this Bill. But if there should be a ballot how much simpler it would be, instead of preparing a special roll with a view of getting through this little change which would be called a precedent afterwards, how much better it would be to provide that the ballot would be taken on the mayoral list, the list that would be used for an extraordinary election for the mayoralty of a municipality, how much less it would cost, and then if Ministers wish they could bring in a Bill in an open, manly way to embody their pet view of the municipal franchise.

On motion by Hon. R. J. Lynn, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th September.

The COLONIAL SECRETARY (Hon. J. M. Drew): I do not propose to speak on the second reading of the Bill. I understand it is the intention of the hon. Mr. Kingsmill to introduce very comprehensive amendments of the existing banking law when the Bill is in Committee, so I do not propose to oppose the second reading of the measure.

Hon. W. KINGSMILL (Metropolitan): In order that I may have some opportunity of making a reply to the speeches that have been delivered on the Bill, I beg to move—

That the debate be adjourned.

Motion passed.

House adjourned at 8.15 p.m.

Legislative Assembly,

Tuesday, 14th October, 1913.

	Page
Questions: Ludlow Pine Plantation	1672
Perth Tramways, Workers' Tickets	1673
Kalgoorlie Abattoirs, detraining of cattle	1673
State Hotel Accounts	1673
Freshwater Bay Highwater Mark	1673
Railway Freights, Wickepin-Merredin	1674
Return: Government Printing Office and private work	1674
Paper presented	1674
Bills: District Fire Brigades Act Amendment, 3R.	1674
Mines Regulation, 3R.	1674
Fisheries Act Amendment, Report stage	1674
Land Valuation, Com.	1674
Declarations and Attestations, 2R., Com.	1682
Supply (No. 2), £1,025,000, returned	1682
Criminal Code Amendment, 2R., Com.	1690

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

QUESTION—LUDLOW PINE PLANTATION.

Hon. FRANK WILSON asked the Minister for Lands: 1, How long has the present overseer (Mr. G. Ashton) been employed on the Ludlow pine plantation? 2, How many men has he engaged during that time? 3, How many men have been dismissed, and for what reason? 4, Is it a fact that the overseer, or his wife, is proprietor of a store, and that the employees are expected to deal there? 5, If so, will he take steps to put a stop to such a practice?

The MINISTER FOR LANDS replied: 1, Two years. 2, 59. 3, 44: 18 on account of incompetency, who were kept on for less than one week; 15 because of slackness and incompetency; 7 because of drunkeness; 2 neglecting duty; 1 ill-treating horses; 1 thieving in camp. 4, The overseer's wife, it is known, keeps a store on her own land at Ludlow station. About a year ago instructions were issued to the ganger that if the men employed on the plantation were served from the store his services would be dispensed with, and similarly the men were also notified that if they had any dealings with the store they would be dismissed. I am assured that no infractions of this instruction have been committed. 5, If

proof is forthcoming that the instructions have been disregarded, action will be taken.

QUESTION—PERTH TRAMWAYS, WORKERS' TICKETS.

Mr. LEWIS asked the Minister for Railways: 1, Is he aware that workers' tickets are available for return by any train? 2, Will he extend the same privilege to workers who patronise the trams? 3, If so, when?

The MINISTER FOR RAILWAYS replied: 1, Yes. (2 and 3.) In Adelaide no concession is allowed in respect to workers travelling on the tramways. In Sydney workers' fares are allowed on trams arriving at the various termini not later than 7.30 a.m., but no concession is allowed after that time, nor for the return journey, for which a full fare must be paid. It is, however, the intention of the Government to review the fares and charges for concession tickets when additional power and trams are available.

QUESTION—KALGOORLIE ABATTOIRS, DETRAINING OF CATTLE.

Mr. GREEN asked the Minister for Lands: 1, Is he aware that the present practice of detraining cattle at the Kalgoorlie station and driving them through a portion of the town to the abattoirs has been attended with several narrow escapes from accident by residents in the vicinity? 2, Have not several requests from local bodies been received for arrangements to be made to detrain them at or near the abattoirs? 3, In view of the two foregoing facts, will he cause early arrangements to be made, so that the cattle may be detrained at the abattoirs as desired?

The MINISTER FOR LANDS replied: 1, It has been stated that such is the case. 2, Yes. The Municipal Council of Kalgoorlie has made written representations with a view to handing over the responsibility to the Agricultural Department time and again during the last few years, but so far no practical scheme has been put forward other than that we should shoulder the expenditure. 3, The proposal for establishing the stockyard at a point on the magazine and abattoir siding that shall be satisfactory to the council, the trade, and this department, has been referred to the Minister for Railways for consideration. As the removal of those yards, or otherwise, is purely a railway or local arrangement, the department takes no share in the expenditure, but will willingly assist in any way in providing the land for the yards, and any races or roadway to the abattoir yard, that might be thought necessary—this being situate three-quarters of a mile from the nearest point of railway.

QUESTION—STATE HOTEL ACCOUNTS.

Mr. O'LOGHLEN asked the Premier: 1, Why is not a detailed statement given in the monthly accounts of receipts and expenditure showing the operations of State hotels and tourist resorts? 2, Is there any objection to such course? 3, Will he provide in future a detailed statement showing—(a) The profits or losses on each State hotel; (b) The profits or losses on the tourist resorts; (c) The total cost of the inspection of liquors branch?

The PREMIER replied: 1, 2, and 3. The Treasury Department issue a monthly statement in more detail than is the case elsewhere. The Government consider that this statement affords all the detail which it is desirable to supply, as adjustments have to be made from time to time during the currency of the financial year.

QUESTION—FRESHWATER BAY HIGH-WATER MARK.

Mr. WISDOM asked the Minister for Lands: 1, When will the high-water mark in Freshwater Bay be determined by the Surveyor General? 2, As local authorities concerned find difficulty in arranging for beach improvements in the

absence of a defined boundary, will he direct that a plan showing the high-water mark as determined by the Surveyor General be prepared as soon as possible ?

The MINISTER FOR LANDS replied : 1, The preliminary survey has just been completed and the plans are now being examined. 2, Yes.

QUESTION—RAILWAY FREIGHTS, WICKEPIN-MERREDIN.

Mr. MONGER asked the Minister for Works : 1, What rates and charges does he intend making on produce consigned to the Eastern Goldfields over the Wickepin-Merredin line pending its transfer to the Railway Department ? 2, Will he assess the rates and charges upon the same basis as those of existing Government railway lines ? 3, Will he assess the rates and charges upon goods consigned to settlers over this line upon the existing railway tariff ?

The MINISTER FOR WORKS replied : 1, The present rate is 4d. per ton per mile but the question of revision is now under consideration. 2 and 3, No.

RETURN—GOVERNMENT PRINTING OFFICE AND PRIVATE WORK.

On motion by Mr. B. J. STUBBS (Subiaco) ordered: That a return be laid upon the Table showing—1, The names of printing firms owing money to the Government Printing Office for work done. 2, The amount of money owing by each individual firm. 3, The length of time the various amounts have been owing. 4, The names of firms who have had type and other printing accessories loaned to them from the Government Printing Office. 5, The value of same, and the length of time it was loaned. 6, The amount paid for loan of same.

PAPER PRESENTED.

By the Premier: Report of the Gaols Department, 1912.

BILLS (2)—THIRD READING.

1, District Fire Brigades Act Amendment.

2, Mines Regulation.

Transmitted to the Legislative Council.

BILL—FISHERIES ACT AMENDMENT.

Report Stage.

Hon. W. C. ANGWIN (Honorary Minister) moved—

That the report of the Committee be adopted.

Mr. BOLTON (South Fremantle): In the course of certain remarks made by him on the second reading he had stated that Greeks were engaged as fishermen, defying the law and interfering with British fishermen. A gentleman of the name of Doscas had been deputed by the Greeks to call upon him (Mr. Bolton) and explain that there was not one Greek engaged actually in the catching of fish, but that the foreigners so employed were Neapolitans and Sicilians. Having made inquiries he had no reason to doubt that gentleman's statement, and he took this opportunity of recalling any remarks he had made against the Greeks and attaching those remarks to the Neapolitans and Sicilians. It was admitted that the Greeks were running fish-shops and hawking fish, but at the present time it would seem no Greeks were engaged in catching fish, and as he had promised to make that statement he did so at this stage.

Question put and passed.

BILL—LAND VALUATION.

In Committee.

Resumed from the 9th October; Mr. McDowall in the Chair, the Premier in charge of the Bill.

Clause 31—Constitution of court of review for cases not exceeding £500:

The PREMIER: The member for Northam (Hon. J. Mitchell) had a number of amendments on the Notice Paper in respect to Clauses 31, 32, and 33, all dealing with the question of the constitution of the court of appeal. He (the Pre-

mier) had promised that these clauses should be postponed in order that he might consider whether it was desirable to retain the present court of appeal or to substitute that proposed by the member for Northam. He had now come to the conclusion that it would be desirable to retain the court as proposed in the Bill, particularly for the reason that we would then have uniformity in dealing with appeals as well as in making valuations. As he had previously pointed out, local knowledge was not required in one appointed to decide appeals, because all the necessary local knowledge could be obtained by the summoning of witnesses. The only question that arose was as to whether the method adopted of submitting certain cases to certain courts was the correct one. Clauses 31 and 32 provided that where the valuations objected to did not exceed £500 the court should be the local court held nearest to the land, while if the valuation exceeded £500 the appeal should be heard in the Supreme Court. That meant a valuation of £500, whether on the improved or the unimproved value. As there was a vast difference between the two valuations, it was desirable to make some distinction. He therefore moved an amendment—

> *That the following words be inserted at the beginning of the clause:—"If the valuation as originally objected to does not exceed, in respect of the unimproved value of any land, £500, and in respect of the improved value of any land, £1,000."*

Following on these words the clause would still provide that in such cases the court of review should be the local court held nearest to the land, while the other clause would remain as at present. From information received he knew that there was a desire on the part of the Commonwealth authorities to have some of the appeals against the Commonwealth valuations heard by a Supreme Court judge; so the amendment would facilitate matters affecting the Commonwealth as well as the State authorities. Where a fairly large value was at state it was desirable that the appeal should be heard by a Supreme Court judge. To-day objections were frequently raised to the methods adopted by various local bodies in arriving at valuations, due to the fact that there were local prejudices. Under the proposed system those local prejudices would be removed. There was no reason why an objector should not be asked to apply to the Supreme Court if his property exceeded £1,000 on the improved value, or £500 on the unimproved value.

Hon. FRANK WILSON: The objection taken to the Supreme Court being made a court of appeal was the excessive cost that would be incurred. The amendment moved by the Premier was a case of Tweedledee or Tweedledum.

The Premier: It does not alter the constitution of the court.

Hon. FRANK WILSON: Nor did it alter the amount which made it necessary to go to the Supreme Court.

The Premier: The improved valuation must be £1,000 before the objector goes to the Supreme Court.

Hon. FRANK WILSON: But the unimproved value was the main thing, and the amount of that still remained at the original sum. It meant that those who wished to appeal in respect to a block of land of a value of over £500 must go to the Supreme Court, which entailed a heavy expenditure. In the majority of cases those objecting would not take the trouble to do this. In other words, the proposal was prohibitive. The Federal Government might wish to have their appeals decided by a Supreme Court judge, for the case was very different, the Commonwealth authorities having large claims to be settled. In that case £5,000 was the minimum, and it was graded from £5,000 to many tens of thousands. In such instances it would perhaps be justifiable to expect the cost of appealing to the Supreme Court to be undertaken, but it was hardly proper to force persons who had land valued at from £500 to £1,000 to go to the Supreme Court with all its attendant expenses.

Mr. Hudson: Where would you draw the line.

Hon. FRANK WILSON: The line ought not to be drawn at all. He would make the local court the court of review.

Mr. Hudson: Would you make it the final court of appeal?

Hon. FRANK WILSON: Yes, because the local court had a much better knowledge of the value of the land. The appellant could be given the option of going to the local court, or, in the case of high values, to the Supreme Court.

Mr. Hudson: That is what I mean. There are some cases which ought to go to the Supreme Court.

Hon. FRANK WILSON: The appellant could have the right to go to the Supreme Court if he so desired, but the owner of a small block ought not to be compelled to go to the expense of applying to the Supreme Court.

Mr. Hudson: You would have to give the same right to both sides.

Hon. FRANK WILSON: The more local the court the better idea would the court have of the value of the land.

Mr. Hudson: You are now making them the valuers, and not the judges.

Hon. FRANK WILSON: The judges could not be the valuers. The judges merely heard the evidence and formed their opinion on that evidence. But the local court could do better, for it could hear the evidence and weigh that evidence in the light of local knowledge. It was like arbitration; when an arbitrator was appointed to decide the value of a property, although the arbitrator weighed the evidence, still he had to depend largely on his own judgment. The same thing would apply to a local court.

Mr. Hudson: A magistrate of a local court was not a permanent resident.

Hon. FRANK WILSON: That was so. The Premier should make the provision more elastic and make it conditional and let the importance of the case decide the necessity of going to the local court as against the Supreme Court.

The Premier: Why should people have to appeal?

Hon. FRANK WILSON: The very essence of the Bill made it necessary. The drastic clauses in the Bill made it necessary, and the Premier had already stated that there must be appeals, because the Government could deprive people of their property under the Bill.

The Premier: You have not read the Bill.

Hon. FRANK WILSON: The appeal ought to be made as easy and as cheap as possible. Men ought not to be forced into the Supreme Court when they could go to the local court.

Mr. MALE: The Premier would make an appeal almost impossible for people living in distant places. If a man in Broome wished to appeal it would be too expensive to go to the Supreme Court and bring down witnesses, therefore the Government had it in their hands to make the valuation of a man's property what they liked, and it would be too expensive for that person to appeal to the Supreme Court if the person lived a long way off. If appeals were necessary, as the Premier admitted they were, then we should make provision for the appeals to be easy and not to erect barriers to make the appeals prohibitive so that the department could make their valuation as high as they liked.

Mr. A. N. PIESSE: The increased facilities which it was proposed to give for appeal were welcome, but why was it necessary to have the provision for a special magistrate? The remarks of the Premier were somewhat of a reflection on the local magistrates, because if there was likely to be local prejudice in matters appertaining to the value of land, then did it not infer that there would be local prejudices in ordinary matters of local court work?

Mr. HARPER: If the Premier had had a little more experience of Supreme Court cases he would not enforce this provision. It was expensive and cumbersome to appeal in the way proposed and it might be just as well for some people to pay an exorbitant tax rather than appeal, as the cost of appeal would be so great. These matters should be left to the magistrates residing in the districts to decide. There was a tendency to centralise too much of this business in Perth and there should be no limitation of the amount.

Hon. W. C. Angwin (Honorary Minister): Local magistrates might be biassed sometimes.

Mr. HARPER: That was not so. If magistrates did make friends they could surely decide cases independent of friendship.

Mr. THOMAS: While the clause provided that the Governor might appoint a special magistrate, it did not infer that this was going to be done in every case and it was not casting any aspersion on the honour of individuals, but in 999 cases out of 1,000 the local magistrate when the amount came within the jurisdiction of the court, would try the case. The clause said the Governor "may." Still there might be special cases in which the Minister would step in and say that it would be better to appoint someone outside the sphere of influence of the locality, to inquire into the case. The clause was absolutely justified on that account. If a special action did arise in which it was necessary to appoint a special magistrate, that should be done. As to the amount of £500, he agreed that it was too small and that it should be £1,000 of improved value and £2,000 of unimproved value. As far as the taxation was concerned, on a valuation of £2,000 or £3,000 it did not come to much, and many a man would smart under an injustice rather than go to the Supreme Court and fight the difference of valuation.

The PREMIER: While not really wedded to the amount that should be inserted in the clause to remove a case from the local court to the Supreme Court, he wished to arrive at some amount that would be satisfactory.

Mr. Wisdom: Why have any figure?

The PREMIER: In the desire to get uniformity, he had in Clause 32 provided: "In other cases the court of review shall be the Supreme Court; provided that every appeal under this Act shall be heard before one judge, and the Governor may from time to time assign to one of the judges the hearing of all such appeals for such time as the Governor shall think fit." Just the same as a judge was appointed to try all cases in the Arbitration Court, so it was intended to appoint a judge to hear all appeals so that he might give special attention to the question. The objection of the Opposition could be easily met by an amendment to Clause 33 which he proposed to move, to the effect that a judge of the Supreme Court might make an order to remove any appeal in a local court to the Supreme Court, or an appeal pending in the Supreme Court into the local court. That would save inconvenience and expense.

Hon. J. Mitchell: That is only piling on costs.

The PREMIER: No. If a person at Broome appealed against the valuation of the Valuer General and the amount exceeded the value stipulated he could make application to a judge of the Supreme Court to have it heard before the magistrate at Broome; unless the Valuer General had strong reasons he might move the court, in the interests of the client, to have the case heard before a magistrate. It was better to place such duties in the hands of the Supreme Court judge rather than in the hands of the Governor-in-Council, because the latter might be charged with having treated one person differently from another on the ground that he was a friend of the Ministry.

Mr. George: What sum will you make it?

The PREMIER: Not exceeding £1,000 unimproved, and £2,000 capital value. The only appeals to any number would be in the case of resumptions, and the resumption clause only took the valuation as the value at the time and allowed an appeal under the Public Works Act as at present. How many appealed against the decision of the Commissioner of Taxation?

Mr. Male: He does not do the valuing.

The PREMIER: Yes he did, and on a less satisfactory basis than would be the case under this measure. The Commissioner of Taxation took his information from all and sundry, whereas, under this law, he would take it from one person whose duty it would be to fix the values. The court of review proposed would be all that could be desired from the point of view of the owner as well as of the State.

Hon. Frank Wilson: What is the objection to giving to the appellant the right to go to either court?

The PREMIER: That would destroy the uniformity in valuations. There were complaints to-day about the differences in valuations in different localities. The objection had been raised by the Opposition in regard to the power to resume, which did not actually exist, but which existed under the Public Works Act.

Hon. Frank Wilson: This fixes the value?

The PREMIER: As he had explained previously, this did not fix the value. The hon. member for Moore (Hon. H. B. Lefroy) first raised objection to Clause 41, and when the point was explained in Committee he was convinced that the clause was fair. He (the Premier) had consulted the Parliamentary draftsman in order to be perfectly satisfied. Hon. members should read the last proviso to Clause 41 as well as the words that the valuations appearing in the current register would be deemed to be true and correct. If a person was not satisfied that the valuation was correct, he had a right to dispute it. The word "deemed" gave him that right.

Mr. Wisdom: Then why retain Clause 41?

The PREMIER: It was necessary to have a basis from which to start. Land owners who had been in possession of inside information regarding resumptions had in the past jumped up their values. This sort of thing should be prevented so that the State should get a fair deal from the point of view of resumption as well as of taxation. If this Bill was passed a man who jumped his value would be proved to have robbed the State either by not paying fair taxation or by attempting to obtain more than a fair value for the property resumed. In other than that respect, the Public Works Act would decide all questions of resumption and this measure would give no further power whatever excepting in such a case. There was really no importance in the valuation and the Valuer General would require pretty strong grounds before he would refuse to remove an objection, because if that official had no case he would have to pay the law costs.

Mr. George: The appellant would be put to a lot of expense.

The PREMIER: And the appellant would be to blame if he had no grounds for appealing.

Mr. GEORGE: It was not necessary to make laws in which people might be mulcted in expense in trying to assert what they considered was right. This clause covered the ordinary appeal as far as taxation was concerned. The Commissioner of Taxation had had to take the valuation of the taxpayer subject to the examination of local registers. Later on the Commissioner employed valuers and revised his valuations and would continue to do so irrespective of whether this measure passed or not. When that was completed, appeals would be likely to ensue from people whose assessment had been interfered with.

The Premier: No.

Mr. GEORGE: A case was known to him where the valuation had been jumped up 25 per cent.

The Premier: I know of cases where the parties themselves jumped it up 150 per cent.

Mr. GEORGE: Surely we did not desire to pass a measure to impose a burden of extra lawyers' costs on taxpayers. The procedure should be made as cheap as possible. The State should be satisfied with getting the amount of the taxation, and if the taxpayer felt aggrieved, the process of appealing should be as inexpensive as possible. If people had to travel to Perth to make application to the Supreme Court, it would put them to considerable expense, and the cost would be heavy, even if they were able to instruct a solicitor by letter to make the application. If people had to come to the City, the bulk of them would say the game was not worth the candle. The Premier might well consider the alteration of the sum and the amount of £500 might well be made £5,000. If he were in the Premier's shoes he would not like it to go out to the world that we were placing an additional burden on the people by making

it hard for the taxpayers to appeal. The fact was that it was a sin and a crime for any one to own property in the State and, therefore, the Government intended to bleed owners in the manner in which the Attorney General stated some time ago.

Mr. Thomas: You ought to be ashamed of yourself.

The CHAIRMAN: Order!

Mr. GEORGE: If there was one thing that he ought to be ashamed of it was that he had to sit in the same Assembly with the hon. member for Bunbury.

Mr. Thomas: It is the greatest privilege you possess.

Mr. GEORGE: No.

Hon. FRANK WILSON: The Premier saw an objection to making it optional as to whether the appeal should be heard by the local court or the Supreme Court, because uniformity of values were wanted. He could not quite follow the argument. It stood to reason that there could not be uniformity of values in a State such as this and it was not always possible to get uniformity of values on both sides of a road.

The Premier: Uniformity on the basis of valuation.

Hon. FRANK WILSON: How much better off would we be even if we did, and would we get uniformity in the valuation if we had uniformity on the basis of valuation? All that was wanted was a proper valuation of the land and the improvements. How could we get that better than by forcing people to go to the Supreme Court for a decision on an appeal than by going to the local court?

Mr. Turvey: Do you not think in such a case a judge would refer the matter to the local court?

Hon. FRANK WILSON: Why should he, and why should the Valuer General assist in getting it referred to the local court? The Valuer General would not give facilities to have his values altered. The judge should have power to commit a case to another court; at the same time we should not make it imperative on the Bill that if he, as owner of land on the goldfields, were appealing against a valuation, he should be forced to come to Perth and submit to all the expense of appearing before the Supreme Court when he could get the matter heard by the local court on the goldfields.

The Premier: The Supreme Court sits on the goldfields.

Hon. FRANK WILSON: Yes, occasionally, but there were many parts of the State where it did not sit. The only relieving portion of the clause was in the last paragraph of the proviso, to which the Premier referred, and then it only dealt with some new element for which compensation might be demanded. The question arose, were we not going to make it difficult to appeal, and were we not making it too costly, and in 90 per cent. of the cases where the value did not exceed £2,000, or even £5,000, the owners would probably say that if they had to go to Perth and submit to a lot of expense, on the chance of getting the Valuer General's decision altered, it would be better to leave the matter as it was.

The Premier: Are we not removing that objection?

Hon. FRANK WILSON: The Premier should make it optional and allow the man who was appealing, to have the right to go to the local court and, if he thought the matter of sufficient importance, to go to the Supreme Court.

The Premier: Will you give the Valuer General the same option?

Hon. FRANK WILSON: What option did the Valuer General want? It was his valuation.

The Premier: The Valuer General represents the State, a party to the appeal.

Hon. FRANK WILSON: The Valuer General did not appeal against his own valuation. We were overloading the Bill and putting a burden on these individuals they should not be asked to carry. There surely could be no objection to making the matter optional.

Mr. George: Perhaps he might be allowed to move an amendment to increase the figures in the Premier's amendment from £500 to £2,000, and from £1,000 to £5,000.

The PREMIER: If you make it reasonable I will accept it. I told you that

I would accept double the amounts mentioned in my amendment.

Mr. GEORGE : If the Premier would not agree to what the leader of the Opposition desired, that was to make the matter optional, the only thing that remained would be to get the best amendment. It was no use, however, any one on the Opposition side suggesting an alteration of the figures unless it was known what the Premier would accept.

The Premier : I told you I would accept double the amount.

Mr. GEORGE : Would the Premier agree to make the figures £1,500 and £3,000.

Hon. Frank Wilson : I do not think that would improve the position.

Mr. GEORGE : Perhaps the Chairman would take an amendment first to make the matter optional.

The CHAIRMAN : I will accept anything.

The PREMIER : On the Notice Paper there was an amendment by the member for Northam which evidently met with the wishes of hon. members opposite, and which proposed to alter the constitution of the court. Now hon. members opposite did not object to the constitution of the court so long as it was optional. He was not prepared to accept an amendment as to the constitution of the court, but he would be prepared to accept an alteration of the amounts which were set out in his amendment. If the member for Murray-Wellington would move to strike out "five hundred" with a view to inserting other words the Committee could then discuss what amount should be inserted.

Mr. GEORGE moved an amendment on the amendment—

That the words "five hundred" be struck out.

Hon. FRANK WILSON: In order that it should be optional for the appellant to appeal to either the Supreme Court or the local court all the words after "shall" in line 1, down to "pounds" in line 2 of the clause should be struck out.

The PREMIER : If the hon. member desired to make the courts optional he must vote against the amendment. If the Committee did not agree to the amendment, that would be a direction that they desired the appeal to be to either the Supreme Court or the local court. The member for Murray-Wellington could in the first instance alter the amount stated in the amendment, and then if the Committee still desired to make it optional they could vote against the amendment as amended, and if they succeeded in defeating the amendment he would make provision so that it would be optional for the appellant to go to either court.

Amendment on amendment put and passed.

Mr. GEORGE moved a further amendment on the amendment—

That the words "one thousand five hundred" be inserted in lieu of "five hundred" struck out.

The Premier : I will not agree to that.

Hon. FRANK WILSON : The objection to raising the amount was that the people were now limited to the local court, whilst he held they should have the option of going to the Supreme Court if they wished. Therefore, he would like to see these words taken out altogether.

The Minister for Lands : When it is proposed to insert the amendment as amended you can vote against it.

Amendment (to insert words) put and negatived.

On motion by Mr. S. STUBBS the words "one thousand" were inserted in lieu of "five hundred" struck out.

On motion by Mr. GEORGE amendment further amended by striking out the figures "£1,000" and inserting "£2,000" in lieu.

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

Ayes	24
Noes	10
Majority for	14

AYES.

Mr. Angwin	Mr. Mullany
Mr. Bath	Mr. Munsie
Mr. Bolton	Mr. Price
Mr. Carpenter	Mr. Scaddan
Mr. Collier	Mr. B. J. Stubbs
Mr. Dwyer	Mr. Taylor
Mr. Foley	Mr. Thomas
Mr. Gill	Mr. Turvey
Mr. Green	Mr. Underwood
Mr. Hudson	Mr. Walker
Mr. Johnston	Mr. Heitmann
Mr. Lewis	*(Teller).*
Mr. McDonald	

NOES.

Mr. Allen	Mr. S. Stubbs
Mr. George	Mr. F. Wilson
Mr. Monger	Mr. Wisdom
Mr. Moore	Mr. Male
Mr. Nanson	*(Teller).*
Mr. A. N. Piesse	

Amendment as amended thus passed.

On motion by the PREMIER clause further amended by striking out of line 1 the words "where the valuation as originally objected to does not exceed £500."

Clause as amended put and passed.

Clause 32—agreed to.

Clause 33—Removal of cases into Supreme Court:

The PREMIER moved an amendment—

That after the word "court" in line 3 the words "or an appeal pending in the Supreme Court into a local court" be added.

The clause provided that a judge of the Supreme Court might order the removal of any appeal pending in a local court into the Supreme Court, but cases might arise where it might be undesirable to compel a person to go to the Supreme Court and the amendment would allow the judge to remove an appeal pending in the Supreme Court into a local court.

Amendment put and passed.

On further motions by the PREMIER the clause was further amended by inserting after "section" in line 4 the words "thirty-one or"; also by adding at the end of the clause the words "as the case may be."

Clause as amended put and passed.

Clause 34—agreed to.

Clause 35—Powers of Court on appeal:

Mr. GEORGE: Would the Premier say if it would be possible to carry an appeal to the Commonwealth High Court, or if this clause would block that. He could conceive cases in this State that would not be satisfied with judgment here, but would go as far as it was possible to go.

The PREMIER: There was no provision in the Bill that they might appeal from our Full Court to the High Court; in fact the reverse was the case.

Mr. GEORGE: Would the Premier allow an appeal to his democratic principles in this matter. The whole principle of democracy, as shown by the various unions in this State, was to have no court of final appeal, in industrial matters at any rate.

The Premier: This is the final appeal, the Supreme Court.

Mr. GEORGE: Why should it not be taken to the High Court of the Commonwealth, or if necessary, to the Privy Council? Might he ask the Premier's Deputy Attorney General, the hon. member for Perth, whether, if this clause passed, it would block an appeal to the High Court of the Commonwealth?

Mr. Dwyer: How we can we give in our legislation an appeal to the Commonwealth High Court?

The Premier: We are not blocking it.

Mr. GEORGE: As the Attorney General had returned to his place, would he say whether, if this clause was passed, it would be possible to appeal to the Commonwealth High Court if a claimant should think it necessary to do so.

The ATTORNEY GENERAL: On a question of law, it did not matter what question it was, we could not oust any court. It was possible to go to the highest court in the land and the highest court in the Empire.

Clause put and passed.

Clause 36—agreed to.

New clause:

Hon. FRANK WILSON: A proposed new clause had been placed on the Notice Paper by the Hon. J. Mitchell. He (Mr. Wilson) did not think there would be any objection to it. It was taken from the New Zealand Act, and it was obvious what the intention was. He moved—

That the following be added as a new clause:—"Any person may by notice in

the prescribed form, and on payment of the prescribed fee, require the Valuer General to make a new valuation of such person's property, and in such case the register shall be amended pursuant to the result of such new valuation."

New clause passed.

New clause:

The PREMIER: In answer to a suggestion by the hon. member for Claremont, he moved—

That the following be added to stand as Clause 26:—"When any roads board or municipal council has, under any Local Government Act, approved any plan of the sub-division of any land, the secretary of the board or the town clerk (as the case may be) shall, within fourteen days after such approval, give to the Valuer General notice in the prescribed form, and with the prescribed particulars, that such approval has been given. Penalty: Five pounds.

New clause passed.

The PREMIER: It was his intention to recommit the Bill at a later stage to deal with Clauses 12, 13, 15 and 30, in conformity with a promise which he gave to the hon. member for Northam when these clauses were being discussed, and to make certain amendments which would be placed on the Notice Paper.

Title—agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Bill reported with amendments.

BILL—SUPPLY (No. 2), £1,025,000.

Returned from the Legislative Council without amendment.

BILL—DECLARATIONS AND ATTESTATIONS.

Second Reading.

The ATTORNEY GENERAL (Hon. T. Walker) in moving the second reading said: Although this measure is not a lengthy one, it is nevertheless of considerable importance. It seeks to confer a benefit upon all those who are called upon from time to time to have documents in relation to the transactions of their affairs witnessed and duly attested. It has been the custom in most British communities to place upon those who are appointed to the distinguished honour of being included in the roll of justices of the peace the onerous duty of witnessing and attesting signatures, and perhaps also upon a certain number of those of standing in the legal profession, these duties having been imposed upon this section of the community by virtue of custom and statutory enactments. It is of very great difficulty at times to select in a large growing community those persons who have attained by their public service to some distinction, and at the same time have sufficient leisure to enable them to perform the very trying duty of being at the beck and call of all who desire the attestation of documents. The experiment has therefore been tried in South Australia, and also under an Act of the Commonwealth to increase the number of those other than justices of the peace who can legally attest documents. The Bill is upon the lines of the Commonwealth and the South Australian Acts in that respect. It provides facilities for the general public, especially those who are in the outback, where it is difficult to obtain the services of a justice of the peace. And moreover it helps others in crowded cities, for I regret to say that the modern justice of the peace does not in every case take an exalted view of the duties he has to perform. He does not always consider himself called upon to be at all hours of the day at the service of his fellow citizens, and it very often happens that in consequence of ineptitude or a desire to evade duty on the part of a local justice of the peace a litigant or one transacting the ordinary commercial business of life is put to considerable trouble and inconvenience. We have, therefore, in this measure, I repeat, adopted no specially new principle; in fact in our own State we have partially applied the principle which the Bill contains. We have made it possible, for

instance, for clerks of local courts to take declarations and administer oaths. We have made it possible under the Electoral Act for even the ordinary citizen of the State to attest signatures, and now we desire that a certain class of the community specially mentioned shall have the power. Whenever by or under any Act or statutory regulation passed before or after the commencement of this measure it is provided that any statutory declaration shall or may be made before a justice of the peace; or a justice of the peace or some other person; or that any instrument shall or may be signed or executed in the presence of, and be attested by, a justice of the peace, or a justice of the peace or some other person, such declaration or instrument may be made before, or signed and executed in the presence of, in the first instance, a town clerk, secretary to a road board, electoral registrar, postmaster, classified officer in the State or Commonwealth public service, classified State school teacher, or member of the police force, or a commissioner for declarations appointed under this measure. The provision for a commissioner appointed for taking declarations under this measure is to enable us in special cases to appoint those who can legally attest signatures to documents, or take declarations. For instance, in the case of a bank it is very useful, certainly to those who are conducting the business of the bank as well as to the customers of the bank, to have someone on the premises who can attest documents. In that case not every servant of the bank should have that privilege. We want to know who is duly appointed, who is the proper person in that particular bank to duly attest any document requiring attestation. The power, therefore, is given in this measure for the Attorney General to appoint anyone sufficiently recommended, and who is a known character or personage in the bank. It would never do, for instance, to appoint the ordinary clerk, who is here to-day and up country to-morrow, and out of the State altogether in a day or two. We want to be able to call upon the person who has given this attestation, if that should be necessary, within a reasonable time; and therefore it is proposed in the case of a bank that they should say what officer, whether the accountant or other officer, shall be the person nominated to be appointed by the Attorney General to witness documents. I do not think the measure requires any elaboration or any lengthy speech. Its benefit to the community must be enormous. It will facilitate transactions of every species of business in which the witnessing of documents is an important element. I therefore move—

That the Bill be now read a second time.

Hon. FRANK WILSON (Sussex): I have been perusing this small measure within the last few minutes, and I quite agree with the Attorney General that it does not require any elaboration. Nor does it necessitate any criticism at my hands. I propose, as far as I am concerned, to let the measure go through.

Mr. S. STUBBS (Wagin): I should like to compliment the Attorney General on having brought in this measure. In the out-back districts great inconvenience is caused to many citizens, who have to travel long distances in order to get documents signed before a justice of the peace; and in many cases scores of miles are travelled to the house of the nearest justice of the peace only to find that he is away at a long distance from where he resides. I know of my own knowledge that during the past few months many men have had to ride 50 and 60 miles from the Lake Grace district to secure the services of a justice of the peace. If the Bill becomes law, the nearest police officer or postmaster or school teacher will be of very great assistance to many who now have to travel long distances. I have pleasure in supporting the second reading.

Mr. FOLEY (Leonora): While supporting the measure, I would like to bring one phase of the question before the Attorney General. I quite agree with all said by hon. members who have spoken in regard to the class of men who

are to be appointed under the Bill, but I think the time is opportune to go further in this respect, and make all members of the Legislature eligible to attest signatures. Not necessarily to make them justices of the peace to sit on the bench, because that would be placing too much of a burden upon them; but so far as attesting signatures is concerned I do not think any persons mentioned in the Bill can be more fitted for the duties than members of the Legislature. When we reach the Committee stage I intend to move in that direction.

Mr. CARPENTER (Fremantle): I think we can be unanimous with regard to the utility of this measure. Just one point occurs to me. At present appointments to the honorary magistracy are made for certain magisterial districts only, and the gentleman appointed for those districts can only fill the office within those boundaries.

The Attorney General: Others are appointed for the whole State.

Mr. CARPENTER: But the question I would ask is whether a person appointed under the Bill would be free to attest documents in any part of the State?

Mr. E. B. JOHNSTON (Williams-Narrogin): I have much pleasure in supporting this Bill. For a good many months past practically no appointments as justices of the peace have been made. They have been held over, and on inquiry at the Premier's office I have been told that the reason that many appointments have been held over in batches was because it was the intention of the Government to introduce this measure. I am glad this measure has been introduced, because the feeling of irritation in those districts where there are no justices will be allayed by the appointment of persons to attest signatures. I have a note in front of me urging that bank managers, by reason of their position, should be included in the list. I would like to inquire from the Attorney General if it would not be wise to include bank managers, as has been done in similar legislation in the Eastern States. I propose to bring this point up in Committee. In the meantime I am glad that the Bill has been brought forward, and I hope it will be passed quickly and that the appointments will be made so that settlers may be relieved from the terrible disabilities from which they are suffering through many of them having no justices of the peace within 30 miles of them, and through having to travel 30, 50, and 60 miles to get their Agricultural Bank mortgages and other papers signed. I am glad that this measure will put an end to that state of affairs, and I can promise the Attorney General that I will put a good list of suitable names before him as soon as the measure becomes law.

The ATTORNEY GENERAL (in reply): I do not think it is necessary to offer any reply, as the House has taken the Bill in such a good spirit, and I trust that it will go through Committee without amendment.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Authority to take declarations and attest instruments:

Hon. FRANK WILSON: Why should not ministers of religion be added to the list as qualified to witness signatures? As a rule they were easy to find.

The ATTORNEY GENERAL: If hon. members looked at the list they would find it was a fairly big one. It comprised men who occupied positions in the secular world, performing secular duties, and consequently they were constantly accessible. There were plenty of them, and more could be appointed under Clause 3. There was no reason why we should make the meditations of the clergymen liable to interruption by someone wanting a mortgage signed, of which worldly thing the ordinary clergyman knew little or nothing.

Mr. MALE: In support of the suggestion of the leader of the Opposition, clergymen were called upon to sign secular documents, inasmuch as they were eligible to witness signatures on land transfers.

The MINISTER FOR LANDS: The list of persons specified represented those

who occupied responsible official or public positions. It was a comprehensive list. When the measure was being considered by the Government a map was used showing where the various persons were located, and hon. members would find that they were very well distributed all over the State, but in order that there might be the means of appointing someone where perhaps none of these persons was conveniently situated, there was the additional provision that commissioners might be appointed by gazetting. In the case mentioned by the member for Williams-Narrogin, whoever was the most convenient official of a bank could be appointed. The same applied in the case of ministers of religion. It was desired to avoid cumbering the list with a large number of proposals when it was so easy to meet the convenience of the public by making appointments under Clause 3. In the circumstance all cases would be fairly met by the measure.

Hon. Frank Wilson: You will have to gazette individuals and not a class of men.

The MINISTER FOR LANDS: There must be some measure of responsibility, and the official character of these persons was to some extent a guarantee. An attempt was made to meet the needs particularly of people in the country districts by appointing clergymen under the Land Act as agents for the Minister, but that applied only to documents where signatures were necessary under the Land Act. While it was essential under pre-existing circumstances for someone in these localities to be appointed for witnessing documents, it could only be met by appointing them justices of the peace and in many cases there was not the need for justices of the peace from the point of view of court work, and there was need for more careful discrimination of those who undertook the duty of justice of the peace where the liberty or property of the individual was at stake. Members could rest assured that all cases would be fairly met by the measure.

Mr. GEORGE: Would "classified officer in the State or Commonwealth service" include station masters? Classification was recognised as an act of the Public Service Commissioner, and railway men did not come under that official. Station masters ought to be included in the list.

The ATTORNEY GENERAL: The man in charge of a railway station should not be included. Very often his attention was required closely by his duties.

Mr. George: What about the postmaster?

The ATTORNEY GENERAL: The postmaster was not in the same fixed position. Life and limb and property might be in jeopardy if a station master neglected his duty. It was not worth incurring the risk by including station masters. Ample appointments were provided for. The classified officers in the public service of the State and Commonwealth, town clerks, roads board secretaries, police and State school teachers over 21 years of age were included. If these were not sufficient it would be a simple matter to make an appointment. In the circumstances the number should not be swollen. While the office did not carry the duty and distinction of presiding on the magisterial bench, it carried a responsibility.

Mr. George: You could trace them better if you put railway men in.

The ATTORNEY GENERAL: The matter was not being considered by him in that light. The officials who occupied public positions in the land were looked upon more or less everywhere as servants of the people and they could perform these duties in aid of the people, and the whole purpose of the Bill was to aid the people in the transaction of their business. The clergy were looked upon as removed from the active spheres of mankind and moreover, they might not desire to perform this work.

Mr. E. B. JOHNSTON: To test the feeling of the Committee he would at a later stage move to provide that clergymen authorised to celebrate marriages might be added to the list of those officials before whom documents could be attested. In the Land Transfer Act it was provided that clergymen could per-

form this duty. The Attorney General pleaded that he did not wish the meditations of the clergymen interrupted by being called upon to witness signatures to mortgages, but to-day clergymen were liable to that interruption, so long as the mortgages were under the Transfer of Land Act. In the district which he represented there were clergymen established at several centres where there there were none of the other officials mentioned in the clause. There were ministers of religion in the bush who were doing noble work.

The Minister for Lands: Are there no school teachers there?

Mr. E. B. JOHNSTON: Yes, but he did not think they were classified, and so they did not come under this clause. The Attorney General urged that we must have people of high character to perform these duties. What higher character could we wish for than that possessed by a minister of religion?

Mr. DWYER: With the member for Murray-Wellington he agreed that railway servants should be included. These officers were in exactly the same position as a school teacher. He therefore moved an amendment—

That after the word "service" in line three of Subclause 1 the words "and State railway service" be inserted.

Mr. George: It should be sufficient to have stationmasters or night officers.

Mr. Lander: Do you not reckon that guards are good enough to attest these documents?

Mr. GEORGE: There was no objection on his part to every individual in Western Australia acting in this capacity. So far as railway servants were concerned, stationmasters or officers in charge of a station were always available and that was as far as there was any necessity to go. Of course any man was good enough.

Mr. Lander: Any honest man is good enough.

Mr. GEORGE: Even the hon. member was good enough, but he was much better when he kept quiet. The railway stationmasters in the country districts or the officers in charge, were to be found at their posts at all times and theirs would be a convenient place for many of the country people to attend and get documents attested. If the member for Perth could see his way to alter his amendment so as to provide for stationmasters and officers in charge, instead of the officers of the State railway service, the purpose would be better served. If the amendment were to apply to all officers, the Commissioner for Railways might probably have some objection to make, but so far as stationmasters and officers in charge were concerned, he did not think the Commissioner would make any protest. At many of the railway stations to-day these officers acted as postmasters, and as such they did not allow their postal duties to interfere with their railway work. Moreover, the railway station was a place where a lot of this work could be admirably focussed. The member for East Perth had spoken about guards, but guards were not officers under the Commissioner; they were not on the classified list.

Mr. LANDER: The member for Perth should stand by his amendment, because there were many places where stationmasters and officers in charge were not available. For instance, between Merredin and Nunagin, a distance of 32 miles, there was no stationmaster, and guards were the only officers available, and guards were as conscientious and upright as any men who could be found. The same thing applied to that portion of the railway between Dowerin and Merredin.

Mr. George: Is he to hold up his train?

Mr. LANDER: The train would not be held up at all. It would be of great benefit to settlers in the country if they could be offered every facility for getting these papers attested. He had had to go 73 miles to get a summons signed, and then go back to serve it. He would just as soon see a railway officer as a justice of the peace empowered to sign a summons.

Hon. Frank Wilson: I quite agree with you.

Mr. B. J. STUBBS: Apparently members recognised the necessity for appointing as commissioners to attest signatures

persons who were well known and accessible to the general public. He was very much opposed to the amendment. It would not be wise to appoint every classified officer of the railway service. Many of them would not be sufficiently accessible, nor sufficiently well known to the great body of the public.

Hon. Frank Wilson: You do not require to know a man well before getting him to attest a signature.

Mr. B. J. STUBBS: That was so, but it was necessary to know that such a man held the position. There was one class of the community to whom the public were continually going in connection with public affairs, and who were always approachable, namely, the members of municipalities and of roads boards throughout the country. Councillors and members of roads boards should be included in the list. In regard to ministers of religion, it would be a great mistake to include all of them. He proposed to move an amendment.

The CHAIRMAN: No further amendment could be moved until the one before the Committee was disposed of.

Mr. DWYER: To meet the wishes of the hon. member he would withdraw his amendment for the time being.

Amendment by leave withdrawn.

Mr. B. J. STUBBS moved an amendment—

That after "clerk" in line 12 the words "councillors of a municipality" be inserted.

Mr. FOLEY: The amendment ought to be opposed for the reason that the Attorney General would have power under the measure to appoint anyone sufficiently recommended. A councillor of a municipality might not be sufficiently well versed in these matters to be able to sign a document as intelligently as the importance of the document might warrant. Again, when a man gave his time to a municipality he should not be called upon to give further time to the signing of documents. Moreover, from the remarks of the mover of the amendment, we were to have further subsequent amendments to include members of roads boards and possibly ministers of religion. The Attorney General had power to appoint any of these gentlemen. Surely that was sufficient. The amendment would be only an encumbrance.

The ATTORNEY GENERAL: It was to be hoped there would not be any very lengthy discussion or any great additions made to the list; otherwise we might as well include every member of the community in the list. The feature of the provision as it stood was that everyone to be appointed was a permanent officer, permanently fixed, whereas members of a municipal council or of a roads board were here for a day and gone the next. Moreover, not a single councillor had made a request to be placed upon the list. The bulk of the town councillors desired to be justices of the peace when justices of the peace were few, because that was a special distinction. But it was not at all sure that they desired to work without special distinction, and it was work that was required of those included in the list. If there were town councillors or clergymen or railway employees who desired to be added to the list they could be so added if they went the right way about it. We had quite enough on the list when we had the permanent officers, the officials of a municipality or a roads board.

Amendment put and negatived.

Mr. DWYER: In view of what had been said by the member for Murray-Wellington (Mr. George), and the Attorney General, and in view of the intention of the framers of the Bill to apply it to scattered districts, where it was difficult to obtain persons qualified to attest documents, it would probably be sufficient to add the officers in charge of railway stations. He moved an amendment—

That after "public service" in line 14 the words "railway station-master or officer in charge of a railway station" be inserted.

Mr. George: Put "officer in charge of the station" and it will cover the lot.

Mr. DWYER: The amendment would include all in charge of railway stations.

Mr. LEWIS: Railway officers would not appreciate this duty being placed up-

on them. At country stations the station master had a hundred and one duties to perform at the time when the train was arriving and departing, and if duties under this Bill were placed upon them they would be harassed by the public rushing in to get papers signed at the busiest hours of the day. On some stations the officers were asked to work 12 hours per day, and during the slack hours they went to their homes for meals, or for other purposes; but if the amendment were agreed to the public would be chasing them to their homes and probably they would be reported for not attending to their duties. The railway officers had enough work to do at the present time, and in those circumstances he hoped the amendment would be withdrawn.

The MINISTER FOR LANDS: It would be well for members to disabuse their minds of the idea that there was going to be a wild stampede of eager applicants for these appointments, particularly under those clauses where greatness was thrust upon particular individuals. Railway officers had many times expressed themselves bitterly resentful of the postal duties which they were called upon to perform, and which hampered them to a great extent in connection with their ordinary railway work. It would certainly be undesirable that a guard should, while his train was at a siding, have to run the gauntlet of people requiring him to sign documents. Members should leave well alone. Ample provision was contained in the Bill, and if there were localities where the requirements of the people were not met, appointments could easily be made. The secretary of the progress association, or some other person whose name commended itself to the residents, could be appointed. It would be unwise to thrust upon the railway officers duties which might hamper them in attending to the convenience and safety of the travelling public.

Mr. LANDER: This sort of piffle made one sick. The Minister for Lands was opposed to asking railway officers to witness declarations and attest documents, but he and other Ministers would ask them to do postal and savings bank work. It was ridiculous nonsense to raise an argument like that. If the officers he had mentioned were appointed a great benefit would be conferred on the settlers along isolated railways, and very few station masters would object to doing this work. They would not neglect their railway work, but at their leisure would attend to the convenience of the public in regard to the signing of documents, just as they did in regard to the depositing of money for the savings bank.

Mr. GEORGE: There were many stations on the Great Southern, South-Western, and Goldfields lines, where the officer in charge had very little work to do. There were few trains during the day, and the station master could attend to this other business when the trains were despatched. Not one of them would object to this duty, and they would do it without neglecting their responsibility to the Commissioner. At many stations the station master was the most popular man in the district, and he would be only too glad to do anything for the convenience of the general public. Did the member for Canning suggest that the station masters would not undertake the postal work willingly, if they received the £20 per annum which was paid to the Commissioner?

The ATTORNEY GENERAL: The placing of these duties upon station masters would be adding a burden to them. At the hour when the people went to the station to get their parcels, to welcome friends, or to see them off, there was a crowd at the station, and they would be worrying the station master, not only to sign documents, but also to take declarations, and administer oaths which required some formality, care, and watchfulness on the part of the officer performing that duty. When a train was arriving was just the time when a person who had a document to sign, or a declaration to make, would go to the station.

Mr. George: I have said the officer would not neglect his duty to the Commissioner.

The ATTORNEY GENERAL: But why put the temptation on him? One could have nothing but the highest respect

for the railway officers, but this proposal was not to confer on them an honour; it was simply placing upon them other duties, taking up their time, and engaging their mental powers almost to a strain. It was admitted that many of the station masters had too much to do already, and yet hon. members would suggest that the Committee would be neglecting those officers by not giving them more work to do. What would the Railway Commissioner say to this proposal?

Mr. George: I do not think he would like them to take it.

The ATTORNEY GENERAL: Hon. members must know that during Show week the whole time and attention of station masters were occupied in attending to the arrival and despatch of trains.

Mr. George: Nobody would go to them then.

The ATTORNEY GENERAL: One was surprised that an ex-Commissioner of Railways should be so impractical in matters connected with railway working, that one knowing so much of the duties of station masters should propose to saddle them with this additional duty, and suggest that the public, by instinct, should know exactly just when the station master could spare the time to attend to them.

Mr. George: What about the school teacher?

The ATTORNEY GENERAL: School teachers would not be inconvenienced in the same way as station masters would be at times when trains were arriving or departing. He had no objection to appointing any officer whom the Railway Commissioner might approve, or who might be recommended under Clause 3, but he objected to including all railway officers indiscriminately.

Mr. GEORGE: The officers in charge of way back stations were busy when the trains were in, and there were often long intervals between trains, and during those intervals they would be only too delighted to be of service to the public. It would be a great convenience to the country people. The hon. member for Canning had advanced the only sound argument against the proposal. No doubt if they received a shilling for every attestation, the proposal would be hailed with cheers.

Mr. GILL: The only argument by the member for Murray-Wellington in favour of the proposal was that station masters would be pleased to do the work in their spare time between the trains. The Commissioner of Railways urged that the reason the same station masters were not granted the eight hours a day was that their duties were not continuous and that they had spare time between trains to have their meals in comfort. If this duty was imposed on them there would be complaints if people desirous of having signatures attested found the station locked up.

Mr. George: They are not supposed to leave the stations.

Mr. GILL: It would be a burden to place on station masters.

Mr. Dwyer: It is a privilege.

Mr. GILL: That was not his opinion. People rather than go a mile out of their way would wait until they were going to the railway station, and the station masters would be worried out of their lives.

Mr. George: Cannot they witness electoral claims?

Mr. GILL: Anyone could do that. Railway guards should not be included as their many duties at railway stations would render it impossible to do their work thoroughly if they had further duties thrust upon them.

Mr. S. STUBBS: The provisions of the Bill covered all the ground that was necessary and far more. It was beyond his comprehension why so much time should be wasted over this proposal. The Attorney General should allow no more bodies of men to be included.

Amendment put and negatived.

Mr. E. B. JOHNSTON moved an amendment—

That in paragraph (i.) after "teacher" the words "minister of religion authorised to celebrate marriages in the State of Western Australia" be inserted.

Under the Transfer of Land Act administered by the Attorney General, ministers of religion were particularly speci-

fied to witness documents, and that was a strong argument why they should be empowered to witness other documents. There would then be no confusion as to where their powers begun and ended. Ministers of religion had to be registered to celebrate marriages.

The ATTORNEY GENERAL: The amendment could not be accepted. If any minister of religion desired to be appointed he could be appointed under Clause 3. To indiscriminately place this duty upon them without any request on their part——

Mr. E. B. Johnston: You have done so under the Transfer of Land Act.

The ATTORNEY GENERAL: Some of their duties at present might be irksome.

Mr. E. B. Johnston: They would be glad to do it.

The ATTORNEY GENERAL: The more willing they were to make sacrifices, the less willing he was to force the sacrifices upon them.

Amendment put and negatived.

Mr. E. B. JOHNSTON: Would the Attorney General consider the advisability of including bank managers as was the practice in other States?

The ATTORNEY GENERAL: The reason for not including bank managers had been given. Some banks might prefer that a special officer should be deputed to do this work.

Mr. S. Stubbs: I do not think that is a fair thing either.

The ATTORNEY GENERAL: It was in contemplation of matters of that kind that Clause 3 had been inserted.

Mr. FOLEY: Members of State Parliaments should be included. They were men who were always available, they travelled throughout the State and they were as much qualified as anyone to witness documents. It would be no hardship to include members. He moved an amendment—

That after "service" the words "member of the State Parliament" be inserted.

The CHAIRMAN: The amendment could not be accepted as the clause had been dealt with down to the word "teacher."

Mr. FOLEY: Then he would move an amendment—

That after "teacher" the words "member of the State Parliament" be inserted.

The ATTORNEY GENERAL: No harm would be done by leaving the clause as it stood because anyone who so desired could undertake the duty.

Mr. Dwyer: Should not all members be justices of the peace?

The ATTORNEY GENERAL: That was another question. The point was who wanted this duty? There was no need to signalise members of the State Parliament. The public knew that they were their servants body and soul, and it was unnecessary to record the fact by Act of Parliament. Anybody who wanted to do this service could, if the Bill became law, get upon the list.

Mr. WISDOM: His sympathy was with the amendment. Because he was a member of Parliament he was being constantly asked to witness declarations, as people seemed to take it for granted that he had the power to do so. He did not want it necessarily, but that was not the point. The general public imagined that members of Parliament should be able to witness declarations and came to them in preference to anyone else. Members, however, were not going to the Attorney General to beg to be put on this list of his in order that they might witness declarations. He would like to see the amendment passed.

Amendment put and negatived.

Clause put and passed.

Clauses 3, 4—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

Hon. FRANK WILSON (Sussex): Since we postponed consideration of the

second reading of this measure I have had some little opportunity of going through it, and I must say, so far as I can judge, that there seems little exception to take to the legislation introduced by the Attorney General. It was, however, because we did not wish altogether to take the Bill on trust that I asked the Premier the other evening to give further time in order that we might inquire into its provisions. It must be admitted, of course, that the consolidation of our criminal laws is most desirable, and it must be obvious that there are necessary amendments which should be made. The main feature of this measure appears to be a large reduction in the penalities for electoral offences. I am not quite sure as to whether these penalities have already been reduced in our different Electoral Acts or not.

The Attorney General: Yes, and are here brought into harmony.

Hon. FRANK WILSON: To the same degree?

The Attorney General: Yes.

Hon. FRANK WILSON: In that case one cannot take exception to the clause that brings that about in our Criminal Code. I see that certain provisions have been repealed, and these it will be readily admitted are not now required and should be repealed. One or two provisions in the measure seem to be highly desirable. and for them I am pleased to be able to commend the Attorney General. For instance, the enforcement of orders for the payment of money is one which is now sadly missed and is required. An order for the payment of money is often ignored, and business men have felt the need for what has been provided in this amending Bill. We have also, I notice, a provision which is new to this State. and that is relating to the supervision and management of prisoners' property. The Attorney General referred to this in introducing the measure as being one of the features which would commend itself to members of the Assembly. I agree with him. It is a necessary provision, I think, and one that is desirable in the interests of the public and the prisoners who may unfortunately come under the law. I notice that there is another commendable provision and that is that the bench or the magistrate will now have the power to grant compensation to persons who have been aggrieved or who have been injured in any way in cases of assault, or similar cases. At the present time, I believe, there is no redress at all; a man may be injured, but is only able to recover his witness fees and nothing further. But it is proposed, I understand, to give power to a magistrate to award compensation up to a certain amount. That seems a provision that ought to be welcomed as being a step in the cause of justice. Clause 27 is one that might be opposed to some extent, although I do not myself take any very strong exception to it. It provides that certain answers must be given. It is a long-standing and recognised rule under English law that no person need incriminate himself. It has been held that the Crown must always prove its case. This clause, however, makes it compulsory that a man shall answer questions that are put to him, notwithstanding that they may tend to incriminate him, but of course the sting is to some extent taken out of the provision by the fact that it is limited, I believe, to cases of defamation and secret commissions. In all other instances, I understand, the same rule holds good, that no man need incriminate himself, and therefore I do not propose to take any serious exception to this clause. In bankruptcy proceedings we know that a man is always bound to answer any questions put to him, even though the answer may tend to incriminate him. It is now proposed to extend that power. If it were made universal perhaps one could take very strong exception to it, but otherwise I think we might permit the legislation as drafted to go through. The measure has very many admirable clauses in it. Any hon. member who takes the trouble to go through it and make comparisons with the existing legislation will come to the conclusion, I think, that on the whole it is a Bill that is desirable and has been found needful, and may be supported not only in its second reading but in its progress through Committee. Some of the clauses

require explanation, and the Attorney General will no doubt give us that explanation as he proceeds, but otherwise, taking the measure as a whole, I think it is one upon which the Attorney General may be commended.

[*The Deputy Speaker (Mr. Male) took the Chair.*]

Mr. E. B. JOHNSTON (Williams-Narrogin) : As hon. members will see by the addendum to the Notice Paper which was issued to-day, I am taking this opportunity of suggesting an amendment to bring forcibly before the Government the restrictions at present imposed by certain banking corporations in regard to the marriage of their employees. The amendment that I wish to move is of a nature that will effectually prevent banks standing in the way of their employees getting married before they are in receipt of £200 a year. I do not think it is necessary for me to speak at any length in regard to the amendment at this stage, because I will have an opportunity of giving my views on the subject when we reach the Committee stage.

[*The Speaker resumed the Chair.*]

The ATTORNEY GENERAL (in reply) : I do not think I need say anything more than that I am pleased at the way in which the Bill has been received by the leader of the Opposition. I desire that the Bill shall be dealt with in Committee to-night and therefore I will not say any more.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Male in the Chair, the Attorney General in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Repeal of portion of Section 296 :

Hon. FRANK WILSON : Would the Attorney General explain the effect of this amendment.

The ATTORNEY GENERAL : The jurisdiction in this State was purely confined to the area within our boundaries. The error in the original Act was due to the fact that we had copied the Imperial Statute, and everyone knew that the Imperial law extended to the utmost boundaries of the dominions wherever the British flag flew. Western Australia could not claim that jurisdiction, and that was why the amendment was being made.

Clause passed.

Clauses 8 to 15—agreed to.

Clause 16—Amendment of Section 607 :

Hon. FRANK WILSON : It was apparently intended by this amendment to increase the power of the Crown to challenge jurors. As he was not quite clear on the subject, the Attorney General might explain the effect of it.

The ATTORNEY GENERAL : In practice of course the Crown had claimed the same right held by any other person in court, accused or others, in this respect, but by inference in Section 607 there might be the meaning that the accused only had the power to make a peremptory challenge. It was an imperfection in the wording of that section, which was being set right.

Clause passed.

Clauses 17, 18—agreed to.

Clause 19—Insertion of new sections after Section 666 :

Hon. FRANK WILSON : Was there not an error in this clause. Should not the clause refer to Chapter 67 instead of Chapter 66 ?

The ATTORNEY GENERAL : It was evidently a misprint and would be rectified.

Clause passed.

Clause 20—Insertion of a new chapter after Chapter 67 :

Hon. FRANK WILSON : Would it be optional for a prisoner to avail himself of this section or not; he was referring to Subclause 5 of the proposed new section, which dealt with a prisoner's property.

The ATTORNEY GENERAL : Undoubtedly it was optional as to how a prisoner should have his property administered. In all probability if a prisoner made a request, that would be le-

gally carried out. The proposed new section gave power to appoint a curator to look after the goods and chattels or landed property of the person incarcerated. A prisoner could have a personal friend appointed as curator. At present there were no means of looking after a prisoner's property whilst he was in gaol. It was left to the mercy of those who handled his estate, and he might lose it all. This provision gave a protection over it.

Hon. FRANK WILSON: The clause was a move in the right direction. A prisoner's property should be under proper supervision. His only fear was that it might be mandatory for the prisoner to place his property in charge of a curator. Although a man might be committed to gaol for some offence against the laws of the land, that man might not wish to have his property administered under this provision, but might be content to leave it in the hands of his representative. Under such circumstances, presumably, the clause would not necessarily be operative. It would not be compulsory for the prisoner to have his affairs administered by a curator.

The ATTORNEY GENERAL: No, it was optional. The proposed new clause simply created a power for the Crown to do it if necessary.

Clause put and passed.

Clauses 21 to 25—agreed to.

Clause 26—Insertion of new section in Chapter LXXI. Power to award compensation to person aggrieved by the offence:

Mr. DWYER moved an amendment—

That after "suffered" in line 6 the words "or expenses incurred" be inserted.

In cases of assault there might not be any loss of property, yet the victim might have to pay a considerable amount for medical attendance. It was desired to place it beyond doubt that the court had power to award compensation for expenses incurred.

The ATTORNEY GENERAL: There was no visible objection to the amendment.

Amendment put and passed.

Hon. FRANK WILSON: The provision of £25 in the case of summary conviction, and £100 in other cases, did not seem to allow a sufficient margin. Why had the Attorney General arrived at those figures? In many cases £25 on a summary conviction would not cover the doctor's bill, while in many instances of serious assault £100 would not cover the bill of expenses. Did the Attorney General think it was sufficient?

Mr. Heitmann: When compensation for workmen was under consideration, you cried another story. You did not want it to be even £100.

Hon. Frank Wilson: What nonsense; you are dreaming.

The ATTORNEY GENERAL: The provision did not imply that there was no power to order costs, or to deal with an actionable loss in any other way. The amount could be awarded by way of compensation, and he thought that £25 on a summary conviction, and £100 in other cases, was fair and reasonable provision. It was in addition to any other penalty, and therefore it was as far as we ought to go in this first experiment.

Mr. DWYER: The person aggrieved had a civil remedy under which he could recover any amount of damages which he might have sustained. The special compensation had been inserted here because once the person aggrieved had recourse in the criminal court, his remedy was ended, and he could have no recourse to a civil action afterwards. But such a person could have recourse to the civil court in place of having recourse to the criminal court, and in the civil courts the remedy was without limit.

Hon. FRANK WILSON: But if the victim of an assault applied to the civil courts, that person would have no remedy before the criminal court, and there would be no real punishment for the offender. In the case of a serious assault, it would be very little consolation to the victim to know that the aggressor was locked up for six months, when perhaps the victim had been put to considerable expense, perhaps £200 or £300, to recover his health. On the other hand, it would

not be much consolation to recover, say, £500 damages in a civil court and realise that the man who had made a brutal assault upon him would escape punishment by way of imprisonment. However, he was prepared to let the clause go at that.

Clause as amended put and passed.

Clauses 27 to 31—agreed to.

New clause:

Mr. E. B. JOHNSTON moved—

That the following be added to stand as Clause 9:—"The following section is hereby inserted in the Code after Section 340 thereof, that is to say:—340a. (1.) Any person who either as principal or agent (a) Makes or enters into or enforces or seeks to enforce any rule, order, regulation, contract, agreement or arrangement in restraint of or with intent to restrain, prevent or hinder the marriage of any person who is in his employment or in the employment of his principal and is of the age of twenty-one years or upwards; or (b) dismisses or threatens to dismiss any such person from his employment or the employment of his principal, or alters or threatens to alter any such person's position to the prejudice of such person by reason of the fact that such person has married or intends to marry, or with a view to restrain, prevent, or hinder such person from getting married; is guilty of an offence, and is liable to imprisonment for three months or to a fine not exceeding five hundred pounds. (2.) The provisions of this section shall apply to corporations, so far as they are capable of being applied. (3.) Nothing in this section shall affect or apply to the rules, vows, or discipline of any religion or religious order or society, or render the enforcement or observance thereof in any way illegal."

This amendment of the existing law was designed to protect bank clerks and other employees of companies from restrictions which banks at the present time imposed against the marriage of their employees. In Western Australia every bank but one prevented its employees from getting married unless they were in receipt of a salary of £200. In proof of this statement we had had the sworn evidence of Mr. Holmes, the general manager of the Western Australian Bank in the Arbitration Court a few days ago, when that gentleman had sworn that the regulation was in force in that bank at the present time. If further evidence of this practice were required it could be found in the pages of Federal *Hansarl*, where the Prime Minister in reply to questions by Mr. Higgs (member for Capricornia) had read answers he had received from various banks and companies on this question. The Eastern Extension Cable Company had replied to the Prime Minister as follows:—

> It is true that the company recently dismissed an employee for breach of rule No. 13, which reads—"Marriages, Employees under the rank of clerk in charge marrying without the company's consent will render themselves liable to instant dismissal," and by which the said employee agreed to abide.

In this case the employee had been receiving £25 per month or £300 a year, and yet he had been discharged by the company because he had married without applying for permission.

Hon. W. C. Angwin (Honorary Minister): He was employed under those regulations, was he not?

Mr. E. B. JOHNSTON: That was so, but the Labour party were in power to protect employees from regulations that were operating to their disadvantage.

Hon. W. C. Angwin (Honorary Minister): We ought to apply the same principle to members of Parliament.

Mr. E. B. JOHNSTON: Members of Parliament had the opportunity to get married if they were able to persuade somebody to marry them. The amendment only asked that bank clerks and other employees should have the same opportunity as most sections of the community had to please themselves in regard to their private lives and their life's partners. The London Bank of Australia Limited had replied—

> This bank does not prevent its officers from marrying unless they are in

receipt of a salary of £200 per annum, but it expects those in receipt of a smaller salary to acquaint the bank with their intention to marry, and in such cases it would seek from the officer concerned some information as to the lady he intended to marry, such as, had she means of her own, who were her parents, and did they intend to assist the newly married couple.

That meant that banks made inquiries as to the social position of the ladies their clerks were proposing to marry. Consent was given if the lady's social position met with the approval of the general manager or the directors, but they impertinently sought to prevent their clerks from marrying good girls of lowly position.

Hon. Frank Wilson: It is the lady's financial position they inquire into.

Mr. E. B. JOHNSTON: The inquiry was into both the financial and social positions.

Mr. Broun: Have you known of any cases where banks have disallowed their clerks to marry?

Mr. E. B. JOHNSTON: Cases were quoted in the Federal *Hansard*. He had received communications from many bank officers lately, which showed that in Western Australia all classes of bank officers were up against this regulation and were anxious to have it repealed. The Bank of New South Wales had replied to the Prime Minister—

Long experience has made it necessary for the bank to have such a rule with regard to the bank's officers. The bank makes no inquiry into the social position of the girl's parents.

By imposing such a restriction the bank opened the way for inquiries to be made into the social position of the girl's parents.

Hon. Frank Wilson: They simply say, "If you will marry under £200 a year you must leave our employ."

Mr. E. B. JOHNSTON: Had any employer the right to put that restriction on his employees?

Hon. Frank Wilson: It depends on the position of the employee.

Mr. E. B. JOHNSTON: Many couples could get along on £190, and the husband, on account of having responsibility to a wife and children, would be less likely to rob the bank than another employee who was single and in the habit of going to Canning Park every Saturday afternoon. The Union Bank had replied—

It is a rule of this bank that no officer is allowed to marry unless his remuneration amounts to £200 per annum or upwards, or unless his own, combined with his intended wife's income, inclusive of his remuneration from the bank, amounts to £200 per annum or upwards—a rule which it must be recognised is a salutary one in the interests of the officers themselves.

He refused to recognise that last statement, and the bank gave nothing to back the statement up. The manager of the National Bank in Melbourne had also written—

I have the honour to advise that it has been brought under my notice that my letter of the 14th ultimo was phrased that it conveyed an erroneous impression as to the practice of this bank regarding the marriage of its officers. The intention of the communication was to convey a negative reply, insofar as my institution is concerned, to the primary question submitted in your circular No. 12/2209. I regret the inadvertence and desire now to add that our practice is to require that the consent of the bank be obtained prior to the marriage of any officer drawing less than a certain salary, the amount of which varies according to the State, from £150 to £175 per annum, and not £200.

It was absolutely against public policy for the State to allow the marriage of young people to be restricted in this manner. The replies given to the Prime Minister showed that the banks admitted having clerks in their employ for 20 years, and at the end of that period they were not receiving sufficient salary to get permission to marry. In Western Australia there were a great many clerks

who had been 10 years and up to 15 years in the employ of banks and were not yet paid the minimum salary upon which they were allowed to marry. In reply to a question, the Premier had suggested in the House that bank clerks should be organised and through unions endeavour to get this restriction removed. It must be realised, however, that bank clerks would be penalised if they joined unions for that purpose.

Hon. W. C. Angwin (Honorary Minister): So you would give them a special law.

Mr. E. B. JOHNSTON: The House was constantly engaged in making special laws for large sections of the community, and it was to be hoped the Minister would not oppose the amendment because it was a special law to help bank clerks. As a Labour party they should help those who could not help themselves, and bank clerks could not help themselves in this matter unless Parliament would take a hand. The penalties proposed in the amendment might appear a little severe.

Hon. Frank Wilson: Who are you going to put in prison?

Mr. E. B. JOHNSTON: Presumably the general manager would be the agent of the directors. Although the penalty appeared severe, there would be no need ever to enforce it, because as soon as the amendment became law the banks' regulations restraining marriage would be at once abandoned.

Hon. Frank Wilson: What about the other States?

Mr. E. B. JOHNSTON: Members were in Parliament to do their best for Western Australia, and to compel companies making huge profits in the State to give their employees fair and equitable working conditions.

Hon. Frank Wilson: The directors of many of the banks are in the other States.

Mr. E. B. JOHNSTON: In every case there was a general manager in this State.

Hon. Frank Wilson: But you cannot imprison them.

Mr. E. B. JOHNSTON: They could be imprisoned if they attempted to enforce this regulation. Banks operating in the State had to obey every State law. It was the duty of the Labour party to prevent employers from interfering with the private lives of their employees, and he appealed to the democrats on the front Ministerial benches to support the proposed relief to a worthy, oppressed, and overworked section of the community, who perhaps were more at the mercy of their employers than any other section. Provision was made so that the clause would apply to all clerks. Those who had religious convictions should have the liberty to follow them. The present harassing restriction on bank clerks was opposed to the best interests of the State.

Hon. W. C. ANGWIN (Honorary Minister): Every person was in sympathy with the hon. member, but this was not a thing which could be enforced by law. The new clause would not have the effect desired. If any company desired to take this stand, there was no necessity to make a regulation. They could dismiss an employee on other grounds.

Mr. E. B. Johnston: Paragraph (b.) will cover that.

Hon. W. C. ANGWIN (Honorary Minister): It would be necessary to prove that there were rules and regulations to prevent a man from getting married. He would not think twopence of a man who would stick to his job in preference to marrying the young lady of his choice.

Mr. McDowall: Why should he lose his job?

Hon. W. C. ANGWIN (Honorary Minister): If the young lady had any mettle, she would put more than twopence into his pocket before long. He was married at the age of twenty-one. If any person desired to get married, no official, company, or corporation could prohibit him. No person was compelled to remain in the service of a bank or company, and if he was prohibited from marrying and the banks found that in consequence of the prohibition they were losing good servants, they would quickly remove the prohibition.

Mr. E. B. Johnston: You might use that as an argument against the Factories Act.

Hon. W. C. ANGWIN (Honorary Minister): This was an entirely different matter.

Mr. Underwood: It prevails in every bank.

Hon. W. C. ANGWIN (Honorary Minister): The matter was in the hands of the employees, who could regulate it for themselves. Things of more importance had been accomplished by other bodies of men and women. If bank clerks had not manhood enough to take action against an iniquitous regulation, they had better remain single, because men of such spineless character and nature would not be worthy of a good woman.

Mr. E. B. Johnston: That is a libel.

Hon. W. C. ANGWIN (Honorary Minister): Would this clause achieve what the hon. member desired?

Mr. E. B. Johnston: Absolutely.

Hon. W. C. ANGWIN (Honorary Minister): No, it would not.

Mr. Dwyer: Let us try it.

Hon. W. C. ANGWIN (Honorary Minister): It would be necessary for the clerks to prove that such regulations were carried into effect and to take a stand if one of their number was dismissed. It would be wise if the hon. member in the matter of matrimony set the bank clerks an example. The only remedy was for the bank clerks to form an association to protect themselves against unjust and unscrupulous employers.

Mr. UNDERWOOD: The Honorary Minister's chief objection to the amendment was that it would not be effective. That was a poor argument, because it was the duty of the Government to make the clause effective. To allow rich institutions such as the banks, Dalgety and Company, Burns, Philp and Company, and others, who were paying huge dividends, to enforce a regulation to prevent their employees from getting married was a disgrace to the State.

Mr. George: Do they?

Mr. UNDERWOOD: They did.

Mr. Dwyer: It is putting a premium on immorality.

Mr. UNDERWOOD: That was so, and it was preventing the natural increase of the population. Such people talked loudly and loosely about immigration and the necessity for filling up the empty spaces, but when it came to a test, their sole object was to fill up the empty spaces in their own pockets. The Honorary Minister said if a clerk was worth twopence he would sacrifice his job and get married. There were many first-class men in banks and commercial houses who retained their jobs until they were too old to get married. It was all right for a carpenter or bootmaker, who could turn his hand to most things, but many clerks had been trained in one class of work only and, unlike an ordinary tradesman, could not go out into the world and get another job. To a great extent they served what might be termed an apprenticeship. Their salaries on starting were very small, because they were learning the business, and would have a chance of securing increased salary later on. To throw them out of employment would be an injustice, as they had worked for some years for a lower rate of pay than they would have done under other circumstances. The Honrary Minister said they should organise. If that was so, we should not waste the time of the House in passing Arbitration and Factories Acts, and should not insert in the Mines Regulation Bill a clause to prevent the night shift. Miners were in a better position than bank clerks to effect their wishes in the different matters concerning them. It seemed absurd for the Honorary Minister to oppose a proposition of this description after having so recently supported a measure which related, not only to the knocking off of the night shift, but to contract and various other things in connection with the working of the mines. As the hon. member for Perth had interjected once or twice, "Let us try." There was no doubt our ancestors, even as far back as when they used to hang down from the limbs of trees, had always been told that they could not carry anything like this into effect, but it was only those

who had made the attempt who had brought about what progress there had been up to the present time. If the provision proved ineffective he hoped it would at some future time be amended so that it would be effective.

The ATTORNEY GENERAL: The only objection he had was that the clause introduced into the Bill something wholly extraneous from what the Bill had been brought in for. The object of the measure was to consolidate the criminal law now existing. There had been two resolutions, one passed by this House and one passed by another Chamber, asking for the compilation of the Criminal Code, that was, bringing into consolidated form all the criminal law we had now in existence in the State. In accordance with those resolutions he had at the commencement of this session put a copy of the compilation upon the Table of the House, and this had to be printed, but it had occurred to him and others that before that compilation should be re-enacted, as it were, or rather put into type, that we should correct manifest verbal inaccuracies and inconsistencies. That was the sole purpose of this measure. If we were to start amending the criminal law there was a vast deal of matter that could be taken into consideration. He had no objection whatever to the reform which the hon. member for Williams-Narrogin wanted, but it would be making the Bill lop-sided to get just that into it, when the purpose of the measure was a mere compilation.

Mr. McDOWALL: The proposed new clause would have his support, as it was scandalous for any institution to have the right to say whether its employees should marry or not. It seemed an absurdity for these institutions to say their employees could not marry on under £200 a year. It was perfectly well known that the vast majority of people in Australia had to marry at a much smaller wage than that, or not marry at all. If the restriction complained of prevailed throughout the whole of the Commonwealth our population would be very sparse indeed. The proposed new clause should be passed as a protest against these institutions. The hon. member for Williams-Narrogin mentioned several institutions that insisted upon their employees not marrying under certain conditions. Among them the Eastern Extension Cable Company was mentioned. In justice to that institution he (Mr. McDowall) wanted to say it was perfectly true that they did insist on this being the case, and something less than 12 months ago a clerk was discharged in Perth for having married without the consent of the company, but the company had seen fit since that time to modify their regulations and had, he believed, completely abolished the question of marriage in that direction. That showed that opinion was advancing, and if the Eastern Extension Cable Company could go as far as that he saw no reason why the banks could not follow in their footsteps. The Honorary Minister made a splendid conservative plea that we should not adopt the proposal of the hon. member for Williams-Narrogin, and said he had no confidence or faith in the young man who refused to marry because his boss would not grant him permission. That was an absurd argument, as a young fellow brought up in a bank was, after 10 or 15 years' service, utterly unfit to tackle any other occupation. Some of them had done so, and were conspicuous failures in other occupations. Hon. members must realise that, and act independently of that phase of the question, that they should be compelled to give up the occupation which they had been trained to and were suited for because they had less than £200 a year. If they said, "We can marry on £2 10s. or £3 a week," why should they not be at liberty to do so? The reason why they were not at liberty to do so was that these institutions feared that if they married on small salaries they would embezzle money. His answer to that was, "Let these institutions pay decent salaries out of the profits they are making." The Attorney General said the introduction of the proposed new clause would make the Bill lop-sided, but the Attorney General should remember that we get few chances of doing anything at all, and if we were going to sit down for ever and not do anything, what good

would we accomplish? Hon. members must avail themselves of every opportunity they could possibly get. The clause should be carried whether it was effective or not, for the simple reason that it would express the sentiments of the Parliament of this State on the question, and show that public opinion was veering around against the interference of financial institutions with the liberty of their employees.

Mr. DWYER: The proposed new clause would have his support, and he congratulated the hon. member for Williams-Narrogin upon having introduced it, and upon the deep personal interest which he took in matrimonial questions. It had been suggested that there was some personal interest at stake so far as the hon. member was concerned, but he (Mr. Dwyer) did not think so. He believed the hon. member was a strong, firm, and perfervid advocate of matrimony, and this clause showed he advocated it under all circumstances. No doubt in the fulness of time and opportunity the hon. member himself would embrace that holy and patriotic state too. It had been suggested by the hon. member for East Fremantle that all that was necessary to be done in order to introduce this reform was simply to organise, but if the hon. member considered the difference between the organisation of clerks and that of persons in the various trades unions, he would see that the force of his argument was very small indeed.

Hon. W. C. Angwin (Honorary Minister): There is no difference if they have the will.

Mr. DWYER: Other organisations had been in existence for years, and had grown up with the history of democratic movements, and their force was as that of a mountain torrent, but clerks had been unaccustomed to organisation, and were divided into so many conflicting sections that organisation with them was so difficult as to be almost out of the question. It was also suggested that the proposed new clause would have really no effect if carried. Even if that was so, in order to show to the public and the country the feeling of this House, representing the public of Western Australia on the question, it ought to be carried and made part and parcel of our Code. It was, however, begging the question to say it would not have any effect if carried. It would have effect. The clause was perfectly clear, and, in order if possible to give it fuller force and effect, he moved an amendment—

> *That the following words be added to the proposed new clause:—"In proceedings under this section the averment of the complainant in the complaint or summons shall be deemed to be proved in the absence of proof to the contrary."*

In other words, as soon as a complaint was laid, that would be proof of the facts, and then the manager of the corporation or company, as the case might be, would be put to the proof that they had not done anything in restraint of marriage. The burden of proof should rest on them, and with that additional precaution, not only would the clause be effective, but a stop would be put to this unrighteous and unpatriotic system which existed in many of these institutions.

Mr. George: And unchristian.

Mr. DWYER: Unchristian also. It had been said that if bank or other clerks were not satisfied with the conditions of their employment they could seek other avenues. That sentiment, however, could hardly be uttered by anyone who had experienced the difficulty that beset clerks in getting employment. In trades, as the member for Pilbara had pointed out, it was quite a different matter. A clerk often found it extremely difficult to get employment, and if he were to abandon the engagement he was in, it would mean that he would throw up the fruit of his years of training simply because he had a natural desire to marry and settle down and bring citizens into the world to help increase the white population of Australia. The Attorney General said his only objection to the proposal was that it would show a lack of symmetry in the measure. If that was the case other clauses could be pointed out which made the measure unsymmetrical. There was one clause, at any rate, which did not add to the symmetry of the Bill, and that was

the clause relating to secret commissions. But if the Attorney General's argument held good we should have to strike out half the clauses that were already in the Bill. Hon. members would not agree to sacrifice a big principle because of the supposed lack of symmetry which was the result of the measure. It had also been said that the clause would be the forerunner of other innovations, but there were no signs of other innovations, or even suggested amendments.

Mr. George: Does it go far enough?

Mr. DWYER: If the hon. member could improve on it and make it more effective, he would receive the support of members on the Ministerial side.

Mr. George: Do you think it goes far enough?

Mr. DWYER: It went as far as hon. members could expect it to go at the present time. If the amendment was not carried it would simply mean that, in order to bring it into effect, there would have to be introduced an amendment to the Marriage Act, and that was impossible at the present stage of the session. The amendment was in its proper place. It did not say that it was a crime; it merely made it an offence to make or enforce, or attempt to enforce, agreements in restraint of marriage. It was to be hoped that the patriotic instincts of all, and the desire for a white Australia, and also the desire to help those who were least able to help themselves, would be devoted towards aiding the hon. member in securing the passage of the amendment.

Mr. E. B. Johnston: I will accept your addition to my amendment.

Mr. FOLEY: In supporting the amendment he did so because, no matter what sphere of life they were in, if they were in a position to help those who were not able to help themselves, it was their duty to do so, and members on that side had been elected to represent every class, irrespective of whether they were organised or not. The very fact of the hon. member for Williams-Narrogin having submitted such an amendment as this showed that that member was true to his principles. The young men who entered the service of the banks at the present time were absolutely prohibited from being members of any union, and that aspect had not been touched upon by hon. members. If an amendment could be proposed to prohibit banks having the power to prevent any one from belonging to a union, that would be going a great way towards making the lot of the bank clerks much better than it was at the present time. This step should be taken irrespective of whether it was out of order in connection with a Bill under discussion, or whether it would make a Bill lack symmetry. The amendment moved by the member for Williams-Narrogin should be carried because the employees of the associated banks were entitled to the help which it was proposed to give them. Their employment in the bank did not afford them the opportunities that boys and youths in other industries had. He trusted the new clause would be carried.

Hon. FRANK WILSON: The object of the measure was to make necessary amendments prior to the consolidating Act coming into force. Therefore, the proposed new clause was quite in order. The member for Pilbara (Mr. Underwood) seemed to think that all the virtues of legislation of this description were on the Ministerial side of the House, and that all the opposition to employees in financial institutions marrying early in life was on the Opposition side of the House. He (Hon. Frank Wilson) had personally taken exception to this reprehensible habit of financial institutions interfering with the liberty of their employees on the question of marriage. On one occasion he had approached a financial institution and strongly remonstrated with them for putting this rule into force.

Hon. W. C. Angwin (Honorary Minister): No person of sense would agree with it.

Hon. FRANK WILSON: On that occasion a young friend of his in a bank, receiving a little less than £200 in salary, desired to marry, and although he (Hon. Frank Wilson) interviewed the management, pointing out that the young man was in a position to earn a considerable

addition to his salary in the evenings through other attainments which he had, yet the rule was enforced, and the young man had to leave the bank and start out afresh.

Mr. Allen: The best day's work ever he did.

The Attorney General: I think that is the proper cure.

Hon. FRANK WILSON: In this case it had been the proper cure. But the rule and the interference were objectionable, and on that occasion he had told the managers of the institution that it was an arbitrary power to which they had no right, and that it would be necessary some day for the Legislature to deal with it. He could not agree with the wholesale condemnation by the member for Pilbara of certain private firms. He did not think those firms had such a regulation. However, he knew that financial institutions had maintained the rule for many years past. The rule was objectionable on every ground. It was objectionable in the interests of the young men themselves, and still more objectionable in the interests of the young women, who in many instances were debarred from taking the man of their choice, settling down, and becoming much more useful members of society than they could possibly be in their single capacity. It was objectionable also on the grounds that it did not debar men from dishonest practices. On the contrary, he believed it was rather an incentive to such practices.

The Attorney General: It demoralises a man.

Hon. FRANK WILSON: It was apt to throw a man into avenues of amusement in his spare time which might possibly be detrimental to his moral character, which might undermine his sense of honesty and eventually lead to his becoming a derelict. Further than that, it was undermining the very principle we were all aiming at, namely, that we might encourage our young people to thrift, to matrimony, in order that we might breed up a sturdy nation under the British flag to protect the interests of Australia for all time. For those reasons he would support the new clause.

Mr. George: Do you think it goes far enough?

Hon. FRANK WILSON: It was not certain that it did.. There were many other aspects of the question which the hon. member himself might suggest. It was an opportune time to put any legislation of the sort on the statute-book. Although he was prepared to accept this legislation, so far as he was concerned, yet he did not quite know how it was going to be effected, so far as our financial institutions were concerned.

Mr. E. B. Johnston: I am assured that they will loyally obey the law in this respect.

Hon. FRANK WILSON: The bulk of these institutions were controlled from outside the State, and therefore to put into gaol the manager of a bank who was merely carrying out the instructions of his directors sitting in London or Melbourne seemed to be a hardship.

Mr. E. B. Johnston: The remedy is to fine the company.

Hon. FRANK WILSON: However, he was prepared to take the risk. He was quite prepared to take the risk of the difficulties that would be found if this clause was to be enforced through the directors and those who were apparently responsible not residing within the borders of the State. The amendment suggested by the member for Perth (Mr. Dwyer) was hardly desirable. He did not like to depart from the old British system of deeming a man innocent until he was proved guilty and he was not prepared to support a proposal that a mere declaration by somebody that he had been threatened with dismissal should be proof that an offence had been committed. He suggested that the member for Perth should withdraw that portion of the amendment.

Hon. W. C. Angwin (Honorary Minister): We could never enforce any of this proposed clause.

Hon. FRANK WILSON: Then let an endeavour be made to enforce it.

Hon. W. C. ANGWIN (Honorary Minister): Men will get the "sack" just the same.

Hon. FRANK WILSON: Bank managers did not as a rule wish to dispense with the services of good officers. They had to carry out the instructions of their directors and he believed most bank managers would make this new law a sufficient excuse for not enforcing the regulation. There might be some difficulty in enforcing the law, but there could be no harm in trying. The practice of attempting to restrict the marriage of young people was pernicious. There were of course cases where young people married without having proper means of maintenance. Sometimes that only enabled them to prove their mettle, at other times a burden was placed upon their people and occasionally such marriages ended disastrously; nevertheless, there were many estimable young people who were anxious to marry and they should not be deprived of the opportunity through regulations such as this. The banks were to be blamed for not paying a better salary to those who had been working for them for many years. Young boys leaving school were ready to go into banks because they could get £1 or 25s. per week straight away, but after eight or ten years' service they found they were only then worth £3 a week. The banks did not seem to realise that men who had served all those years were worth more than a mere subsistence. The same argument could very often be advanced in regard to the civil service. He was happy to believe that the practice in operation in banks did not extend to private firms.

The ATTORNEY GENERAL: When it became known that a Bill was to be brought forward to amend the Criminal Code, he had been approached from all quarters to amend a variety of sections in the Code. After consulting with his colleagues as to the best course to take it was resolved that, inasmuch as the Government had to carry out the resolutions of both Houses in 1911 and as those resolutions committed them only to compilation, and inasmuch as they had to reprint the compilation, and it was not desirable to have manifest errors republished, a short amending Bill should be passed and that it should be confined to making necessary corrections.

Mr. McDowall: One new clause would not make any difference.

Mr. E. B. Johnston: There are other amendments.

The ATTORNEY GENERAL: The only alterations proposed by the Bill were to bring the Criminal Code into harmony with law already in existence. The amendment created a new offence. Hon. members knew that he had certain aims and reforms but he had been obliged to hold them over. Other people desired certain other reforms and they too had to be refused for the time being.

Mr. McDowall: We might defeat the others because they might not be reasonable, but might carry this.

The ATTORNEY GENERAL: There was a vast number of suggested amendments and alterations which commended themselves to him, but he could not include them because this was a compilation. He would be consistent. He would not have it said that when asked that certain amendments should be included he had declined and that when one of his own side proposed an amendment he had accepted it. He would not be charged with that inconsistency, but the proposed amendment had his genuine sympathy, and in its proper place and at the proper time would receive his support. If it came to a vote he would not ask the Committee to vote against it, but he was certainly obliged by the course he had taken to be consistent and to treat the hon. member as he had treated other people and himself.

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

Schedule, Preamble, Title—agreed to.

Bill reported with amendments.

House adjourned at 11.4 p.m.