

to which the value of the land will be maintained by the work, and the depreciation of value likely to occur had the work not been carried out. Whether or not there is substance in the argument that the value of the land and the productive capacity are identical terms, the amendment is unnecessary. Therefore I shall vote against it.

Mr. WATTS: The Premier went too far in alleging that the terms "productive capacity of the land" and "value of the land" are synonymous. I have not got so far as to advance that point of view, but I argue strongly that the ability of the land to produce wealth should be the main desideratum in arriving at the value. In many instances, this has not been done, and this point of view has not been accepted by the Premier. Nor is it likely to be accepted by him at this minute.

The Premier: You do not wholly accept it yourself.

Mr. WATTS: It ought to be taken into consideration, but it has not been considered to any great extent. There is still an inclination to say, "Here are five acres cleared and it costs 6d. per acre and is worth 2s. 6d." whereas in all probability the land would not grow a tomato.

The Premier: My main objection to the productive capacity argument is the varying features upon which usually a substantial argument is based.

Mr. WATTS: Quite so, but if land can carry 500 sheep and something in this legislation reduces its carrying capacity to 250, the productive capacity has been reduced.

The Premier: And therefore its value.

Mr. WATTS: Yes. I do not know that the magistrate would take any notice of that unless expressly directed to do so. That is why I am asking for an express direction to the magistrate to take this matter into consideration. I do not think the Premier is any more opposed to the amendment than I am.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That after the new paragraph (e) the following definition be inserted:—"For the purposes of this subsection the word 'present' is used in respect of the value of the land as at the time of the hearing of the appeal."

We are going to have appeals over a long period of years.

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

Clauses 41 to 44—agreed to.

Clause 45—Penalties:

Mr. WATTS: I move an amendment—

That in line 3 of Subclause (2) the word "justices" be struck out.

The PREMIER: I do not agree to the amendment. Probably many actions under this Act will have to be taken in outer areas, perhaps in pastoral areas, where the population is sparse and people far removed from a stipendiary or resident magistrate. Should circumstances so justify, either party could apply for a change of venue. To avoid expense, however, it is necessary to give the parties the opportunity to have the case heard at the court nearest to where they reside; and in almost all cases such a court would be presided over by justices. I hope the Leader of the Opposition will not press his amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 46 to 49—agreed to.

Schedule, Title—agreed to.

Bill reported with amendments.

*House adjourned at 9.26 p.m.*

## Legislative Council.

*Wednesday, 3rd October, 1945.*

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

### QUESTION.

#### WHEAT SILO, FREMANTLE.

*As to Details of Cost, Etc.*

Hon. A. THOMSON asked the Chief Secretary: Will the Government request Mr. Seully, Minister for Commerce, Canberra,

to furnish answers to the following questions regarding the concrete silo at Fremantle, designated as the Wheat Hospital:—

- 1, Was this silo constructed on a cost-plus profit basis?
- 2, What was the estimated cost?
- 3, What was the actual cost?
- 4, Has the cost of this silo been made a charge against the wheatgrowers of Australia?

The CHIEF SECRETARY replied: The financial arrangements in connection with the silo were the responsibility of the Commonwealth Government operating through the Australian Wheat Board, and it is suggested that any question on the matter should be directed to the General Manager of the Australian Wheat Board.

### RESOLUTION—THE WAR.

#### *Message from His Majesty the King.*

The PRESIDENT: I have received from His Majesty the King, through His Excellency the Lieut.-Governor, the following message:—

Mr. President and hon. members of the Legislative Council: I am commanded by the King to express His Majesty's sincere thanks for your loyal resolution on the victory of the Allied Forces over Japan and to assure you how deeply His Majesty appreciated the terms of your message.—James Mitchell, Lieut.-Governor.

### MOTION—GAOL SITE AND MODERN PRISON REQUIREMENTS.

#### *To Inquire by Joint Committee.*

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.36]: I move—

That a committee of three members of each House of Parliament be appointed to inquire into:—

- (a) The requirements for a modern gaol;
- (b) whether such requirements can be provided on the site selected by the Government, known as the Claremont site, and if so, to recommend whether this site should be used for this purpose;
- (c) if not, to report on and recommend any alternative site.

That the committee may adjourn from time to time, and from place to place; may sit on those days over which the Houses stand adjourned; have power to call for persons, papers, and records; and shall report to His Excellency the Lieut.-Governor.

In moving the motion I would like to say that I feel sure—

#### *Point of Order.*

Hon. C. B. Williams: On a point of order, Mr. President.

The President: Will the Minister please resume his seat?

Hon. C. B. Williams: I do not know whether I am in order, but I wish to ask whether the Chief Secretary intends to name the members who are to be on the committee, or whether this House is to elect them.

The President: That is a matter that can be decided after the motion has been considered.

Hon. C. B. Williams: I thought I would give the Chief Secretary the oil!

#### *Debate Resumed.*

The CHIEF SECRETARY: I feel sure that all members who have given thought to the question of prison administration will appreciate the special difficulties and problems which have faced our Prisons Department during the war years; and they will agree, I think, that Fremantle gaol is a relic of the past and should be replaced with a new institution based on modern conceptions of prison administration and control. Our experience arising from the compulsory evacuation of the Fremantle gaol emphasised the unsuitability of that institution to meet present-day requirements and amply demonstrated the necessity for a new institution. As a result, the Government, after careful consideration and on the advice of the best available authorities, selected a site for a new main gaol adjoining the Claremont Mental Hospital, some 225 acres in extent. No sooner was this decision made known than protests were received and considerable opposition developed.

Hon. L. B. Bolton: Long before it was announced!

The CHIEF SECRETARY: Yes, there may have been some references before the decision was announced. There was a certain amount of curiosity as to where the new site would be; but, when the decision was announced by the Government, opposition became apparent, more particularly from one local authority. Members are aware of the announcements that were made in the Press from time to time. The reports, which I think were very comprehensive, were considered by most members at that time, and they have a fair know-

ledge of the problem with which the Government is faced. As the Minister controlling gaols, I received a deputation representative of local authorities, as a result of which I undertook to refer their representations to the Government for further consideration. The opposition voiced by this deputation was not only to the site selected, but to the establishment of a main gaol anywhere in the metropolitan area. Many members of Parliament were present at a meeting that was held, and at which a resolution was carried requesting the deferment of any further action until Parliament had an opportunity to discuss the matter. It seemed to me to be rather strange that members of Parliament, and the meeting itself, could make such definite statements and even carry resolutions, when they had only one side of the question before them. However, that was the decision of the meeting and it was conveyed to the Government.

After consideration the Government, in view of the importance of the subject, the fact that Fremantle gaol does not lend itself to modernising, and because considerable sums of money will have to be spent in providing the requirements of the department in the near future, considered that it was desirable that a joint Select Committee be appointed in order to investigate the whole of the facts of the case. The department is at present faced with the necessity of providing additional accommodation, and I think members will agree that, if it is necessary to provide considerable sums of money for this purpose, it is highly desirable that the money should not be spent on any temporary site or in the provision of a temporary institution, but on something that would be part and parcel of a definite scheme to provide, in Western Australia, a modern prison which would be more in keeping with up-to-date ideas of prison administration. I do not at this stage propose to go into the pros and cons of the site selected, but I believe the Government will, in the near future, be faced with a major problem in dealing wisely with the prison population, which is likely to increase rather than decrease as the result of the aftermath of war. It is to be regretted that I should have to say that, but the experience after all wars has been the same.

The aftermath of war apparently leads to a great increase in the number of wrongdoers, and those who have to be detained. Consequently the Gaols Department, being faced with the position that it is confronted with at the present time, desires that the site for the institution, wherever it is to be, shall be selected at an early date. I have been asked how it is that we cannot carry on as at present, and why we cannot continue to use Barton's Mill as we are doing now. The answer is that Barton's Mill was a temporary expedient when it was first established. It was instituted as the result of unprecedented circumstances, at a time when this State was considered to be in jeopardy; at a time when there were many other difficulties to be contended with. Our experience at Barton's Mill has been excellent and has proved conclusively to the prison administration that an intermediate gaol of that kind is not only desirable but necessary. It has also proved that Barton's Mill could never be a main security gaol, and so the necessity arises for a new institution, which need not be of the same size as the old institution at Fremantle—because it will not be called upon to cater for the same number of prisoners—and as the result of our experience during the last few years we are satisfied that there is a necessity for an institution of the type of Barton's Mill, together with other modifications of our existing system. So this matter is rather urgent.

The department is faced at present with problems of accommodation. It may not be generally known that Fremantle prison has been used for several years by the military authorities. There have been times during recent years when the gaol population at Fremantle has been larger than at any other time in its history. The military authorities are still occupying the greater part of that institution, and will require it for some time to come. We, on our part, are faced with the necessity of providing accommodation of one kind or another immediately. In view of what I have already said, I hope this Chamber will agree to the motion, and that the committee will be able to get to work as early as possible, in order that the site may be chosen, and so that whatever buildings we find it necessary to erect in the near future will be part and parcel of a

scheme to provide a modern institution for Western Australia.

I feel that the appointment of a Joint Select Committee can be productive only of good. There are some phases of prison administration that are not freely spoken of. I think it is necessary that members of Parliament should know something of the problems that prison administrators have to face, and an inquiry such as this committee will make will, I think, be an education to some of our members and will show just what the problems are and what are the modern ideas for meeting them. Once they have that knowledge I feel sure members will assist the Gaols Department to solve what has been a very embarrassing problem for some considerable time past.

**HON. SIR HAL COLEBATCH** (Metropolitan) [4.48]: I think the Government, and particularly the Chief Secretary, should be commended for its decision to submit this matter to consideration by a Joint Select Committee. I do not think any member of this House or of another place can take up any attitude other than one of sympathy and desire to assist the Government in a difficult situation. It has always been the case that the upsetting influences of war have imposed additional troubles on gaol administrations. There is always an increase in crime following upon the upsetting influences of war and, in addition, the Government had to evacuate the Fremantle gaol in order that it might be available for military purposes. I regret that it is not possible, apart from this immediate question, to continue the gaol at Barton's Mill. I understand there are objections to the gaol being there, one of which is that it is on the catchment area. I had an opportunity of visiting, and being shown over, Barton's Mill, and I think the Chief Secretary and his officers did a wonderfully good job there, and that the experience thus gained will be an indication of what ought to be done in future in the treatment of the class of prisoner dealt with there.

One thing I am rather troubled about so far as the suggested site is concerned is the fact that it will entail the taking over of a considerable area of University endowment land. Is it possible to compensate the University for the loss of such land? I do not think it is. The purpose of land endowment for the University is that the institution shall get the appreciating value of

the land as the years go by, with the full knowledge that land, which today may be of very little value, might ultimately become an important asset to the University. As a member of a London city company, I had an opportunity of seeing the excellent work being done in the provision of educational facilities almost entirely for the poorer classes of the community by the London companies, and I know that the ability to do so arose entirely from the appreciated value of land that had been given from time to time, land which when it was given might have been worth a few thousand pounds and now is worth hundreds of thousands of pounds and perhaps even more.

To deprive the University of any portion of its endowment land, particularly land that is likely to appreciate very much in value, would, to my mind, be a very great mistake. If we compensate the University by a payment in cash, on what basis should the payment be made? On the present value of the land? The cash received would be spent in a year or two. Again, I do not know whether it would be possible to compensate the University by granting additional land. I consider that the Government ought to be doing more, instead of less, for the University. I do not wish to pursue this aspect further except to mention one fact. The British Government, notwithstanding the enormous difficulties imposed upon it by the war and the projected additional expenditure on all forms of education at Home, is proposing generous endowments for Universities in the colonies. In Jamaica it is intended to spend one and a-quarter millions of capital in establishing a University and £123,000 a year in maintaining it. But here there is an insufficient allowance for our University, and apparently there is undue readiness to take away assets which, in future, might prove to be of great value to the University.

I understand it is the policy of the Government to obtain the ownership of land as far as possible. That being so, why not acquire some land which would now be available at a low price rather than take land which forms part of the University endowment? My only doubts about the motion are as to whether the terms of reference are adequate. Let us examine them. Paragraph (a) states—

The requirements for a modern gaol.

Personally I would far sooner trust the Chief Secretary, particularly the present occupant of the office, guided by the expert advice that would be at his disposal, to say what are the requirements of a modern gaol than I would a parliamentary committee. I think he would make a better job of it. Paragraph (c) provides—

To report on and recommend any alternative site.

There again, while the committee might very well give some indication of the conditions and circumstances that should guide the Government in the selection of a site, I think the actual selection would be better left to the Government. But the important paragraph is (b), which begins—

Whether such requirements can be provided on the site selected by the Government known as the Claremont site....

Would anyone suggest that such requirements cannot be provided on the Claremont site? I have been all over the site, and I have not the slightest doubt that it could be adapted to the purpose of a gaol or a hundred and one other objects. That is not a matter which is in dispute. The people who protested against the selection of this site have not suggested that it could not be effectively used for a gaol; their contention is that it could be much better used for other purposes.

The argument has been advanced that, because the mental hospital and the sanitary depot are already in that locality, the locality has been spoilt for residential purposes. The question the committee ought to consider is: Shall we complete the spoliation and make it permanent by putting a gaol there, or shall we have in mind the possibility of removing the mental hospital and the sanitary depot, and thus make the whole of that area suitable for residential purposes? I have been over the land, and I do not think there is any part in the near neighbourhood of Perth that lends itself so readily to attractive settlement. The latter portion of paragraph (b) reads—

... and if so, to recommend whether this site should be used for this purpose.

It may be that this would enable the committee to do what I think ought to be done. I propose to move an amendment to the motion, but if I have an assurance

from the Chief Secretary that the committee might recommend whether the site should be used for the purpose—if the committee would be enabled to inquire into the matters that I think it should investigate—I shall have no disposition to press the amendment. For the time being, however, I move an amendment—

That paragraphs (a), (b) and (c) be struck out and that the following words be inserted in lieu:—“whether it is desirable in the public interest that the proposed new gaol be established on what is known as the Claremont site, or whether the public interest would be better served by the selection of a site outside the metropolitan area with a view to the ultimate removal of the mental hospital and the sanitary depot, so that the entire Claremont site may be available for suburban settlement.

We have to take the long view and the short view. The short view is insistent; it demands that we give the Government all possible assistance in facing the present difficult position. The long view is that we consider the future and preserve the endowment land of the University and if, as I think is the case—the committee might decide otherwise—that particular part is entirely suited for the establishment of a suburban community, then would it not be better to go further afield for a gaol site and ultimately remove those other blots from that locality.

**HON. W. J. MANN** (South-West—on amendment) [5.0]: I support the amendment for the reason that it goes further than does the motion. I suggest to Sir Hal Colebatch, however, that he should leave in paragraph (c). His amendment merely deals with the question whether the Claremont site is desirable or not, and leaves the matter at that. I think the committee should go further and be empowered to recommend an alternative site.

Hon. Sir Hal Colebatch: I have no objection to leaving paragraph (c) in the original motion.

#### *As to Procedure.*

The President: Is it the wish of the House that leave be given to Sir Hal Colebatch to strike out the letters “(a)” and “(b)”? If any hon. member objects, leave will not be granted.

Hon. H. S. W. Parker: Will that bind the House? I have a further suggestion to make.

The President: I understand that Sir Hal Colebatch is agreeable to leaving in paragraph (c) of the original motion.

Hon. W. J. Mann: I have suggested that paragraph (c) should be retained.

The President: If leave is granted to amend the amendment in the way I have put it to the House, that will leave the amendment as Mr. Mann desires it to be.

The Chief Secretary: I understood that what you, Mr. President, were putting to the House was that leave be granted to Sir Hal Colebatch to omit any reference to paragraphs (a) and (b), and that that would automatically leave in the motion paragraph (c).

Hon. Sir Hal Colebatch: I have agreed to that.

The President: Then the question now is—

That the words "and (c)" be struck out of the amendment.

Amendment on amendment put and passed.

The Chief Secretary: Perhaps in view of what has just occurred, Sir Hal Colebatch might be permitted to withdraw his amendment for the time being with the object of submitting it later in a complete form.

Hon. Sir Hal Colebatch: Would the Chief Secretary give me an assurance that the words of the motion as they stand would enable the committee to deal with the whole question in the way I have indicated? I am only interested in getting the matter through as quickly as possible.

The President: Is it the wish of the House that leave be given to Sir Hal Colebatch to withdraw his amendment temporarily?

Amendment, by leave, withdrawn.

*Debate Resumed.*

**HON. H. S. W. PARKER** (Metropolitan-Suburban) [5.12]: Had the amendment been put to the House I would have opposed it. I do not think we can extend the scope of the inquiry into the vast question whether the Claremont site is to be used for any purpose or as to the removal at any future time of the mental hospital or the sanitary site. Nor do I agree altogether with the motion. Paragraph (b) says—

Whether such requirements can be provided on the site selected by the Government.

I take it that any joint committee would have to answer that question in the affirmative. Presumably the Government would never have selected that site had it not been shown to be suitable for the purpose. The paragraph then goes on—

And if so, to recommend whether this site (the Claremont site) should be used for this purpose.

That would rather tie the hands of the committee. Possibly that is not the intention of the Chief Secretary. Would it not be better to embody in paragraph (c) the question whether the Claremont site should be used for the purpose, and to word paragraph (c) to the following effect:—

If not, to report on any recommended alternative site.

That would leave only the question of the gaol site to be decided by the committee, which would then be able to recommend whether the Claremont site or some other site was more suitable, taking all the circumstances into consideration, as the site upon which the gaol should be erected. The motion as at present worded seems somewhat cramped. Perhaps the Chief Secretary will agree to the motion being amended accordingly. It is not my intention to move an amendment myself at the moment.

**HON. E. M. HEENAN** (North-East) [5.14]: I support the motion in its present form because I do not want the committee of inquiry to be curbed in any way. An amendment might restrict the inquiry in a direction that has not been obvious to members so far. It must be remembered that Barton's Mill and the gaol at Fremantle are not the only gaols in Western Australia. As I read paragraph (a), the committee will be asked to inquire into the requirements for a modern gaol. That aspect is very important and the committee should devote a great deal of time to it. The district I represent contains a gaol which is a very important unit in the life of the people of that community. It was constructed, I estimate, at least 50 years ago and, by no stretch of the imagination, does it conform to what are modern standards. It is a gaol that frequently holds a dozen or 20 men—sometimes women—because under the existing practice of the department controlling gaols, persons who are sentenced to terms

not exceeding three months are kept there. Of course, it is only right that we should see that persons who serve terms in these establishments are provided with conveniences and accommodation of a standard equal to that existing elsewhere.

I hope the scope of the inquiry will not be restricted and that it will not proceed on the basis that the only inquiry to be carried out is that concerning the proposed new gaol. A new gaol, of course, is essential in Western Australia. We need one that is modern, well designed, well equipped, one that will act, as far as possible, as a force for redeeming those people who, in the majority of cases, are misfits or mentally deranged. There is a great degree of difference in the realm of crime. I know men from Kalgoorlie who have been sentenced to imprisonment for the offence of gold-stealing. Those men have probably not been convicted of any other offence during their lives but, in a moment of temptation, have fallen and been sentenced to imprisonment for periods ranging from four to six months. When sentenced to such terms, they are sent to Fremantle or Barton's Mill and, under our existing system, have to associate with criminals of the worst degree. We want modern institutions and more modern treatment, because associations and experiences of that nature do not tend to improve the individual.

The infliction of a term of imprisonment has, I take it, as its basic object the punishment of the individual and his reformation. However, there are many gaols throughout the State, and if the one at Kalgoorlie is a sample of what exists in other centres, this is a splendid opportunity for a Select Committee to set forth what, in its opinion, are the requirements for a modern gaol. It can say what is required (a) in the country, and (b) in the city. The Kalgoorlie gaol, in my opinion, is grossly out of date and inadequate, and does not in any way comply with modern ideals.

**HON. G. B. WOOD** (East) [5.21]: I support the motion and commend the Government for facing the question now. I think the idea of a Joint Select Committee is a good one. Not very long ago I was a member of a Select Committee, together with Sir Hal Colebatch and others, and had an opportunity of visiting some of the gaols. I was glad to hear the Chief Secretary say

what he did about Barton's Mill. We spent a day there and went into the matter of that establishment very closely with the manager, and from what he told us I thought Barton's Mill was a desirable place for a certain type of criminal, but it is no good for all criminals. No doubt it is necessary to have another place in which to put the worst types so that they are kept securely within four walls.

Another reference I would like to see in this motion is that dealing with a place for child delinquents, of whom there are many. I hope it will be incorporated in the terms of the motion. We found, on inquiry, that many children were gaol'd with older criminals. There was only one youngster at Barton's Mill when we visited there; the authorities could not keep the others because they were too sprightly and got over the fence. That shows the necessity for a special place for them. At that time they were housed within the stone walls of the gaol at Fremantle. I am not altogether satisfied with paragraph (b) of the motion. It seems to me that the Claremont site is not, from many points of view, very desirable. I would like that paragraph altered and the committee given power to go into the question of whether that is a suitable and desirable site or not, and to recommend another site if necessary. From what I know and have heard, I do not think it is a proper place for a gaol to be erected. Perhaps an amendment will be moved to delete paragraph (b) and to insert something else. With that proviso, I have pleasure in supporting the motion.

**HON. H. TUCKEY** (South-West) [5.24]: I support the motion. There is no need to deal with the question of the necessity for a more up-to-date gaol, because anyone who has seen the Fremantle gaol must admit that it is inadequate for present requirements. The Government is to be commended for taking steps to remedy this position. It has always been thought that the Claremont site was very suitable. I took some interest in the matter when it was first brought forward and, considering that the Hospital for the Insane, the sanitary depot and the dogs' home were already in that area, I thought the locality a good one and that it was chosen because there was not much chance of other development. It is an old dis-

trict, and there has been no development there for many years.

Only two points are at issue. The first is whether the gaol should be built on the Claremont site, and the other is, if not, where it should be built. The question of whether a new gaol is necessary does not come into it. We are, I think, all agreed on that point. The Claremont site is a large area and well situated. Of course, metropolitan members have objections to it, but nothing was said until the scheme to build the gaol at Claremont was well under way. I can see little wrong with the motion as it stands. It sets out clearly that the committee will investigate the Claremont site to see whether it should be used for gaol purposes and, if not, it will recommend an alternative site. After all, that is simply what Sir Hal Colebatch's amendment sought. Those are the two points at issue. I think Sir Hal Colebatch's amendment will meet all that is required. I support the motion.

**HON. C. F. BAXTER** (East) [5.26]: This is a wide and important question, but I would not like a committee to be appointed with the scope that some members desire. If it were, the inquiry would be a searching one and the committee would have to operate for months. In that connection the motion leans a little that way because paragraph (a) mentions the requirements for a modern gaol. That does not apply to the site, but to the requirements necessary for a modern gaol. To decide that, the members who compose the committee would need to make a searching investigation and take evidence not only in this State but elsewhere. I am sure members do not desire that to happen. Three members, including myself, have, as Ministers of the Crown, administered penitentiaries in this State.

**Hon. G. B. Wood**: Do you not think that we have officers in the State who can give proper advice on this subject?

**Hon. C. F. BAXTER**: I am coming to that.

**Hon. C. B. Williams**: Why did you not fix it up long ago? We would not then be bothered with it today.

**Hon. C. F. BAXTER**: The point is that not one of the three of us who have had that administrative experience can say what are

the requirements for a gaol, and not one, like the Government, is prepared to say what site should be selected. We all agree that the Fremantle penitentiary is unfit for the purpose for which it is used.

**The Chief Secretary**: It is 90 years old.

**Hon. C. B. Williams**: The boys get the seaside breezes.

**Hon. C. F. BAXTER**: When juvenile offenders are placed among older hands, there is no chance of redemption, and those in control of the gaol cannot bring about any redemption. We know that today three prisoners have escaped from that gaol by getting over the wall, but that, of course, is by the way. It is all a matter of the question of the site, and the Government, rightly, has asked Parliament to appoint a Select Committee to inquire into that aspect, because whatever is agreed upon will be wrong in the opinion of a percentage of the people. The point concerning me is this: Is it necessary to have a penitentiary within the metropolitan area, or should it be some distance out? I do not know of any reason why a committee should make inquiries and attempt to advise the Government on the requirements for a gaol when there are at present experts in the employ of the Government who would be better qualified than the committee—even if it took extensive evidence over a long period—to give the proper advice.

**Hon. H. Tuckey**: The experts have already recommended it.

**Hon. C. F. BAXTER**: They may have recommended the site, but I am not talking of that, but of the requirements for a gaol. To my mind that question should be left to the people who have spent their lives in studying it, and should not be regarded as one to be dealt with by such a committee as that proposed. That is what I read into the reference to the proper "requirements for a modern gaol." Then there is the question of whether such requirements can be provided on the site selected by the Government at Claremont. That takes me back to the point I previously mentioned. If, after a thorough investigation, the committee decides that the Claremont site is not suitable, it must recommend another site—otherwise what would be the use of



the committee? But, as I read the Chief Secretary's motion, it deals only with the suitability of the Claremont site.

[Resolved: That motions be continued.]

Hon. H. Tuckey: No, it does not say that.

Hon. C. F. BAXTER: That is as I read it.

Hon. C. B. Williams: Paragraph (c) says that if it is not, the committee is to recommend an alternative site.

Hon. C. F. BAXTER: In my opinion paragraphs (a) and (c) should not be included in the motion at all and certainly they would not prove helpful to the committee. I agree that such a committee should be appointed for one purpose only, and that is to deal with the question of site and to determine whether it should be in the metropolitan area or whether it would be more advantageous and satisfactory to select a site outside the metropolitan area, thereby leaving clear land that will be needed for building and other purposes. If it is essential to have the gaol established within the metropolitan area, then the committee will have to report accordingly. I would support the motion if it were amended. I certainly do not like the proposal to inquire into the requirements for a modern gaol, for any such inquiry would make for a very protracted investigation.

HON. L. CRAIG (South-West) [5.33]: I shall not discuss the question of what are the requirements for a modern gaol. I agree with Mr. Baxter that the function of the proposed committee should not be to inquire into that phase. I think it would merely be placing in the hands of laymen the determining of a question upon which they could have information only by taking evidence. If paragraph (a) were eliminated from the motion that would leave the question of site to be investigated. I do not think it is the function of any such committee to take evidence for the purpose of determining what constitutes the requirements for a modern gaol. Any question affecting modern reforms in connection with our prisons will be dealt with by the Government through its expert officers. I think we would be safe in asking the committee to conduct an investigation along the lines of paragraph (b).

Hon. G. B. Wood: But what about an alternative site?

Hon. L. CRAIG: I would include paragraph (c) as well and that deals with the alternative site.

Hon. G. B. Wood: That is all right.

Hon. L. CRAIG: As a matter of fact, I think that was the real intention behind the moving of the motion. It was not to inquire into the requirements for a modern gaol but rather as to a suitable site for the new gaol.

HON. L. B. BOLTON (Metropolitan) [5.35]: In view of the strong opposition indicated by nearly every local governing authority in the metropolitan area with regard to the site selected at Claremont for the new gaol, it is not to be wondered at that the Government has suggested the appointment of a committee to investigate the matter and most certainly the Government is to be commended for so doing. Like other members. I am not in favour of the committee going into the question of the requirements for a modern prison, but I support the suggestion advanced by Sir Hal Colebatch. I think that the remaining questions are quite sufficient in themselves without giving the committee power to go into other matters. I think the committee should keep in view the future removal of the Claremont Hospital for the Insane and the sanitary depot. I believe that those two institutions, together with the new prison when erected, should be located right outside the metropolitan area. I support the motion for an inquiry by a committee, and I hope the suggestion I have made will be taken into consideration.

HON. V. HAMERSLEY (East) [5.37]: I support the motion and remind the House that it is just 100 years ago—

Hon. C. B. Williams: Since we brought the prisoners out.

Hon. V. HAMERSLEY: —that an ordinance was issued for the raising of the first loan for Western Australia. It gave authority to the Government to borrow £2,000 for the building of a gaol. That was in August, 1845. We have not been told what the proposed new prison buildings are likely to cost. That phase is very important. A hundred years ago people were very intent on seeing that not too much money was squandered.

Hon. C. B. Williams: Tell us about the agitation that brought that about.

Hon. V. HAMERSLEY: I hope that when the new gaol is constructed it will be on a site far removed from the precincts of the city and that it will be another hundred years before there will be any necessity to erect another gaol. I trust that the committee, when dealing with the issues, will take the long view. We have plenty of room in Western Australia, and I hope that the new gaol will be erected on a site where those incarcerated in the institution will be able to employ themselves in producing their own requirements.

The Chief Secretary: At Toodyay, for instance!

Hon. V. HAMERSLEY: I trust that point will be kept in mind so that the prisoners will be occupied in doing something for themselves instead of being nuisances to everyone else.

HON. SIR HAL COLEBATCH (Metropolitan) [5.39]: Mr. President, may I now submit an amendment in place of the one I withdrew.

The PRESIDENT: Certainly.

Hon. Sir HAL COLEBATCH: If the Chief Secretary desires to retain paragraphs (a) and (c) in the motion I have no objection, but I think it better to amend paragraph (b). I move an amendment—

That in lines 1 and 2 of paragraph (b) the words "such requirements can be provided on" and in lines 3 and 4 the words "and if so, to recommend whether this site" be struck out.

The paragraph would then read—

(b) whether the site selected by the Government, known as the Claremont site, should be used for this purpose.

HON. J. G. HISLOP (Metropolitan—on amendment) [5.41]: I hate to disagree to the amendment, but one must look at the whole problem in the light of the discussion that has proceeded this afternoon. We have wandered a long way from the original intention of the Chief Secretary. I would like to point out before going on, that I think the fact that we have this motion before us at all is evidence of the broad-mindedness of the Chief Secretary and I feel sure he was responsible for securing the consent of the Government to this inquiry although I feel certain he has already reached a con-

sidered opinion on the subject. In placing the motion before the House, he has extended the scope of it long beyond what was I think the original argument, namely, the question of whether the Claremont site should be used for the new gaol—not whether it was a suitable site.

Various members have desired to extend, more or less, the terms of reference to the committee. To such an extent has this been apparent that, as Mr. Baxter said, if we agreed to the extended terms the committee's report would not be ready for months. We have had about five different lines of thought expressed already. One concerned the requirements for a modern institution; another was as to whether the Claremont site should be used; another was whether there was an alternative site. Then Mr. Wood indicated he would like the terms to be extended so that the committee could recommend a site for a home for youthful delinquents, while Mr. Hecenan thought the committee should go into the question of country gaols. If we were to extend the terms of reference along the lines suggested, it would be a long time before the House received any report from the committee.

Hon. W. R. Hall: It would be next year.

Hon. J. G. HISLOP: We should limit the inquiry quite considerably. I agree with other members that it would be impossible for the committee to comply with the reference in paragraph (a) of the motion. I consider that a report from such a committee on the requirements for a modern gaol would be just as useful as a report by a similar committee on the requirements of a modern hospital. I think the factors involved are such that useful opinions could be expressed regarding them only by those whose life's work has been in connection with those institutions. We have a Building Committee of the Perth Hospital which has sat on numerous occasions for many months past and which is changing its plans according to events that have happened. I consider that any Select Committee which made a report on modern gaols would probably find that its recommendations were out of date before the report was published. We should not spend time as a committee in inquiring into these modern systems; rather should we limit ourselves entirely to the discussion of a site, which was the point of original divergence. If we accept paragraph

(b) as it stands, then considerable time must be spent in considering the pros and cons of the Claremont site before any other site is examined. I suggest that we should make no reference at all to the Claremont site.

The terms of the reference to the proposed committee should be so framed as to enable it thoroughly to investigate the question and report back within a reasonable period. I would deal with the motion in this way: I would eliminate all the words after the word "appointed" and insert in lieu "to report on and recommend a site or sites for a modern gaol." I think that is all that is required. Unquestionably, this committee, if appointed, would have to consider the Claremont site—the site recommended by the Government. It would also have to consider other sites before it could report upon the wisdom of selecting the Claremont site. Thus the committee would have to take into account the area required for a modern gaol, but not necessarily its internal requirements. I suggest that is all the proposed committee can do. It will have to ascertain what is required in the way of buildings and space, a farm and other ancillary services to a gaol and, having decided upon those matters, it would look for a site or for alternative sites. I have attempted to clarify the position, but I am afraid that at the moment I cannot do so fully, because an amendment has already been moved. Should that amendment be negatived, then I would move the amendment I have indicated.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West—on amendment) [5.48]: I cannot see much objection to offer to the amendment, because it merely puts in a fewer number of words what is desired by paragraph (b). The amendment would leave paragraph (b) as follows:—

(b) Whether the site selected by the Government, known as the Claremont site, should be used for this purpose.

Before a committee could give a decision on that point it would have to ascertain whether the requirements of a modern gaol could be provided on the site. I therefore suggest it is merely a question of which wording the House prefers.

Hon. Sir Hal Colebatch: If paragraph (a) is retained, you get all you want.

The CHIEF SECRETARY: I cannot see much difference between the amendment and paragraph (b) as it stands. I certainly will not raise any objection to the amendment if the House agrees to it.

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

#### *Appointment of Committee.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.50]: In view of the decision of the House to appoint a Joint Committee, I move—

That the members of the Legislative Council to serve on the committee—

#### *Point of Order.*

Hon. C. B. Williams: On a point of order, I want to draw attention to Standing Order 311. I claim—

Hon. Sir Hal Colebatch: Standing Order 312 is the one you should look at.

Hon. C. B. Williams: No, Standing Order 311, on page 57. That over-rides Standing Orders 269 and 270 on page 51. I will leave it to you, Mr. President, to read the Standing Order.

The President: I think it is Standing Order 312 that applies.

Hon. C. B. Williams: No. Standing Order 311 reads—

In every Message proposing to the Assembly the appointment of a Joint Committee, the Council shall state the number of members to serve on such Committee.

The President: Standing Order 270 reads—

Members to serve on a Select Committee shall be nominated by the mover; but if one member so demand, they shall be selected by ballot.

Hon. C. B. Williams: That does not concern us.

The President: Order! The Standing Order to which Sir Hal Colebatch directs my attention is No. 312. It reads—

On receipt of a Message from the Assembly agreeing to appoint the same number of members of that House to serve on the proposed Joint Committee, the Council may proceed to appoint such number of members to serve on such Committee.

Hon. C. B. Williams: Have we got that message from the Assembly?

The President: Will the hon. member permit me to speak? The parliamentary

practice has been to appoint the requisite number of members from the Legislative Council to serve on the Joint Select Committee, so that the other Chamber may know who will represent this House; but it is allowable, under Standing Order 312, to wait for the appointment until a message has been received from the Legislative Assembly. The Leader of the House is following the usual parliamentary practice. It is really permissive as to which procedure shall be followed and I think, if the Leader of the House so wishes, that the members should be appointed now, so that the other Chamber will know who are representing this House.

Hon. C. B. Williams: On a point of order. We might as well have it out!

The President: The hon. member has the right to disagree with my ruling.

Hon. C. B. Williams: I shall do that eventually, if I find it necessary; do not worry about that point! All I ask is whether we have the message that is mentioned in Standing Order 312.

The President: We have not.

Hon. C. B. Williams: I claim that the Chief Secretary is not in order until we get that message.

The President: Does the hon. member agree with my ruling?

Hon. C. B. Williams: Yes, very definitely. If you so rule I have no alternative. The Standing Order says, "On receipt of a message from the Assembly agreeing to appoint the same number of members . . . the Council may proceed." We have not got that message, have we?

The President: No, we have not.

Hon. C. B. Williams: I claim I am in order and that there is no need to disagree with your ruling. The Chief Secretary cannot proceed.

The President: Does the hon. member disagree with my ruling?

Hon. C. B. Williams: All right! You tell me in one breath that I do not want to disagree with your ruling. I will, if it is necessary.

The President: The objection must be taken at once in writing.

Hon. C. B. Williams: Bless me!

The President: Standing Order 405 provides—

If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and in writing, and motion made, which, if seconded, shall be proposed to

the Council, and debate forthwith adjourned thereon to the next sitting day, unless the matter requires immediate examination.

Hon. C. B. Williams: I move—

That this question be adjourned to the next sitting of the House.

The President: That is not the correct procedure.

Hon. C. B. Williams: I have no rights at all. Will you give me time to write out the motion?

The President: Certainly.

Hon. C. B. Williams: Could you not take it as written?

### *Debate Resumed.*

The CHIEF SECRETARY: I propose to simplify matters a little for Mr. Williams.

Hon. H. Seddon: Hear, hear!

The CHIEF SECRETARY: In doing so, may I remark that I am continuing to do as I have done ever since I have occupied this position, that is, I am following the usual parliamentary practice as adopted by this Chamber.

Hon. C. B. Williams: We altered it recently.

The CHIEF SECRETARY: The hon. member has not altered it recently.

Hon. C. B. Williams: Not I—the House.

The CHIEF SECRETARY: The House has not, either. The House has simply carried out the Standing Orders. Standing Order 270 definitely provides that the members to serve on a Select Committee shall be nominated by the mover. There is no qualification.

Hon. C. B. Williams: For ordinary Select Committees, I agree.

The CHIEF SECRETARY: Will the hon. member please wait until I have finished? He can then have his say. Standing Order 270 is mandatory. It states—

Members to serve on a Select Committee shall be nominated by the mover; but if one member so demand, they shall be selected by ballot.

We have complied with that Standing Order on several occasions at the request of Mr. Williams.

Hon. C. B. Williams: Not at my request.

The CHIEF SECRETARY: There is no reason at all, therefore, why he should not again demand a ballot if my motion is agreed to.

Hon. C. B. Williams: That would be the end of it.

The CHIEF SECRETARY: A ballot would have to be taken. Standing Order 312 states—

On receipt of a Message from the Assembly agreeing to appoint the same number of members of that House to serve on the proposed Joint Committee, the Council may—

not "shall" —

proceed to appoint such number of members to serve on such committee.

I am faced with this position, that in carrying out the usual procedure of this Chamber I was proposing to nominate two members of this House and the mover, that is, myself, as the representatives of the Legislative Council on this Joint Select Committee. Had I done so and completed the moving of the motion, and Mr. Williams had then demanded a ballot, a ballot would have been held. In order to avoid any further trouble with the hon. member—

Hon. C. B. Williams: Do not make it personal with me!

The CHIEF SECRETARY: It might be desirable, in view of what has been said, if I simply moved the second portion of the motion; that is, "That a message be transmitted to the Legislative Assembly acquainting it of this resolution, and requesting its concurrence therein, and the appointment of three of its members accordingly." Then I take it that when the Assembly has dealt with the message and agreed—as I hope it will—to the joint committee, it will be necessary for me to move a further motion appointing certain members to the committee; and if Mr. Williams then desires a ballot to be held, it will be entirely in his own hands, and Standing Orders will support him.

Hon. C. F. Baxter: Why not finish it up now?

The CHIEF SECRETARY: I wanted to finish it now. I move—

That a message be transmitted to the Legislative Assembly acquainting it of this resolution, and requesting its concurrence therein, and the appointment of three of its members accordingly.

Hon. C. B. WILLIAMS: I will second that, because it upholds my contention. There is no need, Sir, to disagree with your ruling.

Question put and passed, and a message accordingly transmitted to the Assembly.

### **BILL—MINE WORKERS' RELIEF (WAR SERVICE) ACT AMENDMENT.**

#### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendment No. 2 made by the Council, and had agreed to amendment No. 1 subject to a further amendment.

### **BILL—CLOSER SETTLEMENT ACT AMENDMENT.**

Received from the Assembly and read a first time.

### **MOTION—TRANS RAILWAY, KALGOORLIE-FREMANTLE SECTION.**

#### *To Inquire by Select Committee.*

Debate resumed from the 27th September on the following motion by Hon. A. Thomson:—

That a Select Committee of five members be appointed to inquire into and report upon—

(a) Whether conditions in the post-war period, including modern transport facilities by air, sea and road, will warrant the construction of a railway of the 4ft. 8½in. gauge from Kalgoorlie to the metropolitan area.

(b) If such construction is warranted, what route should this State recommend to the Commonwealth Government so as best to make use of the development value of the line and improve transport facilities and minimise traffic congestion.

**HON. H. TUCKEY** (South-West) [6.6]: There appears to be general support for the motion, and the Chief Secretary offers no opposition to it. There are very good reasons why matters in connection with this railway proposal should be investigated and considered by Parliament before any finality is reached. Both the Premier and the Chief Secretary gave assurances that this State had so far not been committed to the proposals. I consider it should be unnecessary to give those assurances, because a scheme of this kind should require the approval of Parliament. While agreeing to the advantages to be gained from a uniform gauge, I consider that this is not the time to begin the work. It is said that the scheme is required for defence purposes and that the question is urgent. It has been discussed for 30 years, and during that time we have survived two world wars and now have the atomic bomb to consider.

If no reliable defence against the atomic bomb can be discovered, it matters very little, from a defence point of view, whether the gauge is 3ft. 6in. or 4ft. 8½in., as one of the latest bombs would wipe out the whole of the metropolitan area. I would prefer to treat the question as one involving development and economy. But while those purposes would be well served by a broad gauge, I consider that this is not the time to carry out the project. I am told that 36,000 men would be required to do the work; and I am of the opinion that this is not the time to engage that number of men on work of that kind, when there is a shortage of labour in practically every industry and an enormous amount of work, in addition to public works, waiting to be carried out. For some time to come, there will be a keen demand for labour, and I feel that this particular scheme would be a very good one to put in hand when a surplus of labour occurs.

We are told there is not going to be any further depression and that there will be no further unemployment. But I do not agree with that; and when we do have something in the nature of a depression, we do not want to have to engage men on work that is not of any use to the State or to the country as a whole. A railway scheme such as this, which would involve £77,000,000 for the first phase and £130,000,000 for the second phase, would be ideal for providing suitable employment for a large body of men. To put that work in hand today, however, would be wrong, because there is going to be a very serious shortage of labour. I know that during the war, local authorities were asked to submit lists of post-war works; and those lists are very formidable, and the work will require the employment of a large number of men. Furthermore, aviation and road transport must be given due consideration.

If we are to compete with other countries and prosper, it is of no use trying to prevent people from using the latest up-to-date methods of transport. Already there are unfair and unreasonable restrictions on transport in this State, and that is not the way to develop a country or to populate it. All these matters should receive very earnest consideration before this railway scheme is undertaken. The Fremantle-Kalgoorlie route is now being surveyed. If the Avon Valley route is used, I would suggest that steps be taken to avoid jeopardising the pos-

sibility of the use of that catchment area for future water supplies for the metropolitan area. I have been told that it is the largest catchment area adjacent to Perth and that in time it will certainly be required for the use of the metropolitan area. We have to remember that though we have a very small population today, in 40 or 50 years there may be in that district five or six times the present number of people. That is not to say that the railway cannot go down that valley; but provision should be made so that it will not interfere with the water scheme in time to come.

I do not think there is any question about the wisdom of converting the railways from a 3ft. 6in. gauge to a 4ft. 8½in. gauge. There is no question of its desirability; but no-one can tell me that it is necessary to put that work in hand today. The people who are now trying to rush this project seem to be imbued with the one idea of achieving something very great in a very short time. I commend Mr. Thomson for moving the motion. There are other matters that might be considered with regard to the route through the metropolitan area, which is rather important. It has been suggested that it should be brought down through the built-up area of the city. I am of the opinion that a much better route would be found on the south side of the river where land is not worth thousands of pounds per acre, but only a few shillings. We want to get away from going through the city with a line of that kind. All these matters could be investigated by the proposed committee. Only good can come of such an inquiry, and I hope that the House will agree to the suggestion.

On motion by Hon. G. B. Wood, debate adjourned.

*House adjourned at 6.15 p.m.*