concerns the food which can be produced locally, owing to the circumstances I have mentioned, and the shortage which exists, it is not a difficult matter for supplies to be cornered by the middlemen or the agents without any advantage to the producer, with the result that the market can be artificially regulated and costs abnormally increased to the consumer.

Mr. O'Loghlen: I am sorry to think your supporters would do that.

The ATTORNEY GENERAL: In the matter of articles of clothing, and also of such things as groceries, we are dependent very largely upon imported goods. These imported goods reach us through comparatively few channels. We have no control over their manufacture or their production. In a large area like Western Australia, with its sparse population, it is not a difficult matter to keep prices at a high level by reason of the concerted action of a few. I do not say that this is the case.

Mr. Wilson: It is.

The ATTORNEY GENERAL: It may be or it may not be. It is undoubtedly a fact, however, that this is possible. Whether it is possible or not there is one thing staring us in the face, and that is the present abnormally high cost of living. This is undoubtedly a source of unrest in the community. It is a matter with which everyone is concerned. As regards many people it also means considerable privation, if not hardship. By this measure the Government are trying to make an effort to prevent the sale of necessaries of life at a price which will give more than a reasonable profit to the consumer. The extent to which what is known as profiteering is carried on—I need not define it, for everyone knows what I mean—is at present unknown. Its existence is freely stated by the man in the street. The object of the Government is to provide measures by which we can find out whether profiteering does exist, and when we have found that out to provide means by which we can deal with it. As a means to this end the Bill provides that a Commissioner shall be appointed with extensive powers. He will have power to make every inquiry, to compel the attendance of witnesses before him, to demand the production of all books and documents, and to have the right to enter upon premises and inspect all books and documents and if necessary retain them for the time being. He will also have power to force people holding stocks of foodstuffs to make returns showing the amount of the foodstuffs they have in their possession. As a result of his investigations the Commissioner will make recommendations to the Minister for ministerial control, and the Minister will then have to see that all these returns are made. There is also provision in the Bill for the fullest information to be obtainable by and lodged with the Government. The Commissioner himself does not fix prices. Power to do that is vested in the Government, and in fixing the prices the Government are responsible to the State and subject to the control of this House. The object of the Government will be to fix such prices as are fair to individuals who are sellers, producers, or consumers. It will of course occur to hon. members that in a large area like Western Australia that which might be a fair price for all parties in one portion of the State may perhaps be unfair in another portion of the State. We know that the price of most necessaries of life is practically controlled by the metropolitan area.

Mr. Foley: Are you fixing a standard to apply over the whole State?

The ATTORNEY GENERAL: We are taking power, if necessary, to proclaim areas, and for these proclaimed areas prices can be fixed that are suitable to them. The same thing applies to the sale of foodstuffs. Whether that will be necessary or not I do not know, but it is deemed advisable to provide the machinery which will give this power if it is necessary. There is no provision in the Bill for fixing a definite rate of profit to be applied to all industries. If hon. members will consider the position I think they will see that to do that at this stage in Western Australia would be almost impossible. This is what one hears in the street from people who do not recognise the difficulties of carrying into effect a measure of that nature. I know of no means at present of regulating profits in the sense of fixing a maximum rate of profit according to the percentage for Western Australia. A Bill has lately been introduced and, I think, passed in the English Parliament.

Mr. Davies: It is in operation.

The ATTORNEY GENERAL: We have heard scraps of what that Bill contains. The Government took the precaution of cabling to the Agent General to ascertain what was in the Bill. He has given us certain information, but hon. members will recognise that a cable cannot convey anything beyond the barest details for the preparation of a Bill in this State. The information we have obtained, however, has been useful, and we have adapted it so far as we could to this State. At a later date, no doubt, a copy of that English measure will reach us, though probably not for about five weeks. When it does arrive it may be that portions of that Act may, with advantage, be applied here. If that is so, the Government will give every consideration to that information when it is obtainable. We produce in Western Australia only a portion of the necessities of life.

Hon. W. C. Angwin: Will you give us the information sent out by the Agent General?

The ATTORNEY GENERAL: I do not mind showing it to the hon. member. The balance of the necessities of life we import. We have no control over manufactures outside the State. We are only a part of the Commonwealth and cannot in any way interfere with interstate trade. In this respect we differ very largely from England, which is essentially a manufacturing country. The difficulty in England is the reverse of ours here. In England the difficulty is the importation of raw material. The only way in which we can really control the price of necessities of life in this State is through the people who are the sellers. Manufacturers in the Eastern States may of course sell here through someone who is really their agent, but is really the principal so far as this State is concerned. Under whatever method the selling is conducted we can come down on the seller and force him to give the information we require, and fix prices accordingly. It seems to me that the only control we have under present conditions is over the people who actually sell.

Mr. O'Loghlen: They may refuse to import their commodities.

The ATTORNEY GENERAL: That may happen of course.

Mr. O'Loghlen: What in the opinion of the Government are necessary commodities? Do they cover clothing?

The ATTORNEY GENERAL: It is not advisable to define exactly what is meant by necessaries of life. It is better to leave the Bill elastic on that point so that if anything crops up it can be provided for. In a measure of this kind the first thing to do is to provide machinery for obtaining the fullest information, and the next thing is to provide suitable sanction in order to compel people to give that information and in order to compel them to carry out the provisions of the measure and not sell above the maximum price. Hon. members will see that in various places, this Bill specifies certain acts as offences against the measure, and all such offences are punishable. Towards the end of the Bill it is provided that such acts shall be punishable with imprisonment, with or without hard labour, up to 12 months, or with a fine up to £200, or with both. The Bill further provides, in respect of any person selling above the maximum price, that the purchaser above the maximum price may recover from sellers the excess price; this is in addition to any penalty to which sellers may be liable under the measure. The Bill also deals with the case of a person having stores of the necessaries of life and refusing to sell at the maximum price; in so refusing he commits an offence, and is liable to the punishments which I have mentioned. The Bill, when properly understood, is really simple. There may, or may not be, a more effective means of carrying out the desire of the House in this respect; but hon. members will recognise that in a matter of this kind, which is quite apart from the ordinary legislation of Parliament, we must get the best information available from other places. The responsibility of carrying out the measure rests with the Government. We have tried to introduce a measure which shall be suitable for the abnormal times in which we live. We have tried to make the Bill effective. Possibly hon. members may be able to make it more effective. The Government intend to be fair to the seller, allowing him a reasonable profit; and they intend also to protect the consumer who, in many cases, is undoubtedly suffering greater hardships than most of us know of, and who generally suffers in secret and is unable to protect himself. An hon. member interjects, "What about the producer?" The producer, like any ordinary seller, will be entitled under this Bill to a fair and reasonable profit on his produce. He is not entitled

to get more, and he should not get less. I move—

That the Bill be now read a second time.

On motion by Hon. P. Collier debate adjourned.

BILL—TRADING CONCERNS.

Second Reading.

The MINISTER FOR WORKS (Hon. W. J. George—Murray-Wellington) [8.53] in moving the second reading said: The House will see from the very small size of this Bill that it cannot contain any great menace to the opinions held by various members in regard to State trading concerns.

Hon. W. C. Angwin: You are picking out all the losing concerns to put them in with the State trading concerns.

The MINISTER FOR WORKS: The intention of the Bill is that the Government refrigerating works at Perth, the Government markets, the Busselton butter factory, the metropolitan abattoirs and saleyards, and the Kalgoorlie abattoirs shall be brought within the scope of the State Trading Concerns Act. It is known that there has been a strong feeling amongst private traders that Government trading concerns should be conducted on similar lines to those adopted in connection with private trading concerns, so that the Government enterprises may be viewed not only from the aspect of usefulness to the public, but also with regard to the avoidance of any undue advantages in their conduct. For that reason it is the desire of the Government that the concerns I have mentioned shall be brought within the scope of the State Trading Concerns Act. Particularly is it desirable that this should be done because it will enable better supervision and better management to be attained than are possible under what may be described as the dislocated control now obtaining. For example, Section 7 of the State Trading Concerns Act provides that the banking accounts of the State trading concerns, both as regards capital invested in them and trading capital, shall be kept in the Treasury, and that interest shall be charged on the daily balance exactly in the same way as interest is charged on the daily balances of accounts kept by the banks for private individuals. Again, Section 8 makes interest and sinking fund provisions mandatory. There can be no question about what is to be done in that respect. The Act lays it down that such entries shall be made.

Hon. P. Collier: There are many other things just as deserving as these trading concerns are of being charged with interest and sinking fund.

The MINISTER FOR WORKS: I entirely agree with the hon. gentleman, and for his information and that of the House I may state that the Public Works Department have been for some time, at the request of the Premier and under my instructions, getting together particulars of every one of the concerns in which there is even a semblance of trade, to show exactly what money has been invested in them, the cost they have been to the State since their inception, and their present position. The object is that the Government may be enabled to estimate fully the value of these various concerns, and to decide on action which shall be taken with regard to them.

Hon. W. C. Angwin: But this Bill does not mention trading concerns.

Mr. Green: These are only public utilities.

Mr. O'Loghlen: What is the position of the Busselton butter factory?

Hon. W. C. Angwin: The Minister said the other day that he was going to hand over that factory to a co-operative society. If this Bill passes, he will not be able to do that without an Act of Parliament.

The MINISTER FOR WORKS: I do not know anything as to that statement. I am dealing only with facts known to me. Fancy and imagination do not come into play with me. Section 10 of the State Trading Concerns Act provides that a charge shall be made for the use of any property or service of any Government department for the purposes of the business of a State trading concern. Therefore if we provide for any of the concerns mentioned in this Bill the services of any of our accountants or clerical staff, a debit will be made for that service; and also if we loan to any of them part of our plant——

Hon. W. C. Angwin: You debit pretty high, too.

The MINISTER FOR WORKS: Can the hon. gentleman object to that?

Hon. W. C. Angwin: Yes, because it is not fair.

The MINISTER FOR WORKS: When the hon. member speaks on the Bill, he will no doubt give his reasons for objecting. Should any of these concerns be loaned any of the plant of the Government, say a dray, or a spring cart, or a horse, or harness, or anything else, a debit will be made for hire, so that the concerns will, each of them, be placed on its proper footing.

Mr. O'Loghlen: Is it the custom to-day to loan for nothing?

The MINISTER FOR WORKS: The custom hitherto has varied according to the personal idiosyncrasy of the Minister happening at the time to be in control of the State Trading Concerns. Section 19 provides that the books shall be open to the inspection of the Auditor General. I presume the books have always been open to his inspection, but under the section he is given specific instructions, and has powers which go beyond mere formality. We can expect from the Auditor General that he shall see that the trading accounts and profit and loss accounts are brought forward in a way that will expose the business to the light of day. Section 21 provides that the proper

profit and loss accounts shall be prepared and submitted to the Auditor General.

Hon. W. C. Angwin: What does Section 22 provide?

The MINISTER FOR WORKS: I have not come to it yet.

Hon. W. C. Angwin: Because you have always failed to comply with it.

The MINISTER FOR WORKS: The hon. member makes his charges in a good-humoured way. I am merely proffering a little explanation for those members who were not in the House when the Trading Concerns Act was before us. Section 23 provides that interest shall be payable to the Treasurer. In addition there are a number of provisions in the Trading Concerns Act, every one of which is applicable to any trading concern that may be brought under the Act. I have taken what seemed to me to be the most salient sections of that Act to explain to hon. members who, however, can readily refer to the Trading Concerns Act of 1917, where they will see for themselves how we stand. The principal trading concerns, the sawmills, the brickworks, and the implement works, were brought into being by the Scaddan Government.

Mr. SPEAKER: This Bill does not deal with any of those.

The MINISTER FOR WORKS: But if I may be permitted to say a few words I will not take more than a moment or two. Those concerns were established by the Scaddan Government in pursuance of the views which they then held, and which, I think, members of that Government hold even now.

Hon. P. Collier: All Parliament holds those views now.

The MINISTER FOR WORKS: If that is so the hon. member will have even more than the twelve apostles to follow him. At the time these concerns were brought into being it was stated by the Scaddan Government that in their accounts and conduct generally they would be treated exactly in the same way as a private business. The amendment of the Act during the late Mr. Frank Wilson's tenure of office was simply to bring them a little more closely up to that standard than the original Bill had done. It is not that I do not believe the Scaddan Government did everything which they thought was needed; but we found in practice that even more was required, and so we amplified the provisions. The accounts are being kept to-day, in fact for some years past, almost since their inception, they have been kept, on exactly the same lines as the accounts of any up-to-date business in any part of the world. So when members hear certain authorities on finance, such as the president of the Chamber of Commerce, making wild statements in regard to the trading concerns, those members may feel assured that the trading concerns are being run on business lines, and that therefore they may defy the criticism of the Chamber of Commerce in that respect. I move—

That the Bill be now read a second time.

On motion by Hon. W. C. Angwin debate adjourned.

House adjourned at 9.5 p.m.

Legislative Council,

Tuesday, 2nd September, 1919.

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

MOTION—TAXATION ON UNIMPROVED LAND VALUES.

Hon. J. E. DODD (South) [4.33]: I move—

That in the opinion of this House a tax should be levied on the unimproved value of land to meet the interest charges, or part of the interest charges, on the railways, and a corresponding reduction made in freight charges.

In submitting this motion I am not unmindful of the fact that two and a half years ago I asked the House to consider one of a similar nature. However, it was not debated, but I think with the exercise of patience and perseverance I may induce the House to carry it on this occasion. I may point out that since that time quite a number of organisations and societies have carried resolutions in favour of this principle. The Australian Natives Association have carried such a resolution, and they are doing all they possibly can to induce most of their branches to push the matter forward. The National Labour party at their last conference also affirmed the principle, and the Official Labour party have placed the question of land values taxation in the very forefront of their programme. The Moderator of the Presbyterian Assembly in his annual address drew attention to this reform and urged that something should be done. Further, quite a number of returned soldiers associations are also asking that something be done in this direction. One of the most important bodies of all, the Coun-