obliged, even by the terms of the Bill, to provide for the continuance of hospitals and charitable institutions, which would possibly impose a burden upon the people. Therefore, I uphold the Chairman's ruling.

The Chairman resumed the Chair.

Progress reported.

ADJOURNMENT—SPECIAL.

The PREMIER (Hon. P. Collier—Boulder) I move—

That the House at its rising adjourn till 4.30 p.m. on Thursday.

Question put and passed.

House adjourned at 11.10 p.m.

Legislative Council,

Thursday, 9th October, 1924.

PRESIDENT'S INDISPOSITION.

The Clerk announced that, owing to the absence of the President, who was suffering from a severe cold, it would be necessary to appoint a Deputy President.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.31]: I move—

That the Chairman of Committees be appointed Deputy President during the temporary absence of the President.

Question put and passed.

QUESTION—WATER SUPPLY, OSBORNE PARK FILTER BEDS.

Hon. C. F. BAXTER asked the Colonial Secretary: 1, Is he aware that the new work recently constructed at the Osborne Park filter beds, under the personal supervision and to the design of the Engineer-in-Chief, is badly cracked? 2, If so, to what extent? 3, Does the Engineer-in-Chief attribute the cracks, which have already appeared, to faulty design or construction?

The COLONIAL SECRETARY replied: 1 and 2, No. Some small cracks, of a nature not unusual in a wall of the length of Osborne Park filters, have developed; the work is not badly cracked. 3, Neither.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Hon. A. LOVEKIN (Metropolitan) [4.34] in moving the second reading said: I feel that I shall add to my unpopularity in this Chamber by attempting to sponsor this Bill.

Hon. J. Duffell: Don't do that!

Hon. A. LOVEKIN: I realise that the Bill comes before us with some measure of prejudice against it by reason of the fact that it was introduced in another place by a member of the Labour Party who, if he does not hold extreme views himself, often gives expression to them. If I thought that this was a Bill that had been introduced in this Chamber or in another place by an hon. member for his own benefit, I should not agree to support it, much as I might respect the principle the Bill contained. In this particular instance, although the Bill was introduced by a member who is seeking to enter the legal profession, I am advised that it will not in any way benefit him personally, because he has already had to prepare for his examination and he expects to submit himself for examination in November next. There is no doubt that the hon. member who introduced the Bill in the Lower Chamber felt the difficulty of the position in which he was placed. He has spent a good deal of his life in the Government service. As an accountant in the Audit Department, he fully qualified himself and passed in commercial law. Like many others, he has some ambition in life. He desired to improve his position and the law appealed to him as a means by which he could do so. Having had to earn his living, he has not been able to find the necessary money to go to England, where he could enter the chambers of a barrister, read law and, at intervals, eat the requisite dinners at one of the Inns of Court, and so, without any examination whatever, qualify to become a barrister of the court.

Hon. A. J. H. Saw: Where can that be done without passing an examination?

Hon. A. LOVEKIN: I am informed that the examination consists of eating some six dinners during each term and having a sort of conversation with the eminent lawyers present to prove you are an educated person and qualified in the law.

Hon. A. J. H. Saw: Are you sure of your facts?

Hon. A. LOVEKIN: I do not know whether that is so or not, but I understand those are the facts. In Melbourne one can go to the university, where there is a Chair of Law, and by passing the necessary examinations in three years, can become qualified as a practitioner. Such a person can come here, where we have no Chair of Law at the University, and, by paying the necessary fees, be admitted to the right to practice. In the case of a person who desires to improve his position, but has no money, and has to work for his living, it

is very hard to say that he shall give up earning his bread and butter in order to serve his articles for a period of five years, during which period he may get practically little or nothing for his services. He must do that in order to go through his course and pass the requisite examinations. On the other hand, if that person had money behind him, he would be able to get through the course much more easily, and, in all probability, with less knowledge. The same thing happened to me, and that is why I have so much sympathy with the Bill. Let hon. members put aside the man and deal only with the principle embodied in the Bill. I have great sympathy with it because I was faced with almost the same position. When my father died, my mother had to see me through the world. She thought I should undertake a medical course. I started with it but my mother could not afford to keep me at it. Having a little pluck left, I decided that I would no longer be a burden on her and that I would make my own way in a new country. I came out to Australia and in time I joined the Press. I endeavoured to make myself efficient in that profession, but I had a higher aim and thought I would like to go in for the law. My savings at that time totalled £60. I approached Messrs. Kingston & Kingston, of Adelaide, and subsequently I was articled to Mr. Strickland Gough Kingston of that legal firm. I put in 15 months with him, but at the same time I had to earn my bread and butter on a newspaper. When the time came for me to sit for my examination I was advised by the Law Society that it was no good going on, because I could not be admitted as a legal practitioner unless I confined myself solely to the articles. I was told that I would have to give up the newspaper work and outside work as well. That was an impossibility, and therefore I had to give up my ambition. I felt very sore about it. I did not think it was just that, because I did not have money behind me, I should be debarred from making some progress in life. I understand that that is very much the position Mr. Hughes, a member of another place, found himself in. Hence my sympathy with the Bill. It does not follow that because an individual serves his articles for five years he becomes qualified. One man will learn much more quickly than another. In my own case, when I found that I could not go on with the law course, I went to the examiner, Dr. Walter James Smith, and asked him if he would allow me to try the papers. He did so, on the same conditions under which the examination had been held. I did the three years' papers, and the only subject I failed in was conveyancing. The examiner advised me that if I had gone through my course I would have passed the full examination. On the other hand, I was debarred. It seems to be wrong in this age that when a man wishes to get on and is willing to work, he should be thus hampered. I mean a worker in the real sense of the word and not a worker within the meaning of the Industrial Arbitration Act Amendment Bill, which says that 44 hours is the limit of a man's work and that if he wishes to work for himself, he must not do so. I mean a real worker, one whose work is his recreation. Such an individual should not be debarred from making the progress that he desires. That is one of the reasons why I am sponsoring the Bill in this House. I ask hon. members to give their attention to the Bill and to the principle it contains, and to put aside all they have read or heard about the individual who has been connected with the measure in another place. There is a big principle at stake. It is whether all are to be entitled to enjoy the same opportunities in life or whether those opportunities are to be confined to those who are born, as it were, with a silver spoon in their mouths; whether all may have the opportunity to enjoy the upper rungs of the ladder in their later years, or whether, for want of funds they shall be compelled to remain on the lower rungs which, as we all know, are very heavily congested.

Hon. A. J. H. Saw: Do you say every man who becomes a barrister is born with a silver spoon in his mouth?

Hon. A. LOVEKIN: The hon. member knows very well I said nothing of the sort. I said I did not see why every person born with a silver spoon in his mouth should have an opportunity which a person not so fortunately born should be denied.

Hon. A. J. H. Saw: A distinction without a difference.

Hon. A. LOVEKIN: I am sorry the hon. member cannot see the very wide difference between the two. This Bill merely provides that the preliminary examination may be postponed. It does not provide that the preliminary examination shall be done away with altogether. The objective is that the preliminary examination shall be merged into the intermediate and final examinations. An applicant for admission, if over 30 years of age, shall have the second and third examinations extended so as to include the first examination. The first examination is practically the matriculation examination, which any school boy ought to pass easily, but when one gets up in years he forgets many of the small matters that school boys know quite well. One obtains a far greater store of useful knowledge, which replaces the smaller details learned at school. Therefore to ask a man over 30 years of age to pass a matriculation examination seems absurd. Whatever we may have been able to do in the past, I doubt whether one member could successfully pass the matriculation examination today.

Hon. A. J. H. Saw: Did not the present Speaker do it when he was well up in years?

Hon. A. LOVEKIN: Perhaps so. Given the time probably most of us could do it, but we would want means as well

as the time to do it. When one is over 30 years of age, he does not want to spend too much time over these small schoolboy subjects when he could be better employed in learning something of the business he intends to carry on. Parliament is the highest court in the country; we are the lawmakers, and assuming the laws we make are worthy of us, we ought surely to be more fit to make them than are the lawyers who are afterwards called upon to interpret them. It has been said, and no doubt it will be urged against the Bill here, that this is an attempt to qualify the unfit. Yet I ask any member whether he could pass to-day the most simple matriculation examination. I am sure I could not. Half an hour ago I tried my hand at a very simple thing, the scanning of the first line of Virgil's "Æneid," and I was unsuccessful. At school I could do it easily. I do not know whether other members could do it, but that is one of the questions one would get at a matriculation examination. Take algebra: how many members could solve the simplest of equations? Let me suggest one—"A is six times as old as B and fifteen years hence will be three times as old as B. How old is each?"

Hon. H. Stewart: It is easier to do that by algebra than by guess-work.

Hon. A. LOVEKIN: Quite so. I managed that one; I have it pencilled out on the paper before me.

Hon. H. Stewart: If you had kept up your practice in Virgil, you would have been all right.

Hon. A. LOVEKIN: Perhaps so. Here is another simple equation: "At a cricket match the byes are double the wides. The rest of the score is greater by three than 12 times the number of byes. The score is 138. How many byes and wides were scored?" That is the sort of examination one must be able to pass before he can enter articles as a law student now, unless he be a managing clerk. Then take euclid, which is one of the subjects. The general enunciation of the pons asinorum runs: "The angles at the base of an isosceles triangle are equal and if the equal sides be produced the angles on the opposite side of the base are also equal." Could any member demonstrate that?

Hon. H. Stewart: If he could not do a simple proposition in euclid, he is not fit to interpret the law and has not a logical mind.

Hon. A. LOVEKIN: It is one thing to look at such a proposition, but quite another thing to be able to show the process of reasoning, as one would have to do at an examination. "Describe an equilateral triangle upon a given finite straight line." That seems easy enough; it is so apparent, but when one sits for an examination he must be able to prove it and give the reason for every step.

Hon. J. Cornell: Now I understand why some lawyers are such good reasoners.

Hon. A. LOVEKIN: All that this Bill asks is that this class of matter may be taken at the second and third examinations, instead of at the first examination before a man can make a start.

Hon. J. Nicholson: The Bill proposes to dispense with that examination altogether.

Hon. A. LOVEKIN: Where does it say that?

Hon. H. Stewart: Have you read the Bill?

Hon. A. LOVEKIN: I suppose I have.

Hon. J. Nicholson: What about Clause 4?

Hon. A. LOVEKIN: The Bill says it shall not be necessary to pass the preliminary examination, but the intention is that these subjects shall be passed at the intermediate and final examinations.

Hon. A. J. H. Saw: The Bill does not express any such intention.

Hon. A. LOVEKIN: Then there is no reason why we should not provide for that.

Hon. G. W. Miles: You want to enable a man to pass his captain's certificate before he has got his first and second mate's certificates.

Hon. A. LOVEKIN: No, I do not. A boy may become a ship's apprentice without any examination at all. To get his mate's certificate he has to submit to examination, but by that time he has had some experience of the sea. When a man attains the age of 30——

Hon. A. J. H. Saw interjected.

The DEPUTY PRESIDENT: I ask members to refrain from interjecting.

Hon. A. LOVEKIN: I do not at all mind the interjections.

The DEPUTY PRESIDENT: But I do mind!

Hon. A. LOVEKIN: Then I am sorr for you, Sir, and not for myself.

The DEPUTY PRESIDENT: It is impossible, owing to the interruptions, to hear what the hon. member is saying.

Hon. A. LOVEKIN: When a man reaches the age of 30 and desires to improve himself—a very laudable desire indeed—it seems reasonable that he should not be compelled, as a condition precedent to being able to take the first step, to go back to schoolboy days and pass such an examination. I regret that my view is dissented from. When an applicant reaches the intermediate and final examinations it will be found that, without any specific section in the Act, there is any amount of Latin in the papers. I had a good deal of it and unless one knows something about it, there is no hope of passing. Therefore the candidate of over 30, who expects to pass his final examination, must know he will be examined in Latin.

Hon. A. J. H. Saw: Would not it be the time to have that test before he starts on his career?

Hon. A. LOVEKIN: Why delay by another year or two a man who has reached the age of 30 by requiring him to pass this examination at the outset? He has a much larger store of information than

the mere knowledge of equations and such like things. He has a large general knowledge that will serve him much better when he becomes a member of the profession. Of course all education is of value, but is not the general knowledge that a man acquires of greater benefit to a solicitor than mere schoolboy mathematics and the subjects he has to encounter before he can make a start? There should be some latitude given and if a man is asked to pass practically the same examination in two years that he otherwise would have had to pass in three years, I see no good reason why he should not be allowed to do so.

Hon. J. Ewing: What about experience in the office?

Hon. A. LOVEKIN: We know what that is when one commences his articles. He fills in writs, fi. fias., etc., and to do that a man does not require a great deal of experience. So far as conveyancing is concerned, Mr. Nicholson will admit that in these days it is nothing like the conveyancing of days gone by when there was no Transfer of Land Act or forms or schedules set out in Acts.

Hon. J. Nicholson: I will not admit anything of the kind. Conveyancing to-day is an important branch of the law and I am learning something about it every day.

Hon. A. LOVEKIN: Yes, but it is not so difficult as it was 30 or 40 years ago when there were no Acts of Parliament setting out the forms that had to be followed.

Hon. J. Nicholson: Efforts have been made to simplify it, but that has nothing to do with the case.

Hon. J. R. Brown: Solicitors to-day get their information from their clerks.

The DEPUTY PRESIDENT: Order!

Hon. A. LOVEKIN: I do not propose to go into the details of the Bill at the present juncture; I am going to treat it as a Bill involving a principle, and that only. Mr. Nicholson will agree with that. The details may be alterable, but probably there may not be much objection to the details if the principle be agreed to. The principle is that it affords an equal opportunity to every person born to attain high office in the land. That opportunity does not exist to-day unless a person has money at his back or someone to assist him to get through. Of course there are exceptions such as the cases quoted where a man, with absolutely nothing, was able to get to the top of the tree. To give the average person the opportunity, however, needs money.

Hon. H. Stewart: And brains.

Hon. A. LOVEKIN: Yes, he must have brains as well. But when we talk about brains, who is more likely to have brains than the man who, in addition to doing his own work by day, spends his spare time in studying instead of attending football matches, horse-racing, and the trots. If we are to have efficiency, this is the man upon whom we can rely. If the principle is approved the details of the Bill can be considered afterwards, and if those details can be improved I shall be glad. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—JURY ACT AMENDMENT.

Second Reading.

The HONORARY MINISTER (Hon. J W. Hickey—Central) [5.5] in moving the second reading said: This is not a very big Bill, but it is of some importance. The principle objects are to abolish special juries, to ensure secrecy in regard to jurors selected for the trial of any case, to provide for the placing of women on jury lists, and incidentally several small matters such as exempting justices of the peace from service on juries, the alteration of the payment of jurors' fees and the examination of individuals who find it awkward on account of residence conditions to serve on juries. Another object is to remove the property qualification in regard to the serving on common juries. Dealing first with the payment of juries, for quite a long time this has been a controversial subject, and it has been claimed that when a person is taken away from his occupation, whether it be manual labour or professional duty, that person is entitled to a little more consideration than he now gets. To-day the payment for acting as a juryman is 10s. a day. Going back over the times it is hard to find a reason for payment of this sum. It was held in days gone by that by increasing jurors' fees it would probably make men anxious to serve as jurors. Whateevr the reason was, the result is the same, and it is that to-day a man who is taken from his work where he may be getting 15s. a day can claim only 10s. a day for serving on a jury. The case on which he is sitting may last for over a week and it may even extend into three weeks, as did a recent murder trial. The Government are of opinion that the time has arrived when the question of payment should be reviewed and the opportunity given by regulation to control the fees in order that people may get a little greater consideration and not be penalised as is frequently the case to-day. This is an important feature of the Bill and it is entitled to consideration. It is proposed to make it possible for women to serve on juries.

Hon. J. Cornell: How will it be made possible?

The HONORARY MINISTER: It will not be made impossible. It will be a matter for the women's own choice. It is not long since it was made legal that women should have the same status as men, and that is a reason for making the provision to which I have just referred, and any woman who so desires may serve on a jury.

Probably there are many who will not wax enthusiastic in respect of sitting on a jury. It may be argued that the clause should be so framed as to place women, in this respect, in the same category as men, or it may be contended that the provision should be that women may serve on juries only as a result of their own application to those in authority. Personally I am of the opinion that women are not too enthusiastic about the idea of serving on juries, but I know that if they were allowed exemption and the onus were placed on the women themselves to make application for exemption, 75 per cent. would not heed the arrangement, and the result would be that they would be summoned to serve on the jury.

Hon. J. Cornell: Let the obligation be equal or not at all.

The HONORARY MINISTER: If it is contended that women's legal status is similar to that of men, then the position should be carried out to its logical conclusion. At the same time, as some doubt has been cast in that direction, the Bill will give women an opportunity they have not had before. Many women would perhaps be too busy and would neglect to apply for exemption, and if they were summoned, inconvenience might result in their homes. That is why the Government have thought fit to include the clause that will be found in the Bill. I am of opinion that is the better way of dealing with the matter. It will meet the situation, and only those who desire to serve on juries will be asked to do so.

Hon. J. Duffell: Don't you think it better to do away with juries altogether just now?

The HONORARY MINISTER: That raises another question entirely.

Hon. J. J. Holmes: If seventy-five per cent. of the women are too busy to apply for exemption, they will certainly be too busy to serve on juries.

The HONORARY MINISTER: I would not be surprised if they were. But we have recently carried legislation granting women full citizen rights and we must give them the opportunity to take advantage of those rights. We must recognise also that it may be rather awkward for the two heads of the family to be represented on the same jury.

Hon. A. J. H. Saw: And they may disagree.

The HONORARY MINISTER: Very likely. Another important point in connection with this Bill is that relating to secrecy associated with the empanelling. From my examination of the facts, and from an analysis of the position as it exists in the other States, I do not think there is the same necessity for the clause dealing with the matter so far as Western Australia is concerned. I am saying that, not with any thought of reflecting on things as they exist in the other States, but we are aware on reading the newspapers from time to time that what is known as jury rigging is a common practice in some of the other States, and therefore people view the position with a degree of alarm and they are agitating for legislation to deal with the question. We have it on the authority of those who are in a position to know that jury rigging has not extended to this State to the same extent as it exists in the other States. At the same time legislation dealing with it is essential. It has been thought necessary to safeguard the position, and so the Government have inserted in the Bill a clause to prevent anything of the sort happening. Under the existing system it is a relatively simple matter to find out within a few names who are likely to be empanelled on a jury, after which of course it is still easier to ascertain the views of probable jurors.

Hon. J. Nicholson: To which clause do you refer?

The HONORARY MINISTER: To Clause 13, providing that the jurymen are to be designated by numbers instead of by their own names. All the numbers will be placed in a box, and the judge's associate will draw them. This system will not lend itself to jury rigging.

Hon. J. Duffell: It is all a most excellent argument for the abolition of juries.

The HONORARY MINISTER: Another provision will exempt from service on juries people who have to come 30 miles over bad roads and perhaps be required to stay in town overnight, leaving their wives and families in the bush. In fairness to those people, the Government have included a clause exempting them from jury service, provided they can satisfy the authorities of their bona fides. Then there is a provision exempting justices of the peace from serving on juries. To-day they are exempt from service on special juries, but it is not quite clear that they may not be called upon to serve on common juries. This provision removes all doubt. Sometimes it would be very awkward if a justice of the peace were empanelled on a jury; he might even be required to take his place on the bench, while alternatively his services might be in demand elsewhere. But apart altogether from that, this proposed exemption is to be granted to him as an appreciation of his valuable public offices. He already does a great deal of work for the public good, and it is felt to be unfair to impose upon him this further service. In another place it was remarked by interjection that the proposed exemption might be taken as a reflection on justices of the peace. I can assure hon. members that nothing was further from the minds of the Government, or from that of the Minister who introduced the Bill, himself a justice of the peace.

Hon. J. Duffell: Did you receive any communication on the point from the justices' association.

The HONORARY MINISTER: No, it is only that an interjection was made in another place suggesting that the proposed exemption might be regarded as a reflection on the justices. Then the Bill contains a provision for the removal of the property qualification for jurors. The Government hold that such qualification is quite unnecessary. This provision will bring our Act into conformity with Acts in other States of the Commonwealth and with the New Zealand law. Some little difference of opinion may exist among members regarding the clause providing for the abolition of special juries. That, too, has been a controversial question. Last session a private Bill with that object was brought down. It passed the Assembly, but was defeated in the Council.

Hon. J. Duffell: It came before us at about 3 o'clock one morning.

Hon. J. J. Holmes: I think the mover voted against it.

The HONORARY MINISTER: I have never yet heard a sound argument for the establishment or retention of special juries. They are relics of bygone days.

Hon. J. Duffell: The whole system of trial by jury is an anachronism.

The HONORARY MINISTER: I will not deny that. But trial by special jury is a relic of even prehistoric days. While one might be satisfied to be tried by his peers——

Hon. A. J. H. Saw: We are all peers of each other now.

The HONORARY MINISTER: Yes, that is so. If a man be wealthy enough, he can ask for a special jury. In my opinion, in the administration of justice no section of the community should be entitled to any privilege denied to another section.

Hon. A. Lovekin: Do you say there should be no qualifying test for a juror?

The HONORARY MINISTER: The qualification should be that of manhood and womanhood suffrage. If a man or a woman lives a good life, is of good character, and is a reputable citizen, he or she should be entitled to sit on a jury.

Hon. J. Duffell: And is endowed with common sense.

The HONORARY MINISTER: Yes. If they had no common sense they would not be in the position they hold, to entitle them to serve on a jury.

Hon. J. Nicholson: Does the Bill provide that they should be reputable citizens?

The HONORARY MINISTER: That is a principle that is recognised in all positions. When a jury is empanelled, both parties are entitled to be present. Other Acts affecting this Bill provide that a person shall be of good repute, and the principle will apply in this case.

Hon. J. Cornell: The principle existing to-day is that the accused shall be defended by a person who shall be a qualified man. There is no qualification concerning those who shall adjudicate.

The HONORARY MINISTER: Sometimes we think we are more qualified than those who adjudicate. There are men in responsible positions in the community, and are of good repute and standing, who would not be entitled under the Act to serve on a common jury, let alone on a special one. If a man holds a position of trust and confidence, he should be entitled to get on the jury list if he desires it.

Hon. A. Lovekin: Most competent men try to dodge juries.

The HONORARY MINISTER: That is so. I do not say that because a man owns £500 he is less honest than the man who owns £50 or £150, but the man owning the lesser amount is just as honest as he who owns the greater amount. The holding of the lesser amount should be no disqualification with regard to sitting on a jury. The special jury system is a pernicious one, is a relic of bygone days, and should be abolished.

Hon. A. Lovekin: Bankers, merchants, and so on, are entitled to sit on special juries.

The HONORARY MINISTER: When speaking on the Legal Practitioners Bill Mr. Lovekin used a sound argument that can apply in this case. He referred to men who had to battle through life, and had risen to the highest positions in the land from the most humble. Such men might be debarred from serving on either of the juries I speak of. Even Mr. Lovekin, for all his position and standing in the community, might, if he lost his wealth, be unable to sit on a special jury, and might indeed be unable to sit on a common jury.

Hon. A. Lovekin: I referred to qualifications other than money.

The HONORARY MINISTER: The Act does not provide for any qualification other than one.

Hon. A. Lovekin: I think so.

Hon. V. Hamersley: Will you not incorporate preference to unionists?

The HONORARY MINISTER: On one occasion I was working on a mine at Cue, with a most objectionable character who refused to join the union. This man decided to leave the mine, but received sufficient backing to enable him to prosecute not only those who refused to work with him, but others who were not present at the time and who were not members of the union. The union, those who were present and those who were not, and those who were not members of the union, were subsequently brought to Perth at great expense to themselves, and were convicted, and damages were given against them by a special jury. I was one of those tried by the special jury. The men had to leave their wives behind, because they could not afford to take them to Perth.

Hon. J. Nicholson: If the wives were made jurors, they would have to leave the husbands behind.

The HONORARY MINISTER: Some of these men have not yet recovered from their

losses on that occasion. Had we not been tried by a special jury, I feel sure we would have been acquitted. This was a conspiracy charge, and we had no chance from the start, because the special jury was composed of land agents and others who did not know the back country, and had no knowledge of industrial affairs. These special jurors acted honestly according to their ideas, but if inability to sift evidence and to exercise ordinary common sense were qualifications for special jurors, these particular men were well qualified.

Hon. J. J. Holmes: A conspiracy charge carries with it imprisonment.

The HONORARY MINISTER: There was no imprisonment in this case.

Hon. J. J. Holmes: Then you must have been lucky in having had a special jury.

Hon. J. Cornell: There are plenty of similar cases in connection with common juries.

The HONORARY MINISTER: That kind of thing could occur in the case of a common jury, but in that instance there would be more chance of securing men who had been through the hurly-burly of life, and who would understand why the men refused to work with one who was a non-unionist. If the occasion arose to-morrow I would refuse to work with a non-unionist. We had done no harm to anyone, and yet we were convicted and fined on a charge of conspiracy. I have no grudge against this particular jury, because I am sure they acted as they thought was right and proper, but if they had been common jurors they would have been more practical and had a greater realisation of the actual position. We claim to be a democratic State, but we shall be shedding some of our democracy if we fail to carry this Bill. It cannot act harshly in any direction, but will rectify some of the wrongs that exist and will tend to ensure justice where justice should be given. The time has gone by for a perpetuation of the old system of special juries. This State has always claimed to have taken a leading part in the legislation of the Commonwealth, so that we cannot growl much if we are accused of slipping back a little from time to time by failing to pass legislation such as this.

Hon. A. Lovekin: Have you not taken away all the qualifications of a common juror?

The HONORARY MINISTER: Yes.

Hon. A. Lovekin: The man in the street can sit on a jury?

The HONORARY MINISTER: Yes.

Hon. J. J. Holmes: Or a member of the party.

The HONORARY MINISTER: Not necessarily a member of the party.

The DEPUTY PRESIDENT: I must ask hon. members to let the Honorary Minister proceed without interruption.

The HONORARY MINISTER: In the opinion of the Government, any man who possesses the full rights of citizenship should be entitled to sit on a jury. I hope hon. members will consider seriously before voting against the Bill. If, in their opinion, there are defects in the measure, I hope they will advance their objections in Committee, having voted for the second reading. I move—

That the Bill be now read a second time.

On motion by Hon. A. J. H. Saw debate adjourned.

BILL—TRUST FUNDS INVESTMENT.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Trustees enabled to invest trust funds in road board debentures:

Hon. H. SEDDON: I move an amendment—

That the following proviso be added to Subclause 1:—"Provided that prior to the issue of such debentures the Under Secretary for Public Works shall have certified in writing: (a) that 75 per centum of the ratepayers of the district have paid all rates due by them for rates imposed by the road board for the then last preceding financial year, and (b) that the total annual rateable value of the road district shall disclose an average increase of at least 1 per centum per annum during the immediately preceding five years."

This amendment, which is in a different form from the one I placed on the Notice Paper, is designed to ensure that the road district borrowing the money is progressive, and shall not have a declining revenue and therefore a depreciating security.

The COLONIAL SECRETARY: I have no objection to the amendment in its present form.

Hon. J. J. HOLMES: I have not the amendment in its new form before me. Does it say that 75 per cent. of the ratepayers shall have paid, or that 75 per cent. of the total amount of the rates shall have been paid? The 75 per cent. of ratepayers who had paid might be the smaller ratepayers, and therefore their payments would not represent 75 per cent. of the total value of the taxation.

Hon. J. Nicholson: It should be 75 per cent. in number and value.

Hon. H. Seddon: There is not much trouble with big ratepayers; it is usually the smaller ratepayers.

Hon. J. J. HOLMES: An experience which I have had recently as a Royal Commissioner leads me to doubt that. In the case I have in mind persons who should have been big ratepayers had not appeared on the roll for years. An official of the Public Works Department appeared on the

scene, but found that the law allowed him to go back only five years, although prior to the five years no rates had been paid.

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

Title—agreed to.

Bill reported with an amendment.

BILL—PRIVATE SAVINGS BANK.

Recommittal.

Resumed from the 2nd October; Hon. J. W. Kirwan in the Chair, the Colonial Secretary in charge of the Bill.

Clause 7—Quarterly investments with Minister (partly reconsidered):

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 1, line 3, "seventy" be struck out, and "seven" inserted in lieu.

The effect of carrying this amendment will be to compel private savings banks to deposit with the Treasurer £10,000, and also 7 per cent. of the excess of deposits over withdrawals.

The COLONIAL SECRETARY: This is a vital clause. Mr. Nicholson does not improve the position he previously took up, by moving this amendment. The State Savings Bank already has to meet the competition of the Commonwealth Savings Bank, which is of a very serious nature. Prior to that competition the State Savings Bank had much more money to lend than it has now for development purposes. At present the reduced funds of the State Savings Bank are used for the provision of water supplies, for repurchase of estates, and for loans to municipalities and road boards. The carrying of the amendment will mean that any person who can put up £10,000 will be able to start a private savings bank, subject only to his depositing in the Treasury that amount and 7 per cent. of the excess of deposits over withdrawals. I do not think the Committee will support such an amendment.

Hon. A. LOVEKIN: I wish to give the Minister notice that I intend to ask for the further recommittal of the Bill to take the point that the Bill, or parts of it, are ultra vires of the Federal Constitution. I ask the Minister to look at Clauses 5, 10, and 13, and to consider whether this State has power to legislate as regards deposits of a bank that is established in Melbourne.

Hon. J. J. HOLMES: I cannot support Mr. Nicholsons' amendment. Following on what the Minister has just informed the Committee, I would like to take this opportunity to say that in my opinion the reason for the depletion of the funds of the State Savings Bank is the unbusinesslike manner in which the loan policy has been carried out. For instance, only a few months ago the State Savings Bank in Hay-street paid 3½ per cent. interest, while the Treasury were paying in Barrack-street 5½ per cent. interest. The result was that people transferred their money from the State Savings Bank to the Treasury in order to secure the higher rate of interest.

Hon. H. Seddon: You can get six per cent. now.

Hon. J. J. HOLMES: Prior to that, the Commonwealth Bank established their savings bank branch and people have been able to get an increased rate of interest there. Unbusinesslike methods have caused the funds to be depleted.

Hon. H. Stewart: Not the methods of the present Government.

Hon. J. J. HOLMES: No.

Hon. E. H. Harris: But the present Government are perpetuating the system.

Hon. J. J. HOLMES: Every encouragement should be given to the small depositors and I cannot see why the State should pay to the small depositor 3½ per cent. only and allow the large moneyholder to receive 5½ per cent. or 6 per cent. on his deposits at the Treasury.

Hon. T. Moore: But the money paid to the Treasury is on fixed deposit!

Hon. J. J. HOLMES: With better business methods, increased deposits would be made at the State Savings Bank. I am opposed to all sorts of private savings banks cropping up and taking the people's hard earned savings, with the result that probably those concerns may not be able to meet their obligations at some future date.

Hon. J. EWING: It would be better for the Government to face the position straightforwardly. They want the money of the small depositors for the development of the State. The Commonwealth Savings Bank has made great inroads into the State Savings Bank business, and only a few months ago the interest rate was increased. The Mitchell Government considered the question of raising the savings bank interest rate, but I cannot say offhand whether that was done. In view of the competition of the Commonwealth Savings Bank, something along those lines should be done. Of course the reason for the difference in the rates of interest on fixed deposits and on money at call is obvious. If the object of the Government is to secure all the money available from the small depositors, the best way would be to prevent any private savings bank from operating here. The present proposal is merely camouflage. I hope the Minister will tell us whether the building societies, one of which was established in 1862, are to be regarded as private savings banks.

The Colonial Secretary: I will deal with that position later on.

Hon. J. EWING: I think the State Government should raise the interest rate to that paid by the Commonwealth Savings Bank. As it is, if people can get an extra half per cent., they will lodge their money

in the Commonwealth bank. I wish it were possible to do away with the Commonwealth Savings Bank altogether or, as an alternative, that some arrangement could be entered into whereby at least 75 per cent. of the money deposited in that bank should be made available to the State Government for developmental purposes. It would be preferable to delete the clauses dealing with this position and legislate simply to say that there should be no private savings banks in operation in Western Australia in opposition to the State Savings Bank.

Hon. A. LOVEKIN: I cannot conceive that it is right that the State should have a monopoly over all the savings bank funds in Western Australia and that we should wipe out every little building or mutual benefit society, merely because the State does not carry on the savings bank operations in a business-like way. Some time ago when it was ascertained that the Commonwealth intended to raise the interest rate, we went to the then Treasurer and told him that the Commonwealth were taking the State's money. He said, "It is all right." We told him that he was paying 3½ per cent. interest in Hay-street and 5 per cent. interest in Barrack-street and that it was affecting the business of the savings bank. The then Treasurer said again, "It is all right." Shortly afterwards it was found that the Commonwealth Savings Bank had attracted a large proportion of the State Savings Bank money. That was because the Government were not awake and now Parliament is asked to pass a Bill setting out that no one shall receive savings bank deposits. The corollary will be that once the Government get the monopoly, they will pay what rate of interest they like.

Hon. F. E. S. WILLMOTT: This point can be discussed from all aspects, but the fact remains that from the savings bank deposits we have been able to provide Agricultural Bank clients and others with money at a low rate of interest. That interest has been based upon the rate the savings bank has had to pay. So long as those loans to the Agricultural Bank clients are in force, the existing rates must continue. At present 8 per cent. is paid for borrowed money, but clients of the Agricultural Bank who received their loans years ago are paying a much lower rate of interest, for in those days the State Savings Bank paid 3 per cent. only for that money. If we alter the system radically the position will become more difficult. Savings banks that have endeavoured to pay a high rate of interest on floating deposits, have always failed.

Hon. H. Stewart: State savings banks?

Hon. F. E. S. WILLMOTT: Of course not. State savings banks have never been foolish enough to pay a higher rate of interest than they could afford.

Hon. A. Lovekin: When there is opposition, if you do not raise your rates of interest you do not get the goods.

Hon. F. E. S. WILLMOTT: To-day 4 per cent. is the market rate and the State is paying 3½ per cent. and the Commonwealth 4 per cent.

Hon. G. W. Miles: If the State does not increase the interest rate to 4 per cent., we will lose the business.

Hon. F. E. S. WILLMOTT: I agree with Mr. Ewing that the Bill proposes a circuitous way of reaching the objective and that it would be better to say that we will allow no other savings bank, apart from the Commonwealth Savings Bank, to operate in opposition to the State Savings Bank.

Hon. H. SEDDON: There is one point that ought to be cleared up. References have been made to the funds of the State Savings Bank being used for the development of the State. The latest report dealing with the Government Savings Bank shows that of the funds totalling £6,022,782, £3,123,303 have been invested in local inscribed stock certificates and £240,954 in debentures under the Agricultural Lands Purchase Act. It is interesting to note that the greater portion of the money deposited with the State Savings Bank remains there for a considerable period and the operations are not high.

The COLONIAL SECRETARY: I would like to make it clear to hon. members that the Bill has come to me from another place and I have no power to withdraw it. I would not suggest that it should be withdrawn; it is here for the consideration of hon. members.

Progress reported.

House adjourned at 6.17 p.m.

Legislative Assembly.

Thursday, 9th October, 1924.

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