

Now I come to the table in the report showing the number of men in receipt of superannuation. The number of pensioners at the 1st July, 1940, was three from the head office and four from the Electricity and Gas Department, a total of seven, and pensions were granted during the year to three from the head office and seven from the Electricity and Gas Department, a total of ten—making seventeen in all. The total number of members in the fund at the 30th June last was 195 officers and 265 wages employees. Thus there is a preponderance of officers over wages employees receiving pensions.

The Bill, which contains two schedules, is not as formidable as it may look. The First Schedule is simply a replica of the scheme now in existence, while the Second Schedule is largely a replica of the first, except that it shows in distinctive type the amendments made to the scheme. I direct members' attention to page 11 of the Bill, where they will find certain portions of the Second Schedule in black type, indicating the proposed amendments. The showing of amendments in this way is an innovation that might well be followed in other Bills. The distinctive type enables one to grasp immediately the salient points of intended legislation. The extension of the scheme of superannuation to widows will necessarily mean an increase of contributions; but, as I have pointed out, the scale has been actuarially examined and pronounced sound. Some members may desire information as to the additional cost this will mean to the Perth City Council. It will be noted that the contributions by the council for the year ended the 30th June, 1941, amounted to £5,216 5s. 8d., made up of £2,296 3s. 0d. from the head office and £2,920 2s. 8d. from the Electricity and Gas Department. The officers and wages employees contributed £3,916 5s. 8d.

Contributions are on a fifty-fifty basis between the council and the employees; but in addition, at the commencement of the fund, the council undertook to provide a sum of £1,300 per annum for a period of 30 years to compensate employees for the back service up to the date of commencement of the fund. The estimates of additional cost to the council and the employees in the event of the widows' benefits becoming a part of the scheme are £773 for the head office and £1,073 per annum for the Electricity and

Gas Department. It is probable, however, that a certain percentage of the present employees will not desire to avail themselves of this added benefit, and the foregoing estimate will then be reduced accordingly. The total estimated additional cost of £1,846 per annum also included the female members of the staff, and as these would not be required to pay any additional contributions the amount would be still further reduced.

The measure contains nothing contentious, and is one that should appeal to every member. I have placed before the House all the information at my disposal. In conclusion I would say that the amendments to the scheme have been most carefully considered, and have been passed by the Perth City Council. I therefore commend the measure to the favourable consideration of the Chamber, and have pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

House adjourned at 9.37 p.m.

Legislative Assembly.

Wednesday, 24th September, 1941.

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

QUESTION—DEFENCE.

Midland Junction Workshops.

Hon. W. D. JOHNSON asked the Minister for Railways: Is it correct that all work for the Defence Department performed at the

Midland Junction Workshops is executed by the works as a sub-contractor, or does any person, or persons, obtain the whole of the contract or order, and pass on the whole or portion of it to the Government workshops for manufacturing?

The MINISTER FOR RAILWAYS replied: By far the greater portion of work performed at the Midland Junction Workshops for the Defence Department is executed as major contractor. In some cases sub-contracts are accepted from other manufacturers who are at times given portions of Workshops contracts.

QUESTION—STATE SAW MILLS.

Hon. W. D. JOHNSON asked the Treasurer: 1, What amount of interest has been paid on capital of the State Saw Mills since their inception? 2, What percentage does it represent? 3, Has any of the capital been written down; if so, the amount and date? 4, What is (a) the loss made since inception, (b) the profit during the same period? 5, What amount has been written off on account of depreciation? 6, Has the machinery and plant been maintained and increased to cope with modern standards of work and quality of output?

The TREASURER replied: 1, £533,974. 2, Prior to the Financial Agreement, $4\frac{1}{2}\%$ on Revenue Capital, $5\frac{1}{2}\%$ to $6\frac{1}{4}\%$ on Loan Capital. Since 1928, in accordance with the Financial Agreement, $4\frac{1}{2}\%$ on Revenue Capital, and 5% on Loan Capital. 3, No. 4, (a) £41,566; (b) £489,831. 5, £392,783. 6, Yes.

QUESTION—STATE HOTELS.

Mr. SAMPSON asked the Minister representing the Chief Secretary: 1, What hotels and other establishments operating under the Licensing Act are carried on by the State? 2, What financial result has followed yearly in each instance for the past five years?

The MINISTER FOR THE NORTH-WEST replied: 1, All State Hotels, Caves House, and State Shipping Service. 2, Returns relating to State Hotels will be found in the Annual Reports. Financial returns relative to Caves House will be found in Consolidated Revenue Fund Estimates. Packet licenses are held by the State Shipping Ser-

vice, and profits from this avenue are shown under the heading "Miscellaneous" of the profit and loss account of the Annual Report.

QUESTION—EDUCATION.

Merredin State School.

Mr. BOYLE asked the Minister representing the Minister for Education: 1, Is he aware of the very unsatisfactory condition of the sanitary accommodation at the Merredin State School? 2, Is he cognisant of the fact that officials of the various Government departments concerned and the Merredin Road Board health authority have condemned these insanitary conditions? 3, Will he take immediate action to cause a rectification of a state of affairs which is raising intense indignation amongst the parents of the children attending the school?

The MINISTER FOR THE NORTH-WEST replied: 1, Yes. 2, Yes. 3, The erection of new sanitary conveniences is listed on this year's programme of loan expenditure for public buildings.

QUESTION—RURAL RELIEF FUND.

Mr. WATTS asked the Minister for Lands: Of the £202,459 paid from the Rural Relief Fund to mortgage creditors, how much was paid and how many persons in respect of adjustments of first mortgages of land?

The MINISTER FOR LANDS replied: The amount paid was £57,525 to 227 first mortgagees.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Introduced by the Minister for Lands (for the Minister for Labour) and read a first time.

BILLS (3)—THIRD READING.

1, Collie-Recreation and Park Lands Act Amendment.

2, Water Boards Act Amendment (No. 2).

Transmitted to the Council.

3, Weights and Measures Act Amendment.

Passed.

BILL—TRAFFIC ACT AMENDMENT.

Report of Committee adopted.

MOTION—EDUCATION.*School Bus Service Insurance.*

MR. SEWARD (Pingelly) [4.37]: I move—

That this House expresses its dissatisfaction at conditions existing where children are conveyed to school by motor bus, particularly in regard to—

(a) type of vehicle used; (b) conditions of insurance effected by the drivers of such buses; and asks the Government to, 1, take such steps as will insure an improved type of vehicle being used, and, 2, compel the drivers of these buses to be the holders of comprehensive insurance policies.

The motion is occasioned by a reply given on the 11th September to questions asked by the member for Murray-Wellington (Mr. McLarty) concerning this matter. The Minister for the North-West stated that the Education Department did not require drivers of school buses carrying children to centralised country schools to be fully insured under a comprehensive policy, but that each contractor for the transport of children was required to take out and maintain with some reputable public insurance office an insurance policy covering the risk of injury or death to his passengers, the amount of cover to be not less than £100 for each child carried.

I direct attention to two points in that reply. The first is that the driver is required to take out a policy of insurance. In that respect, however, there appears to be a considerable amount of slackness because it does not seem that a driver is required to produce any evidence of having taken out a policy of insurance before being allowed to drive children in his bus. My reason for that assertion is found in an accident which happened to a child attending a school in my electorate. I mentioned this matter to the House last year and reference to it will be found on page 475 of "Hansard" of 1940. It has never been satisfactorily proved to me that the driver of the bus had an insurance policy. I endeavoured to ascertain whether that was so, and the policeman to whom I referred the question told me that the driver had never produced any evidence to him that he was insured. Unfortunately the driver enlisted and left the State, and his

evidence could not be obtained. So far as I can discover, however, he did not hold an insurance policy. That is not a satisfactory state of affairs, particularly as these school children are out of the control of their parents, and under the charge of bus drivers from the time they are picked up in the morning until they are delivered at the school, and from the time they subsequently leave the school until they reach the point of their departure from the bus on their return journey.

The second point in the answer given to the member for Murray-Wellington, to which I wish to draw attention, is that the driver has to insure against injury or death "to his passengers." A very restricted meaning is placed on the words "his passengers." I referred this matter to the Director of Education and I have no doubt that in making the reply with which he furnished me he was acting on the advice of the Crown Law Department. According to him, it appears that a driver is responsible only if an accident occurs to a child when the child is actually in the school bus, boarding it or alighting from it. If he is clear of the bus and an accident occurs, neither the driver nor the department accepts responsibility. That is rather too vague. It is not fair to the children. I can do no better than refer again to the accident of which I have already spoken. In that instance the bus, having left the school, stopped in the middle of the town and the child alighted and proceeded to a shop on some errand. The child alighted from the bus and crossed the roadway in front of it. Before the child reached the pavement the second school bus collided with him. As the child was not actually in the bus or getting in or out of it at the time of the mishap no liability arose.

This is too vague a state of affairs to be allowed to continue. It could be overcome if the driver was compelled to possess a comprehensive policy. I took up the matter with the Director of Education and the Crown Law authorities. Although this child was on his way home in the bus and alighted to deliver a message, the fact that he was away from the bus at the time of the collision relieved the driver of any obligation. It was not as if the child had been injured by a private car coming up the street. There were two school buses proceeding along the street. The very fact that the leading school

bus stopped was an indication to the driver of the second school bus that a child intended to alight from the first bus. Consequently he should have been doubly careful and driven wide of the first bus if he intended to pass it.

The driver was in duty bound to sound his horn but I understand no such action was taken. The poor child was knocked down by the bus on the 4th July, 1939. The bus ran over both his feet and he is still receiving medical attention. He has another operation to undergo two years after the accident. The expense involved has been an enormous drain on the financial resources of his parents, so much so that they have had to leave their farm. They came to Perth and consulted me and leading counsel as to whether the department should be sued for damages. Eminent counsel, however, gave the assurance that there was no case and no compensation has been made available by the department. This is not a fair state of affairs to exist when little children are proceeding to school. Some of them are of a very tender age and should be subject to rigorous control while travelling between the school and their home. The accident to which I have referred has led me to move the motion with the object of securing some better arrangement.

The second part of the motion to which I draw attention concerns the type of school bus used. Often on country roads we see a contraption coming along, and when someone asks what it is we are informed more often than not that it is the school bus. No set type of vehicle is insisted upon but I consider a safe type should be used. Some parents wrote asking me to inspect a certain bus. It was almost completely enclosed and the windows were more or less fixtures. Fumes from the exhaust came into the bus making some of the children sick. That bus must have been accepted by the schoolmaster, and I presume by the school inspector. The local health authority drew attention to it. After a further inspection the bus was taken off the run as unsuitable. My attention was drawn to another bus only a few days ago. It seemed to be a motor truck with a wooden body superimposed upon it. Doors had been cut out of the wooden body. No windows were fitted, but openings extending almost up to the roof were cut in the sides of the body, and in cold

or wet weather hessian blinds were let down over the openings. As a result the interior of the bus was almost dark. Children have had to travel in the dark long distances in a makeshift vehicle of this description, say, for two hours. This vehicle has been used in the district in which the inspector should reside.

Before buses are employed to bring children to school they should be properly constructed so that the children may be able to see each other effectively. It is a big enough trial for children of six or seven years of age to have to travel between 30 and 40 miles a day without uncomfortable and unhygienic vehicles being imposed upon them. I do not think it is necessary to take up the time of the House with further details. The present insurance policy is not comprehensive and only operates when children are actually in the bus or getting in or out. I also mentioned that a child was seriously injured after alighting from a bus and had not received a penny of compensation. Then there are the unhygienic and unsightly types of buses. I have seen some good buses but apparently there is no rule stipulating that all buses should conform to a set standard. I hope action will be taken by the department to effect an improvement in the matters I have mentioned.

MR. McLARTY (Murray-Wellington) [4.50]: I second the motion. The member for Pingelly (Mr. Seward) was thoroughly justified in bringing this matter before the House. In my district we have had a similar experience, though not as serious as that referred to by the hon. member, but nevertheless experience of an accident of a like nature. I agree that bus drivers should be compelled to take out a comprehensive insurance policy. A small boy in my district was rushing out to catch the school bus when he was knocked down by some of the other children. The wheel of the bus passed over one of his legs, and some weeks elapsed before he was able to return to school. The accident cost the parents over £17, but they received no compensation from any insurance company or from any other source. The Government appears to be fostering a policy of the consolidation of schools. While these accidents occur and the children are not cov-

ered by insurance, I can assure the Minister that considerable opposition will be offered to the system of consolidation, whereby children have to be carried to school in buses.

That which most concerns parents in my district is the type of bus in which the children have to travel, and whether those children are fully covered by insurance. Parents were told that they were fully covered, and that if any accident occurred in connection with one of the buses compensation would be paid to them.

Mr. Marshall: Who told them that?

Mr. McLARTY: Inspectors have explained all this to the parents when discussing the question of conveying the children to school by bus. It is only right that the children should be covered by insurance, to the fullest extent possible. In the case instanced by the member for Pingelly the little boy was travelling in one of the school buses, and when alighting therefrom was knocked down by another school bus, notwithstanding which no one seems to have been made responsible for the accident. The hon. member pointed out that the parents had suffered to such an extent that they had to leave their farm, and are still paying for the injuries sustained to their child. It is wrong that such a state of affairs should exist. The hardship in this instance is so great that the Education Department should take the responsibility of making some payment to the parents so that justice may be done. The hon. member certainly has cause for complaint. He said that the buses in his district were badly ventilated and in many cases were mere makeshifts.

When consolidation is advocated in the various districts parents are told that suitable buses or conveyances will be provided. Surely the Minister will not tell us that some converted bus that is hemmed in on all sides, and into which it is difficult for air to be admitted, is suitable for the conveyance of children to school. Suppose there is an epidemic of influenza or some other complaint to which children are so frequently subject! If children are obliged to travel under conditions such as these, that is the best way of spreading the trouble from one end of the school to the other. I hope the motion will be carried and that the department will give this matter its immediate attention. The question is a particularly urgent one, and there is every justification

for the motion being brought forward. The child I refer to in my district had his leg injured. Although he was not in the bus his leg was injured by a school bus. I see no difference between the responsibilities in the one case and in the other. A school bus was responsible for both injuries. In such cases surely the parents have a right to compensation. I support the motion and hope it will lead to some good being achieved.

MR. SAMPSON (Swan) [4.55]: I realise the difficulty confronting the department with respect to small one-teacher schools. For a long time I have felt that that type of school is very inadequate so far as the teaching of children is concerned. One teacher has to handle several classes. When there is a possibility of a consolidated school being provided, I realise that some advantage is likely to accrue to the children. Examples prior to that quoted by the member for Pingelly (Mr. Seward) have come under notice, and already the department has had a very severe warning with regard to the type of thing under discussion.

I recall a very serious accident that occurred some years ago, when some children were killed in the hills. Whilst money compensation cannot bring the children back to life, it does provide some consolation to the parents, especially when in such an instance as that to which the hon. member referred a serious accident has occurred. I do not know whether the parents of the little boy in question are able to meet the costs involved. I should say that the Government should regard this accident with the utmost sympathy and, as an act of grace if not as a legal requirement, provide some monetary compensation for the care and medical and hospital expenses which have arisen in the effort to bring the child back to health.

Surely it is essential that vehicles used for the conveyance of children to school should be carefully examined and approved of before being permitted to carry children. I am the more concerned in this matter because of what happened previously. It seems as though the very serious accident to which I referred, when several children lost their lives, has had no effect upon the authorities. Apparently insufficient care is still being exercised in this matter. I am sure the motion will be carried, but I hope it will go further than is suggested by the motion

itself. I trust the Government will realise that an obligation is cast upon it to give reasonable consideration to the payment of costs that are being borne by parents of children who meet with serious accidents under these particular conditions.

On motion by the Minister for the North-West, debate adjourned.

DISCHARGE OF ORDER.

On motion by Mr. Watts, the Water Boards Act Amendment Bill (No. 1) was discharged from the notice paper.

BILL—DEATH PENALTY ABOLITION.

Second Reading.

Debate resumed from the 10th September.

MR. F. C. L. SMITH (Brown Hill-Ivanhoe) [5.0]: This Bill proposes to amend the Criminal Code by provisions which will abolish capital punishment. The abolition of this penalty is a plank in the Labour Party's platform, but I doubt whether this question can be termed contentious in the party sense, although the member for Mt. Marshall (Mr. Warner) did say that it was of a contentious character. I do not think he meant contentious in the party sense, but rather in another sense, inasmuch as it does admit of some conflict of opinion. I support the measure but do not expect to be able to break much new ground on a subject that has been so widely discussed as has this: nor do I expect to be able to demonstrate the merits of the proposition in the same way as we would show that the earth is round, like an orange or a globe. The issues of this question depend on factors that cannot be precisely measured, and so whatever decision one makes on the evidence available it will be influenced by one's prejudices, notions and fears and capacity to form a judgment. It will be arbitrary in its character, whatever it may be.

The Bill does not propose to abolish punishment—and severe punishment—for serious crime, but it does propose to root out of the law the right of society or any individual member of it to declare a death sentence or carry out such a sentence. The death penalty, in my opinion, is a savage survival. It is the penalty that was most

common in olden times and it is the penalty still most favoured by savages. It appeals to barbarous types of mind because it is the most effective and quickest way of getting rid of an offender. The outstanding characteristics of the human race are the tendency to commit crime and the tendency to punish it. The pages of history are black with the records of both, but those relating to the commission of crime and its agents are as sunshine bursting through the clouds when compared with the records of the custodians of law and order and all the hideous and heinous forms of punishment which they have inflicted and the methods which they have used for its infliction.

When one recalls the various methods by which capital punishment has been inflicted—the burning, the hanging, the drawing and quartering, the breaking at the wheel, crucifixion, drowning, precipitating from a height, dragging behind a chariot, beheading, stoning to death, sawing asunder, flaying alive, throwing to wild beasts, burying alive, the iron coffin, impaling on swords, lethal gas and electrocution—the depths to which human passion bent on punishment can descend stand out in bold relief. When we have regard for the methods that have been employed and we realise that human nature has altered very little down the course of the centuries, does it not add poignancy to that scene which has been delineated for us by pen and in picture at the Crucifixion of Christ? Christ impaled upon the Cross, suffering from wounds which were bleeding copiously, insulted and abused by the multitude that was milling around Him and that had been shouting, "Crucify Him, Crucify Him!" And Christ looked down from the Cross and, being able to read into the minds and hearts of men as no one else could do, He uttered those memorable words, "Father, forgive them, for they know not what they do."

In opposing this measure the member for Mt. Marshall spoke of the possibilities of lynching expeditions and of lynching. As we all know there have been lynching expeditions and lynching in some of the States of America: but I venture to say that if the hon. member looks up the records, he will find that that lynching and those lynching expeditions have taken place for the purpose of avenging a murder by death in the States that have set the example by having the death penalty in the law.

Surely we are not going to be influenced in our decision on this question because of the possibility of a lynching expedition or what a crowd, moved by hysteria, might do! I think everyone knows that the collective intellectual level of a crowd—in a condition of hysteria, at any rate—is lower than is the level of the lowest intellect of which it is comprised. Napoleon, when he returned from the Isle of Elba, was accorded a most enthusiastic reception; and as he passed triumphantly along the streets of Paris he was made the recipient of much vociferous and apparently sincere applause. One of his marshals said to him, "It must be grand, it must be wonderful, to be made the recipient of such an enthusiastic welcome." But Napoleon said, "That vast unthinking crowd with but a little change of circumstances would just as readily follow me to the gallows!"

Lord Renford, a former Home Secretary of England, once said that there was no difference between mob mercy and mob execution. I think there is some difference in the condition of mentality that provokes these respective attitudes, but little difference in the degree by which they are removed from the normal. I submit that if there is anything to justify the abolition of capital punishment, it is a crowd moved by revulsion of feeling to the point of lynching. This kind of emotionalism, this revulsion of feeling, leads to the development in the mass of the identical mental condition that has led in the individual to the action which they are condemning; and so out of their own experience they should be the first to show mercy.

It is sometimes urged in favour of the retention of capital punishment that some murderers deserve to be hanged. I thought I noticed in the remarks of the member for Mt. Marshall a tendency to support that view, but I venture to suggest that for every case in which it could be said that the murderer deserved to be hanged, one can find an equal number of cases—based on the same reasoning—of those who were murdered that deserved to be murdered. The murderer frequently is a first offender. Circumstances to which he has been exposed over a long period, with all their cumulative effect, or the culmination of a sudden frenzy emerging from events, have provoked the passion that has led to the act causing the

death which we call a murder. Or it may be that the murderer is drawn from the criminal class, the class which Sir Francis Dalton has told us has marked peculiarities of character, a conscience that is almost always deficient and instincts which are vicious and self-control that is weak. No matter from which of these categories the murderer is drawn, and despite the methods he may have used to commit the murder and the gruesome and revolting character of his actions in trying to cover up the evidence, society has no right or injunction to weigh the guilt and declare it to be of such dimensions as to warrant the death penalty.

Mr. Triat: Give him a medal!

Mr. F. C. L. SMITH: Society can establish its tribunals. It can select its judges with the greatest care and skill that the human brain can muster. It can insist that its judges and its advocates be subjected to high qualifications respecting educational and intellectual attainments.

Mr. Raphael: It leaves judges on the bench until they reach second childhood.

Mr. F. C. L. SMITH: With all their training and experience, however, when they bring them to bear upon the problem confronting them at a murder trial, they cannot say at its conclusion that justice has been done. Not long ago a case occurred in Victoria where a man was charged with murdering and ravishing a number of little girls. At one of the trials to which this man was subjected it came out that the plea of uncontrollable impulse was not one upon which an individual could be absolved from his responsibilities. That is to say, an individual who was a victim of uncontrollable impulse could be hanged, as this man was. There was, however, more in that particular case than that. The medical testimony, at the original trial, indicated that the accused was insane, but the trial judge in his direction to the jury told it to subject the medical evidence to the microscope of commonsense and experience. As a result of the jury's subsequent deliberations the accused was found guilty. On the ground—and possibly other grounds too—of misdirection an appeal was made to the High Court. In a minority decision—one of those two to two decisions—Mr. Justice Evatt gave a decision which has been said to be noteworthy for its criticism of a judge who deprecates medical evidence; as though the special difficulty of the subject matter made

scientific research into it of less instead of more value. The appeal was dismissed. The accused person was hanged. I have been informed that the autopsy held upon his body showed that he had an abscess on the brain.

The argument most frequently used by the protagonists of capital punishment is that it acts as a deterrent. This contention is based upon an assumption which cannot be proved. It is a form of speculative opinion emerging from the experience of those who promulgate it, postulating that it is the fear of threatened punishment which has kept them from capital crime, because in this connection no one can speak for others. Statistics in relation to the experience of countries which have abolished capital punishment were quoted by the member for Subiaco (Mrs. Cardell-Oliver). Those statistics indicated no increase in the average rate of homicide since the abolition. Whether we are prepared to accept those statistics as conclusive evidence or not, at least we have to admit that they have not proved capital punishment to be a deterrent. As a matter of fact, the most striking feature of statistics relating to homicide in the various States of the United States of America, is the wide differences in the ratio between States, irrespective of whether they have abolished capital punishment or not. That shows conclusively that other factors operate in those States, and proves that even in States where they have capital punishment, it is not a deterrent.

One thing certain is that capital punishment has not acted as a deterrent in that murder has been committed in every country. If it is not a deterrent to that extent, then it can only be a deterrent, and it can only be argued that it is a deterrent, to the extent of the difference between the actual number of homicides committed in any given period and the potential probabilities. He who declares that capital punishment is a deterrent claims there would be more murders if capital punishment were abolished; and in turn, claims that an increase would result by reducing the penalty from death to life imprisonment. He says, in other words, replace capital punishment with life imprisonment and more potential murderers will become actual murderers. The death sentence, he says, has not deterred those who have done the deed, but it has deterred those who would have done it

if life imprisonment were the only punishment. I do not subscribe to that theory, which absolutely ignores the possibilities of actions under an uncontrollable impulse, and the blinding of the individual to the consequences of his act. I do not believe that an individual committing murder, in 99 per cent. of cases, would have any consideration at the moment of committing a crime of the penalty for his act. If this theory were true, less murders would occur if the death penalty were assured in every case. We know from our own experience that it is not so assured. So, with the abolition of capital punishment the increase, if any, must come from crime so revolting that the death penalty, under the present law, would be inevitable. There is no reason to suppose there would be an increase in such crimes.

Statistics, since they have been collected and collated by various countries and States, have made some amazing revelations. They have surprised us by the uniformity they disclose. Those relating to capital crime point to the conclusion that in any given time in any given community of substantial proportions a number of potential murderers exists. Some of the actual murders from these potential murderers will no doubt be committed by persons who, through heredity, or experience, are victims of mental conflict. Although it is quite probable that some of these actual murderers will be drawn from the criminal classes, the personnel of past murderers indicates that many will come from classes not regarded as criminal. It would, therefore, seem proper to include all in the potential.

It is a mistake to assume that only the criminal class commits murder. Lord Darling, to whom the member for Nedlands (Hon. N. Keenan) referred as a justice of very high standing in the Old Country, once said that 99 per cent. of murderers when shaving in the morning did not know they would have committed murder before the day was out. It is not the death penalty that keeps down the number of crimes from some imaginary number to the actual. To the extent that fear, or thought of punishment keeps the number down, it is the certainty of such punishment, and not so much the severity of it. If it is contended that it is the severity of the punishment which restrains the potential and limits the actual, to what extent, may I ask, does

the difference between life imprisonment and the death penalty act as a restraint? It is only to an extent which, I think everyone would admit, is negligible. The protagonist of the death penalty cannot urge the deterrent effect of it as though it were without alternative; all he can urge in this behalf is the deterrent effect of the difference between life imprisonment and the death penalty.

The member for Mt. Marshall (Mr. Warner) sought to belittle some of the statistics quoted by the member for Subiaco, by suggesting that they related to foreign countries, and consequently to foreigners. He said they would be more reliable if they related to Queensland, for instance, where the people have the same characteristics as we have. What inference are we to draw from this contention? It is, that although the experience of foreign countries with people of explosive and volatile temperaments, as compared with the phlegmatic character of the Englishman, shows that crime has not increased in those countries it is nevertheless necessary to have the death penalty to act as a restraint upon English-speaking people. The results prove that there has been no increase in murders amongst foreigners or in countries where racial differences might lead to murders. If that is so, then results amongst English-speaking people are likely to be so much better.

So in conclusion I say that "an eye for an eye and a tooth for a tooth" is a maxim of the community that resorts to the death penalty. If the law is a reflection of all that is good in the community, then it sets a horrible example to all that is bad when, by law, it imposes the death penalty. That penalty is retributive and revengeful. The State that adopts it sets the seal of its approval upon retribution and revenge. This law that prescribes the death penalty goes right to the very root of human passions provoked to the point of murder by making light of human life. A law that disregards the sanctity of human life, breeds in the bosom of society the very evils that produce others. The death penalty violates every Christian principle and nourishes the source of the very crimes it is designed to punish. While such a law remains on the statute book of this or any other country, it will conspire against the

teaching of a thousand sources of instruction that human life is sacred.

HON. N. KEENAN (Nedlands) [5.33]: I, of course, endorse very heartily the remarks of the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) on the point he made regarding the Bill not being a contentious measure. There can be no question that it does not come within the meaning of the word "contentious" that we attach to it, and which I think we have all honourably observed since the Empire became involved in the terrible struggle being conducted today. Neither on the Government side of the House nor by the Opposition has there been any serious or deliberate infraction of the honourable understanding entered into that all purely party measures that depend entirely upon the support of any particular party in the House, would not be brought forward or discussed until the conclusion of the present struggle which requires our united efforts.

In those circumstances I do not think that the criticism by the member for Mt. Marshall (Mr. Warner) of the member for Subiaco (Mrs. Cardell-Oliver) in that respect, had any basis of justification. The member for Subiaco, in my opinion, advocated her case with very considerable skill, a full measure of eloquence, and a great deal of enthusiasm. I can pay that tribute all the more heartily and all the more thoroughly because, unfortunately, I do not agree with her views. That in no way detracts from the fact that she put her case before the House, as I have just remarked, in a speech of remarkable eloquence and remarkable assiduity.

Mr. J. Hegney: Who was her King's Counsel?

Mr. Cross: Did she not read her speech?

Hon. N. KEENAN: Possibly; if she did, it was a good one. I wish to say a word or two regarding the admirable speech just delivered by the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith).

Of course, Mr. Speaker, when one is an idealist—perhaps the hon. member will allow me to apply to him that term—one gets carried away by the very high conception that one takes of human nature, and by reason of being so carried away, looks at matters in a light that is not reconcilable

with commonsense. In a few moments I shall ask the House to apply commonsense in considering the Bill under discussion. Nor do I quite acquit the hon. member of loyalty to his party political platform. It is true, as we all know, that the Labour Party's political platform includes a plank favouring the abolition of the death penalty. That has probably been a plank of the party's platform for very many years.

Mr. Marshall: You are wrong.

Mr. Raphael: I secured its inclusion in the platform at a meeting of Congress nine years ago.

Mr. Marshall: No, it was not on the platform till three years ago.

Hon. N. KEENAN: I was under the impression that it had been made a plank of the party's platform for a considerable time. At any rate, since it has been part of the platform, members will recollect that although the Labour Party has been in power for many years, no endeavour has been made to alter the law in that respect—because commonsense intervened. We are all aware that many matters appear in the platforms of all political parties, yet they are, to use language that is vulgar but eloquent, merely so much kite-flying. They are included in the platforms to assuage the feelings of cranks.

Mr. Thorn: Like the member for Victoria Park!

Hon. N. KEENAN: They may be included to meet the ideas of others who are far distinguishable from cranks. Judging by his attitude, I think the Minister for Mines wishes to provide me with some useful information but he has not quite made up his mind whether or not he will do so.

Much comment has been made regarding what are described as "criminal statistics." As to that, I have this to say: Such statistics can possibly be of some use, but more likely they will be of very little use for the reason that crimes occur in waves. Crimes very often are produced by surrounding circumstances. Consider the present desperate war, for instance! Men will return from the awful hell abroad and what regard will they have for human life? I remember an incident that occurred during my presence in London on the occasion of the 1914-18 war. After the Armistice a soldier who had returned from Flanders and had gone through hell there, was walking down Piccadilly. For some reason of which I am not aware—

it was, I understand, against the military regulations—he was carrying his rifle and ammunition. He saw his wife on the top of a bus and, based on what he thought he saw, he conceived the idea that the man sitting on the seat with the woman had his arm around his wife's waist. The returned soldier promptly shot the man.

Mrs. Cardell-Oliver: Was he hanged?

Mr. Marshall: What happened to the woman?

Hon. N. KEENAN: The man was killed, not the wife. The soldier was arrested and charged with the crime. That man had just returned after facing danger in every form and he was still with the filth of France on his clothes. He had gone through hell in the fight to save the Empire. He returned home only to find what he conceived, in his then mental state, to be conclusive evidence of infidelity on the part of his wife. The trial judge, taking the circumstances into consideration, directed that the case should be referred to medical experts so that they could be assured, as the Court was by no means assured at that stage, that the soldier was capable of taking the ordinary commonsense, sane point of view of an ordinary individual. That is an illustration of a crime.

At the conclusion of the 1914-18 war an increase in crime was recorded not only in England but in every other part of the world that had been involved in the hostilities, for the very simple reason that life became a matter of little or no consequence to those engaged in the war. On their return they could not readily assume the sane view of life that citizens generally of our race and society normally embrace. We find waves of crime in circumstances of that description and they, unfortunately, like fevers and other critical disabilities, give rise to mental disorders that again are often associated with violence. Therefore statistics in this respect are no guide in a matter of this description.

I submit that instead of concentrating attention on that phase, the proper course to adopt is to direct commonsense to a consideration of what the statute does provide, and I propose to ask members to direct their minds to that end in an endeavour to determine whether the statute is such that commonsense will approve. In the Bill it will be found that a great number of sections of the Criminal Code are referred to. With

the exception of a few to which I shall direct attention, all the rest are purely formal. They have nothing to do with the infliction of the death penalty or with authority to inflict that penalty, but are a mere form of reference to those sections which do give that power and authority. One of those sections is No. 37, which is referred to in the Bill; and that section gives power to inflict the death penalty for treason, and it defines what is meant by that term, namely any person who—

(1) Kills the Sovereign or does Him any bodily harm, tending to His death, or maim or wounding, or imprisonment or restraint; or

(2) Kills the eldest son and heir-apparent for the time being of the Sovereign, or the Queen Consort of the reigning King; or

(3) Forms an intention to do any such act as aforesaid, and manifests such intention by any overt act; or

(4) Conspires with any other person to kill the Sovereign or to do Him any bodily harm tending to His death, or maim or wounding, or imprisonment or restraint; or

(5) Levies war against the Sovereign—

That is the ordinary definition which everyone knows, without my going into detail. Every person guilty of such an offence is liable to the penalty of death which is prescribed.

The next sections giving power and authority to inflict death are Sections 78 and 79. No. 78 reads —

Any person who, within the territorial jurisdiction of Western Australia, commits piracy, is guilty of a crime, and is liable to imprisonment with hard labour for life.

If the crime is committed with respect to a ship, and if at or immediately before or immediately after the time of committing the crime the offender—(a) Assaults any person on board of or belong to the ship, with intent to kill him or to kill any other person; or (b) Wounds any such person; or (c) Unlawfully does any act by which the life of any such person is endangered; the offender is liable to the punishment of death.

Both those sections, 78 and 79, deal, as perhaps I should have suggested in relation to Section 37, with conditions that are practically impossible. Nobody can imagine that if His Gracious Majesty the King came and visited Western Australia it is in the widest range of possibility that anyone would take His life or attempt to take His life. Still, it might possibly occur. Also no one can imagine that anybody in Western Australia

will set up the standard of rebellion and seek to get support, and of course to use violence—all rebellions rely on violence—in order to win support. That, too, is utterly impossible. Again, the sections relating to piracy in circumstances of violence, where a ship is captured by violence and assault and maim upon those who are in charge of the vessel, deal with a crime that is practically inconceivable here.

I come now to the common possible circumstances of wilful murder. Those are contained in Sections 277, 278 and 279. I wish to call the attention of the House to this portion of our Code because it is highly important to do so in order that we should arrive at a proper decision on the Bill. It is only for wilful murder that the penalty of death is prescribed by the Code without any right on the part of the court to refuse to inflict it. Let me read what the Code says—

A person who unlawfully kills another intending to cause his death . . .

It is not one of those wild outbursts of passion to which the member for Brownhill-Ivanhoe alluded. It is a crime, in the old words of the common law of England, committed with malice prepense, where one designs to kill, lays his plans to kill, and carries out his plans. Section 276 provides—

Except as hereinafter set forth, a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder.

It is obvious that if there is an intention to commit murder in respect of one person, who is accompanied by another, the other being of either sex or the same sex, or a stranger, but still accompanying him, and he achieves his purpose unfortunately by killing the other, he intended to commit murder. That is why the section places the penalty beyond the power of any court to vary or depart from.

Next I wish to call attention to that section of our Code which distinctly provides that only in the case of such a person, and only in the case of wilful murder, murder carried out with intent on the part of the murderer all the time to carry out his crime, only in those two cases shall the court be called upon to inflict a penalty of death. The section provides that except in the case of treason and wilful murder the court can of its own option, or if recommended by the

jury to do so, in a case where the accused is convicted of murder, merely record sentence of death. Sentence of death is not passed, and the convicted person is not asked to show cause why he should not be sentenced to death, because the court simply records the sentence, and thereupon that record is made. But there is no sentence of death passed at all, and of course there is no such thing as the accused being in the smallest degree liable to any penalty of death.

Mr. F. C. L. Smith: Then we might as well cut it out there.

Hon. N. KEENAN: The effect of recording the death penalty is that the accused is then held as the prisoner of the Crown for whatever time the Crown chooses; but he is not sentenced to be hanged as prescribed in the first part of the section, where he is convicted of wilful murder and where the court is allowed no discretion. The judge has no discretion. He has to sentence the accused to death if he is convicted of murder with malice prepense.

So I have to ask myself, and I hope all other members of the House will ask themselves, is it at all desirable to change the law which, as I have explained, is our law today? Where an individual has embraced the idea of taking the life of another member of the community, contrived circumstances which favour his design, and in fact carried out his design wilfully and with malice prepense are we then to say that the penalty of death is not a proper penalty in such a case? Is that reconcilable with common sense? In my days of practising in the legal profession I have known very few cases in the Criminal Court, as I did not devote myself to that form of practice, but I have been in court in criminal cases.

I prosecuted for the Crown in a case in Geraldton years ago, and it was then said that the jury would not convict the accused because there was some plea made that it was done in hasty temper. I do not want to give names in any particular case, but the jury did convict the accused; and they convicted him for the simple reason that the story of its being the result of an impulse, to which the member for Brown Hill-Ivanhoe devoted a good part of his speech, was not acceptable to them. The accused killed the man by throwing stones down a shaft when his mate was below; and he killed him deliberately, and there was no evidence of

any sudden impulse except when he tried to escape the penalty. I have never yet known a jury that did not give the fullest consideration to any evidence which showed that it was merely the result of a sudden impulse, in which case they are bound to be told, and always are told, that they have the alternative before them of finding the person charged guilty not of wilful murder but of murder or manslaughter. And so, of course, then they do not arrive at a verdict of wilful murder without being fully convinced that it was done within the terms of this statute of ours, with malice prepense.

Now I only want to make a few more remarks, because this is not a subject that one cares to dwell on. I wish to consider the question: Is this penalty of death a deterrent? It was said by the member for Brown Hill-Ivanhoe that it is not a deterrent. He says, and perhaps with some justification, that to a large extent it must be unknown whether the penalty is or whether it is not, a deterrent. I can only say that I never have known, whilst I was a law officer of the Crown, of any case where a murderer had been convicted of wilful murder and sentenced to death when there was not a most violent struggle made by him, and by all those whom he could enlist on his side, to escape that penalty and to have it converted into one of imprisonment for life. That was not only my own experience, but I know it has been the experience of all those who have had to determine the matter.

One must remember that the final determination is always in the hands of the Executive Council, and those who have served on Executive Council—and there are some in this House who have done so—on an occasion when a conviction for wilful murder was before them, when a judge by reason of the statute was compelled to and did in fact sentence the convicted party to death, know that every effort has been made that could be made to have the death sentence commuted. Why? Because it is feared; and because it is feared, it is a deterrent. Nobody wants to see any man's life taken away, but it may be necessary to take it if we desire to prevent a repetition of the crime of which he has been convicted.

Cases have occurred—the one referred to by the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) was no doubt in that cate-

gory—where, unfortunately, justice has gone wrong in one sense. In such cases the evidence before the jury has not been of the character it should have been. In the case referred to by the hon. member, if the medical testimony called had been of a character one would expect to be called, surely the presence of an abscess on the brain could have been detected and the fact adduced in evidence. So it merely comes to this: that because of the facts not being properly before the jury they made an error in that instance. A man who was possibly not in control of his mind in the proper sense of the word committed that horrible crime of raping a little girl and then killing her; but unfortunately the evidence of mental trouble not being before the jury, which was subsequently discovered by post-mortem, the jury found the accused guilty of wilful murder.

I would not like this House, either because it is part of a platform to which so many of us are inclined to attach too much importance, or because of any views we may personally possess, to tinker with or alter a statute which, as I have pointed out, inflicts this penalty only when a person is convicted of wilful murder.

MR. ABBOTT (North Perth) [6.4]: One could not have listened to the speech of the member for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) without being greatly impressed. I think that each one of us in this House realises that we are not dealing with any ordinary question but with a major matter of our judicial system. It was suggested by the member for Brown Hill-Ivanhoe that we might be influenced by our personal feelings in this matter, and, on a major question such as this we should, I think, as much as possible avoid being so influenced. All speakers, in a very sparse manner, have quoted various authorities and submitted various statistics, but has any real serious consideration of all the available information been put before the House? I consider this is a vital matter because we are dealing with people's lives; probably with the life of some future murderer and with that of some innocent man who is going to be murdered. Therefore it is no light question we have to settle.

I am not going to say whether the death penalty is generally a deterrent or not. So far as I am concerned, I am quite sure it

is; it would be a very serious deterrent to me. To me, the suggestion of life imprisonment does not lead to the feeling of intense repugnance that the thought of being judicially condemned to death and executed occasions in my mind, and there is no comparison as to the influence of the two deterrents in respect to myself. But I do not suggest I should vote just the way I feel in regard to myself. I should like to be thoroughly convinced that the death penalty is not a deterrent. I suggest that this House should have information from the best available sources on this matter. I would like to see a Royal Commission, with a judge of our court as Commissioner, make an investigation throughout Australia and submit the evidence secured to this House, where it could be studied from a judicial point of view. I do not know what are the views of the head of our police force, who has had years of experience of people who are likely to commit murder. We have not before us the views of the medical officers of this State, who have had experience of minds that are somewhat unbalanced, as to whether the thought of being hanged would be a deterrent to such minds. We have none of these opinions before us.

When it is a question of whether sympathy should be extended to a man or woman whose mind is unbalanced—and I think the mind of every murderer probably is unbalanced; certainly it is not normal—or to the person who is to be murdered, my opinion is that sympathy should go to the normal individual, the innocent child who may be deprived of life, or the police officer who, in the execution of his duties, is bound to effect an arrest, and may be killed while doing so, and to his womenfolk and his children. Has not such a man the right to be given every protection this community can give him? Why should this super-sympathy, this emotional sympathy, be given to a man who is not normal, to a man who is probably of little use to the State, to his fellow beings, or to himself? I think civilisation has reached a stage where the idea of punishment for its own sake is no longer viewed with any satisfaction; but while it is a deterrent and a protection to innocent, normal, useful citizens, let us retain the law as it stands.

On motion by Mr. Tonkin, debate adjourned.

MOTION—TRAFFIC ACT.*To Disallow Regulation.*

Debate resumed from the 17th September on the following motion by Mr. Watts (Katanning)—

That sub-paragraphs (ii) and (viii) of proposed new paragraph (d) to Regulation 44 made under the Traffic Act, 1919-1935, as published in the "Government Gazette" of the 13th July, 1941, and laid upon the Table of the House on the 12th August, 1941, be and are hereby disallowed.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [6.12]: The regulation with which this motion deals is Regulation 44, and the amendments to which exception has been taken are as follows—

(ii) No producer gas equipment shall be fitted to or used on any vehicle unless the materials and workmanship comply with the Standards Association Code for gas producers for motor vehicles.

(viii) No generator shall be placed within five feet of any petrol tank filler.

This is a very big question and, needless to say, it was necessary to consult engineers and those who have made a special study of or taken a particular interest in gas producers. The member for Katanning (Mr. Watts) says that the regulations are really for the purpose of preventing local authorities from granting a license for a vehicle fitted with a gas producer unless the gas producer complies with the regulations. That is only a secondary reason. The primary purpose of the regulation is to protect not only the user of the vehicle but also the public at large. These regulations, which are admittedly experimental, have been made as simple as possible, and a circular has been issued to the local authorities explaining those that may appear somewhat difficult of interpretation. If local authorities experience any difficulty in policing the regulations, it is only necessary for them to explain their difficulties to the department by letter, and expert advice will be forwarded to them.

I have received two communications in regard to the need for these regulations. One is from Mr. Fernie, the Director of Industrial Development, and chairman of the committee of experts that framed them, and the other is from Mr. R. Shave,

M.I.A.E., the technical adviser to the Royal Automobile Club. I propose later to read those letters for the benefit of the House.

Sitting suspended from 6.15 to 7.30 p.m.

The **MINISTER FOR WORKS**: As to the two regulations the hon. member proposes to disallow, let me deal separately with Regulation 44 (d) (ii). It is necessary in the interests of safety to specify some standard of materials and workmanship, Regulation 44 (d) (ii) provides that the standard shall be that specified by the Standards Association of Australia, which is the proper authority, I contend, to lay down standards. We have to remember that this is a new industry; therefore we must have some standard. We must also have a recognised authority for the laying down of the standards required, and this regulation does lay down the standard, according to the authority I have quoted. That authority states it is necessary to prevent the use of gas producers constructed with materials of insufficient strength, fabricated with defective joints and welds. It is contended that road board secretaries will be capable of ascertaining readily whether the materials and workmanship conform to the standard specification. They can do that without dismantling the unit for the purpose of inspection.

With respect to Regulation 44 (d) (viii), I point out that where petrol is used in conjunction with producer gas special precautions are necessary against fire. That is admitted. Five feet is considered to be the minimum safe distance of a petrol tank filler cap from the fire zone of a producer.

Any reduction in this distance would inevitably increase the risk of fire. I suggest that the Underwriters' Association is interested in this matter. If it is not satisfied that the vehicle licensed (which is fitted with a gas producer) conforms to the regulations, difficulty may be found in securing cover. Companies will write to people who wish to insure their vehicles pointing out that they have to notify the companies immediately a gas producer is fitted. Unless there is some standard which will be accepted by the Underwriters' Association people may not be able to insure their vehicles. In any case it is certain that the companies will demand to know all the circumstances before they effect an insurance. We have to be careful from that point of view. Any reduction in the

distance would inevitably increase the risk of fire. It is considered that the added safety under this clause far outweighs any slight additional cost in arranging for the specified distance between the petrol filler cap and the producer. The standards specified by the member for Katanning (Mr. Watts), it seems to me are not the recognised standards. Usually I think the petrol inlet is on the left-hand side and in the case of the producer is on the right-hand side. Where there is a difference it means that the owner of the truck—I do not know many of them—would have to conform to the standard set up. We cannot have a regulation that will suit any of these vehicles that are not of standard make. All we can do is to provide a regulation which broadly covers the position, and that is what has been done. As I said earlier, these are specimen regulations. It is admitted that the departure is a new one. We had the best advice we could get in framing the regulations, and the standard authority in Australia has been invoked.

In this instance I should say that instead of disallowing these regulations we ought to allow them to stand. Any local authority that is in doubt, on stating its objections, will find that we will do our best to overcome the difficulty and frame regulations that are suitable and can be administered. We are anxious to meet local authorities. I can understand that in connection with some licensing authority it may not have the experts who would be able to understand and administer the regulations. Such authorities can always come to us for advice, which will readily be tendered by experts associated with the department. I give the hon. member an assurance that that will be done. Already the Under Secretary for Works has issued a long circular explaining the regulations to the various local authorities concerned. As I said earlier, we had the opinion of two authorities. I will read that of the first one, namely, Mr. Fernie's opinion. He is the Engineer for the Department of Industrial Development and has been actively associated with the promotion of the installation of gas producer units. That officer has done his best to encourage them, not to discourage them, and I am sure he would not do anything to hinder their use or installation. In a memorandum to the Under Secretary for Works, Mr. Fernie stated—

For the protection of the users of our roads and of the motoring public in particular, it is

necessary that the manufacture and fitting to vehicles of gas producers should be under some form of control. Generally speaking, control of manufacture is obtaining under National Security Regulations, and control of the manner in which gas producers are fitted to vehicles is obtained under traffic regulations.

National security regulation No. 115 (1941) sets out, in brief, that no person shall manufacture for sale any producer gas equipment in respect of which a certificate of approval has not been granted. Such certificate of approval is not granted until an examination by the W.A. Producer Gas Co-ordinating Committee has disclosed that the unit in material, workmanship and design conforms to the Australian Standard Specification, and until the unit has satisfactorily passed a searching test which ensures that its performance is also up to the standard specified.

The traffic regulations are designed to ensure that any producer gas equipment fitted to a vehicle shall be fitted in a safe and secure manner; that the saferiding qualities of the vehicle shall not be affected; that there shall be no risk from fire or poisonous gas, that entrance to and egress from the vehicle shall not be hindered; that vision from the vehicle shall not be obscured, and that in general, the vehicle shall continue to be safe, efficient and comfortable.

The traffic regulations are also necessary to control producer gas equipment made by any person for his own use. This class of equipment is not covered by National Security Regulations, but the application of the Traffic Regulations ensures that such units comply with the Australian Standard Specification, and also that they are fitted in a satisfactory manner.

It is certain that but for the application of the National Security Regulations, gas producer units would be sold which would be inefficient regarding performance, and the cause of damage to engines; and it is probable that but for the Traffic Regulations, accidents would arise from the fitting of these units. Both sets of regulations are designed to foster the popularity and increased use of this alternative motor fuel.

Mr. Marshall: When things are made as inconvenient as possible for people it is a strange way of popularising the use of these vehicles.

The MINISTER FOR WORKS: We must remember—

Mr. Marshall: I do.

The MINISTER FOR WORKS: —that we are endeavouring to frame regulations that will help those who attach gas producer units to their vehicles. These regulations are not meant to be obstructive, but to ensure the safety of those who use such vehicles. I now refer to the second authority, namely Mr. R. Shave, Technical Adviser of the Royal Automobile Club. That club is doing its utmost to ensure the popularity

of gas producer units. The officer in question stated—

I enclose for your attention a cutting from the "West Australian" of Thursday the 11th September, which gives me concern.

The Standards Association code is the one used by the Commonwealth Testing Authority, i.e. the University of Western Australia, in this State, when deciding whether or not a gas producer plant is safe to use, both from the aspect of safety to the user's vehicle and person, also the public.

When I was assisting in formulating the recent amendments to the Traffic Regulations, I pointed out the necessity for making some rules governing the materials, dimensions and design of producer plants, but was advised that this would be attended to fully by the Standards Association.

In due course this was done and the Standards Association, realising the risk attendant upon the use of flimsy construction, improper material and inexperienced design, drew up their code, which was duly incorporated in the Traffic Regulations.

It was a great step forward. Prior to this road board licensing officials, not being producer gas experts, were in a quandary as to what was and what was not permissible by way of constructional and fitting details. The traffic authorities wisely incorporated the code in the Traffic Act amendments because improperly built plants could easily become a menace. Without the code, both they and the road boards would have to rely upon their interpretation of certain drag-net clauses in the traffic regulations.

As an example of the risk with improperly constructed gas producers I can visualise a producer generator leaking red-hot charcoal along the roads and starting innumerable fires on account of joints giving way or through overheating and melting brazed joints that should have been welded.

That is what the engineer said.

Mr. Seward: You can find plenty of charcoal on the road now.

The MINISTER FOR WORKS: The Commissioner of Main Roads informs me that it is very damaging to the roads too.

Mr. Marshall: It burns holes in them?

The MINISTER FOR WORKS: Well, it does. Mr. Shave further says—

I consider that it would be a retrograde step and opposed to the public interests to delete this clause from the amendment. Should it be deleted for safety's sake extra regulations should be included to take its place.

On the other point Mr. Shave states—

Proximity of the generator to the filling orifice can constitute a very real danger from fire. Some types of generators and methods of fitting are safer than others and whilst expert examination might disclose the possibility of fitting closer than five feet with reasonable safety in some case others might be dangerous.

It is, therefore, far safer to stipulate this distance and to obtain special permission to waive it if found safe by experts than to make a regulation distance that may in numerous cases be really dangerous. Imagine the risk of filling a petrol tank whilst the wind is blowing the petrol fumes towards the generator fire that itself is drawing in air.

I suggest that very careful consideration indeed should be given to this matter of deleting clauses and only after obtaining unbiased expert advice on the subject.

These regulations have been framed after consultation with the authorities. We are anxious that people who instal producer gas units shall be properly advised on their method of installation. If it is contended that they are not understood by the licensing authorities in the country districts—they are understood by the central licensing authorities—I point out that all that has to be done is to make a specific complaint or suggestion to the department and it will receive attention. We do not suggest that the regulations are the last word; they are experimental. In the cases complained of the better course would be to state definitely where the considered weakness lies. I think that it could be overcome. The Under-Secretary of the department and the secretary for local government are anxious to answer any questions or to give advice.

As time goes on road board secretaries will have no more difficulty in determining whether units are standard weight or over than in ascertaining the right fee to be charged on any vehicle under the Dendy-Marshall formula. That formula is not easy to grasp but road boards manage to ascertain what the fee should be. I hope the House will not disallow the regulations but will give the department an opportunity to amend them as experience dictates. I assure all those who are interested that any suggestions made by the local authorities will be promptly attended to, and any desired information supplied. We are anxious to set up regulations making for safety. As the summer period is approaching we will have to be careful that the regulations are strictly observed in regard to the risk of fire. The other day I followed a vehicle from which a fine tongue of fire came out behind. Such a happening as this would not be welcome in the country districts in a few weeks' time. It would be a wrong course to disregard expert advice and accept that of those who admit that they cannot interpret the regulations. It would be better to

consult authorities such as the Standards Association of Australia. Instead of the regulations being disallowed I suggest that all those in difficulties should be invited to make suggestions for the benefit of the units. The regulations should be allowed to remain for the time being and they can be amended as experience dictates.

MR. MARSHALL (Murchison) [7.50]: I want members to understand what the position will be if the regulations are not disallowed. No vehicle with suction gas plant attached to it will be licensed if the regulations are not complied with. The regulations may be applicable to the city and big towns on the goldfields or in the country districts but what about the unfortunate individual who, through the necessity for economy in the consumption of petrol, is forced to instal one of these plants when he is far removed from the activities of an engineering premises? The Federal Government or the Liquid Fuel Control Board give no more consideration to such an individual than to the city dweller, so far as petrol consumption is concerned. On a pro rata basis, of course, the man in remote areas receives more petrol but he has nothing over and above that quantity, and he is therefore coerced into installing one of the plants. Take, for instance, the squatters at Twin Peak on the Canning Stock Route north of Wiluna! They are under the obligation to use any particular contrivance they can secure because there are no experts available to build plants. Yet they are obliged to comply with the regulations.

This particular form of regulation will provide a most profitable investment for insurance companies, because if there is even the most minute departure from the regulations the companies will not meet a claim. The companies will probably say "The premiums have been paid, but as you had the pipes $1\frac{3}{4}$ ins. too short you are not entitled to the liability payment." The regulations will apply throughout the State. They will not be confined to the city where there are experts and competition in the selling of different units, which can be secured at a moderate price. Even in a town such as Meekatharra the young men are self-taught and not experts in suction gas. The material to comply with the regulations cannot always be secured. Must we hold up transport because of the regulations? Producers are

continually being tied down with laws and regulations. Statutes are bad enough but regulations are a snide method of coercing and persecuting the people. To give an idea of what is going on even unknown to politicians: Today I went into a business premises and asked for a bottle of Scrubb's fluid ammonia. I was told by the attendant that this fluid ammonia could not be sold as it had been declared a poison under some regulation. We are approaching a ridiculous stage with our multiplicity of regulations and laws. There are so many laws on the statute-book that we cannot enforce any of them.

People far removed from the mechanical facilities of the city should be specially protected. I know people who have built their own appliances which are working fairly well; yet if the regulations continue to apply and the vehicle is destroyed, it will be found that the insurers will not receive payment because the vehicle does not comply with the regulations. Such people are rendering essential services far from the city. I notice that many taxi cabs about the city have this mechanism attached. They are probably in competition with trains, trams and omnibuses. Every detail of the fitting of such vehicles can be attended to by a big engineering firm. The regulations will be State-wide in application without due consideration for the interests of the country people. As a protest, I will support the motion for the disallowance of the regulations.

MR. RODOREDA (Roebourne) [8.0]: I support the motion, for much the same reasons as those given by the member for Murchison (Mr. Marshall). In my opinion, the Government could well have waited until we had had 12 months' experience of these gas producers, when it could have framed more reasonable regulations. The regulations anticipate that danger may ensue to the general public from the use of vehicles fitted with gas producers. So far as the North-West is concerned, the Roebourne district has more or less pioneered the use of gas producers. Notwithstanding that they are home-made they have proved effective; some have been in use for five or six years. They were made from 40 gallon petrol tanks, five gallon oil drums and any other suitable material available. It is not perhaps wise to allow producers to con-

tinue to be made in this way, but these have nevertheless proved eminently satisfactory. To say that the risk of danger is much greater when vehicles are fitted with gas producers is not true. Everyone knows that petrol is exceedingly dangerous, but how many accidents occur from its use? Comparatively speaking, very few indeed! I have not yet heard of one serious accident that has resulted from the use of gas producers on motor vehicles. Last night we discussed a Bill to help persons who had fitted producers to their vehicles. The Bill was designed to give them some concession, yet here we are allowing regulations to go by default which will entirely nullify all the help we are proposing to give to vehicle owners by the Traffic Act Amendment Bill. I speak of vehicle owners in the outback country, particularly the North-West and the pastoral districts of the State.

As was pointed out by the member for Murchison, the effect of the regulations would be absolutely to debar vehicle owners from successfully prosecuting any claims against insurance companies for damages caused to the vehicles. The regulations would also have the effect of preventing the vehicles I have mentioned from again being licensed, notwithstanding that a license for them is already in existence.

MR. RAPHAEL (Victoria Park) [8.3]: I support the motion. I cannot congratulate the Government on these regulations. In my opinion, it would have been fairer and more to the credit of the Government if it had taken up the question of the petrol shortage instead of seeking to impose regulations on persons who, through no fault of their own, have been deprived of the necessary propelling force to drive their vehicles in order to carry on their business. I recently raised a question in this House about the limitation of the quantity of petrol allowed to various consumers. The State Liquid Fuel Control Board has increased by 75 per cent. the amount of petrol allowed to taxi-drivers in this State. I am aware that many taxi-services have been forced to attach gas producer units to their vehicles; but after they did so the State Liquid Fuel Control Board increased the amount of petrol they had been allowed to use. We in this State have been forced by unfair tactics to instal on our vehicles

over 50 per cent. of the gas producers in the Commonwealth. That information was recently published in the Press.

The Minister for Works: That is Western Australia's enterprise!

Mr. RAPHAEL: Western Australia's enterprise be blowed! I heard the Minister say that he was driving behind a vehicle fitted with a gas producer from which flames were coming. I am sorry the Minister's car did not catch fire, as he would then have awakened and stirred up the State Liquid Fuel Control Board. There is no need whatever for these regulations. When people have the enterprise to make gas producers why should the Government step in and create monopolies for certain firms? If gas producers were sold at a fair price, I would support the Government and say that regulations should be framed to ensure that producers of the correct type were fitted to cars. In this State, however, owners of Diesel-driven vehicles are not allowed a single gallon of petrol by the State Liquid Fuel Control Board; yet in every other State of the Commonwealth owners of such vehicles are allowed immense quantities. These regulations will, in effect, assist the Commonwealth Government, which is allowing owners of Diesel-driven vehicles in the other States to get petrol which they can supply to someone else. The result is that Western Australia is penalised.

Members: Hear, hear!

Mr. RAPHAEL: Instead of bringing down these regulations the Government should have endeavoured to secure increased supplies of petrol for this State. The Government should not add to our burden by compelling people to pay £75 to £100 for a gas producer and then say, "That is the only type that shall be used." That is the position in a nutshell. Gas producers such as those described in the regulations cannot be purchased under £65 to £100, while some cars can be bought for about £15. I recently saw a truck for which I would not be prepared to pay more than £15 or £20, but it was fitted with a home-made gas producer and was proceeding up a hill at about a mile an hour. No flame was coming from that vehicle. It was the best the owner could do; he had sufficient initiative to instal the gas producer.

As the member for Murchison pointed out, an additional difficulty presents itself. Anyone at all familiar with the methods of insurance companies will appreciate that they will very quickly find loopholes in their policies and thus avoid payment of claims under them. The Government should not give insurance companies the opportunity to deprive people of money to which they may be justly entitled. The other night I also quoted an instance of where petrol was being delivered from Melbourne to Mildura by road.

MR. SPEAKER: The hon. member is getting away from the motion.

MR. RAPHAEL: That is so. I have been dodging around a fair bit. I might put the position in this way: Victoria, where petrol should have been—

MR. SPEAKER: Order! There is nothing in the motion about petrol in Victoria.

MR. RAPHAEL: I wish to make a point, Sir. Gas producers could have been used on vehicles in other States of the Commonwealth. I can make that comparison. I could have said that petrol was being delivered all over Victoria. I hope the regulations will be disallowed and that this will be the last attempt of the Government to bring forward regulations having the effect of strangling initiative.

MR. WATTS (Katanning—in reply) [8.10]: There is not much I wish to say in reply, but I would point out to the Minister that the effect of insisting upon materials such as those specified by these regulations will be—as has been pointed out by other members—to give, to some extent, at any rate, a monopoly to those who have received licenses to manufacture gas producers. After moving the motion, I made some inquiries as to the minimum prices at which such gas producers could be bought. I made those inquiries of the Department of Industrial Development and was informed that the lowest price—

MR. SPEAKER: Order! The hon. member is not replying, but introducing new matter.

MR. WATTS: I am replying, Sir, because the Minister, when speaking to the motion, said that the question of materials was one of great importance. Because of the class of materials specified gas producers are excessively dear. I will quote figures. The total cost of the cheapest type of gas pro-

ducer complying with the standards is over £60. Therefore the figures quoted by the other members are correct.

The Minister for Works: The objection of the Katanning Road Board to the regulations was that the board did not understand them.

MR. WATTS: I got the information about these regulations some 48 hours before I moved my motion, and thus I was unable to obtain all the information I required in time for the previous debate. The Minister says that we must have the specified materials in gas producers, notwithstanding the fact that they are costly and notwithstanding that it has been proved that gas producers not complying with the regulations have been quite satisfactory. I also made some inquiries as to obtaining materials complying with the standards and I found that at various times there have been substantial shortages of them. Even if a person possessing the necessary skill desired to make a gas producer for his own use the chances are that he would not be able to obtain the material. Without taking up further time, it seems to me that the regulations are due for some reconsideration. As they cannot be amended here, the only method to adopt is to move for their disallowance.

Question put and passed.

MOTION—COMPANIES, SHAREHOLDERS' BORROWINGS.

To Inquire by Select Committee.

Debate resumed from the 17th September on the following motion by Mr. Hughes (East Perth):—

That a Select Committee be appointed to inquire (1) What companies, if any, incorporated in Western Australia have less than fifty shareholders. (2) If any shareholder of any such company during the last preceding twenty-five years has borrowed money from any company of which he is or was a shareholder. (3) In respect to each borrowing shareholder (a) the amount borrowed; (b) the ratio of the amount borrowed to the (i) nominal, (ii) actual value of the shares held by the borrower; (c) the reason for such borrowing; (d) the effect of such borrowing on the (i) revenue of the State of Western Australia, (ii) non-borrowing shareholders, (iii) creditors of the company from which the money was borrowed, and to report what action, if any, is necessary in justice and equity to do right between each of the following parties, respectively (a) the State of Western Australia; (b) the companies concerned; (c) the creditors of the said companies; (d) the non-borrowing shareholders; (e) the borrowing shareholders.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Kanowna) [8.15]: I will be as brief as possible. At the outset I want to say I oppose the appointment of the select committee suggested by the member for East Perth (Mr. Hughes). Reasonable consideration has been given to the most serious points he has brought forward. A Royal Commission has investigated the position as far as shareholders are concerned. The hon. member said that shareholders should not borrow from a company in which they owned shares. Consideration was given to that feature, and it was found to be almost impracticable to disallow a shareholder from so borrowing. We have, however, by Clause 62 of the Bill, disallowed directors from borrowing from companies of which they are directors. That is a step in the right direction. Directors are really managers of companies and will see that shareholders do not borrow more than is conducive to the wellbeing of the remainder of the shareholders.

Let me take as an example Messrs. Boans, Limited; had that clause been in the Companies Act, Mr. Frank Boan, the present manager and director, would not today have to find the amount of money his father borrowed. I do not speak in any way derogatorily. I do not say that Mr. Boan, senior, should not have borrowed the money. He was a very generous man. On the other hand had a director been disallowed to borrow he would not have had an opportunity to borrow the sum referred to by the member for East Perth.

MR. SPEAKER: Order! The Minister is not in order in discussing the Companies Bill. This is a motion.

THE MINISTER FOR JUSTICE: I was replying to matters referred to by the member for East Perth.

MR. SPEAKER: The member for East Perth was prevented from discussing the Bill.

THE MINISTER FOR JUSTICE: Because of the safeguards in the Bill the appointment of this select committee is not warranted. If I am not allowed to refer to the Bill itself perhaps I can refer to items in the motion moved by the member for East Perth. He wants to know what companies, if any, incorporated in Western Australia have less than 50 shareholders? He could have got that information by going to the Companies Office. It is not necessary

to appoint a select committee to obtain information which can be had from that office. He also asks—

If any shareholder of any such company during the last preceding 25 years has borrowed money from any company of which he is or was a shareholder.

That would be a big task, and would take more than two weeks to complete. If a select committee were appointed, the Companies Bill would not be passed through the House this session. He asks that the select committee inquire in respect to each borrowing shareholder (a) the amount borrowed; (b) the ratio of the amount borrowed to the (i) nominal, and (ii) actual value of the shares held by the borrower. It would probably be possible to ascertain the nominal value, but I do not know how to get the actual value. He goes on—(c) the reason for such borrowing; and (d) the effect of such borrowing on the (i) revenue of the State of Western Australia. That seems to be another impossibility. The hon. member wants us to go back 25 years to ascertain most of this information. During that time quite a number of the records would have been lost or destroyed, and also many of those who had borrowed would not be alive today. It would be impossible to get that information. An exhaustive inquiry has been made into the Companies Bill, and nothing is to be gained, by passing this motion, in the way of safeguarding the shareholders of companies, or helping the public of this State. On these grounds I oppose the motion, and ask hon. members to vote against it.

I have a letter from Mr. Frank Boan, the present managing director of Boans, Limited. I do not want members to think I am taking sides. I want to be just and impartial, and do not want to see any firm or individual penalised by the introduction of the Companies Bill. Boans, Limited, has been used as an example and adversely criticised. It is only fair that we should hear the other side of the question. With your permission, Sir, I will read this letter from Mr. Boan, which is self-explanatory. It is dated the 19th September, 1941, and addressed to the Hon. E. Nulsen, M.L.A., Perth. It states—

I feel very hurt at the remarks made by Mr. Hughes in the Legislative Assembly as reported in yesterday's "West Australian" in relation to Boans Limited and particularly by the imputation that my late father had done something which had not been "above board."

His remarks will, I think, if allowed to go unchallenged, have a serious effect on the company's business and what I feel more strongly still, on the memory of my late father.

I would therefore like to set out the true facts in the hope that you may find some opportunity of ventilating them and thus relieve, to some extent, the harmful effect which I feel Mr. Hughes' remarks have caused.

The newspaper quotes Mr. Hughes as saying—"The worst feature concerning the operation of companies in the past was in regard to the person who really owned a company and borrowed money from the company so that he not only withdrew the profits but all the capital he put into it and frequently withdrew funds which should have been available to pay the company's creditors. He (Mr. Hughes) thought that had gone on fairly extensively in this State. One illustration had been made public."

Mr. Hughes then went on to quote the estate of my late father and in doing so stated that my father "was in effect the owner of Boans Limited." This is not correct, and I should have thought before making this statement Mr. Hughes would have taken the trouble to test his assumption by a search of the shareholders list at the Company's Office when he would have ascertained that my father was not "the owner of the company." He owned the controlling interest but not all the capital.

The issued capital of the company consists of 250,000 preference shares of £1 each carrying a fixed dividend, 100,031, ordinary shares of £1 each, and 30,000 employees shares of 1s. each. Of this capital my father owned 30,000 preference shares and 50,117 ordinary shares.

Mr. Hughes' remarks infer that my father had—to use Mr. Hughes' words—"withdrawn funds which should have been available to pay the company's creditors."

Can Mr. Hughes quote a single instance in which this company or my father has not fulfilled its or his obligations promptly?

The suggestion that my father had by forming the business into a limited company and borrowing against his holding in the company, set out to evade probate duty and also to evade payment of income tax, is not correct and grossly unfair.

The real facts are that the business was, prior to 1918, carried on as a partnership under the name of "Boan Bros." The firm had for many years held a Savings Bank agency. At the time my father was a member of the Legislative Council, and the question was raised as to whether the retention of that agency disqualified my father as a member of the Council. In view of the doubt which existed my father resigned and refunded his salary.

He was advised that the difficulty could be overcome under the exemption contained in the Constitution Acts if he formed the business into a company. My father decided to adopt this course and in 1918 the business was converted into a limited company. In 1922 my father again stood for and was elected to the Legislative Council.

Early in the year 1929 following four very successful years, my father decided to part with some of his holding in the company to the members of his family. At that time it was considered that there would be ample income from the interest retained by him in the company to meet all his commitments and future requirements.

Unfortunately the depression followed and the profits of the company seriously diminished, as will be seen by the following figures:—

	Profit.	Loss.
1926	£50,562	
1927	69,754	
1928	71,382	
1929	67,725	
1930	47,400	
1931		£2,464
1932	12,665	
1933	5,597	
1934	34,778	
1935	34,825	
1936	29,373	
1937	30,923	
1938	25,812	
1939	9,989	
1940	28,959	
1941	37,546	

Prior to the depression years and basing his income on the pre-depression years, my father had incurred heavy private commitments in London.

With the serious drop in his income by reason of the depression, the increase in taxation and the increase in the rate of exchange to London, it was necessary for my father, in order to honour his commitments, to find further funds. Practically his only asset was his holding in the company.

There were only two ways in which these additional funds could have been provided—

- (1) By realising portion of his holding or
- (2) By borrowing against his holding.

The latter was the normal way out of the difficulty and was adopted by my father, the money required being drawn from the bank against the credit of the company. In view of the financial position of the company this did not hurt anyone.

The preference shareholders had always had the full benefits to which they were entitled, and ample assets existed to more than satisfy their capital and the obligations of the company. With the exception of four shares, all the ordinary shares were held by my father and myself. Any loss, therefore, that might have occurred would have fallen upon the ordinary shareholders, which was purely a matter of arrangement between father and son.

The suggestion made by Mr. Hughes that my father should have increased his salary, was not feasible as this was definitely fixed by the company's articles and would probably have been contested by the taxation authorities.

The suggestion that he might have increased the dividends payable by the company was also not feasible. The profits after payment of the preference dividends did not permit of this, as the foregoing figures will have indicated.

The use of the reserves which in the pre-depression years had been created for the purpose of providing working capital, would have had the effect of reducing the value of the ordinary shares which reduction would, on my father's death, have reflected in the value of his estate.

During and following the depression years as large a dividend as was considered the company could safely declare on the ordinary shares, was in fact declared, and as a shareholder my late father naturally received the benefit of these dividends in respect of his holding.

In view of the small profits no dividend could be declared at all in respect of the ordinary shares for the years 1931, 1932, 1933 and 1939.

My father also decided, perhaps unwisely, to keep up his standard of living in Australia. This included continuing his personal monetary donations and instructing the company to do likewise, and during the period 1929 to 1941, the time of his death, £14,184 was handed over to charitable organisations.

Mr. Hughes crudely put it "he died broke"—that is no crime; and if he had not honoured his commitments and maintained his generous standard of living, he would have died a wealthy man, and perhaps been condemned by Mr. Hughes for lack of generosity in his lifetime.

I feel confident that the foregoing facts will establish that my father's actions have been quite honourable.

I consider it only fair to read that letter from Mr. Frank Boan so that the House may understand the position of the firm. From what I can learn, the Taxation Department is quite satisfied. As probate has not been announced to date, no one is so situated as to know the position from that standpoint. It would appear to me that Boans Limited will be very fortunate if it can get off with probate on £237, which was the amount in the late Mr. Harry Boan's estate.

Reverting to the proposal for the appointment of a select committee, I trust members will give due consideration to the work carried out by the Royal Commission and appreciate that we recommended the inclusion in the Bill of a provision that does not find place in any other Australian enactment. We have proposed that no director shall be allowed to borrow from a company with which he is associated, while there is another provision that if a director of a company holds, either in his own name or together with members of his family, a majority of the shares, the interest of other shareholders shall be safeguarded by allowing three or more of them to apply to the court for a variation of the director's recommendation. I oppose the appointment of the select committee.

MR. RODOREDA (Roebourne) [8.35]: In common with the Minister I entirely, absolutely and unequivocally, oppose the appointment of a select committee. Last session Parliament appointed a joint select committee to investigate the Companies Bill. I am sorry the member for East Perth (Mr. Hughes) is not in his seat.

Mr. McDonald: He is ill.

Mr. RODOREDA: I am sorry to hear that; just as I am sorry he is not here to listen to my comments on his motion. In common decency, he could have attended before the joint select committee and given such evidence as he had at his disposal. He stated emphatically that he could not be summoned to attend before the select committee. That is true, but at the same time it represents a half truth only. The member for East Perth could have volunteered to give evidence, and had he been actuated by a sincere desire to do his duty and to help to frame better companies legislation, he could have volunteered to give evidence. Instead of that, he preferred to move the motion standing in his name. Unquestionably the hon. member was merely seeking publicity. That is apparently all he ever seeks.

Mr. SPEAKER: Order! The hon. member must not reflect upon another hon. member.

Mr. RODOREDA: That is no reflection, Mr. Speaker, but rather a compliment! However, I am sorry I cannot proceed along those lines because there is no doubt that what I suggest is the truth. Any evidence the hon. member could have tendered to the joint select committee would have been secret. No one would have enjoyed perusing in the newspapers reports of a wonderful scandal, and therefore the object of the member for East Perth would not have been achieved. That represents only one reason why I oppose the motion for the appointment of a select committee to make the inquiries outlined. The matters referred to by the hon. member, together with others of a similar nature, were well known to the joint select committee and, as a Royal Commission, they made recommendations accordingly. One was that no director should be allowed to borrow money from a company with which he was associated. The fishing expedition, without even the proper bait, that the member for East Perth desires would therefore be altogether superfluous, and

could achieve no results or secure any information that was not at the disposal of the Royal Commission.

In those circumstances, what good purpose could be served by the appointment of such a select committee? One ground upon which the member for East Perth urged the necessity for such an inquiry was that evidence should be secured regarding the borrowing of money by shareholders over a period of 25 years. During such a long period one shareholder might possibly have borrowed money on 20 different occasions for 20 different reasons. In all seriousness, the House is asked to agree to appoint a select committee to investigate those reasons! What earthly chance would the committee have of obtaining the reasons for the borrowing of £5, £10 or £1,000 during a period of 20 years? The whole thing is so absurd that the motion requires no consideration at all. The House should dispose of it summarily by voting against it, as I propose to do.

MR. ABBOTT (North Perth) [8.40]: I oppose the proposal to appoint another select committee because the member for East Perth (Mr. Hughes), in submitting the proposition, gave no sound reason for the adoption of that course. Had the member for East Perth had serious doubts about the legislation he could easily have given evidence before the Select Committee, or could have placed his views before the executive of the Law Society, of which he is a member. That body gave very careful consideration to the Companies Bill and tendered evidence before the joint select committee. The hon. member raised three points in support of his motion. The first was that he desired consideration given to the number of shareholders who would be permitted to form a company. The joint select committee fully considered that phase and heard evidence from the Law Society, the Registrar of Companies of South Australia and from representatives of various organisations. The suggestion was not made by any witness that the number of shareholders mentioned in the Bill was not proper. I do not think that point should carry any weight with the House.

The second point raised by the member for East Perth was that a shareholder might, through paying himself an excessive dividend, deprive his company of funds to which its creditors might be entitled. It is common knowledge that should any one desire to act fraudulently he can do so despite all the auditors in the world and all the laws that may be passed. We will always have people prepared to adopt improper means by which those entitled to property are deprived of the benefit. I do not know that any evidence along those lines would be of material assistance to the House. The third point the member for East Perth raised—he said it was the worst feature of all and he desired evidence to be taken in respect of it—was that the Bill contained no provision to prevent a shareholder borrowing from a company and thereby securing funds that the creditors of the company should be entitled to.

An essential feature of the Companies Bill is that the holders of shares shall be responsible to the company to the extent of the amount they undertook to provide. Surely everyone appreciates that fact. If any shareholder, or, for that matter, any other person, borrows money from a company, that individual is personally liable to repay the amount. The position of the shareholder is in no way different from that of an ordinary individual who spends money that should be paid to his creditors. Through the dishonesty of such a person, his creditors may be deprived of moneys that should be paid to them. If a man acts properly or a company is justly controlled there would be no necessity for action. As the law stands today any creditor of a company can enforce payment by a person if that individual's assets are sufficient to cover the obligation.

Mr. Tonkin: That might be a very unsatisfactory remedy.

Mr. ABBOTT: It is always an unsatisfactory remedy where any individual squanders moneys belonging to his creditors; but the state of civilisation has reached so far that we do not put our debtors in gaol.

Mr. Tonkin: The principle of limited liability does not visualise such a state of affairs as that.

Mr. ABBOTT: It visualises this much, that individuals who agree to be responsible to a company for certain funds, whether they have borrowed the funds from the company or have agreed to take shares to a certain amount, shall, if the law can do so, be forced to make the agreed payments. The last point raised is whether the statement that proprietary companies are limited to 50 shareholders is correct or incorrect. The relevant clause of the Bill was before the Registrar of Companies of New South Wales, where the corresponding Act has been in operation for some time. No query was raised about it.

The registrar could have given evidence. He was asked to submit any points that had arisen in the administration of the Act, but there was no response from him. There were no queries from representatives of public bodies that gave evidence. I fail to see what kind of evidence could have been of assistance in coming to a decision on these matters. Therefore in no respect is there any basis for the motion that a select committee should be appointed. I would again emphasise that had the member for East Perth (Mr. Hughes) possessed any evidence of value which he thought could have been submitted to the House, he did not suggest in his speech here that he could have done so either through his own Law Society, whose representative gave evidence on more than one occasion, or by giving it himself. I suggest that had the hon. member so desired, the Select Committee on the Bill would have been only too willing to hear his views. He failed to utilise either method. In his speech he gave no good reason for the appointment of a select committee, and I therefore oppose the motion.

On motion by Mr. Watts. debate adjourned.

MOTION—FARMERS AND PASTORALISTS' DEBTS.

Debate resumed from the 17th September on the following motion (as amended) by Mr. Watts (Katanning):—

That in view of the fact that the secured liabilities of many farmers and pastoralists, and persons, whose difficulties have been occa-

sioned by the same economic factors, engaged in manufacturing, commercial, and industrial enterprises, and numerous citizens, not so engaged, who are in difficulties substantially through reasons beyond their control, are so great that they are unable to pay their way, and in the interests of the State it is essential that those engaged in these industries be placed in a solvent position as soon as possible, it is the opinion of this House that the Government should take immediate action to legislate for the adjustment of such secured debts, and their ultimate reduction to not exceeding the fair value of the security.

MR. BOYLE (Avon) [8.51]: I regret that the mover of the motion did not more strenuously resist the amendments put forward. I have no fault to find with those amendments as such, but the plain object of the motion was to draw attention to the intolerable position we are placed in today insofar as the motion relates to the secured debts of the farmers of Western Australia. The motion affords opportunity for the House to express its opinion on the secured debts of our farmers more as a following action to the amending Bills that have been put forward here to the Rural Relief Fund Act, to the Farmers' Debts Adjustment Act, and to the reports of the various Royal Commissions that have sat in this State. The buttressing of the motion is necessary in order that members may fully understand the difficulties in which Western Australian farmers find themselves.

The Federal Royal Commission on wheat, which reported in 1935, supplied what I consider to be the finest report of its type that has been presented on the position of the Australian wheatgrowing industry. That Royal Commission had no direct representatives of the farming community included in its personnel. Thus the report was in no way biased, but was a report founded on an exhaustive examination that extended over 18 months throughout the Australian States.

Hon. W. D. Johnson: Was not Mr. C. W. Harper on that Commission?

Mr. BOYLE: Yes, and a very good member too. The member for Guildford-Midland has referred to Mr. Harper. Mr. Harper happens to be the chairman of directors of the Westralian Farmers Ltd.

Hon. W. D. Johnson: And an active farmer.

Mr. BOYLE: But he was not on the Commission as such, because when the Commission was formed it was specifically laid down that no parties to either side would be appointed to the Royal Commission. Personally I am indebted to Mr. Harper for a great deal of information, but I wish to impress on the Chamber that no representatives of the debtor class were included in the Royal Commission. It included Sir Walter Gepp, Mr. Sheehan, who is an accountant, and three other members who were experts in their particular walks of life. Those men, after an exhaustive inquiry, said in their report—

525. Overshadowing all other factors which influence the economic strength of the industry stands the debt structure, the readjustment of which is unavoidable.

526. The Commission has been forced to the realisation that under present conditions of costs and prices, a large number of wheat farmers are becoming more and more involved financially, and more and more desperate as to the future, and that the minimum necessity is such action by the industry and by the Nation as will provide efficient farmers with a reasonable security of tenure within the industry which gives them work in which they are skilled.

527. There are always two parties to a debt—the creditor and the debtor. In many cases under normal circumstances, if sufficient time is allowed, the steady pressure of economic and financial facts, generally accepted, brings about an adjustment between the two parties without governmental interference. And in some cases where conditions become impossible, compositions or assignments, or bankruptcy proceedings, provide the necessary readjustments when special legislation does not exist. However, the exceptional circumstances of the past few years have prevented the ordinary application of pre-depression methods. Moratorium legislation and strong local pressure have stemmed the processes of readjustment and have banked up the problems to an extent so dangerous and menacing as to necessitate national intervention.

That is the considered opinion of the members of the Federal Royal Commission. Now, Western Australia had in 1931 what is known as the Dickson Commission, a State Royal Commission which arrived at practically the same conclusions. Our Minister for Lands has my sympathy, whether he wants it or not; probably he does not want it. I am afraid, however, that the Minister—in all sincerity shall I say?—is following blindly the example of his predecessor in office. I have no desire to bring back into this

Chamber the memory of the man who held office as Minister for Lands for many years; but I do consider that the Minister who followed him has become imbued with the atmosphere that surrounded the office of his predecessor.

The present Minister for Lands is on the horns of a dilemma. He appointed Mr. Fyfe, the Surveyor-General of Western Australia, to examine the conditions of the pastoralists in the North-West of this State. Mr. Fyfe's report is a monumental report, the report of a thoughtful, painstaking man who spent a great deal of time on his job; and Mr. Fyfe arrived at the same conclusions as we arrived at long ago. I may say that Mr. Fyfe arrived at precisely the same conclusions as those to which we were forced years ago; and now the Minister, instead of adopting the recommendations made—so far as I know he has not up to date brought down any legislation in support of his Royal Commissioner's recommendations—comes to the House with what he declares to be a voluntary agreement entered into between the banks and the pastoralists concerned.

Am I to assume that the Minister for Lands has made an agreement with those bankers or with those creditors which will not include the farmers of Western Australia, will not include the agriculturalists of Western Australia? Has he sold out for a mess of pottage, in the shape of the £4,500,000 owing by the North-West squatters, as against the 26 or 27 millions sterling owing by the agriculturalists of Western Australia? I shall produce figures to show that the problem of the secured debts in Western Australia has hardly been touched, notwithstanding the assertions of the Minister. Incidentally, as a smokescreen I take it—and I do not blame the Minister for endeavouring to get out of the rather tight position in which he finds himself—he introduces an agreement between the Country Party and the Nationalists which he says is just spoken of in a whisper. I shall not mention it in a whisper. I have a fairly far-carrying voice, and I tell the House that this is a solid agreement and one that has my entire approbation. It has united members on this side of the Chamber as they have never been united before. Possibly that fact accounts for the Minister's perturbation.

I am not going to disclose, of course, the nature of the agreement; but the Minister said that the member for West Perth, who is leader of the Nationalist Party, very cleverly steered a middle course. I only regret that the member for West Perth did not steer a middle course five years ago. Had he done so we would have been in port long ago. However, members on this side of the Chamber have united. I do not speak for the Independents, except one who is really a semi-Independent. I refer to the member for Yilgarn-Coolgardie (Mr. Kelly). I had the pleasure of assisting him in his election campaign and his views on this particular matter are the same as mine and those of members on this side of the House. I can understand why the Minister introduced all these irrelevancies, all these things that do not matter.

Mr. SPEAKER: Order! It is a reflection on the Chair to say that the Minister was allowed to introduce irrelevant matter.

Mr. BOYLE: I apologise, Sir. If I pursue those tactics I will introduce irrelevancies by replying to what the Minister said, and I have no desire to be out of order. The Minister introduced relevancies in connection with this matter to which I intend to reply. He spoke of myself as ruthlessly attacking the Leader of this party. I am glad the Minister used the word "ruthlessly" because the dictionary meaning of "ruthless" is "without stint and unmeasured." I did criticise the Leader of this party when he was a predecessor of the Minister. The Government of the day did not carry out the terms of the Dickson Commission any more than the Minister for Lands is prepared to carry out the recommendations of his own Royal Commission.

The Minister for Lands: He has!

Mr. BOYLE: That was why I "ruthlessly" attacked the Leader of this party. I am very pleased to say that the Leader of the Country Party and myself are today in complete accord. I should perhaps put it this way: That the party and its leader have caught up to me. In 1931, as president of the Wheatgrowers' Union of Western Australia, an organisation of between 5,000 and 6,000 men, I spoke in exactly the same terms as I am speaking tonight, but I was a voice crying in the wilderness. The depression had not existed long enough for them to realise that the farmers were hopelessly enmeshed in debt. The Dickson Com-

mission drew attention to that and the Government of the day, which I must admit was showing annual deficits from £800,000 to £1,500,000, was more than perturbed. I am happy to say that the views I express today are the views held by members of this side of the House.

It was stated by the Minister that the farmer has many creditors and an involved system of accounts. I agree with that. The Agricultural Bank farmer has an involved system of accounts because he never knows what he owes. Not that the farmer has an undue number of creditors, but I have not yet found an Agricultural Bank farmer who knew what he owed the bank, how he owed it, and when he owed it. All he knows is that he receives an account twice a year. A man with an annual crop of wheat and an annual clip of wool receives an account in July for his interest, but that cannot possibly be paid until the following February. He receives another account on the 31st December. He receives two accounts; but there is method in that madness because his interest is due on the 30th June and he cannot pay it. It is compounded and he has to pay at the end of the year when his crop comes in. The Minister said that between 1930 and 1940 the farmers' debts written off amounted to £6,774,970. Let us examine the position. Firstly, the Agricultural Bank had no power to write off amounts until 1935. The Agricultural Bank Act was assented to on the 5th June, 1935. So between 1930 and 1935 the debt load was allowed to remain on the shoulders of the farmer.

Mr. Watts: And to increase.

Mr. BOYLE: Yes. And it was only from 1935 to now that the Bank did anything in regard to writing down. I have told the House what a paltry amount was actually written down. The alleged sum was £6,774,970. Of that £5,500,000 was in respect of abandoned farms and group settlement losses. Farmers were forced off their holdings and £5,500,000 was the debt on farms that reverted to the Bank. At the present moment, according to the 1940 report of the Agricultural Bank, which I have before me, there are 1913 Agricultural Bank holdings in the hands of the Bank with a debt on them of over £2,000,000. They are vacant farms, reverted holdings. The report does not tell how many farms have been handed over by the Agricultural Bank to the Lands

Department and become again land open for selection. On page 19 of the 1940 report it is stated that 978 farmers had their accounts adjusted. Under Section 65 of the Agricultural Bank Act, provision is made for an adjustment of the mortgage debt of the farmer. That is one of the provisions I applauded when the Bill was introduced. A writing-down of £1,026,758 was accorded to 978 farmers up to the 30th June, 1940 under Section 11 of the Farmers' Debts Adjustment Act. Applications under Section 65 of the Agricultural Bank Act totalled 702. Of those, only 397 were approved and the amount was £215,614. There were 1,375 farmers who had their debts written down to the extent of £1,242,372. The number of active holdings by clients of the Bank, according to this report, is 7,563; that is, plus 2,000 abandoned holdings, of which only 40—and this is significant—are in the pastoral areas.

[The Deputy Speaker took the Chair.]

The position is that only 12 per cent. of the farmers whose properties are mortgaged to the Bank have been relieved of a portion of their debt, and the debts of 88 per cent. remain unaltered. Those farmers are carrying the debt load which they carried years ago. These figures are culled from bank statistics. Actually £5,500,000 is owing to the Agricultural Bank in respect of abandoned holdings, and although those men have been driven off the land because the Government did not adjust their debts they are still liable to the bank for the money. I have previously referred in this House to the case of a farmer at Perilya near Southern Cross. He took a farm at Perilya with an Agricultural Bank debt of £1,500 but after several years found he could do no good. No man could ever do any good in that particular area. After handing over the whole of the assets to the bank he abandoned the farm and departed for the gold-fields, where he did very well. Incidentally he spent £1,000 of his own money on this property and put in about three years' work. Notwithstanding that the bank had all his security and the farm, it obtained a Supreme Court judgment against him for the amount he owed and recovered it out of the proceeds of his hard work on the gold-fields. The bank had his farm and all it contained, but it enforced the Supreme Court

judgment against him. That could happen to any man who has left a farm.

The Minister also stated that I applauded the Government when it introduced the Agricultural Bank Bill in 1934 and said that since I had been returned to Parliament for this party I had done nothing but abuse the administration of the bank and decry the Act. Those are his own words. Why does the Minister wish to mislead this House? He is a keen student and a great man for research. Why does he not present the facts to the House?

The Minister for Lands: I wish you would!

Mr. BOYLE: I am giving the facts. I quote documents and do not draw on my imagination. One's imagination is not a very good means of bolstering an argument.

The Minister for Lands: You should be a judge of that!

Mr. BOYLE: I read the Minister's speech in "Hansard" with amazement. I was surprised to think that he would mislead this House to the extent of saying that while I was President of the Wheatgrowers' Union I applauded the Bill that was introduced, and that when I entered this House I changed my tactics and decried the Bill and its administration.

The Minister for Lands: I will read it to you next time.

Mr. BOYLE: I am going to read it now. There is no time like the present. I shall quote from "Hansard" of the 26th August 1936. That was the year after I entered this House. In 1935 I made a similar speech. The Minister has access to "Hansard," as I have, and could have seen it for himself. Speaking in 1936 in this House I said—

It has been remarked to me that the Act is making rogues of honest men, and I believe it. I refer to the dragnet provision in Section 51. Against that provision I protested at the time as leader of an important organisation. I circularised every member of the Legislative Council because I realised from the trend of the debate in this House that there would be very little chance of securing any amendments here. I put up a plea on behalf of that particular organisation, of which I had the honour to be the leader. It was dated November, 1934. It referred to Clause 50, or 51 as it is now. I wrote the circular letter to members of the Legislative Council, and said:—

This gives far too much power to the Commissioners—

Hon. W. D. Johnson: You are speaking of the first Bill that was introduced; not the last one.

Mr. BOYLE: Yes.

Hon. W. D. Johnson: You helped to pass the last one.

Mr. BOYLE: I am saying that I look upon the Act as a good one, provided it is amended. I am not shirking any responsibility. The Royal Commissioners were quite right in saying that it was not possible to administer the old Act as it was with any degree of success. I said in my circular letter to the Legislative Council:—

I would like hon. members to realise that the circular was written in November, 1934, before I entered this House. I am told that I applauded the Bill, that I made no effort to have it amended. Yet members of the Legislative Council know that they received my circular which—quoting again from "Hansard" read as follows:—

Clause 51 gives far too much power to the Commissioners under its drag-net provision. The inclusion of farmers' side lines (which are almost invariably the efforts of the farmer's wife and family to assist) in the attachable proceeds under this clause will cause heart-burnings and resentment throughout the farming area of the State. The same provision was included in the South Australian Act and had rendered the working of that Act extremely difficult. To guard against the pre-supposed double dealing of the farmer it is proposed in this clause to knock all incentive to the production of side lines on the head. There is no protection for the farmer in the provision of his living allowance in the Bill, and the grabbing by the Commissioners of the whole of the farm proceeds will be strenuously fought by my organisation. We consider the Agricultural Bank Bill an honest attempt to improve the conditions under which farmers exist, but we appeal to you to use your vote and influence to amend the Bill to prevent a grave injustice being done to the one person above all who has kept the farmer on the land for the past four years, and that person is the farmer's wife.

I proceeded then to say—

I am pleased to say that the party with which I am associated is making provision to throw upon the Government the responsibility of refusing to make the Act a workable one.

The DEPUTY SPEAKER: I draw the attention of the hon. member to the fact that the motion has nothing at all to do with what he may have said at that time. I am afraid that this discussion, if allowed to continue, will drift into further generalities irrelevant to the motion.

Mr. BOYLE: I am merely replying to the remarks of the Minister for Lands, as contained in "Hansard." I am not going outside the bounds of the motion.

The DEPUTY SPEAKER: I am not responsible for what the Minister has said. I am only asking for relevancy. I hope the

hon. member will try to keep as close to the subject-matter of the motion as he can.

Mr. BOYLE: I conclude my remarks by saying that I did not join with others in a general condemnation of the Agricultural Bank Commissioners. Since I have been in the House I have been honestly critical of the Agricultural Bank administration only insofar as it affected that particular object. The Minister referred to my statement concerning the 1940 stored wheat inquiry. I do not criticise judges, but I take it that I am in order in replying to the aspersions that were cast upon me by the Minister. If I am out of order now, I will be placed in a most invidious position. But the Minister was in order when he was attacking me, and I take it that I will be permitted to reply. The stored wheat inquiry related to the position under which 3,000 farmers in this State were placed further in debt. The Minister must have known that when he referred to alleged statements of mine concerning the results of the inquiry.

The Minister for Lands: Did you read what was in the report?

Mr. BOYLE: I will take the Minister further. I was not the only member of the select committee which was appointed by this House. The select committee included the members for Brown Hill-Ivanhoe (Mr. F. C. L. Smith) and North-East Fremantle (Mr. Tonkin). No one will deny the esteem in which those members are held. They came to the conclusions on the stored wheat inquiry which are set out in the committee's report. The committee found that information concerning the price realised for wheat was not available to it, and that is why a Royal Commission was sought. The committee agreed unanimously on the necessity for the abolition of the stored wheat system in Western Australia—that is, in the making of advances. The Royal Commissioner mentioned in his report that he had not found that the merchants had made an undue or excessive profit out of the acquired wheat. I draw the attention of the House to the fact that when the wheat which we alleged was taken over was acquired the price received did not exceed 1s. 1d. per bushel.

We know the realisation by the Australian Wheat Board was 2s. 1d. a bushel. I stated that fact without criticising the judge for his finding that the merchants had made no profit. The Royal Commissioner recommended a continuance of the

system of storing wheat. Notwithstanding the contention of the Commissioner concerning the advantages of the system, it was abolished under National Security Regulation 98 on the 15th September, 1939. Like the curse on the Jackdaw of Rheims that stole the archbishop's ring, no one is a whit the worse off. I hope the system has been discontinued forever. I have no intention of making an apology. The Royal Commissioner came to his conclusions in his own way, and without reflecting on him I say he is a man who does not understand things in the way that we see them. I do not believe in quarrelling with umpires.

The DEPUTY SPEAKER: The motion deals with the adjustment of farmers' debts. Unless the hon. member can link up his remarks with that subject they are quite irrelevant.

Mr. BOYLE: I presume I can reply to the Minister's speech.

The DEPUTY SPEAKER: Definitely nothing can be replied to that is irrelevant to the motion.

Mr. BOYLE: The Minister used certain arguments and I think that, in fairness to all concerned, his statements should be put right. His statements are so far from the truth that I am endeavouring to give the facts. In the course of his illogical statement, the Minister said that rural land values according to the Taxation Department had decreased by £6,000,000 between 1929 and 1932. That movement has a distinct bearing on the debt position, because this amount is a security for advances made in 64 rural districts by various creditors, including banks and the Government. A decrease from £20,000,000 to £14,000,000! The Minister quotes the report of the Commissioner of Taxation in this respect. Is it not the farmer's equity in those lands that disappeared? Logically, his mortgage should be decreased by at least one-third. In those rural areas the farmer was left to carry his debt. I can produce figures under the Farmers' Debt Adjustment Act to show to what extent debts were decreased.

The Minister for Works: Can you give an instance in which a lender participated in increased land values?

The DEPUTY SPEAKER: The hon. member had better continue making his own address.

Mr. BOYLE: If a little thing like that puzzled me I would not be here.

The DEPUTY SPEAKER: Will the hon. member kindly address the Chair.

Mr. BOYLE: I was endeavouring to show that the Minister had drawn attention to the fact that the writing down by the Commissioner of Taxation of unimproved lands in 64 rural centres was from £20,000,000 to £14,000,000 between 1929 and 1932. But that did not make any difference to the Commissioner as long as the interest on the original sum was met. The report of the Department of Lands and Surveys for 1940 includes details of operations under the Rural Relief Fund Act. The following position is shown:—First mortgages to the Agricultural Bank, £5,034,678, of which £3,928,022 was left after the debts had been adjusted. The figure for other mortgage creditors was £5,468,976, and the amount written off was £452,628, leaving an adjusted amount of £4,821,086. Other figures supplied by the Minister show that out of £202,000 paid for debt adjustments, £57,000 was for 227 mortgagors, or an average of £250 each. Second and third mortgagors shared £145,000. A debt of nearly 5½ million pounds still remains. Consider the position of the unsecured creditor! Unsecured creditors were paid £477,967 and £1,151,565 of the amount due to them was written off, or 66 per cent. Under this Act and its administration, the secured creditors—the un-touchables under the law—had to abate only about 7½ per cent., but the unsecured creditors were ruthlessly despoiled of 66 per cent.

Mr. Watts: Tell us what happened in the Taxation Department. Nothing was written off there!

Mr. BOYLE: I have no qualms about my actions in this House. It has been said of me by the Minister that I am continually railing at the Agricultural Bank, yet I was pleased indeed to commend the Government on its appointment of Mr. Donovan as Chairman of Commissioners. I have never in this House animadverted upon or criticised the Chairman of the Commissioners. I have said, however, that he has an Act which he cannot satisfactorily administer and which is the most oppressive Act in the British Dominions. He has endeavoured, under Section 65 of the Act, to write down debts of farmers; yet we find

that after seven years he had not succeeded in dealing with more than a fraction of the amount of those debts. The idea that the farmers of this State have been relieved of debts amounting to £6,674,000 is absurd on the face of it, because the debts were written off by the Government after the farmers owing them had been driven off their holdings.

The Government must realise that £2,000 lent on a farm does not represent a great asset when the farmer has quitted the property. Such farms are known as abandoned farms: they revert to the Agricultural Bank, which, in turn, if not sold, passes them on to the Lands Department; and so we get back to where we started, except that possibly we have lost 3,000 of our farmers. In the amount of £5,500,000 is included the money lost in the tragedy of our group settlements. That accounted for about £3,500,000. The tragedy of the miners' settlement south of Southern Cross cost £250,000; that sum is included in the £5,500,000. We have also the tragedy of the Bullfinch settlement north of Southern Cross, which cost £250,000, and this also was included in the £5,500,000. Yet the Minister and the Premier said at the last elections that the farmers had been relieved of over £6,000,000 of their debts; but the farmers so relieved are not on the land to-day. Why mislead the House by saying that farmers have been relieved of debts to that amount when, on the figures of the Agricultural Bank, they were relieved of only £1,250,000. The 980 farmers indebted to the Agricultural Bank who received relief under the debts adjustment legislation, represent about 10 per cent. of the whole. The claims of the other 202 are infinitesimal. I have no objection to the amendments to the motion, although I consider they are in the wrong place, and I hope that when the House re-assembles next year the Government will deal fairly and squarely with our farmers. That feeling is growing today. The return of the member for Yilgarn-Coolgardie—

[The Speaker resumed the Chair.]

Mr. SPEAKER: I hope the hon. member will not discuss elections.

Mr. BOYLE: We will soon be discussing them!

Several members interjected.

Mr. SPEAKER: Order!

Mr. BOYLE: I have much pleasure in supporting the motion.

On motion by Mr. Seward, debate adjourned.

House adjourned at 9.35 p.m.

Legislative Council.

Thursday, 25th September, 1941.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Metropolitan Water Supply, Sewerage and Drainage Act Amendment.
- 2, Baptist Union of Western Australia Lands.
- 3, Native Administration Act Amendment.

BILL—ABATTOIRS ACT AMENDMENT.

Read a third time and *passed*.

BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.36] in moving the second reading said: This is a Bill which I feel sure will meet with the approval of the Chamber. Its object is to place the Collie