Legislative Assembly.

Wednesday, 28th August, 1929.

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

QUESTION—STOCK ROUTE, MT. AUGUSTUS-MEEKATHARRA.

Mr. MARSHALL asked the Minister for Lands: 1, Has the Mt. Augustus-Meekatharra stock route, as recommended by the Meekatharra Road Board, been gazetted as open for traffic? 2, If not, is any alteration to be made in the recommendation submitted by the board? 3, If there is any alteration, will he oblige by expediting consideration thereof, with a view to opening the route for traffic?

The MINISTER FOR RAILWAYS (for the Minister for Lands) replied: 1, No. 2 and 3, The question is receiving careful consideration, and a decision will be given as soon as possible.

QUESTION—LANDS ADMINISTRATION, CIRCULAR LETTER.

Mr. ANGELO asked the Premier: 1, Has he received a copy of a circular letter, dated the 23rd August, 1929, from A. F. Hanks, addressed to members of the State Parliament of Western Australia? 2, If so, is it his intention immediately to call upon the writer to prove the allegation against the administration of the Lands Department suggested therein?

The MINISTER FOR RAILWAYS (for the Premier) replied: 1, Yes. 2, Any definite written allegations by Mr. A. F. Hanks will be impartially investigated.

QUESTIONS (2)—RAILWAYS.

Lake-Brown-Bullfinch Opening.

Mr. BROWN (for Mr. Lindsay) asked the Premier: 1, Is it a fact that during his recent visit to open the Lake Brown-Bullfinch railway he travelled in a special train to Mukinbudin and received deputations there? 2, Is he aware that this railway passes through the Toodyay electorate and for twenty-five miles eastward? 3, Is there any reason why the member for Toodyay should not have been notified of this visit and invited to be present? 4, Who is responsible for the issue of invitations, to members concerned, to the opening of new railways?

The MINISTER FOR RAILWAYS (for the Premier) replied: 1, No. 2, Yes. 3, and 4, So far as I know there is no reason why the member for Toodyay should not have been invited. In this instance arrangements were made by the local people.

Dwarda-Narrogin resumptions.

Mr. DONEY asked the Minister for Works: 1, Is he able to speak more definitely than on the 27th March last when in reply to my request for a date for the settlement of compensation claims in respect of land resumed along the Dwarda-Narrogin railway, he replied that the land was not then resumed but that plans were being prepared, and it was anticipated "Gazette" notices would be issued by the end of April, 1929, when claim forms would immediately be forwarded to all landholders concerned and the provisions of the Public Works Act carried out as claims were received. 2, If so, will he please supply the information indicated?

The MINISTER FOR WORKS replied: 1 and 2, It is anticipated that the notices will be gazetted within the next two weeks.

LEAVE OF ABSENCE.

On motion by Mr. North leave of absence granted to the member for Roebourne (Mr. Teesdale) for one week on the ground of urgent private business.

BILLS (2)—FIRST READING.

1, Companies Act Amendment (Introduced by Hon. W. D. Johnson).

2, University of Western Australia Act Amendment.

PAPERS—WESTRALIAN LAND DEVELOPMENT, LTD.

HON. W. D. JOHNSON (Guildford) [4.39]: I move—

That all papers connected with the taking up by the individuals entitled to do so of the 72,000 acres east of Dalwallinu and associated with the Westralian Land Development, Ltd., be laid upon the Table of the House.

I desire to ascertain from the file how it is possible under the Land Act for individuals to acquire 72,000 acres. I have no objection to the methods adopted by the company concerned. They have acquired this area, and I believe are setting about the work of development and ultimate production in a practical way; but it is undesirable that anyone should be able to acquire under the Land Act, Crown lands to such an extent as this. I am moving the motion in order that the House may know what has occurred.

On motion by the Minister for Railways, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

MR. LATHAM (York) [4.41] in moving the second reading said: Although this is a small Bill it is an important one. In 1215 Magna Charta was framed to protect the liberty of the subject. Although since then the liberty of the subject has been interfered with, in our legislation of to-day we ought to safeguard citizens against a violation of the arrangement that was then entered into between the King and his people. The fifth provision of Magna Charta says—

No banishment or imprisonment save by judgment of peers and the law of the land.

Under Section 49 of the Child Welfare Act of 1907 (then known as the State Children Act) the Governor has power to extend the period of detention of any person who has been committed by the Children's Court. I wish to quote an instance of what has occurred. It is not my intention to enter into all the details, or to mention any names. No doubt Ministers will be aware of the case I refer to. In February or March last the Children's Court sentenced an uncontrollable girl to detention in the reception home for one month. One would think that was the limit of detention allowed, but under Section 49 the Minister was able to sentence that child to three years detention. Furthermore, he was able to send her to institutions other than the reception home, which was highly undesirable for a child of a tender age.

Mr. Sleeman: Who sentenced her to three years?

Mr. LATHAM: The Minister seems to be the only one to have this power. Section 40 of the Act of 1907 says—

The Governor may order that the period of supervision or of detention of any female State child specified in any order shall be extended until such child shall attain the age of 21 years.

I can find no other section under which this extension of detention could have been carried out. The case against the child did not seem a serious one. If it had been serious no doubt the punishment would have been greater than that originally imposed. Under the Act, in the case of children committed to the care of the department, it is laid down that the recommendation of the court shall not be departed from without the consent of the Minister. Therefore I am quite sure that the Minister was consulted before the alteration was made. Had the child been incorrigible, or wilfully wicked, doubtless she would have been committed under Section 32 of the Act; but evidently, in view of the short sentence the child received, the case was not of such a nature. The sentence was, of course, to be carried out in the detention home. There can be no question that the court would not have sentenced the child to detention at all unless that detention was intended to have been of limited duration. During the special session held in last March I spoke to the Minister about the matter, and then complained of the child being sent to a certain home, because of the contact with undesirable persons to which she would there be exposed. It is not my intention to say one word against the institution in question, which for its purposes is one of the finest institutions in the State; but nevertheless, the placing of a young child with hardened women, possessing a much wider knowledge of what is called the world, could not be of advantage to her. I understand that the child was detained in that institution for a lengthy period. I have

been informed that just before the present session opened she was removed from the institution, and that she has now been released to her parents. Surely to goodness if a court sentences any person, whether child or adult, there is no right on the part of the Governor, the Minister, or anyone else to increase the sentence without the child, or the parents or guardians, first being heard on the matter. I do not quite know what would happen if the Minister for Justice, for example, extended the sentence of a person sentenced by the Criminal Court or a police court. I am quite sure there would be a howl from one end of the State to the other.

The Minister for Justice: What about indeterminate sentences?

Mr. LATHAM: Those sentences are within the powers of the court. We should not give to any civil servant—and I follow this down to the civil servant—the power to do what was done in this case. If it was necessary to extend the child's sentence, that should only have been done after a reference to the court. My amending Bill merely implies that in future there shall be no extension of this nature unless the case again comes before the court. As regards the constitution of the Children's Court, the probability is that had I known, when framing the Bill, that that constitution was to be altered, I would have given more consideration to the Act as it stands. I believe it is the Government's intention to appoint, or that they have appointed, a permanent magistrate of the Children's Court, thus depriving female children brought before that court of the advice and assistance of women justices. In connection with no social reform is the assistance of women of so great value as in the Children's Court.

Mr. Angelo: Women justices will be prevented from sitting.

Mr. LATHAM: I do not know whether that is so, but I understand that the police magistrate who has been appointed to the position is wholly and solely to control the court, and that the women justices have been notified they will not be required for the work any longer. By mentioning this I give the Minister the opportunity to refute the statement which is in circulation. Undoubtedly a young girl, or a girl of tender age, with women justices on the bench feels that she has some one on the court who understands her better than any man; and the Government's proposal, I gather, is that only a man shall be on the bench of the Children's Court. Another aspect is that a court presided over by a man who has had merely a legal training, who has been brought up in an atmosphere of legality, cannot be expected to frame a judgment from the psychological standpoint as easily as a woman justice, or even as a male justice who from day to day has made a study of the work. I have always applauded the work done by our Children's Court. Recently when in Canada I specially pointed out to a man closely interested in prison reform the splendid work done here by the Children's Court. Upon my return to Western Australia I procured all our legislation and regulations, besides other published matter, dealing with the Children's Court, and sent them on to him to show what was being done here. In his acknowledgment he expressed his belief that Western Australia is leading the world in the matter of social reform work for children. I consider that expression of opinion a great compliment to the State. If, however, I had mentioned that under one section of our Child Welfare Act there was power to the Governor, or the Minister—or, to come right down to it, the secretary of the department administering the Act—to add five or six years to a child's sentence of one month, I do not think my correspondent would have regarded that provision as admirable or even just. In all probability the Minister will contend that the extension of the sentence was made in the interests of the girl herself. It may have been. I am not in a position to say if it was or not. In any case, however, our laws are so framed that if the Minister had not interfered, and if the child had not been arrested as uncontrollable, a marriage could have taken place without the Minister or the department being consulted at all. Western Australian marriage laws permit a girl of 12 years to be married, and a boy of 14. If we have a law that permits of such a thing, I do not see why a civil servant should put himself on a pedestal and say that he will determine the proper age for marriage. It is for Parliament to determine the age. If the age now specified is wrong, amending legislation should be introduced. In my opinion, the age should have been raised long ago, and such a law is ridiculous. There is in this State many a man whose mother was married at the age of

15 years, and I do not know that anyone can point the finger of scorn at him and say he is not as good a citizen as anyone else. The probabilities are that his mother was just as good a wife to her husband as any other woman. I shall leave it to the wisdom of the House whether or not to make the alteration I propose. I do not think proper consideration can have been given to the question, or Section 49 would not have been inserted in its present form. At all events, we consistently claim that everyone in Western Australia is entitled to a fair trial. Section 49 does not give a fair trial, because it permits of sentencing a person without that person being heard in court. Such a matter should always be referred back to the court. Any reason there may be for extending a sentence should be submitted to the court, and the court should decide whether a case for extension has been made out.

Mr. Mann: You said you would have drafted your Bill differently had you known of the Government's proposal at that time.

Mr. LATHAM: I do not think the Speaker would permit me to refer to that aspect. My Bill is limited to amendment of Section 49, which section deals with the powers of the Governor. Probably if I had possessed my present knowledge at the time I got the Bill under way, I might have proposed some additional changes. I sincerely hope the Minister will agree to the passage of the Bill, which merely asks for common justice. I trust that the hon. gentleman, when dealing with the matter, will make it perfectly clear that the services of women justices, who have made a life study of the work of child welfare, will continue to be availed of in the Children's Court, as also the services of male justices similarly qualified. The work of past Governments in this direction has been a credit to them, but here is a breach which we cannot permit to exist longer. If any other statute conferred the same power on the Governor, probably the Minister would be foremost in suggesting alteration of the law. In my opinion Section 49 was stretched considerably for the purpose of reading into it something that it was never intended to provide. The object of the section is to assist a child whom it might not be advisable to send home. This girl, however, has respectable parents and a good home. She got out of control for the time being, owing, not to her disposition but to the company she was keeping. At least the departmental officers should have borne in mind the moral welfare of the girl—despite the fact that a slip had been made—before sending her to a detention home or any other institution in which she would not be free from undesirable contact. I hope members will give grave consideration to the Bill, and will remember that the liberty of the subject is at stake by reason of the existence of that section. I move—

That the Bill be now read a second time.

On motion by the Minister for Police, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

MR. MANN (Perth) [4.58] in moving the second reading said: It will be remembered that during the first session of this Parliament I introduced a Bill having for its object the abolition of capital punishment under certain conditions. That measure passed the Assembly, but was dropped in another place at the end of the session owing to the large volume of business on the Notice Paper. I have since made further investigations, and have obtained from England and from other countries copies of recent legislation dealing with the subject. My present Bill is framed on the lines partly of an English Act and partly of an American statute, bringing it as nearly as possible up to date. I shall endeavour to place before hon. members exactly what capital punishment means, and to trace its history down through the ages to the adoption of Western Australia's Criminal Code. I shall also endeavour to show the effect capital punishment has had, and to prove that it is of no benefit as a deterrent of capital offences. Capital punishment is the infliction of death for a crime, and is carried out under constituted authority. In the dark ages capital punishment was inflicted for almost any and every crime. It was carried into effect in different forms and even applied to such a crime as the petty stealing of an article the value of which was greater than 1s. Looking back we would probably consider that the people lived in those days in a state of barbarism, that they were inhuman and that they had not the benefit of education such as we have to-day. Certainly those people did not have

the benefit of modern education but no doubt in those days they considered they were justified in applying the extreme penalty just as we think we are to-day. Probably there are many hon. members who have not investigated this matter, but its investigation has been forced upon me by reason of experience. I have followed the question along every avenue open to me and I have not been able to find any authority to support and justify the retention of capital punishment to-day. It was thought in the early days that its retention was amply justified. At first it was given effect to as a matter of revenge. If a person had killed another, an individual known as the "Avenger of Blood" was called upon to destroy the person who had committed the murder and the property of the murderer was confiscated and distributed among the relatives of the murdered man. Time went on and further attention was given to the problem, particularly in the British Empire. The variety of punishment in those days was very great, and in E. Roy Calvert's "Capital Punishment in the Twentieth Century" there is the following passage:—

In the reign of Henry VIII., it is estimated that 72,000 executions took place, mostly for quite trivial offences, and as late as 1780 the English recognised over 200 capital crimes. Felling a tree, stealing 5s., robbing a rabbit warren, and pick-pocketing, were all capital offences, and you could be hanged for associating for a month with gypsies, or for assuming the title of a Greenwich pensioner! It is true that these penalties were not always carried out, but often they were; and they were always upheld for their deterrent value. Until 1772 a person accused of felony . . . . was stripped naked, laid on the floor of his cell, fed on daily decreasing quantities of mouldy bread and stagnant water, and slowly pressed to death by increasing iron weights placed on his body. When, in the early part of the last century, Sir Samuel Romilly endeavoured to secure the abolition of drawing and quartering, he was denounced by the law officers of the Crown as "breaking down the bulwarks of the Constitution."——

The Minister for Mines: I have heard that phrase somewhere before.

Mr. MANN: Yes, here.

Hon. Sir James Mitchell: Yes, you trample all authority underfoot.

Mr. Wilson: At any rate, it is good stuff to hear.

Mr. MANN: Then this authority says—

It was only about 100 years ago that this "Godly butchery," as it was called, finally came to an end.

I do not desire to tire hon. members by reading many extracts from this book, but the facts I have given are interesting. In my opinion, it was in the minds of the officials and people of those days that the infliction of capital punishment was a deterrent, just as we think it a deterrent to-day. Then there is this extract—

Samuel Rogers, the poet-banker, tells how he once met "a cartload of young girls, in dresses of various colours, on their way to be executed at Tyburn." His friend Greville, who was present at a trial where several boys "to their own excessive amazement," were sentenced to be hanged, remarked, with great naivete, "Never did I see boys cry so." In 1831 a boy of 13, John Bell by name, was hanged at Maidstone. Two years later a boy of nine, named Nicholas White, pushed a stick through the broken glass of a London shop window and raked out a few pieces of children's painting colours, valued at twopence. For this offence the unfortunate boy was dragged before Mr. Justice Bosanquet at the Old Bailey, and solemnly and seriously sentenced to be "hanged by the neck until he was dead." All these ferocious sentences and their infliction even upon young children, were strenuously defended by those in authority as essential for the protection of society.

That is the point—"essential for the protection of society."

Hon. Sir James Mitchell: You do not desire to wipe out capital punishment altogether, do you?

Mr. MANN: Even in those days it was suggested that capital punishment was essential for the protection of society. I shall endeavour to prove that, despite this claim in respect of the retention of that penalty, it did not really afford protection to society in those days any more than it does to-day. I will quote again—

When in 1810 Sir Samuel Romilly brought a proposal before the House of Commons to abolish capital punishment for shop-lifting to the value of 5s. and upwards—one of the first proposals of its kind and the forerunner of many other attempts by reformers to mitigate the barbarity of the then existing criminal law—the most eminent jurists of the country strongly deprecated the proposed reform. The Solicitor General declared: "I am proud to confess that I am an enemy to the opposition of theoretical speculation to practical good."

In the course of the debate, we find that Colonel Frankland said—

So far from having any disposition to alter the existing law, if I rightly understand what has been said by some hon. gentlemen who

have spoken this night, all the judges of the land are convinced that the proposed reform is fraught with consequences the most injurious . . . . . We have been told that our code of criminal laws has been considered sanguinary by all foreigners. Possibly it may; but of what importance is this when we know that its practical humanity is consistent with the kindness of our national character.

The Minister for Justice: The quotations you are reading have no reference to the Bill.

Mr. MANN: I am coming to that point. The Minister surely does not object to my reading these extracts in support of my case.

The Minister for Justice: What you are placing before us is an argument against capital punishment, whether the offenders are mentally deficient or not.

Hon. Sir James Mitchell: Of course that it what the hon. member means, too.

Mr. MANN: To proceed—

Shortly afterwards, in the Lords debate on the same proposal, Lord Ellenborough, the spirited defender of Warren Hastings and famous Lord Chief Justice, said: "I trust Your Lordships will pause before you assent to an experiment pregnant with danger to the security of property, and before you repeal a statute which has so long been held necessary for public security. I am convinced with the rest of the judges, public expediency requires there should be no remission of the terror denounced against this description of offenders. Such will be the consequence of the repeal of this statute that I am certain depredations to an unlimited extent would be immediately committed."

The debate proceeded in that strain. As late as 1800 there were 200 crimes for which capital punishment was the penalty. In 1819 the number of crimes to which it applies was reduced to 180 and in 1831 to six crimes only. Statistics and history show that the crimes in respect of which the death penalty was no longer imposed did not increase, as was predicted and expected. On the other hand, with improved social conditions, better education and better moral efforts, those crimes decreased.

Mr. Sleeman: What about the caning of offenders?

Mr. MANN: I am convinced that caning is no deterrent to crime, for reasons that I shall explain later.

Hon. Sir James Mitchell: Of course it is.

Mr. MANN: Not by any means.

Hon. Sir James Mitchell: What about France?

Mr. MANN: I shall deal with France.

Mr. Griffiths: Would you have let off those criminals who beat the detectives?

Mr. MANN: My Bill provides for the examination of the lives of such men; if they are found to be mentally deficient, they will be dealt with as the Bill indicates.

Mr. Sleeman: Why not go the whole hog and do away with hanging altogether?

Hon. Sir James Mitchell: Because he would not get support.

Mr. MANN: Coming to the history of capital punishment in this State, it will be remembered that in 1900 the late Mr. R. S. Haynes moved in the Legislative Council for the abolition of capital punishment, and based his argument on his own experiences, and on those of other authorities. At that time there were many members opposed to that course, and I have read their speeches delivered in the Council. I find that they were almost word for word with the speeches made 100 years ago in England, when efforts were made to abolish capital punishment in connection with petty larceny, sheep stealing and so forth.

Mr. Sleeman: That is what you would expect in another place, anyway.

Hon. Sir James Mitchell: It is nothing to what can be expected in this House.

Mr. MANN: Members in the Legislative Council, who were opposed to Mr. Haynes, contended that their wives and daughters would not be safe if capital punishment were abolished. During the debate the present Chief Secretary (Hon. J. M. Drew) moved that capital punishment be abolished for every crime except that of murder. His amendment was carried, and, of course, that covered rape. Some members of the Council said that the women of this country would be outraged, and that men inclined to rape women would come here and outrage the wives and daughters of residents of this State. That prediction has not been borne out by statistics, because rape, in late years, has been an infrequent crime. Throughout the whole of Australia, during the last five years, there has been an average of only seven cases of rape per year. In 1921 there were eight; in 1922, there were five; in 1923, nine; in 1924, nine; in 1925, five; and in 1926, nine.

Mr. J. H. Smith: Did you read of the Busselton case?

Mr. MANN: One swallow does not make a summer, and cases such as that at Busselton will occur so long as time goes on. Then our Criminal Code came into force, and has been in operation ever since. The point I want to make is that the law, as amended in the Legislative Council over 20 years ago, was justified. There has been no increase in the crime of rape, nor in the crime of high treason, but the crime of murder has not decreased. While we have retained capital punishment for the crime of murder, it has not been a deterrent, because that crime has not decreased, while those crimes for which capital punishment is no longer imposed have decreased. On that point I have here the statistics of the States of America where capital punishment has been abolished. The statistics show that in those States capital offences have decreased, while in the States where capital punishment has been retained they have remained stationary, there has been no decrease. This lends force to the argument that violence creates violence.

Mr. Latham: It is not a deterrent.

Mr. MANN: No, and on the other hand violence creates violence in the minds of the people. People have not the same respect for the law when the law is taking the lives of people.

The Minister for Justice: Purely conjecture.

Mr. Latham: Statistics prove it.

The Minister for Justice: One can adduce statistics to prove anything.

Mr. MANN: It may be conjecture. In Maine, where capital punishment has been abolished, the average of capital offences per 100,000 of the population is 1.8; in Pennsylvania, where it has been retained, the average is 5.7; in New York, where it has been retained, the average is 4.7; in New Jersey, where it has been retained, the average is 4.5; in Connecticut, where it has been retained, the average is 3.7; in Rhode Island, where it has been abolished, the average is 3.1; in Winsconsin, where it has been abolished, the average is 2.3; in Minnesota, where it has been abolished, the average is 3.4; in Michigan, where it has been abolished, the average is 4; in Indiana, where it has been retained, the average is 5.4; in Ohio, where it has been retained, the average is 7.1; in Illinois, where it has been retained, the average is 7.8; in Missouri, where it has been retained, the average is 9.6.

The Minister for Justice: But consider the different classes of population in those respective States. In some of them there is a very large proportion of Southern Europeans.

Hon. Sir James Mitchell: And mixed blood.

The Minister for Justice: Then their geographical position is an important factor. Take Chicago.

Mr. MANN: In States and countries where capital punishment has been abolished the number of capital offences are infinitesimal.

The Minister for Justice: Certainly they do not seem to have increased.

Mr. MANN: That is my point, they have not increased where capital punishment has been abolished, and have not been reduced where capital punishment has been retained.

The Minister for Justice: But you want to make out that where capital punishment has been abolished, crime has been reduced.

Mr. MANN: Yes.

Mr. Sleeman: Well, why not go the whole hog and so reduce it here?

Mr. MANN: In countries where capital punishment has been abolished, legislation has been introduced to deal with mentally deficient and insane persons, whereas where capital punishment has been retained, the authorities have relied on the severity of the sentences to deter crime. But severe sentences have not proved to be a deterrent, for crime has continued. In countries where capital punishment has been abolished and humane legislation enacted to deal with mentally deficient and insane persons, crime has been reduced.

The Minister for Justice: You could attain your object by humane legislation in the interests of the mentally deficient.

Mr. MANN: That will go a long way, but it will take time. And that is the point: To go back to early periods in Britain, when they relied on the severity of the sentence and the execution of persons for minor offences, crime was not thereby prevented. But when they created a police force to control the people it proved to be a better preventive than the taking of the lives of criminals.

The Minister for Justice: There was much less chance of being found out in the early days than there was after the establishment of an efficient police force.

Mr. MANN: Yes, in the early days there was no police force, and the authorities relied on the severity of the sentences and on the execution of persons for minor offences. Then Sir Robert Peel organised the police force which controlled the people and prevented crime by moral suasion rather than by extreme punishment. I have been able to show that in America, where they are dealing with this question from a scientific point of view and treating the mentally deficient rather than allowing them to run wild, this policy is having a better effect on society than is observed in countries where nothing is done for the mentally deficient, and reliance is placed on severe sentences. So important is this considered that not only in America, but also in England, several commissions have been appointed to investigate the best means of dealing with mentally deficient people. And they have been amending their legislation from time to time, even up to last year.

The Minister for Justice: And are proposing more amendments now.

Mr. MANN: Yes. So the Minister for Health has the benefit of their investigations in the framing of the legislation he will introduce. The Bill before us provides that capital punishment shall be abolished in respect of mentally deficient persons.

Mr. Sleeman: But to-day mentally deficient persons would not be hanged.

Hon. Sir James Mitchell: No.

Mr. MANN: To-day a person committing murder is dealt with under Section 282 of the Criminal Code, which reads as follows:—

> Any person who commits the crime of wilful murder or murder is liable to the punishment of death.

Section 27 of the Criminal Code deals with insanity and reads as follows:—

> A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission.

On the occasion of my introducing the previous Bill I showed when and how the law of insanity was evolved. It goes back to a very early period and it makes the law of insanity very narrow. The discretion of the judges was very much confined. The law of insanity was defined in the case of a man named McNaghten who was tried for the murder of a Mr. Drummond in 1840. In that case the man McNaghten believed he was suffering from an injustice at the hands of Sir Robert Peel, and he mistook Mr. Drummond for Sir Robert and shot him. At the trial medical evidence was produced to show that McNaghten was suffering from a delusion, and the court acquitted him. The case raised a great deal of discussion in England, and the House of Lords sent a certain set of questions to the judges asking them to define what they meant by insanity. And the answer the judges gave at that time, defining insanity, has been the law ever since. Chief Justice Stephen, in dealing with the subject, said this—

> It is a practice I have followed myself on several occasions, nor till some more abiding authority is provided can a judge be expected to do otherwise, especially as the practice has now obtained since 1843. I cannot help feeling, however, and I know that some of the most distinguished judges on the Bench have been of the same opinion, that the authority of the answers is questionable, and it appears to me that when carefully considered they leave untouched the most difficult questions connected with the subject, and lay down propositions liable to be misunderstood, though they might, and I think ought to, be construed in a way that would dispose satisfactorily of all cases whatever.

The law of insanity is very narrow in its definition. It means that unless a person is incapable of knowing right from wrong, he is responsible to the law for his actions. So a man has to be bordering on the line of frenzy before he can escape the sentence of capital punishment for the crime of murder. I have gone to the trouble to look up all the authorities I could find on this matter, so as to give members the benefit of the best information I could obtain. I am not speaking just from personal knowledge—which probably is good because it is first-hand—but I am giving to members all the information I could obtain from the best authorities. From "A Treatise on Medical Jurisprudence" by George Vivian Poore, Professor of the Principles and Practice of Medicine, University College, London, I quote the following:—

> The plea of insanity in criminal cases is generally made in cases of murder. We have to determine the degree of insanity which

shall excuse a man for such an act. The law has undergone many changes in this respect, and what I am going to say as to the legal test of insanity in criminal cases is taken from Dr. Guy's "Factors of the Unsound Mind." Guy has set forth in that work the rulings of the judges on those very important points. He begins in the year 1723. At the trial of Arnold for shooting Lord Onslow, Judge Tracey said it was "not sufficient to prove a frantic humour or something unaccountable in man's actions; he must be a man totally deprived of his understanding and memory, not knowing what he is doing more than an infant, than a brute, than a wild beast." That was the degree of insanity which was deemed by the judges in 1723 as necessary to excuse a man from a criminal act; that is to say he had to be a raving lunatic. Of course it was very soon found that there were many people who did not rave; who were not like wild beasts, but who were yet not accountable for their actions. The next notable case was the trial of Hadfield for shooting at George III. in Drury Lane Theatre.

So, through the period down to the present, endeavours have been made to deal with cases in which a plea of insanity has been entered, but we have not been able to get away from the law as it was laid down in 1843. Consequently, if a man nowadays is charged in this State with having committed the crime of murder, unless he can prove to the satisfaction of the court that he was incapable of distinguishing right from wrong, he is responsible to the full for his actions. The term "mentally defective" or "mentally deficient" was not considered; the issue was sanity or insanity. There was not deemed to be any gulf between the two, whereas experience has proved that there is a tremendous gulf between the normal mind and what is recognised by law as insanity. This is clearly described in "Taylor's Principles and Practice of Medical Jurisprudence" as follows:—

> The acts of the insane generally arise from motives based on delusion. In the state of idiocy an act of homicide has been committed merely as a result of imitation, and in imbecility, from motives of an absurd and unreasonable kind.

Later on he says—

> These considerations lead to the inference that there are no certain legal or medical tests whereby lunacy can be demonstrated to exist. Each case must be determined by the circumstances attending it; but the true test for irresponsibility in all doubtful cases appears to be, whether the person at the time of the commission of the crime, had or had not a sufficient power of control to govern his actions; or, in other words, whether, knowing the act to be wrong, he could not avoid the perpetration of it. This involves the consideration, not only whether insanity existed in the accused, but whether it had reached a degree to destroy, not a consciousness of the act, but volition—the will to do or not to do it. If from circumstances it can be inferred that an accused person had this power, whether his case can be decided by the above suggestions or not, he should be made responsible and rendered liable to punishment. If, however, he was led to the perpetration of the act by an insane impulse or, in other words, by an impulse which his mental condition did not allow him to control, he is entitled to an acquittal as an irresponsible agent.

That brings me to the point of a mentally deficient person. Under this Bill I am asking that if a person be convicted of an offence punishable with death, the judge shall suspend sentence and submit the case to a board consisting of a general medical practitioner, an alienist and a psychologist, and that the board having the powers of a Royal Commission shall examine the accused and his history, and report back to the court. If the board report to the court that the accused was mentally defective or mentally deficient, either by inheritance or otherwise, the court shall deal with the accused under Section 653 of the Criminal Code. If, on the other hand, the board report that the person was not mentally deficient, he shall be sentenced.

The Minister for Justice: For how long would you have a sentence hanging over a man in those circumstances?

Mr. MANN: No longer than in cases where an appeal is lodged to-day.

The Minister for Justice: Yes, it would be longer.

Mr. MANN: If a person is convicted of murder, a period is allowed for him to approach the Court of Criminal Appeal.

The Minister for Justice: A very short period, too.

Mr. MANN: I think it is 14 days.

The Minister for Justice: Twenty-one days.

Mr. MANN: This examination would not take any longer than that.

The Minister for Justice: How would we get his personal history?

Mr. Kenneally: In any case, there should be no rush to murder him.

The Minister for Justice: There could be no justification for fixing his execution to take place in six months' time.

Mr. Latham: In Canada a criminal sentenced to death is always kept for three months.

Mr. MANN: The Minister's interjection is relevant up to a point. If it were in the interests of the accused or of justice that there should be a further delay, no fault could be found. I think the Minister is aware of a case that is known to me. An individual in this State was executed, but if certain information had come to hand prior to the execution, he would not have been executed. In that case, probably, the delay would have been of benefit, not only to the man, but in the interests of justice.

The Minister for Justice: The information was alleged, not proved.

Mr. MANN: It was proved, and I think the proof would have satisfied the Minister. I do not think there can be any objection to the Bill on the ground that there might be delay in investigating some statement regarding the antecedents or history of the accused.

The Minister for Justice: You do not want to torture a man for six months by saying he is going to be hanged at the end of that period.

Mr. MANN: Of course not, but I think the Minister is straining the point when he suggests six months.

Mr. Panton: It might be a couple of years.

Mr. MANN: I am not tied to the proposal of having the examination conducted after conviction. The State Psychologist—and I am indebted to the Minister for this information—suggests that the examination should be made on committal.

The Minister for Mines: As near as possible to the date when the crime was committed.

Mr. MANN: Yes. If the House is of opinion that the examination should take place prior to the trial, I have no objection to that.

Mr. Latham: It should take place as near as possible to the time of the offence.

Mr. MANN: But if a person were mentally deficient when the crime was committed, he would still be mentally deficient when the examination took place.

The Minister for Mines: Even if it were ten years later.

Mr. MANN: That is so.

The Minister for Justice: Some people might be mad for two or three months and then quite sane.

The Minister for Mines: That would not be a case of mental deficiency.

Mr. MANN: That would be one of the forms of insanity, but would not be mental deficiency. One well-known authority quoted by the State Psychologist suggests that the examination should be made immediately after committal. I think it is one of the authorities connected with a prison in Great Britain. If, therefore, it is considered preferable to have the inquiry prior to the trial, I have no objection. I have endeavoured to provide for an inquiry in the best form possible. In addition to having an alienist, I have suggested a general medical practitioner who would inquire into the general health of the accused, which also tends to affect the mind. The psychologist would deal with the mentally deficient condition of the accused. The board would report to the court. As it would be left to the court to appoint the board, the appointees would be satisfactory and I am sure the decision of the board would be satisfactory. When dealing with criminals, we are apt to judge them from the point of view of our own minds. When a crime is committed we view it as though it were committed by a man with a mind as normal as our own. Only in recent years have we learnt that it is possible to ascertain the condition of a criminal's mind, whether it is normal or sub-normal, and if deficient to what extent. Now that we are able to ascertain those things, surely it is our duty to do so. It is only right to ascertain by the best known methods the condition of mind of an accused person at the time of the offence. If he has taken the life of another person and is mentally deficient or defective, we take his life while we are in a normal state. Hitherto we have not gone to the trouble to ascertain the condition of his mind. During a visit to Seaforth on one occasion I was shown a lad who, I was told by the officer in charge, had come under the notice of the authorities because he had a habit of entering lifts in the city and riding up and down until someone chased him away. When that happened he would go to an-

other lift and continue to ride up and down in it. When the boy was examined, although he was just on 16 years of age, mentally he was not the equivalent of a child of eight. When discussing that matter with a member of this House recently, he remarked, "But all boys of eight do not ride up and down in lifts." I replied, "Admittedly they do not, but this boy of 16 with a mind less than that of a child of eight probably was suffering from some mental defect as well as being deficient, and so he had a mania for riding up and down in lifts." When looking up authorities, I found a similar case. A man would sit for days watching a windmill. In order to get windmills out of his mind, his friends had him taken to a place where there were no windmils. There he set fire to the house with a view to escaping to a place where there was a windmill. When that did not succeed, he took a child of three into the bush and murdered him, still in the hope of finding a windmill. That case was quoted by authorities to show that there was something wrong with the mind of the individual, and with his power of reasoning. The unfortunate man wanted to see a windmill and he went to the extreme of burning down a place in the hope of finding one, and then committed a murder for the same purpose. That was the first notification the authorities had that there was anything wrong with his mind. Until the authorities made provision for investigating the condition of the minds of indivuals who committed crimes, those individuals were regarded as 100 per cent. mentally efficient.

The Minister for Justice: They say in the United States that only 20 per cent. of the people who went to the war were mentally efficient.

Mr. MANN: What happened was that when America decided to conscript her people, a standard was set for mentality and they classified their people under two headings, giving them the opportunity to get 212 marks. The working class, or what are called in America the people who are not professional, averaged only 75 marks out of the possible 212, whilst some went as low as 15 and a great many got only 20 marks. The professional class—those from universities and following professional occupations—averaged 150 marks out of a possible 212. That brought the authorities of the United States to their senses as regards migration, and the member for East Perth (Mr. Kenneally) struck an important note the other night when he said that unchecked migration into Australia would probably reduce this nation to the same condition as America found herself in when she decided to enter the war. That was the cause of America putting a stop to the flood of migrants of all descriptions from other parts of the world.

Mr. Kenneally: And that is why we are getting them now.

Mr. MANN: That is not the point I am dealing with at the present moment. What I have stated is a fact and it is what America is suffering from—the low mentality of so many of her people, due to an irresponsible flooding of migrants. Before that test was made—and I thank the Minister for Justice for giving me the opportunity to refer to it—those people who in the number of marks they obtained fell far below the possible maximum, followed their usual vocations, and were considered mentally efficient and fully responsible for all their actions. But a man who is only 15 per cent. mentally efficient cannot be regarded as being as responsible as, say, the Minister for Justice, for an act of omission or commission.

Mr. Panton: Some of them were very good tradesman.

Mr. MANN: I admit that these people must be subject to the law, that their actions must be controlled for the good of society generally. But my point is that we have no right to go to extremes, to take their lives for something they have done in respect of which they had not that control over themselves that might have been expected of a normal person.

The Minister for Justice: Therefore you would let everybody off.

Mr. MANN: No, but if it is found that a crime is committed by a person who is not normal, there should be no complaint against not carrying out the extreme penalty in such a case. I am asking the House, through the medium of the Bill, to agree to test the minds and will of those people who commit serious crimes, and in the event of it being found that they are mentally deficient, then to agree with me that the lives of those people should not be taken, making provision at the same time for the prevention of the repetition of the crime.

Surely no fault can be found with such a proposal. Another point I wish to make is that the condition of mental deficients is no fault of their own. It has been proved by authorities that at least 80 per cent. have inherited their weakness and that the remaining 20 per cent. have become deficient by reason of environment. If, however, heredity and environment are taken together, there is not much hope for the individual. In a way I am sorry that I have submitted the Bill before that of the Minister for Justice because that Bill would have opened up discussion and shown what it was intended to do in regard to mentally deficient people. Thus my Bill would have been a sequel to the Minister's Bill, inasmuch as I am asking that instead of taking the lives of these people some provision should be made for them. There are many works dealing with heredity and the cause of mental deficiency. One of the best is the report of the Mental Deficiency Committee, a joint committee of the Board of Education and Board of Control which was appointed by the Parliament of Great Britain. That Committee has been sitting for two years and consideration has been given to the question from every point of view. Medical men were appointed to assist the committee in the investigations that have been made. I do not intend to weary the House by reading a great deal from the report of that committee, but there are extracts that I would like to quote, being interesting and having a bearing on the points I am endeavouring to make. I am indebted to the Reverend Dr. McMahon for being able to quote from this report. I should like the House to hear this extract read—

> In view of the misunderstanding which exists in some quarters regarding the nature of mental deficiency and the persons who should be regarded as mentally defective, we consider it essential to deal with this question at the outset of our report. Mental defectives are defined in two Acts of Parliament—the Education Act 1921 and the Mental Deficiency Act 1927. Since, however, these respective Acts are intended to serve different purposes —the one the provision of suitable education and the other the provision of suitable care and supervision—their definitions are based upon different criteria, and this has undoubtedly resulted in some misconception as to the nature of mental deficiency. We therefore think it advisable, before attending to the legal definitions, to consider the subject from the general standpoint. In the first place it is necessary to draw attention to the very wide variations in general mental capacity, scholastic educability, special aptitudes, emotional response, temperament and character, which exist in different individuals. This fact is well recognised and such individual variations are so great that it may truly be said that no two persons exist who are mentally alike. In spite of this, for practical purposes, the members composing a community may be broadly divided into two groups. First, there are those whose mentality is such as to allow of the independent performance of their duties in some social situation in a reasonably satisfactory and efficient manner. Secondly, there are those whose mentality is such as to render such independent and efficient adaptation impossible, and who consequently need some form of special surroundings or some degree of external assistance, control or supervision. The second of these groups, which we may term that of the mentally incapable, is a very heterogeneous one, and the individuals composing it are divisible into three main classes. The first class consists of those persons whose incapacity is due to their minds having failed to reach what may be termed a normal degree of development. The second class consists of those whose minds have attained this degree of development, but who are suffering from a disorder of mental function which renders them temporarily incapable. The third class consists of those whose minds have similarly reached normal development, but who are undergoing progressive deterioration and decay. It is true that in actual practice these divisions not infrequently overlap. Thus, whilst mental disorder is often only temporary, it frequently passes into progressive and incurable deterioration. Further, the mind which is imperfectly developed may undergo disorder or decay. Nevertheless, for descriptive and practical purposes these three divisions are useful and hold good. Speaking literally, it may be said that an individual falling within any one of these three classes suffers from a defect of mind, and the term "mentally defective" was in fact used in this generic sense in the report of the Royal Commission on the Feeble-minded of 1908. This term, however, has gradually been acquiring a more restricted and specialised meaning, and it is now limited in ordinary use to the first class only, that is, to those persons suffering from an imperfection of mental development, whether in-born or acquired, or as it is technically termed "Amentia." It is this concept of mental deficiency, namely, that of a state of imperfect or incomplete mental development, with which alone we are concerned in this report, and the important questions we have to answer are:— What do we mean by incomplete development and how is this to be gauged?

Following on this report, which is full of interest, the Home authorities are again amending their Act to deal with cases of

mental deficients. All I am asking through the Bill is that if people do something for which they are not responsible, their lives shall not be taken in cold blood by us—in other words, constituted authority—who are normal, but that they shall be dealt with as though they were insane. I know of no better provision than that they should be committed to a mental asylum until some other way is provided to deal with them. If a jury finds an insane person guilty of murder, that person is dealt with under Section 650 of the Criminal Code, and committed to an asylum for the term of his natural life.

The Minister for Justice: And if the original diagnosis is correct, that person, being found insane, would never recover.

Mr. MANN: A person may become insane because of a temporary aberration. The mental complaint may not be permanent. Mental defectiveness or deficiency, however, is permanent. If a man is mentally deficient when he has committed a crime, he will remain mentally deficient for all time. There can be no such thing as recovery in that case, or liberation from the asylum.

The Minister for Justice: Do you think anyone can simulate mental deficiency long enough to deceive the psychologist?

Mr. MANN: I do not think a psychologist can be deceived as to the mental condition of a man. Science has advanced so far that the experts can tell whether a person is mentally defective or not, and the extent of that defectiveness.

The Minister for Justice: People can deceive concerning their physical condition, and have frequently done so.

Mr. MANN: That may be so. There may be some bodily complaints over which it is possible to deceive a medical man, but that does not often happen.

The Minister for Justice: There have been many such cases. People have received compensation under the Workers' Compensation Act, and, after they have been paid, have completely recovered from their physical infirmities.

Mr. MANN: Probably such cases do occur.

The Minister for Justice: I have known them to occur.

Mr. MANN: From the information I can gather as a result of the latest investigations on the question, I believe that from a scientific examination a psychologist can say whether a person is mentally defective or not, and the extent to which the mind is affected.

The Minister for Health: I do not think it is possible for people to feign defectiveness and not to be found out.

Mr. MANN: These people are not masters of their own minds. They are born in unfortunate circumstances, and come into the world mentally defective or deficient. Their environment adds to their disabilities. I am entitled to prove that point, and will then endeavour to show that so serious is the position considered to be throughout Europe that special investigations are now being made into it. I have here a work by T. W. Trought, B.A., on "Probation in Europe." He deals with the manner in which mentally deficient and mentally defective children are being cared for in almost every part of that continent. The Minister for Health is taking action on similar lines here. The authorities have already taken action in Sydney. I have here a copy of a report dealing with cases that have occurred there, showing the results of the examinations that have been made. These indicate that many of the troubles have arisen through insufficiency of food and clothing, and because the children have been brought up under conditions that were extremely severe. There are also cases of mental deficiency amongst normal persons living under good conditions. We can, therefore, expect to find such cases under all conditions. To show the necessity of investigating the history of an accused person, I will quote from cases already dealt with in Sydney. The first was a boy aged 11, who was charged before the court in September, 1925, with being an uncontrollable child. He was released on probation. Investigation showed that the father was a labourer of unsatisfactory character, and the mother carried out domestic duties and was of good character. There were five other children, three girls and another boy of five years and a few months. The father was addicted to drink. He was not in regular employment, and did not provide his family with adequate food. The mother was a sick woman, and had to get medical advice at the hospital. The home surroundings were unsatisfactory. A considerable sum of money was owing for rent, and assistance had been received from a benevolent society. The father ill-treated the children. He had twice injured the boy, and on one occasion

the lad had several stitches inserted in his face because of the rough treatment he had received at the hands of his father. The boy was charged with being an uncontrollable child. Is there any wonder that he was uncontrollable, considering the condition of his home, and the treatment meted out to him by his father, in which the mother was unable to give any help? He came into the world under great disadvantages, and was not assisted by his environment. If he were born mentally weak, that environment would be detrimental to him. In fact, his general surroundings must tend to make worse his already bad mental condition. This lad, on reaching manhood, may commit a crime which the law styles as murder. He will be dealt with as though he were a normal-minded individual, born under the very best conditions, and always in receipt of the best treatment from babyhood upwards. He will be regarded as one who has been well nurtured and fed, and as though he had received the best possible treatment all his life. Up till now there would have been no investigation as to the condition of his mind or the history of his life. People would say there was no excuse for him, and he would be executed as though he was in every respect responsible for his actions. Science and modern treatment are causing us to realise that a greater responsibility is cast upon society to see that the ill-born are better cared for. Instead of hanging these people by the neck, we are beginning to realise that our responsibility is to prevent them from reaching the point when they are on trial for committing a crime. Our responsibility is to catch them before they commit murder, and not afterwards. There is another case of a boy aged 12 years and 3 months. He was born prematurely, and only weighed 3½ lbs. at birth. Up to the age of three months, little hope was entertained of his survival. At nine months he had pneumonia and bronchial trouble while teething. He walked at 18 months, but did not talk until he was 2½ years old. When he began to go to school, he was subject to headaches, and during the last few years, according to investigations, he has taken fits. One sister died from convulsions at the age of four months. His physical condition was fair, but his home conditions were poor. The boy was charged with stealing in company. He had truanted from school and his scholastic attainments were very poor. Another boy examined by the board in Sydney was aged 12 years and three months. He was charged with stealing money from a smaller boy. His father was an invalid pensioner, and the mother was engaged in laundry work. Both parents were of good character. There was evidence of lack of supervision in the home through the father being an invalid and the mother being away at work. The home was adequately furnished, and the parents seemed to have enough to live on. The boy had been absent from school through illness. The report shows that he had defective vision and bronchial catarrh. This was cited as a case for special treatment. I notice from the statistics obtained in the United States that in 90 per cent. of the cases of mental deficiency the persons affected suffered from some bodily ailment, such as failure in vision or failure in hearing.

The Minister for Justice: We had better throw our spectacles away.

Mr. MANN: Many of them suffered from various stomachic ailments. The Sydney children I have referred to were born under ill conditions and in bad environment Another boy aged 10 years was charged with stealing a large quantity of lead. The father was dead and the mother was of good character. The home was in a fair condition. One of the two brothers was aged 18 and practically supported the home. The other brother of nine years was involved in the case. There was a lack of supervision over the manner in which the boy spent his time after school. The report shows that he had defective hearing and a nasal obstruction causing nasal catarrh. In every case that was submitted by the court in Sydney for medical investigation, the children were found to be suffering from some bodily defect as well as a mental defect.

Hon. Sir James Mitchell: That is not uncommon with healthy people.

The Minister for Justice: It is more the rule than the exception.

Mr. MANN: Another boy of eight years was charged, in company with a boy of 13, with having maliciously damaged untenanted houses, and stolen a number of carpenter's tools. The extent of the damage was about £50, and included the smashing of electric light and gas fittings, and disfiguring walls with a tomahawk and various mixtures of paint. When charged with the

offence, this boy boasted of having done the same thing on former occasions and having escaped detection. His father was dead, and his stepfather had deserted his mother. The home was well furnished and in excellent order. The locality was good. Although not a regular truant, the boy was truanting at the time of the offence. His conduct at school was reported to be good. He was free from physical defects. There is another case of a boy aged 10 years and 9 months from Waterloo. He was charged with being a neglected child, and living under such conditions as would indicate that he was lapsing into a career of vice and crime. His mother was an invalid and in a very poor state of health. She was reported to be of good character, but unable to care for this boy. His father's movements were unknown and the boy was living with an aunt. He suffered from marked physical defects. Occasionally he attended a denominational school. The entire circumstances were such that the board was not surprised that at this early age he should be guilty of a sex offence on a small boy of four.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MANN: At the tea adjournment I was quoting from the record of investigations made by a Sydney society dealing with deliquents and mental deficients. Pursuing that phase of the subject I wish to read two other reported cases. The author states—

A word or two may be said about employment in the case of delinquents who have left school. It is interesting and important to notice that these boys tend to change their occupation very frequently. Usually the occupation chosen is of that general type known as "dead-end" occupations. The highest possible wages are sought, usually of course under economic pressure in the home. Little or no consideration is given to ultimate ends. It is quite exceptional to find among delinquents, boys who are apprenticed to a trade. Herein lies a very profound problem from the social and economic points of view. There is little need to stress the seriousness of the problem of delinquency, nor to urge that every facility be given for carrying out such research as will throw light on the causal factors and on possibilities of treatment. Delinquency is usually not due to the operation of any single cause, but to the operation of a number of causes, economic, social, moral, educational, physical and psychological.

Again it is a responsibility of society to ensure that these delinquent boys and girls are given the opportunity to have their minds developed to the utmost degree possible, instead of such unfortunates being left just to take their chance among the flotsam and jetsam of the world.

If the word environment be interpreted as actual home conditions, there is definite evidence to show that a poor environment acts detrimentally to the child, nor is this otherwise than might be expected. I have already quoted cases which illustrate this point. In some cases the families are large and the general economic conditions poor. The father may have no fixed employment and very often be unemployed. In some cases the character of either or both parents is questionable. Drink and gambling are vices frequently manifest in lurid brilliance. Often the parents are of different religious persuasions and the children of no persuasion. Sometimes the parents are separated, and so one could continue enumerating factors which contribute to a bad home environment. There tends to be a lack of parental interest in the children. Little importance is attached to the regularity of their attendance at school. During leisure hours there is little or no parental control. The children are often allowed to go to picture and vaudeville shows frequently during the week to the detriment of their health and school work. In many cases there is no evidence of useful hobbies or interests in the home. While a general complex of conditions, such as these tends to operate in quite a large number of cases, there are shining exceptions.

This, I contend, illustrates to us that there is a responsibility on the people at large to see that the mentally deficient and those of a weak turn of mind are better cared for, rather than that we should subject them to the terrible punishment of losing their lives when they have done something for which we ourselves are in a measure responsible. I shall refer again to the report of the English committee that dealt with mental deficients. Those gentlemen quote a case that is highly interesting because it goes to suport a contention I have often advanced, that parents frequently ruin children through want of knowledge of their mental capacity, that school teachers frequently ruin children through want of knowledge of the frailties of the child mind, and that employers do likewise. The Commissioners state—

The case of a young girl of fourteen brought home to us very forcibly some of the deplorable results of the failure to recognise the

mental limitations of the retarded children who leave our schools. We saw this child in one of the Poor Law institutions. Her earlier responses to our questions gave the impression that she was an imbecile. At first she could not answer simple questions which we would expect a normal five-year-old child to answer correctly, but her responses improved when we had gained her confidence. Her general demeanour, her excessive timidity and her very tremulous state indicated that she was in a highly nervous condition; and that she should have been sent not to a Poor Law institution but to a mental hospital. She had been brought to the institution about two months previously from a farm house where she had been in service about three months. There was the usual story of laziness, of remaining in bed for days in a stuporous condition and of dirty habits. A short time after we saw this girl we visited the elementary school which she had left only five months previously. The head teacher said the child was illegitimate, and had been boarded out from an early age with a very kind foster mother in that village. The girl had been able to reach Standard III. level at the age of fourteen. She was described as a very dull but happy child, and easy-going in every way when at school. When the child became 14 years of age the guardians decided to place her in service. The head teacher, on hearing this, remarked to the Poor Law visitor that the child would require very patient training. The visitor replied that she would be placed under the charge of a capable farmer's wife who would give her efficient training and would "waken her up."

That is a good term—"waken her up." We know what that means.

The Minister for Works: Especially on a farm.

Mr. J. H. Smith: Why especially on a farm?

Mr. MANN: I shall now show the effect which the wakening up had on this girl—

The farmer's wife, according to a description we received of her, was a good example of the extravert type—domineering, but by no means unkind, and most insistent upon getting things done: a very valuable person in many spheres of life. But when the extravert has to deal with frail human material like this particular child, the result is likely to be disastrous. At any rate the description given by the head teacher of the child when she left the school was that of someone very different from the patient we saw five months later at the Poor Law institution.

I have quoted that case to show that many children born suffering from mental deficiency, inheriting mental deficiency, do not get a chance even after they are born. They are not kindly led along an avenue, but driven by main force along the same road and under the same conditions as normal children. In circumstances of that kind, can we expect success? If we find a failure, is not that something we should apply to ourselves as well as to the individual? We have been applying it to the individual. When an individual does something that the law calls murder, we apply the extreme measure of taking that individual's life. I do not wish to weary hon. members, but I feel that I must quote some cases given by Havelock Ellis, an acknowledged authority. He writes—

Morrison found that among the inmates of English industrial schools 51 per cent., or more than half, are either illegitimate or have one or both parents dead, or are the offspring of criminals and parents who have abandoned them. Even when the parents are alive, "in nine cases out of ten one or other of these parents is distinctly disreputable." Morrison concludes, concerning the parents, that "at the very least eighty of them in every hundred are addicted to vicious, if not criminal, habits."

Once more, if we find children born from parents of that description, and then if the environment following birth is bad, what can we expect of them?

Magri, in Italy, has pointed out another tendency in the heredity of criminals, though it has scarcely yet been widely confirmed. He finds that criminals very frequently belong to large families. He has found on questioning criminals that they belong with remarkable frequency to large families. He has found also that epilepsy, hysteria, and neurasthenia flourish in large families. This is in a line with the fact that high evolution diminishes the number of offspring. Magri finds a special cause for degeneration in large families from the precocious senility and organic exhaustion produced in women by much child-bearing.

Mr. J. H. Smith: I would say that is all bosh.

Mr. MANN: The hon. member ought to know. However, we are not accepting him as an authority on this subject.

Mr. J. H. Smith: I would be a better authority than that fellow, anyhow.

Mr. MANN: Another interesting quotation from Havelock Ellis is—

The two most characteristic features in the intelligence of the average criminal are at first sight inconsistent. On the one hand he is stupid, inexact, lacking in forethought, astoundingly imprudent. On the other hand he is cunning, hypocritical, delighting in falsehood, even for its own sake, abounding

in ruses. These characteristics are fully illustrated in the numerous anecdotal books which have been written concerning crime and criminals. Several attempts have been made to attain accurate figures as to the relative intelligence of criminals, but there must be a considerable element of guesswork in such calculations. Dr. Marro, a reliable observer, detected a notable defect of intelligence in 21 cases out of 500. He finds that incendiaries and then murderers yielded the largest proportion of individuals with defective intelligence; then came vagabonds, sexual offenders, those convicted of assault, highwaymen, and those convicted of simple theft.

The argument would not be complete unless I quoted cases of families well-known to be criminal, families in this sense historical. There are three or four of them, but the Jukes family stands out as the most highly criminal family on record.

The Minister for Justice: That family is quoted in almost every work on the subject.

Mr. MANN: Quite so. Ellis writes—

The history and genealogical tree of a very remarkable Brittany family of criminals through five generations has been published by Aubry. The history begins in the last century with Aime Gabriel Kerangal and his wife, who were both normal so far as is known. The outcome through five generations has been a family of eccentrics, of criminals, of friends of criminals, and of prostitutes, but none of them was insane, or at all events recognised as insane. It is very interesting to find that one branch of the family is free from crime, and includes a poet and a painter of great talent who have both reached high social positions. Suicide, incest, and all sorts of reckless licentiousness have flourished in this family. Their impunity has been very remarkable, although besides their proved crimes there have been various attempts at crime and many merely suspicious occurrences. Crimes of blood are laid to the charge of seven persons in the genealogical tree; other offences to nine persons.

There is an extraordinary position! From a normal father and mother, so far as is known, there is produced a family down to five generations all of whom were of a criminal type except those belonging to one branch of the family. That is to say, one family only out of the five showed talent even to the point of genius. That is a phase that has to be investigated.

The Minister for Justice: If you took one of those geniuses and examined him and had regard to his genealogical tree, you would let him off, if he were convicted of a crime.

Mr. MANN: If one of those geniuses committed a crime, he would be entitled to the protection that the law gave to every other person, and if an investigation, such as I suggest in the Bill, were carried out regarding that individual, it might be found that while he might be a genius from one standpoint, he might be mentally deficient from other standpoints.

The Minister for Justice: But he might not be mentally deficient at all!

Mr. MANN: I am suggesting that we leave that matter to the investigation of scientific persons and leave it to them to say whether or not the person concerned was mentally deficient. If we consult a medical officer to ascertain whether some portion of our body is frail, surely we should leave it to experts to say whether our mental make-up is frail in one respect or another.

The Minister for Justice: Medical men and mental experts are frequently imposed upon.

Mr. MANN: From my point of view it would be better to have two individuals impose upon medical men or mental experts rather than that one man should be executed who should not have suffered the extreme penalty. I would rather that two men imposed upon others than that one who was entitled to consideration, did not receive it. To proceed with the quotation from Ellis's book—

The so-called Jukes family of America is the largest criminal family known, and its history, which has been carefully studied, is full of instruction. The ancestral breeding place of this family was in a rocky inaccessible spot in the State of New York. Here they lived in log or stone houses, sleeping indiscriminately round the hearth in winter, like so many radii, with their feet to the fire. The ancestor of the family, a descendant of early Dutch settlers, was born here between 1720 and 1740. He is described as living the life of a backwoodsman, "a hunter and fisher, a hard drinker, jolly and companionable, averse to steady toil," working by fits and starts. This intermittent work is characteristic of that primitive mode of life led among savages by the men always, if not by the women, and it is the mode of life which the instinctive criminal naturally adopts. This man lived to old age, when he became blind, and he left a numerous, more or less illegitimate, progeny. Two of his sons married two out of five more or less illegitimate sisters; these sisters were the Jukes. The descendants of these five sisters have been traced with varying completeness through five subsequent generations. The number of indivi-

duals thus traced reaches 709; the real aggregate is probably 1,200. This vast family, while it has included a certain proportion of honest workers, has been on the whole a family of criminals and prostitutes, of vagabonds and paupers. Of all the men not 20 were skilled workmen and 10 of these learnt their trade in prison; 180 received outdoor relief to the extent of an aggregate of 800 years; or, making allowances for the omissions in the record, 2,300 years. Of the 709 there were 76 criminals, committing 115 offences. The average of prostitution among the marriageable women down to the sixth generation was 52.40 per cent.; the normal average has been estimated at 1.66 per cent. There is no more instructive study in criminal heredity than that of the Jukes family.

Under the conditions obtaining to-day, if one member of that family were arrested, charged with murder and convicted, he would be executed, irrespective of his mental make-up, his health or other considerations.

The Minister for Justice: And some people would say that the world was well rid of him.

Mr. MANN: When I argue this question, as I frequently do with people, I am often met with that remark, "Whatever it may be, the world would be well rid of such persons." When I hear such a remark I reply that it would be an easy matter, and probably the world would be well rid of a lot of people, if the Minister for Justice were to send a squad of men with machine guns to shoot the 1,300 inmates of the Claremont Hospital for the Insane. We have had in Western Australia no examination of our people similar to that conducted in America at the time conscription was enforced. If such an examination were made of our people, I do not know what the result would be. I do not know how many marks we or the people of this State would obtain individually under such an examination. Do you think, Mr. Speaker, our average would be better than that of America where we are told the general average intelligence of the working classes reached to only 70 per cent., and some received 15 marks only out of a total of 212? In some instances men who were otherwise looked upon as sane citizens, responsible and answerable in every way to the law of the land, came within that category. I take no exception to those individuals being answerable to the law of the land, but I do take exception to such individuals forfeiting their lives because of some act that I say they are incapable of withstanding and should not be made responsible for. The Right Hon. Lord Buckmaster, in the course of a preface he wrote to Calvert's book on "Capital Punishment in the 20th Century"—I quote this in support of my point regarding the value of life—has this to say—

> If we believe life to be the most mysterious and sacred thing there is, we are, through capital punishment, desecrating the very thing we should hold high, and in executing the criminal are committing the same crime as that for which he has been condemned. People who can contemplate the stories published in some of the papers about executions must be made of curious stuff. It was reported some months ago that at a recent execution there were people listening with their ears against the walls of the prison so as to hear the thud of the falling body. Are people elevated by such an experience as this?

Mr. Sleeman: You are making out a really good case for the abolition of capital punishment.

Mr. MANN: That is what I am endeavouring to do.

Mr. Sleeman: But only in respect to certain crimes.

Mr. MANN: Lord Buckmaster continues:

> Does it not react to the evil of our people. The aim of all reformers should be to maintain, despite sneers and scoffing, that wherever we find life, it is a matter for wonder and admiration, wherever we find human life, a matter for the profoundest reverence. Even looked at materially, the death penalty fails utterly of its purpose. It does not stop murders in the least. A man does not commit murder after methodical calculation. He commits it because his environment has not taught him to exercise control over his savage feelings, and the only remedy is to improve all standards of conduct and thus make crime a matter of social aversion.

When we reach that standard of life and control of our people, there will be no need for capital punishment. In the meantime until we reach that standard of civilisation, there is need for prevention. There will be crimes that will be described as murder, and persons will be tried for their lives. Hence it is necessary that such legislation as I suggest shall be passed to prevent the forfeiture of their lives. In years to come the results of the Bill that the Minister for Health will introduce shortly, will be manifest amongst our people and social conditions generally will be improved, the conditions of life will be bettered and there

will not be the same need as there is to-day for capital punishment. The position has been well considered in England and, in fact, in every country in Europe. I am indebted to Mr. Lovekin, M.L.C., who made available to me a very instructive book that deals with other phases of social life and touches upon one point that has not yet been considered. The phase I refer to is that affecting a person who, though born with a healthy mind, has his mentality warped or made defective through disease or accident. In describing one such instance, Dr. Walter Fernald, a noted physician, says—

Later on statistics came my way of the incidence of mental defective and subnormal intelligence amongst those who were sent to reformatory institutions. I learnt that less than 50 per cent. were of normal adult intelligence and that 15 per cent. were of such a low grade of intelligence that they ought to be permanently segregated. Further, I learnt that in one State alone the cost of trials and commitments of its feeble-minded delinquents amounted in the aggregate to 2,500,000 dollars per annum. I concluded from these facts that if I were to do "justice" (that overworked word) in assessing the penalty to be inflicted upon the offender, I ought to know something of the offender's heredity, etc. If he offends in consequence of congenital syphilis, or if he is feeble minded, am I to consider those characteristics? If such offenders are sandbagged with a penalty, they soon come again for another dose. Is it of any use to continue the process indefinitely? Are we punishing for the offence or for the condition which predisposes its victims to offend? Does it serve any useful purpose to punish a mental defective because of his mental deficiency? Is it justice? But mental deficiency is not the only factor to be considered. Recently we have been reading of the effect of certain illnesses upon the conduct of offenders such as encephalitis lethargica, Grave's disease,—

I confess that I have no idea what "Grave's disease" is. This gentleman, of course, was writing about America——

—epilepsy, influenza sequelae and others. The character of these illnesses, we learn, predisposes the sufferers to irregularities of behaviour amounting often to legal offences.

This doctor says the after-affects of those diseases may leave persons mentally defective permanently. Before the tea adjournment I said that an examination of the bodily condition of those mental deficients showed that a great many of them were affected. Here is an instance—

Wherever figures are taken for juvenile offenders we are startled at the amount of physical defect exhibited, e.g., 460 children examined by the Ohio Juvenile Research Bureau revealed a total of 2,083 physical defects, or an average of 4½ defects per child. The following table gives a rough comparison of the frequency of certain illnesses in offenders as compared with the frequency shown in a school medical officer's report of ordinary school children—

	Ohio Research Bureau.	School medical officer's report.
	Frequency per 460.	
Total cases dealt with	460	460
Defective sight ..	175	57
Defective hearing ..	34	26
Defective tonsils ..	174	78
Hernia	5	1
Epilepsy	13	1
Heart disease ..	9	8
Skin diseases ..	61	17

So in addition to the weakness or degeneracy of the mind, a great proportion of those 460 children were found to be suffering from bodily complaints. In countries where we would least expect it, this question is receiving attention. The latest country to deal with the abolition of capital punishment is Germany, where there has been before Parliament a Bill dealing with the subject. However, instead of making it total abolition, the German legislators have left it to the discretion of their judges to say whether or not a convicted prisoner should be executed. The result has been that the number of executions has considerably decreased. Let me read this—

In the free city of Hamburg there has been no execution since the year 1917. In Prussia executions are extremely rare: the last one was that of the multiple murderer and pervert, Haarmann. In Prussia 60.4 per cent. of persons sentenced to death were executed during the reign of William II. In the years 1919 to 1926 greater clemency was shown and only 7.5 per cent. of the death sentences passed were carried out. There were four executions in Prussia in 1926. In Bavaria, one of the more backward of the German States, death sentences are carried out more frequently.

So surely we who preach freedom should not be behind other countries of the world which are moving in this direction.

Mr. Kenneally: Is the judge in such a case in Germany allowed absolute discretion?

Mr. MANN: Yes, whereas previously it was mandatory on the judge to pass sentence of death.

The Minister for Justice: That is a terrible responsibility to place on the judge.

It depends entirely on him as to what he will do.

Mr. MANN: That is so. But is it not so in all cases?

The Minister for Justice: Of course not. One judge might view the circumstances one way, and another altogether differently.

Mr. Kenneally: Even that is far better than hanging the convicted prisoners.

Mr. MANN: Had I read further, members would have seen that the reason why the German Parliament did not go the whole length was because they did not feel justified in view of the unsettled condition of the country since the war, and so they left it to the discretion of the judges. Even in this country in certain circumstances we give a judge power to say whether he will sentence a man to 14 years and a flogging or let him off with one year's imprisonment.

The Minister for Justice: All your discourse has been in favour of the abolition of capital punishment.

Mr. MANN: Yes. Germany has gone part of the way, and I am asking that we shall go just as far in respect of persons mentally deficient.

Mr. Sleeman: Why not go the whole way?

Mr. MANN: I should like to do so, but I am afraid if I endeavoured to do that I would get nowhere, whereas with the Bill before us I am hopeful of accomplishing something. This question has been taken up in South Australia. Here is a leading article in the "Advertiser," dealing with the German Act. It reads as follows:—

> Germany, like most countries, has long been of two minds on this interesting and important question. That is to say, while one section favours or tolerates the continuance of a bloody code inherited from a barbarous past, another, represented by the intelligentsia, including not a few who have much to do with the administration of the law, are labouring, as they have been for years, to mitigate its severity. Even before the war the drafting of a new and humane code had been begun, and since the war it has been completed. It is now under the consideration of the Judicial Committee of the Reichstag preparatory to its submission to that body. Although it does not abolish capital punishment, it provides an alternative in a sentence of imprisonment in cases where, in the opinion of the judge, there are extenuating circumstances.

So we are not alone in viewing this question with a desire to do away with capital punishment, at all events for mental deficients. Before concluding I wish to read from Clarence Darrow, an authority on crime and criminology. He makes this statement—

> Society is beginning to find out that even where there is no marked insanity, many are so near idiocy that they cannot fairly be held responsible for their acts. The line here is just as vague and uncertain as with the insane. Thus far, society has not provided adequate protection for the public against this class; neither has it properly cared for these unfortunates. It has simply excused their conduct, except in cases where some act is so shocking that it arouses special hatred, and then it freely declares that it makes no difference whether the accused is a defective or not; he is of no value to the world and should die. Many of this class are put to death. I am inclined to think that most of those executed are either insane or serious defectives; and those who say that such people are of no value are probably right. It is perhaps equally true that few if any are of value, for when value is considered we are met with the question: "Value to whom, or for what?" All you can say of anyone is that he wishes to live, and has the same inherent instincts and emotions towards life as are common to all other men.

I have endeavoured to show what capital punishment meant, to trace it along the many ages, back to the dark ages when people were hanged for taking a rabbit out of a burrow, for felling a tree, for stealing anything of a greater value than 1s. I have shown that down to 1800 there were 200 offences for which people were hanged. I have remarked that it was in 1838 when Sir Robert Peel formed the first police force in Britain, after which many of these offences became almost unknown, although there had been no decrease in those offences when the penalty was hanging. Coming to our own country and our own State, we find that persons were executed for four varieties of crime. I touched upon the motion moved by the late Mr. R. S. Haynes in the Legislative Council, and the amendment moved by Mr. Drew prescribing that capital punishment be abolished for all crimes except murder. I have shown that when capital punishment for rape was abolished, it was widely suggested that the womenfolk of this State would no longer be safe. Yet to-day, as we have seen, rape is rare, there having been in the whole of Australia during the last five years only an average of seven cases per annum. But murders do not diminish

while we have the extreme penalty of execution. That is because the person who commits murder is incapable of considering the enormity of his action. He is mentally deficient and not capable of controlling his will.

The Minister for Justice: It is a survival of the old Biblical law, an eye for an eye and a tooth for a tooth.

Mr. MANN: Is that to continue for all time? Of course the old Biblical law is not logical. And why should we take a man's life? In any event, surely we are living in more enlightened times. Surely science has taught us something that was not known in Biblical days. Not all men think alike, nor are all capable of thinking alike. Not all men have the same degree of intelligence. Because of that, in every country in the world to-day investigation is proceeding and provision being made for dealing with those not capable of acting with discretion.

Mr. Kenneally: And in any case the Biblical law quoted does not say that Cain's life should be taken for Abel's.

Mr. MANN: That is so. We can go back for illustration even to those days. When Cain slew Abel—

The Minister for Justice: You are not going to start all over again, are you?

Mr. MANN: Cain was branded, not to show that he was a murderer, but in order that he might not again be charged with the one offence.

Mr. Sleeman: At any rate, he was not hanged.

Mr. MANN: We have in our midst the same class of degenerate and mental defect as those of whom I have read in America and England. When I reached home last evening my wife directed my attention to the case of a lad, 22 years of age, who had been sentenced to six months' imprisonment for indecently dealing with a child of three. I have known that lad almost since his childhood. His father was a vicious man, who served a term of imprisonment for assault —for having gouged out a man's eye. The father subsequently died in the Claremont Asylum. His mother is feeble-minded, even to the extreme of feebleness. I have noticed that boy following a career of crime from childhood, and if he is not sent to some place for the term of his life so that he will be prevented from committing murder——

The Minister for Justice: You cannot say that he will become a murderer.

Mr. MANN: I say it advisedly.

The Minister for Justice: You cannot say it.

Mr. MANN: If not, he will be charged with some crime that will be hardly less serious than the crime of murder.

The Minister for Justice: You do not want to say that just because you have seen him grow up.

Mr. MANN: If I inadvertently used the term murder, I will substitute rape if that will please the Minister. The lad has been convicted of indecently dealing with a child of three, and I say that if he is not kept under restraint, the time will come when he will repeat that crime. He should be controlled by the law and protected against himself. What I wish to point out is that he was born in an environment that was ill, and he has not had a chance from birth. He has been a victim of circumstanes. Would the Minister say that if he committed a murder he should be executed?

The Minister for Justice: That is the law.

Mr. MANN: I suggest that if he committed something that the law denominates murder, the State would be committing another murder if it insisted upon his life being forfeited.

The Minister for Justice: That is the law, anyhow.

Mr. MANN: I have endeavoured to adduce sufficient facts to satisfy members that the law should be altered. Apart from the information I have gathered and from what I have read, I am convinced from my own experience that capital punishment is retained only as a deterrent, and I submit it is not a deterrent, that it serves no good purpose and that it is vicious. A better result would be obtained if enlightened treatment were meted out to mental deficients from any early age and they were subjected to proper control, rather than by allowing them to reach manhood without care or thought and then forfeiting their lieves for some crime they may commit. I move—

That the Bill be now read a second time.

On motion by the Minister for Justice, debate adjourned.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th August.

MR. LATHAM (York) [8.20]: I shall oppose the second reading of the Bill. The measure consists of only two clauses, one of which deals with the 44-hour week that already is worked underground. The Act definitely stipulates that the hours of labour shall be 48 per week, but that is the maximum number of hours to be worked underground, not the minimum, and the court has awarded 44 hours. If we alter the Act to provide for a 44-hour instead of a 48-hour week, we shall probably soon have an application for a 40-hour week.

Mr. Sleeman: Why not?

Mr. LATHAM: If the industry were able to bear it, I would not oppose it, but the industry is in such a parlous condition that in its interests it would be inadvisable to alter the hours of labour. Such an alteration would immediately result in a number of workers being thrown out of employment.

The Minister for Mines: They have worked the 44-hour week for 11 years without that happening.

Mr. LATHAM: I am not opposing the 44-hour week.

Mr. Kenneally: Then how is it going to throw men out of employment?

Mr. LATHAM: If we stipulate on the statute-book a 44-hour week instead of a 48-hour week, I am afraid that an application will soon be made for a 40-hour week. We would be wise to leave well alone. The court has awarded a 44-hour week, and no doubt that will be adhered to. The other clause of the Bill deals with the employment of foreigners underground.

The Minister for Mines: Or on the surface.

Mr. LATHAM: That is so. If the Minister is going to insist upon that limitation, he ought to be logical and apply it to all industries, and to the South-West and other parts of the State. Then, when he has done that, we ought to make provision on the Estimates for the transportation back to their own country of the foreigners who have been allowed to come here.

Mr. Kenneally: You ought to consult Mr. Bruce.

Mr. LATHAM: In effect we are asked to say that a large number of the foreigners who have been permitted to come here shall be deprived of the right to earn an honest living. That is wrong in principle, and should not be done. The Minister for Mines, when moving the second reading of the Bill, quoted a number of mines and the percentage of aliens to Britishers employed there. I would have liked to ask the Minister by way of interjection, "Is it not a fact that the Government are rendering financial assistance to some of the mines that to-day are employing more than 10 per cent. of foreigners underground? Is it not a fact that those mines are more economically worked than are some of the mines that do not employ any aliens?" If the Minister will answer those questions to-morrow without notice, I shall be glad to submit them, and probably we shall get some information to contradict my suggestions. There is no doubt that some of the most efficiently run mines are those which employ foreigners underground. Those men are doing work that it is difficult to get our own people to do. The Minister should be very careful not to forge a weapon that he has no desire to forge. I know he is wrapped up in the welfare of the mining industry, but he ought to be careful that he does not retard rather than advance its interests.

The Minister for Justice: Do you say that a Southern European is the more efficient? That is a libel on Australians.

Mr. Mann: He did not say it was so; he asked the question.

The Minister for Justice: He did say so.

Mr. LATHAM: I asked whether that was not a fact. I raised a similar point in this House a few days ago. I asked why we worried about the foreigners, and why our own people did not go out and compete with them. I now ask the Minister that question through you, Mr. Speaker.

Mr. Kenneally: The hon. member is not the only one on that side of the House who has advocated foreign labour.

Mr. LATHAM: I am not advocating foreign labour, but seeing that foreigners have been permitted to come here, I as a public man, would not be a party to deprive them of the right to earn an honest living, as some members evidently are prepared to do. If our people could compete, the foreigners would not have an opportunity to get employment.

The Minister for Justice: You are implying——

Mr. LATHAM: I am not implying anything at all. There would be no need for the Minister to introduce such legislation if employers were able to get as good service from our own people as from the foreigners. Work on a mine surface does not involve the same risk of accident as work underground.

Mr. Kenneally: You are libelling the country where you get your living.

Mr. LATHAM: I am prepared to stand to anything I have said. I maintain that members opposite are endeavouring to bolster up our own people at the expense of the foreigners.

The Minister for Justice: That is not so.

Mr. LATHAM: It is true.

Mr. Kenneally: Even so, is it a crime?

Mr. LATHAM: I do not say it is a crime, but it is a crime to permit foreigners to land here and then deprive them of the right to earn a living. If that is done, the only logical course open to the Minister will be to ask for a sum of money on the Estimates in order that the foreigners may be deported. I ask the Minister whether he is prepared to do that.

Mr. Kenneally: We have asked Mr. Bruce to stop their coming here.

Mr. LATHAM: Of course that is a Federal matter, but let us be reasonable and give the foreigners who are here an opportunity to earn a living. I do not know what is going to happen to them. They are being forced on to the labour market and compelled to accept a lower wage than they would be prepared to work for under ordinary circumstances. They are being compelled to accept work for less than the ruling rate of wage.

Mr. Kenneally: That is why they are getting the jobs, because they are undercutting Australians.

Mr. LATHAM: Is the hon. member trying to persuade me that he is ignorant of the fact that the men working underground in the mines have an award and that there has been no cutting of wages?

The Minister for Justice: Are you so unsophisticated as that?

Mr. LATHAM: I may be unsophisticated, but I prefer to regard every man as honest until he is proved otherwise.

The Minister for Justice: You are innocent!

Mr. LATHAM: I prefer to be innocent, rather than adopt the attitude of mind that every person I deal with is dishonest. The Arbitration Court fixes the wages of those men as well as the conditions of employment. Therefore any men employed in the mines must work under the award. If the Minister will state that they are not working under the conditions laid down in the award, I am prepared to accept his statement.

The Minister for Justice: I can make the statement that in the timber industry it is absolutely a fact.

Mr. LATHAM: I heard the member for Nelson (Mr. J. H. Smith) make reference to that matter the other evening, but not until then was I aware that the Government were employing men for less than the basic wage.

The Minister for Justice: That is entirely and absolutely wrong. I denied it at the time.

Mr. LATHAM: All I said was that I had no idea it was being done until the member for Nelson mentioned it. I wish to impress upon the House that if we are going to force the foreigners out of the mines, we shall have to permit them to enter other avenues of employment. If deprived of their work, they will be compelled to accept other work at less than the ruling rate in order to earn a living. We ought to consider carefully the probable effect of such a Bill before we pass it. I am of opinion that the mining industry at present requires the gravest attention of the Minister, in order that it might be kept going. Whatever we in this House do, we should always bear that in mind. We owe much to the mining industry, and if we can keep it going and afford opportunities and encouragement to open up new fields, we should do so. I am whole-heartedly with the Minister in the desire to safeguard the men working underground in the mines. Evidently they are able to pass the language test or they would not be employed. I do not know that we are going to achieve much good by forcing these people to become naturalised. If that is the desire of the Minister he will certainly not be able to keep them here if they want to leave the country.

The Minister for Mines: I have no desire to force them to take out naturalisation papers, but I fail to see why we should find

employment for them so that they may keep people in Southern Europe.

Mr. LATHAM: If I were in a foreign country—

The Minister for Mines: You would not get as good a deal as I am giving these people under the Bill.

Mr. LATHAM: My wife and family would have to receive assistance if I had to leave them behind. The Minister ought to be sure that he will not be causing grave injury to mines that are now receiving financial backing from the Government.

The Minister for Mines: That is our responsibility.

Mr. LATHAM: And it is our responsibility also.

The Minister for Railways: I would not say that Australians could not do it either.

Mr. LATHAM: If Australians can do it why are they not employed?

The Minister for Mines: Because they have not had the chance to be employed.

Mr. Kenneally: And the hon. member wants to prevent them from being employed.

Mr. LATHAM: There are some classes of work to which our own people do not readily take.

Mr. Kenneally: We have heard that before.

Mr. LATHAM: If the hon. member were to travel more in the country instead of confining his attention so much to the city he would have a more liberal outlook upon life.

Mr. Sleeman: We see that preference over the Britisher is given in your electorate.

Mr. LATHAM: That is unknown to me. I could show the hon. member in my district camps of foreigners who have not been able to get work for three months.

Mr. Sleeman: And you can show me a lot who are working there.

Mr. LATHAM: Not at all. In my district, outside of the Agricultural Bank, very little money is available this year for clearing.

Mr. Kenneally: Your colleague in a neighbouring electorate says he gives preference to foreigners.

Mr. LATHAM: I am not responsible for what my colleague says. Thank goodness I am not responsible either for the utterances of the member for East Perth. I must protest against these people being thrown out of employment without any means of sustenance. We chase them from the timber industry and from clearing operations, and now we are chasing them from the mines. What are we going to do for them? If the Minister will provide on this year's Estimates sufficient money for their deportation he will have to take the serious consequences of such an act.

Mr. Sleeman: Do you think the State Government should deport them?

The Minister for Mines: I am not going to ask that one man should be repatriated whilst the Federal Government have the right to admit these people.

Mr. LATHAM: If the Federal Government have a right to admit them, and they have the same franchise as members of the State Government, I do not know that we can question their position.

Mr. Sleeman: You get Earle Page to deal with the matter.

Mr. LATHAM: They have the same franchise as we have. They can be said to express the opinions of the people of Australia in the same way that members opposite contend they express the opinions of the people of Western Australia. The foreigners are far more fit for certain classes of work than are other people.

Mr. Sleeman: What classes of work?

Mr. LATHAM: I intend to oppose the second reading. The Bill is not required, and due consideration has not been given to the industry it will so vitally affect.

MR. CHESSON (Cue) [8.35]: As the representative of a mining constituency, and one who has been connected with the mining industry all his life, I intend to support the second reading. A 44-hour week is quite long enough for a miner who is working underground.

Mr. Latham: That is already provided for under the award.

Mr. Lindsay: Will this give you the 44 hours? Is it not already in existence?

Mr. CHESSON: If it is embodied in the Act, it will not be left to the whim of the Arbitration Court to alter. When I worked as a boy in Adelong in New South Wales and Charters Towers in Queensland, I worked 44 hours a week. In this country the week was then 47 hours, and it was mostly underground work. To-day a week is one of 44 hours, which is quite long enough.

Mr. Latham: We do not object to that.

Mr. CHESSON: People who have worked in big mines realise that. There is no need

to waste time discussing the point. In the big mines when the temperature is at a certain figure underground it has only been possible to work the men 44 hours a week. Every man who works underground should be able to understand the English language. The test for foreigners is a farce.

Mr. Latham: Then why not alter it?

Mr. CHESSON: I have often been present when the test has been made. Men should be able to understand their mates when it comes to a question of firing out. Foreigners should be able to understand the signals that are given, and especially the danger signal in the case of an accident.

Mr. Latham: Foreigners ought to be tested on that point.

Mr. CHESSON: They are asked half-a-dozen questions, and these are always well rehearsed beforehand. I have seen men knocked off the Great Fingal mine by order of the inspector, and they have left that shift and been admitted to the night shift immediately following by another underground boss. It may be necessary to wedge up some heavy timber underground. A man's mate should be able to take an order from him. Men may be working in a shaft, or firing out in a shaft where three or four other men are. Two may be lighting up and two others may be in the bucket. One has to give the signal to the engine-driver that they are ready to fire. When that signal is given the men have to be hauled away. The others working in the shaft should be able to understand what is going on. The same thing applies when timber is being put in. Very often the lives of a dozen men depend upon one. Sometimes the firing out is done at irregular intervals during a shift. It is necessary for the signal to be given regarding the firing out, and to see that everyone is out of danger. My experience of mines is that seldom as many as 5 per cent. of foreigners are given work on the surface. The only place they are employed on the surface is on the cyanide vats or the slime pits. In the treatment plants or in connection with machinery, the management do not employ foreigners. The reason why so many are employed underground in some mines is that the employees generally are of mixed nationalities. They will go into dangerous places that Britishers do not care to enter.

Mr. Latham: Do you suggest the inspectors are not doing their job?

Mr. CHESSON: I wish the hon. member would talk sense. In the Murchison district there is only one inspector, who has to travel hundreds of miles. How can he closely inspect every mine from Northampton to as far north as Jimblebar?

Mr. Latham: You ought to know the position in which the mines are.

Mr. CHESSON: It is impossible for one man to do everything. When an accident occurs the matter is brought under his notice. He goes through the mine and finds out where the dangerous places are. He then gives instructions for timber to be put in. Sometimes he decides that there is not an adequate supply of air coming through, and he orders more ventilation. An inspector may carry out his duties to the utmost, but he cannot avoid men working in dangerous places. A miner must be a practical man to be able to pick out spots that are dangerous merely from the look of them. Some of them are able to judge what strengthening is necessary to secure themselves. Others may want to know how they will get away in case of an accident occurring through bad ground being met with. A man may be a good worker, but is not necessarily a practical man who knows when he is going into a dangerous place. When an accident does occur, it is the Britisher who goes to the rescue and not the foreigner.

Mr. Kenneally: Who rescued Varischetti?

Mr. CHESSON: Three or four men were overcome with foul air at the 300-ft. rise in the Great Fingal mine. It was Walter Mackie who went to the rescue, and who received the Royal Humane Society's medal. It is always a Britisher who goes to the rescue. No one asks a foreigner to do so. It is a wise thing to provide that not more than 10 per cent. of the employees underground shall be foreigners. After a foreigner has been here five years, he can become a British subject. When foreigners are out here for a time and become practical miners, no one finds any fault with them. Once they can take an order and secure themselves, as well as help their mates, there is no complaint against them.

Mr. Thomson: Can a man get a union ticket if he is not naturalised?

The Minister for Mines: He will not work 24 hours in the industry if he has not got one.

Mr. CHESSON: My complaint is that in many instances there are foreigners who speak the English language well. These people then take on big contracts and employ their countrymen who may have just landed in the State. Nobody knows what wage those men are receiving. I know of sworn statements by foreigners who are paid a long way under the Arbitration Court rate of wages.

Mr. Latham: Were they good unionists?

Mr. CHESSON: Those foreigners were exploited for the time being, but the time came when they began to understand English and to understand conditions as to wages. Thereupon they pulled out from working for these contractors. However, that was only after they had been employed on unfair terms for six or twelve months.

Mr. Lindsay: They were good unionists, were they not?

Mr. CHESSON: They had to be educated up to Australian conditions, just the same as the hon. member interjecting or myself. They were exploited until such time as, thanks to education, they became good unionists.

Mr. Lindsay: Why did not the union secretary do his job and look after them?

Mr. CHESSON: One has to be able to speak the Italian language in order to educate them.

Mr. Latham: It is hard to exploit a foreigner. A foreigner always finds somebody to understand and advise him. Anyway, the foreigner knows enough about the Workers' Compensation Act.

Mr. CHESSON: In time the foreigner becomes a good citizen.

Mr. Latham: Are you prepared to prevent him from earning a living?

Mr. CHESSON: For their own safety, and for the safety of the other men working underground, foreigners should not be employed there to a greater extent than 10 per cent. That is a fair margin for underground. The foreigners, although they can qualify by speaking a few words of English, are not proficient miners. Owing to their not being proficient miners, they cannot take the signals. That is why they are a menace to themselves and their fellow workers. I have pleasure in supporting the measure, and am only surprised that it was not brought in long ago.

Mr. Latham: Yes, if it was needed so much.

MR. THOMSON (Katanning) [8.48]: When in the early stages of this session the question of unemployment was being discussed, Ministers stated that the reason why so many men were out of work here was that such large numbers of foreigners entered the State.

The Minister for Mines: Only too true.

Mr. Sampson: The Minister is wrong in his figures.

Mr. THOMSON: This Bill proposes to amend an Act which came into being in 1906. The present Government have been in possession of the Treasury bench for 5½ years. Not only that, but in 1911 a Labour Administration came into power, and that Administration remained in power for a considerable period. Yet at such a late hour, after the Mines Regulation Act has been in existence for years, this Bill is brought down. It rather savours of drawing a red herring across the trail. I am as British as any member of the House; I am British to the backbone.

The Minister for Mines: Hear, hear! Then support the Bill.

Mr. THOMSON: It is our proud boast that under the British flag every man is free. We boast of our freedom. We declare that anyone who enters a country under the British flag has the right to live and the right to earn his living. Accordingly one marvels why in the closing session of our Thirteenth Parliament the Government have seen fit to exhibit so active and so keen an interest in the percentage of foreigners working in our gold mines. It cannot for a moment be contended that the gold-mining industry of this State, or for that matter of any Australian State, is in a flourishing condition. Taking into account the Workers' Compensation Act passed by the present Government, it is just possible that if the Bill becomes law we shall find that we are injuriously affecting an industry which has been the most severely hit among all the primary industries of Australia.

Mr. Kenneally: Will the hon. member say how the Bill will affect the industry in that way?

Mr. THOMSON: If the Bill is not going to affect the industry, why is the change proposed? For the last 25 years these alleged foreigners have been accepted by the unions though they have not been able to pass the language test. They have even been fully accredited union representatives. The

men who to-day are desirous of barring foreigners from earning a living have in years gone by compelled them, and are even to-day compelling them, to contribute to union funds.

Mr. Chesson: Every shilling they contribute they take out again in accident pay—every shilling, and more.

Mr. THOMSON: That is a libel.

Mr. Chesson: It is the truth. I have the figures.

Mr. THOMSON: It is a libel on fellow unionists. However, I shall have nothing to say about it. The point I want to stress is that the Mines Regulation Act was passed in 1906, no less than 23 years ago. In 1911 the hon. gentlemen who now occupy the Treasury bench entered upon a considerable period of power. If there was in 1911 an evil requiring a remedy, if the foreigners were a menace to the mining industry and to their fellow workmen in 1911, then was the Government's opportunity. It is not in the best interests of the State to pass legislation of the character now proposed. I hold no brief for the foreigners, but I say we have no right to allow any man to enter Western Australia if we will not allow him to live.

The Minister for Mines: We have no say as to whether foreigners shall come in or not.

Mr. THOMSON: On the contrary, those hon. gentlemen have.

The Minister for Mines: We have not.

Mr. SPEAKER: Order!

Mr. Sleeman interjected.

Mr. THOMSON: I am having a word with the House, a word which I hope will prevent the commission of an injustice to any section of the community. The hon. member interjecting, I have no doubt, belongs to a union; otherwise he would not be permitted to sit where he is sitting. Further, I have no doubt that in the organisation to which he belongs there are numerous foreigners who even to-day are not naturalised.

Mr. Sleeman: I think you are wrong.

Mr. THOMSON: The hon. member proposes not to allow the foreigners the right to earn their living.

Mr. Wilson: Also the Country Party.

Mr. Latham: No.

Mr. THOMSON: I refuse to enter into the merits or demerits of happenings in Italy. I will deal with what happens in Western Australia. Men have come here from other countries, and have proved themselves very excellent citizens of this State.

The Minister for Mines: Hear, hear! I agree with you.

Mr. THOMSON: We have no right to debar them from following any calling they may be desirous of pursuing. Again, in view of the fact that the mining industry is being policed by and worked under an award of the Arbitration Court, I fail to see any reason for a Bill of this kind. Let me deal with the principal objection raised by the member for Cue (Mr. Chesson), who stressed the language test. The hon. member said it was absolutely essential that foreigners should be able to speak English. It appears to me that the hon. member cannot have read either the Mines Regulation Act or this amending Bill.

Mr. Chesson: Oh, read the Act!

Mr. THOMSON: The Bill sets out distinctly that persons other than British subjects shall not be employed in any mine in underground working in any greater proportion than one of such persons to ten British subjects, or on the surface in any greater proportion than one of such persons to 20 British subjects. Let me deal with the case put up by the member for Cue, who speaks from a practical knowledge of the industry, having worked underground. I do not speak from practical knowledge.

Mr. Sleeman: Hear, hear!

Mr. THOMSON: Neither can the hon. member who interjects "Hear, hear!"

Mr. Sleeman: How do you know?

Mr. THOMSON: I do know. The hon. member probably knows more about a railway engine than about mining. I have yet to learn that a foreigner, having lived in this State for five years, would be able to pass any language test that could be imposed upon him.

Mr. Panton: But he can become naturalised.

Mr. THOMSON: Yes, he can become naturalised.

Mr. Panton: Then let him do so.

Mr. THOMSON: That would not affect the language question. The main reason of the member for Cue for supporting the Bill is the language test. But if there has been infringement of the Act which has existed since 1906, those who meantime have been working on the goldfields are themselves directly responsible for permitting such a state of things to come

into existence and to continue. I regard as equally responsible the present Minister for Mines, who worked in those mines many years ago. Section 42 of the parent Act reads—

(1) No person shall be employed in any mine as manager, under-manager, platman, shift boss, or engine-driver unless he is able to speak the English language readily and intelligibly, and to read it, whether printed or written. (2) No person unable to readily and intelligibly speak the English language shall be employed underground in any mine.

Mr. Latham: That is very definite.

Mr. THOMSON: The section continues—

(3) The manager, owner, and agent shall be responsible for the strict enforcement of this and the four last preceding sections, and shall be deemed guilty of an offence against this Act if any breach thereof is committed.

Ministers have, if I may use the term, arrived at a death-bed repentance after having permitted the Act to remain unenforced for 23 years. Even members who have actually worked in the gold mines have failed to point out that the Act has not been enforced, and that men have been working underground without being able to speak the English language intelligibly or to read it. That grave breach of the parent Act apparently has continued for many years.

Mr. Panton: There is no doubt about that.

Mr. THOMSON: Then who is responsible? I say it is the Minister who is in charge of this department to-day.

Mr. Panton: He has not been the Minister all the time you refer to.

Mr. THOMSON: He has been in his position for 2½ years. The present Minister for Lands was Minister for Mines for the preceding three years, and the present Premier was Minister for Mines for nearly six years.

The Minister for Mines: Not for so long as that.

Mr. THOMSON: Very nearly. In these circumstances, I cannot see that there is any necessity for this sudden and drastic alteration of conditions that have obtained in the mining industry for the last 23 years. It behoves Parliament to review the present position very carefully and approach the Bill with great caution. The present Act contains a section that sets out that no person shall be employed on work below ground in a mine for more than 48 hours a week or for more than a normal period of eight hours in any one day. Despite the fact that that provision is contained in the Act, we know that for many years 48 hours work has been the maximum and, as the Minister stated when introducing the Bill, the men have been working 44 hours.

The Minister for Mines: No, 47 hours.

Mr. THOMSON: Not underground!

The Minister for Mines: They work 44 hours underground now.

Mr. THOMSON: And some less than that.

Mr. Marshall: No, it is a 44-hour week.

Mr. Panton: It should be less than that

Mr. Latham: Then the mines should be closed.

Mr. Panton: They are operating on piecework.

Mr. THOMSON: In my opinion, this is a matter that the House should not decide. The question of working hours underground or above ground in a mine should be decided by the Arbitration Court, just as it does for any other industry.

Mr. Panton: So it has for many years past.

Mr. THOMSON: Then why should we interfere and be asked to alter the Act?

The Minister for Mines: If your argument is logical, then you should move to strike out the provision for 48 hours and allow the court to say that the men should work for 60 hours a week if it liked.

Mr. Latham: And that is the court's job.

Mr. Davy: If the hon. member did what the Minister suggests, it would be quite right, too.

The Minister for Mines: I expected the hon. member to say that, but I do not agree with it.

Mr. Davy: You want it both ways.

The Minister for Mines: No, I do not.

Mr. THOMSON: I am not in favour of any section of men working 60 hours a week in any industry, and I will not allow the Minister to make such a suggestion in connection with my attitude and allow it to go into "Hansard" without a reply to his interjection.

The Minister for Mines: I did not say you were; I said that was the logical effect of your argument.

Mr. THOMSON: It is not, and it shows the rottenness of the Minister's argument when he is led to make such a suggestion. The position to-day is that the maximum working week in the mines is 48 hours. That is prescribed in the Act, and yet the Arbitra-

tion Court has decided that the men shall work only 44 hours underground. If the court were to decide to-morrow that the men should work 40 hours underground, it would not matter what provision was made in the Act regarding the working week.

Mr. Sleeman: Then why are you making all this fuss?

Mr. THOMSON: Because I have no desire to interfere with an Act that has given so much satisfaction during the last 26 years.

Mr. Chesson: How do you know it has given satisfaction during that time?

Mr. THOMSON: It must have given satisfaction because the Labour Party, who are in possession of the Treasury bench to-day, administered the affairs of the State and this Act from 1911 to 1916, and yet did not find it necessary to amend the legislation. I believe I am safe in saying that at least 50 per cent. of the Labour members are drawn from the mining areas and practically a majority of the present Government consist of goldfields members. On this occasion they have been in possession of the Treasury bench for 5½ years, and have not considered it necessary to interfere with the Act.

The Minister for Mines: How do you know?

Mr. THOMSON: Because the Government have not introduced any amending legislation to deal with the hours of work in mines.

The Minister for Mines: I have been trying to get that through for the last three years, and have not got it through yet.

Mr. THOMSON: If the Act is so defective, why has the Minister introduced a Bill dealing with two sections only? Surely if the mining industry has been carried on for the last 25 years under an Act that provides for a 48-hour working week, it can continue to-day. The Act provides that the 48-hour period is to be the maximum.

Mr. Sleeman: Is there any harm in it?

Mr. THOMSON: Is there any harm in leaving the Act as it stands to-day?

The Minister for Mines: Yes.

Mr. THOMSON: Is there any harm in leaving it as it is, seeing that it has had no ill effect upon the workers? The Arbitration Court is in a position to dictate the hours of work.

Mr. Sleeman: You wanted us to interfere with the Arbitration Court just recently.

Mr. THOMSON: If the Government are to be consistent and debar foreigners from obtaining a livelihood and maintaining their families, they should remember that some of them are married, even though they are not naturalised. When the member for York (Mr. Latham) was speaking, the Minister for Mines interjected, "Why should we find employment for men here so that they can keep their families in Italy?"

The Minister for Mines: Or in Southern Europe; that is what I said.

Mr. THOMSON: I can cast my mind back to the early days of the goldfields in Western Australia when hundreds and thousands of people came here from the Eastern States, and all those people were looked upon as intruders. Those men sent their money back to the Eastern States to keep their wives and families. As one who came from Victoria in those days and was mighty glad to come here and make a living, I did not bring any gold with me but was darned lucky to have sufficient to pay my fare here. In those days it was not regarded as a crime to send money out of Western Australia to the Eastern States in order to maintain families there.

The Minister for Mines: It is not a crime.

Mr. THOMSON: But because a man has the misfortune not to be born under the British flag, it is a crime for him to send his money from Western Australia to maintain his wife and family wherever they may be!

Mr. Panton: Mussolini won't let their wives and families come here.

Mr. THOMSON: The laws of the State permit these foreigners to come here.

The Minister for Mines: No.

Mr. Lindsay: Then why not enforce the law and keep them out?

The Minister for Mines: We have not the power.

Mr. THOMSON: Those men are permitted to come here.

The Minister for Mines: There is a Commonwealth law dealing with that, not a State law.

Mr. THOMSON: I do not agree with the attitude of the Minister.

The Minister for Mines: You would have them all in, white, black, brown and brindle!

Mr. THOMSON: No, I would not. We have an Alien Restriction Act.

The Minister for Mines: That is a Commonwealth law, not a State law.

Mr. THOMSON: It is the law of Australia.

The Minister for Mines: Not the law of Western Australia.

Mr. THOMSON: It is the law of Western Australia.

Mr. Mann: We are a part of the Commonwealth!

The Minister for Mines: But we do not administer that law.

Mr. THOMSON: These foreigners have a right to be admitted and if we allow them to come to Australia or Western Australia, we have no right to debar them from earning a living. We have no right to prevent them from sending money out of the State in order to maintain their wives and children, irrespective of what part of the world their families may be residing in. There were many people associated with the mining industry in the early days who would not have been admitted to the State had the provisions of the Alien Restriction Act been enforced in those days. Many of those men were practicaly penniless when they arrived here. If the Government are to be logical, then they should apply to every other industry what they desire to apply to the mining industry.

Mr. Griffiths: And apply it to work on the Kurrawang woodline.

Mr. THOMSON: That is so.

The Minister for Mines: If the hon. member helps to keep me in my present position for another 12 months, I will do my best to apply it to other industries as well.

Mr. THOMSON: Thank Heaven, the Minister will not have the power to do that; it would be a retrograde step. I hope we shall be able to build up an Australian nation with as many of our own people as possible.

Mr. Marshall: Yes, as piebald as we can get it!

Mr. THOMSON: I am not in favour of a piebald population.

Mr. Marshall: Yankee Doodle, Jack, George, Jew and Gentile will do you.

Mr. THOMSON: We are dealing with the mining industry, which is in a parlous condition at present. In those circumstances I had thought that the Government would introduce legislation of a helpful description. I cannot regard the Bill as coming within that category. We must admit foreigners from any part of the world so long as they are white. The law of Australia permits them to come here provided they have a certain amount of money in their possession. The Minister laughs! I am game to make this statement, that if the provisions regarding the necessary money a migrant must have before being permitted to land in Australia, had been enforced in the early days, not many of us would have been able to come to Western Australia.

Mr. J. H. Smith: There would not have been anybody for the mines.

Mr. THOMSON: I am dealing with the admission of those foreigners, who must have a certain sum of money. There are members of the House, and I am one of them——

Mr. Panton: Speak for yourself.

Mr. THOMSON: And probably the hon. member is another——

Mr. Panton: No, I walked across.

Mr. THOMSON: If the condition imposed on foreigners, namely, that they must have a certain amount of money, had been imposed upon all of us who came from the Eastern States, a considerable number of us would not have been permitted to enter the State. So I say that the unions, if they are to be consistent, have no right to admit to membership men who are not naturalised, who are not British subjects, when they are quite prepared to say, "You shall not work unless you belong to our union."

Mr. J. H. Smith: And they have to contribute to the union's funds.

Mr. THOMSON: And the unions are prepared to take their subscriptions and use them. If those men are not to be permitted to work in our mines, nor in any other of our industries, I think very little of the organisations that, while seeking on the one hand to debar those men the right to live, on the other compel them to join their unions before permitting them to work. I will oppose the Bill.

MR. KENNEALLY (East Perth) [9.17]: The Bill has two features. One is regarding hours, and the other regarding foreigners. As to hours, we have heard a lot from members of the reasons why we should not legislate for a 44-hour week for those working underground in the mines. We are told that if we legislate in that direction, or if we legislate in the direction of restricting the number of foreigners to be employed, we are going to ruin the mining industry. So often has that been repeated by members opposite, that it seems to me they will begin to believe it themselves if they repeat it many more times. The member who has just concluded speaking said there was no reason why we should have in the

Bill the provision for hours with a view to having it embodied in the Act. If that is so, why is there in the parent Act provision for the 48-hour week? Could not the same argument have been adduced—and just as logically—at the time that provision was being placed in the Bill of that day? Could it not just as logically have been argued that there was no reason to state the hours in the then Bill?

Mr. Latham: The Arbitration Court would look to that.

Mr. Thomson: The Arbitration Act was not then in existence.

Mr. KENNEALLY: My friend's memory is defective if he says the Arbitration Act was not in existence when that Bill was passed.

Mr. Thomson: I meant the Federal Act.

Mr. KENNEALLY: The amending Act to which the hon. member is referring is not controlled by the Federal Act, nor are the hours of labour in the mining industry. It is not much use, after the plea he put up for the foreigner, for the hon. member to try to say that because legislation which was passed prior to this made provision for hours, the hours now should not be inserted but should be left to the Federal Arbitration Court.

Mr. Thomson: What were the hours when this was introduced? They were then 48.

Mr. KENNEALLY: If the hours were 48 when that Act was introduced, my friend is supplying an argument why 44 hours should now be inserted in the amending Bill; for the reason that if a 48-hour week was then the law, the 44-hour week is now the law, and it is time the hours mentioned in the Act should be altered to conform with the law.

Mr. Thomson: They are not the hours for the whole of the State.

The Minister for Mines: Yes, for the whole of the State.

Mr. KENNEALLY: When the hon. member is bowled out in one inaccuracy, he hides behind some other statement to cloud the mistake he previously made. But we have to consider that this is not the only country that legislates regarding hours, which says that in the mining industry the hours shall be provided for by Act of Parliament. Therefore, when we find it is considered essential in other countries to make in the legislation provision for the hours to be worked, is Australia for all time to lag behind other countries?

Mr. Latham: As a matter of fact, it has been leading for a long time, and you know it.

Mr. KENNEALLY: The late Mr. Justice Higgins gave information diametrically opposed to that given us by the hon. member. As the result of an investigation into the question of hours, his statement is on record that whilst Australia once led in point of hours, she had been trailing for some time. So the statement of the hon. member cannot be accepted as being of much worth. I think the time has come when we should say that those miners who are working underground shall not work more than 44 hours per week; and when we say it we should say it through our legislation. There is another aspect to be given consideration, namely, the fact that since the parent Act was passed, we have given attention to the question of compensation for those miners who were subject to the Act when that provision was made. This country has been put to considerable expense in order to see that some meed of justice was done to those miners who went into our mines in good health and came out physical wrecks. Having to provide the necessary finance to see that something like justice is done to those miners who are now physical wrecks, are we to be told we have no say in the number of hours those men shall work in the mines, thereby jeopardising their health still further?

Mr. Latham: They are not compelled to work there.

Mr. KENNEALLY: No, they are not. It is a pity the hon. member was not compelled to do a little work. He would not then be so callous regarding others.

Mr. Latham: My word!

Mr. KENNEALLY: So much for the question of hours. Let me get on to the employment of foreigners, the second point the Bill deals with. I want to congratulate the Leader of the Country Party on his consistency. You, Sir, will recollect that a few months ago he took us on a mental excursion to India and Africa, showing us the cheap Kaffir labour in Africa, pointing out to us the cheap coolie labour obtainable in India, and winding up a very nice address to the House by saying the time had come when we had to compete with coolie labour

Mr. Lindsay: We are doing it now.

Mr. KENNEALLY: I congratulate him and the members of his party on his consistency in that respect. He has pu

up a very fervent plea to-night for the foreigner in this country as against the Britisher. However, the people of this country do not stand for that, and the hon. member will be told so. Is it a sensible or a logical attitude to adopt in this country to say we are going to cater for the propagation of a foreign market, when money being earned in our mines and other industries should be spent in the propagation of a local market in order to keep our own people in employment? Just consider the records of the sending of money to foreign countries through the post office of this country. Consider the increase in the number of foreigners, an increase in less than four years of 7,700 Southern Europeans in Western Australia alone. This country cannot absorb them and continue to prosper. Because independently of the wages of which that system is depriving our own British-born, independently of the amount it is robbing them of, we have to realise that there are in this country 7,700 male foreigners earning, if we are to take the words of the Leader of the Country Party for it, at all events the basic wage. If we take that and realise that 7,700 male foreigners are working in Western Australia and have come here during the last four years, and if we realise that those men have their families in foreign countries——

Mr. Thomson: Not all of them.

Mr. KENNEALLY: All but very few of them. And I am dealing only with the excess of male arrivals. If I were dealing with other than male arrivals, I would not have to confine myself to 7,700. I am dealing with the excess of male arrivals. When we realise the amount of money that is going out of this country to maintain approximately 7,700 foreign families beyond the shores of Australia, our policy should be to keep that money in this country and pay it to Britishers in order that they might keep their own families in this country, and so provide additional work for the unemployed. At least two members opposite have definitely said they would give preference to the foreigner.

Mr. Latham: I did not say anything of the sort!

Mr. Thomson: It is not correct.

Mr. Latham: Who said it?

Mr. KENNEALLY: That being so, we can realise what the attitude of that party is which has such a policy. I can readily understand my friends opposite denying their statements. Still, "Hansard" tells the tale.

Mr. Thomson: That is right.

Mr. KENNEALLY: And "Hansard" will be found to substantiate what I have said This proposed amending legislation makes provision that no more than one in ten men employed underground shall be a foreigner, and no more than one in twenty above ground. After all, surely that is not a very reactionary proposal. Surely members opposite will agree that if we say that not more than one foreigner shall be employed to nine Britishers, it is not asking too much for our British people. If we say that above ground there shall not be more than one foreigner employed to every 19 Britishers, that also is not asking too much for our British people. And as my friend behind me has interjected, if that foreigner becomes naturalised, he will cease to be, in the terms of this legislation, a foreigner. If many of them do that, it will mean that at least a much larger percentage of people from Southern Europe can be employed in the mines to the prejudice of the British who are either born here or are natives by adoption of long years' standing. We are entitled to ask for this legislation which will give the Britisher at least a reasonable deal in this country. I asked by way of interjection for information as to how the substitution of Britishers for foreigners would ruin the mining industry. When other members have stated that the foreigner is, by some system, working for lower wages, members opposite have replied, "Well, there is an arbitration award. They cannot work for lower wages; they must get the award rate." If the foreigner is getting the award rate and we substitute the Britisher for him and he gets the award rate, how can the substitution ruin the industry, as has been prophesied by members opposite? They know, as we know, that while the foreigners are supposed to be getting the award rate of pay, not only in the mining industry, the timber industry, the clearing industry, and in each industry in which they are working, including the furniture industry of which we have definite proof, a very big proportion of the award rate has a little bit of elastic attached to it which makes it possible for that amount to go back into the employer's pocket.

Mr. Panton: A bit of a boomerang.

Mr. KENNEALLY: With our knowledge of that we can easily understand why our friends opposite say it might ruin the mining industry, because they are of opinion that what is operating elsewhere is operating in the mining industry, and that if we substituted Britishers for the foreigners, the Britishers would get the full award rate.

Mr. Angelo: That is not correct.

Mr. KENNEALLY: We are entitled, therefore, to see that preference is given not to the foreigner, as has been advocated here to-night—

Mr. Latham: It has not been advocated here to-night.

Mr. KENNEALLY: But that preference is given to British people. If we are not in a position to do that, we are in a position less advantageous than that of the American nation. We have endeavoured to attend to the question of the foreign influx through the only channel open to us, namely, the Federal law. My friends opposite know that the State Government have no power to prevent the influx of foreigners. The power rests entirely with the Federal authorities. In order to ease the position, we have been endeavouring to get the Federal Government to take the necessary steps to prevent a continuance of the influx. As I mentioned the other evening, we have been informed, after a lot of agitation, that to attempt to do so might raise grave international complications. That is the idea of the leader of members opposite.

Mr. Latham: He said "Would it?" not that it might raise complications.

Mr. KENNEALLY: I am stating what the hon. member's leader said.

Mr. Thomson: I said, "would it?"

Mr. KENNEALLY: The hon. member is in need of sufficient intelligence to understand my remarks because I have been referring to his leader, Mr. Bruce.

Mr. Latham: Then why do not you make yourself clear?

Mr. KENNEALLY: I can give only intelligence, not understanding.

Mr. Latham: You have none to give.

Mr. KENNEALLY: The hon. member's leader said that if we intended to limit the influx of Southern Europeans it might raise grave international complications. As a matter of fact, the very thing that is responsible for the influx of Southern Europeans into Australia and for the rapid increase in their numbers is that another nation has been prepared to realise the danger and limit the number of Southern Europeans entering its country. I refer to the United States of America.

Mr. Latham: That country also imposes a limit on Britishers.

Mr. KENNEALLY: It has even the temerity to limit the influx of British population.

Mr. Latham: The nation from which it sprang.

Mr. KENNEALLY: If citizens of Australia desired to settle in America, they would be prevented from doing so at a greater rate than 100 per year.

Mr. Latham: America sees the grave danger there!

Mr. KENNEALLY: There is the hon. member maligning his own country again. He has already maligned his country by advocating preference to foreigners in this State.

Mr. Latham: On a point of order, I ask for a withdrawal of the statement that I advocated preference to foreigners. I have not done such a thing.

Mr. SPEAKER: If the expression is offensive, I ask the member for East Perth to withdraw it.

Mr. KENNEALLY: If it is offensive, I withdraw it.

Mr. Lindsay: And it is untrue.

Mr. KENNEALLY: The member for York spoke on the question of foreigners and his remarks will be on record in "Hansard" and will be available to the public. If I misunderstood the purport of his remarks, I am sorry.

Mr. Mann: Not very sorry.

Mr. Thomson: Anyhow, you do not look it.

Mr. KENNEALLY: I hope this Bill will be passed. The provision it makes, first of all, to bring the hours up to date appeals to me. To those who have the interests of the miners at heart, and the member for York told us he had, it will appeal also. In addition, it seeks to prevent, if possible, the industry of mining from being altogether monopolised by foreigners, and that, too, should appeal to all who have the interests of mining at heart. The member for Cue (Mr. Chesson) pointed out that if a British miner found himself in an awkward corner and required a piece of timber to

be handed to him, his position would not be improved if the person responsible for handing the timber to him did not understand what was required. If a British miner called for a piece of timber, it would be of no use the foreigner handing him some of the hot air that the member for York has been handing out to the House to-night.

Mr. Latham: Yours included.

Mr. KENNEALLY: That would not be of much use to a miner in a precarious position. I hope that, as the result of the information conveyed to the House by practical miners such as the member for Cue, the House will be influenced to pass the measure, which will afford at least some relief to the people who have been waiting for it so long.

MR. SAMPSON (Swan) [9.39]: I regret that the Bill savours of insincerity. It certainly contains little to recommend it at this late stage. If there were need for this Bill, surely it could have been introduced here very much earlier in the life of the present Government, but to bring it down in the last session of this Parliament is rather amazing, particularly when there is a law on the statute-book empowering the Arbitration Court to reduce the hours of labour to such an extent as to the court seems proper, so long as the hours do not exceed 48 per week. So it is quite superfluous to insert in the Act that the hours shall not exceed 44, because the Minister is aware that already those hours are not being exceeded. Then we come to the other amazing clause of the Bill—the desire of the Government to limit the employment of a certain section of workers.

Mr. Sleeman: You prefer Maltese?

Mr. Marshall interjected.

Mr. SAMPSON: If I am permitted merely by interjection to utter a few words now and then, I wish to direct attention to the fact that the Minister has overlooked one point which, when it occurs to him, will cause him some mental perturbation. When the Bill is understood by people outside of Parliament, numbers of union men particularly will exclaim, "Save us from our friends!" The Minister has admitted to-night that the section of the workers against whom he would legislate are members of unions, and that they regularly pay their union fees.

The Minister for Mines: I believe that 90 per cent. of them are, but they do not live in my electorate.

Mr. Davy: That is the point.

Mr. SAMPSON: To a comparatively young member like me, what the Minister has just stated is something in the nature of an admission that is very discomforting. I should not like to think that anything of a political nature would influence any member of this House. Apart from that, the Minister has admitted that those men are paying fees to unions.

The Minister for Mines: There is nothing in the Bill dealing with union fees. That would come under the Trade Union Act.

Mr. SAMPSON: During the course of the debate the Minister has acknowledged that those men against whom he would legislate pay fees to unions and are good unionists.

Mr. Chesson: They pay into an accident fund and draw the lot out.

Mr. Wilson interjected.

Mr. SAMPSON: I cannot catch those interjections.

Mr. Wilson: You do not want to, either.

Mr. SAMPSON: I understand that amongst workers the old French idea prevails—fraternity, equality and liberty, that all men are equal and are born with certain inalienable rights and so on. However, I have no desire to enlarge on that phase of the question. I wish to direct the Minister's notice to the fact that while the foreigners are paying union fees, he and his party are nevertheless throwing them to the wolves.

Mr. Chesson: They pay only accident fees.

Mr. SAMPSON: Let me direct attention to a question I asked last session.

The Minister for Railways: You have been reading the Federal Parliamentary debates.

Mr. SAMPSON: I asked a question with regard to the engagement for Government work of unemployed in the country, and also the outer suburban districts. I questioned whether it was a condition precedent to employment that the applicant possessed a union ticket, and if so, if it was essential that membership of any particular union be held, and so on. The Minister in reply said that all men for Government work must be engaged at the State Labour Bureau, and that in the selection of men

for this work preference was given as follows:—(a) to financial members of a trade union, and (b) to men with dependants in Western Australia according to the number of their dependants. In this case the first consideration was that the man possessed a union ticket. In the Bill the first consideration is not whether they possess a union ticket——

The Minister for Mines: And if it is a Government job and they are foreigners they cannot be employed if they are unionists, even if it is a question of a contract.

Mr. SAMPSON: I have pointed to the lack of consistency.

The Minister for Mines: There is no lack of consistency about it. We are absolutely consistent.

Mr. SAMPSON: There is a lack of consistency. On the one hand, we have the Minister taking steps to legislate against members of a union, and on the other hand I am showing that the first consideration in respect to Government work is that a man shall possess a union ticket. The fact that he has dependants is a secondary consideration. These questions require reconciling.

The Minister for Mines: If he is not naturalised he cannot get a job whether he has a union ticket or not, even if it is a Government contract.

Mr. SAMPSON: The statements require to be reconciled. On the admission of the Minister those men who are engaged in the mining industry belong to unions and pay their fees.

The Minister for Mines: Certainly.

Mr. SAMPSON: And yet they are to be obliged to leave the mines.

Mr. Davy: They have no votes. That is the point.

Mr. SAMPSON: I am sorry that such legislation as this should be brought before the House.

The Minister for Mines: We cannot be responsible for every member's mind. I will not accept the responsibility for that.

Mr. SAMPSON: It is hopeless trying to reconcile these irreconcilable points. By implication the Minister reflects upon Australian workmen.

The Minister for Mines: So you say.

Mr. SAMPSON: There is another question concerning which our time would be very much better occupied, and that is in considering the welfare of the boys of Western Australian unionists and others. If we were to consider how to secure a larger quota of apprentices the difficulty of unemployment would to a great extent be overcome. If I may say so without offence this Bill savours of a red herring drawn across the trail of unemployment. It gets us nowhere. If we went to the root of the matter, dealt with the basic wage and gave consideration—

Mr. Marshall: To the importation of Maltese.

Mr. SAMPSON: No; to the need for apprentices, we should make some progress, and the future would see less unemployment than is evident to-day. That would take us somewhere. In view of the fact that already on the statute book we have the principle of limiting the number of hours of work, and in view of the fact that the whole question, so it is said, savours of the point as to whether foreigners have votes or no votes, I think we should be better engaged if we devoted our attention to matters of more serious import. We would do well to overhaul the Industrial Arbitration Act, to look into the matter of lads who are apprenticed in the different trades, and take such steps as occasion calls for to give every boy an opportunity to become apprenticed.

The Minister for Mines: In what part of the Bill is reference made to the Industrial Arbitration Act?

Mr. SAMPSON: This is a related subject.

The Minister for Mines: I rise to a point of order. I should like to know whether the hon. member is justified in referring to an amendment of the Industrial Arbitration Act dealing with apprentices under a Bill which seeks to amend the Mines Regulatiion Act.

Mr. SPEAKER: The hon. member may make his remarks referring to another Act so far as it is a condition of labour relevant to the subject under discussion.

The Minister for Mines: There is nothing about apprentices in the Bill.

Mr. SAMPSON: I thank you, Mr. Speaker.

Mr. Marshall: Be wise and sit down.

MR. COWAN (Leonora) [9.52]: As this Bill is of considerable importance to that portion of the State I have the honour to represent I should be lacking in my duty if I cast a silent vote upon it. I regret

that the Federal Government have not taken in hand legislation such as this. Had they done so, it would have been a warning to these men not to come to Western Australia where there was no work available. We would not now be placed in our present unsatisfactory position of having so much unemployment. In my district there are many Italians. Some of these have become naturalised. They are good citizens, good workers, and exceptionally good unionists. There are also many who have perhaps been in Australia three or four years. This Bill will rather seriously affect those men. They have not been in Australia long enough to comply with the residential conditions and become naturalised. They have made their homes here, and have no intention to return to their native land. They are anxiously awaiting the time when they can apply to come under naturalisation conditions. I feel a certain amount of sympathy for those men. I hope we shall be able to arrange that the 15 per cent. of foreigners allowed in the mining industry can be adapted so that preference is given to those who have had the longest residence in Australia. We are told that there are about 485 foreigners who are not naturalised employed in the mining industry.

The Minister for Mines: That is on the mines I quoted, but it is not all.

Mr. COWAN: Quite a number of these men have been in Australia long enough to entitle them to naturalisation. If that is so and they have enjoyed our conditions for five years, and are not now prepared to become naturalised, it is time they got out. We are told that the Bill will cripple the mining industry. I am pleased to be able to say that in the past few years the conditions for the men underground have been wonderfully improved. Not only have we Government mining inspectors but workmen's inspectors also. These men are performing an excellent service. As an Australian I should be ashamed to think, much less say, that we cannot man our Australian mines with Australian and British labour.

The Minister for Mines: Hear, hear!

Mr. COWAN: I have no hesitation in saying that under present conditions no genuine worker will refuse to accept work in our mines, given the opportunity to do so. I regret that the Federal Government have failed in their duty to introduce legislation of this kind. It is hardly fair that the matter should be left entirely in the hands of the State. I also regret that this legislation does not cover a wider field than merely the mining industry. The employees in the mines are at least protected by their unions with regard to their rates of pay. I am sorry we cannot say the same thing of the agricultural areas. I refer more particularly to contractors employed in road construction. It has been proved that a number of contractors, as employers, have been engaging Southern Europeans, trading on their inexperience, and paying them much less than the ruling rate of wage for that class of work. Although I hold no brief for the Southern European I have more respect for him than I have for this unscrupulous class of employer, who engages these foreigners and makes use of their inexperience to this extent. These employers are a greater menace to Australia and Australian working conditions than the Southern Europeans ever could be.

Mr. Lindsay: Are you referring to Federal aid road work?

The Minister for Mines: That was the case until we inserted a clause in our contract forms to stop it.

Mr. Lindsay: I am not making the charge. The hon. member is doing that.

Mr. COWAN: I have no intention to apologise for making it.

The Minister for Mines: And there is no need to.

Mr. COWAN: There can be no objection to the clause dealing with the 44-hour week. I have worked in and around mines all my life, and can hardly imagine anyone protesting against this provision. The Bill deals purely with the mining industry. Unfortunately we have not the power to widen the scope of its operations, although I regret it does not extend beyond that industry. I hope the measure will be given generous consideration by members.

MR. ANGELO (Gascoyne) [9.57]: The first point dealt with in the Bill relates to the alteration of the working hours. To this I have no objection although it is hardly necessary to have this embodied in the Bill. The parent Act mentions 48 hours, and the miners are working 44. If it is not illegal for them to work 44 hours, although the Act refers to 48, I can see no necessity for amending the Act. If the Minister wants this done, however, I have no objection to it.

Mr. Davy: There is a grave objection to it. It ties the hands of the Arbitration Court.

Mr. ANGELO: The court has made the hours 44 per week, and my opinion is that this is quite long enough for men who work underground. As to the other amendment proposed, whilst I have a good deal of sympathy with the Minister's object, that the Australian labourer should receive preference, I cannot help thinking that the amendment is a rotten advertisement for the miners of this State. Whilst the Minister was moving the second reading of the Bill I asked him by way of interjection was there any measure of a similar nature existing in any other Australian State. He replied, "No; we are going to set the example."

The Minister for Mines: No. I said I neither knew nor cared.

Mr. ANGELO: We are going to set the example of telling the world—if the measure passes—that Western Australian miners cannot compete with foreigners.

The Minister for Mines: Nonsense!

Mr. ANGELO: Surely there is some other way of achieving the object in view. Surely the unions which we were told, during the debate, every man working in the mining industry has to join, can deal with the matter. What is to prevent the unions from dealing with it instead of Parliament being asked to advertise to the world——

Mr. Kenneally: Does the hon. member advocate direct action?

Mr. ANGELO: No. An hon. member on the Government side of the House—I believe it was the member for North-East Fremantle (Mr. Rowe)—interjected that no alien is allowed to join the Lumpers' Union until he has become naturalised. We are also told that nearly all the Southern Europeans working on the mines should be naturalised, because they have been here long enough. I agree with the member for Leonora (Mr. Cowan) that they ought to become Australians, ought to become naturalised. If there are a few who have not resided here long enough, and if it is considered that 10 per cent. of these should be allowed to work on the mines, surely the unions can permit that 10 per cent. to come in. Why approach Parliament to ask for this Bill? I suggest to the Minister that he recommend the unions dealing with the mining industry to follow the example of the Lumpers' Union at Fremantle by dealing with the matter themselves, instead of coming to Parliament.

On motion by Mr. Ferguson, debate adjourned.

House adjourned at 10.4 p.m.

Legislative Assembly,

Thursday, 29th August, 1929.

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

QUESTION—RAILWAY PROJECTS.

Bendering Northwards and Karlgarin Extension.

Mr. LATHAM asked the Premier: 1, What railway facilities are projected for settlers east of Bendering northward towards Southern Cross? 2, Will he consider introducing legislation to extend the proposed Lake Grace-Karlgarin railway a further 35 miles?

The MINISTER FOR JUSTICE (for The Premier) replied: 1 and 2, The whole question of railway communication for the territory eastward of the Great Southern Railway is being exhaustively examined, and a comprehensive scheme is being prepared by the Railway Advisory Board.