

ted in the new account ; and stranger still, although the depositor had sent in his new book, and the interest had been written up, and the ledger in use was marked by the auditors who were responsible for seeing the interest entered in the pass book, yet, when the old pass book came in, some bank official in collusion with the thief, or guilty of gross neglect of duty, entered the interest in the old pass book and allowed principal and interest to be drawn. It seemed that someone either employed in the bank, or who had been employed in the bank and had an intimate knowledge of the account, was a party to the fraud. It was still hoped that the delinquent or delinquents would be unearthed and their crime brought home to them. Meanwhile the Government were satisfied that the depositor was not in collusion with the criminal ; and as soon as that was made clear Cabinet ordered the repayment of the money. Nevertheless, the section referred to by the hon. member (Mr. Holman) was necessary, otherwise it would be easy for a depositor to lose his book purposely, and try to perform the same trick in collusion with someone in the bank, though under the present system such a fraud would be almost impossible provided the employees were honest. The institution was doing splendid work, and he hoped members would realise that it was of great benefit to the whole State.

Item — Manager Kalgoorlie Branch, £142 :

Mr. JOHNSON : Some means should be devised of getting information as to the manner in which the officers in country and goldfields districts were living. It was generally known that the officer at Kalgoorlie who had got away with some of the Government's money was living beyond his means. When Minister, he (Mr. Johnson) had conveyed his fears with reference to this and other officers to the Auditor General and as the result of a special audit that was made, one or two of the officers had been passed out of the department. This officer had succeeded in passing the audit, but it was known that he was living under circum-

stances in which he could not possibly carry on at the salary. Had this officer had some kindly advice from those in authority we would have had better results.

*The Treasurer* agreed.

Vote put and passed.

Progress reported at this stage of the Treasury Estimates, and leave given to sit again.

### ADJOURNMENT.

The House adjourned at 10.45 o'clock, until the next day.

## Legislative Council,

Wednesday, 6th November, 1907.

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The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

### PAPERS PRESENTED.

By the Colonial Secretary : Plans showing proposed Route of Wonuerup-Nannup Railway.

### LEAVE OF ABSENCE.

On motion by the *Hon. G. Randell*, leave of absence for three sitting days was granted to the *Hon. C. A. Piesse*, on the ground of urgent private business.

## BILLS (2)—FIRST READING.

1, Sand Drift Act Amendment; 2, Limited Partnerships; introduced by the Hon. M. L. Moss.

## BILL—NAVIGATION AMENDMENT.

Read a third time, and transmitted to the Legislative Assembly.

## BILL—SALE OF GOVERNMENT PROPERTY.

*In Committee.*

Resumed from the previous day.

Clause 8—Disposition of proceeds of sales :

The COLONIAL SECRETARY: It was scarcely necessary to give more explanation in regard to this clause than was given yesterday. The Parliamentary Draftsman, on being consulted as to the amendment already made, expressed the opinion that the substituted word would perhaps suit better; so there would be no need to recommit the clause. Mr. Moss had suggested there should be a provision by which the proceeds of the sales of Government property bought from loan funds should go into a separate fund; but the Audit Act provided that all money must go into one common purse. It would be extremely difficult to have many accounts of the same nature. The difficulty was obviated by Clause 6 of this Bill, which provided that a clear statement of each fund should be submitted to Parliament each year. The Bill did not give the Government power to appropriate any money, but simply laid down a system by which the accounts should be kept, and if property was sold during any year it would not swell the revenue for that year. The proceeds of the sales were shown in a separate list at the back of the Estimates for the year.

Hon. G. Randell: Were the moneys derived from the sales of property bought out of loan funds paid into consolidated revenue?

The COLONIAL SECRETARY: No. The matter was submitted to the Parliamentary Draftsman, who had not seen fit to alter the wording of the clause.

Hon. R. F. SHOLL: If it were necessary to bring in a Bill to authorise the Government to sell land or material purchased out of loan, was the sale of the Ravensthorpe smelter illegal? The money for the erection of the smelter was provided out of loan, and the smelter was subsequently sold to a private company. What had become of that money?

The COLONIAL SECRETARY: It was not necessary for the Government to obtain parliamentary approval in all cases for the sale of land, but there were certain lands vested for particular purposes that the Government could not sell or dispose of without the approval of Parliament. Land under the Permanent Reserves Act and class (a) reserves could not be sold without approval. The sale of the smelter at Ravensthorpe was perfectly legal.

Hon. M. L. MOSS: If there were unexpended balances of moneys voted out of the general loan fund, did they go into the Consolidated Revenue?

*The Colonial Secretary:* They went back to the vote.

Hon. M. L. MOSS: Supposing £10,000 was voted for a particular work and no portion was expended during the year, the vote lapsed. But if £5,000 of the £10,000 voted was expended, had the £5,000 to be revoted?

*The Colonial Secretary:* It had to be revoted.

Hon. M. L. MOSS: If that were so, well and good. It still struck him that this Bill ought to be an amendment of the Audit Act.

Clause put and passed.

Clause 9—agreed to.

Title—agreed to.

Bill reported with an amendment.

## MOTION — STANDING ORDERS AMENDMENT, LAPSED BILLS.

Debate resumed from the previous day, on the motion by the Hon. W. Kingsmill "That for the greater expedition of public business it is desirable, in the opinion of this House, that Standing Orders be adopted by this House similar to those in force in the Commonwealth Senate,

providing that the consideration of lapsed Bills may be resumed at the stage reached by such Bills during the preceding session."

Hon. E. McLARTY (South-West): When I moved the adjournment yesterday, members seemed rather uncertain which was the better course to adopt, and I moved the adjournment to give time for farther consideration. As to the motion itself, I do not favour it much, for I think it is an advantage to deal with a Bill straight away. If we take up a Bill that has lapsed in a previous session, we labour under the disadvantage of not having fresh in our minds the arguments or points which have been raised. We can, of course, refer to *Hansard*, but the arguments are not fresh in our minds. The motion is not an important one because I do not suppose such an occurrence will take place in seven years of a Parliament being prorogued for a few days, therefore I hardly think it is necessary to make provision for it. That is a matter of opinion. I think it would be far better to deal with Bills straight away. After consideration, it has been suggested that an amendment might be moved to the motion that would meet the case. I will therefore move an amendment—

*That all the words after "desirable" be struck out, and the following inserted:—"That the question of adopting Standing Orders similar to those in force in the Commonwealth Senate, providing that the consideration of lapsed Bills may be resumed at the stage reached by such Bills during the preceding session, be referred to the Joint Standing Orders Committee of the Legislative Council and the Legislative Assembly, to report thereon, and that a message be sent to the Legislative Assembly requesting their concurrence in this resolution."*

Amendment put and passed.

Hon. W. KINGSMILL (in reply as original mover): I want to make a few remarks in connection with the motion as amended. In the first place, although I do not altogether agree with the amend-

ment, confident as I am that the system I am advocating is a good one, I am willing to waive my personal feeling so that the matter may be fully inquired into, and may be recommended to both Houses by the Joint Standing Orders Committee. There seems to be a considerable misunderstanding in the minds of members as to what is likely to happen if this Standing Order come into force. I will point out in answer to some of the objections that the reinstatement of a Bill depends entirely on the House itself. A Bill has to be reinstated, not automatically, but by a resolution of the House, and where a Bill which has been initiated in one House has passed out of the jurisdiction of that House, a message must be sent recommending that the Bill be reinstated at the stage which it had reached. That is a very equitable provision. The Standing Orders as they appear in the Commonwealth Senate fairly meet every case. Again, if it is not thought proper that such a Bill should be reinstated the last section of the Standing Orders are explicit, that liberty shall be given to reinstate a Bill *de novo*. That seems to be a very gratuitous permission, but it has its place in pointing out to members who read the Standing Orders that such a procedure is possible. It has been said, I think by Dr. Hackett, that this proposal should have come from another place because it is principally through the proceedings of another place that Bills are delayed and lost. [Hon. J. W. Hackett: To make it of any value.] I agree that it should find a place in the Standing Orders of another place. Having considered this subject for many years and finding that no step had been taken to initiate such a Standing Order in another place, we are justified in initiating it and asking for the favourable consideration of it by another place. That disposes of the argument that this motion should come from another place. I agree with Dr. Hackett that this Standing Order, to be of any service to the State, should find a place in the Standing Orders of the Legislative Assembly as well as of the Legislative Council. Even should it not find a place in the Standing Orders of the Assembly it will still be of use to us.

Hon. M. L. Moss: Only in the case of private members' Bills. It would be no good for Government measures.

Hon. W. KINGSMILL: Quite so: there is something in that. Even in the case of a Government measure, it would be of considerable use here. I think Dr. Hackett was labouring under the delusion that I had taken this action from the fact that we had a most unusual and unexpected prorogation lately.

Hon. J. W. Hackett: I think it is responsible. I did not mean it as any reflection.

Hon. W. KINGSMILL: The hon. member is mistaken. I have considered the subject for some time past, and have regretted, as many members have regretted, the immense waste of time and waste of public money in printing not only Bills but the debates in *Hansard*, which have taken place over the Health Bill and the Municipal Bills on various occasions. And if any member can obviate that, I think he is fulfilling one of the functions for which he was sent here; is doing his duty to the country by effecting a saving in public administration. Some reference has been made to the difficulties which are likely to arise in case of money Bills. I am rather inclined to disregard those difficulties; because, first, it is not at all likely that money Bills will require reinstatement. It is seldom that any difficulty arises in the case of such Bills. But even if difficulties did arise, it appears from a long and comprehensive ruling of the President of the Commonwealth Senate, reported in the *Journal* of the 28th July, 1905, that such Bills can be reinstated. I do not attach much importance to this point, for members will realise that the Standing Orders are not likely to be called into requisition in the case of money Bills, as these very seldom lapse. To prove that the Standing Orders have been of some considerable use to the Federal Parliament, I may say that a telegram was sent by the officers of this House to the Federal officers to find out to what extent these Standing Orders have been utilised; and the reply is: "Session 1905, two Bills in Representatives, two in Senate. One of the latter comes within Section 53. See Pre-

sident's ruling, *Journal*, 28th July." So in that session, at all events, considerable use was made of the Standing Order; and I will point out that the Commonwealth parliamentary sessions as a rule last much longer than ours, and therefore afford greater opportunity of finishing Bills. Let us take for example the Health Bill which we are just about to consider. This is a very long Bill of over 300 clauses, and a Bill of that size gives immense opportunity for attack, and for differences of opinion which may be availed of in another place. A select committee has sat on the Bill and reported to the House; and I maintain it would be a waste of valuable time and of money if the work done by Parliament on that Bill were lost. It is possible the Bill may not pass this session. For several sessions it has failed to pass simply because of its length and the debatable matter it contains. This, at all events, is one of a class of Bills to which these Standing Orders would be particularly applicable; and I think that their application will save the country, as I have already said, much time and money. With these few remarks I wish to intimate that I am prepared to accept the amendment to my motion.

Question (motion as amended) put and passed.

## BILL—WORKERS' COMPENSATION AMENDMENT.

### *In Committee.*

Resumed from the previous sitting, on new clause proposed by the Hon. M. L. Moss: "If any question arises as to the liability to pay compensation under this Act (including any question as to whether the employment is one to which this Act applies) or as to the amount or duration of such compensation, the question, if not settled by agreement, shall, subject to the provisions of the second schedule of this Act, be heard and determined by the Local Court of the district within which the injury happens, which court may grant such costs as are just and reasonable. The costs shall in no case exceed the limit prescribed by regulations."

Hon. M. L. MOSS: Yesterday Mr. Drew interjected that he would support the new clause conditionally on the Local Court in every instance being constituted by the resident or police magistrate, and not by two justices. That was a good suggestion. In case of death £400 might be awarded, and in case of total or partial incapacity the award might ultimately amount to £300.

Hon. J. M. DREW: In many country districts, Local Courts were frequently presided over by justices, and the popularity of the Act would not be increased if the determination of disputes were left to laymen of whom many were inexperienced. Giving the jurisdiction to the resident magistrate would have the same result as if there were two assessors, except that the expense would not be so great. He moved an amendment—

*That the word "which" after "happens" be struck out, and "but such court shall be constituted by a police or resident magistrate, and the," be inserted in lieu.*

The COLONIAL SECRETARY: The amendment, though it would give a right of appeal, was still objectionable. The existing section was better, for the new clause would give resident magistrates a power they did not now possess of exercising jurisdiction up to £400. At present the magistrate sat, like the Arbitration Court or a Court of Admiralty, with two assessors. Captain Laurie stated that the assessors were practical men, who assessed damages.

Hon. M. L. Moss: They were purely advisory.

The COLONIAL SECRETARY: Many resident magistrates were now, and all future resident magistrates would be, qualified legal practitioners. That being so, the position was that the court would be constituted on similar lines to an Admiralty Court, where there were a Judge and two assessors sitting. The amendment would give too much power into the hands of the resident magistrates, and moreover a decision from the court would be accepted more readily if the Judge were assisted by assessors.

Hon. M. L. MOSS: The statements made by the Attorney General were apt

to lead members astray. If it were thought the amendment would have the effect of doing away with any right of appeal on the part of litigants, he would see that an addition was made to prevent such a state of affairs, for he quite believed the right of appeal should exist. Any difficulty there might be in this direction could be obviated by adding words providing that the same right of appeal should apply in these cases as in ordinary ones. The Colonial Secretary had said that by the amendment the resident magistrate would be given too great powers; but in fact these powers would not be increased one iota. At the present time the magistrate sat with two assessors, but their position was very different from that of assessors under the Admiralty jurisdiction. In the latter case the decision was given solely by the Judge, and the assessors attended merely for the purpose of advising him on nautical questions that might arise in connection with the proceedings. Under the Workers' Compensation Act, however, it was provided that the decision of the court was that of the majority of the court consisting of a magistrate and two assessors. So it might be possible for the assessors to agree to a course contrary to that thought fit by the resident magistrate, and would be able thus to over-rule him. As a matter of fact such a state of affairs would not exist, for there had never yet been a case in which the assessors had agreed, for they were practically partisans of the respective sides, and it was left really for the magistrate to express an independent opinion and thus decide the case himself. It might be that a magistrate would be so weak-kneed as to adopt a middle course between the proposals of the two assessors. That was not the way to administer justice. At present inexperienced men were given jurisdiction they should not be allowed to exercise. The only way to overcome the difficulty was to appoint district or circuit Judges to sit in the outlying portions of the State. The present system of administering justice outside the Supreme Court was as wrong as it could be. It would only cost £2,000 or £3,000 a year to enable a proper course

to be adopted, so that justice could be taken to the doors of the people of the State, and so enable the cost of litigation to be greatly minimised. The amendment was suggested with the idea of saving expense to the litigants on both sides. If the Minister could give him a solitary instance where a unanimous verdict had been arrived at under the Workers' Compensation Act he would subside at once. He had had a good deal to do with the working of the Act and had discussed its provisions with professional men, with men who were acting for the insurance companies, and with men who were acting as representatives of the working community. All admitted that the appointment of assessors was a farce and that the magistrate really decided the issue every time.

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

Bill reported with amendments.

## BILL—PUBLIC HEALTH.

### *Reconsideration in Committee.*

#### Clause 1—Short Title (and date):

Hon. J. W. HACKETT: It would be well for the Colonial Secretary to notify the Committee of the course he intended to adopt with regard to the Bill. It was the most important measure of a social character that would come before the House this session, and it demanded all the attention the members could give it. It was impossible for members to follow the Bill in the amended copy unless the original copy was before them. The amendments made by the select committee and embodied in the new Bill were of a far-reaching nature. The Colonial Secretary might inform the Committee exactly what the select committee had done, drawing attention to the more important changes made in the new Bill as contrasted with the old one. After this progress should be reported and the Bill be farther considered say on Tuesday next.

The CHAIRMAN: Members would find copies of the original Bill before them.

The COLONIAL SECRETARY: The question was not half so difficult as the

Hon. Dr. HACKETT supposed. He quite agreed that the measure was a very important and far-reaching one. It had been before the House for a considerable time, and members had had ample opportunity to study it. It was brought down last session. [*Hon. J. W. Hackett: Not the new Bill.*] It was mainly the same, for there was not very much difference between the two measures. In introducing the Bill of last session, he had gone very fully into all the new portions and had pointed out exactly what was new in it. It was then referred to a select committee which had almost concluded its labours when the session ended. At the beginning of the present session the measure was reinstated and the committee concluded their labours. About a fortnight ago the report of the select committee was read to the House. [*Hon. J. W. Hackett: When was it distributed?*] A few days ago. Dr. Hackett had suggested that it would be necessary for him to compare the old and the new Bills; but there was an easier course than that, which was for members to take the printed report of the select committee and compare that with the first Bill. By that means they would see what amendments had been made. Although the amendments were numerous, they really did not alter any principle of the Bill or add any new feature. They were really minor amendments, as for instance the constitution of the Central Board of Health being altered by reducing the number of members from six to five. He desired to recognise the assistance received from the members of the select committee, who as old Parliamentarians had been able, when considering the Bill, to detect minor amendments required in the drafting; and these mainly represented the amendments made. He suggested that the Bill be considered now, and as clauses were reached in which amendments were suggested by the select committee, he would explain the reasons for such to hon. members. He would not object to reporting progress now, if desired.

Hon. J. W. HACKETT: What he desired was a general explanation of the proposed amendments.

The CHAIRMAN: The Standing Orders would not permit of a general explanation at this stage.

Hon. J. W. HACKETT: By permission of the House, a general statement such as he wished could be made by the Minister. If made, it would materially shorten the discussion; and what was of greater importance, it would give members a better idea of the provisions of the measure if the Minister were to run through the Bill and explain the proposed amendments. No public statement had been made regarding the amendments, and the Bill, an important one, had received no attention outside the Chamber. The select committee was practically the only body seized of the provisions contained in the measure, some of which it would appear were important indeed. For instance, it appeared that the governing body, the Central Board or the Governor-in-Council, would be in a position to ruin anyone selling proprietary medicines which in its opinion might be injurious to health.

The COLONIAL SECRETARY: If the Standing Orders permitted, he would gladly make the general explanation asked for. He hoped members would go on with the clauses until an important amendment was reached.

The CHAIRMAN: A general explanation was not permissible at this stage, under Standing Order 195.

Hon. M. L. MOSS moved an amendment in Clause 1—

*That the words "first day of January" be struck out, and the "first day of May" inserted in lieu.*

Experience in the past in regard to lengthy and important measures of this description had been that when the 1st January arrived, the new Acts were not obtainable in print, and the public did not know whether they were breaking new laws which had been enacted.

The COLONIAL SECRETARY agreed that this had occurred in past years; but when this Bill was originally introduced, there would have been a sufficiently long period until the 1st January before the amended law would come into operation. He now suggested that the words "shall

come into force by proclamation not later than May 1st" be inserted in lieu of the first day of January.

Hon. M. L. MOSS: The objection to initiating legislation by proclamation was that in distant parts of the State the *Government Gazette* was not readily obtainable, so that frequently people were ignorant of the coming into operation of Acts containing hundreds of provisions, for the contravention of which people were liable to prosecution.

The COLONIAL SECRETARY: The Bill was badly required. He would agree to the 31st day of March for its coming into operation.

Hon. M. L. MOSS accepted the date suggested.

Amendment withdrawn.

New amendment moved by *Mr. Moss*, fixing the date as 31st March for the Act to come into operation.

Amendment passed; the clause as amended agreed to.

Clause 2—agreed to.

Clause 3—Interpretation:

Hon. J. W. HACKETT: This was a most important clause, and as this Bill was of vast importance to the community, and as apparently sufficient protection had not been given to the rights of individuals in particular and to the rights of municipalities, it would be well if progress could be reported at this stage.

On motion by *the Colonial Secretary*, progress reported and leave given to sit again.

#### ADJOURNMENT.

The House adjourned at 5.47 o'clock, until the next day.