

school is £870. Consequently if that scheme were adopted of selling the present site and completing the new school the Government would actually receive £120 as a credit balance. In addition to that, within a radius of six miles we have eight other schools, two larger ones and six smaller ones, the aggregate number of children attending those smaller schools being 75. If the department made investigations into the matter it would be found that by the employment of two motor lorries all those children could be brought into Manjimup and expense and the salaries of the teachers in those small country schools would thus be saved. If that were carried out it would be of very great benefit to the children and would represent a saving to the department of perhaps £500 per annum. The Education Department by carrying out those suggestions would certainly be rendering great improvement to Manjimup and saving money at the same time. A school ground condemned five years ago because it was altogether too wet could still be condemned to-day for the same reason. That school was started in the depth of the depression, yet to-day with conditions very much better the department still has to use that ground. As a matter of fact the children are not allowed to play on that ground, but have either to stop in the school or go out in the street and play because in winter the ground is covered by five or six inches of water. I also wish to add my meed of praise to the parents and citizens' associations, and particularly to the organisation at Manjimup. No less than £36 has been raised each year for school funds. The whole of the new ground has been cleared by members of the association at a cost of less than £180. A considerable amount of fencing has been done and recently a radio set has been provided. This refers to quite a number of smaller country towns where electricity has been installed, but radio interference is affecting reception greatly. I understand that this is a matter for the Federal Government, and that many local authorities have taken steps to urge that regulations be brought into effect. While this to a great extent affects country centres, I think the Minister might urge the Federal authorities to bring in suitable regulations to prevent such interference. I wish to congratulate the member for North-East Fremantle (Mr. Tonkin) on his speech, in which I heartily concur. The conditions of

which he complained pertain to Manjimup also. I regret that he spoilt a remarkably good speech by making some ironical remarks about the country. He himself, in years gone by, was stationed at one of those schools which we desire to have closed and the children sent to the central school at Manjimup, and the hon. member was not so enamoured of the conditions as to warrant him making those disparaging remarks.

Mr. Tonkin: I think you misunderstood me.

Mr. DOUST: If so, I am sorry, but the hon. member's remarks certainly seemed disparaging to country people.

Vote put and passed.

Vote—Police, £237,657—agreed to.

Progress reported.

House adjourned at 11.24 p.m.

Legislative Council,

Wednesday, 11th November, 1936.

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

ASSENT TO BILL

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 2), £1,600,000.

PAPERS—AGRICULTURAL BANK CLIENTS.

Mortgage Forms.

Order of the Day read for the resumption of the debate from the previous day on the following motion by Hon. A. Thomson:—

That a copy of the mortgage forms which clients of the Agricultural Bank are now compelled to sign be laid upon the Table of the House.

Question put and passed.

BILL—JUSTICES ACT AMENDMENT.

Read a third time and *passed*.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS.

Second Reading.

Debate resumed from the previous day.

HON. J. J. HOLMES (North) [4.38]: I wish to deal only with two aspects of this Bill. The first is, how it will affect the wool industry or the sale of woollen goods, and the other is the provision that anything and everything may be done by proclamation. The Minister can at any time, according to the Bill, proclaim any article as coming within the provisions of the Act, or may at any time also by proclamation delete articles of any description that may already have been included in the Act. Action of that sort should be carried out by regulation and not by proclamation. If the Bill is passed in its present form, it will mean that the control of this legislation will be taken out of the hands of Parliament and put into the hands of the Minister. That is most undesirable. When speaking in another place the Minister for Employment said that the Bill sought to establish a method of ensuring that the goods sold to the public were true to label. He went on to say that wool-growers, and particularly women's associations, had frequently asked for legislation to ensure a true description of the goods that were offered for sale. He added that a good deal of misrepresentation now took place in the advertising for sale of woollen goods or goods said to be made of wool, and that more particularly did this apply to cloth and material of that description. When the Bill was first introduced, it did apply to "woollen cloths and materials" of that description, but

for some reason those words were deleted in another place. When in Committee I propose to move for the reinstatement of the words. The Bill without those words is of no use to the woollen industry. When Parliament has excluded certain items, woollen goods, etc., I can hardly imagine the Minister by proclamation reinstating them. If the words had never appeared in the Bill, the discrepancy would not have mattered so much, but seeing that another place took them out, we must put them back or they can never be reinstated by proclamation. The schedule attached to the Bill is not that which was attached to it when it was first brought down. I hope in Committee to have the schedule amended along the lines of the original schedule. I do not think anyone disputes the fact that for many years Australia has been riding on the backs of the sheep. Woolgrowers have to face all kinds of serious problems. They have rayon and artificial goods generally to contend with. Traders are permitted to sell what are classified as woollen goods, whereas they are nothing of the sort. The result is that genuine woollen goods are brought into disrepute. A man may buy a pair of all-wool socks or a pair of woollen trousers and they may fall to pieces. Despite the fact that they are not made of wool, he turns against wool and says he will try rayon next time.

The Chief Secretary: Is it not a question of the interpretation of the word "woollen"?

HON. J. J. HOLMES: No. What the Bill aims at is to ensure that when traders submit articles as woollen goods, they shall be woollen goods. I will indicate one instance of the trickeries of the trade. I shall mention no name and no place. I have it on the best authority that when a Wool Week was conducted in Perth some time ago, some traders took advantage of the position. The wool people were shrewd enough to guard against imposition. Before the Week commenced, they went round the shops and secured samples of materials, together with particulars of prices. When the Wool Week was in progress, they went round again. They found that in some instances what was sold at 8s. 11d. a yard prior to the Wool Week was exhibited in conspicuous places as woollen materials, the price of which was 18s. 11d. a yard.

Hon. G. Fraser: Sale prices!

HON. J. J. HOLMES: Yes. Members can take that instance as authentic. It is to pre-

vent that practice that the Bill has been introduced. I admit that there are some objectionable features in the Bill, but other members can deal with them. I shall content myself by referring to the wool aspect and the proposal to effect alterations to the Schedule by way of proclamation. Boiled down, the clauses that affect the wool industry aim at protecting the public against the dishonest trader, and at assuring to the public that when they seek to buy woollen goods they shall secure woollen goods and not artificial articles priced as woollen goods. I shall not say much more, except to reiterate that the Bill was designed to protect the wool industry. People associated with that industry made representations long ago for the introduction of legislation of this description, which is long overdue. I hope the Bill will be passed with certain amendments. The woolgrowers contend that the Bill, in consequence of amendments in another place, has lost its usefulness. They say—

There is no class of goods in connection with which more misrepresentation and false advertising take place than in articles of clothing and materials for clothing alleged to be of wool. The Bill certainly provides for any class of goods being brought within its operations by proclamation, but insufficient reasons have been advanced as to why the items mentioned were deleted from the Schedule. Unless clothing and materials for clothing are brought within the operation of the Bill, misrepresentation, deliberate or otherwise, which the Minister admitted his inquiries had shown to exist, will continue.

There is one other objection, I understand. It is to the bringing of this measure into force without sufficient notice; but I am advised we can get over that difficulty by adding another Schedule to include the words indicated and provide that the Schedule shall not come into operation until at least six months after the proclamation of the Act.

The Chief Secretary: You want to give them license for another six months!

Hon. J. J. HOLMES: I am informed that in many instances it will be necessary for traders to secure supplies of woollen goods from abroad, and also that they have to make provision to enable them to get rid of the stocks on hand. It is suggested that some hardship may be inflicted if alterations are forced upon traders by proclamation. I am not so much concerned about that aspect, but objection has been taken to the Bill regarding the inconvenience it might cause in

certain quarters and in connection with the wholesale houses. I do not propose to give them six months' license merely for that purpose, for I would be quite satisfied to permit the Bill to come into operation at once. On the other hand, I do not desire that the opponents of the Bill shall be able to say the position is impossible because they have such quantities of material on hand to be disposed of. I merely suggest that provision. In any case, the matter has gone on for so long that another six months will not make much difference. With these few remarks, I support the second reading of the Bill.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.53]: I have no objection to the intention of the Bill, but strong objection to the procedure it is proposed to adopt. I believe in democracy, and support the principle that Parliament, which represents the people, should make the laws. The Constitution Act provides that both Houses of Parliament shall make the laws. I believe in the continued application of that principle, and I strongly object to handing over the powers of Parliament to an individual Minister, which, in effect, this Bill asks us to do. As we know, the Governor acts on the advice of his Ministers, and we are aware that the Minister in charge of a particular matter is the person who makes representations to Cabinet. If Cabinet approve of the Minister's proposal, then they approve of the proclamation, and the Governor signs it automatically. If we agree to this provision, we shall eliminate powers that Parliament should retain. That is entirely wrong. The Honorary Minister was mistaken when he stated that the reason for the proposal to act by way of proclamation was to make the legislation more efficient, because of the time factor. I would point out to him that the Bill could operate much more quickly than by way of proclamation because at least one month and a day must elapse before the proclamation can be effective. I assume that a report can be obtained and placed before the Minister and the proclamation prepared all in one day. On the other hand, the regulations can be brought into force immediately. Subparagraph (iii) of the proviso to Clause 5 sets out the procedure, and shows that before making any proclamation regarding any goods that

are declared to be such for the purposes of the Bill, the Governor shall "give at least one calendar month's notice in the prescribed manner for the purpose of enabling manufacturers, traders, and members of the public an opportunity to be heard either in opposition to or in support of the proposed proclamation, and may delegate to some person authority to inquire into the matter and make a report to him for that purpose." It does not matter whether the report is in favour of or against the proposed step; the notice has to be given and the report obtained, subsequent to which the proclamation is issued. Irrespective of that phase, if action were taken by means of a regulation, it would come into force at once. If Parliament happened to be sitting, the regulation would have to be laid on the Table of both Houses within 14 days, and if not, then within 14 days after the commencement of the next session of Parliament. If Parliament is not sitting, the regulation is operative straight away. Subsection (ii) of Section 36 of the Interpretation Act reads—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity of anything done, or of the omission of anything, in the meantime.

So, from the point of view of efficiency, the regulation is infinitely preferable to the procedure outlined in the Bill. I have an objection, of course, to regulations. We have gone on for years past without, so far as I am aware, any really serious hardship befalling the community. Now we have in the Bill before us four items at least that may not, if agreed to, be very effective. If it were a question of health, I would regard the matter as urgent. The schedule contains four items—furniture, bedding, blankets and flannel. If the Bill is necessary, there must be many other commodities that should be covered. I cannot understand why Parliament should not have a say in determining whether other items should be included. The Bill has already been very materially altered in another place, but no one thought fit to add to the Schedule. It may be that when the Bill has passed the second reading stage—I trust it will be passed—the Schedule will be

amended. It may be that members will agree to another alteration and substitute the provision for the issuing of regulations. I trust, however, that members will not by means of the present Bill or any other Bill hand over the powers of Parliament to Governments that happen to be in power for the time being.

On motion by Hon. H. V. Piesse, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd November.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.1]: This small Bill seeks to amend Section 47 of the principal Act, which provides that the Governor may on the recommendation of the Minister order the release of any ward from the control of the department or of any institution. The Bill seeks to take responsibility from the Governor and place it entirely on the Minister. The Bill goes further and provides that if the Minister decides that a child shall be released, both parents shall be notified, and if either of them objects to the proposed action of the Minister he or she shall have the right to appear before the Minister in order to state his or her case. It seems to me that it is only putting on the Minister a responsibility from which he would very much like to be free. The argument used in support of the Bill was that there has been one case in which a child was released from custody and handed to one of the parents, and that parent had taken the child out of the State, thus depriving the other parent of the right of access to the child. I am advised that even if the Bill be agreed to, there is every probability that it will not prevent similar cases occurring. One of the statements made by the member in charge of the Bill was to the effect that the parents of this particular child were bitterly estranged. Bearing that in mind, it is easy to visualise that in a

number of cases the parents of the child concerned will be bitterly estranged, and so no matter what the Minister might decide, whether the child is to be placed in the custody of the father or of the mother, the other parent will be dissatisfied with that decision, and will claim to go before the Minister in order that he or she might state a case. So it would appear that we are giving the Minister a most unpleasant job to perform. It makes one wonder, in view of the single case that has been put forward, whether there is any necessity for this amendment to the Act. I may say that it was the intention of the Government at a later date to consider amendments to the Child Welfare Act which would cover amendments similar to that contained in the Bill. In view of the fact that the amendment introduced in the Bill has been accepted by another place, it will not do any harm to agree to it, but I want the House to understand the position, which is that under the Bill the responsibility will be taken from the Governor and placed on the Minister. Then the Bill goes a little further and provides that if either parent should be aggrieved by the final decision of the Minister, that parent shall have the right to appeal to a magistrate, and the decision of the magistrate shall over-ride that of the Minister and be final. And the Minister must give effect to the decision of the magistrate. At present the responsibility is on the Governor, but under the Bill we are to take it from the Governor and place it on the Minister, and if either parent be dissatisfied with the Minister's decision, the responsibility is to go to a magistrate.

Hon. L. Craig: What is the difference in taking it away from the Governor and placing it on the Minister? It is the Minister's responsibility.

The CHIEF SECRETARY: The Act lays it down that the Governor "may, on the advice of the Minister." That is perfectly true.

Hon. L. Craig: The only real alternative is to leave it to the magistrate.

The CHIEF SECRETARY: No, because when the Governor acts he acts on the advice of Cabinet, not on that of any one Minister. I am merely placing before the House the case as I see it. It is somewhat different from the argument used recently on another Bill, when power was refused

to a Minister to do certain things. In this instance we are to throw the responsibility on the Minister. However, the Bill has been agreed to in another place, and personally I have no objection to it although I would not care to be the Minister responsible.

Hon. G. Fraser: Is there any chance of further amendments to the Child Welfare Act coming down?

The CHIEF SECRETARY: Not this session.

HON. J. NICHOLSON (Metropolitan—in reply) [5.8]: I am glad to hear from the Chief Secretary that he has no objection to the Bill. But whilst he has no objection to the Bill he says he recognises the position in which the Minister would be placed. However, I would remind the Chief Secretary that in amending the Act by deleting that part which refers to the Governor, it would not have been possible to provide for the parents to go to the Governor. Accordingly the amendment was essential so that the Minister could give notice to the parent if he intended to remove the children or release them from an institution, and hand them over to some other authority. Having regard to the instincts of affection between the parents and their children—feelings that we would wish them to preserve—parents should be given opportunity to go before the Minister ere their children are removed from an institution under the control of the Government to some other place where the parents would not have access to them. (All that the Bill is intended for is that before the Minister removes those children or releases them from the institution, an opportunity shall be given by notice through the Minister to the parents, of the intention to release and remove the children. Surely that is fair! It is not provided for in the existing Act. I am informed that there have been other cases in which the children have been removed and that it has caused a great deal of pain to the parents when they were unable to follow them to the place to which they were sent. In the case I have cited the child was removed from the jurisdiction of all the courts of Australia and taken away to New Zealand. If notice had been sent to the parents in the first place it would have been possible for representations to have been made for the parents to place their views before the Minister.

That is all that the Bill provides. Then, of course, if either parent be dissatisfied with the decision of the Minister there is to be an appeal to a magistrate.

Hon. G. Fraser: That is an addition to the present Act.

Hon. J. NICHOLSON: That is so. Both the Minister in another place and the Chief Secretary have informed us that it is intended to bring in amending legislation and that probably there will be something in it similar to the provisions in the Bill. But we all know the difficulties and the time that is lost before these things are remedied. The Act has gone on for a considerable time, and all that is asked for here is to remedy that in which the present Act has a deficiency, and give the right to all parents to apply to some fountain head so that they could be brought before that head, who will have opportunity to consider every aspect of the case. The measure is in every way to be commended. It will meet a deficiency existing in the present law and remove cases of hardship and, in many instances, of suffering to those who are parted from their children and not able at some time or other to see them.

Hon. G. Fraser: There is no reference to the number of appeals that parents may lodge.

Hon. J. NICHOLSON: There could be only one appeal.

The Chief Secretary: There has been only one case.

Hon. J. NICHOLSON: I understand there have been others. It is a deficiency in the Act, and this will provide some means of remedying the position. If at a later stage an amendment of the Act is brought in we can then determine how the Bill we are now considering is working, and it may then be possible for us to effect a further improvement as the result of our experience. The Bill is a simple one, and I hope members will give it their support.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. J. Nicholson in charge of the Bill.

Clause 1—agreed to.

Clause 2, Amendment of Section 2 of the principal Act:

Hon. H. SEDDON: Paragraph (c) of this clause provides for a state of affairs which is not desirable. It would mean the overriding of the decision of the Minister. Personally I consider the matter should go straight to the magistrate to decide it, and if there are reasonable grounds for appealing from the magistrate to the Minister, then provision could be made accordingly.

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

Ayes	16
Noes	9
<hr/>					
Majority for	7
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AYES.

Hon. E. H. Angelo	Hon. E. M. Heenan
Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. L. B. Bolton	Hon. W. J. Mann
Hon. A. M. Clydesdale	Hon. J. Nicholson
Hon. L. Craig	Hon. H. V. Piesse
Hon. C. G. Elliott	Hon. A. Thomson
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. E. H. H. Hall	Hon. C. B. Wood
	(Teller.)

NOES.

Hon. J. M. Drew	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. H. Seddon
Hon. V. Hamersley	Hon. T. Moore
Hon. J. J. Holmes	(Teller.)

Clause thus passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading—Defeated.

HON. G. FRASER (West) [5.24] in moving the second reading said: This is a very small measure which deals with one section of the Legal Practitioners Act. On going through that Act one wonders why such a section has been permitted to remain in it for so many years. Perhaps I had better read the section which is as follows:

No article clerk shall without the written consent of the board during his term of service under Articles, hold any office or engage in any employment other than as a bona fide article clerk to a practitioner to whom he is for the time being article clerk, or his partner and every article clerk shall before being admitted as a practitioner prove to the satisfaction of the board by affidavit or otherwise that this section has been complied with.

At an occasional glance this might appear to be quite an innocent section, but actually

we find that it not only excludes the person concerned from engaging in any other employment, but also mentions the word "office." It says that he shall not hold any office. That can be constructed to mean quite a lot of things. For instance, the individual may hold office in some political organisation.

Hon. L. Craig: He could get the permission of the board to hold that office.

Hon. G. FRASER: Yes, but later I will show just what chance a person would have of getting the permission of the board. Even from the point of view of a working man the section would preclude the articled clerk from doing some other work which might bring in a little to assist him in his studies, and it would also prevent him as I have said, holding any office. Perhaps not so much objection might be taken to the section if it were new ground that we were breaking; but it is not. According to my information Western Australia is the only State in the Commonwealth that has such a provision in its legislation applying to articled clerks.

Hon. J. Nicholson: It applies in England.

Hon. G. FRASER: I will not go so far as England, but I will say Western Australia is the only State in the Commonwealth that has such a provision in its law. All the other States permit an articled clerk to do what I am, by the Bill I am submitting, endeavouring to secure. I have a copy of the New Zealand law which sets out—

Provided that it shall not be competent for the Senate to require that any course of study or practical training shall be taken at a University college in New Zealand by any candidate who for the time being is resident more than ten miles from such college, or who, being engaged in qualifying for a profession, learning a trade, or earning a livelihood, is, in the opinion of the Minister for Education, thereby being prevented from attending lectures.

Hon. H. S. W. Parker: He requires to have a certificate there.

Hon. G. FRASER: The New Zealand Act permits an articled clerk to engage in any occupation by which he can earn his livelihood. Our refusal to grant that permission of course means a serious obstacle to the children of poor parents. We have in this State a Barristers' Board, and before a person becomes articled he makes application to the board for permission to

become articled, and the costs run into something like thirteen guineas.

Hon. H. S. W. Parker: I think ten guineas of that represents stamp duty.

Hon. G. FRASER: Anyway, the cost is approximately thirteen guineas, and after becoming articled he has to make application to earn money so that he may go on with his career. In quite a number of cases it is essential that an articled clerk shall augment his earnings as an articled clerk, because what he earns as such would not be anything like sufficient to support him during the period of his articles.

Hon. G. B. Wood: What are the earnings of an articled clerk?

Hon. G. FRASER: I cannot say offhand.

Hon. J. J. Holmes: Has there been a refusal on the part of the board to permit an articled clerk to earn money outside?

Hon. H. S. W. Parker: Only once, I think.

Hon. G. FRASER: I know of two or three instances of permission having been given.

Hon. J. J. Holmes: Then where is the necessity for the Bill?

Hon. G. FRASER: The child of poor parents will not pay the thirteen guineas until he is certain that as an articled clerk he will be permitted to earn money in other ways. If he paid the fee and was articled, and then found himself prevented from earning other money, he would lose the £13 13s. owing to not being able to continue with the study of the legal profession. That is one of the stumbling blocks to a number of people desirous of taking up a legal career. It is quite possible that men who would have shone brilliantly in the legal profession have been prevented by that difficulty from pursuing it. The ex-Governor General is a case in point. Sir Isaac Isaacs has often said that had he not been permitted, in the manner suggested by this Bill, to earn money, he would never have been able to enter the legal profession. That is a typical case. During the time of his articles the ex-Governor General was permitted to earn by various means—delivering groceries and so forth around the suburbs of Melbourne—sufficient money to go on with his training. Therefore, though I cannot quote any definite local cases of articled clerks being refused permission to earn money—

Hon. H. S. W. Parker: Can you quote any Western Australian lawyers who have made their living while they have gone through the course?

Hon. G. FRASER: I have no information on that point.

Hon. H. S. W. Parker: I can give you dozens of cases.

Hon. G. FRASER: There is the other phase, that many people have not become articled clerks because they did not know what their position would be when articled. Though without information as to refusals by the Barristers' Board, I have here a letter setting forth the board's attitude. The letter is quite definite. It is in reply to an application made by a person who had not then been articled. It reads—

I duly placed your letter of the 23rd ult. before my board for its consideration on the 13th June inst. Whilst appreciating the difficulty of your position, the members of the board present at the meeting directed me to point out to you that at present you are not an articled clerk, consequently the meeting could not deal with the subject-matter of your letter. The exercise of the board's statutory discretion can only be invoked by an articled clerk on an application made under the provisions of the Act and Rules. Such application would be dealt with by the board at a meeting of the board, and such meeting may be attended by members of the board who were not present at the meeting above-mentioned. For your information, however, I may state that as a matter of principle, the members present at the meeting were of opinion that an articled clerk cannot satisfactorily serve two masters, and that any articled clerk, even with your University degree, must necessarily devote the whole of his time and attention to his study and practice of law during the period of his articles in order satisfactorily to qualify himself for admission to the Bar.

Hon. H. S. W. Parker: Have you the letter that was written to the board?

Hon. G. FRASER: I have not.

Hon. H. S. W. Parker: You do not know what it asked for?

Hon. G. FRASER: I naturally assume that the letter applied for permission to earn a living outside.

Hon. H. S. W. Parker: Something depends on how permission is asked for.

Hon. G. FRASER: It is quite possible that by the existence of the section sought to be deleted some brilliant lights have been lost to the legal profession. The Bill is a small one, merely proposing to delete that section which provides that articled clerks shall not, without the permission of the Barristers' Board, earn money outside their

articles. I desire to stress the feature that the Act as it now stands may prevent numerous young men from entering the legal profession. The Bill does not ask for anything novel. Western Australia is the only State adhering to the principle of that Section 13. Every other Australian State permits legal students to earn money outside. In view of the fact that the measure, if passed, will merely bring Western Australia into line with the other States of the Commonwealth, I hope for the support of hon. members, and have much pleasure in moving—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Metropolitan-Suburban) [5.36]: The Bill looks innocuous, but really it does away entirely with apprenticeship to the law.

Hon. J. J. Holmes: That is what is asked for.

Hon. H. S. W. PARKER: Section 13 merely gives the Barristers Board the right to say whether an articled clerk shall earn outside the legal profession, or within the legal profession if it comes to that. The provision is highly necessary, because a man might come along and say, "I am going to be articled," and gets articled, but is only nominally an articled clerk and does not learn the practice of the law at all. The section objected to is for the protection of the public. It is not desirable to let loose on the public people who have not a knowledge of the practice of the law. There are many able lawyers, some of them very able indeed, who know the law, so to speak, from A to Z, but who are not very valuable to the public as practising lawyers. The practice of the law and the knowledge of the law are somewhat different things. The object of articles is to give the person who goes in for law a practical knowledge of the subject. However capable such a person may be, a period of two years is not too long for learning the practice of the law. The letter of application to the Barristers' Board was written, I understand, by a gentleman who had his degrees and was qualified in another profession. What he really desired to do was to carry on his other profession while being articled to a lawyer. He is a married man—I do not know whether he has children or not—and his desire was to earn his livelihood. Now, the earning of a livelihood by a boy 16 years of age, getting 10s. or £1 or 30s. a week somewhere else, is a different thing from a

married man who has another profession and is earning his livelihood by it. The latter would naturally want to earn a considerable sum, certainly well over the basic wage. The question is, should the Barristers' Board be in a position to say how much time that person is to devote to his articles and how much other work they will permit him to do outside his articles in order that he may qualify to be let loose on the public at the end of two years? Surely the Barristers' Board are the body best able to judge that position. I could mention many legal practitioners in Perth at the present time, including King's Counsel, who were married when they went through their articles, and had no other means of livelihood than that the Barristers' Board permitted them to earn. There is only one instance on record of where the Barristers' Board refused to allow a person to earn an outside livelihood. In that case the man wrote in deliberately stating that he wished to carry on his own particular business and at the same time to be articled. That is, nominally articled. I have never heard of any person anywhere suggesting that the board were not perfectly right in what they did. The instance quoted by Mr. Fraser was where a man wrote to the board asking, "If I am articled, will you do so and so?" The letter in reply, I agree, is extremely badly expressed, and is one that the secretary should not have written, because he says "Of the members present, their opinion seemed to be so-and-so." But what one's opinion may be, for instance, in the corridor is quite a different thing from what one's opinion may be after the matter has been duly considered and one has to deliver one's judgment on it. As a fact, when that gentleman was articled, he was given permission to earn his livelihood. So that really there was no kick coming from him. If we delete the section, a person may be only nominally an articled clerk, and be let loose on the public without having had any serious practice of the law. It is suggested by uninformed persons that the legal profession oppose this measure from an ulterior motive. If an ulterior motive existed I would say, by all means let these people in and do not have any articles at all. Litigation would increase tremendously. The public would be let in by half-fledged lawyers who would bring all sorts of actions, and the fully-fledged lawyers would reap all the benefit. It is for the benefit of the public that the section exists. We know that

a doctor who has passed all his examinations is no good until he has done what is called walking the hospitals. Similarly, a lawyer may have the highest qualifications from a University, but these do not mean that he is capable of advising people in the ordinary practice of law. I sincerely trust, for the benefit of the public, that the Bill will be rejected. It is said that other countries have not the provision sought to be deleted. They may not have that section, but I feel quite sure that they watch the people admitted to the profession of the law. Mr. Fraser might give us statistics, if he can, showing who produces the best lawyers—Western Australia or the other States. I am jealous of the fact that the system we have adopted here does undoubtedly produce better lawyers from the point of view of the public. I feel sure Mr. Fraser will not refute that statement.

Hon. G. Fraser: I have not the necessary experience, thank God!

HON. J. NICHOLSON (Metropolitan) [5.43]: Mr. Fraser, in introducing the Bill, assured us that it is a very simple measure. We have heard that it is very simple, and we have seen that it is not very long; but it is highly drastic in its brevity, because it is going to cut out of the existing Act a section which is designed, as Mr. Parker has said, not for his benefit or for my benefit, or for the benefit of other members of the legal profession, but for the benefit and protection of the public. The section proposed to be cut out, Section 13, reads—

No articled clerk shall, without the written consent of the board, during his term of service under articles, hold any office or engage in any employment other than as bona fide articled clerk to the practitioner to whom he is for the time being articled, or his partner; and every articled clerk shall, before being admitted as a practitioner, prove to the satisfaction of the board, by affidavit or otherwise, that this section has been duly complied with.

The only suggestion that has been made by Mr. Fraser of any hardship having been experienced by any pupil or articled clerk at the hands of the Barristers' Board is that contained in the letter he read. As a fact, it was pointed out when the Bill was introduced in another place, and evidence could be obtained with regard to it, that in the 20 years that have passed there have been 139 cases or applications, and not one actual refusal. With a record like that, can anyone say there is justifica-

tion for removing from this statute something which is a protection to the public, a protection, as pointed out by Mr. Parker, mainly designed to fit the pupil so that he may practise the law, give sound advice and be able to conduct his work in such a way that it will be of advantage to himself and his clients? That is what is wanted, and to remove something which is of such advantage would be a grave mistake as far as the public of Western Australia is concerned. If Mr. Fraser had brought before us cases where the board had acted unfairly and had not used wise discretion, the position would have been entirely different. Reference was made to New Zealand, but I think every member is aware of the fact that only two years or so ago in New Zealand the qualifications for legal men were widened to such an extent that to-day the folly of what was done has been recognised and they contemplate tightening up the position again. I do not think New Zealand can be cited as an instance in support of a Bill such as this.

Hon. G. Fraser: Can you tell me any part of Australia where they have not got it?

Hon. J. NICHOLSON: From information I have received, there is a protecting clause in each of the other States which would have the same effect, though it may not be framed, perhaps, in the same words. According to our Act, the application for consent has to be made to the Barristers' Board, but in England, instead of the application being made to the Law Society, as one would expect, it has actually to be made to a judge of the court, because that particular phase of the matter is regarded so seriously that it is considered essential that it should be inquired into and decided in the strictest possible way. It should be realised that a legal man, when he has qualified and engages in practice, is a man who receives the confidences of his clients, and unless he is trained along safe lines and in a channel, so to speak, which will bring out the best qualities in him, he may become a menace to the public.

Hon. G. B. Wood: The public will not patronise him, then.

Hon. J. NICHOLSON: People unfortunately do not always go to the man to whom they ought to go. They have not the knowledge to differentiate such as the man in business would have, and if these protections—I will not call them restrictions be-

cause there is no evidence of their being restrictions in any sense—are removed an injury will be done to the public, and the profession will be brought into disrepute. There is no profession which seeks to exercise so strict a supervision over its members as the legal profession, and it is a very good thing that we have a board which seeks to exercise that strict supervision. If this should be relaxed, the board would be lacking in their duty and the public would be the sufferers. As the lawyer receives the confidences of those who consult him, the public must be assured as far as is humanly possible, that they have someone in whom they repose a measure of trust. I hope the Bill will not be passed.

HON. E. M. HEENAN (North-East) [5.53]: I feel constrained to make a few remarks on this Bill, as a member of the legal profession, and as one possessing some knowledge that does not in the ordinary course come to the average person. I concur with the remarks made by Mr. Parker and Mr. Nicholson, and am going to oppose the Bill. I oppose it mainly on the grounds that have been mentioned, primarily, public welfare. It is not so many years since I went through my period of five years' articles and, although I have been practising a few years since then, I realise that the period of articles was all too short; and that is a remark I think every young practitioner would make. I concur with the remark that the Barristers' Board has acted very fairly. I do not know of any board similarly constituted in Western Australia that, over a number of years, has been less criticised for the way it has operated. It has been pointed out that during the past 20 years although 139 cases have been put to the board under the provisions of Section 13, only one has been refused.

Hon. J. Nicholson: That was not refused.

Hon. E. M. HEENAN: The members of the board are men of the highest standing in the profession, and they are men of experience and various outlooks. I am sure that any applications that come before them are treated very generously. Of course they would take into consideration the person applying. If he is of poor parents, it is essential that he should receive some outside aid, and they give that the utmost consideration. That is borne out by the facts. In the interests of the public they are en-

titled and bound to take into consideration the nature of the work that the articulated clerk desires to do. I do not think the general public would care for an articulated clerk to follow some of the occupations which perhaps an individual would desire to follow.

Hon. G. Fraser: It should not matter what occupation is followed.

Hon. E. M. HEENAN: The majority of articulated clerks are young men who have passed the leaving examination, and qualified in certain specified subjects, and the usual way of earning extra money is by tutoring other students, or teaching in night schools, in the Education Department. I do not think the general public would object to anything of that nature, and I am sure the board does not. I know that in my own case it was essential that I should get assistance when I was serving my articles, and I did so by teaching at night schools three nights a week. The board had no objection to that. My experience has shown that young men in country offices on coming to Perth invariably have trouble in passing the practice subject. One of the subjects an articulated clerk has to pass is called "Practice," which deals with the operations in various Crown Law and Government offices, and routine and practising in a solicitor's office. Young men from the country have great difficulty in passing that subject simply because they have not the facilities provided in the city.

Hon. G. Fraser: They have to pass it, have they not?

Hon. E. M. HEENAN: They would not be much good unless they passed it.

Hon. G. Fraser: They would not be admitted unless they passed?

Hon. H. S. W. Parker: There is a difference between passing an examination and knowing one's job.

Hon. E. M. HEENAN: Another point to which I would draw the attention of members is that a fee of 12 guineas has to be paid to the Barristers' Board by a man on being articulated. That is not the doing of the Barristers' Board but is provided for by Act of Parliament.

Hon. J. Nicholson: If the articles were not proceeded with, a refund of the fee would be made.

Hon. E. M. HEENAN: Those are a few aspects of the Bill that appeal to me, and I would most certainly not oppose it if I considered that any hardship was being in-

flicted by the law. My experience tells me that no hardship is being suffered at the present time.

HON. E. H. H. HALL (Central) [6.1]: No doubt the members of the Barristers' Board are gentlemen of very high standing in the profession and are animated by the best of motives, but I feel constrained to ask myself whether a similar provision governs admittance to any other professional calling in the State. So far as I am aware, it does not. I am prepared to accept the assurances given this afternoon that safeguards are necessary to prevent incompetent lawyers from being let loose on the public, but in the absence of any similar provision operating in any of the other States, I feel that I must support the Bill.

HON. G. FRASER (West—in reply) [6.2]: Members of the legal fraternity who have trained their batteries on the Bill appeared to me, while opposing the measure, actually to have advanced arguments in support of it. Take the first argument that there is no reason why Section 13 should be repealed. They quoted the number of applications made to the Barristers' Board, a total of 140, of whom 139 were granted permission to do work outside their articles.

Hon. H. S. W. Parker: Permission to earn.

Hon. G. FRASER: Well, permission to earn. As to the odd one, I am not sure whether he was refused permission or what happened. Although this law has been in existence for many years, only one application for permission to earn outside articles has been refused. If there is need to retain the section in order to protect the public, the indications are that the public have not received much protection in the past, seeing that practically the whole of the applications made to the board have been granted. If it becomes a matter of merely applying to the board, why have the provision in the Act?

Hon. H. S. W. Parker: To ensure that the request is reasonable.

Hon. G. FRASER: Evidently the requests have been reasonable, because practically no application has been refused.

Hon. J. J. Holmes: Do not the board stipulate the work that may be performed?

Hon. G. FRASER: That was one of the arguments advanced by Mr. Heenan. He said that the board could take into considera-

tion the class of work that the applicant desired to do. Is it right that the Barristers' Board should have that power? If an articled clerk wishes to earn by working in a trade, is he to be denied that right? Mr. Heenan spoke of having earned by teaching; others might earn by undertaking auditing or accounting work, but is it desired to deny the right to a man who desires to work in a trade? Should any board have the power to deny an applicant the right to earn by hard work?

Hon. H. Seddon: Do you know of such an instance?

Hon. G. FRASER: No; I am dealing with arguments that have been used. The board exercise discretion as to the kind of work permitted.

Hon. E. M. Heenan: So long as it was honourable work, it would be permitted.

Hon. H. S. W. Parker: Exactly.

Hon. G. FRASER: I hope the board would not grant permission to anybody to engage in a dishonourable occupation.

Hon. H. S. W. Parker: That is the object of the section.

Hon. G. FRASER: A man would not last long in the profession if he was inclined to indulge in anything that was dishonourable. Mr. Heenan said that articled clerks in the country districts experienced difficulty in passing their examinations. Is not that a protection to the public? If they did not practise in the profession during their articles, they would not be able to pass the examinations.

Hon. H. Seddon: Is not that an argument against the Bill?

Hon. G. FRASER: I am referring to Mr. Heenan's statement that articled clerks in the country had difficulty in passing the examinations.

Hon. H. Seddon: Because they do not get the practice.

Hon. E. H. H. Hall: You are putting up arguments in opposition to the Bill.

Hon. G. FRASER: I am not.

Hon. E. H. H. Hall: That is how they impress me.

Hon. G. FRASER: The whole of the arguments against the Bill will not bear investigation. Mr. Parker spoke of serving an apprenticeship. Whether an articled clerk serves an apprenticeship or not, he has to pass examinations before he can be admitted to the Bar. We have been told that the public must be protected. Are not the public in

other parts of Australia protected? I have not heard anything to the contrary from the other States, which apparently manage quite well without a provision of this kind.

Hon. H. S. W. Parker: But not the public.

Hon. G. FRASER: If the public were suffering, an alteration would have been made long ago. I have not heard any argument sufficiently strong to justify opposition to the Bill, and I hope it will be passed.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	14

Majority against 3

AYES.

Hon. J. Cornell	Hon. E. H. H. Hall
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. C. G. Elliott	Hon. T. Moore
Hon. J. T. Franklin	Hon. G. B. Wood
Hon. G. Fraser	Hon. L. B. Bolton
Hon. E. H. Gray	(Teller.)

NOES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. L. Craig	Hon. H. S. W. Parker
Hon. V. Hamersley	Hon. H. V. Piesse
Hon. E. M. Heenan	Hon. H. Seddon
Hon. J. J. Holmes	Hon. A. Thomson
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. G. W. Miles	Hon. E. H. Angelo
	(Teller.)

PAIR.

Aye.	No.
Hon. A. M. Clydesdale	Hon. J. M. Macfarlane

Question thus negatived; Bill defeated.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [6.12] in moving the second reading said: This Bill seeks to make two amendments to the Act. As members are aware, the law contains certain provisions dealing with the taxation of companies. One of them stipulates that a gold mining company shall not be taxed until such time as the whole of the capital employed in the venture has been returned. There is a provision covering the profits made, and it is assumed that if the gold has been produced in Western Australia, the profit has been made in Western Australia. Unfortunately, a point has been taken that gold produced in the State and sold outside the State is not liable to taxation to the full extent, because some of the profit has not been made in Western Australia. It is strange that although our

legislation provides that individuals and partnerships are liable to taxation regardless of whether the gold is sold outside of Western Australia, that provision does not apply to a company. I cannot see any reason why it should not apply to a company just as it applies to individuals and partnerships.

Hon. H. Seddon: Is that the effect of exchange?

The CHIEF SECRETARY: No, the premium. With one exception, all mining companies in Western Australia have submitted returns and have been assessed on the actual value received for the gold regardless of whether it was sold inside or outside of Australia. The one company claimed that because the gold was sold outside the State they were not liable to be taxed on the full value of the gold produced in the State.

Hon. A. Thomson: Would that be on the Australian currency value?

The CHIEF SECRETARY: That would be one way of expressing it. The company have sold gold outside the State and have received the premium, but they claim that because the gold has been sold outside the State the premium has been received outside the State and therefore the profit has not been made in the State.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: I was pointing out that this measure deals with only two amendments of the Dividends Duties Act. I explained that one amendment arose from the fact that a particular mining company had claimed that gold sold outside the State should not be taxed at its full value received by the company, because some of the profits accruing from the sale of the gold were made outside the State. The company concerned was not subject to taxation elsewhere. To the extent that it is not called upon to pay taxation on profits which it claims to have been made outside the State, it is free of all taxation.

Hon. J. Cornell: Could the company be named?

The CHIEF SECRETARY: It would not be right to name it, but I might tell the hon. member privately. It is a substantial concern. In view of the fact that we have given a concession to the goldmining industry of this State which does not apply to any other industry, namely that the profits shall not

be taxed until such time as the whole of the capital expended in establishing the industry within the State has been recouped, it does not speak too highly for the principles adopted by this particular company that such a claim should be advanced. Every other company in the State makes its returns, and is assessed on the whole of the profits made. It is necessary, therefore, to bring down this amendment to make sure that the company in question shall at least pay taxation on profits made on gold produced in Western Australia. The other point deals with the question of capital. It was in 1924 that the concession to which I have referred, namely, that the whole of the capital expended in this State shall be recouped before the profits shall be taxed, was brought into operation. At that time the mining industry was at a low ebb, but we all know that there has since been a substantial change in it. It appears that since 1924 one company has raised a considerable amount of capital outside the State, and has utilised that capital outside the State, and yet claims it is entitled to exemption until such time as the whole of the capital has been repaid from profits made within the State.

Hon. L. Craig: Is the company registered in this State?

The CHIEF SECRETARY: Yes. It is a very large company. In both these cases there is ample justification for the amendment. The Bill will be retrospective. It applies to the days when Australia went off the gold standard. The retrospective application will not affect any other companies than the two I have mentioned, except as to confirming assessments which have been made in the past and on which payments have been made. I cannot see any valid reason why any company should be given exemption on capital employed outside the State, or why a company should be exempt from paying taxation on profits made from gold produced in Western Australia, but sold outside the State. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [7.35]: As this Bill affects the mining industry I should like to hear the opinion of members who are interested in that particular part of the State. It appears to me that the mining company referred to has acted legally and within its rights. If that

were not so there would be no necessity for this Bill. I shall reserve my opinion concerning the measure until I have heard that of members who are particularly interested in the goldmining industry.

On motion by Hon. H. Seddon, debate adjourned.

BILL—FORESTS ACT AMENDMENT CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [7.37] in moving the second reading said: This Bill seeks to continue the operations of the Forests Act Amendment Act for a period of 18 months ending on the 31st December, 1937. Subsection 2 of Section 41 of the Forests Act, 1918, provides that three-fifths of the net revenue of the Forests Department shall be paid to the credit of a special fund at the Treasury for the improvement and reforestation of State forests. It was subsequently provided, however, in an amending Act passed in 1924 that 10 per cent. of the net revenue from sandalwood for that year, or £5,000, whichever was the greater, should go to a special sandalwood reforestation fund, and that the balance should be paid into Consolidated Revenue. This principle was followed throughout each of the ensuing five years. During that period of five years the Forests Department embarked upon rather large scale experiments in the artificial regeneration of sandalwood. Reserves were gazetted over considerable areas on the Eastern Goldfields where, at that time, there had been located large tracts of sandalwood bearing country carrying a sparse stocking of immature timber. As a result of the experiments that were carried out then a method was discovered whereby the successful germination of young sandalwood could be secured from sandalwood nuts sown under host plants. Unfortunately other conditions had to be taken into consideration. It was found that these young plants were freely attacked by rabbits. Another serious difficulty was that the land to which I have referred was uncleared. Under these conditions the suppression of rabbits was economically impracticable, and in consequence the scheme to develop sandalwood reforestation by this artificial method had to be abandoned in 1929. The department very reluctantly abandoned the scheme,

but there was no alternative. As a result of this decision no provision was made in the amending Act of 1930 for the allocation of any sum for the sandalwood trust fund. Moreover, payment of the whole of the revenue from sandalwood into Consolidated Revenue was authorised by the same measure. This practice has been confirmed by legislation in each of the subsequent years. It is now proposed that the same principle be again followed, but this time for a period of 18 months as from the 1st July last.

Hon. H. Seddon: Why so long a period?

THE CHIEF SECRETARY: The reason for making the period 18 months is that on previous occasions when this Bill has come up the period has elapsed and there has not been any statutory authority.

Hon. W. J. Mann: What is the position now?

THE CHIEF SECRETARY: By extending the period until the end of December, 1937, if a Bill has to come down next year, as would probably be the case, the law will still be in operation. The Bill which was agreed to last year expired on the 30th June last.

Hon. L. Craig: Why not amend the parent Act. Why is it necessary to pass these Bills every year?

THE CHIEF SECRETARY: The parent Act lays down the procedure to be followed.

Hon. L. Craig: Can you not amend that?

THE CHIEF SECRETARY: We are doing so.

Hon. L. Craig: This is a continuation Bill.

THE CHIEF SECRETARY: It has been insisted upon by this House that these Bills should be brought down year by year.

Hon. A. Thomson: With a view to controlling the finances in question?

Hon. H. Seddon: And very wisely, too.

THE CHIEF SECRETARY: We are following the practice that has been adopted for many years except that we are extending the period to 18 months instead of 12 months. If this Bill is passed the law will be continued until the 31st December of next year instead of to the 30th June. Most members are aware of the necessity for the measure. I move—

That the Bill be now read a second time.

On motion by Hon. A. Thomson, debate adjourned.

House adjourned at 7.47 p.m.