

Mr. DAVY: No; a seal is not required. In our case, for example, one of the witnesses capable of attesting is the Agent General. I see no objection to any of the people who are set forth as suitable witnesses.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

Bill passed through Committee without debate, reported without amendment, and the reported adopted.

*Third Reading.*

Read a third time and passed.

*House adjourned at 9.48 p.m.*

## Legislative Council.

*Tuesday, 26th November, 1929.*

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

### QUESTIONS (2)—RAILWAY CONSTRUCTION.

*Mileage.*

Hon. H. SEDDON asked the Chief Secretary: 1, What was the total mileage of railway construction in each year since 1924? 2, What was the total cost per mile in each case?

The CHIEF SECRETARY replied: Railway, Date handed over, Length of line, and Cost per mile: Busselton-Margaret River—7-11-24, 41m. 50c.; £4,318. Narembreen-Merredin—16-3-25, 53m. 23c.; £4,200. Margaret River-Flinders Bay—1-4-25, 25m. 20c.; £2,766. Piawaning Northwards—6-8-25, 26m. 66c.; £4,014. Esperance Northwards—1-9-25, 66m. 40c.; £4,696. Lake Grace-Newdegate—15-2-26, 38m. 60c.; £2,916. Dwarda-Narrogin—18-9-26, 36m. 42c.; £5,009. Jardee-Pemberton—10-10-26, 17m. 00c.; £3,752. Norseman-Salmon Gums—8-8-27, 58m. 49c.; £3,645. Ejanding Northwards and North Spur—15-4-29, 68m. 55c.; £4,402. Hay River Deviation—4-6-29, 6m. 20c.; £10,491. Albany-Denmark Extension—11-6-29, 34m. 16c.; £9,298. Lake Brown-Bullfinch—22-7-29, 50m. 28c.; £3,321. Total—523m. 69c.

Note.—The above costs do not include Departmental charges or interest.

### *Boyup Brook-Cranbrook Line.*

Hon. W. J. MANN asked the Chief Secretary: When do the Government propose to commence the construction of the Boyup Brook-Cranbrook railway, which was authorised by Parliament in 1926, and for which £451,000 was authorised to be expended under the £34,000,000 Migration and Development Agreement in the same year?

The CHIEF SECRETARY replied: The construction of the Boyup Brook-Cranbrook Railway will receive early consideration, in conjunction with other railways which have been authorised by Parliament, but not yet commenced.

### QUESTION—PERTH-FREMANTLE ROAD, DEVIATION.

Hon. H. J. YELLAND asked the Chief Secretary: 1, What has been the cost to date of the road deviation near the rope-works bend on the Perth-Fremantle Road? 2, What is the estimated cost when completed? 3, What length of road is affected? 4, When was it started? 5, When will it be completed?

The CHIEF SECRETARY replied: 1, £4,328. 2, £6,900. 3, 2,400 feet. 4, 29th June, 1929. 5, About the end of the present year.

### QUESTION—MINERS' DISEASES, COMPENSATION.

Hon. H. SEDDON asked the Honorary Minister: How many persons engaged in the mining industry have received, or are receiving, compensation under Section 7 of the Workers' Compensation Act for the following diseases, mentioned in the Third Schedule:—(a) Pneumoconiosis, (b) miner's phthisis, (c) ankylostomiasis?

The HONORARY MINISTER replied: 37 claims under Section 7 of "The Workers' Compensation Act, 1912-24," have been admitted by the State Insurance Office from persons engaged in the mining industry who have been incapacitated as a result of silicosis. In completing the medical certificates the doctors use the term silicosis instead of pneumoconiosis or miner's phthisis so that it is not possible to give the information under the headings (a) and (b). No claims have been received on account of ankylostomiasis.

### ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills:—

1, Royal Agricultural Society Act Amendment.

2, University of Western Australia Act Amendment.

### MOTION—STANDING ORDERS SUS- PENSION.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.40]: I move—

That the provisions of Standing Order No. 62 be suspended for the remainder of the session, and that so much of the Standing Orders be suspended as is necessary to enable the House to deal with Messages received from the Legislative Assembly forthwith, and to pass Bills through all stages at one sitting.

The motion has been rendered advisable in view of the fact that the session is nearing its end. I do not think we shall be able to close down this week, but we should be able to do so during the succeeding week. The Standing Orders have already been suspended in the Assembly, and it will expedite the business between both Houses if our Standing Orders are suspended as well. While speaking of expedition, I would like

to mention that last week I put up the Appropriation Bill with the sole object of enabling hon. members to discuss the Loan Estimates. Without any discussion at all, the debate was adjourned until to-day. My object in placing the Bill before hon. members was to enable them to carefully peruse the Loan Estimates and to ask me such questions as they might desire, in order to afford me an opportunity to get the necessary information with which to reply. Hon. members will recognise it is scarcely fair to leave it until the last moment when I am on my feet or when we are dealing with the measure in Committee, to ask me questions without any previous notice having been given. Perhaps the questions may have a direct or even an indirect bearing on the Bill, and hon. members should not expect me to be able to reply to them straight away. The whole of the Cabinet, with the assistance of the Under Treasurer as well, could not reply in such circumstances. I hope that when the Bill is before hon. members to-morrow there will be a full discussion and hon. members will ask any questions they desire. I shall be prepared at a later stage to supply the information sought.

HON. H. SEDDON (North-East) [4.43]: In extending opposition to the motion moved by the Chief Secretary, I wish it to be understood that I do not do so with any idea of interfering with the business of the House or of taking it out of the Minister's hands. My object is not to in any way impede business. In view of the state of the Notice Paper, and of important measures, some of which have not been introduced here yet, that we will be asked to consider, we should be able to give the fullest time to the discussion of those Bills. The House should not be asked to consider them in the small hours of the morning when hon. members are more or less exhausted. Many members of this Chamber are engaged in business pursuits and come here in the afternoon to deal with legislative matters. To ask them to sit until the small hours discussing important measures, is not right. In the circumstances we would be well advised, not only in the interests of the House, but in those of the Minister himself, to seriously consider the position. I am sure every member will support me when I say our extreme sympathy has been aroused when we have noticed the way in which the Minister has dealt with

most difficult matters and piloted them through the various stages, answering the discussion and questions of hon. members as well. If we impose on the Minister the task of dealing with important Bills, such as appear on the Notice Paper, after a long and weary day and even to continue into the small hours of the morning, it is more than a fair thing to ask of any man. In his own interests, as well as in the interests of the House and the possible effect on legislation, I am justified in asking members to oppose the suspension of the Standing Orders until our notice sheet has been reduced to more reasonable proportions.

**HON. A. LOVEKIN** (Metropolitan) [4.46]: I join with Mr. Seddon in suggesting to the Chief Secretary that it is rather early in the session to make this motion. There is ample provision in the Standing Orders for him to accomplish what is necessary. Standing Order 62 provides that no business shall be proceeded with after 10 o'clock at night other than the business then under consideration, or the receipt of messages and the formal procedure following thereon. There is enough scope under that Standing Order to do business after 10 o'clock without asking members to consider Bills straight away. When Bills arrive here, I like to peruse them as well as I can. I am not capable of picking up a Bill at 11 or 12 o'clock at night, knowing nothing about it, and then doing my duty to the electors who sent me here. I am perfectly sure that it is equally hard on the Chief Secretary to ask him to do so, though he has probably had the advantage of discussing the measures in Cabinet or elsewhere considering the nature of the Bills—an advantage that other members have not had. The Notice Paper, with 24 Orders of the Day, contains many very important Bills, and from what we read we know there are still more Bills to follow. If we are going to take new business after 10 p.m. and sit until 2 a.m. or 3 a.m., we shall never do justice to the measures presented to us. I hope that at this stage the Chief Secretary will not press the motion.

**HON. E. H. HARRIS** (North-East) [4.48]: I support Mr. Seddon and Mr. Lovekin in their protest, and ask the Chief Secretary to consider the advisableness of withdrawing the motion for one week. There are no fewer than nine Bills on the Notice

paper, the second reading of which has not been moved, to say nothing of other important Bills to come to us from another place. We shall have ample business to keep us occupied for another week without suspending the Standing Orders.

**HON. J. CORNELL** (South) [4.49]: I hope the House will not refuse the Chief Secretary's request, which contains nothing new. He is acting only as he has acted since he has been Leader of the House, namely, asking at a certain stage of the session for the suspension of Standing Order 62, and it has always been suspended in order that new business might be taken into consideration. The Chief Secretary is not an unreasonable man, and I am certain he will endeavour to meet the wishes of the House in every way. If, owing to advancing years, he did become unreasonable, the House would still be master of the situation. If the Minister desired to proceed with any measure that the House was not prepared to consider at that stage, the House would have its remedy. I hope members will not interfere with the Chief Secretary in this matter. I would sooner see Standing Order 62 suspended than the other portion of the Standing Orders. There is less danger in suspending No. 62 than there is in suspending all the Standing Orders to take a Bill through all stages in one sitting. I hope the House will meet the wishes of the Chief Secretary in both instances.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [4.51]: Ever since I have been Leader of the House and during the term of my predecessors, about three weeks before the anticipated termination of the session, a request has been made for the suspension of the Standing Orders and no objection has been offered by the House. Whenever I have secured the suspension of the Standing Orders, no harm has resulted to anyone, so far as I have been able to discover. If I consulted my own convenience and comfort, I should be prepared to continue on the old lines. As has been said, I have very little time to consider the Bills, but I do consider them. At the end of the session I realise there are members from the country who have important work awaiting them and who do not wish to attend here unnecessarily, and I am sure all those members sympathise with me in my effort to induce the House to sit

longer in order to compass the work not hastily but without loss of time. That is all I am aiming at. To members residing in the city, I say from my own experience that the suspension of the Standing Orders will greatly convenience country members. I wish to get the views of members on this question, and intend to call for a division—

Hon. J. Cornell: If necessary.

The CHIEF SECRETARY: Yes.

Question put and passed.

### **BILLS (2)—FIRST READING.**

#### **1, Education Act Amendment.**

Introduced by the Chief Secretary.

#### **2, Geraldton Sailors and Soldiers' Memorial Institute.**

Introduced by Hon. G. A. Kempton.

### **BILL—REDISTRIBUTION OF SEATS ACT AMENDMENT.**

*Third Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [4.56]: I move—

That the Bill be now read a third time.

**HON. E. H. HARRIS** (North-East) [4.57]: The motion for the third reading of this Bill affords members another opportunity to express an opinion whether the measure should pass into law. During the second reading I took a stand in opposition to its passing and gave members a chance to record their votes. Believing that a number of them supported the Bill without realising the serious position in which they will have placed themselves if what I forecasted eventuates, I desire in a few words to review the position. The Commission entrusted with the redistribution of seats was appointed under a Bill introduced in 1928. The Electoral Districts Act of 1922-23, Section 10, provided—

(1) The State may be wholly or partially redivided into electoral districts by the Commissioners in manner hereinbefore provided whenever directed by the Governor by proclamation.

(2) Such proclamation shall be issued (a) on a resolution being passed by the Legislative Assembly in that behalf.

The Legislative Assembly passed the necessary resolution and the Commissioners were appointed as indicated by them in their re-

port under Section 10 of the 1923 Act as amended by the Act of 1928. They submitted their report which was duly signed by them and adopted by Parliament. I have directed attention to the fact that the measure of 1928 was improperly before another place. The point was raised there, and the ruling given by the Speaker was that when the Commissioners had submitted their report, and it had been adopted by Parliament, they ceased to function. Hon. members in another place objected to his ruling, but the ruling was upheld. Another point is that the Bill before us may be described as a Bill to amend the Redistribution of Seats Act, 1929. I submit that the Commissioners did their duty and presented a report and on that report a Bill was brought before us in 1928 and that since then the Commissioners have never been authorised to submit any report for 1929, even assuming that the Speaker was wrong when he ruled that the Commissioners had ceased to function. At the second reading stage I drew attention to the wholly altered electoral boundaries of five electoral districts and the party altered boundaries in the case of seven others. It was indicated by the Minister in another place that by the alteration of these boundaries five or six electorates were to have electors transferred from one to the other, for instance from Subiaco to Mt. Hawthorn and Mt. Hawthorn to Leederville, and 32 to Canning, also some numbers in other districts of which one is Middle Swan. There are seven electorates in which the electors are to be transferred and they will no longer be as originally set out in the divisional print of the roll. May I also draw attention to the fact that at the 1927 general elections there were five electorates in which the margin between the elected candidate and the man who was closest to him was very small indeed. In one instance the figure was seven. Last week we had a by-election in which the successful member was declared elected by 16 votes. I want members to remember this and to realise what the position will be if the Bill we are now discussing should pass, and if there should be a candidate elected by 20 or 30, or even 50 votes in any of the electorates enumerated here. I ask members what would they do if they were defeated by 20 votes and they had had 30 electors transferred to their district from another on the report of three commissioners who happened to be the same commissioners who were appointed in 1928 and who were not again

appointed in 1929. I submit that anyone who is not satisfied with the result of his election will have an excellent case if he goes to court.

Hon. A. Lovekin: You cannot go behind this Act if it is passed.

Hon. E. H. HARRIS: We should look very foolish if, after a contest, the whole procedure should be declared null and void, and perhaps not only for a particular district, but in connection with all the electorates. If errors have been made, those errors must stand until the Commissioners are re-appointed by the Government in the same manner as that adopted when they were originally brought into existence. It is my intention to divide the House on the motion so as to give members an opportunity to reverse their vote of the other evening.

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central—in reply) [5.4]: The hon. member submitted all these arguments on a previous occasion. I explained fully that errors had been made by the Commissioners and that the object of the Bill was merely to rectify the errors. The three Commissioners discovered that errors had been made—ridiculous errors, too, they were—and drew the attention of the Government to the fact so as to have them rectified. If the procedure suggested by Mr. Harris were followed, it would be necessary to re-appoint the three Commissioners—

Hon. G. W. Miles: That could have been done.

The CHIEF SECRETARY: Yes, but there was no necessity to do that. The Government recognise, and in fact everybody recognises, that the errors were simple and could be easily corrected in this way. We have an amendment of the Constitution before us and if that amendment is carried, the blunders will be effectively corrected and the position feared by Mr. Harris cannot possibly arise. If it were an interference with the boundaries as they previously existed, an interference that would alter in any material way or even a small way a previously-made arrangement, I do not think Parliament would be justified in passing the Bill. The passing of the Bill would prevent the Commissioners and everyone else being looked upon as the laughing-stock of the community.

Hon. J. Cornell: It shows that they were weighed in the balance and found wanting.

The CHIEF SECRETARY: The Commissioners themselves approached the Government and suggested the introduction of the Bill to remedy these small defects.

Hon. E. H. Harris: They were not appointed again.

The CHIEF SECRETARY: The Government acted upon their advice and the decision was applauded by Parliamentarians generally. By the introduction of the Bill there are eight votes affected throughout the State, and if the Act remains as it is, it will be simply preposterous.

Hon. A. LOVEKIN rose to speak.

The PRESIDENT: The reply by the mover of the motion closes the debate.

Hon. A. LOVEKIN: There is a motion before the Chair.

The PRESIDENT: The motion is that the Bill be now read a third time.

Hon. A. LOVEKIN: I wish to speak to that motion. Mr. Harris and the Chief Secretary have spoken.

The PRESIDENT: The Chief Secretary moved the motion and when the mover of a motion has replied, the debate is closed.

Hon. A. LOVEKIN: I did not understand the Chief Secretary was replying to the debate.

Hon. H. SEDDON: I shall move—

That the Bill be recommitted for the purpose of reconsidering Clause 1.

The PRESIDENT: The hon. member cannot move such a motion at this stage. The question is that the Bill be now read a third time.

Hon. H. Stewart: Is it not competent to move "That you do now leave the Chair for the purpose of further considering the Bill in Committee"?

The PRESIDENT: It is not competent to move any amendment after the mover of the motion has replied.

Hon. A. Lovekin: It might be advisable for the Leader of the House to move the adjournment of the debate if he wishes to save the Bill.

Hon. J. Cornell: He cannot do that.

The PRESIDENT: The question is that the Bill be now read a third time, and as the Bill requires to be carried by a statutory majority, there must be a division.

Division taken with the following result:—

|      |    |    |    |    |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 22 |
| Noes | .. | .. | .. | 4  |

—

## AYES.

Hon. C. F. Baxter  
Hon. J. Cornell  
Hon. J. M. Drew  
Hon. J. Ewing  
Hon. J. T. Franklin  
Hon. G. Fraser  
Hon. W. T. Glasbeek  
Hon. E. H. Gray  
Hon. E. H. H. Hall  
Hon. G. A. Kempton  
Hon. W. H. Kitson

Hon. A. Lovekin  
Hon. W. J. Mann  
Hon. G. W. Miles  
Hon. J. Nicholson  
Hon. E. Rose  
Hon. H. A. Stephenson  
Hon. C. D. Williams  
Hon. Sir E. Wittenoom  
Hon. C. H. Wittenoom  
Hon. H. J. Yelland  
Hon. J. R. Brown  
(Teller.)

## NOES.

Hon. V. Hamersley  
Hon. H. Seddon

Hon. H. Stewart  
Hon. E. H. Harris  
(Teller.)

The PRESIDENT: The question is resolved in the affirmative. The question now is that the Bill be passed.

Hon. A. LOVEKIN rose to speak.

The PRESIDENT: It is not competent to discuss the question that the Bill do now pass.

Hon. A. LOVEKIN: I am aware of that.

The PRESIDENT: Does the hon. member rise to a point of order?

Hon. A. LOVEKIN: Yes. Standing Order 209 says—

So soon as a Bill has been read a third time, the President shall, without permitting discussion, amendment or adjournment, put the question "That this Bill do now pass."

You have put the question "that the Bill do now pass." I am entitled to move an amendment to that—

The PRESIDENT: Order!

Hon. A. LOVEKIN: Will you allow me to proceed for one moment?

The PRESIDENT: On a point of order, yes.

Hon. A. LOVEKIN: I submit I am entitled to move an amendment to that, because every motion is capable of amendment and the Standing Orders themselves contemplate that. Take the case of a Bill: Standing Order 210 says—

After the third reading any clause printed in italics shall be struck out, but the fresh print of the Bill, as transmitted to the Assembly . . .

So that a procedure between the third reading and the passage of the Bill is contemplated. And as the Standing Orders provide that any motion submitted is capable of amendment, and as you have put the question that the Bill do now pass, I think I am entitled to move an amendment.

The PRESIDENT: Standing Order 209 reads as follows:—

As soon as a Bill has been read a third time the President shall, without permitting discussion, amendment or adjournment, put the question "That this Bill do now pass."

The question is that this Bill do now pass.

Hon. A. LOVEKIN: For future guidance I should like a ruling on this. Does your ruling cover Standing Order 210, which states that something may be interposed between the third reading and the passing of the Bill? If so, I think it is contrary to the Standing Order.

The PRESIDENT: Standing Order 210 has no bearing on the point raised by the hon. member. It reads as follows—

After the third reading any clause printed in italics shall be struck out, but the fresh print of the Bill as transmitted to the Assembly, shall contain such clause printed in erased type, and the same shall not be deemed to form part of the Bill.

That is done by the officers of the House, not by the House. I rule that the hon. member is not in order in proposing an amendment to the question that this Bill do now pass. I rule that under the clear meaning of Standing Order 209. Does the hon. member object to my ruling?

Hon. A. LOVEKIN: Does it follow from your ruling that we could not divide and negative the passage of the Bill?

The PRESIDENT: No. You could divide on it. The question is that the Bill do now pass. I think the Ayes have it.

Bill passed.

Hon. H. J. YELLAND: Should not there be a division to determine a constitutional majority on the question.

The PRESIDENT: No.

## BILL—SANDALWOOD.

Report of Committee adopted.

## BILL—COMPANIES ACT AMENDMENT.

On motion by Hon. H. Stewart, further report of Committee adopted.

## Third Reading.

On motion by Hon. H. Stewart, Bill read a third time and returned to the Assembly with amendments.

**BILL—LAND TAX AND INCOME TAX.***Personal Explanation.*

Hon. H. J. YELLAND: On a personal explanation: I regret that in my speech on Thursday last when quoting from the Auditor-General's report on interest charged to loans, I made an incorrect statement respecting the application of Migration Agreement advances received at 1 per cent. and charged at higher rates for railway construction and metropolitan works. This increased interest and charges, other than for agricultural development, applies only to the Albany-Denmark railway extension and the Elandring Northward railway. The inclusion of the other railways and the metropolitan works was an error. They were not completed with this cheap money. The point that the revenue of the State had benefited by the extra charges, which had enhanced the Treasury returns was therefore overstated to the extent now mentioned. I very much regret the error, and I take this opportunity of rectifying it.

*Second Reading.*

Debate resumed from the 21st November.

HON. J. CORNELL (South) [5.22]: It was not my intention to speak on this Bill, but there have come under my notice circumstances that warrant my doing so. The Chief Secretary had the adjournment of the debate, and I desire to thank him for his courtesy in allowing me to make a few remarks. I wish to deal particularly with the land tax division. I believe an effort will be made to reduce the land tax when the Bill is in Committee; certainly if my vote can do it, it will be reduced. If it cannot be reduced I think our land tax division, in its application to new settlers, requires a serious overhaul.

Hon. V. Hamersley: Why not old settlers as well?

Hon. J. CORNELL: Some of the old settlers are pretty well circumstanced and can carry it. But it does need an overhaul in respect of new settlers. I propose to give one instance which is typical of a good many, and is likely to be typical of a good many more. A man in the Southern Cross district applied for a block of land, and on the 1st January, 1928, he was allotted 1,200 odd acres at 10s. per acre, to be paid to the Crown. For the year ended 30th June, 1928, for the purpose of land tax his

land was assessed at £529, or 8s. 9d. per acre. He does not know who assessed it. However, it was assessed, and he would like to know when and by whom. The position is that if it were not assessed by the department, he would have been charged assessment on what he had to pay for the land, namely, 10s. per acre, which would be the assessable value for taxation purposes. Although he took it up on the 1st January, 1928, it seems he was liable to pay the tax for the year ended 30th June, 1928, and is now liable for the year ended 30th June, 1929. I am quoting only this one case, but I have a good many others. That man has been taxed £2 4s. 1d. under land taxation and £1 2s. 1d. under vermin taxation. The Premier will not be pleased when he finds one of his old friends has been taxed under his pet aversion, the vermin tax. And, best of all, this settler has been fined 4s. 5d. for neglecting to put in a land tax return. I may say the reason why that return was not submitted was sheer ignorance of the law.

Hon. G. W. Miles: How long has he held the land?

Hon. J. CORNELL: He secured the land on the 1st January, 1928. The department did allow him some improvements, which brought him under the one penny rate. But he is liable for the tax for the year ended 30th June, 1928, and he has his assessment notice for that year. Then he will get another blister for not putting in his land tax return for the year ended 30th June, 1929. Not one penny value has been produced off that land. The land has not been neglected but, being in a dry area, it has been fallowed.

Hon. J. Nicholson: Is there not an exemption for five years?

Hon. J. CORNELL: I will tell you of the exemption later. In investigating this case I have had a wonderful insight into the administration of land taxation. I want to draw the attention of the Chief Secretary and his Government to this: From Dulyahin to Mount Madden there are over 700 new locations, some of them 60 miles from an existing railway. On average holdings of 1,200 acres those settlers in this area if assessed on the basis of £3 6s. 2d. for land tax and vermin tax, are liable to pay £21,000. Yet not one penny of a return has been taken off their holdings. Moreover, probably not five of them will know that they are due to pay land tax and a ver-

min tax, and consequently have not submitted returns. Then if they are fined 4s. 5d. per head, it will mean nearly another £200 to the department. It is time to call a halt in point of land and vermin taxation to check the rapacity of the Taxation Department in such remote centres as that to which I am referring. Now I come to the five-year exemption. Before I get on with it I may say it has been the practice of the Lands Department to grant locations of 1,000 acres, and the Agricultural Bank will advance the full loan on a location if it contains 600 acres of first-class land. But in practice it is found impossible to so survey every block, and consequently, whilst one block of 999 acres is held by A, the next block of 1,001 acres is held by B. A, with 999 acres of conditional purchase land, does not pay land tax until after the expiration of five years, whereas "B" who may have only an acre over the thousand acres pays from the date the land is allotted to him. That is a glaring anomaly. The position is a little fairer under the Vermin Act, for any land held over 160 acres is taxable, and there is no time period exemption. Both taxes are payable in advance. Settlers are supposed to know the law, and that they are obliged to submit returns. If they do not know it—and they do not—they are fined for failure to send in returns. That is neither fair nor reasonable. If the tax cannot be reduced, some reasonable amendment ought to be made whereby men who are endeavouring to improve land 60 miles from a railway and have but little chance in the circumstances of making a living upon it, should be exempt from land tax. There can be no comparison between such a man, even if he is getting Agricultural Bank assistance, and is living like a blackfellow and working like a tiger, and a man who has squatted upon land for the last ten or fifteen years for a rise in values.

Hon. H. Stewart: That evil has existed for 20 years.

Hon. J. CORNELL: It is one of the striking anomalies about the land tax. I am surprised that members of the Country Party have not made a united effort to break down the system that has existed for so long. It has not been so much in evidence as during the last ten years.

Hon. H. Stewart: We could not get this House to pass an amendment.

Hon. J. CORNELL: The difficulties are much greater to-day than they were 10 years ago, when a settler could go out 40 miles from a railway and live upon his bank loan, whereas to-day he cannot do so 50 miles from a railway because of the extent to which prices have gone up. I hope some attempt will be made to rectify this anomaly. If it cannot be done, the Taxation Department ought to be directed to go to the Lands Department and ascertain to whom these blocks have been allotted. They should then drop a note to the settlers, enclosing a taxation form, and warn them that if they do not send in returns they will be fined. It is ridiculous for the department to assume that an unsophisticated cocky living 60 miles out in the bush knows the law, and to fine him because he does not know it.

HON. H. SEDDON (North-East) [5.33]: Both the Premier and the Leader of this House said when making their second reading speeches that they could not see how it was possible to effect a reduction in taxation. After an examination of the finances, especially of the Estimates, one wonders whether, so far from considering a reduction in taxation, in the best interests of the finances of the State it is really not incumbent upon the Government to impose an increase.

Hon. E. H. H. Hall: The Commonwealth will see to that.

Hon. H. SEDDON: Unfortunately the trend of affairs has led one to realise that financial burdens must be imposed upon the State that will require to be met. It would be considered unwise on the part of the Government to increase direct taxation. The general elections are coming on, and it would be an unpopular move to increase taxation, although it might well be justified. I shall endeavour to point out that owing to the finances generally it is incumbent on the Government to increase taxation in some form, if they intend to achieve the estimated surplus for the current year. As far as the Commonwealth is concerned, it must be remembered that just now overseas loans are not being raised. Australia is not importing the same quantity of goods, and the income received from the tariff is accordingly coming down. From the point of view of the State Government, there are other means of raising revenue, which have been adopted by the Government, such as the amendment to the Forests Act. It has repeatedly been pointed out that certain



members of the community are escaping taxation. The general impression is that such people have decided it is a good policy to dodge their responsibilities, in the hope that these will be loaded upon the other fellow. This applies particularly to income tax. Until we have a scheme of income tax that will affect every person who is earning wages, we shall not get that full sense of responsibility towards the affairs of the country that we should like to get from the public at large. The returns from taxation really depend upon the production for the previous year. The amount of income we shall be able to raise this year will be based upon the returns received last year by those who are liable for income tax. If last year's returns were below the average we have reason to believe that the proceeds from taxation this year will be correspondingly low. Although we have a good harvest this year, and things look healthy at present, the taxation that will be collected will be based on last year's work. The three items, income tax, dividend duty and stamp duty, may be said to be affected by the returns from last year. In considering these three items, one finds that allowances have been made by the Government in the Estimates which may involve reductions in revenue. As far as the actual land tax is concerned, we received last year £196,000, whereas the estimate for this year is £210,000. Last year income tax returned £329,000, and the estimate for this year is £320,000, a reduction of £9,000. When we know that our harvest last year fell below expectations we would be justified in expecting the Government to bring down estimates, allowing for a greater decrease from this tax than £9,000. Dividend duties last year returned £315,000, and are estimated to bring in this year £330,000. Although dividend duties must of necessity have been affected by trading last year, the Government in making up their estimates have allowed for an increase of £15,000. The amount of stamp duty received last year was £298,000, and the estimate for this year is £318,000, an increase of £20,000. That is on the revenue side of the ledger. I contend that these three items have been over-estimated. If we take into consideration the fact that the harvest last year was less than the harvest in the previous year, it must be clear to us that the income under the three heads I have mentioned must also be affected. This year the harvest was estimated to be 50,000,000 bushels. I gather

from persons who are well acquainted with the position, that we have not much chance of reaching that figure but that there is a chance of a return of approximately 40,000,000 bushels. That will mean increased traffic to the railways and should result in increased earnings. On the Address-in-Reply I quoted figures to show that although we actually carried a greater tonnage of wheat than in the previous year, the return in cash was less on the tonnage carried. One wonders what the result will be in the present instance. If we have to haul our wheat over a longer distance than was the case last year, we shall receive an increased return. But if the organisation of the railways provides for a shorter haulage, then possibly the returns from the wheat traffic, even if we have a bigger harvest, may not reach the figure attained when the quantity hauled was less. Other matters affect the State's finances, such as unemployment. A week or so ago the Honorary Minister indicated that we were still carrying a surplus of about 2,000 unemployed each month. It is obvious we shall be involved in certain expense because of the necessity for rendering financial assistance to these people. It is rather disconcerting to find in the Estimates for the Charities and State Children Department that an expenditure for this year of £116,000 has been allowed, while the expenditure last year was £136,000, a reduction of £20,000. From the amount of unemployment that exists now, we have reason to believe that last year's expenditure will be reached, if indeed it is not exceeded. That is another reason why we should be careful in placing before Parliament an estimated surplus when we know of sums of money that will make a big difference to the position, and will probably seriously affect the estimated surplus of £105,000. There is also the incidence of our borrowings. It has been pointed out that a considerable amount of employment actually results from the expenditure of loan money. If loan moneys are cut down, it follows that the amount available for expenditure and therefore for employment from that source will be reduced. The burden on the Charities Department will, therefore, be the greater on that account. The most serious problem of all is that of balancing the ledger. When introducing the Budget the Premier pointed out that as he had a large amount in suspense, he was able to clear up the accumulated deficit to the end of June, 1929. In

that respect the State is undoubtedly in a good position; but if the Treasurer's Estimates are found to be wrong, it is quite possible that we may finish up the year with a deficit. The question of attaining a deficit resolves itself into this: if a deficit is funded, we are charged, under the Financial Agreement, something like  $9\frac{1}{2}$  per cent. in respect of any loan floated for the purpose. The penalty is one which the House should seriously consider. There is the 4 per cent. sinking fund imposed under the Financial Agreement when a deficit is funded, and, added to that, interest. Thus there is a charge on the State of something like  $9\frac{1}{2}$  per cent.

Hon. H. Stewart: What about financing from trust funds?

Hon. H. SEDDON: It is interesting to refer to the remarks on page 5 of the Auditor-General's report dealing with that aspect. From those remarks it is apparent that a considerable amount of temporary financing took place in order to meet current expenditure. I stress these points because it is most desirable to obtain from the Government an assurance that they have given consideration to all those aspects, and that there is a probability of finishing up the current financial year with a substantial surplus. If that is not the case, the Government should be urged to withdraw their financial proposals and even introduce additional taxation measures.

Hon. G. W. Miles: And so create more unemployment.

Hon. H. SEDDON: The whole question of unemployment should be seriously reconsidered, because, after all, the direction of employment is a most important factor, particularly in view of the condition of imports and exports of this State. Personally I contend that far better results would have been attained if the Government had devoted their attention during the past six years to encouraging the establishment of secondary industries in order to provide permanent employment for the people, rather than indulge in an increasing loan expenditure. In further consideration of the question of balancing the ledger, I wish to refer to remarks made by the Premier when introducing the Land Tax and Income Tax Bill.

Hon. G. W. Miles: That was a good speech in support of Theodore and company.

Hon. H. SEDDON: I do not know that this House would be prepared to go the

length that the Scullin-Theodore Government are reported to be contemplating with a view to balancing their finances. If ever there was a serious outlook for Australia, it is that which will result from the steps reported to be under consideration by the present Commonwealth Government. That, however, is merely in passing. In discussing the measure, the Premier said it had been stated that in view of the State having entered upon a period of falling prices, the advisability of reducing taxation ought to be considered. The hon. gentleman further said that when a fall of prices took place, it affected the revenue of the State in so many ways that this was the very time when it became impossible to reduce taxation. He also suggested that when prices were high and the State was prosperous, and when money came into revenue from many sources, it was much easier to reduce taxation than at a time when prices were low and the season unfavourable. I take it the Treasurer on that occasion was speaking from a heartfelt appreciation of the fortunate position he has been in all through his term of office. If ever a Treasurer has had blessings showered upon him, the present occupant of the position has enjoyed that pleasant experience consistently since taking office. In support of my argument I wish to quote a few figures taken from the State's figures of revenue and expenditure for the last eight years. After all, when considering estimations, one does wisely to see what success has attended the past efforts of the person estimating. It is interesting to determine, by the records of the past, the extent to which the Government were correct in framing estimates. In a period of five years they guessed right five times, and for three years out of the five they guessed deficits. During only two of those five years were surpluses budgeted for, and one of those surpluses was a dud. Therefore one is justified in asking for a detailed explanation of the Government's Estimates for this year, in which they propose to achieve a surplus of some £105,000. I shall now quote figures for various preceding years. In 1924, when the present Government took office, a deficit of £297,982 was budgeted for, and a deficit of £229,158 resulted. In 1925, a deficit of £188,967 was budgeted for, whilst the actual deficit was £58,398. In reviewing those figures one would be inclined to infer that the country was making excellent pro-

gress, but one cannot help thinking that that progress was achieved because the Mitchell Government's policy of encouraging in every way the production of the State's requisites within the State was still having its effect, and had not, in fact, lost its force. It is safe to say that in 1926 the finances were entirely under the control of the present Government. Yet in that year the Government deliberately budgeted for a deficit of £98,079. They were close to that figure, the deficit being £99,143. In connection with the achievement of that deficit, it is interesting to note that the revenue was down £24,000 and the expenditure down £23,000. The year 1927 was the year of the general election, and I think I am justified in saying that in the Estimates for that year pre-election effects are observable. The Government budgeted for a surplus of £10,960, and secured one of £28,245. Their anticipations, therefore, were more than fulfilled. In the same year, however, the revenue was some £40,000 short, and the expenditure was down nearly £58,000. Therefore the figures constitute a further interesting exhibition of pre-election effects, the Government keeping expenditure, so far as they possibly could, within the limits they had set themselves. Later I shall go into the question of those limits, because comparisons bring some interesting results to light, if one analyses the manner in which expenditure and revenue have been increased from year to year and observes the margins allowed relatively to the preceding year's figures in each case. In 1928 the general election was over and done with, and for that year a surplus of £34,199 was budgeted for, and a deficit of £26,467 resulted. In other words, the Government were some £50,000 out in their calculations. In that year, it is interesting to note, the revenue was down £70,000, while on the other hand the expenditure was down some £9,000. In 1929 the Government budgeted for a deficit of £94,298, and finished with a debit of £285,068. For the current financial year the estimated revenue is £10,019,598, whereas last financial year's estimated revenue was £10,222,712. So that the estimated revenue for the current financial year is down by some £200,000. The estimated expenditure for the current financial year is £9,914,183, whereas last financial year's actual expenditure was £10,223,919. Thus the Government have estimated not only that they will receive less revenue, but

that their expenditure will be decreased correspondingly. Comparing the two sets of figures one arrives at the estimated surplus of some £105,000. It is to be observed, however, that this year's revenue is being relieved of a sum of about £350,000 thanks to the operation of the Financial Agreement. Adding that amount to the estimated expenditure, we arrive at figures showing that this year's estimated expenditure from Consolidated Revenue is really on a par with last year, although we have been informed by the Government that every care is being taken to reduce expenditure where possible. The actual reduction attained is due to the operation of the Financial Agreement, which, as I have said, relieves the State of a charge of £350,000. Therefore, so far from every care being taken to economise in expenditure, it is apparent from the Government's own estimates that they have prepared to expend from Consolidated Revenue during this year, in ordinary administration, just as much as they spent last year, although they have continually emphasised during the present session the need for care in expenditure so that a balance may result during the current financial year. I want to look at those figures again from another aspect. I know it is difficult to follow figures that are being read out, but I think that certain deductions can be made as we go along. Those deductions are illuminating. Comparing the figures with regard to expenditure and revenue over the years from 1922 to 1929, we see that whereas the expenditure for the year 1922 was down £26,386, in the year 1923 it was up £481,897, and in this latter year the revenue estimate was also up by £281,949. It is interesting to watch the trend of the figures. We find that in 1924-25 the expenditure went up by £335,091, and whereas it was expected that the revenue would be revised in view of the previous year's operations, it will be noted that in that year the revenue Estimates increased by £682,014 compared with the revenue for the previous year. Again, in 1925-26 the expenditure increased by £467,465 and the Revenue Estimates for that year went up £668,426 compared with those of the previous year. You will see, Mr. President, how the actual expenditure on one side increased year by year and to the extent it has increased the Government have been endeavouring to chase after it by increasing

the estimated revenue and, I think, have been trying to augment the sources of revenue in order to keep up with the ever-increasing expenditure. In 1926-27, which was an election year, we find that the expenditure increased by no less than £815,279 and the estimated revenue for that year also increased by £958,£30.

Hon. W. T. Glasheen: Why was the expenditure increased during that election year?

Hon. H. SEDDON: That is one point on which I hope the Chief Secretary will inform us. Let us now look at the following year, 1927-28, and here we see a very important change. The election was over. In that year the expenditure actually increased by £111,827, while the estimated revenue showed an increase of only £35,987. Last year, 1928-29, the expenditure increased by £389,504, and the estimated revenue increased by £345,116. It is interesting to note the enormous increase both in regard to the expenditure and the estimated revenue during the election year 1927. Although it may be explained that the increased revenue included a substantial amount from the Federal Government, the fact remains that the Government expended that money, and the expenditure of it must have come at a most opportune moment, as it did in that particular year. Coming to the present year, I have produced certain figures to show the estimated expenditure and revenue, and to judge on the returns for last year how the expenditure has been reduced. I have shown that it has been reduced by the deletion of £350,000 under the Financial Agreement. Incidentally, a reduction is shown of £20,000 in respect of the Charities Department and the Child Welfare Department.

Hon. E. H. Harris: Perhaps the Government think that will solve the unemployment problem.

Hon. H. SEDDON: When we think of that reduction, we wonder what is to happen regarding the Charities Department and the interests of State children, and whether the pruning knife will be exercised further there. So far as present indications serve as a guide, I should say that the expenditure of the Charities Department in respect of unemployment will be much the same as that for last year, even if the expenditure does not increase. As to the returns from public utilities, I have already pointed out that those returns will depend to a large

extent upon the result of the harvest. There is a question intimately involved with the finances, and that is the unemployment problem. I know it would be an unpopular thing to propose, but I consider we should have taxation imposed for the purpose of dealing with unemployment. As to whether it would be in the interests of the State to adopt that course, it has to be remembered that the people are being taxed indirectly under the present method of dealing with the unemployed and the money raised from a direct tax for this purpose could be used for the purpose of assisting those unfortunate people to secure permanent employment. This would seem to be a clear indication that the Estimates will be a good deal out if the Government are to attempt to solve the unemployment problem on a permanent basis. It is possible that the money the Government will receive from the forthcoming loan will enable them to cope with unemployment for the time being. I understand the Government's share will be £1,300,000, and the funds, coming at the end of the present year, will assist in the direction of enabling certain proposed loan works to be carried out, thereby taking off the labour market a large number of the unemployed. I would like to have an assurance from the Government that in the event of the loan position not improving, they have seriously considered how they will deal permanently with the problem of unemployment. That problem is wrapped up in the question of taxation. In view of the figures I have quoted I feel I am warranted in saying that the Government, had they done their duty by the State and placed the facts clearly before the people, could have justified themselves if they imposed increased taxation, particularly in view of the fact that moneys, representing a form of indirect taxation, are being spent now in assisting the unemployed, and funds are to be taken from certain sources that should be reserved for other purposes. I refer particularly to the Forests Act. We find the Government borrowing £10,000 according to the schedule of the Loan Bill, for expenditure on forestry purposes and at the same time we have before us a Bill to amend the Forests Act, which will enable the Government to take £50,000 into Consolidated Revenue, money that they will receive in the form of royalties on sandalwood. That seems to me a most peculiar type of financing for this State.

Hon. W. T. Glasheen: We are told we are supporting the unemployed from the Eastern States.

Hon. H. SEDDON: There is no doubt that a number of young people from the Eastern States have come to Western Australia. They displayed a laudable spirit of initiative. We should be glad to receive that type of migrant. Those young people showed initiative by coming to Western Australia to look for work, and I believe they will find it, and settle down.

Hon. H. Stewart: I understand they are tackling work now.

Hon. H. SEDDON: This State owes much to the people of initiative from the Eastern States who came here in the nineties and to the energy and determination of those young people to make good.

Hon. W. T. Glasheen: And they did.

Hon. H. SEDDON: The record of their achievements is one that they can be proud of.

Hon. E. H. H. Hall: You do not suggest that the conditions obtaining in the State at present were the same as those obtaining in earlier days.

Hon. E. H. Harris: They are worse now.

Hon. H. SEDDON: I presume the hon. member refers to the fact that in the early days there was the glamour of gold.

Hon. E. H. H. Hall: Yes.

Hon. H. SEDDON: But at the same time there was then an incessant urge to leave the Eastern States, due to the financial depression.

Hon. G. W. Miles: And to the high tariff and high taxation there.

Hon. H. SEDDON: Quite so, but it was largely due to the financial depression that the urge to find fresh fields and pastures new induced those people to come to the West. That urge still exists in the Eastern States.

Hon. W. T. Glasheen: At any rate, the opportunities are greater now than they were in the early days.

Hon. H. SEDDON: They should be, and they still exist. That fact should be recognised and our people should be encouraged to produce more commodities and thus avoid the necessity for importing our requirements. Our finances should be arranged so as to encourage the investment of capital in our midst.

Hon. G. W. Miles: And you suggest taking more money out of their pockets by means of additional taxation.

Hon. H. SEDDON: I do not know that the hon. member is justified in making such an assertion. If we could profitably employ those people to produce commodities that are now imported, we could show a balance all to the good, even though it might involve obtaining a certain amount of additional revenue from taxation. I have already pointed out to hon. members that at present that money is going out in an indirect way and if that were prevented by the imposition of a direct tax it would certainly be an economical proposition. Surely there is a clear indication that if we proceeded along those lines we could secure the production of commodities that are at present imported. That would be in the interests of the people of Western Australia.

Hon. H. Stewart: Do you mean more State enterprises?

Hon. H. SEDDON: We can develop our production and I am sure the people of Western Australia have sufficient confidence in the comradeship and loyalty of the working people of the State to know that they will be prepared to accept and support a tax that is imposed on everyone to deal with the question of unemployment along sound lines.

Hon. C. F. Baxter: Do you think you will decrease the burden by imposing additional taxation?

Hon. H. SEDDON: I have pointed out that this is an unfortunate time, but we must recognise that the field of income taxation is lamentably narrow. I have already informed this House on more than one occasion that 11 per cent. only of the salaried men and wage earners are paying taxation. Surely with the object I have indicated before us, we would be justified in saying that if the Government dealt with the question of unemployment on permanent lines, they would be quite right in asking every worker to contribute to the unemployment fund, provided it was wisely administered. That is why I want to know from the Government what steps they propose to take regarding unemployment arising out of the loan expenditure, and whether any encouragement is to be given to those who are endeavouring to establish industries in Western Australia.

Hon. W. T. Glasheen interjected.

Hon. H. SEDDON: In a country like Western Australia where the importation

reach such huge figures, I do not think it would be beyond the capacity of the present Government or any committee of sensible men to establish employment on better lines.

Hon. G. W. Miles: Do you think the present Government will impose a tax on the 89 per cent. of the population that are not taxed now?

Hon. H. SEDDON: Perhaps the hon. member will get an answer to that question after the general elections. I consider that in the interests of the State at present, if the Government did the right thing, they would increase taxation. In Western Australia, as occurred recently in the Federal sphere, whichever party is returned to power after the next elections, will have to impose additional taxation.

Hon. J. Cornell: What about grabbing a little from the vermin fund?

Hon. H. SEDDON: That is a matter that has been referred to more than once.

Hon. W. J. Mann: What about a bachelor tax?

Hon. H. Stewart: That has been deferred too long altogether.

Hon. H. SEDDON: I do not know that I agree with hon. members. However, I have placed the matter before the House, and I would like to hear what hon. members have to say regarding the Loan Estimates. In my opinion they require to be discussed far more fully than we have been in the habit of doing in the past. I have introduced the point during the discussion on the Bill now before us in the hope that the Chief Secretary will be able to give us further assurances that the estimated surplus will be realised. Unless I hear something more convincing than has been stated so far, I shall be compelled to oppose the second reading of the Bill.

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

HON. H. STEWART (South-East) [7.30]: I cannot allow the opportunity to pass without again referring to the fact that the Leader of the Government, when he followed the policy of taxing land without allowing exemptions, introduced a vicious principle in that he made the position of the man who does not improve his land relatively more favourable as regards taxation as compared with that of the man who does improve his land. I referred to this on a previous occasion, but evidently I did not

make myself clear. The Chief Secretary, in replying to me on the last occasion, set out the particulars of payments under the Land and Income Tax Assessment Act, but evidently he was unable to grasp the actual position. He said—

I do not understand how the man who did not improve his land is in a more favourable position than the man who did. Mr. Stewart's statement will not bear examination for one moment.

I propose to explain the relative positions of a man taxed on land that was not improved before 1924 and the man taxed on land that was improved and from which he draws his income. Before 1924 the tax on unimproved land was 1d. in the pound and the man who improved his land was taxed at the rate of only a halfpenny. But there was an exemption for the man who improved his land and derived his income from the use of the land consisting of a deduction of £250 worth of unimproved land. If the land was assessed at 10s. per acre, it meant an exemption equivalent to 500 acres on a 1,000-acre holding. Thus the tax was really a farthing per acre on the whole area. In addition to the £250 for unimproved value exemption, there was 100 per cent. rebate of the halfpenny tax if his income tax were greater than the land tax. That statement is indisputable. Since 1924, by the doubling of the land tax, the position of the man who did not improve his land has been relatively more favourable, as compared with the man who did improve his land, because by the amending Act of 1924 the exemption as to £250 value of land was wiped out entirely, while the rebate allowed against his land tax was only 50 per cent. of such tax as he paid.

Hon. J. R. Brown: If it were 100 per cent. he would pay no tax at all.

Hon. H. STEWART: Yes, and rightly so, because the land is his capital. This Chamber has always recognised that principle. The point was emphasised on three occasions in 1924. Other Ministers have referred to the fact of our continually harping on the land tax, but it is one of those things that ought to be emphasised. The man who does not improve his land is relatively not as unfavourably circumstanced since 1924 compared with the man who does improve his land and derives his income from it. The concessions granted to the man who improves his land are less than pre-

viously, because the exemption has been wiped out and only a 50 per cent. rebate of land tax is granted. If, prior to 1924, men would hold land without improving it and were willing to pay the tax, they would continue to do so under the amendments carried at the instance of the present Government. Thus the position of the man who improves his land has been made worse. The relief should have been granted to him, and that would have tended to compel idle land to be brought under cultivation. I hope that on this occasion the Chief Secretary will understand the position. I am fully conversant with the details of the amendments carried, as put up by the Taxation Department, but I wish to stress the relativity of the two positions. Although the Chief Secretary may not understand it, I join issue with him in stating that my remarks would not bear examination. It is perhaps difficult for him to understand the position, but those who were paying taxation under the old Act and who know the exemptions and rebates they enjoyed are fully aware that what I say is correct. If the Government had altered the incidence of the tax as I have advocated in this House during the last 12 years, and had retained the exemptions for the man who improved and utilised his land, and had increased the tax against the man who did not improve his land, charging 2d. or even 3d. to force the land into use, it would have been sound policy. An additional burden has been imposed upon landowners by reason of the revaluations having been enormously increased. I intend to go back further than the Chief Secretary went in order to show how the revenue from land tax has increased. The Minister gave us some useful figures showing the increased expenditure by non-revenue-producing departments, and he told us that the land tax had increased from £162,906 in 1927-28 to £196,301 in 1928-29. Going back to the year 1923-24, the year before the Labour Government took office, the land tax amounted to £71,449. In 1924-25, the year in which the amendments took effect, the proceeds of the tax increased to £113,877. The receipts have increased progressively year by year, because, as I think the Chief Secretary will agree, more land is being revalued by the Taxation Department, and greater revenue is received by reason of the higher valuations. I quite expect the Chief

Secretary to reply that the increase of revenue, consequent upon the doubling of the land tax, has been returned to the people in the form of railway freight concessions. That is quite beside the argument. The Government received from the taxation of land last year nearly treble the amount received during the last year of the Mitchell Government.

Hon. J. J. Holmes: Revaluations are going on now.

Hon. H. STEWART: Yes, and they are going up and up. We were told by Mr. Cornell what was taking place because of the need to meet the existing conditions. For the last six years I have drawn attention to anomalies in connection with that section of the Act that is now consolidated—Subsection 2 of Section 10 which deals with exemptions. I direct the attention of the Government to the justification there is for giving relief to those who are working their land. I am not putting up a plea for those who are not working their land; I have never sought to protect those people. We want a different system of valuations, an independent valuing authority. When the Taxation Department are revaluing land, they endeavour to estimate what is being got from it and they take into account all sales. When carrying out valuing operations three years ago they looked at what was the productive capacity of the land in bushels of wheat and in the number of sheep it could carry. At that time land that would probably carry two sheep to the acre and with the price of wool at 40d. would have a high productive value. What is the position to-day? Wool is down to 14d. The land that could carry two sheep to the acre several years ago had more than twice the value that it has to-day.

Hon. J. J. Holmes: And there are invisible improvements.

Hon. H. STEWART: All these facts are of no avail when the landowners are appealing against the revaluations. It is just an appeal from Caesar to Caesar. An excellent letter from the president of the Pastoral Association appeared in the Press the other day, and in that letter it was pointed out that a large proportion of the values substantiated by sales were from invisible improvements. These might be said to be carried out by the farmer, his wife and children or by paid labour for such as root picking, stone picking, top-dressing

for pastures, etc. There is nothing to show for those improvements. It might be said to be practically useless to appeal against assessments in this State, unless the appeals are from large holders. The feeling throughout the country amounts to this, that the position is practically hopeless. Whilst these taxes are being collected on values based on the productive capacity of the land, we must bear in mind that the economic productive value of that land to-day has fallen 50 per cent., taken by and large. Much of the wheat land has dropped considerably in value and certainly sheep-carrying land also. The position generally is seriously prejudiced. It is a wrong system that is carried out, that of making valuations, and then in the appeals permitting the officers who made the valuations to give evidence against the landholders and cross-examining them. The officials are always there to fight the owner who thinks he has been harshly treated by the valuations that have been made. I hope that when the special appeal board again visits this State, many of our landholders in spite of the circular that is issued by the department regarding appeals to be made within a certain period, will appear before the board. The Chief Secretary pointed out that during the regime of the present Government, the expenditure in connection with non-producing departments had increased very considerably and he mentioned these figures:—Education, nearly £110,000; Medical, £77,000; Lunacy, £26,183; Police, £71,000; Gaols, £8,000, and Charities, £53,000; a total of over £276,000. The Government receive a certain revenue and I presume they set out to find the best way in which they can utilise it. They propose to meet the position without prejudicing the existing state of affairs. They have to so allocate the expenditure that they will not cause unnecessary unemployment or a slackening off in business, but the present Government have received large sums of money from the Federal Government, notably the disabilities grant and the relief obtained from the passing of the Financial Agreement. We know also that they have had what no previous Government received, approximately £50,000 a year from forestry royalties. I have no doubt we shall be told that this revenue came from sandalwood, but I do not differentiate between that and forestry generally. Last year the Government were not able to meet the position

with a 34 million bushel harvest and this year the position will be not very much better, and in addition we shall be receiving a lower price for wool and perhaps a slightly lower price for wheat without any great increase in the yield of wheat. I do not see how it will be possible for the Government to finance on sound lines, especially when they have in mind the carrying out of a big programme which includes the treatment of mental deficients and a number of other estimable proposals. We in our private capacity would like to do many things, but we are forced to abandon the desire to carry them out when our circumstances are straitened. While our attention was drawn to the increased expenditure in connection with non-producing revenue departments, we must also bear in mind that in 1926-27 the Commissioner of Railways reported that owing to the bringing in of the 44-hours week the wages bill of the Railways was increased by £35,000. That was not for one year, but it was per annum. Then in 1927-28 the Government granted long service leave to the wages staff of the railways. That was responsible for £42,903. The only thing to do, it seems to me, is to keep the Government without money so that they can feel keenly their position.

Hon. J. J. Holmes: You cannot keep them without money.

Hon. H. STEWART: We should make it clear to the people how unfit the Government were to appreciate the necessity for cutting their garment in accordance with the amount of cloth they had. We can do that by putting up the facts.

Hon. J. J. Holmes interjected.

Hon. H. STEWART: Yes, they granted relief to the extent of abolishing the 15 per cent. super tax, on incomes, but it is as well to make all the facts known because they are not mentioned in all the speeches that are delivered. Examining the position carefully, it may be found that the Government gained more by adding to the land tax than they lost by taking off the super tax on incomes. So there was £77,900 per annum given away by the Minister. That has to be met every year. I suppose the Government believe in the principle that to him that hath shall be given. They propose to apply that principle even further, for I understand the Industrial Arbitration Act Amendment Bill means that our public servants and our State



school teachers are all coming along for further increases "to him that hath."

The Honorary Minister interjected.

Hon. H. STEWART: But people in positions of responsibility have the right to say yea or nay regarding expenditure. It is their duty to administer in accordance with what they have, and to meet requests in such a way as to promote the best interests of the State.

HON. G. W. MILES (North) [8.1]: I hope the Government will see their way to accept an amendment to the Bill when it reaches the Committee stage. I listened with mixed feelings to Mr. Seddon's speech this afternoon. Mr. Seddon advocated increased taxation as a means of overcoming the unemployment problem. I interjected that he should join the ranks of Theodore and company. We have just had demonstrated to us what the new Labour Government in the Federal arena bring forward as a means of creating more work in Australia. Their idea is to increase taxation, increase the tariff and increase the cost of living. And we have the Minister for Customs saying that the manufacturers and traders of Australia are not going to take advantage of the increased tariff, but will maintain their present prices, and so the increased tariff will merely prevent imports from coming in, and thus create more work. I say that policy will create more unemployment. In Mr. Seddon we have one regarded by some members of this House as a financial expert, yet he advocates that the present State Government should increase taxation as a means of solving the unemployment problem! Increased taxation and increased tariff mean taking money out of the pockets of men who know how to handle their own cash. This money, if left in their pockets, they will use for the development of the State and the creating of work for the unemployed.

Hon. H. Seddon: How can they do that if it is left in their pockets?

Hon. G. W. MILES: It is better in their pockets than in the hands of the Government. Mr. Seddon advocates that this money be taken out of the pockets of thrifty people who are using it for the development of the country, men who have had a life's training in that work. Without being in any way personal, I say it is because the members of the present Government, from the Premier downwards, are untrained in

the handling of funds that we are running into so many difficulties. Yet a member of this House can stand up here and advocate increased taxation on top of what has just been imposed upon us by the Federal Government! Mr. Seddon proposes to take money out of the pockets of practical business men and producers and hand it over to a team of politicians, men who belong to a political party, and who because they can get on a soap-box and persuade the public to return them with a majority—these men that have no business training whatever—are to have a lot of increased taxation to squander. I am referring, not merely to the present Government, but also to past Governments. Not many of our Ministers, present or past, could make a success of their own business. Yet they come along prepared to handle the affairs of the State, and we have private members advocating the raising of further taxation in order that those Ministers should squander it. It is by such means that Mr. Seddon would solve the unemployment problem.

Hon. J. Cornell: Why should he not advocate the State Government taking all the money the people have before the Federal Government can get it?

Hon. G. W. MILES: The more taxation, the more unemployment. A few months ago a certain gentleman who was in business in this State left here and went over to Victoria. Meeting him in the Terrace yesterday, I said to him, "Have you come back here to live?" He said, "Yes; as soon as I can sell my property in Victoria." I replied, "You will have some difficulty in selling it there." Agreeing that that was so, he said he had been offered £3,100 for his property last year. Since then, he has spent £100 in renovations, yet when, a few weeks ago, he put up the property at £2,400, he could not get a bid for it. That is the result of misgovernment in Australia, of government by a lot of incompetent people who do not know what they owe to the man on the land.

The Honorary Minister: That cannot be said of this Government.

Hon. G. W. MILES: I criticised the last Government, and declared they were talking with their tongues in their cheeks when they said they wanted to economise in the conduct of affairs of State. Mr. Lovekin called me to order, asking me to be fair. I said I was fair and that the then Premier,

on that very day, had admitted the tariff was one of the main causes of the increased cost of living and of unemployment. I remarked that despite his protestation the Premier would turn round and support Scullin and company—which he did. And as soon as Scullin and company come in we are to get a prohibitive tariff. And the Premier, after making that declaration, went to Narrogin, where he said he hoped the Commonwealth Government would not increase the tariff, which would mean a further tax on the producers. Then the Press of this State eulogised him, and said it was a statesmanlike utterance he had made. Yet only a week before he had been asking the people to return Scullin and Theodore to Federal power.

The PRESIDENT: I must ask the hon. member to connect his remarks with the subject of the debate.

Hon. G. W. MILES: Yes, Sir, I connect them in this way: In the course of this debate a member of the Council has suggested that the Government increase taxation. I am referring to the effect that increased taxation has had on the whole of Australia, and to the effect it will certainly have on the people of this State. I do not know what the hon. member had in his mind.

The Honorary Minister: A new philosophy.

Hon. G. W. MILES: The only sane point I could see in his argument was this: He said the taxes that were being paid to-day were paid by 11 per cent. of the people of the State; so I concluded he was asking the Labour Government to step in and tax the other 89 per cent.

Hon. A. Lovekin: Who was that?

Hon. G. W. MILES: It was Mr. Seddon's suggestion. I do not know whether he expected the Labour Government to bring down a proposal to tax the other 89 per cent. of the people. However, that is the position that has been created in Australia. We have brought about unemployment. No Government can solve that problem by taxing the people out of existence. Under additional taxation there will be more unemployment in this State and in the other States. On hearing the result of the last Federal election, I said it was a blessing in disguise because it would bring the people of Australia to see that they could not be taxed out of existence, and that instead of additional taxation what was required was increased commerce with other parts of the

world. We have been living on wheat and wool and borrowed money. The borrowed money has been squandered, and I say the amount the Government have to handle should be reduced. As Mr. Stewart has said, they require to cut their coat according to their cloth. If that be done, this country will get back on to economic lines. This applies to the States just as much as to the Commonwealth. They are on wrong economic bases, and unless they do get back and modify the tariff and taxation, and give the producers a fair deal, we shall go from bad to worse. As for the land tax, the valuations have been increased from time to time, and the men and women who have gone out to develop the country have not been treated fairly. One block has been satisfactorily developed while another alongside it has been left in its virgin state. Then the Taxation Department have come along and assessed the one holder at £2 and the other at 10s. Our system of taxation is altogether wrong. I hope the House will agree to reduce the land tax from 2d. to 1d. as an indication to the Government that we want them to economise and allow the people to develop the country and so find work for the unemployed.

HON. W. T. GLASHEEN (South-East) [8.13]: It is said that hope springs eternal in the human breast. I hope it does, for I am certain it needs to. Ever since the increase in the land tax was agreed to some five years ago, it has become a hardy annual. I should say that if we cannot get a decrease now we have no hope of getting a decrease in the future. Mr. Seddon said something about our very fortunate Treasurer, who has had a greater abundance of Federal money during his regime than has any other Treasurer. Because of that he should be in a position to agree to this proposed reversion to the original basis of the land tax. As well as having had that abundance of Federal money, Mr. Collier and his Labour Government have had a most regular sequence of good seasons and good prices, more regular than any previous Government ever had. After these good seasons and good prices, and an abundance of Federal money, if we are still unable to reduce taxation, hope needs to spring eternal in the human breast. I listened to Mr. Seddon's remarks, and entirely agree with Mr. Miles' criticism of them. Mr. Seddon referred to the huge amount the Treasurer

had received from Federal sources, and shortly afterwards said he was in favour of increased taxation. I think Mr. Seddon's usual logic is above that kind of thing. I would have expected him, after referring to the amount received by the State from the Federal Government, to say he would prefer better administration and the better expenditure of the money to having increased taxation. The receipt of this money has coincided with good seasons, and one would have thought Mr. Seddon would have stated there should have been no need for the present taxation if the finances had been properly handled. I thought he would have taken that line of reasoning. Next time he goes to his electors I should very much like to be his opponent. I am sure I would be able to clean him up at the ballot box if he advocated increased land tax.

Hon. H. Seddon: Of course it is unpopular to suggest increased taxation.

Hon. W. T. GLASHEEN: It is not only unpopular, but economically unsound.

Hon. H. Seddon: You must balance the ledger.

Hon. W. T. GLASHEEN: It will never be balanced by taxation. Every time taxation is increased, it becomes more difficult to balance the ledger. The Premier said he was disappointed with the returns from income tax, although there has been an increase of approximately £6,000. In my opinion he is destined to suffer even greater disappointment in that regard. If there is need every year for greater taxation, does it not logically follow that incomes will decrease? There appears to have been quite a quarrel in another place.

The PRESIDENT: Order! There is a Standing Order which provides that members of this House shall not allude to debates of the current session in another place.

Hon. W. T. GLASHEEN: I will get at what I wish to say in another way.

The PRESIDENT: I hope not.

Hon. W. T. GLASHEEN: The Premier doubled the land tax. What we object to is not that it has been increased from  $\frac{1}{2}$ d. to 1d., or 1d. to 2d., but it is the revaluations we object to even more. He said he was not responsible for the basis of the valuations but that another Government were responsible for that.

Hon. J. J. Holmes: He is right, too.

Hon. W. T. GLASHEEN: Yes. At the time he increased this tax, he based his calculations upon needing that much more

revenue. I am not concerned about the responsibility for the revaluations, but about the tax I have to pay on this new basis. I do not care twopence whether it was due to the Mitchell Government or the Collier Government. If the Premier's calculations were based upon the need for certain additional revenue and seeing that, to use his own words, "valuations have been increased threefold," I should say he was now getting three times more out of land tax than he intended. For that reason alone there should be a reduction. One of the sops which led to the passing of that legislation was that the Government said, "If you agree to this increase we will give you country people an equivalent in the way of reduced railway freights." I referred to this before, and Mr. Holmes said it worked out at about 3d. per ton on cigarettes. The freights were reduced in fractional amounts all over the State, on all kinds of commodities, such as kerosene, tea, sugar, etc. The reductions were so fractional on each item that they did not reach the man who paid the tax. If they reached anyone it was by way of additional profits to country storekeepers. I pay my land tax based on the new valuations, but I have not been able to see any sign of reduced freights. Mr. Stewart referred to the value of land at present and its previous value. Not long ago the price of wheat was substantially greater than it is to-day, and the price of wool was nearly double what it is to-day.

Hon. G. W. Miles: More than double.

Hon. V. Hamersley: At least three times greater.

Hon. W. T. GLASHEEN: The basis on which these new valuations were arrived at was the sale of land in any particular district. The price at which land was sold was taken as being the value of the land. The improvements were allowed for, and the difference between the cost of improvements and the price paid for the land was the valuation of the land for taxation purposes; in other words, the unimproved basis for calculation. I agree with Mr. Stewart that when wheat and wool were fetching better prices, the selling price of land was better. Probably if people who now own land were in the position of others who are looking for it, they would not now be prepared to pay the price they paid when they actually bought. People with capital were coming here from the Eastern States to look for properties. Because of the drought in their

own State, they would probably still be coming here, but they are hung up through being unable to dispose of their holdings. During the last two years agricultural lands have, I believe, dropped in value from 30s. to £2 an acre. Notwithstanding this, the Government valuations which were arrived at on the basis of high prices for wheat and wool and because people were then coming from the Eastern States and buying properties, still remain the same, and I presume will be unaltered for the next five or six years. A good deal has been said about unemployment. Our Labour friends seem to think they are much more concerned about those unfortunate people who are looking for work than are their political opponents, but I hold that our concern is as great as theirs.

Hon. E. H. Gray: It is regrettable that your side will not employ any other than Southern Europeans.

Hon. W. T. GLASHEEN: When one travels through the country districts of this State one is reminded of the conditions that existed in Victoria some 25 years ago. I have frequently seen five or six men carrying their swags along the country roads, calling at farm houses for a feed.

Hon. C. F. Baxter: That is what we see here now.

Hon. W. T. GLASHEEN: I have noticed it more during the last 12 months. One cannot go for a motor ride in the country without passing men with swags on their backs looking for employment.

Hon. C. F. Baxter: Six of them have walked into my place at once.

Hon. W. T. GLASHEEN: Last week more than that number called at my house for a feed. It is a sad reflection on Western Australia with its vast areas of land and the amount of development that has been done that this should be the position. We remember what Cecil Rhodes said, "So much to do, but so little done." Men are walking the roads and the streets to-day looking for work. This makes one at once interested in Mr. Seddon's statement that this would all be cleaned up and jobs found for everyone if taxation were increased.

Hon. H. Seddon: Did I say that? You might repeat what I did say.

Hon. W. T. GLASHEEN: That is the inference to be drawn from his remarks. I know the Premier will say, "I need this revenue; I have to square the ledger, and I

have to impose taxation." I am sure the Government would be pleased to relieve the primary producers of the burdens that are imposed upon them if it were possible to do so, but they are in the grip of the system.

Hon. H. Stewart: In the grip of their previous acts.

Hon. W. T. GLASHEEN: One Government is not much better than another. We are all inclined to legislate from the point of view of the parish pump, for the people we represent. We are all dragging at the bone. Every little community and electorate is trying to drag something from the Treasury and hoping the result will be satisfactory at the finish. We should have a less selfish outlook. We should have less of the parish pump and get down to economics. If we did that we should be setting about to make things a little better.

Hon. C. F. Baxter: And then the millennium!

Hon. G. W. Miles: Yes.

Hon. W. T. GLASHEEN: There will be no millennium. The worst thing that could happen to the country would be that it should reach the millennium. I hope this land tax will be reduced.

Hon. J. Nicholson: What we want is sanity when there is prosperity.

Hon. W. T. GLASHEEN: We are told that agriculture should be the backbone of the country.

Hon. G. W. Miles: So it is.

Hon. W. T. GLASHEEN: But, as one who knows, I venture to express the opinion that nine out of ten people on the land to-day, disappointed now with results and likely to become more disappointed, would get out if they could get out with something that would represent half of what they put into the land. These settlers are called the backbone of the State and it is indeed disappointing to think that an unbearable tax is to be placed on them, with the Treasurer holding out no hope of reduction. I trust that if this tax is not reduced to the level we desire, there will at least be an assurance that no other increases in taxation shall take place. I agree with Mr. Miles that Mr. Seddon should be the most pleased man in the State, in view of this land tax and of the increased tariff duties which are published in to-day's newspaper. Incidentally, Mr. Seddon will have to pay a good deal more for his whisky.

Member: He does not drink any.

Hon. W. T. GLASHEEN: So far as I know, Mr. Seddon has no dependants. However, Mr. Scullin seems to think that if he makes dearer old nicknacks and miscellaneous articles that children wear, the parents will be able to get more work. Did anyone ever hear anything more ridiculous argued? However, that is beside the question.

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

## **BILL—CRIMINAL CODE AMENDMENT.**

Debate resumed from the 14th November.

HON. J. NICHOLSON (Metropolitan) [8.34]: I at first had the impression that the Bill was really unnecessary in view of existing provisions in the Criminal Code. However, on making a review of that lengthy statute I found that there is some occasion for provisions such as this Bill contains, especially provisions which will be effective in the direction indicated, subject to amendment as suggested by Dr. Saw himself. That hon. member, who moved the second reading of the Bill, pointed out that there are in the Code certain provisions in respect of insanity. Section 27 of the Code contains a reference to mental disease. However, the provision does not go far enough; and therefore it is in the interests of society generally that legislation such as the Bill contains should be passed. No one, I feel sure, desires to see a person affected with mental disease or incapacity or deficiency suffer for an offence or crime for which he is not really responsible. If he had the full cognisance of the seriousness of his action, then of course responsibility would arise. But, in fact, in such individuals full responsibility does not exist. That being the case, some means should be provided for dealing with such a defect. The measure will, I believe, attain that end. I am glad Dr. Saw has seen fit to place on the Notice Paper the amendment in his name, and I feel sure it will commend itself to the House. I have also taken the opportunity to place an amendment on the Notice Paper. I trust that in Committee it will find acceptance. My amendment deals with Section 187 of the Criminal Code. Fortunately the Title of this Bill is wide enough to enable me to move that amendment. In certain instances, offences of the

kind referred to by Section 187 having been committed, the guilty person has escaped that measure of punishment to which undoubtedly he was entitled, because the unfortunate victim hid the offence until it was too late to prosecute. The section refers to taking advantage of girls under a certain age. One particular case was mentioned to me where, because of the fact that the evidences had been kept back from the child's parents, it was found impossible to prosecute; the knowledge was not conveyed to the parents until after the period fixed by the Act had elapsed. I shall move to lengthen that period from six months to nine months. I support the second reading of the Bill.

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

## **BILL—MENTAL DEFICIENCY.**

*In Committee.*

Resumed from the 20th November; Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 25—Effect of orders:

Hon. J. NICHOLSON: On behalf of Dr. Saw, I move an amendment—

That after "marriage," in line 3, of Sub-clause 4, the following be inserted:—"unless he produces a certificate from a registered medical practitioner that he has undergone an operation for sexual sterilisation."

The HONORARY MINISTER: I hope the amendment will not be pressed. The reason for prohibition is that the persons concerned are incapable, owing to mental deficiency, of minding their own affairs.

Hon. E. H. Harris: Will they be able to do so after having the operation?

The HONORARY MINISTER: For that reason they should not be allowed to marry and have the custody of children, for which they are unfitted.

Hon. H. Stewart: How is procreation going to be stopped?

The HONORARY MINISTER: Sterilisation will be discussed on another clause.

Hon. J. NICHOLSON: This was a point Dr. Saw stressed on the second reading, urging—rightly, I consider—that if by the Bill we precluded mental defectives from entering into the bonds of matrimony, we would simply be encouraging a highly undesirable promiscuity. I had not previously

read the amendment tabled by Dr. Saw, and the Honorary Minister has pointed out one phase regarding the adoption of children by persons who had married in the circumstances outlined. I do not think any judge would be likely to make an order in favour of such persons, without making full investigations regarding their characters and previous histories. Therefore, I do not think the Honorary Minister need dread such people having responsibilities imposed upon them under the Adoption of Children Act. There is something to be said from another standpoint. I fear the amendment in its present form is calculated to be applicable to contracts quite apart from that of marriage. I do not think that is what Dr. Saw intended, and I ask the Honorary Minister to allow the clause to be postponed so that I may get in touch with the hon. member.

**THE HONORARY MINISTER:** When Dr. Saw was speaking on the second reading of the Bill, he dealt with this phase but referred only to the marriage aspect. For that reason I referred to that phase only. If a defective is in an institution or under guardianship, he is there for his own protection as well as for that of others, and no one can say that merely by means of sterilisation, a person will be capable of managing his affairs like a normal individual. Although without the power to reproduce their species, the patients will still be mentally deficient. That being so, I think it would be wrong to give them power to contract marriages. I do not desire to delay the passage of the Bill unduly, but I will not press the clause because we must be careful when dealing with such a matter. I move—

That the further consideration of the clause be postponed.

**THE CHAIRMAN:** There is no doubt as to where Dr. Saw intended his amendment to be included.

**Hon. A. LOVEKIN:** I suggest that we pass the clause as it stands and then reconsider it on recommittal.

Motion put and passed; the clause postponed.

Clause 26—Duration of detention under order:

**Hon. A. LOVEKIN:** In Subclauses 4 and 5 the word "guardian" appears. During

the course of the inquiries by the Assembly's select committee, attention was drawn to this point, and Miss Stoneman was interrogated as to the actual meaning of the word. Her answer is to be found in reply to question 429. Miss Stoneman said that in one instance it was intended to refer to the natural guardian and in the other to the legal guardian. Both the Chairman (Hon. S. W. Munsie) and Miss Stoneman overlooked the interpretation of the word "guardian" in the definition clause. I think the subclauses should be made more clear, and I draw attention to the point because it is a matter for the Parliamentary draftsman.

**THE HONORARY MINISTER:** There is no difficulty on that score. The guardian meant is the person in whose charge the defective has been placed. That individual may be the legal guardian, although he may be the natural guardian as well. Parents may be appointed legal guardians under the provisions of the Bill, but on the other hand, the legal guardian may be someone who is no relation of the mental defective at all. If Mr. Lovekin thinks he can amend the clause by making it more clear, I will take notice of what he says.

**Hon. A. LOVEKIN:** The Honorary Minister has missed my point. The interpretation clause defines what is meant by a guardian throughout the measure.

**Hon. J. Nicholson:** But the guardian is one appointed under the Act and Subclause 2 of Clause 25 further explains the position.

**Hon. A. LOVEKIN:** I do not think that affects the position, but I am merely drawing attention to it.

**Hon. H. SEDDON:** I ask the Committee to assist me in securing the deletion of Subclause 14.

**Hon. E. H. Harris:** Subclause 14 only?

**Hon. H. SEDDON:** There is not sufficient evidence in the medical world to justify any Government at present in undertaking such an important responsibility as legislating in favour of sterilisation. The introduction of such a provision into our legislation is far in advance of what we are justified in doing. Arguments have been advanced in favour of sterilisation, but I have pointed out from the report of a select committee that it was indicated that 70 per cent. of the causes of mental deficiency have been determined as the result of an injury to the brain. In those circumstances, no Parlia-

ment would be justified in going so far as to permit of operations for sterilisation of individuals who are mentally deficient, even if those persons give their consent, assuming that they are sufficiently intelligent to give that consent. It is going too far.

Hon. J. R. Brown: They would be mentally deficient if they gave their consent.

Hon. C. F. Baxter: What is the hon. member's objection.

Hon. H. SEDDON: While we are in a state of uncertainty just when such an operation is permissible, we are not justified in legislating in favour of sterilisation. We are taking steps to segregate them, and by keeping them segregated they will be prevented from coming into touch with other people. To adopt sterilisation would be quite unjustified and would be a moral wrong. I move an amendment—

That Subclause 14 be struck out.

Hon. H. STEWART: This proposed legislation is far too elaborate for the State at present. We are seeking to deal with a question about which there is much yet to be learnt. When other branches of science had advanced no further than psychology has done, principles were enunciated that were afterwards proved to be wrong. Although I am in sympathy with the object of the Bill, we would not be justified in passing a measure on such comprehensive lines.

Hon. V. HAMERSLEY: The only justification for such legislation is that sterilisation would be adopted. If the subclause be not included, I would prefer to see the Bill rejected. I am opposed to incurring the expense of providing buildings, appointing officials, permitting criminals to be removed from prisons to institutions and then released if we do not insist upon the operation before they are given their freedom.

Hon. A. LOVEKIN: If the subclause be deleted, the Bill will be valueless. To segregate mental deficients and do nothing further is useless. Mental deficients will break away from control and the result will be more mental deficients.

Hon. J. Nicholson: You would need a big compound in which to keep them.

Hon. A. LOVEKIN: Yes; and the expense would be enormous. The only way to limit the expense of dealing with mental deficients is to ensure that there shall be no increase in the number. Mr. Seddon and

Mr. Stewart indicated that psychology was practically an unknown science. Perhaps so, but in England a committee of ten of the most eminent medical men considered this subject. They were Sir William Arbuthnot Lane, Sir Bruce Porter, Sir Alfred Arripp, Sir James Dundas Grant, Sir Thomas Horder, Sir James Purves-Stewart, Sir George Robertson Turner, Sir John Thomson Walker, Dr. R. A. Gibbins, and Dr. T. E. Knowles. In addition we have had the expression of opinion from Supreme Court judges, and all agree that it is useless to provide institutions for feeble-minded persons. The only effective means is to prevent their propagation. In America it has been found that where both parents are feeble-minded, 60 per cent. of the children are feeble-minded, and where one parent is feeble-minded, 40 per cent. of the children are deficient. In preference to the isolated cases mentioned by Dr. Tredgold, I prefer the opinion of such distinguished men in the British medical world who say—

Heredity is the great cause of mental deficiency. The offspring of mental defectives are themselves mostly mentally deficient. In the interests of those affected, as well as of the nation, all these individuals should be prevented from propagating their species. The only effective means of preventing propagation is by sterilisation, and we are of opinion that sentiment and ignorance should not be allowed to interfere with the means of treatment by which the capacity to produce an imbecile progeny should be arrested.

Cases have come before the court of girls having had four; five and six children, all mentally deficient, and the State is keeping them to-day while the mental deficient is at large.

Hon. H. A. Stephenson: In how many cases have you had four, five or six?

Hon. A. LOVEKIN: I suppose in eight or nine cases. There is one instance of five of the children being on the State; another girl who had had six children, the father of whom she did not know, is at large, with the children on the State.

Hon. H. Seddon: Would not the same result be obtained by segregation?

Hon. A. LOVEKIN: I think not. One girl was segregated in a home at Fremantle. She got out and the first man she met got her into trouble, and the child is now on the State. If that girl escapes again, probably there will be another child for the State to maintain. Why should we undermine the race by allowing mental deficients to breed?

If this subclause be deleted, I shall not support the Bill any longer, because it will be merely a source of expense to the State to build institutions than can do no good in the long run.

The CHIEF SECRETARY: I wish to make my position clear. This provision was not in the Bill as introduced in another place, but was inserted on the recommendation of the select committee. I am strongly opposed to it, and shall vote against it. I am not in charge of the Bill.

Hon. H. A. STEPHENSON: I strongly object to the subclause. There is a great diversity of opinion among experts as to the wisdom of adopting sterilisation. Mr. Lovekin has quoted many authorities in favour of sterilisation, but I dare say that if one made a search he could find as many or more equally eminent experts holding the contrary opinion. The other night I quoted one of the most able experts in the Empire, and I challenge any member to say that the statement of Sir Robert Armstrong Jones in the London "Times" was not correct. One of the most highly qualified men in the British Empire, Sir George Newman, has said, only within the last few days—

It is fallacious to suppose that if we sterilise mental deficient you cut off the bulk of mental deficiency. The great majority of mentally deficient children are not directly the off-spring of deficient parents. The ages below five are the most susceptible for the body and mind.

Environment may be said to be the cause of mental deficiency in children up to five years of age. Quite a number of such children become mental deficient for which the parents cannot be held responsible. Opinions have been expressed by eminent men but I can quote as many who have expressed opposite views. Mr. Lovekin has gone to the trouble of looking up a number of authorities, and I have got as many without looking at all. It is a serious step that it is proposed to take, and one-sided. There is nothing in the Bill to afford protection to young men who we know are often decoyed by the opposite sex. Mr. Lovekin has told me of many cases that have come before him in the Children's Court that would astonish any father, and he has proved to me that many young girls of 15 or 16 years of age are nothing less than decoy ducks who are out to ruin young men. Therefore we should be careful before we attempt to pass the clause.

Hon. H. SEDDON: If we attempt to introduce such a drastic measure as is proposed, it will mean going outside the bounds of commonsense and reason. Even if mental deficient are sterilised they will still have to be taken care of.

Hon. A. Lovekin: But they will not reproduce any more feeble-minded.

Hon. H. SEDDON: If they are sufficiently capable in other directions and are taken care of, we shall be sterilising perhaps many who show glimmerings of responsibility and intelligence. I should like to quote an experiment that I read of as having been carried out in America, dealing with the question of the conveyance of characteristics. The experiments were conducted with regard to the breeding of wheat. The wheats were crossed and re-crossed, and in-breeding was carried out to the extreme. The result was that a wheat was bred that was stunted in growth. They still continued the process of in-breeding until they got down past the seventh generation of in-bred wheat, and they arrived at a stage where the wheat appeared to be everything that was undesirable. What happened then? They went further with the experiment and took one of that class of wheat and another of the same class, but just as widely separated as they could possibly get them, and bred them together. The result was that there was bred a wheat which was right up to standard, and which was stronger in its power of resistance to many diseases, and which altogether appeared to be a remarkable plant. I am quoting that to show that the result of carrying out experiments of an extreme nature was the display of certain characteristics with regard to transmission, characteristics that were never expected. If it is possible to get such a result with plants, how do we know that it will not be possible to get a similar result with humans? If it is desired to achieve the result aimed at by those supporting the Bill, go right ahead with the idea of segregating these people, but do not go so far as to carry out sterilisation as proposed by the Bill.

Hon. H. STEWART: I could quote a long list of names of distinguished people who have given expression to certain ideas and who afterwards have been proved by science to be wrong. Only a few years ago it was thought that the atomic theory of chemistry was beyond dispute, and now we might say it has been practically upset by



research work. Psychology is a baby science.

Hon. E. H. Gray: This is not a baby disease we are dealing with.

Hon. H. STEWART: Definite pronouncements may be made in connection with this science, and those who look back upon the history of the past will agree that while distinguished men may to-day be dogmatising in one direction they may be dogmatising in an entirely opposite direction in ten years time, if they are still alive. I am with Mr. Lovekin in supporting the clause.

Hon. E. H. HALL: We have heard personal experiences related and have had authorities quoted on both sides. We have also listened to an academic discussion by Mr. Stewart. Surely now we should come right down to earth. We should not waste any further time in debating the subject. If there is a vital clause in the Bill, it is this clause and I am in favour of it.

Hon. C. F. BAXTER: Mr. Lovekin is aware that there are several young girls in the city who, unfortunately, have given birth to child after child and whose children are being cared for by the State. It is such cases that we have to deal with. If we take this clause out of the Bill we destroy the value of the Bill entirely.

Hon. E. H. GRAY: The Bill depends on the efficiency of this clause. Mr. Stephenson, when quoting Sir George Newman, did not succeed in quoting him correctly. This is what Sir George Newman said:—

“Proper provision for the nurture and education of at least 2,000,000 of England’s 3,000,000 children under the age of 5 years does not exist. The lack of suitable arrangements for dealing with disease before the child reaches that age is responsible for the great mass of preventible disease which contravenes education, frustrates expenditure on it, and sows the seeds of incapacity in the adult population. It is fallacious to suppose that if you sterilise mental defectives you cut off the bulk of mental deficiency. The great majority of mentally deficient children are not directly the offspring of deficient parents. The ages below five years are the most susceptible for the body and the mind.”

I expected that on this clause we would get plenty of support from country members who know something of the breeding of stock. We do not require a knowledge of psychology to induce us to support this provision, for our experience of life tells us it is monstrous to allow mental defectives to marry and reproduce their species. As a man of ordinary experience, I say we require this clause to render the Bill effective.

Hon. J. NICHOLSON: When considering such a clause we require to get down to hard facts. In the course of the discussion we have got a little wide of the mark.

The CHAIRMAN: I hope the hon. member will set a good example.

Hon. J. NICHOLSON: There is nothing compulsory in the clause. It does not impose castration, but merely the lesser operation of sterilisation, and even that not under compulsion. Statistics show that the number of mental defectives is steadily increasing throughout the civilised world; so much so that other countries have found it necessary, for the preservation of their racial standards, to adopt this policy of sterilisation. One writer has called attention to the extraordinary numbers of unfit in our community. He pointed out that unless we sought to safeguard our position, we would reach the stage where we should be governed by the unfit.

Hon. H. A. Stephenson: Are you sure we have not reached that stage now?

Hon. J. NICHOLSON: If we are to remain fit as a race, we must exercise proper control, which will safeguard our position and maintain our standard. Many authorities have been quoted here, and I wish to read from still another, Havelock Ellis. In his book, “The Criminal,” on the sterilisation of the unfit, he recounts this—

The castrations took place in the Swiss Cantonal Asylum at Wil, and are reported in the 16th annual report of the asylum. There were four cases, two in women and two in men. The two women, of whom one was epileptic and the other weak-minded, were both liable to attacks of excessive sexual excitement, and both had several illegitimate children which had been a burden on the community, so that the local authorities were opposed to their liberation from the asylum. One of the men was psychically abnormal, and with a tendency to satyriasis; the other was of good intelligence but had homosexual impulses, and was unable to resist the temptation to commit offences with minors. All four of these persons were able to earn their own living, but their sexual tendencies rendered them a danger to others and a burden to the community. It was thus on social, not on medical, grounds that their castration became desirable. They themselves were willing, and in one case anxious, to undergo the operation; the consent of the relations and the authorities was also obtained.

And again Ellis, speaking of sterilisation, says—

It is a measure which must be regarded as a protection to the individual, to society, and to future generations, and should only be car-

ried out with the consent of the man or woman concerned.

Those people having undue sexual impulses, go about with danger to themselves and to the rest of the community, propagating their species and demoralising our race. Must we not maintain our high standard? The only way to do it is to protect the type. Civilisation is becoming undermined by the methods we have adopted. Our criminal courts are crowded with people who are really the outcome of the weaknesses in our civilisation.

Hon. J. J. HOLMES: I have listened to the eloquence of my friend who has just sat down, but I do not think the Bill will bring about the effect he desires. The person who has sufficient sense to know that he ought to be sterilised, the man who knows sufficient of his disease to be able to live it down—that is the man who, under the Bill, is going to be sterilised. The late Inspector-General for the Insane, Dr. Montgomery, one of the brilliant men in his profession, told me that when he had a patient who thought there was nothing wrong with him, he made up his mind that the man would be in the institution forever. If another man admitted there was something wrong with him, and there was some evidence of sanity, it was a starting point to lead him back to the right track. The only people this clause will deal with will be those who have sufficient mentality to know there is something wrong with them, and if they have to choose between sterilisation and confinement they will probably select the former. I do not agree that mental deficient are always the result of weak mentality on the part of the father or mother. I read a book recently which rather opened my eyes. I have known families, the fathers of which have been amongst nature's gentlemen and the mothers women of high character. I could never understand why in some cases the progeny did not come up to the standard of the parents. The book I refer to proved conclusively that in some cases the natures of the father and mother had not blended in order to produce children of the requisite standard of mentality. I know one youth who was dragged up under awful conditions, but he has turned out to be one of the most highly respected men in the country.

Hon. W. J. Mann: Do you not think people would prefer sterilisation to confinement?

Hon. J. J. HOLMES: Prisoners are fed so well, and provided with so many amusements, such as picture shows, concerts, etc. that they may come to regard a gaol as a home from home. People may even profess to be mentally deficient in order to obtain some of these comforts.

Hon. J. Nicholson: The clause applies to the person the board may consider should be sterilised.

Hon. J. J. HOLMES: The only person who has any say is he who is amongst the highest grade of the condemned, the man who knows he has not sufficient control over himself. My objection to the clause is that it does not deal with all mental deficient as it should, but only those who are in the higher grade.

The HONORARY MINISTER: There is a wide difference of opinion amongst experts on this point. The clause has been inserted as the result of the deliberations of the select committee of another place, and, as the Government agreed to its insertion, I must support it. It provides that others besides those who are prepared to submit to sterilisation may be sterilised under certain conditions. The final decision rests with the board, who are entitled to say whether they shall be set at liberty if they agree to the operation. I should like to quote from Dr. Norwood East, one of the best of the recognised authorities in Great Britain. He is a medical inspector of His Majesty's Prisons in England and Wales, Lecturer on Criminology and identified with a number of other positions. He has written a book called "An Introduction to Forensic Psychiatry in Criminal Courts." On page 113 he says—

Sterilisation is directed to prevent either perverted sexual practices or the transmission of hereditary taint, and the views of different authorities may be referred to with advantage. The Medical Committee of the Central Association for Mental Welfare were asked by the council of that body to consider the matter in June, 1922. Their report, published the following year, refers to the fact that the weight of available evidence is to the effect that, although mental deficiency is transmitted by mentally defective parents, a proportion only of mental defectives are from offspring of obviously defective parents. The majority are either the children of parents who appear to be normal, although frequently "carriers" or of those suffering from insanity, psychoneuroses, or a mild degree of mental and physical abnormality which is not certifiable. Hence mental defect would not be eradicated even were all certifiable defectives sterilised. And whilst they considered that the application of

sterilisation to suitable cases would be attended with considerable racial and preventive results, they regarded such application as quite impracticable from the difficulties which, in actual practice, would attend the diagnosis and selection of cases. They pointed out that a large proportion of defectives would still require institutional care, although sterilised on account of anti-social propensities other than sexual, and they regarded segregation as a preferable procedure. They further considered that sterilisation would lead to a false sense of security, and would result in a large number of male and female defectives who should be segregated being set at liberty. They stated that in America sterilisation laws had been enacted since 1907 in 15 American States. In five the law had been declared to be unconstitutional, in one definitely repealed, in four practically a dead letter, in three it was being used still, but only to a very limited extent, and in two only was it said to be made use of at all extensively.

That is the position to-day. In only two States of America are they carrying out the powers given to them.

Hon. J. J. Holmes: Should we not go slow?

The HONORARY MINISTER: I agree. The extract continues—

They concluded that the presence at large of sterilised defectives might increase sexual assaults would encourage promiscuous sexual intercourse and would consequently lead to a direct increase in the incidence of venereal diseases and their sequelae.

The author quotes further authorities—

White and Jelliffe, in discussing operative measures to make procreation impossible, conclude none of the solutions are satisfactory. The problem is too large to be arbitrarily dealt with, and they point out that there is no public sentiment to demand intervention. Neither will the segregation nor asexualisation of existing cases of transmissible defect stop the production of defectives. There are influences such as alcohol and syphilis, constantly at work in our civilisation to pull down the normal to the level of defectives. They state that if asexualisation is done early no sex consciousness develops, but after that has developed, and the person has had the normal sex sensations, the removal of the organ does not destroy the memory or the feeling. And I would add, does not prevent the liability to commit sex offences . . . Lawson Tait and Bantock noted that sexual passion appears to be at times increased after removal of the ovaries, tubes and uterus . . . Dr. R. A. Gibbons, in a paper on the "Sterilisation of Mental Defectives," read before the Section of Medical Sociology at the annual meeting of the British Medical Association in 1923, advocated sterilisation to prevent propagation, and that "it should be given a fair trial, one which must naturally extend over

many years." But he seemed doubtful of the result, for he added that "this treatment may not be the final solution of the problem, and if found wanting the members of our profession have too much good sense to allow it to continue." Havelock Ellis considers that there can be no doubt that castrated men may still possess sexual impulses, and gives reasons for considering that they remain potent. He aptly remarks that castration of the body in adult age cannot be expected to produce castration of the mind, and quotes Guinard, who concluded that the sexual impulse after castration is relatively more persistent in man than in the lower animals, and is sometimes even heightened.

I think I have quoted sufficient to show that there is divergence of opinion between recognised authorities on sterilisation. The main point I wish to make is that the clause is permissive, and that the operation will not take place unless, firstly, the person, or the parent or guardian of the person, is agreeable that the operation shall take place, and, secondly, the board are prepared to allow the person his liberty provided the operation does take place. The clause seems to me to deal reasonably with cases of this kind. I shall object to extension of the clause if it is suggested by any hon. member.

Amendment put, and a division called for.

The CHAIRMAN: Before appointing tellers, I desire to intimate to the Committee, under Standing Order 155, that I am voting for the deletion of Subclause 14. I am no prude, but my considered opinion is that we do not know sufficient of the subject to affirm the principle of sterilisation. As to sterilisation, my humble opinion is that its place is in the category of things much talked about and much advocated, but very little understood. I consider that until such time as we know more of the subject, we ought to leave the matter to others, and ourselves let it alone.

Division taken, with the following result:—

|                  |    |    |    |    |
|------------------|----|----|----|----|
| Ayes             | .. | .. | .. | 10 |
| Noes             | .. | .. | .. | 16 |
|                  |    |    |    | —  |
| Majority against |    |    |    | 6  |
|                  |    |    |    | —  |

#### AYES.

|                   |                       |
|-------------------|-----------------------|
| Hon. J. R. Brown  | Hon. G. A. Kempton    |
| Hon. J. Cornell   | Hon. H. Seddon        |
| Hon. J. M. Drew   | Hon. H. A. Stephenson |
| Hon. J. Ewing     | Hon. H. J. Yelland    |
| Hon. J. J. Holmes | Hon. C. B. Williams   |
|                   | (Teller.)             |

## NOM.

|                     |                      |
|---------------------|----------------------|
| Hon. C. F. Baxter   | Hon. W. H. Kitson    |
| Hon. J. T. Franklin | Hon. A. Lovekin      |
| Hon. G. Fraser      | Hon. G. W. Miles     |
| Hon. W. T. Glasheen | Hon. J. Nicholson    |
| Hon. E. H. Gray     | Hon. E. Rose         |
| Hon. E. H. H. Hall  | Hon. H. Stewart      |
| Hon. V. Hamersley   | Hon. C. H. Wittenoom |
| Hon. E. H. Harris   | Hon. W. J. Mann      |

(Teller.)

Amendment thus negatived.

Hon. A. LOVEKIN: I move an amendment—

That the following subclause be added:—  
“(15) If any person is convicted under the Criminal Code of an offence under Sections 181 (unnatural offences) 183 (indecent treatment of boys under 14) the first paragraph of 185 (defilement of girls under 13) 277 (so far as same relates to wilful murder) 325 (rape), he shall not be released from custody until he has consented to sterilisation and has been sterilised. If any person has twice been convicted under Sections 189 (indecently dealing with girls) and 327 (attempted rape) of the Code he shall not be released from custody until he has consented to sterilisation and has been sterilised. Any woman who has become pregnant with illegitimate child on two or more occasions, and who is unable to satisfy the court as to the paternity of such offspring, after petition to the board has been duly made, may be ordered to be sterilised: Provided that the order for such sterilisation shall not be given effect to until confirmed by the judicial authority: Provided also that this section shall not apply if such pregnancy has resulted without the consent of or against the will of the woman: Provided also that in this and the preceding subsection no operation for sterilisation shall be performed which is calculated to endanger life. No surgeon duly directed to perform any such operations shall be liable to any civil or criminal action whatsoever by reason of the performance thereof.”

This subclause goes much further than that to which the Committee have just agreed. I shall not labour the question.

The CHAIRMAN: Before any discussion ensues, I rule the amendment out of order as not coming within the scope of the Bill. I will deal with the amendment in two parts.

Hon. E. H. Harris: You had better rule the whole Bill out.

The CHAIRMAN: In my opinion the Bill deals with mental defectives, and the first part of the amendment refers to persons convicted under the Criminal Code. The effect of the amendment would be to add an additional sentence upon persons convicted of the offences mentioned, and any such amendment should be to the Criminal Code and then the imposition of the additional punishment would be the prerogative

of the judge at the trial. The second part of the amendment deals with any woman who has become pregnant with illegitimate child on two or more occasions and is unable to satisfy the court as to the paternity of such offspring. I cannot find any reference in the Bill to “the court.” A board is to be set up to deal with mental defectives. Consequently I rule the amendment as outside the scope of the Bill.

Hon. A. Lovekin: I do not wish to argue the point with you, Mr. Chairman, but the court is referred to in different parts of the Bill.

Hon. J. J. HOLMES: Cannot we discuss the amendment?

The CHAIRMAN: No, I have ruled it out of order.

Hon. J. J. HOLMES: Here we have evidence as to where some of these mental defectives, or, should I say, social reformers, would lead us to if we agreed—

The CHAIRMAN: Order! The hon. member will resume his seat. I can only allow a discussion on the clause if the hon. member moves to disagree with my ruling. If that is not done, then hon. members can discuss the clause in general.

Hon. J. J. HOLMES: I oppose the clause. The Honorary Minister read quotations from some of what he described as the highest authorities on this question. Their statements convince me that it is the duty of the Committee to consider very carefully before we place legislation of this nature on the statute-book. The authorities quoted by the Honorary Minister were entirely opposed to dealing with mental defectives in the way proposed in the Bill.

Hon. E. H. Gray: There are later authorities than those quoted.

Hon. J. J. HOLMES: Those authorities were not satisfied that mental defectives did not produce the great bulk of mental deficiency.

Hon. A. Lovekin: On a point of order. Is the hon. member justified in referring to Subclause 14 on which the Committee just now divided.

The CHAIRMAN: The hon. member can advance arguments as to why the clause should be struck out. The hon. member is in order.

Hon. J. J. HOLMES: The authorities quoted by the Honorary Minister convince me that we should be very guarded when dealing with this matter. He referred to

American legislation that had been passed in 15 States.

Hon. A. Lovekin: It has been passed in 23 States.

Hon. J. J. HOLMES: But the legislation is operating in three States only.

Hon. A. Lovekin: That is not so.

Hon. J. J. HOLMES: I am prepared to accept the word of the Honorary Minister in preference to that of Mr. Lovekin, particularly in view of the fact that Mr. Lovekin moved an amendment that he said dealt only with mental defectives and yet it dealt with others.

Hon. E. H. Gray: Those who commit the offences suggested are mental defectives.

Hon. J. J. HOLMES: I do not know the percentage of mental defectives in America, but we do know the appalling physical unfitness disclosed in America, when the stamina of the men was examined with a view to selecting them for service in the Great War. If the physical unfitness was on such a scale, I presume the proportion of mental defectives was much the same. Yet in that country, according to some of the latest authorities, 20 States have passed this legislation, but in only three of them is the legislation in operation.

Hon. A. Lovekin: That is not a fact.

Hon. J. J. HOLMES: I take the word of the Honorary Minister in preference to that of Mr. Lovekin.

Hon. G. Fraser: Do you always do that?

Hon. J. J. HOLMES: Unless the Honorary Minister withdraws his statement, I will abide by his remarks. I will vote against the clause.

Hon. E. H. GRAY: We are handicapped by the absence of Dr. Saw.

Hon. H. A. Stephenson: He said he knew nothing whatever about this matter.

Hon. E. H. GRAY: I will quote the evidence given by Dr. Saw before the select committee. In answer to Question 206 he said, when referring to America—

They are enforcing such measures to a considerable extent and California has made sterilisation of the unfit compulsory—in other of the States it is permissive—and in certain Scandinavian States, Denmark, Norway, Holland, I believe, and Sweden, laws with respect to sterilisation are in force. Canada also is following suit, and the laws are being enforced. So the reason I had for maintaining a passive attitude has passed. If it is being enforced in these other countries, I see no reason why we should not have a measure for the sterilisation of the unfit, probably of a per-

missible nature in the first place, at any rate, and why we should not enforce it.

That is a fairly complete answer. I support Mr. Lovekin. I consider persons referred to in the amendment he proposed are mentally defective. One of the biggest problems that the State is facing concerns the comparatively large army of mental defectives that pass in and out of gaol. It is like releasing wild animals to let those people loose on society.

Hon. A. LOVEKIN: I am glad Mr. Gray has supported my attitude because he has had some experience on the Prisons Board. I am sorry Mr. Holmes did not pay more attention to this question before speaking. Had he done so, he would not have fallen into such errors. He objected to the clause as it stands applying to any person, but if he looks at Clause 4 he will find that a defective means "any person."

Hon. J. J. Holmes: Then why did you not disagree with the Chairman's ruling?

Hon. A. LOVEKIN: I was not bound to do so.

Hon. J. J. Holmes: Then you cannot discuss it; I was ruled out of order.

Hon. A. LOVEKIN: I told the Chairman I would not argue with him. I have no doubt the Honorary Minister furnished the Committee with the information at his disposal. One of the complaints I have against the Bill is that it is based on the English Act of 1913, copied by the Tasmanian Act of 1920, whereas other Acts have operated as late as 1927 and 1928, with an amendment that was made in this year. I claim that our Bill should have been brought right up to date. Dr. Saw gave evidence on sound data. To my knowledge, he had before him the reports of the British Committee that dealt with this question, the report of the Commission that was appointed in British Columbia, and which traversed the whole doings on this subject in America. According to that commission there are 23 States in which laws of this description are in force, but none has gone so far as California where, in the Sonoma State Home, sterilisation is compulsory. I have reports that show that 8,000 defectives have been sterilised in that institution without the slightest harm being done, and the pronouncement of Dr. Butler was to the effect that it was a great pity the law had not been introduced many years ago.

Hon. H. A. Stephenson: When did the British Columbian commission sit?

Hon. A. LOVEKIN: In 1927. I have taken an interest in this subject and have gone to considerable trouble to get data from many States in America.

The HONORARY MINISTER: In view of the turn the discussion has taken, I think a few words from me will be advisable. When I said that legislation regarding sterilisation had been a dead letter, I referred to States in America, and I repeat that although some 20 States in America have legislation dealing with sterilisation, in only two of those States is action taken under that legislation to any extent.

Hon. A. Lovekin: I agree there.

The HONORARY MINISTER: That is what I said before. I was not referring to legislation in Europe. I know that in some European countries there is legislation dealing with this question, but whether it is compulsory or permissive I cannot state. This clause is permissive and therefore meets with the views of Dr. Saw as expressed to the select committee. We shall be quite content to hasten slowly. The authorities I quoted show clearly that there are no good grounds for insisting on compulsory sterilisation, but not one argues against permissive sterilisation.

Hon. H. A. STEPHENSON: Dr. Saw, on the second reading, distinctly said he knew nothing about psychology and thought sterilisation would be a good thing. When I spoke I said his speech consisted of extracts taken from a book Mr. Lovekin had lent him and merely proved, what we already knew, that there were imbeciles and mental defectives amongst us, as there always had been. I also said that, whereas I had looked to Dr. Saw for guidance in the matter, he had not been able to give us guidance. Dr. Saw made no comments on my remarks.

Hon. A. LOVEKIN: When Dr. Saw appeared before the select committee he had many documents apart from those I had given him. I gave him a copy of the report of the British Commissioners, but he also had translations of the Acts of Scandinavia, Denmark, Norway and Holland. All those countries have compulsory sterilisation Acts.

Hon. H. A. Stephenson: Which are dead letters.

Hon. A. LOVEKIN: By no means. Dr. Saw also had a statement by Dr. Butler,

which he used in his evidence. In reply to Question 208 he said—

I understand that in California Dr. Butler, of the Sonoma Institute for the Mentally Unfit, has sterilised as many as 8,000 people before they were allowed to leave the institute.

I have been to the institute and have met Dr. Butler. I have not jumped at conclusions; I have devoted a good deal of time to the subject and have collected much data from various sources. I know Mr. Woods, the gentleman interested in the matter in Alberta, Canada, and from him I got an amendment of the Act of that State. The position in Alberta became so acute that mental defectives were costing half a million of money a year. A Commission were appointed and they concluded that steps must be taken to prevent the propagation of the unfit. This provision is practically a replica of that Act.

Hon. V. HAMERSLEY: For a long time I have considered that this State was the dumping ground for a great many mental defectives.

Hon. J. Nicholson: From where do they come?

Hon. V. HAMERSLEY: Unless we have this provision, I am afraid mental defectives will leave other countries and come here. If the provision be agreed to, mental defectives might be induced to leave this State, and so performance of the operation would not be necessary.

Clause put and passed.

Hon. J. J. HOLMES: I move—

That the Chairman do now leave the Chair.

Motion put, and a division taken with the following result:—

|      |    |    |    |    |    |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 11 |
| Noes | .. | .. | .. | .. | 13 |

|                  |    |    |   |
|------------------|----|----|---|
| Majority against | .. | .. | 2 |
|------------------|----|----|---|

#### AYES.

|                    |                       |
|--------------------|-----------------------|
| Hon. V. Hamersley  | Hon. H. A. Stephenson |
| Hon. J. J. Holmes  | Hon. H. Stewart       |
| Hon. G. A. Kempton | Hon. C. B. Williams   |
| Hon. G. W. Miles   | Hon. H. J. Yelland    |
| Hon. E. Rosa       | Hon. E. H. Harris     |
| Hon. H. Seddon     | (Teller.)             |

#### NOES.

|                     |                      |
|---------------------|----------------------|
| Hon. C. F. Baxter   | Hon. W. H. Kitson    |
| Hon. J. R. Brown    | Hon. A. Lovekin      |
| Hon. J. M. Drew     | Hon. W. J. Mann      |
| Hon. J. T. Franklin | Hon. J. Nicholson    |
| Hon. G. Fraser      | Hon. C. H. Wittenoom |
| Hon. W. T. Glasheen | Hon. E. H. H. Hall   |
| Hon. E. H. Gray     | (Teller.)            |

Motion thus negatived.

Clauses 27 to 29—agreed to.

Clause 30—Provision as to contribution orders:

Hon. A. LOVEKIN: This clause would put the father of an illegitimate child in a better position than the father of a legitimate child. We do not want a man who brings an illegitimate imbecile into the world to be freed from his responsibility when the child reaches the age of 14. I move an amendment—

That the words "The persons liable to maintain a defective under the age of twenty-one years against whom an order to contribute towards his maintenance may be made under this Act shall include in the case of illegitimacy his putative father: Provided that where a defective is an illegitimate, and an order for his" be struck out, and the following inserted in lieu:—"30. Notwithstanding any law of bastardy, affiliation or illegitimacy to the contrary, any person who has been adjudged by a court of competent jurisdiction to be the putative father of a child shall be subject to the like liabilities and responsibilities for the past and future maintenance of any such child who has become subject to this Act and which would have devolved upon him had he been the legal parent and the child had been born in wedlock: Provided that where an order for."

By that amendment I intend first of all that the putative father of an illegitimate child shall be placed on the same footing as a legal father, and secondly that where the order has been made, it shall be payable to the department.

The CHAIRMAN: I fear I shall have to rule this amendment out of order, too. It is not within the scope of the Bill.

Hon. A. LOVEKIN: Here is a clause providing for the maintenance of defective children, and all the amendment provides is that notwithstanding any other law to the contrary the maintenance of the child shall be provided equally by the illegal father as by the legal father. I think the amendment is quite in order.

Hon. J. Nicholson: Do not you think the clause as it stands provides for that?

Hon. A. LOVEKIN: No, because all such orders under the Child Welfare Act expire at the age of 14, and there is no provision for a further order. There must be something in the Bill to catch the father after the child has reached the age of 14 years.

The CHAIRMAN: I have ruled the amendment out of order.

Hon. A. LOVEKIN: If the clause is in order, Sir, surely the amendment is in order too.

The CHAIRMAN: The purport of the proposed amendment would cover any illegitimate child, whether defective or not; and I do not think that was ever contemplated by the Bill, nor do I think such an amendment should find a place in the Bill. However, I am in the hands of the Committee.

Hon. A. LOVEKIN: If we cannot provide in this Bill for a child of 15 or 16, obviously it is out of order to provide for the child of 14.

The CHAIRMAN: If the Committee disagree with my ruling, I shall take no umbrage.

The HONORARY MINISTER: In view of the importance of the question, Sir, I referred the matter to the Crown Law Department; and they do not uphold your ruling.

The CHAIRMAN: Now that we are up against the Crown Law Department, I think the best course to adopt is to move to disagree with my ruling. I am entirely in the hands of the Committee.

Hon. A. LOVEKIN: You are wrong, I think, Sir; but that is the end of it.

Clause put and passed.

Clauses 31 to 35—agreed to.

Clause 36—Constitution of the board:

Hon. A. LOVEKIN: Both Dr. Saw and I had amendments to the clause, and, after consultation with him, I propose to move the amendment standing in his name. I move an amendment—

That in lines 8 and 9 of Subclause 2, "one a legal practitioner and one a woman" be struck out, and the words "and two other members, one of whom shall be appointed on the recommendation of the University Senate, and the other on the recommendation of the Director of Education. Should the office of State Psychologist be held by a male, the member recommended by the Director of Education shall be a woman" be inserted in lieu.

The board will be an important one and will comprise, it is suggested, the Commissioner of Public Health, the State Psychologist, the Inspector General of Insane or a duly qualified medical practitioner with a knowledge of psychiatry, a legal practitioner and a woman. It has been suggested that the board will be a business body, and a legal practitioner will be necessary to assist in drawing up forms and so

forth, while the woman will serve with her social knowledge. It does not appear to Dr. Saw or myself that such a board is the best that could be chosen, and it represents a deviation from the Tasmanian Act. The amendment will bring the constitution of the board into conformity with that operating in Tasmania.

The HONORARY MINISTER: I cannot agree with the amendment. While it will bring the board into line with the Tasmanian board, it has not been found necessary in Tasmania to have such a board. Why select the University or the Education Department for representation on the board? If the argument is to be that they are likely to be associated with the operations of the measure, then there are other people who are equally entitled to a seat on the board. Experience has shown in other countries that the work of the board is really that of administering the Act. A business board is required, and the constitution has been arrived at only after consultation with people affected and with the authorities in England, America and Tasmania. If the board desire to get information on any particular subject it will be possible to co-opt members for that purpose. It will be necessary to have a man with legal training on the board because many legal matters will arise from time to time, particularly with regard to the estates of mental defectives. The Official Trustee has stated that he would not trouble with small estates such as we can expect to be associated with mental defectives.

Hon. A. Lovekin: I propose to move an amendment that will make that work part of his duties.

The HONORARY MINISTER: The hon. member can do as he wishes; I am stating the position as it is. In Great Britain the central board is composed of a certain number of members who must include four medical practitioners of at least five years' standing.

Hon. A. Lovekin: There are 15 members of that board.

The HONORARY MINISTER: There must be some reason for that. The British Act has been amended, but no amendment was made in the personnel of the board. Since our board will have nothing to do with certifying mental defectives, and since its sole

duty will be the administration of the Act, it is only right that we should protect the interests of those who will be certified and subjected to the board's decisions. If we are going to provide definitely that one department or society or the University shall be represented on the board, we must not forget there are many other organisations having just as good claims to seats on the board. But it is desired to keep the board as small as possible. Quite a number of the certified mental defectives will be women, and so it would be a mistake if no woman were included on the board.

Hon. A. Lovekin: We have one there already.

The HONORARY MINISTER: The hon. member is referring to the State Psychologist. But it is not likely we shall have that officer on the board for all time.

Hon. A. Lovekin: There should be one appointed by the University or by the Education Department.

The HONORARY MINISTER: It is very necessary to keep the board as small as possible, and to have the board thoroughly efficient and able to deal with most of the questions that will come before it without having to refer to anybody outside.

Hon. J. J. HOLMES: The Minister started off by saying that this was to be a business board, but went on to remark that some of our really clever people were indifferent business men. The Inspector-General of the Insane is highly qualified for his job, but whether he knows anything about business we are not told. As to medical practitioners, my experience is that they do not know much about business. And so, too, with members of the legal profession. Therefore, apparently there are to be no business men on the board. As for the necessity to have a woman on the board, the Minister very nearly sat down without saying anything about it. In my view we should have a business board to deal with the administration of the Act, and it should consist of men having a knowledge of business.

Hon. A. LOVEKIN: The board, as recommended by Dr. Saw, would have on it a woman selected by the University and the Education Department. She would be a highly qualified woman with experience in handling mental defectives. I could name the appointee without going any further.

The Honorary Minister: The hon. member has no right to make such a suggestion.



Hon. A. LOVEKIN: It would be only a guess, and it is not out of order to guess. The Honorary Minister pointed out that it was necessary to have on the board a legal gentleman to look after the estates of deceased persons. But why create another department within the board? Already in Part V. of the Bill it is provided that the Official Trustee shall take charge of the deceased persons' estates. But the Minister says the Official Trustee does not want to deal with any small estates. Why should we have the Official Trustee to deal with the big business and a legal member to deal with the small business? I shall propose an amendment to Part V. to enable the Official Trustee to attend to the whole of the business.

The HONORARY MINISTER: One of the duties of the board will be to administer the moneys provided by Parliament for the purposes of the Act and to exercise other prescribed powers and duties. As the board may be confronted with complications, one of the members should be a legal man. I have no objection to the University Senate or the Education Department nominating certain people, but surely the University would have sufficient representation in the Commissioner of Public Health. I must resist any alteration to the clause.

Hon. H. STEWART: If the nomination were in the hands of the University Senate, it should be sound procedure. It is advisable that the clause should be amended because, if the State Psychologist were a woman, there would be two women on the board, and that would not be desirable. If Mr. Lovekin's amendment is not acceptable, some other modification should be adopted. This is to be a business board, and why should the number consist of five if there is difficulty in filling the places?

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

|      |    |    |   |
|------|----|----|---|
| Ayes | .. | .. | 8 |
| Noes | .. | .. | 7 |

Majority for .. 1

#### AYES.

|                       |                      |
|-----------------------|----------------------|
| Hon. V. Hamersley     | Hon. H. Stewart      |
| Hon. G. A. Kempton    | Hon. C. H. Wittenoom |
| Hon. A. Lovekin       | Hon. H. J. Yelland   |
| Hon. H. A. Stephenson | Hon. E. Rose         |

(Teller.)

#### NOES

|                  |                    |
|------------------|--------------------|
| Hon. J. R. Brown | Hon. E. H. H. Hall |
| Hon. J. M. Drew  | Hon. W. H. Kitson  |
| Hon. G. Fraser   | Hon. W. J. Mann    |
| Hon. E. H. Gray  | (Teller.)          |

#### PEERS.

| AYS.              | NO.                 |
|-------------------|---------------------|
| Hon. A. J. H. Saw | Hon. C. B. Williams |

Amendment thus passed; the clause, as amended, agreed to.

Clause 37—agreed to.

Clause 38—Vacation of office of member:

Hon. H. STEWART: Is there any reason why mental deficiency should not figure as one of the reasons why a person should give up his seat on the board?

The HONORARY MINISTER: It has been made clear that a mental deficient under the Bill is a person who has either suffered from that disorder from birth, or developed it before reaching the age of 18. There is no necessity to make the provision suggested by the hon. member. If a member of the board became mentally affected he would come under the provisions of the Lunacy Act.

Clause put and passed.

Clauses 39 to 56—agreed to.

Progress reported.

*House adjourned at 11.29 p.m.*

## Legislative Assembly,

*Tuesday, 26th November, 1929.*

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

### ASSENT TO BILLS.

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

1, University of Western Australia Act Amendment.