

**HON. SIR WILLIAM LATHLAIN** (Metropolitan) [8.47]: I am somewhat astonished at the remarks of Mr. Ewing, which show that he is supporting the Bill when he already has before the House a motion that deserves the hearty support of all members.

Hon. J. Ewing: This will not affect the motion.

Hon. Sir WILLIAM LATHLAIN: Yes, it will. All these little things affect the subject matter of that motion. The Bunbury Municipality wants £35,000, and £250,000 will be required for the East Perth power station. No doubt some other municipality will want money for some other lighting scheme. If we go on spending money in dribs and drabs in this way, we shall never have a national power generating scheme. These small schemes will never satisfy the requirements of all the municipalities, whereas a national scheme would provide something of a tangible and permanent nature. During the debate on Mr. Ewing's motion the Chief Secretary said that £800,000 had already been expended at East Perth, and that another quarter of a million was required.

Hon. J. Ewing: It was £300,000.

Hon. Sir WILLIAM LATHLAIN: Apparently the sum of a few hundred thousands and is neither here nor there. That will not last long. The big scheme was to cost £1,500,000. That amount will soon be accounted for if we go on spending £300,000 here and £35,000 there. Possibly Busselton and other places will also want authority to raise money for the same purpose. I cannot see my way to support the Bill. With the coal supplies we have at command we should embark upon a big national electric power scheme. If, however, we are going to divide the business in this way, so much being spent at one place and so much at another, we shall never get on with that national scheme. I shall oppose the Bill.

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

*House adjourned at 8.52 p.m.*

## Legislative Assembly.

*Tuesday, 23rd October, 1928.*

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

### ASSENT TO BILLS.

Message from the Governor received and read, notifying assent to the under-mentioned Bills:—

- 1, Industries Assistance Act Continuance.
- 2, Kulja Eastward Railway.

### QUESTIONS (2)—RAILWAYS.

#### *Tickets Examination.*

Hon. G. TAYLOR (for Mr. J. H. Smith) asked the Minister for Railways: 1, For what reason was a raid made on Bunbury trains at Wokalup on the 17th September, 1928, by inspectors? 2, Do the Railway Department doubt the honesty of ticket examiners? 3, Are the inspectors who made the examination of passengers' tickets qualified for the work?

The MINISTER FOR RAILWAYS replied: 1, This was done in accordance with the ordinary business procedure of exercising a check over work involving the collection of cash. 2, Answered by No. 1. 3, Yes.

#### *Rail Anchors.*

Mr. NORTH (for Mr. Teesdale) asked the Minister for Railways: 1, Is he aware that two years ago an exhaustive test was made on the State lines of a locally made rail anchor or anti-rail creeping device, and that after testing it for three years on a heavy

traffic section the railway authorities gave a good report of it? 2, Will he make inquiries as to what make of rail anchor is now being used, what is the price, and what number are now on hand? 3, Are any likely to be required in the near future; if so, will he see that the local article is given an opportunity in lieu of those from other States, which were not subjected to a three-years test as was the local article?

The MINISTER FOR RAILWAYS replied: 1, In 1922, twenty-four "Easby" rail grips which were manufactured departmentally were placed in the road for trial purposes. 2, The following types of rail anchors are at present in use in this State:—"Vaughan," "M.B.," "Fair," and "Easby" anchors, the last mentioned being for test purposes only. The only anchors at present in stock are 5,550 "Vaughan" anchors for 80-lb. rails. The cost of the different types are as follows:—The Vaughan for 80-lb. rails, £122 3s. 4d. per 1,000; the M.B. for 60-lb. rails, £67 per 1,000; the Fair for 60-lb. rails, £68 15s. per 1,000; the Easby for 60-lb. rails, £63 10s. per 1,000. 3, Yes. Whenever rail anchors are required the relative merits of the many types on the market which have been tested for long periods are considered, and the most suitable selected.

### **BILLS (2)—FIRST READING.**

1, Quarry Railway Extension.

Introduced by the Minister for Works.

2, Jury Act Amendment.

Introduced by the Minister for Justice.

### **GOVERNMENT BUSINESS, PRECEDENCE.**

**THE PREMIER** (Hon. P. Collier—Boulder) [4.41]: I move—

That for the remainder of the session Government business shall take precedence of all Notices and Orders of the Day on Wednesdays as well as on other sitting days.

It will be conceded, I think, that we have reached a stage in the session when Government business should take precedence of all other business. If any members bring forward matters for ventilation or discussion, opportunities will be provided for their consideration. I have no desire what-

ever to prevent hon. members from bringing forward private business. As the Notice Paper is entirely free from private members' business, I feel justified in taking this step at the present juncture.

**HON. SIR JAMES MITCHELL** (Northam) [4.42]: I have no objection whatever to the motion, so long as the Premier undertakes that if private members have business to bring forward, opportunities shall be afforded them. I do not mean delayed opportunities, but opportunities within a reasonable period after notice has been given.

The Premier: Yes, reasonable opportunities.

**Hon. Sir JAMES MITCHELL:** Private members' business has not taken up much time this session. We have been on Government business on every Wednesday, with few if any exceptions, since the House met. I am glad the Premier has determined to get on with business. We have considered a number of small Bills, but nothing of first-rate importance. There are the Estimates and many other important matters to consider, and as time is getting on the Premier is wise in asking the House to agree to the motion. I hope business will be expedited, so that we may get on to important questions without much more delay.

Question put and passed.

### **BILL—FERTILISERS.**

Returned from the Council with amendments.

### **BILL—FORESTS ACT AMENDMENT.**

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

Mr. Lutey, in the Chair; the Premier in charge of the Bill.

Clause 2—Delete and substitute the following:—"Section 41 of the principal Act shall, as from the first day of July, 1928, continue in force as amended by the Forests Act Amendment Acts, 1924 and 1927, and this Act until the thirtieth day of June, 1929, and no longer."

The PREMIER: The effect of this amendment would be to leave the position as it has been during the past three or four years. We have been providing for reforestation one-tenth of the total revenue from sandalwood or £5,000, whichever might be the greater. As it has worked out, the £5,000 has been the greater, and so that is the amount we have set aside each year for the last four years for the reforestation of sandalwood. As I explained on the second reading, we have not expended that £5,000 per annum. The average annual expenditure during the four years has been something over £3,000. So at the end of June the reforestation fund was in credit something over £7,000. The attempt at the reforestation of sandalwood is in the experimental stage, and the Forests Department consider the amount now in the fund is quite sufficient and even more than will be required for this year. The position comes up for review every year, so if it were found that the money would be required next year it would be within the province of the House to say what should be done. But there is no purpose to be served at this stage by adding money to a fund where it is not required, especially since money is required all over the State for essential services. Because of the difficulties of finance, works and services required in many parts of the State have to be withheld; yet here it is proposed to set aside from revenue £5,000 and place it in a fund where it is not required and will not be used this year. I am unable to understand the attitude of another place in agreeing to this amendment. I propose to disagree with the amendment and restore the Bill to what it was when it left this Chamber. I move—

That the Council's amendment be not agreed to.

Hon. Sir JAMES MITCHELL: I notice that the Auditor-General's report says that something over £7,000 is still remaining unspent in the Sandalwood Reforestation Fund. The Premier says it will not be spent this year.

The Premier: Not half of it.

Hon. Sir JAMES MITCHELL: Therefore it is unnecessary to add to the amount just now, for next year a much greater sum, £10,000 or £15,000, could be taken out of the royalty.

The Premier: It is an annual Bill, and so there is no need to build up the fund before it is required.

Hon. Sir JAMES MITCHELL: Yes, the House will have an opportunity to consider the Bill again next year. It is not of much use having money unnecessarily in the fund. During the last four years something like £200,000 has been paid into revenue from sandalwood royalties.

The Premier: Not that much; it has averaged about £45,000 per annum.

Hon. Sir JAMES MITCHELL: Well, say £180,000 during the last four years. That is a very considerable sum to spend on this industry, which once paid in royalty on the same tonnage £1,500 per annum. This year, it has to be remembered, the royalty must be much less because of the South Australian competition.

The Premier: Yes, this year the total will be brought down to about £36,000.

Hon. Sir JAMES MITCHELL: If we were to attempt to retain our total tonnage, we would have to reduce the price, which would be stupid. We cannot retain our full trade against South Australian competition; we have to work with them, and in doing so surrender some of our tonnage. So the amount we shall get in royalty will be about £36,000 instead of £45,000. I agree with the Premier's attitude. We have in the fund an amount already accumulated from the sandalwood royalty, and it seems unnecessary that for this year we should take another £5,000. There is a great deal that can be done experimentally regarding this wood, which may require money, but we cannot spend large sums on the experimental growing of sandalwood. It must be done on a commercial basis to require anything like the money we have. It is not necessary to set aside large sums of money, for this is an annual income, and each year can stand by itself.

The Premier: There is no need to build up a reserve, because each year provides for its own requirements.

Hon. Sir JAMES MITCHELL: That is so. We get a return each year.

The Premier: The money required for reforestation is appropriated by Parliament, so it is quite safe; it is not at the discretion of any Treasurer.

Hon. Sir JAMES MITCHELL: No, it is not. Still, I should like to see it brought more directly before Parliament. The de-

partment's Estimates for the year are merely tabled, and nothing happens.

The Premier: The money is set aside each year willy-nilly, whether wanted or not.

Hon. Sir JAMES MITCHELL: Yes, and the expenditure goes on without the slightest Parliamentary control. No doubt we are getting very good value for it.

The Premier: The expenditure is now up to £180,000 per annum.

Hon. Sir JAMES MITCHELL: It would be well if Parliament could discuss the details, just as we discuss those of all other votes. However, I agree with the Premier. Another place must have been misinformed as to the position, else they would not have passed this amendment.

Hon. G. TAYLOR: I agree with the Premier and the Leader of the Opposition. I was one on this side that supported the Premier when first he brought down this annual Bill, three or four years ago. The statements he made in justification of that Bill have held good ever since. As there is now over £7,000 in the fund I think it would be idle to add another £5,000, although only able to spend £3,000 per annum. I hope that from the present experiments, which have been going on for the last three or four years, we shall be able to see some satisfactory result. I do not think it has been thoroughly established that we can reforest sandalwood.

The Premier: No, it has not.

Hon. G. TAYLOR: It is purely experimental. We know on scientific authority that sandalwood is a parasite, and consequently if there are not sufficient hosts for it to feed upon, it is of no use sowing the nuts. I do not know whether the Premier has any advice as to what progress is being made.

The Premier: Sandalwood is so slow a grower that we shall not know for a year or two whether the experiments are successful.

Hon. G. TAYLOR: Where the country is stocked, I am afraid we shall not get much good from reforestation.

The Premier: Or where the country is carrying rabbits.

Hon. G. TAYLOR: Stock and rabbits both attack young sandalwood voraciously.

The Premier: It has to be remembered that the mature sandalwood has grown in country that was not stocked when the sandalwood was young.

Hon. G. TAYLOR: That is so. I do not see any necessity for another place to press this amendment.

Mr. LATHAM: The only useful purpose on which the money could be spent would be in fencing or otherwise preserving certain areas devoted to reforestation. Recently I was out at the reforestation reserve of 3,000 acres east of Bendering. There was within the reserve very little more young growth than was to be found beyond it. The only thing this money could be used for would be the making of fire breaks around such reserves. Personally I think we have already spent sufficient money in these experiments. Very little headway has been made in the reforestation of sandalwood. No doubt the Premier can make very much better use of this money than leaving it idle in the reforestation fund. I have seen the result of six years' testing, and it is a little disappointing.

Question put and passed; the Council's amendment not agreed to.

Resolution reported, the report adopted.

A committee consisting of the Premier, Hon. G. Taylor and Mr. Panton drew up reasons for disagreeing. Reasons adopted and a message accordingly returned to the Council.

## BILL—ABATTOIRS ACT AMENDMENT.

### *Council's Amendment.*

Amendment made by the Council now considered.

### *In Committee.*

Mr. Lutey in the Chair: the Minister for Agriculture in charge of the Bill.

Clause 4, Subclause (1).—Delete the proposed new paragraph (c 2).

THE MINISTER FOR AGRICULTURE:  
I move—

That the amendment be not agreed to.

The paragraph in question reads—

Prohibiting the sale by auction of stock (except milch cows, horses and stud stock) in the metropolitan abattoir district elsewhere than in a saleyard established under this Act, or with the license in writing of the Minister, but no such regulation shall extend or apply to sales by auction on the premises of the owner of the stock.

The original proposal was argued at length both on the second reading and in Committee. This is the practice in every capital city of the Commonwealth where saleyards attached to abattoirs are under the control of the Government. The paragraph is necessary to protect the State's interests.

Hon. Sir James Mitchell: We do not like monopolies.

**THE MINISTER FOR AGRICULTURE:** The Government have provided commodious and convenient stock yards attached to the abattoirs. When the original proposal was considered, various disabilities were indicated, but all of them were met by amendments made in this Chamber. We are justified in protecting the State's interests. There is no suggestion that the monopoly, as the Leader of the Opposition terms it, has operated harshly against anyone. Reasonable charges have been made, proper facilities have been provided and there is general satisfaction at the manner in which the abattoirs have been conducted.

Hon. Sir James Mitchell: But the paragraph deals with saleyards.

**THE MINISTER FOR AGRICULTURE:** If the paragraph were retained there would be no alteration to the existing practice.

Hon. Sir James Mitchell: Then you do not want the paragraph.

**THE MINISTER FOR AGRICULTURE:** Yes; we want statutory authority for what we have been doing. When the practice has been adopted by mutual consent, there can be no injustice to anyone, and interests other than those of the State have been protected. Every interest was considered by this Chamber.

Hon. Sir James Mitchell: No.

**THE MINISTER FOR AGRICULTURE:** Yet another place has deleted this most necessary provision.

Hon. Sir James Mitchell: Unnecessary provision.

**THE MINISTER FOR AGRICULTURE:** The paragraph is necessary for the continuance of the present policy, and we would be lacking in our duty if we did not provide at this stage what we have failed to provide for in the past. The existing practice affords general satisfaction and we are justified in seeking statutory power for it.

Hon. Sir JAMES MITCHELL: I hope the Committee will not support the Minister. We objected to the paragraph as originally drafted and, though it was amended in this

Chamber, it still seems to authorise unnecessary interference. The Minister says the paragraph will not alter the existing practice. I object to unnecessary interference. Because the Government have attached to abattoirs saleyards where fat stock is sold, we need not drive everything in the metropolitan area into that centre. We persuaded the Minister to insert provisions other than those he originally proposed, but why interfere in the hundred-and-one things mentioned in the paragraph? Why make trouble and put the country to the expense of appointing inspectors to police the law? Why not leave people as free as possible so long as they are doing no harm? I cannot understand the Minister's attitude. Bill after Bill this session interferes with the freedom of the people. For the Government to do more than take power to impose charges at abattoirs owned by them would be wrong. The Minister, however, wishes to control everybody who has any stock to sell. True, some provision is made for the Minister to give a license but permission may be withheld, and why put people to the trouble of writing to the Minister? We should accept the amendment of the Council. I doubt whether the clause is necessary either for the abattoirs referred to by the Minister, or the saleyards owned by the Government. The Minister is getting what he wants, namely statutory power to levy fees. All buyers of stock go to the central saleyards. No one would think of holding fat stock sales anywhere else. We should do only those things that are necessary for the public. We should not be asked to consider a lot of pettifogging matters.

**THE MINISTER FOR AGRICULTURE:** This is not a pettifogging matter

Hon. Sir JAMES MITCHELL: We are not dealing with the slaughter of stock for human consumption.

**THE MINISTER FOR AGRICULTURE:** There is need for the control of stock in quarantine.

Hon. Sir JAMES MITCHELL: They are already well controlled under the quarantine regulations. People should be left as free as possible. We are manufacturing all kinds of offences in order that we knock them over by legislation. The Council's amendment would greatly improve the Bill.

Mr. SAMPSON: Efforts were certainly made in this Chamber to improve the clause, but the best improvement of all would be to eliminate it. It imposes a restriction upon

those who are situated within the metropolitan abattoir area, which is not itself defined. The retention of this subclause would impose a burden upon the people. Furthermore, the Midland Junction yards are not easily accessible to all stock owners.

Hon. G. TAYLOR: The Council's amendment justifies the attitude adopted by members on this side. Had the Bill gone there in its original form, no doubt it would have been rejected altogether. It is not logical to force stock into the saleyards at Midland Junction if they are not required for human consumption.

Question put and passed; the Council's amendment not agreed to.

Resolution reported and the report adopted.

A committee consisting of the Minister for Agriculture, Mr. Panton and Mr. Lindsay drew up reasons for disagreeing.

Reasons adopted, and a message accordingly returned to the Council.

## **BILL—LAND TAX AND INCOME TAX.**

### *Second Reading.*

**THE PREMIER** (Hon. P. Collier—Boulder) [5.30] in moving the second reading said: The Bill is exactly similar to that of last year and preceding years, and it is, of course, necessary to enable a land tax and an income tax to be imposed for the current year.

Hon. Sir James Mitchell: But is it necessary?

The PREMIER: I regard it as very necessary. In order to allay any misgivings, I will say at once that no increase is proposed in the taxation.

Hon. Sir James Mitchell: Is there any reduction?

The PREMIER: Not in the land tax or in the income tax.

Hon. G. Taylor: Shall we have the Assessment Act before us this session?

The PREMIER: I do not know. I once admitted the necessity for amending the Land Tax and Income Tax Assessment Act.

Hon. Sir James Mitchell: Yes, especially in connection with wool and sheep.

The PREMIER: And amendments are required in other directions as well.

Hon. Sir James Mitchell: But it is terrible in its application under that heading.

The PREMIER: I know, but the amendments that we made on the last occasion in the Assessment Act meant a considerable loss of revenue, due to faulty drafting.

Hon. Sir James Mitchell: No.

The PREMIER: I am sure they did.

Hon. Sir James Mitchell: You cannot bleed the people snow-white, you know!

The PREMIER: Our income tax is just about the average tax imposed throughout the States. The tax in some States is higher and in some it is lower.

Hon. Sir James Mitchell: But we have to take into consideration all forms of taxation.

The PREMIER: I suppose the other States have practically the same number of taxes as we impose here. They have taxation imposed by the Federal authorities, the State authorities and the local governing bodies as well. It may be that we impose taxation in some forms that do not exist in some of the other States. Of course when we come to total up the whole of the taxation imposed, we have to admit that the amount is considerable.

Hon. Sir James Mitchell: There is taxation under the heading of workers' compensation, and so on, and all that sort of thing destroys employment.

Mr. SPEAKER: Order!

The PREMIER: Taxation in all its forms, including more or less indirect taxation, amounts to a total that is pretty severe, but the taxation imposed under the Bill—land tax and income tax—is not excessive.

Hon. Sir James Mitchell: I think it is.

The PREMIER: No, not in comparison with the taxation levied in the other States, and that is what we have to keep in mind. We must remember that, so that we shall not drive money that is available for investment in this State to some other portion of the Commonwealth where taxation is lower. As it is, our average taxation is about the average for the whole of the States. Of course, in common with some of the other States, taxation in Western Australia is considerably higher than in, say, Victoria. Even so, taxation was raised in Victoria last year. That State was for many years the lowest taxed in Australia. The tax was as low as 6d. in the pound. So it was that at a time when our taxation had mounted

to 4s. 7d. in the pound, considerable sums of money were diverted for investment in Victoria.

Hon. Sir James Mitchell: It was wonderful how many millions were available for investment elsewhere.

The PREMIER: That is so. Human nature being what it is, even strong patriotic sympathies will not induce men to invest their money in a State where high taxation is imposed, where there are avenues open for investment in a State where taxation is lower. The investment of money elsewhere has had a detrimental effect upon Western Australia, but to-day the position is not so bad in comparison with other States, for our taxation amounts to about the average imposed in other parts of Australia. However, it is not possible to reduce taxation during the present year.

Hon. Sir James Mitchell: I think it is.

The PREMIER: I shall be glad if I can be shown how it can be done without loss of the total revenue received. The financial position of the State does not warrant any reduction in taxation at present. It has to be remembered that the total amount received from the income tax is not increasing, but, on the other hand, is decreasing annually. That is a rather serious position for the Treasurer of the State. It does not matter what a Treasurer may do, expenditure and the need for that expenditure, grow apace every year. Because of the expansion of the primary industries of the State, there is an incessant call upon the Treasurer for the expenditure of money in all directions. There is also a constant demand for the expenditure of money on account of departments that do not yield any revenue. I refer to the Medical, Health, Education and Police Departments, and to expenditure involved in rendering various services to the people of the State. While the expenditure is mounting up year by year, no revenue is received in return. Under the heading of Education, for instance, the erection of schools and the provision of teachers' quarters, as well as increases in the teaching staff, create a financial burden that is very heavy indeed. Of course, there is expenditure in other directions in connection with our education work that has to be included as well. Under the heading of "Education" alone, the expenditure of the State is approaching £700,000 a year. That is an enormous sum of money

for Western Australia when we consider our sparse population. Moreover, the Education Department is one in which economy, so far as I can see, cannot be exercised. The same applies to the medical and health services. With the establishment of new hospitals, and the provision of increased accommodation at hospitals already established, the expenditure under that heading is mounting year by year. In connection with the building that is nearing completion at Point Heathcote, maintenance and upkeep, apart from interest on the capital outlay, will represent an expenditure of £15,000 a year. Insofar as we endeavour to provide these necessary institutions in order to relieve distress and suffering, so our expenditure increases. Having regard to the fact that this expenditure is an ever-increasing item, I am much concerned because of the decreasing receipts from the income tax.

Hon. Sir James Mitchell: But you get a fair revenue return.

The PREMIER: There was a slight increase in the land tax, and also in the dividend duty, but the total did not represent any great sum.

Hon. Sir James Mitchell: At any rate you secure a pretty fair revenue.

The PREMIER: It may look pretty fair, but it does not go far when we have to meet the expenditure I have indicated. While the total revenue of the State appears to be increasing very rapidly, it has to be acknowledged that that is not a true criterion, because much of that increased revenue is derived from our public utilities. That revenue is balanced on the other side by the expenditure necessary in order to earn the increased revenue. I do not know that there is any need for me to say anything further. The taxation outlined is such that Parliament must concede, in order to carry on the services of the State. Even so, I am afraid we shall have great difficulty in getting through and balancing the ledger at the end of the current financial year, having regard to the season not coming up to expectations, the price of wool declining by 20 per cent., and the fact that the waterside workers' strike has involved us in the loss of considerable revenue from the Fremantle Harbour Trust, the timber trade, and, in fact, in many other directions as well.

Hon. G. Taylor: It has affected everyone.

The PREMIER: It has.

Hon. Sir James Mitchell: Many others besides the Treasurer have lost money.

The PREMIER: It is very difficult to follow the ramifications of the position and to determine the exact effect a cessation of work has on the finances of the State. All this has made the position worse.

Hon. Sir James Mitchell: It is no good advancing that excuse! I did it at one time and it was not very warmly received by the Opposition.

The PREMIER: I think I recognised the explanation, and the force of the argument.

Hon. Sir James Mitchell: You said there always was an explanation.

The PREMIER: But there are explanations—and explanations. I remember that that explanation was a very sound one.

Hon. Sir James Mitchell: But it was not accepted. I will read what you said about it.

Mr. SPEAKER: Order!

The PREMIER: At any rate, the explanation was accepted mentally, on that occasion. There is no possibility of reducing taxation at the present time. While I am prepared to admit that there are considerable anomalies under the Assessment Act at present, I cannot say at the moment whether it will be possible to introduce an amending Bill this session to deal with some of the more glaring anomalies under the Act. I move—

That the Bill be now read a second time.

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

## **BILL—WATER BOARDS ACT AMENDMENT.**

### *Message.*

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

### *In Committee.*

Mr. Lutey in the Chair; the Minister for Agricultural Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Water supply in agricultural and other areas by means of tanks, etc.:

Hon. Sir JAMES MITCHELL: I move an amendment—

That in line 2 the words "have been or" be struck out.

The Minister said that during the last 80 years water supplies have been provided from national funds. They must still be provided for from the same source. Those supplies were not permanent, but were put down to aid pioneering efforts. The Minister proposes to go back and impose a charge on those water supplies. That may represent a heavy charge per 1,000 acres, although the farmer, who will be called upon to pay, may be situated at a considerable distance from the source of supply. I do not suppose the Minister proposes to apply this method to many water supplies. He surely would not make people pay to take water from what he was pleased to describe the other evening as mudholes. All the same, we should not give him the power he seeks. He could rate the people who cart from a 2,000-yards dam which is intended not only for pioneering work, but to keep the roads open. I do not see why we should apply it now, seeing that we have been able to carry on without it in the past. The Government would be reaping where they have not sown if we allowed the clause to go unamended.

Mr. STUBBS: I would like the Minister to tell the Committee what will be the position of small agricultural towns. From one end of the State to the other there are scattered towns which have been provided with tanks from which farmers as well as the residents of the town draw their supplies towards the end of the summer. I take it that the meaning of the clause under discussion is that the Minister can rate not only the people in the town but also the farmers.

Hon. G. TAYLOR: I hope the Minister will accept the amendment. If the words the Leader of the Opposition wishes to strike out are permitted to remain in the clause, the Minister will be enabled to impose a charge for water drawn from wells on the goldfields and dams on the roadside between towns. Many of these dams and wells have been in existence for between 20 and 25 years. On the goldfields the wells are largely availed of by prospectors and dryblowers, whilst many sandalwood getters also have recourse to them. Under the clause as it stands the Minister will be able to impose a tax on all these people.



Mr. Chesson: You are not serious when you suggest that the Government contemplate taxing these people?

Hon. G. TAYLOR: We might not always have in power the present Minister for Water Supplies. We might have a Minister in charge of that department who represents a metropolitan constituency and who would have no knowledge of the requirements of the people in the outback areas. That Minister might accept the advice tendered to him by the head of the department that a charge should be made, and not being acquainted with the position and not being aware of the conditions under which the dams or wells were constructed, he might agree to the proposal. I am not afraid that the present occupant of the office will treat unfairly the people whom I have in mind. but as the clause stands it gives retrospective power and anything may happen in the future.

Mr. LATHAM: I have contended already that the Bill itself is very unfair to the settler who is on the edge of settlement. Immediately the Minister puts down a well or dam, he proposes to make a charge against the settler who will have to use the water supplied. I would agree with the Leader of the Opposition if he would cut out everything except that paragraph referring to townsites. I am not going to differentiate between the people in the country and those in towns.

The Minister for Agricultural Water Supplies: You have not read the Bill, and do not know what you are talking about.

Mr. LATHAM: Then the Minister should put me right when he replies. I have read the Bill and I know that it is intended to make a charge for water supplies already in existence or those that may be put in by the Government in the future. It is proposed to tax people in the country towns up to 9d. in the pound on the annual rental value in the agricultural areas, and to tax the settler up to 3d. per acre.

The CHAIRMAN: I ask the hon. member to deal with the amendment first. When that has been disposed of he can refer to the whole clause.

Mr. LATHAM: If I agree to the amendment I differentiate between people who have gone out in the early stages and those who are going out to-day. I am not prepared to do that.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: I must oppose the amendment. The Government do not intend to levy rates for the purpose of recouping the revenue for moneys expended in providing wells and tanks for settlers during the pioneering stage, but it is necessary to have the clause as printed in order that water supplies may be established in advance in areas now being settled. Though at present it is not practicable to establish reticulation schemes in those areas, it is possible to construct portions which can later be worked into larger schemes. Quite recently, for instance, the Government constructed at Jilakin a concrete tank, which later will be enlarged in order to provide a supply adequate to the increased needs of the district. Again, some years ago a reservoir of 6,500,000 gallons' capacity was installed at Wilgoyne and provided with a standpipe; and in the Kalgardin district a reservoir of 6,250,000 gallons' capacity has been constructed, and a pipe will be run out in order to reduce the cartage for the settlers. Those are three works which will admit of being utilised later in connection with larger schemes. The immediate object is to reduce cartage distances over sand-plains and rough country. The Government do not intend to strike rates in respect of works constructed years ago, other than the few which will become parts of larger schemes. In the early pioneering stage settlers do not need so large a water supply as is required later, when the settlers run stock. Even if funds were available for the purpose, it would be unprofitable for both the settlers and the State to construct large schemes in the early stages. Under existing legislation it is possible to rate up to £55 per thousand acres.

Hon. G. Taylor: That means taxing settlers out of existence.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: Not necessarily. I could quote an instance of a scheme put in by our predecessors, where the rating is 10d. per acre, but the settlers are thus enabled to run stock which more than pays the annual bill. Laws are made to be sympathetically administered. I have received applications for the reconditioning and enlargement of some old wells, for roofing them, and for providing windmills and storage tanks. If money is to be expended on such improvements with a view to

furnishing additional water, the settlers are advised that they must foot the bill.

Mr. Stubbs: No one objects to that.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: The member for York will agree that should the Government be asked to effect such improvements, they would be quite justified in striking a rate to recoup the annual rate needed to cover the capital outlay. The member for Wagin asked whether small country towns already provided with tanks from which settlers as well as residents of the towns cart water, would be called upon to pay increased rates. Unless the towns ask for improved water supplies, they will not be rated.

Hon. Sir James Mitchell: But the Bill makes them rateable.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: The Government do not intend to rate in those cases. I am now merely giving reasons why the amendment should not be carried. With the great demand for agricultural land and the various areas being made available for settlement, there is urgent need to provide water supplies in advance of settlement.

Hon. Sir James Mitchell: It has always been the practice to put in small supplies at the start.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: Yes, and the hon. member's Government did good work in providing them. But in areas removed from the zone of higher rainfall the money that is available must be spent in the best interests of future settlement. It has got beyond the stage of providing a hole in the ground, of 1,500 or 2,000 cubic yards. The Government are constructing concrete tanks which later will be worked in with large schemes, and from which to-day pipe lines are being laid with a view to reducing cartage. If water supplies are not asked for, the Government will not rush in to spend public money for such a purpose. On the second reading I mentioned several small country towns that have applied for improved water supplies. They cannot pay for a full reticulation system, nor would it be wise to instal such a system at present, as the Treasurer would be called upon to find almost the whole of the revenue required. But an improved service can be rendered in such cases at a reduced rate. Under the existing Act the rating can

be up to 3s. in the pound, whereas under the Bill the maximum is 9d. in the pound. If hon. members opposite are not desirous of assisting country people in this respect, let them say so. If the member for York is out to block this legislation, let him say so in order that the people in the country may know.

Mr. Latham: You made good use of that cry at the last election.

Hon. Sir JAMES MITCHELL: The Minister has not been quite fair. Supplies have been put in from year to year without charge.

The Minister for Agricultural Water Supplies: No.

Hon. Sir JAMES MITCHELL: When land was being settled from Geraldton to the Stirling Ranges, it was impossible to put in water supplies everywhere; in fact, the water was not available. We did what could be done. Now it is merely a case of settling the outer fringe of the wheat belt, and water can be carted to settlements there with comparative ease. Work done in the past should not be charged for now.

The Minister for Agricultural Water Supplies: It will not be.

Hon. Sir JAMES MITCHELL: We shall take care that it is not, by carrying the amendment.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. Sir JAMES MITCHELL: Before tea I was endeavouring to show the Minister that over a number of years we have had comparatively small water supplies put in from one end of the State to the other. Under this clause the Minister will have power to rate anybody drawing from any of those supplies. It will be sufficient if he has power to levy this rate against supplies recently put in. In respect of one of these supplies he cannot reticulate, for want of pipes.

The Minister for Agricultural Water Supplies: Already one has been completed.

Hon. Sir JAMES MITCHELL: It is of no use taxing the farmer in his first stages of settlement, long before he uses very much water. I agree that the Minister should have the right to impose a light tax in the early stages, but I do not like giving power to go back over years past. I do not quite know where we shall land ourselves if we agree to that. Cannot the Minister have the

clause so worded that it will apply only to fairly considerable schemes? I understand that on one of these schemes the pipes are not yet available.

The Minister for Agricultural Water Supplies: The pipes are available, and the scheme will be ready by the first week in November.

Hon. Sir JAMES MITCHELL: But, the Minister will not be able to supply water to the farmers this year. I suppose the Minister could not impose a very light tax under this Bill.

The Minister for Agricultural Water Supplies: This will not apply to the scheme the hon. member has in mind.

Hon. Sir JAMES MITCHELL: But you cannot tax the land until you put in the reticulation.

The Minister for Agricultural Water Supplies: We do not intend to tax until the scheme is completed.

Hon. Sir JAMES MITCHELL: That will be another year. The Minister wants this retrospective right to cover that scheme. I do not object to that, but I do object to give to somebody in the future power to go back over the years.

The Minister for Agricultural Water Supplies: There need be no fear of that.

Hon. Sir JAMES MITCHELL: It is wrong to put into legislation a power which it is not intended to exercise. The Minister ought to have this clause re-drafted to cover the schemes to which he refers. If he will agree to do that and have the clause cover only what he wants it to cover, it will be all right. The Minister does not want greater power than the power to cover the works put in hand during the last two or three years or that may be put in hand in the future. If the Minister will go into it with the Parliamentary Draftsman, and see if he can get what he wants I will let it go at that, at all events, for the time being.

The Minister for Agricultural Water Supplies: I am prepared to go into it with the Parliamentary Draftsman and see if the clause can be re-drafted to meet the wishes of the department, to cover works already completed and which will be embodied in future schemes.

Hon. Sir JAMES MITCHELL: That will be all right. We can then recommit the clause.

The Minister for Agricultural Water Supplies: If I find it necessary, yes.

Hon. Sir JAMES MITCHELL: No, that is not fair. The Minister says what he wants and we say, "Very well, get the clause re-drafted accordingly." But the Minister cannot have it both ways. It is a fair thing to have the clause re-drafted and re-committed. The Minister may know what he intends to do.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: I am prepared further to discuss this clause with the Parliamentary Draftsman. But I have already gone into this matter. I pointed out that I needed the powers set out in Clause 2. The clause has been drafted to enable me to put into operation the requirements of the department. As I pointed out earlier this evening, it is not intended to rate for the purpose of recouping the capital expenditure on old works, but only the capital expenditure on those works I have referred to here this evening, which will be embodied in greater schemes as time goes on.

Hon. Sir James Mitchell: Draft the clause to meet that, and I am with you.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: The clause, as already drafted, will meet the position. The Leader of the Opposition can accept my assurance that it is not intended by the Government to do anything further, and I say there is little need to fear the actions of any future Minister controlling the department. For, after all, once a policy is settled and a precedent established, we rarely find in administration a departure from established procedure in respect of rates. I claim there is nothing to fear at all. I have repeatedly given the assurance on behalf of the Government that we shall not do anything to discourage settlers from providing their own private water supplies. Every facility will be given by way of assistance or advice to enable them to go on as they are doing to-day, and to encourage them to get their own supplies.

Hon. Sir James Mitchell: Well, draft the clause to meet the position.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: It is so drafted already. I cannot understand the suspicion and doubt on the part of the Opposition respecting the powers given to the department under this clause.

Hon. Sir James Mitchell: It comes pretty tall from you, this saying we are suspicious.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: I have promised the

Leader of the Opposition to go into the question, but I do not think it will be necessary to have the clause redrafted.

Hon. G. TAYLOR: I am surprised at the Minister putting up such a statement. He is perfectly satisfied that the clause will do exactly what he wants it to do. In his remarks, both on the second reading and in Committee, he indicated that he did not need the powers contained in this clause.

The Minister for Agricultural Water Supplies: I did nothing of the kind. I need the power, else the clause would not be drafted as it is.

Hon. G. TAYLOR: He said the Government had no desire to put it into operation.

The Minister for Agricultural Water Supplies: I did not say that, either.

Hon. G. TAYLOR: In view of the Minister's being so satisfied that the drafting of the clause is just what he desires and that it will do what he says it will do and will not do what the Opposition say it will do, I want to remind the Committee of what occurred in respect of the Group Settlement Bill when another Minister insisted that it would not have a certain effect. Yet later we found the Government amending it in another place.

The CHAIRMAN: I cannot allow any discussion on that.

Hon. G. TAYLOR: I am only referring to what happened regarding a similar section on another Bill when the Minister in charge of that Bill said exactly what the Minister in charge of this Bill says to-night. In view of that, there can be no harm in going back to the Parliamentary Draftsman and the Crown Solicitor and finding out whether this clause as printed will not do what the Leader of the Opposition thinks it will do. After all, it is not what the Minister says. It is not what appears in "Hansard" as being the intention of the Government.

When a case goes before the court, the judge deals with it on the language of the sections of the Act. It is of no use counsel saying to the judge, "I will read you the 'Hansard' report of the Minister's remarks and the remarks of the Leader of the Opposition, as revealing the intention of Parliament." The judge promptly says that if that was the intention of Parliament it was not expressed in the section, and he has to deal with the section as printed in the Act. That is the only way in which cases can be decided in the courts. I do not think

the Minister will take action regarding old wells taken over by the Government and dams sunk by the Government in years past, but he is asking power to do many things he says he will not do. Why ask for the power if he does not intend to use it? Unlimited power is not needed in such legislation. The measure will affect new areas being opened up for wheat production and the Minister should ask for only the power he needs to use.

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

Ayes	..	..	..	12
Noes	..	..	..	19
				—
Majority against	..	7		—

#### Ayes.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. Taylor
Mr. Ferguson	Mr. Teesdale
Mr. Latham	Mr. Maley

(Teller.)

#### Noes.

Mr. Chesson	Mr. Lindsay
Mr. Clydesdale	Mr. Marshall
Mr. Collier	Mr. Millington
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Rowe
Miss Holman	Mr. A. Wansbrough
Mr. Kenneally	Mr. Wilcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	

(Teller.)

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

That after "rateable land," in line 2 of paragraph (i) of the proviso, the words "other than land provided with a water supply sufficient for the owner's requirements" be inserted.

The Minister said he wished to encourage owners to provide their own water supplies and therefore he should accept the amendment. It would be obviously wrong if this tax were imposed on owners who have gone to considerable expense to supply their own requirements. It would be wrong to impose the tax where the water was not required. It is quite sufficient to ask a settler to pay the tax when he needs the water. It is wrong to impose a tax where no benefit will follow. The Minister will say that a water supply is provided for the benefit of the district.

That is no argument. We are taxing under the goldfields scheme people who had an ample supply of water before the mains were extended to their districts. That is the law but it is not just.

**THE MINISTER FOR AGRICULTURAL WATER SUPPLIES:** I realise that a settler who has spent money to provide a water supply on his holding is entitled to consideration, and he will receive consideration under the provision for differential rating.

Hon. Sir James Mitchell: He should get it from Parliament.

**THE MINISTER FOR AGRICULTURAL WATER SUPPLIES:** Many settlers have been under the impression that they had made adequate provision for a water supply, only to find during a year of light rainfall that they were as hard up against it as were most other settlers. Wells in the wheat areas have disappeared in the course of a few years. Whether as a result of the pull on the water soon after the wells were put down, or whether the result of a dry season, wells have gone dry. Where men have provided a water supply it is my intention to apply a lighter rate. The measure provides for differential rating.

Hon. Sir James Mitchell: In the matter of distance.

**THE MINISTER FOR AGRICULTURAL WATER SUPPLIES:** Under the Land Drainage Act provision is made for differential rating.

Hon. Sir James Mitchell: That is another matter.

**THE MINISTER FOR AGRICULTURAL WATER SUPPLIES:** The Leader of the Opposition will realise the importance of giving the people an interest in the local water supply, and the only way to do it is by making them liable to rating.

Hon. Sir James Mitchell: They do not want it.

**THE MINISTER FOR AGRICULTURAL WATER SUPPLIES:** Under the Goldfields Water Supply and Water Boards Amendment Acts of 1925 provision is made for a requisition for a water supply by two-thirds of the people in the area defined, and the other one-third must accept the scheme whether they like it or not. That is more drastic than this provision. With sympathetic administration there can be very little discontent.

Hon. Sir JAMES MITCHELL: The Minister has not answered my argument. He says that a few people suffer for the many. We had requisitions before the Minister's time, but we also had very much less law. To force this tax upon settlers, as the Minister will be able to do, is a totally different thing. We are dealing with small supplies, and the chances are that if the rainfall were so light as to provide a little water for the farmers' dams, there would not be much for the Government dams. Not 5 per cent. of the farmers in this State depend upon water supplies such as the goldfields scheme or Government dams; 95 per cent. of them supply their own requirements without a tax.

The Minister for Agricultural Water Supplies: In those districts they will not ask for a water supply.

Hon. Sir JAMES MITCHELL: Of course not. The farmers touched by the Water Supply Department are very few indeed. I doubt if many of these places will hold enough water for the farms to be served. The result will be that settlers will have to pay that tax whether they get water or not. Apparently there is to be little in the way of national expenditure on these supplies. When a person wants to cart water from a Government dam he will have to pay a tax. That has never yet been asked for in the history of the State. There is no need to tax a man who has gone to the expense of supplying his own requirements. The Minister says he will modify the law to suit the wishes of various settlers.

The Minister for Agricultural Water Supplies: Why do you wish to introduce a new principle into the Bill?

Hon. Sir JAMES MITCHELL: I do not want the Bill at all. If I were in office I would supply this water without any tax. The Minister now says there shall be no national work in the development of new country.

The Minister for Agricultural Water Supplies: I have explained over and over again, that this is not so.

Hon. Sir JAMES MITCHELL: And the Minister has ended up by saying that it was so. We do not require any explanation. Here are the words contained in the Bill. Everyone must be treated as is provided by the law. Why tax a man who has already taxed himself? Apparently the

Government wish to collect everything they can from the unfortunate man on the land. I understand all these works are being carried out by cheap migration money. If so, the money is costing the Government 1 per cent, and the contributions from revenue will be very small. No doubt interest will be charged at the full rate and credited to revenue, while revenue will pay only one per cent. The more of these works there are, the better it will be for the Treasurer. People should not be expected to develop the back country unless something is done for them. They can do nothing without water. Within the next two months clearers will have to come in from the back country because of the lack of water.

Mr. LINDSAY: If the amendment is carried it will defeat the Bill. My electors were principally instrumental in its being brought down, and I will therefore oppose the amendment. I have had considerable experience of these water schemes, and I know the value of them. The Minister has made it clear that the Bill will not be applied to past schemes but to future schemes. He has named those to which it will apply.

Mr. Latham: The Bill does not say so.

Mr. LINDSAY: But his remarks appear in "Hansard." The Minister should be given a reasonable chance to carry out this work. Not a man in the dry areas has a sufficient water supply this season. Practically every one will have to cart water. I know of a case in which the Minister has provided water for nothing until the scheme itself is completed. I am told of one man who wants exemption, such as is indicated by the Leader of the Opposition. The chairman and secretary of the road board told me not to take too much notice of him, as he will be one of the first to want the water. In the metropolitan area land that is not used carries water rates. These schemes will increase the value of every acre of agricultural land. This Bill will apply to schemes which the existing Act does not cover. The small towns will greatly benefit, because they will be able to get a more permanent supply than they now have. Instead of waiting for legislative authority, the Minister installed certain schemes beforehand, and it is only right that his action should be endorsed. The equipment of a dam or well should not be a costly affair, and would serve a very useful purpose.

Everyone who is in a position to derive benefit from one of these schemes should contribute towards the cost, whether he actually takes water at the time or not. The Leader of the Opposition did not instal any very big water schemes. Mostly all have been laid down by the present administration. The presence of water is an asset for the settlers. Many persons may think they will not want it, but the time will surely come when they will be only too glad to get it. The people of a district as a whole should determine whether such a supply should be installed. Every farmer has dams of his own, but there is no doubt that the addition of the Government supplies will be of great assistance to all.

Mr. LATHAM: The member for Toodyay has an erroneous idea about the clause. The Minister is perfectly honest in his intentions regarding the administration of the Act, but that is not the point. We have no right to pass legislation that may be administered contrary to our desires. If we agree to the clause as it stands, the Minister might say that there will be no national works of this description in the future, and any dam may be included. There is no restriction of area. What is the "prescribed distance"? People have been carting water for upwards of 20 miles or more. Will the Minister force those people to pay a water rate?

The CHAIRMAN: The hon. member must deal with the amendment.

Mr. LATHAM: I will not stress the point at this stage, provided I have an opportunity to discuss that aspect later on.

Mr. SAMPSON: I was surprised to hear the remarks of the member for Toodyay. The clause will permit water supplies that have been free hitherto to be taxed in future. The measure will enable the Minister to tax water supplied at its source, quite apart from the laying down of mains, pipes or other means of reticulation. The amendment will exempt from the tax, land that has already been sufficiently supplied. The Minister implied that there would be a varying rate, but there is no provision for a varying rate apart from the question of distance. It has nothing to do with water supplies existing at the present time.

Mr. BROWN: Will old tanks and wells that were constructed many years ago, be brought within the scope of the measure?

Hon. Sir James Mitchell: Of course they will.

Mr. BROWN: Apparently this clause gives the Minister unlimited powers. In part of my district rock catchment water supplies have been provided under the Imperial scheme and cheap money has been used for the work. The people who benefit have not paid anything for it up to the present. Will they be rated in the future? The Minister has said that no undue hardship will be imposed upon the settlers. In the Kondinin area a man who had a poor block, which the Agricultural Bank inspector did not consider would admit of a loan being granted by the bank, owed rates amounting to £40 and he sought time for payment. There was a proposal for the payment of 10s. a fortnight and I brought the man's case under the notice of the Minister. When the departmental reply was received, they proposed that he should pay £1 a week if he did not want legal action to be taken. Will land like that be subject to the same rate as a good block?

Hon. Sir James Mitchell: All land, good or bad, will be subject to the same rate.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: It is well known that any legislation is calculated to bear harshly upon an individual or a group of individuals. We must consider the greatest good for the greatest number. Regarding the case quoted by the member for Pingelly, the farmer fell into arrears to the extent of £40 and he approached the department regarding his debt. Surely it is easier to pay £1 a week than to be called upon to liquidate the whole debt of £40. I claim that the department dealt sympathetically with that individual.

Mr. Brown: But the original proposition was for 10s. a fortnight.

The MINISTER FOR AGRICULTURAL SUPPLIES: That may have been for current rates. One individual in an area cannot receive special consideration above the other settlers, particularly when the rate has been fixed by requisition by the people themselves at 4½d. per acre per annum.

Hon. Sir James Mitchell: The point the member for Pingelly raised was as to whether the man who had poor land, would be rated just the same as the man who had good land, and, of course, he will be.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: There are areas of

wodgil country within districts that have been reticulated, and those areas have been exempt from the rating as fixed by requisition. A reduced amount is fixed to assist those settlers. The Bill provides for preferential rating.

Hon. Sir James Mitchell: But that refers only to distance.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: There are other ways of doing it. We must administer the Bill sympathetically, and that will be done by the Government or any succeeding Administration.

Hon. G. TAYLOR: In this instance a standpipe is erected ten miles from a man's property and if he wants water he must call there for it. It should be time enough for him to pay for water when it is taken to him.

The Minister for Agricultural Water Supplies: What rubbish!

Hon. G. TAYLOR: It is certainly rubbish when you try to charge a man for something he is not using. I am not going to allow the Minister to tell us without the winking of an eyebrow that we have already passed similar legislation. Nothing of the kind. It is not fair to charge people for something they do not require or get.

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

Ayes	..	..	..	..	..	12
Noes	..	..	..	..	..	19
Majority against						7

#### AYES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. Taylor
Mr. Davy	Mr. Teesdale
Mr. Ferguson	Mr. C. P. Wansbrough
Mr. Latham	Mr. J. H. Smith

(Teller.)

#### NOES.

Mr. Gbesson	Mr. Marshall
Mr. Clydesdale	Mr. Millington
Mr. Corboy	Mr. Munis
Mr. Coverley	Mr. Pantou
Mr. Cunningham	Mr. Rowe
Miss Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Lindsay	

(Teller.)

#### PAIR.

Aye.	No.
Mr. Maley	Mr. Kennecally

Amendment thus negatived.

[*Mr. Lambert took the Chair.*]

Mr. LATHAM: The remaining provisions of the clause will permit the Minister to charge a water rate although farmers may be 10 or 12 miles from a standpipe. There are certain waterworks that should be national undertakings. Provision should be made for water supplies for the pioneer settlers and no charge should be imposed. To-day all farmers are overtaxed and in a very little while they will be taxed off the land.

Hon. Sir James Mitchell: A new tax is being imposed nearly every week. Thank goodness we do not sit throughout the year.

Mr. LATHAM: The only point in the Bill that I am opposing is the clause that fixes a charge. I always give the Minister encouragement to provide water supplies, but I am not going to harass the men and make them pay for something that they have never paid for before. We have farmers who are actually 60 miles from a railway and who are carting their provisions that distance. Surely that is a big enough handicap. I hope the Minister will agree to the amendment I intend to submit to the House. I move an amendment—

That the following be added to the clause to stand as paragraph (v):—"That land held on conditional purchase and granted before or after the commencement of this Act, the Land Act, 1898, or any amendment thereof, shall be exempt from water rate for five years from the commencement of the lease.

That will protect the man about whose interest I am concerned. If the Minister will agree to the amendment, I shall withdraw further opposition to the Bill.

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: I see a danger in the amendment.

Hon. Sir James Mitchell: But not the danger we see in the Bill!

The MINISTER FOR AGRICULTURAL WATER SUPPLIES: Five years is a considerable period. New settlers are exempt from road board rates for two years. I would have agreed to the same period here.

Mr. LATHAM: I ask leave to alter my amendment by striking out the word "five" and inserting "two" in lieu thereof.

Leave given; the amendment altered accordingly.

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

Clause 3, Title—agreed to.

Bill reported with amendments.

## ANNUAL ESTIMATES, 1928-29.

### *In Committee of Supply.*

Resumed from the 18th October; Mr. Lambert in the Chair.

Department of Justice (Hon. J. C. Willcock, Minister).

*Vote—Crown Law Offices, £87,413:*

HON. SIR JAMES MITCHELL (Northam) [8.51]: We shall now have to discuss the Crown Law Department, the Electoral Department, and any other department included in this division. I consider that the time has come when a change should be made in the control of the Electoral Department. It is now under the Crown Law officials, more or less. There is the Chief Electoral Officer, but he does not really control the department.

The Minister for Justice: He practically controls it.

Mr. Davy: He is classified as a clerk in the Public Service List.

Hon. Sir JAMES MITCHELL: The present position is unsatisfactory. Before the last election I had occasion to see the Chief Electoral Officer once or twice. Many things ought to be rectified in that office, and no doubt they would be rectified if he were in control. With the Chief Electoral Officer two other officials not under the control of the Government, say the Auditor General and the Public Service Commissioner, should be appointed to manage all electoral matters. The present position should not be allowed to remain. During the last election it was most difficult to get work done that ought to have been done. One thing I complained about at the time was that some electorates, including all electorates represented by Ministers other than the Minister for Lands, were canvassed, while a number of other electorates, represented by members on the other side of the Chamber, were not canvassed. In my case I was left to pay for the canvass. That is not right. We did not select the electorates that it suited us to canvass, but canvassed electorates that obviously needed some special attention, without any regard to their representatives.



The Minister for Justice: We selected the same electorates as you did, and so we were in good company.

Hon. Sir JAMES MITCHELL: How could that be? The extraordinary thing was that the electorates canvassed by the Government were represented by Ministers, with the exception of the electorate represented by the Minister for Lands. The metropolitan area, too, was canvassed.

The Minister for Mines: But the metropolitan seats were not all held by Ministers, surely!

Hon. Sir JAMES MITCHELL: No. What I have described was certainly not right, and I hope it will not happen again. The proper administration of electoral matters is a sacred duty devolving upon the Government and everyone connected with them. I take exception to a good many happenings during the last general election. In a considerable number of cases in my electorate men were kept on the rolls illegally, and voted illegally, and went unpunished. Before the election I reported to the Chief Electoral Officer a number of names of men who were not in the district. One name was taken as a test, and the man confessed that he had not the right to be enrolled; and certainly the man who witnessed the claim card said he had no right to enrol the individual in question. Yet nothing happened. In that case the witness was associated with the Labour Party. Electoral matters would be far better away from Government control, particularly towards the time of elections. We cannot alter the system now, but I think the Minister should agree that a committee of officials not responsible to the Government, but responsible to Parliament, would be more likely to control electoral matters satisfactorily than the present system of control under the Crown Law Department. The Chief Electoral Officer might be given much greater power. When I went to see him in his office he had three young typists working there, and if one wanted to interview him one had to do so either before the three typists, who were banging away at machines, or talk out in the corridor.

The Minister for Justice: I have never seen that.

Hon. Sir JAMES MITCHELL: At election time, naturally, the Chief Electoral Officer is very busy. All temporary officials

employed in the Electoral Department from time to time should be selected from permanent employees in the Public Service, and should not be obtained from outside. I do not know what the custom has been in the past, but I believe temporary men have been obtained from outside. That is wrong. As far as possible, all persons connected with the Electoral Department at election time should be permanent officials. It is not right to put on men who are partisans, and certainly it is not right to go outside the service for partisans. It is an easy matter to transfer from the permanent Public Service the few men who are needed.

The Minister for Justice: I assure you I do not know one man who was put on. I was never referred to.

Hon. Sir JAMES MITCHELL: The Minister would have to approve the expenditure before anyone could be employed.

The Minister for Justice: Yes, and the Chief Electoral Officer had an entirely free hand in selecting the men.

Hon. Sir JAMES MITCHELL: That does not affect the argument at all. I say he should not employ anyone from outside.

The Minister for Mines: Then you want the Minister to interfere with the Chief Electoral Officer.

Hon. Sir JAMES MITCHELL: No. The Chief Electoral Officer would be supplied with a staff from within the service. We know well what happens under the present system. That system has obtained for years, long before the present Minister assumed control of the department. Some people are fined for offences against the electoral laws, while other people are allowed to go entirely free. That is not right. All men who transgress the electoral laws of the country should be punished. A man who signs a claim card for a division in which he does not reside, and who knows he is doing wrong, should be punished. However, such men were not punished after the last general election.

Mr. Teesdale: How about men voting four or five times?

Hon. Sir JAMES MITCHELL: In connection with postal votes there was a great deal of highly unsatisfactory work. A postal vote official is not supposed to canvass for votes, but I heard of a case where a postal vote official went to a camp and stood beside the wagon or trolley and took the votes of the people in the open. He

went down to get those votes. That is entirely wrong. Such a thing was never intended. In fact, the very reverse was intended.

The Minister for Justice: I tried to rub out postal voting altogether, but there must be some such provision.

Hon. Sir JAMES MITCHELL: The postal vote official should always be resident in the place, having a house of his own. It is useless appointing men in camps, for they cannot attend to their business as postal vote officers as can a man who has an office. I hope that the control of the Electoral Department will be put on a better basis, and that during next session the Minister will introduce legislation to alter the status of the Chief Electoral Officer. I do not know why he should be controlled by the Crown Law Department. It should be sufficient for the Chief Electoral Officer to be attached to the Minister, who should be his Ministerial head.

The Minister for Justice: I think he is. He interviews me direct very often, and little correspondence goes through the department.

Hon. Sir JAMES MITCHELL: The present position is unsatisfactory. Our electoral laws should be administered properly, and the compulsory enrolment provisions should be rigidly enforced. That has never been done, but it should be done. Steps should be taken to keep our rolls up to date. I do not know what provision is made for comparing our rolls with the Commonwealth rolls. At times we find 200 or 300 names being added to the roll in a small country district. They are added at the one time. Perhaps the claim cards have been saved up for a period and that, I understand, is an offence under the Act.

The Minister for Justice: No, it is not.

Hon. Sir JAMES MITCHELL: I think the Minister will find that it is an offence. If it is not, we should amend the law, and make it an offence. Either the cards are saved up or else the persons concerned have not enrolled within a month in accordance with the provisions of the Act. The Minister will agree that it is impossible to enrol such a large number of men in a small district at one time. When the men apply for enrolment, in such circumstances, their position should be tested.

The Minister for Justice: That cannot be done after their names have been placed on the roll.

Hon. Sir JAMES MITCHELL: Of course it can. If men have been in the district for six months and only then claim to be enrolled, they should be prosecuted for not having applied after they had been resident there for a month.

Mr. A. Wansbrough: The claim cards may have been held up.

Hon. Sir JAMES MITCHELL: If we are to have compulsory enrolment, we should enforce the law. The law is not being obeyed to-day. I hope the Minister will amend the Act next session so as to make the law more clear.

The Minister for Justice: You always see red when we talk about amending the Electoral Act!

Hon. Sir JAMES MITCHELL: A good deal that goes on causes us to see red at times. I do not know that we need discuss licensing matters at this stage. I presume that the Vote covers the Licenses Reduction Board. I believe the period for which the board members were appointed will soon run out and I would like to know what the intentions of the Government are regarding licensing matters and whether the Chief Inspector of Police is to continue to act as the inspector in charge of licensing matters. It does not seem possible for one man to carry out the two jobs properly. I should say that each position provides enough work for one inspector. There are very few inspectors of police considering the size of the State.

The Minister for Justice: There are nine or ten inspectors.

Hon. Sir JAMES MITCHELL: The Chief Inspector of Police is already a busy man. Unless the administration of the Licensing Act, which has been so well attended to in the past, is continued on the same basis, we will lose a great deal of the advantage that was accomplished under the Licensing Act. In his past position, Inspector O'Halloran carried out wonderfully good work in connection with the licensing laws. I suppose it was his work under that heading that influenced the Government in desiring him to fill the two billets.

The Minister for Justice: Inspector O'Halloran has placed the licensing business on a sound basis. It is more a matter of routine now.

Hon. Sir JAMES MITCHELL: We know the work that has to be done, because we travel round the country and see what happens. The administration of our liquor laws is better now than it was in the past. There

is a good deal to do, and I am afraid the Government are asking Chief Inspector O'Halloran to do too much. I notice that the Government have been transferring magistrates frequently from one court to another. Unless those transfers involve promotion, I consider it is an unsatisfactory way of handling the situation.

The Minister for Justice: It is generally a matter of promotion.

Hon. Sir JAMES MITCHELL: But not always.

The Minister for Justice: The magistrates gravitate from one court where there is a small amount of business to be transacted, to another court where there is more business to be attended to.

Hon. Sir JAMES MITCHELL: I am afraid there are often frequent and unnecessary transfers. We have a system of examinations for appointment to the magistracy. We ask that men who are to be appointed to those positions shall have some knowledge of the law. Probably that knowledge is mighty little and I doubt whether it is really worth while. Considering that the system has been in vogue for about 20 years, very few clerks of courts have troubled to qualify themselves for appointment. I suppose they will be eligible for appointment all the same, whether they have the necessary qualifications in law or not. I am afraid the present system cannot be regarded as altogether satisfactory. If we could afford to pay higher salaries we would probably be able to get properly qualified men to accept appointments as magistrates. I think it would be worth while to pay an adequate salary to magistrates who preside over our courts in the metropolitan area.

The Minister for Justice: The salary is £960 a year.

Hon. Sir JAMES MITCHELL: But that is paid to one magistrate only. The salaries paid to the others are much lower. I recognise it is impossible to pay £960 to every magistrate who is appointed, but if we could do so, it would probably result in an improvement upon the present system. Trial by justices of the peace is highly unsatisfactory and too much work is done in the country districts by honorary justices. I presume the Minister will deal with these various points when we discuss the items. In the meantime, my chief concern is that the Government shall amend the Electoral Act to provide for the better conduct of elec-

tions. I think that would meet with the approval of all members.

The Minister for Justice: The conduct of elections is set out in the Electoral Act.

Hon. Sir JAMES MITCHELL: But the Minister should amend the Act to give greater power to the Chief Electoral Officer or to some other person regarding the conduct of elections, and also to provide for the better conduct of elections themselves. I do not suppose the Minister wishes offences to be committed under the Act any more than anyone else, but the fact remains that offences are committed and the offenders go unpunished.

**MR. TEESDALE** (Roebourne) [9.8]: To my mind we have a very capable officer in our Chief Electoral Officer. The Minister said that he very seldom appealed to him about anything. I urge the Minister to let the Chief Electoral Officer have his way if he appeals to him regarding the appointment of returning officers. He has made a careful study of that branch of electoral work.

The Minister for Justice: I do not think I have turned down one recommendation of the Chief Electoral Officer.

**Mr. TEESDALE:** That is very satisfactory. I wish to draw the attention of the Minister to the fact that it is wrong to give mailmen in the country areas the right to take votes. I can give the Minister some particulars. I do not know who the men voted for and I care less. I know that the Chief Electoral Officer had no idea, when he gave certain mailmen the right to collect votes, that they would act as they did. Those men were given a book that contained instructions, and were empowered to collect votes. They were told that they must take votes only within certain areas between stations that were far apart. The Chief Electoral Officer did not know that those men took votes at stations where returning officers had already been specially appointed. The action of those men was not fair. It was quite fair to give them the right to collect votes between stations, for there were a number of men working out there.

The Minister for Justice: They were not entitled to take the votes you complain of.

**Mr. TEESDALE:** I can assure the Minister that two men I referred to collected votes from the time they left the township. One of the men appointed had his residence

in Roebourne. They started to collect their votes all along the route for 120 miles and they took votes from men on the station. It was so easy for everyone concerned, but it was not regarded favourably by people who, like myself, had already taken steps to have returning officers specially appointed at the various stations.

The Minister for Justice: If the men did what you say they did, their appointments will be cancelled immediately.

Mr. TEESDALE: That is why I made reference to the Chief Electoral Officer at the outset. When I made my complaint to the Chief Electoral Officer, he told me that these men would not be re-appointed. I hope the Minister will not turn down any recommendations the Chief Electoral Officer may make in this respect, because he has taken a lot of trouble to acquaint himself with the real position.

**HON. G. TAYLOR** (Mount Margaret) [9.13]: I thoroughly agree with some of the remarks that have been made regarding the Electoral Department. There cannot be any complaint regarding the Chief Electoral Officer or the returning officers, nor yet regarding anyone connected with the department itself. I know that actions have been taken that have not been proper, actions that neither the Minister nor the department would tolerate for one moment if they knew of them. Difficulties arise when a man is appointed to take postal votes. He is sent a book of instructions and is told what duties he has to carry out, but when he is miles away from the office it is impossible to know how he will act. He does sometimes act contrary to the law.

The Minister for Justice: There is a heavy penalty for contravening the sections of the Act.

Hon. G. TAYLOR: It is known that postal vote officers have taken votes from men out of the State altogether, and that those votes have been recorded. That has been stated beyond doubt.

The Minister for Justice: To state it beyond doubt is nothing, but if it can be proved beyond doubt, up he comes.

Hon. G. TAYLOR: The proof is beyond doubt. The man who was supposed to record his vote was in Queensland and when asked by telegraph whether he had voted, he said he had no knowledge as to whether

it had been recorded here in Western Australia.

The Minister for Justice: How long ago was that?

Hon. G. TAYLOR: It occurred during the Legislative Council elections, the last occasion but one. I am not bringing it up with a view to any inquiry. There was a long debate about it in another place. I only wish to remind the Minister that no matter how vigilant he may be, or how vigilant the Chief Electoral Officer may be, the greatest discretion should be used in the selection of postal vote officers.

The Minister for Justice: The system is that each returning officer is requested to nominate them.

Hon. G. TAYLOR: But some of those nominations have been rather for party reasons than any other reasons. The Chief Electoral Officer, of course, has not been aware of that.

The Minister for Justice: You could not expect him to be.

Hon. G. TAYLOR: No, there is no blame attaching to him in the matter. But there is grave necessity for the very greatest care being taken in the selection of postal vote officers. Then there are those persons recommended by one of the candidates. In my own election last time, my opponent was recommending for postal vote officers people who were strongly partisan. They were fine decent fellows, each of them, but strong partisans. There were other postal vote officers who had been on the list for years, and who were strong partisans on my side. They did not exhibit it so openly as did those on the other side, but I cannot say what they did privily. Those people should not have been appointed to the post. But the Chief Electoral Officer knew nothing of that. In the administration of the Electoral Act, which makes provision for people getting their names on the roll, also there is room for improvement. It is beyond doubt that men sometimes drop into an electorate only three or four days before the prescribed period of residence rendering them eligible to have their names placed on the roll. Straightway they fill in cards, although only a few days in the electorate. But the cards are not presented to the electoral registrar, nor sent to the department in Perth; they are not presented until the month is up. Under the Act a man cannot walk into an electorate and fill in a card and give it to somebody else to hold until

the month is up. Yet that sort of thing has occurred. We have ample proof of it. There has been a debate in another place on that very matter. Several hundreds of names have been added to the rolls in those circumstances. I know in the back country a man in the public service who has strong political feelings. He went out 12 miles in order to take a vote from a sick person. He undertook that journey only because he was a strong partisan of one of the candidates and wanted to get that vote for his candidate. I did not make any noise about it. He did it largely because others went to him and suggested it. He saw no danger in it until I spoke to him. It was too late for him to do anything then.

The Minister for Justice: I knew a postal vote officer who once raced me out to a place to get a vote.

Hon. G. TAYLOR: It is very difficult. The Minister cannot be blamed for it, nor can the Chief Electoral Officer. The only thing to do is to bring up these things in the House so that the Chief Electoral Officer and the Minister may realise that there are certain dangers. In the Estimates before us provision is made for stipendiary magistrates. I have nothing to say against the officials holding those positions, but I often wonder how it is that an acting magistrate, holding the second highest position in the State, should be kept in an acting capacity for four years. I do not think that is quite what we should have on the bench, namely a man in an acting capacity for so long a period. I believe he is doing good work. I am not suggesting that he is incompetent or should not have been appointed to the position. I think age is against him, although he has all the other qualifications. It is strange that one man should have been put off because he was over 60 years of age, while another man can hold the same position in a temporary capacity for four years. It makes one think. I know that since we agreed to the law that a man has to pass certain legal examinations to qualify for appointment as a magistrate, the Government's choice has been largely curtailed. We have in the Government service magistrates who have not been legally trained, but who have been holding their positions for years past. Men who have been wardens on the goldfields for the past 20 years are just as capable as any legally trained men could be, for

they have a practical knowledge of dealing with cases in the warden's court and on the licensing bench. Yet they are not eligible for appointment as magistrates. I suppose it is difficult for the Government to get a properly qualified person to accept such a position. However, it is not very satisfactory to know that we have had a man acting as magistrate in a temporary capacity for all these years. There must be some good reason for it. I brought this up on a previous occasion, and the Minister gave his reasons for it. I suppose those reasons still hold good.

The Minister for Justice: The Public Service Commissioner has been asked to consider the position.

Hon. G. TAYLOR: That is the same reason. Coming to licensing, I do not know if there is any necessity for the continuation of the Licenses Reduction Board. I think the term of their appointment will soon expire.

The Minister for Justice: The licenses reduction part of the Licensing Act will expire at the end of this year.

Hon. G. TAYLOR: I have wondered whether there is any necessity for the continuance of the board.

The Minister for Justice: It will have to continue till the end of the year.

Hon. G. TAYLOR: But I mean next year.

The Minister for Justice: It is a matter of Government policy.

Hon. G. TAYLOR: I do not expect the Minister to state to-night what the Government's policy on that point may be, but I really do not see any necessity for the continuation of that board.

Mr. Clydesdale: Why not?

Hon. G. TAYLOR: They have closed up practically all the hotels that required to be closed up.

Mr. Chesson: What about new areas?

Hon. G. TAYLOR: The licensing bench, which granted all the licenses in Western Australia, are quite capable of granting new licenses.

The Minister for Justice: The provisions are not the same under the new Act.

Hon. G. TAYLOR: I am aware of that. I do not know whether the provisions under the new Act are as good as the old administration.

Mr. Clydesdale: Do not you think the new board has improved the conditions very considerably?

Hon. G. TAYLOR: No, I do not. It is all very well for the hon. member to express such an opinion, but let him go into some parts of the State where there were only two or three hotels originally and there is now only one, and he will find the conditions offered by the one are not so good now as they were when there were two or three hotels.

Mr. Clydesdale: Of course, you are a teetotaler now.

Hon. G. TAYLOR: I am not thinking of the liquor conditions. It is not the function of the board to improve those, it is the accommodation part that the board should see to, and I do not see any great improvement in that respect. I do see that the board has reduced licenses wherever possible, and I do not know that there is any necessity to continue a board costing £3,850 per annum.

Mr. Clydesdale: What is that compared with what they have saved?

Hon. G. TAYLOR: I do not see any necessity for continuing that board. As the Minister says, it is a matter of Government policy. When we hear that policy, when the Bill comes down for the continuance of the board, we can discuss it on its merits.

The Minister for Justice: If no Bill comes down, the board will automatically dissolve.

Hon. G. TAYLOR: Yes. I have no need to go any further with that question.

**MR. ANGELO** (Gascoyne) [9.27]: Last year or the year before I brought before the Minister the very unsatisfactory housing the Titles Department. In a great measure it is a menace to the State, because at present if anything in the way of a fire were to occur in the Titles Office, where there are no safeguards against such a catastrophe, enormous damage would be done and it would be very difficult to replace many of the titles and other documents. Again, it is very inconvenient for people who have to do business with the Titles Office, solicitors, bankers and others, for very often they have to wait half an hour or an hour whilst messengers are sent to the Supreme Court. For I understand that owing to lack of space in the Titles Office, a large proportion of the documents are kept at the Supreme Court. The Minister was very sympathetic the last time I mentioned this, and I should now like to know if any provision has been made to give im-

proved housing accommodation to the Titles Department, together with greater safety for the titles and other documents at that department. Probably some provision could be made in the proposed new savings bank building.

The Minister for Justice: That is being considered.

Mr. ANGELO: It will be very pleasing for those who have to do business with the Titles Office. As to the Electoral Department, I endorse what was said by the Leader of the Opposition. I cannot see why an Act should not be brought in to place the Chief Electoral Officer beyond the control of the Public Service Commissioner, as is the Auditor-General. Surely if it is necessary that the Auditor-General should be beyond the control of even the Public Service Commissioner, it is equally necessary that the Chief Electoral Officer should be placed in the same position.

The Minister for Justice: You must have some control over him.

Mr. ANGELO: We have control over the Auditor-General. It would be pleasing to every member of Parliament and highly advisable if that officer were made free from any possible dictation on the part of the Minister for the time being. Regarding the remarks made about postal vote officers, if an amendment of the Electoral Act is mooted, the Minister might remember the amendment agreed to when we had a Bill before the House, namely, to enable a postal vote officer to delegate to some other elector on the roll the right to take his personal vote. At present it is very unfair for a postal vote officer, if he is the owner or manager of a station, to have to take everyone else's vote, but to be unable to record his own. Therefore it has been necessary to appoint two postal vote officers at a station, the second merely to take the vote of the first. An amendment could be made to the Act enabling the postal vote officer simply to delegate the power to some other elector to take his vote. That would do away with many of the postal vote officers and minimise the trouble that has been emphasised to-night. I cannot agree with the remarks of the member for Mt. Margaret (Hon. G. Taylor) about the Licensing Board. Whenever I go in the State—and I do a considerable amount of travelling—the vast improvement made in the hotels is notice-

Mr. Marshall: In some of them.

Mr. ANGELO: It is a rare thing to find that there has not been a vast improvement. I have had the pleasure of conducting a number of visitors from New South Wales and Victoria over considerable distances of this State, and they have been outspoken in their comparisons of our country hotels and those of Victoria and New South Wales. They have told me that ours stand out prominently for comfort, for the table, and for the good liquor kept.

Mr. Lindsay: It is one thing of which we may be proud.

Mr. ANGELO: Yes; and I honestly think it is in a large measure due to the gentlemen composing the Licensing Board, who have been so keen on their work. To show how wide are the ramifications of their work, some time ago I received a complaint that people could not sleep in a certain hotel because of the number of mosquitoes. I informed the chairman of the board and he sent up an order that the hotel had to be provided with mosquito netting.

Mr. Davy: It was a bit tough to do that on your say-so.

Mr. ANGELO: The chairman found out that what I said was correct, and that people could not sleep at the hotel on account of the mosquitoes. Never mind where the hotel was, or whether it was a State hotel, it shows how far the board can go and does go to cater for the comfort of the travelling public. When a publican is given virtually a monopoly to supply liquor in a certain town, it is up to him to provide the accommodation that visitors require. It is the policy of the board to see that he does so. I am glad the board is carrying out that policy and hope it will continue to do so.

MR. DAVY (West Perth) [9.34]: I agree with the member for Mt. Margaret (Hon. G. Taylor) in his remarks about the Chief Electoral Officer. From a perusal of the Public Service list I find that the Chief Electoral Officer who, after all, has a job that is quite unlike and quite independent of that of any other civil servant, is classified as a clerk. He is not even called an administrator. That seems to be an utterly absurd position. If anyone should be entirely independent of ministerial and departmental control, apart from the Auditor-General, it should be the Chief Electoral Officer. Not taking into consideration for

the moment the judges of the Supreme Court, they are the two officers most likely to have pressure brought to bear upon them from a purely political point of view.

The Minister for Justice: I can assure you it is not so.

Mr. DAVY: I am not suggesting for a moment that it is so. I say those two officers are in a position in which they, more than any other civil servants, are likely to have political pressure brought to bear upon them. I am not suggesting that the Minister has even thought of bringing pressure to bear upon the Chief Electoral Officer, and knowing him as I do, I am satisfied he is not the sort of man who would tolerate such a thing for a moment. At the same time, he is in the somewhat invidious position that he is likely to have pressure brought to bear upon him for political reasons, and I say he should be put entirely beyond the possibility of any such thing occurring. As it is, he is classified as a clerk; he is subordinate to the Under Secretary for Law; he is under the control of the political head of the department, and he gets a salary equivalent to that of a senior clerk in any of the other departments. With all respect to what the Minister may think, that is wrong.

The Minister for Justice: His remuneration is fixed by the Public Service Commissioner, subject to appeal to a Supreme Court judge.

Mr. DAVY: Who put him in that position and who has the power to remedy it? It is of no use when year after year we raise what we consider to be serious and proper objection to the position of any civil servant to get the same answer, that the Public Service Commissioner is responsible.

The Minister for Justice: We have a law of the land giving the Public Service Commissioner that power.

Mr. DAVY: I am complaining of the law as it stands, a law that puts the Chief Electoral Officer in such a position that he is entirely subordinate, firstly, to the Under Secretary for Law, and secondly, to the political head of the department. It is wrong, and I am suggesting that the Minister and his colleagues in Cabinet might well consider the question of putting him in a position similar to that of the Auditor-General. In the same way I again wish to raise the question of having men acting in a judicial capacity with no tenure of office at all. I think this is the fourth year

that the two principal magistrates of the city have been holding their positions, purely at the pleasure of the Government, from day to day. Each time I have raised this question, the Government have shown by their attitude in the House that they agree it is wrong. Each time they have said, "What can we do; the Public Service Commissioner has to do with that."

Hon. G. Taylor: And has not made a recommendation.

Mr. DAVY: That is so. When I turn up the Public Service Act, it does not seem that the Public Service Commissioner is in that marvellous position at all. If the Government disapprove of what he is doing, they have power to step in and see that what should be done is done. In any event, if Parliament has definitely determined that the status of the stipendiary magistracy of this State shall be entirely in the sweet and uncontrolled discretion of the Public Service Commissioner, it is the duty of the Government to have it altered. There is no essential difference whatever between the position of a stipendiary magistrate and that of a judge. They are both exercising judicial functions, and in these days stipendiary magistrates are dealing more and more with important matters in respect of which they are more and more likely to offend Governments by the way they act. I am not going to enter into details, but the Minister knows perfectly well that magistrates from time to time may be called upon to decide cases of an industrial nature that may strongly offend some section of the community and that section may—I am not saying it would—try to bring pressure to bear to have the magistrate removed from his position. Surely that is not right or just; it is not good for the community and it is not fair to the magistrates who are called upon to decide those cases.

The Minister for Justice: Someone might try it, but if he did, I think he would soon be sent about his business.

Mr. DAVY: Then the Minister thinks our judges ought to have a tenure of office at the pleasure of the Government of the day.

The Minister for Justice: I do not think that at all.

Mr. DAVY: Then why suggest that my argument as to the stipendiary magistrates is so frivolous?

The Minister for Justice: I did not.

Mr. DAVY: The very basis of our judicial system and the very reason why the judiciary in British countries has been held up as a model in other countries is the recognition that it occupies an entirely independent position. Our judges hold their jobs during good conduct and cannot be removed at the whim of the Government. There is no reason in the world why stipendiary magistrates should not be put in a similar position. The time has come when they should cease to be civil servants under a Public Service Commissioner, and when they ought to be given the same tenure of office as a judge of the Supreme Court enjoys. There is no essential difference in their work, and there is no reason in the world why they should not be given that independence of position that to my mind is absolutely essential before we can get the best work from any men exercising judicial functions. In addition, I submit that if we gave them that position and status, it would be more easy to fill with suitable persons the positions that are vacant. I understand the Government some time ago called for applications for two vacant positions that had been filled for the past four years by acting magistrates and there were few, if any, suitable applicants. One reason is that the salaries offered are inadequate, and I also suggest that the tenure of office and the status of the position is not such as to attract suitable men to apply for the positions. I urge upon the Government that this is not a small matter; it goes to the root of our judicial system. I suggest that the Minister does not give us cause to raise the question again next year.

The Minister for Justice: Theoretically all public servants are independent of the Government—magistrates, lands officers and all sorts.

Mr. DAVY: They are, perhaps, theoretically independent of what the Government may think.

The Minister for Justice: Statutorily independent.

Mr. DAVY: But they are subject to the sweet pleasure of the Public Service Commissioner.

The Minister for Justice: To an extent he also is independent.

Mr. DAVY: But would the Minister have judges of the Supreme Court dismissable at



the pleasure of the Public Service Commissioner? Is that the suggestion?

The Minister for Justice: No.

Mr. DAVY: Then my suggestion is that stipendiary magistrates should be put in the same position as that of magistrates in England, that they should be given complete independence and tenure of office and be dismissible only on a vote by both Houses of Parliament for misconduct or proved incapacity. I am not criticising the personnel of the magistracy as it stands to-day.

The Minister for Justice: The insecurity of tenure is one of the things objected to.

Mr. DAVY: I object to that, too. If these officials were given full judicial status, the positions would be much more attractive. As the State grows there will be an increase in litigation. I suggest that the civil jurisdiction of these people should be increased. At present this does not exceed £100. Any case involving a sum greater than that has to go to the Supreme Court. It is ridiculous to have to go through all the technicalities of a Supreme Court action for something involving £110. That is not done in any of the other States. I suggest that the civil jurisdiction of stipendiary magistrates should be increased to £300 or £400. The Government could then afford to pay them a higher salary and give them a better tenure of office. There would thus be no difficulty in filling the vacant positions. Because they are regarded as civil servants, one hears rumours from time to time of magistrates being carpeted, of receiving "Please explain" notes from the department for some judicial act of theirs.

The Minister for Justice: From whom?

Mr. DAVY: From the head of the department. I am not stating this as a fact. The Minister, however, might make inquiries. If he says I am wrong I will accept the statement. One hears that from time to time magistrates, after taking a certain course, receive from the department a communication asking them to explain their actions. Such a thing ought not to be possible.

The Minister for Justice: I have never heard of it.

Mr. DAVY: The Minister should make inquiries as to whether magistrates have been asked by the head of the department why they have come to a certain decision.

The Minister for Justice: After a decision is given, people may desire to appeal. The magistrate is then asked to give his opinion.

Mr. DAVY: I am not referring to that.

The Minister for Justice: I do not know of any other communication of the kind.

Mr. DAVY: That is a different matter. When a person is convicted and fined or imprisoned, and makes application to the Minister for Justice for an appeal, the views of the magistrate may very properly be sought. It is rumoured that from time to time the Under Secretary for Law, or some other officer, has communicated with a magistrate saying, "What do you mean by doing this, that or the other?" or words to that effect. If the Minister finds from inquiry that that is so, he ought to pay more attention to my suggestion that magistrates should be placed in some other category than that of ordinary civil servants.

The Minister for Justice: I cannot imagine any circumstances which would lead to such a communication being sent to a magistrate.

Mr. DAVY: I will tell the Minister afterwards why I have mentioned these rumours. I would not dare to repeat here what has been said to me, but when I tell him he will understand in what circumstances such a thing may happen. Anyone who drives a motor car or motor bicycle around the streets in a noisy fashion subjects himself to the possibility of being prosecuted for an offence under the Traffic Act. I have never heard noises that would compare with those made by motor boats racing on the Swan.

The Minister for Justice: The question of legislation with regard to those people has been taken into consideration.

Mr. DAVY: This is a matter for urgent inquiry. I am told that at Peppermint Grove the local residents go to the pictures every Saturday afternoon because they cannot stay at home. On a gala day a really big battle in which 100 machine guns are engaged cannot be compared to the noise these motor boats make. The position is intolerable. Not only portion of my constituency, but every part of the metropolitan area that is near the river is affected.

Mr. Teesdale: It will ruin land values.

Mr. DAVY: No one wants to stop these young men from enjoying their sport, but it is quite unnecessary for them to race

with silencers off. The Minister should carefully consider a short amendment to the Traffic Act, or a separate Bill compelling these people to carry silencers on their motor engines, just as is necessary in the case of motor bicycles.

The Minister for Justice: The matter is under the control of the Harbour and Rivers Department.

Mr. DAVY: I suggest that the Minister, as Deputy Premier, should look into the matter and see that it is dealt with as one of urgency.

Vote put and passed.

Progress reported.

## **BILL—PROFITEERING PREVENTION.**

*In Committee.*

Resumed from the 17th October. Mr. Angelo in the Chair; the Minister for Justice in charge of the Bill.

Clause 16—Powers of Commissioner:

Hon. Sir JAMES MITCHELL: This clause gives the commissioner powers of a Royal Commissioner. It provides that evidence may be taken in public or in private. I do not know why it should be taken in public if the inquiry is only a preliminary one. I would not expect a man to be turned inside out before his competitors.

The Minister for Justice: That would not be so.

Hon. Sir JAMES MITCHELL: One man may be chosen to produce information on behalf of a dozen others. Would it be necessary for his evidence to be taken in public?

The Minister for Justice: Discretion is given to the commissioner to do what he thinks fit.

Hon. Sir JAMES MITCHELL: If there was any wrong-doing on the part of the merchant, it is right that it should be made public, but the manner in which he conducts his business should not be made known. The clause provides that the commissioner shall not be bound by the rules or practice of any court. He may accept the report of an expert as evidence. That is an extraordinary power to give the commissioner. He can say what is evidence and what is not.

The Minister for Justice: No.

Hon. Sir JAMES MITCHELL: He can accept any statement he likes, or reject it. Any statement whatever made by any person can be considered by the commissioner. Statements to him need not necessarily be on oath. Thus a lying statement tendered to the commissioner would not be considered perjury. The commissioner could proceed in the loosest way with one person, and in the most stringent way with another. The commissioner could proceed in any way he pleased.

The Minister for Justice: He must proceed in the same way as a Royal Commissioner.

Hon. Sir JAMES MITCHELL: It would be quite sufficient if evidence were taken by him as it is taken by Royal Commissions.

The Minister for Justice: That is so.

Hon. Sir JAMES MITCHELL: No. The commissioner can discard every known provision applying to courts. What is the object of that?

The Minister for Justice: Under a previous clause the commissioner is given the powers of a Royal Commissioner, and in respect of these powers he can take evidence as provided later.

Hon. Sir JAMES MITCHELL: If it suits him to apply the provisions of the Royal Commissioners' Powers Act, he will apply them. If it does not suit him, he will not.

The Minister for Justice: We want to give the commissioner power to ascertain all the facts, and to use every measure to obtain that knowledge.

Hon. Sir JAMES MITCHELL: In every inquiry held before the commissioner some regard should certainly be had to the recognised methods of taking evidence. In this case it should be particularly easy to decide cases on the evidence adduced; and it ought to be evidence, and not irresponsible statements. But statements can be received in the loosest possible way.

The Minister for Justice: No. The statements must be on affidavit.

Hon. Sir JAMES MITCHELL: The commissioner can appoint someone else a deputy to take evidence.

The Minister for Justice: No. He can appoint experts to inquire into technical matters.

Hon. Sir JAMES MITCHELL: The Minister is evidently determined to send

this Bill as it is to another place. The hon. gentleman has gone far beyond the food of the people, and proposes to protect people who can very well protect themselves. He goes about the matter in such a way as to restrain people from doing things. It would be quite different if he were only trying to protect the poorer people. Under this measure, any man who sells anything anywhere will be subject to inquiry. The Bill being so far-reaching, we should give some protection, as regards inquiries, to the man who is in business. The Minister is much more likely to get the desired authority if he confines his Bill to the protection of people who are compelled to make purchases whether they like it or not. The great bulk of the people are well able to protect themselves. There need not be inquiry into the price of bricks, for instance, since there is competition amongst the various makers of bricks, including the Government. It would be foolish for the Government to hold an inquiry into the price of bricks made by the Government and sold by the Government. The further we go the more unnecessary the inquiry becomes. If the Bill were confined to necessary commodities, it would be one thing, but when we find it applies to everything that can be bought or sold, it is quite another thing, and we should be a little careful about the method to be adopted in carrying out the inquiry.

Hon. G. TAYLOR: Under Subclause (1) it is provided that the powers of the commissioner shall be equal to those of a Royal Commissioner under the Royal Commissioners' Powers Act, but Subclause (5) is definite in setting out that the commissioner shall not be bound by any rules or practice of any court in his conduct of the inquiry. That is altogether too wide. Surely the provisions of the Royal Commissioners' Powers Act should be sufficient.

The Minister for Justice: But that Act gives power to inquire into anything.

Hon. G. TAYLOR: Then why is not that sufficient without the extra power provided in Subclause (5)?

The Minister for Justice: A Royal Commissioner inquires into the questions specified in his Commission.

Hon. G. TAYLOR: The Commissioner will be able to carry out his investigation in whatever manner he may desire.

The Minister for Justice: Subclause (5) refers only to the way in which he shall conduct his inquiry.

Hon. G. TAYLOR: But those inquiries should be conducted in accordance with court practice. I do not want to protect people who engage in profiteering, but the commissioner is being vested with powers that are altogether too wide.

Mr. SAMPSON: Another phase is that the State may be involved in heavy expenditure in connection with witnesses. The Bill will enable the commissioner to out-Mussolini Mussolini. He will be a veritable Pooh-Bah, and will be a law unto himself.

Mr. Lindsay: We make the law for him.

Mr. SAMPSON: But the commissioner may conduct the inquiry as he likes, and may adopt methods that will prove entirely useless. In giving the commissioner the powers, rights and privileges of a Royal Commission, we give him far more power than such a man should possess, because the commissioner will not necessarily be a man trained in law and in the taking of evidence. Doubtless he will be the best man the Minister can obtain for the work, but he will be inexperienced, and he will be turned loose with all these exceptional powers granted to him. So I hope the Minister will decide that the powers provided in Clause 16 are in excess of what is necessary or proper.

Mr. DAVY: I move an amendment:—

That Subclause 2 be struck out.

I cannot see any justification for giving this commissioner any greater powers, rights and privileges than those of a Royal Commissioner. A Royal Commissioner has power to summon witnesses to appear before him, to put them on oath, compel them to answer questions, and fine them £500 if they refuse.—in fact he has practically all the powers of a Supreme Court judge. I cannot see why this proposed commissioner should be given a number of additional powers. He may receive evidence on affidavit, but may require the person giving the affidavit to attend before him for examination. If this commissioner has given to him the powers of a Royal Commissioner, it should be sufficient.

The MINISTER FOR JUSTICE: While the hon. member was out of the Chamber for a minute or two, we got down to Subclause 5, dealing with the right conferred on the commissioner to exercise these powers

or functions. In view of the argument placed before the Committee at that stage, I was prepared to accept an amendment to the clause. But now we are brought back to Subclause 2. The powers contained in this subclause are always taken in this kind of legislation.

Mr. Davy: What is this kind of legislation?

The MINISTER FOR JUSTICE: Price-fixing and the prevention of profiteering, and generally to take control over the commodities in the State. The powers contained in Subclause 2 were contained in the price-fixing legislation we had in this State for practically three years.

Mr. Davy: Is that a good reason for putting them in again?

The Premier: They are in all price-fixing legislation in Australia.

The MINISTER FOR JUSTICE: It is a good thing to have them in. The effect of these powers is not such as has been suggested by some members opposite. These powers have been contained in all similar Acts and have never been used unwisely.

[Mr. Panton took the Chair.]

Mr. LATHAM: The powers in the Prices Regulation Act of 1919 did not go anything like so far as this clause does.

The Premier: You mean Subclause 2? The Act of 1919 gave greater power.

Mr. LATHAM: Not nearly so much as this commissioner is to have.

The Minister for Justice: On a point of order. We are dealing with Subclause 2, but members have been wandering all up and down the clause.

The CHAIRMAN: The question before the Chair is the deletion of Subclause 2.

Mr. DAVY: Originally I proposed to move the deletion of everything after Subclause 1. Out of consideration for some members who, if I failed in that amendment, might still desire to discuss subsequent subclauses, I reduced my amendment to the deletion of Subclause 2.

The CHAIRMAN: And that is now the question before the Chair.

Mr. DAVY: But I wish to indicate that I intend to move the deletion of each of these subclauses.

The CHAIRMAN: We will deal with them as we come to them.

Mr. DAVY: Very good, but apparently the Minister desires us to accept this subclause because similar provision has been in some other Act.

The Minister for Justice: No, I desired to reassure you regarding your fear.

Mr. DAVY: I have not expressed any fear, but I say that when you give the commissioner all the powers of a Royal Commissioner, you are giving him all the powers he is entitled to have.

Mr. Latham: And quite sufficient to carry out his job.

Mr. DAVY: And the Minister answers, "But these powers have been contained in other Acts."

The CHAIRMAN: The hon. member must address himself to Subclause 2.

Mr. DAVY: That subclause is entirely unnecessary. A Royal Commissioner may summon witnesses, require the production of books, examine any person on oath and, if the witness does not come, to fine him £500. What right has anyone to go into a person's private house or business house to fix the price of commodities?

The Minister for Justice: He would want to be satisfied of the presence or otherwise of commodities in the State.

Mr. DAVY: Surely it is sufficient to call people, put them on oath and insist on the production of their books! How could a trader have goods on his premises without having papers to show they were in his possession? I gather that the commissioner under the previous Act was not given the powers of a Royal Commissioner and quite a number of sections were necessary to confer those powers upon him. The Minister wants this commissioner to have the powers of a Royal Commissioner and the additional powers also. The powers of a Royal Commissioner are quite sufficient.

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

Ayes	..	..	..	11
Noes	..	..	..	20
				—
Majority against	..	..	..	9
				—

#### AYES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. Taylor
Mr. Davy	Mr. Teendale
Mr. Latham	Mr. J. H. Smith
Mr. Lindsay	(Teller.)

## NOES.

Mr. Chesson	Mr. Lutey
Mr. Clydesdale	Mr. Marshall
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Rowe
Mr. Cunningham	Mr. A. Wansbrough
Miss Holman	Mr. Willcock
Mr. Kenneally	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(Teller.)
Mr. Lamond	

Amendment thus negatived.

Hon. G. TAYLOR: I move an amendment—

That Subclause (3) be struck out.

The subclause reads—

In the exercise of any of his functions or powers he shall not be bound by the rules or practice of any court as to procedure or evidence, but may conduct his proceedings in such manner as he thinks proper and he may refer any technical matter to an expert and may accept his report as evidence.

There is no necessity for such power; Subclause 1 confers ample power.

The MINISTER FOR JUSTICE: The latter portion of the subclause should be retained in order that the commissioner may refer any technical matter to an expert and accept his report as evidence. I understand it is the earlier portion of the subclause to which the hon. member objects.

Hon. G. Taylor: Yes.

The MINISTER FOR JUSTICE: If the hon. member moves to strike out the earlier portion of the clause, I will accept the amendment.

Hon. G. TAYLOR: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. G. TAYLOR: I move an amendment—

That the words "he shall not be bound by the rules or practice of any court as to procedure or evidence, but may conduct his proceedings in such manner as he thinks proper; and" be struck out.

Amendment put and passed.

Mr. LATHAM: I move an amendment—

That in Subclause 5 the words "on the ground that the answer to the question or the production of the document would tend to criminate him in respect of any offence against this Act" be struck out.

It is extraordinary not to excuse a man from answering a question or producing a document and to permit him to incriminate

himself. There is no court that does not protect a man in that position. The Minister does not need such power. If he wishes to treat people fairly, he will accept the amendment.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	19

Majority against .. 8

## AYES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. Taylor
Mr. Davy	Mr. Teesdale
Mr. Latham	Mr. J. H. Smith
Mr. Lindsay	(Teller.)

## NOES

Mr. Chesson	Mr. Lutey
Mr. Collier	Mr. Marshall
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. Munsie
Mr. Cunningham	Mr. Rowe
Miss Holman	Mr. A. Wansbrough
Mr. Kenneally	Mr. Willcock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	(Teller.)

Amendment thus negatived.

Mr. LATHAM: I move an amendment—

That in Subclause 7, after the word "person" in line 2, the words "being a magistrate" be inserted.

Apparently the commissioner may pick up anyone in the street and give him the same powers that he himself possesses. That is wholly unreasonable.

The Minister for Justice: One would think there were a lot of goats about, instead of reasonable and responsible men.

Mr. LATHAM: We are treating everyone else as a lot of goats.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	19

Majority against .. 8

## AYES.

Mr. Angelo	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Barnard	Mr. Taylor
Mr. Latham	Mr. Teesdale
Mr. Lindsay	Mr. Davy
Sir James Mitchell	(Teller.)

## NOMES

Mr. Chesson	Mr. Lutey
Mr. Collier	Mr. Marshall
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. Munslé
Mr. Cunningham	Mr. Rowe
Miss Holman	Mr. A. Wansbrough
Mr. Kenneally	Mr. Wittecock
Mr. Kennedy	Mr. Withers
Mr. Lambert	Mr. Wilson
Mr. Lamond	

(Teller.)

Amendment thus negatived.

Mr. Davy: Can the Minister justify Sub-clause 8?

Mr. J. H. SMITH: I should like to deal first with Subclause 7. Would I be in order in doing so?

The CHAIRMAN: So long as the hon. member deals with nothing prior to the word "person" in line 2.

Mr. J. H. SMITH: Before the word "person" I wish to insert the words "by any authorised."

The CHAIRMAN: We have passed the word "person." The hon. member cannot insert any word prior to that.

Mr. DAVY: There is no good reason for the insertion of Subclause 8. The commissioner ought not to be more powerful than anyone else in Western Australia. The only way in which his behaviour or decision could be questioned would be on the ground that he had exceeded his authority under the measure. All the proceedings mentioned in the subclause would be by way of stopping the commissioner from doing something the measure had not authorised him to do. I could understand the Minister not wanting the commissioner's decisions to be appealable, but this subclause is not intended to prevent appeals; it is intended to prevent people from going to the superior courts to ask them to stop the commissioner from doing something the measure does not entitle him to do. I move—

That Subclause 8 be struck out.

The MINISTER FOR JUSTICE: I am prepared to accept the amendment.

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

Clause 17—agreed to.

Clause 18—Commissioner may act in conjunction with other bodies:

Hon. Sir JAMES MITCHELL: What is the object of this clause? Could any other State hold an inquiry in this State, or could

this State hold an inquiry in any other State?

The Minister for Justice: No. This is in regard to supplies held up, or the making available of information in regard to products which may have been the subject of inquiry in another State.

Hon. Sir JAMES MITCHELL: Why do we want to join with the Commonwealth in this matter? We cannot control a business conducted by a Western Australian in another State.

The Minister for Justice: The other State could conduct a similar inquiry.

Hon. Sir JAMES MITCHELL: A man living here might bring over goods from, say, South Australia bit by bit as he required them, and he could not be prevented from doing that. Any person can buy all his requirements outside this State and have them brought over here.

The Minister for Justice: This is in regard to monopolies and combinations and the holding up of produce.

Hon. Sir JAMES MITCHELL: Surely it is enough for us to deal with trade within our own State. Why do we want to bother about the Commonwealth?

The Minister for Justice: We can act in conjunction with other States for similar objects.

Hon. Sir JAMES MITCHELL: It seems to me a ridiculous clause to have in our Bill. Surely we do not want to protect people outside Western Australia?

The Minister for Justice: In the event of a combination of people to do certain things, we can act in conjunction with the authorities of another State.

Hon. Sir JAMES MITCHELL: I do not consider the clause at all necessary.

Clause put and passed.

Clause 19—Power to publish information:

Hon. Sir JAMES MITCHELL: What does the Minister propose to effect by this clause?

The Minister for Justice: By the fundamental principles of British justice the results of the inquiries should be made public.

Hon. Sir JAMES MITCHELL: We disregard British justice altogether in this Bill. The commissioner must, of course, publish his findings.

Mr. Davy: No. His job is to report to the Minister.

Hon. Sir JAMES MITCHELL: His findings must be made public through the Minister. If the commissioner should engage upon a fishing expedition, irrespective of whether the expedition has anything to do with his real job or not, he could publish information without being responsible to anyone, not even to the Minister.

The Minister for Justice: I cannot read that into the clause.

Hon. Sir JAMES MITCHELL: The commissioner's job is to see that the people pay the proper price for a commodity. Should he make any discovery in the exercise of his functions, he could publish the information, although it may be quite outside his job.

The MINISTER FOR JUSTICE: The idea underlying the Bill is that an inquiry shall be made as required should there be discontent, for instance, regarding the price of any particular commodity. It might be bread. If the people concerned in the making of bread satisfied the commissioner by evidence that they were acting reasonably and were not profiteering, the commissioner, to satisfy the public, might cause the evidence to be published if he saw fit. He would not publish information regarding a person's private affairs.

Mr. DAVY: The whole duty of the commissioner appears to be, when required by the Minister, to investigate and report to him.

The Minister for Justice: Publicly if necessary.

Mr. DAVY: Yes, or privately. What conceivable reason is there for the publication of such information, not evidence nor finding of fact or of opinion, that may come to him in the exercise of his duties. There can be no argument in favour of that. It is for the Minister, not the commissioner, to publish information from the report submitted to him. The commissioner is not a publicity agent nor yet an educational authority that he should decide what should be published. He should merely carry out his investigations and submit his report to the Minister.

Progress reported.

*House adjourned at 11.6 p.m.*

## Legislative Council,

*Wednesday, 24th October, 1928.*

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

### QUESTION—APPRENTICES INDENTURED.

Hon. Sir WILLIAM LATHLAIN asked the Chief Secretary: 1, How many boys, over 14 years of age, left school in the years 1925, 1926, and 1927 respectively? 2, How many boys were indentured under the Apprentices Act for 1925, 1926, and 1927, respectively?

The CHIEF SECRETARY replied: 1, Statistics are not available. 2, Apprentices indentured under the Industrial Arbitration Act numbered:—1925, 363; 1926, 406; 1927, 387.

### BILL—ABATTOIRS ACT AMENDMENT.

#### *Assembly's Message.*

Message from the Assembly notifying that it disagreed to the amendment made by the Council, now considered.

#### *In Committee.*

Hon. J. W. Kirwan in the Chair; the Honorary Minister (Hon. W. H. Kitson) in charge of the Bill.

Clause 4, Subclause (1).—Delete the proposed new paragraph (c2).

The CHAIRMAN: The reason given by the Assembly for disagreeing to the amendment is, that the provision in the proposed new paragraph is the practice in every capital city in Australia, and is necessary properly to regulate and supervise the sale of stock for slaughter in the metropolitan abattoirs district.

The HONORARY MINISTER: I move—

That the amendment be not insisted upon.