

Mr. MANN: I move the following further amendments—

That in Subclause (7) all the words after "include" be struck out, and the following inserted in lieu:—"any mental defectiveness or unsoundness which, if existing at the time of the commission of the act charged against the accused person, would have been sufficient to render him incapable of forming a rational judgment on the moral quality of such act"; that in Subclause (8) the word "Act" be struck out, and "Section" inserted in lieu; and that the words "means a" be struck out, and "shall include any" be inserted in lieu.

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

Title—agreed to.

Bill reported with amendments.

*House adjourned at 9.40 p.m.*

## Legislative Council.

*Tuesday, 12th November, 1929.*

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

### QUESTION—MIGRATION AGREEMENT.

Hon. H. STEWART asked the Chief Secretary: 1, Under the £34,000,000 Migration Agreement how much money has been authorised for expenditure in Western Aus-

tralia to 30th September, 1929? 2, How has the money been allocated? 3, How many migrants have been received to the 30th September, 1929?

The CHIEF SECRETARY replied: 1, £5,117,886 approved, of which £4,345,562 has been drawn. 2, Drainage (Busselton), £205,000; farms (2,031), £2,031,000; farms, (300), £450,000; railways—Busselton-Flinders Bay-Margaret River, £260,000; Norseman-Salmon Gums, £225,500; Pemberton-Denmark, £475,500; Ejanding Northwards, £400,000; roads (group), £500,000; water supplies—Narembene, £76,197; Barbalin, £264,437; Norseman-Esperance, £80,000; preliminary expenses (3,500 farms scheme), £150,000; total, £5,117,886. 3, 35,970.

### QUESTION—INDUSTRIAL STABILISATION.

Hon. H. SEDDON asked the Chief Secretary: 1, Have the Government taken any steps to establish an industrial stabilisation committee? 2, If so, how has it been constituted, and what organisations or persons are represented in its membership?

The CHIEF SECRETARY replied: 1, Yes. 2, The following organisations have been requested to nominate one representative: the Employers' Federation, the Chamber of Commerce, the Chamber of Manufactures, the Metropolitan Local Governing Bodies Association, the Road Boards Association, the State Executive of the Australian Labour Party, four Government officers.

### MOTION—RAILWAY CATERING.

HON. H. STEWART (South-East) [4.37]: I move—

That all papers relating to the existing agreements for railway catering be laid on the Table.

I hope other members too will take this opportunity to express their opinions of the catering arrangements on the Western Australian railways. It has nothing to do with this or any other Government, but is entirely within the purview of the Commissioner of Railways. I can look back to my boyhood in Victoria when the population of that State was comparable with our population here to-day, some 412,000. The catering

on the Western Australian railways, including the provision made for the people at the refreshment rooms is simply appalling. The state of affairs prevailing in Victoria from 1885 onwards was superior by far to the position obtaining in Western Australia to-day. In those days in Victoria the system of providing refreshments for railway passengers was practically on all-fours with what it is to-day; even the dining-room on their trains was much as it is to-day, for the meals taken there, although high priced, were eminently satisfactory. In Victoria 40 years ago trains stopped 15 or 20 minutes at refreshment stations and the passengers, if they did not wish to go to the dining car, went to the refreshment counter on the station, where they could get most excellent grills or fries or other dishes piping hot, with tea and bread and butter for 1s. 6d. Passengers could make a whole day's journey knowing that they would get adequate provision by the way. In this State to-day railway passengers can get for half a crown nothing comparable to what used to be provided at the Victorian railway stations for 1s. 6d. And it is only at certain of our stations that a full meal is provided. Certainly those who hold the largest contracts for providing refreshments at our railway stations do not furnish the best meals. There are instances, as at Beverley, where the person holding the contract has a contract for one station alone, and unquestionably it is at such stations that one is better served. Beverley is outside the main contract; that is to say, the person catering at Beverley is not catering at other stations.

Hon. G. W. Miles: If all the refreshment stations were equal to Beverley, there would be no cause for complaint.

Hon. H. STEWART: And even Beverley could be considerably improved, although what one gets at Beverley is better than can be obtained at many other stations controlled by one company. In most cases it is merely a sandwich or scone and a cup of tea.

Hon. G. Fraser: And a stale scone at that.

Hon. H. STEWART: That is so. Again, at one time there used to be published in the railway time table information as to what one could expect to get at the various refreshment rooms. Only last week I searched through the last issue of the railway time table, but could find no information on the point. So there is no provision by which a

passenger can demand any particular dish. In most other railway time tables there is published a list of what can be obtained at the refreshment rooms. For instance, amongst other things people can require and expect to get tea, coffee, cocoa, or a glass of milk, and perhaps other beverages. But so far as I can see, there is no such information given in the present railway time table. This being the centenary year, the Railway Department recently distinguished themselves on the Albany express. There we used to have a dining car with a charge of 3s. 6d. per meal. Last Monday week, coming up that line and expecting to enter the dining car, I walked into a buffet car. If any visitors to the State were to get into such a car it would not enhance their impressions of the Western Australian railways and the manner in which they provide for their passengers. I think the car for such a service is quite unsuitable. I say nothing about the meals. Probably for the last 15 years there has been a dining car on the line. The tourist traffic is just about to begin for the summer, but the Railway Department have celebrated the Centenary year by making the retrograde step of providing cheaper meals amongst cheaper and more dowdy and less æsthetic surroundings than ever before. This has been done in a year in which everything should be moving forward. There is grave cause for complaint against the material that is provided for the meals, the way in which they are served, and the value people get for their money. It is a matter which concerns everyone who travels, not only those whose pockets are well lined and who can afford to pay for anything they get. The provision that is made for people who want comfort and can pay for it in every case is such that it would be better for them if they provided their own hampers rather than patronise the railway dining cars. I do not say these remarks apply to the dining car now on the Kalgoorlie express. I have not travelled on that line for the last 12 months.

Hon. H. J. Yelland: It is pretty bad.

Hon. H. STEWART: On the occasion of my last trip, and when comparing the service with that given on the Trans-Australian line, which has to provide for a three days' journey, I must say our own arrangements are not creditable to Western Australia. I hope my remarks will have some effect regarding the future. Many complaints have been made as to the unsatisfactory state of

affairs. Country members have specially called attention to the discomforts suffered by people travelling over our system, particularly on spur lines. Everything is not as it should be in connection with the letting of the contracts for our railway refreshment rooms. Some years ago at York an old lady started serving refreshments on the station. She provided practically the best cup of tea in Western Australia, and sandwiches, scones and fresh hot pies. She started in a humble way, and I believe was supporting dependants out of her efforts. She began with a table and a primus stove, and gradually built up a good trade. Travellers along the line used to wait until they got there to satisfy their wants. Her refreshment room was well known by anyone who travelled the line, and passengers would always desire to buy their needs from her. Some 12 months ago new contracts were let, and this old lady was undercut in price. Some of the travellers entered emphatic protests against the treatment meted out to her. The Railway Department had provided covering for her from the weather, and she had built up a sound business. She also had a valuable goodwill. She was undercut by a company which did a large amount of catering, and was about to lose her means of livelihood. Because of the protest, the company which secured the tender retained her services at what she considered she could make out of her stall. The incident caused feelings of resentment on the part of those who had watched her struggles and knew how well she satisfied the public. She was practically robbed of the goodwill which the Department had allowed her to build up, and the whole thing was taken over by a company because their tender was a few pounds more than hers. The catering in this State is a disgrace and I hope steps will be taken to remedy the position at an early date.

**HON. J. CORNELL** (South) [4.51]: In supporting the motion I intend to indulge in a few blunt remarks. I have travelled the railway systems of Canada, over thousands of miles in the United States, South Africa, Rhodesia and all the Eastern States, and I venture to say that our catering system is the worst in the world.

**Hon. H. Stewart**: I agree with you. Italy 20 years ago was immensely ahead of us.

**Hon. J. CORNELL**: It is a standing disgrace to those who conduct it. I wish par-

ticularly to deal with the Eastern Goldfields line and the dining car. Before the present contract was let for the dining car, it was run by a man named Dungey. Over and over again this man, who rendered excellent service, asked permission to increase the charge from 2s. 6d. to some higher figure, on account of the additional cost of commodities. His application was refused. At that time it was not obligatory upon every Trans-Australian passenger to take out a meal ticket on the Kalgoorlie express when he booked. Since the present contract has been running it has become obligatory upon passengers to book their meal tickets on the Trans-Australian railway. The price of meals has risen from 2s. 6d. to 3s. 6d.—that is for all meals—and the service has slipped 50 per cent. Anyone who travels on the Eastern Goldfields line, and comes into contact with Trans-Australian passengers, must learn to his disappointment of the catering at this end. The best way to get at a man is through his stomach. From the manner in which the contractor gets at travellers' stomachs, it would seem that a great amount of the good that otherwise would be done has been undone before the train reaches Perth. There is a place where it is said to be impossible to get ice. I refer to the place some of us may reach whether we like it or not.

**Hon. V. Hamersley**: You are pessimistic.

**Hon. J. CORNELL**: If what we are told is true, it is not a place where we are likely to get ice any more than we can get it in a Kalgoorlie dining car. It is strange, that with an ice factory at each end of the line, and a run of only 16 hours, not a quarter of the amount of ice is supplied to the dining car that is taken on the Trans-Australian line. Recently I broke one of my rules at Chidlow's Well, and with a friend indulged in a bottle of beer. The price was 1s. 9d. or 2s., but the beer was almost as if it had been standing in the sun. One could buy the same beer in Perth for 1s. 3d., and have it iced. For the extra price that was charged at Chidlow's Well, the caterer should have given some service in return. At that place one is not even allowed to put sugar in one's tea.

**Hon. H. Stewart**: Or pour out the tea for himself.

**Hon. J. CORNELL**: People have spoken about the primitive methods of serving meals in the A.I.F., but the serving of tea at Chidlow's Well or Southern Cross is not

in the same street. It is outrageous that in these days tea should be served as it is and in such a condition. It is the dizzy limit. Not long ago I went into a Kalgoorlie refreshment room for tea and a couple of scones. I said to a rather attractive young lady who served me that the caterer had solved the problem of making synthetic rubber. The scones were the nearest approach to rubber I had ever come across. The man who could eat the pies and survive was something to worship. He must be a revelation not only in holding capacity, but as to his digestive organs. It is a disgrace that our dining cars and refreshment rooms should be conducted in such a manner. Eight years ago I travelled over thousands of miles of railway in Rhodesia, where the white population is only about 42,000. The refreshment room service, however, was infinitely better than ours is to-day. I can eat almost anything, but there are times when it is necessary to call a halt. Women and children deserve every consideration. What chance would they have of being served at Chidlow's Well? Apart from the necessity for improving the standard of service and the quality of the food, the time has arrived when we should consider the provision of decent accommodation for our travelling public, particularly the women and children. I support the motion, and repeat that if we cannot do better than we are doing at present, we should close up the whole concern, and let every passenger know that he should carry his own dog biscuits and his own water to wash them down.

**HON. W. J. MANN** (South-West) [4.58]: I am in accord with most of what has been said by previous speakers concerning the service rendered to the travelling public. I have had some experience on this point, and am ashamed to have to admit that the refreshment room service given to people who use the railways in this State does not put it in a very good light. I do not know whether it is the fault of the department in extracting high rentals from the contractors. I understand that the service is determined by tender. If that is so and the competition is so keen that tenderers are prepared to pay big sums for the right to conduct refreshment rooms, the department should have something more in mind than the mere cash consideration; they should have some regard for the requirements of the public.

**Hon. H. Stewart**: The public should know the standard.

**Hon. W. J. MANN**: I fully agree that the methods employed are not satisfactory. As Mr. Cornell has said, it is quite a common thing, when a passenger goes to the counter and asks for a cup of tea, for the attendant to select a cup that, frequently to say the least, is not very inviting, and dip it into a receptacle under the counter, a receptacle that the public cannot see.

**Hon. J. Cornell**: You want to shut your eyes and forget.

**Hon. W. J. MANN**: The food is dished out in a crude manner, and except in a few isolated instances is of the poorest quality. Few people would cavil at the prices charged provided they were getting the service, but the amount charged for a cup of tea under the conditions I have described, namely 4d., is pure extortion. I do not know whether the Railway Department have an inspector whose duty it is to supervise the refreshment rooms. We have a Licensing Bench to control licensed victuallers, and as a result of the efforts of the bench we get a fair service from hotels, but there seems to be no supervision of railway refreshment rooms. I suggest the time has arrived when the department should insist upon a higher standard, and an inspector charged with the duty of ensuring that the public receive a fair and honest equivalent for the money they pay.

**HON. G. FRASER** (West) [5.2]: I hope the motion will be carried. Although I am not obliged to do the amount of railway travelling that country members do, I have noticed during my journeyings through the country one thing in particular, and that is the lack of facilities for getting refreshments. Mr. Stewart referred to the facilities provided in Victoria, but I think in that State the catering is done by the department.

**Hon. H. Stewart**: No; in New South Wales it is.

**Hon. G. FRASER**: I have an idea that in two of the States it is done by the department.

**Hon. H. Stewart**: I was talking of Victoria 40 years ago, and saying that the catering there was infinitely superior to what it is in Western Australia to-day.

**Hon. J. Cornell**: In Victoria the department run the dining cars, and the refreshment rooms are let.

Hon. G. FRASER: The prices in Victoria are not any higher, if as high, as those in this State.

Hon. H. Stewart: They are lower except on the dining cars.

Hon. G. FRASER: I know that at Ballarat a good meal can be obtained for half-a-crown. I am surprised that Mr. Mann did not refer to the service on the South-West line. I think that is the worst refreshment service of all. While goldfields travellers have some cause for complaint—

Hon. H. Stewart: Mr. Mann was leaving something for his colleagues to say.

Hon. W. J. Mann: There is one notable exception on the South-West line.

Hon. G. FRASER: While travellers on the goldfields and Great Southern lines may have complaints regarding the dining car service, it is at least possible to get a meal on those lines, whereas it is impossible on the South-West line. A person travelling from Perth to Pemberton leaves fairly early in the morning and reaches his destination at 10 p.m., and the only thing he can buy en route is the eternal pie, sandwich or scone. There are no facilities anywhere along the line to get a meal. While travellers on other lines may complain about the meal served to them on the dining car, they can at least get a meal. For women and children travelling on the South-West line it is pretty hard to have to go the whole day without an opportunity to get a meal. I hope the Railway Department officials will investigate the whole matter of the catering service, and see if some improvement cannot be made.

HON. E. H. H. HALL (Central) [5.5]: We have heard from one member about the Great Southern line and from another about the Kalgoorlie line, and from another about the South-West. As one of the representatives of the Central Province, I wish to support nearly all that has been said about the railway catering. The evening meal provided on our dining car costs 2s. 6d. and I am satisfied that if any independent tribunal made an investigation it would be found that the meal could be considerably improved. We look to the Commissioner to run the railways in a businesslike way, and I dare say—though I do not know—that the body deputed to deal with the refreshment room part of the business gives the contract to the highest tenderer. Mr. Stewart men-

tioned the satisfaction given to travellers by the lady at York, and I wish to hear testimony to the satisfaction given to Murchison travellers by the late lessee of the refreshment room at Yalgoo. Every traveller on that line for years past has spoken highly of the meals provided, but unfortunately the contract price has risen and the person who controls most of the refreshment rooms was successful in obtaining the contract at Yalgoo. If the Government have no control in the matter, someone should at least convey to the Commissioner of Railways that consideration should be given to factors other than the amount tendered. Everyone knows that in letting of ordinary contracts it is not always desirable to give the job to the lowest tenderer. It is usually given to a man who, it is known, will do the job well, and some consideration should be given to this aspect of railway refreshment room tendering.

On motion by the Chief Secretary, debate adjourned.

### BILL—HOSPITAL FUND.

Introduced by Hon. A. Lovekin and read a first time.

### BILL—VERMIN ACT AMENDMENT.

*Assembly's Message.*

Message from the Assembly received and read notifying that it had disagreed to the amendment made by the Council.

### BILLS (4)—FIRST READING.

- 1, Land Tax and Income Tax.
- 2, Miner's Phthisis Act Amendment.
- 3, Loan, £2,250,000.
- 4, Sandalwood.

Received from the Assembly.

### BILL—CRIMINAL CODE AMENDMENT.

Received from the Assembly and, on motion by Hon. A. J. H. Saw, read a first time.

### BILL—CREMATION.

Report of Committee adopted.

# **BILL—AGRICULTURAL BANK ACT AMENDMENT.**

## *Second Reading.*

Debate resumed from the 7th November.

**The HONORARY MINISTER:** (Hon. W. H. Kitson—West—in reply) [5.18]: During the discussion on the Bill one point was raised by Mr. Cornell with reference to the total amount of remuneration the trustees of the Agricultural Bank may draw in the course of each year. As there was some uncertainty about the actual amount, I made the necessary inquiries and ascertained that the provision in the Act allows them to receive a total remuneration of 250 guineas. That enables them to receive that amount if they held a certain number of meetings per annum. With the increase provided in the Bill, it will mean that they will not be able to hold so many meetings. To put it another way: A smaller number of meetings will enable them to draw the maximum provided, namely, 250 guineas.

Hon. J. Cornell: Are they likely to hold more meetings?

**The HONORARY MINISTER:** I do not know, but the information supplied to me is that in previous years they have not reached the maximum provided in the Act, on account of the number of meetings they have attended. While there has been a suggestion that the trustees are not being paid as high a rate as they should receive, I think we can leave the matter of the total increased amount they may receive in the year to the Government for consideration, when the Bill reaches another place from here.

Hon. J. Cornell: That is all right so long as it will not be an Irishman's rise.

**The HONORARY MINISTER:** I do not think there will be much danger of that. In view of the disability from which this House suffers, in that we cannot pass legislation that will increase the cost of government, I think we can leave that phase to the Government, to whom I have referred the remarks of the hon. member and also the replies of the General Manager of the Agricultural Bank.

Question put and passed.

Bill read a second time.

## *In Committee.*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Power to extend time for payment of instalments and to refund temporarily:

Hon. J. NICHOLSON: I move an amendment—

That in line 1 of paragraph (b) of Subclause 1, after "mortgagor," the words "the whole or any part of" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 5 of paragraph (b) after "instalment," the words "or any part thereof so refunded" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 2 of Subclause 2, after "interest," the words "or any part thereof" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 8 of Subclause 2, after "instalment," the words "or the part thereof" be inserted.

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

Clauses 3, 4—agreed to.

Title—agreed to.

Bill reported with amendments

# **BILL—LICENSING ACT AMENDMENT.**

## *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [5.25] in moving the second reading said: The main object of the Bill is to remedy a defect in connection with the appointment in August last, of the Licenses Reduction Board for a period of six months. There was no power to appoint for that period, but there was power to appoint for three years. The reason for making the limitation of the term was that the Government

thought it possible there might be introduced this session amending legislation which would affect the Board's continuance in office as provided in the Act. If it was decided to introduce an amendment of the Act this session on those lines, it would not be wise to appoint the Board for three years. So, in error, they were appointed for six months. There was no legal authority to do that, but this was not recognised at the time. The Bill legalises the irregularity by giving the Governor power to extend the term of members for a time not exceeding twelve months, and, in order to meet the present difficulty, the provision has effect from the 15th August, 1929. The period of the old appointments expired on that date. It will be noted that no term can be exceeded for more than twelve months. The reason twelve months has been inserted instead of six is that while it was at first thought that legislation could be introduced this session, it is now found impracticable to do so, hence the introduction of the Bill, which will enable more time to be devoted to the measure to be introduced later on. However, in view of the fact that the compensation fund may soon be exhausted—no money is being paid into it now—it may be necessary next year to decide whether or not the Licenses Reduction Board shall be re-appointed, and the Government will have had twelve months further experience to enable them to come to a decision. Another amendment of the Act is urgently needed, and is provided in this Bill. Section 46, in Subsection 1, paragraph (b), provides that no license is required for an occupier of a vineyard of not less than five acres of vines in full bearing, selling on the vineyard wine manufactured by such person in quantities of not less than one quart bottle at one time. Difficulty is experienced by vigneron inasmuch as they cannot sell to each other spirit in bond without a license. All vignerons are not in a position to obtain large quantities of spirits at a cheaper rate than they could obtain on the retail market, and it is desirable that vignerons shall be in a position to deal between themselves in the purchase of spirit required for fortifying their wines. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Harris, debate adjourned.

## BILL—ROAD DISTRICTS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 6th November.

HON. W. J. MANN (South-West) [5.31]: As most members have spoken to this Bill at length, I shall not detain the House for any considerable time. Judging from the number of amendments the Bill proposes to make in the parent Act, there seems justification for Mr. Nicholson's suggestion that the Government would have done well to repeal the Act and bring down a new measure altogether. Apparently the Act is fairly riddled with omissions and defects. This Bill may be regarded as a kind of repairing measure. Still, it contains some new phases, and on one or two of those I wish to speak. The Bill proposes that the Government shall have power to abolish any road board whose general rate does not reach £600 per annum. I ask the Minister, have any of the boards likely to be affected by the proposal, requested to be abolished, or does the clause in question merely represent a proposal by the Government to reduce the number of road boards in the State? Financial considerations do not always measure the value of services rendered. While the general rate received by some boards is small, still such boards do serviceable work for the community. I view with some feeling of distrust any attempt to take away the powers of local self-government possessed by the people who reside in far away districts suffering, so to speak, from small general rates. If the proposal becomes part of the parent Act, I hope the Government will see that the greatest possible care is exercised before any permission or authority is given to abolish any board. I have first-hand knowledge of one board whose position in this respect is somewhat precarious—the Greenbushes board. Some years ago Greenbushes was a thriving and vigorous town. Like most mining towns, however, it has had to suffer a period of depression. Fortunately for Greenbushes, that depression will prove merely temporary, since the geographical situation of the town is such as to give it an advantage over the average goldfields town, Greenbushes being situated in a rich, well-watered, and fertile portion of the State. Were it not for the

strangling effect of forestry policy in that part of Western Australia, Greenbushes to-day would be much better off, because quite a deal of the land in its neighbourhood could be utilised for mixed farming purposes. I feel sure the day is not far distant when the forestry authorities will recognise that their action in closing so much of the land around Greenbushes is not in the best interests of the State, whereupon some relaxation will be made, so that much of the good land in the vicinity of that town will come under cultivation. The next matter I wish to refer to is the duration of councils, as the Bill proposes to designate road boards. The measure provides for a triennial election in place of the present arrangement under which certain members retire each year. At the outset I viewed the proposal with a good deal of suspicion, and I determined to ascertain as far as I could the real position and the reasons for the proposed change. As the result of my investigations I am quite satisfied that the House can accept the idea of a triennial election. It has been stated that the position in that respect is somewhat analogous to the position of this Chamber; but an examination of the figures proves that such a view is utterly erroneous, and that under present conditions there is a great deal of difficulty, which road board members themselves tell me causes much trouble and inconvenience. I understand that the South-West District Road Boards Association, in conference, agreed to the principle in question. Having been able to discuss the matter with some road board members, I know that several boards favour the principle. The present position, so far as I have been able to ascertain, is that out of a total of 127 road boards in the State, 109 are divided into wards. These wards, strange to say, are totally lacking in uniformity. Some boards have two wards; one board has 10; and all the numerals between 1 and 10 are represented. Bunbury, for instance, has seven members and no wards at all. At Broome there is one ward having five members, and another ward having two. Cue-Day Dawn has one ward with five members, one with three, and one with a single member. The position is most peculiar, especially in this respect. If there were six members for a ward, two would go out each year. In the case of a ward hav-

ing five members, I understand two go out one year, two the next, and one member the third. The Wongan Hills-Ballidu Road Board has nine wards with one member for each, and one ward with two members. Investigation has convinced me that the proposed change to triennial elections will be of advantage to the road boards themselves and also to the ratepayers, and for that reason I commend the proposal to hon. members. Another matter I wish to refer to is what seems to me an anomaly in Clause 14, which amends Section 136 of the principal Act. That section, relating to committees, provides that the chairman of the board or council, shall—not “may”; it is mandatory—be a member of every committee. The new subsection proposed by Clause 14 of this Bill reads:—

A committee shall consist of councillors only: Provided that the council may, whenever it thinks fit, appoint a committee consisting wholly or partly of persons who are not councillors, for the purpose of advising the council regarding the establishment, management or control of any mechanics' institute, cemetery, recreation ground, hospital, agricultural hall, library, reading room, or any other institution or utility vested in or under the control of the council.

If the committee is to consist wholly of persons who are not councillors, then the point that the chairman of the board or council shall be chairman of the committee has no force whatever. Further, I ask the Minister, and in no spirit of facetiousness, to give the House a definition of the word “utility” in the last line but one of the proposed subsection. That word “utility” seems to me ambiguous, and I would like the Minister to furnish a definition of it.

Hon. E. H. Harris: The Minister should also give a definition of State trading.

Hon. W. J. MANN: I want a definition of “utility,” because without some definition an endeavour may later be made to include all kinds of things in it.

On motion by Hon. G. A. Kempton, debate adjourned.

## BILL—INDUSTRIES ASSISTANCE.

### *Assembly's Message.*

Message received from the Assembly notifying that it had agreed to the amendments made by the Council in the Bill.



**BILL—ELECTORAL PROVINCES.***Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [5.45] in moving the second reading said: Last year I introduced a Bill to enable Commissioners to redistribute the seats for the Legislative Assembly. That Bill was rendered necessary by the anomalies which had been created owing to the changes in population in the different districts since the previous adjustment had been made seventeen years before. For similar reasons a Bill is now submitted to provide machinery by which the Commission can do similar work in regard to the seats for the Legislative Council. There are not so many anomalies, so far as the Council is concerned, as there were for the Assembly, but there are some—and they should be removed. The principles embodied in this measure, as regards the basis of redistribution, are similar to those to be found in the Electoral Districts Act which was passed last year. There are to be three areas—the metropolitan, the agricultural, and the mining and pastoral. In the metropolitan area every three electors will be regarded as two, the agricultural districts will remain normal, and in the mining and pastoral districts one will be reckoned two. The metropolitan area is penalised to some extent because it is the seat of Government and has no difficulty in presenting its case to the Government. The mining and pastoral areas are favoured for reasons which are obvious to all. They are not only remote from the capital, but the population is scattered over wide spaces in portions of which the pastoral industry predominates. Lack of adequate representation of these remote districts would perhaps be reflected in failure to recognise fully the necessity of developing the important industries in these outback places, and, if that occurred, it stands to reason the interests of the whole State would suffer. What are described as agricultural districts are mainly ports and towns dependent principally on farming pursuits, and of course include those actually engaged in the cultivation of the soil. These remain normal. There will be no increase or reduction of the figures. Hon. members will be interested to know how this works out on the present enrolment. The Agricultural Provinces—Central, East, South-East and South-West—will be represented by 27,950 electors; the Metropolitan, which

has 37,170 electors, will be represented by one-third less than that number or 24,870 electors, and the Mining and Pastoral, which has 6,915, will be multiplied by two, equaling 13,830 electors. These make a total of 66,560 which, divided by 9—the number of Provinces affected—the North-West being excluded—will give a quota of 7,396. The agricultural areas will thus be entitled to four seats, the metropolitan area to three seats, and the mining and pastoral to two seats. Of course the granting of a household franchise would make some difference. The number of electors would increase to a certain extent in the country, but it should not affect the metropolitan area to any great degree, as nearly every householder there is qualified for a vote for the Council. The redistribution will be in the hands of Commissioners as was the case in connection with the Assembly. There are other features of the Bill which the Council will be asked to consider. They have previously been before the House and objected to, but the principal objection has been removed. If I remember rightly, the main grounds of opposition to the consideration of the liberalisation of the franchise for this House was that a Redistribution of Seats for the Legislative Assembly should precede any attempt to effect reforms relative to the Legislative Council. That objection should no longer stand in the way. The Bill, in addition to providing machinery for the rearrangement of seats for the Legislative Council, seeks to enable every inhabitant occupier of a dwelling house to gain the franchise for this Chamber. The definition of "house" makes it necessary that the structure shall be a permanent one, a fixture to the soil, and ordinarily capable of being occupied as a dwelling. The removal of a fixed annual value to render an applicant for the franchise eligible will dispose of an illogical method of determining the qualification. In the country districts where rental is low, men and women are disqualified from enrolment because of a lower annual value, whereas if they lived in the city, where rents are high, they would have no difficulty in getting on the roll for a house of an inferior character. Plural voting is to be abolished. A person can be enrolled only in respect of one qualification. He cannot have a vote in more than one province, but he may make his choice as to which province it shall be, provided he has the necessary qualifications. Under the present law it would be impos-

sible for any person who owned a £50 block in each of the provinces to have ten votes for the election of the members of this House. That is a state of affairs which cannot be justified by any process of logical argument. Even if Parliament concerned itself merely with matters relating to property, the system could not be defended. But the jurisdiction of Parliament goes far beyond that. Not only can it make laws relating to property, but it can make laws affecting the lives and liberties of the people. In view of that position, any system under which the franchise is framed that permits one person to exercise greater political power than another in shaping the Legislature, simply because of his larger acquisition of wealth, is unsound and unjust, and should not be permitted to continue to exist. I may say that under Clause 11 of the Bill, after the redistribution has taken place, every member will continue to represent in Parliament the Electoral Province for which he was elected, but with electoral boundaries assigned to it by the Act which will be introduced to give effect to the work of the Commissioners. I move—

That the Bill be now read a second time

On motion by Hon. V. Hamersley debate adjourned.

## **BILL—COMPANIES ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 6th November.

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [5.55]: I support the second reading of the Bill. I believe the measure to be long overdue. The co-operative movement in Western Australia has made wonderful progress in recent years, and it can be held up as an example of what can be done by any community provided they are prepared to adopt the principles of the movement insofar as trading is concerned. There is, however, one point in connection with the Bill which I do not quite understand, looking at it from the co-operative point of view, and I should like Mr. Stewart to explain it when he replies. I refer to the clause in the Bill which provides for a comparatively high rate of interest to be paid on the capital of the various co-operative companies. My association with the co-operative movement has been chiefly

with industrial societies working under what is known as the Rochdale system. It provides that the interest payable on the paid-up capital shall not exceed a certain amount, generally 5 per cent., and the benefits to be gained by the shareholders are to be gained through bonuses, etc., paid to them in accordance with the amount of trade they do. In this Bill there is provision that companies may pay in interest so much per cent. over and above the ruling rate of interest for overdrafts. In view of the rather high rate of interest provided, I should like to know the reason for it. Regarding the other provisions of the Bill, I am heartily in accord with them, though when the Bill is in Committee I intend to move an amendment dealing with the repurchase of shares by the company. I support the second reading.

**HON. H. STEWART** (South-East—in reply) [5.58]: I am pleased with the reception that the Bill has had, and I take the opportunity to reply to the Honorary Minister. Clause 3, paragraph (a), provides that the rate of dividend on the shares of the company shall not in any year exceed an amount which is £5 per cent. per annum in excess of the Commonwealth Bank rate of interest for the time being on fixed deposit for two years. The Honorary Minister has said that that is a high rate of dividend to pay. At the present time the Commonwealth Bank rate for two years fixed deposit is  $4\frac{1}{2}$  per cent., so  $9\frac{1}{2}$  per cent. would be the present maximum. Any surplus over that would have to be distributed amongst the members in accordance with the amount of business that they had done, or the profits that had been made on that business after making provision for the necessary reserve. If good profits largely in excess of 10 per cent. are made by co-operative companies they are being made in open competition with non-co-operative businesses. But in order to get sufficient capital it is necessary to offer sufficient inducements. In view of the possible difficulty of financing, it is considered advisable to say that the company may pay 5 per cent. above the  $4\frac{1}{2}$  per cent. rate for fixed deposits. There may be a few co-operative companies that have already made substantial distributions to their members by way of bonuses and that have also built up substantial reserves and so are in a position to pay a higher rate than this  $9\frac{1}{2}$  per cent., and still make good

returns to their members. The shareholders of such companies might not welcome being put under this limitation. In most of the producers' co-operative companies the shareholders are also members, and so it does not matter greatly to them which way the profits are distributed. I agree with the Honorary Minister that the original co-operative principle made no provision for a reserve, the profits being distributed immediately by way of bonuses on cash trading. But to do safe business it is necessary to have reserves and capital, and in order to get capital it is advisable to distribute a dividend that will induce people to borrow money from the banks if necessary in order to get the benefit of the co-operative trading. I appreciate the views of the Honorary Minister and I realise that in a purely industrial co-operative company trading on a purely cash basis it is possible to carry on with somewhat different conditions. But for some years past dividends of 7 per cent. have not provided sufficient inducement for people to borrow money in order to get into the co-operative movement. It is essential that the dividends should be sufficiently high to induce people to borrow money and then get from the co-operative company a higher rate than they have to pay for the borrowed money. In the light of past experience I think the provision made in the Bill is not too great.

Question put and passed.

Bill read a second time.

## **BILL—MENTAL DEFICIENCY.**

### *Second Reading.*

**THE HONORARY MINISTER** (Hon. W. H. Kitson—West) [6.6] in moving the second reading said: The question of mental deficiency has been receiving a lot of attention throughout the British Empire and particularly in Australia. It is being recognised as a most important subject from the point of view of the State, economically and in other ways. A little time ago the Commonwealth Government appointed Dr. Jones, the Inspector General of Insane in Victoria, to inquire into the subject. Dr. Jones presented a very valuable report, which he began by stating that the problem of mental deficiency is of supreme national importance inasmuch as it involves the physical

and mental health of the population of Australia as well as its economic prosperity and efficiency. Experience has shown that countries, including some of our own States, that have not attempted to deal with the question, have had to pay very expensively for their inactivity. I do not propose going into a lot of detail regarding cases and the expenditure that has been incurred by the State. I can say in a broad sense that investigations have shown that the cost in Western Australia alone has run into thousands and thousands of pounds. If we take the experience of all countries we find that the cost has run into scores of thousands of pounds; that is the expenditure incurred by those countries in dealing with mental defectives. So if from that point of view alone, we are justified in introducing legislation with a view to improving the existing position. We appointed a State Psychologist in 1926, and as the result of the work of that officer we now have statistics showing that there is quite a number of mental defectives in Western Australia. At the same time, nothing of a remedial nature has been done in respect of those unfortunates. We have two institutions here, one being the Seaforth Boys' School, commonly known as the school for backward boys. The headmaster is Mr. Hill, an educational psychologist. Then we have the Castledare institution, which deals with intermediate grades and the higher grades of mental defectives, but does not make provision for the lower grades. This institution has been doing exceptionally good work. As to mentally defective girls, I am advised that no provision is made for them, except that if the parents are in a position to pay for it, treatment in special places can be obtained.

Hon. A. Lovekin: I am told there is no place at all for girls.

**THE HONORARY MINISTER:** No institution, but I understand that if parents are in a position to pay and are willing to pay it is possible for special treatment to be obtained. I suggest that that state of affairs should not be allowed to continue. Children from the Children's Court have been examined at the psychological clinic. Those are cases of behaviour problems that have to be dealt with. At present some people are being examined in gaol. Then there are children who have been sent along by the medical officer of schools or by school teachers. The numbers examined since 1926

show conclusively that there is ample room for improvement in the provision being made to-day. At present we have approximately 52,000 children attending State schools. Of those children it has been ascertained that between 1,100 and 1,200 are mentally defective. Since we are spending £11 10s. per head per annum on the education of our children, it will be seen that during the last ten years this State has spent no less than £100,000 endeavouring to educate mental defectives by methods utterly unsuitable. That money has been absolutely wasted. And in addition to the monetary waste, there is another phase of the question that must be taken into consideration.

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

The HONORARY MINISTER: Another phase which must not be forgotten is that the teachers who are called upon to impart education to these mentally deficient children must find their work at least retarded so far as the other children are concerned. There is a big economic loss in that fact. Mentally deficient children cannot do any good, and the present system is unfair on the teachers. Of the number of children who are estimated to be mentally deficient, I am advised that approximately 15 per cent. would need permanent institutional care, say between 150 and 160. That in itself is a big item, and justifies the Bill on that score. We are employing 1,600 teachers in our elementary schools. If 2 per cent. of them, namely 32, could be trained for special work with this class of child, and could be utilised on the half-day system, 64 classes could be established. It is believed that in the course of a few years, very beneficial results would accrue, with advantage to future generations.

Hon. J. Nicholson: The Bill will extend also to adults?

The HONORARY MINISTER: Yes.

Hon. J. R. Brown: Not for school purposes.

The HONORARY MINISTER: It applies particularly to children. The provision in the Bill for both children and adults is quite sufficient for the purpose. Everything is being done to ensure that neither children nor adults are certified as mentally deficient without just cause. It is necessary to have some knowledge of the meaning of mental deficiency. I have found that many people possess an erroneous idea of the subject.

Hon. J. R. Brown: A psychologist is required to define it.

The HONORARY MINISTER: Many people think that mental deficiency is a kind of insanity. According to the authorities, however, there is a wide difference between the two. In the opinion of the State psychologist mental deficiency consists of a sub-normal intelligence, evidenced in an inadequate social behaviour or performance at school in the young and in industry in the old. That definition is supplied to me, and is quite a satisfactory one for the purpose of the Bill. The intelligence of the individual is the basis on which we must work. The intelligence manifested by idiots and imbeciles is of so low a grade that even with the maximum social experience possible for such intelligence, adjustment to simple community requirements is impossible. With regard to the other mentally deficient people, who are described in the Bill as feeble-minded and borderline cases, these have more intelligence than those I have mentioned, but their intelligence is still so limited that the maximum of social care and training do not enable them to manage their own affairs unaided and with ordinary prudence. Moral defectives have a similar subnormality which is complicated by a tendency to delinquency and they are not amenable to correction. I have been reading a number of authorities on the subject and would like to quote from the remarks of one or two of them. I have here the report of Dr. Jones, who made an inquiry on behalf of the Commonwealth Government. There is an appendix to the report which is extracted from the Victorian "Education Gazette." I will quote from a portion of it, the distinction between mental defectives and other mental abnormalities—

Mental deficiency must be distinguished from insanity and milder conditions of the same general type. Though a mentally deficient person may also have intellectual and emotional disturbances approaching more or less closely to those typically found in the insane, it is the exception rather than the rule to find both types of abnormality present in the one individual. The mentally deficient individual is often emotionally stable, and is rarely subject to delusions, abnormal fears, and so on. The insane individual is eccentric in his behaviour or "queer" in his ideas or beliefs. The insane person is often capable of quite good intellectual achievement, and has usually developed normally during childhood, whereas the typically mentally deficient individual shows marked slowness in development from birth. The insane individual's peculiarities are often limited to particular times and particular sub-

jects, whereas the subnormality of the mentally deficient is not relieved by periods of recovery, and affects the performance of all mental tasks which really require insight.

This shows that the mentally deficient are permanently in that condition. In the case of insane people there is a possibility of recovery. An insane person, generally speaking, has lost something he previously possessed, while a mental deficient is short of something that most ordinary people possess. Another authority says—

Mental deficiency is a condition due to causes operating during the first few years of life before there has been normal development of mind. The mind is never normal. Full mental power never develops, no matter how long the defective lives. It is not a breakdown, but a failure to develop. For the reason that adult mental powers are lacking such individuals before the law should be regarded as children in mind, and liable only to the degree that children are liable for their acts.

Another authority, Blackstone, distinguishes between idiots and lunatics by the fact that—

The former was incapable throughout life of obtaining a complete degree of understanding so as to enable him to govern himself or his estate, while a lunatic was capable of recovering the reason he once possessed. A mentally defective person is not capable of being guided by those considerations which ordinarily regulate the conduct of human affairs. Nor is he able to foresee the harm which may result from his actions though this would be foreseen by a prudent and intelligent man. Nor is he able to exercise the amount of care and caution demanded of an adult of normal mental capacity.

These definitions show conclusively that the authorities are at one with regard to the status of mental deficient. The Bill recognises the administrative problems by the fact that it regards the condition of the mentally deficient as a permanent one, and common to both sexes. It therefore provides for the separate housing and training of children and adults, of men and women, and those employed under supervision, and those requiring only shelter and care. It also provides for the separate accommodation of delinquent defectives. Members generally would be unwilling that a child under 14 should be dealt with as adults are dealt with; yet persons of larger growth, who have only the intelligence of a child of 14 or under, are being dealt with here in that way. The investigations which have been made during the last few years, and the knowledge that authorities have gained, indicate

that it is up to the State, as well as other civilised communities, to bear that fact in mind and act accordingly. Great Britain has for 16 years differentiated in law between the mentally mature and mentally immature person. To-day we have the opportunity to follow their example. In Tasmania for some years there has been an Act on the statute-book based to a great extent on the English Acts. In Great Britain those whose mental functions develop so slowly that their minds are still likened to those of a young child are not confounded with persons who are mentally ill or diseased. In 1913 the Imperial Parliament introduced a Bill to provide for the ascertainment of and the care, control and suitable education of those who were healthy but immature in mind. This Bill is modelled on that Imperial measure, and also on the Tasmanian Act. When the Bill was before another place a select committee were appointed to investigate it. They heard the best evidence obtainable locally as to the wisdom of the principles and provisions contained in the Bill. Copies of the report are before members, and those who have read the report will have noticed that several witnesses, one of whom is a member of this House, namely Dr. Saw, considered that the Bill did not go far enough. They thought it was too conservative, particularly in one direction, and accordingly Subclause 14 was inserted in Clause 26 permitting certain added safeguards to prevent propagation by the mentally unfit. That is a point with which I shall deal later. Two medical witnesses suggested that further medical control was desired, but that opinion was not shared by other medical witnesses, notably by the physician attached to the State Psychological Clinic since its inception in 1926, Dr. Crisp. Dr. Crisp made the following statement which will be found on page 29 of the evidence:—

I think that to have a clinic such as we have here is a wonderful thing for the State. It is far in advance of anything else in Australia . . . As to the management of the clinic, I consider the way it is going at present is admirable.

Hon. A. Lovekin: That confirms what Dr. Saw said.

The HONORARY MINISTER: Dr. Crisp continued—

I understand there has been some discussion as to the control of the clinic—whether it

should be controlled by a medical man or by the psychologist. That is a matter of opinion. Really, in one way, to have the clinic under medical control would be advisable; on the other hand Clause 46, Subclause 1, paragraph (i) of the Bill states that the board shall have the general management and control of the clinic. The psychologist, certainly the one we have at present, is well able to manage the clinic and its details herself; and any question of clinic policy can always be controlled by the board. There is to a certain extent medical co-operation as regards the control of the clinic. Dr. Bentley goes to the clinic for his type of case, and I go there every week, more for the physical side; and the three of us collaborate on many cases. From the aspect of actual working, the clinic is under medical control now, although not in the way of interference in or laying down of internal management, which I think can well be left to the person who is doing the work.

On page 14 question 255 and on page 17 question 303 it is admitted by two medical witnesses, one a psychiatrist, that the possession of a medical degree does not imply special qualifications in psychology or experience in diagnosis of mental deficiency. Another psychiatrist in his evidence reported on page 25, question 474, considered the Bill an excellent one. All the leading authorities on mental deficiency agree that medical examination is essential, but state that the psychological examination is the most important part of the procedure in diagnosing defects. As the psychologist cannot give his report until he has the medical findings, along with family and school particulars, he is the natural co-ordinating officer. Much of the work of the clinic is of a special character and demands special training which no medical course includes. It would not be helpful to the management of the clinic to place at the head of it one not versed in the methods and requirements of branches of the work carried out. It seems to me there is quite a lot of sound reason in that. The principles underlying the Bill have been approved by all witnesses, medical and otherwise. I do not think there is any doubt that the possession of a medical certificate does not necessarily mean that the holder is qualified to deal with the cases proposed to be covered by the Bill. Some of the witnesses considered that the safeguards included were unduly numerous. I do not agree with that. It is necessary and essential to provide every possible safeguard particularly as we shall probably have to interfere with the liberty of the subject. The Bill gives no authority to limit the liberty of

an individual save to a degree necessary in his own or in the public interests and then only for such time as such limitation continues to be urgent. I think that is a fair statement of the position. The Bill certainly requires compulsory education, but it ensures that the instruction given shall be suitable. As I have pointed out, in the past 10 years this State has spent considerably over £100,000 on the education of mental defectives in our State schools. That expenditure has not profited the defective individuals in any shape or form, and, with the methods and equipment of the ordinary school system, it is not to be expected that a defective child could benefit. I suggest that, if we are successful in placing this measure on the statute book, in the next 10 years there will be quite a big change regarding that class of child, who will be given an opportunity to develop as far as possible and become happy and useful. Right throughout Australia, and I believe throughout English-speaking communities, wherever competent inquiry has been made, it has been pointed out that many defectives through lack of wisdom and because of community failure to care for and supervise them properly, come before the juvenile and other law courts. When they are convicted of vagrancy, petty theft, or resisting the police, they are dealt with as if they were normally responsible. That has been so in this State, and I suggest that the position should be altered. The Bill empowers the court to seek information as to the mental state of the accused person whenever the circumstances in which the offence was committed or whenever at the hearing the demeanour of the individual suggests defective wisdom. Should it be proved that the accused person was mentally defective, he will then have the privilege of protection that we to-day afford to the insane and to minors. Such persons will be dealt with under the measure in proper training colonies or centres, instead of being incarcerated as they are to-day. The Bill is rather a lengthy one. The memorandum appearing on the front page of the Bill gives a very fair outline of its provisions, but I consider it necessary to explain the details. It is divided into six parts. Part I., preliminary, contains an interpretation of the various terms employed in the Bill. Part II. is most important in that it deals with the power and manner of dealing with defectives. It may be described as the main part of the Bill. In

the first place it classifies defectives in five grades as follows:—

(1) Idiots; that is to say persons so deeply defective in mind as to be permanently unable to guard themselves against common physical dangers.

(2) Imbeciles; that is to say persons in whose case there exists permanent mental defectiveness not amounting to idiocy, yet so pronounced that they are incapable of managing themselves or their affairs, or in the case of children, of being taught to do so.

(3) Feeble-minded persons; that is to say, persons in whose case there exists mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection or for the protection of others, or, in the case of children, that they by reason of such defectiveness appear to be incapable of receiving proper benefit from the instruction in ordinary schools.

(4) Moral defectives; that is to say, persons in whose case there exists mental defectiveness coupled with vicious or criminal propensities or habitual delinquency, and who require supervision, care, and control for their own protection or the protection of others.

(5) Border-line cases; that is to say, persons in whose case there exists mental defectiveness (not amounting to feeble-mindedness) accompanied by instability which is so pronounced that they are rendered socially inefficient and in urgent need of supervision, treatment, and training which cannot be given in the ordinary schools.

The instability mentioned must be permanent, and immediately the degree of instability renders a person certifiable as insane, he is excluded from this provision. The Bill then deals with the power to place persons under control. It provides that persons if under 21 years of age may be placed in institutions or under guardianship by parents or guardians. If over 21 years of age it must be done by petition; that is, the proper certificate must be signed by the examining authority and the person must be brought before a judicial authority. The examining authority means and includes one legally qualified medical practitioner in conjunction with a clinical psychologist approved by the board, or two legally qualified medical practitioners, at least one of whom is approved by the board, who make for the purposes of the measure an examination of any person who is or who is alleged to be a defective.

Hon. A. Lovekin: That differs materially from the Tasmanian Act.

The HONORARY MINISTER: It differs a little.

Hon. A. Lovekin: It differs very materially.

The HONORARY MINISTER: Let me quote an extract from a work on "Mental Deficiency" by another well-known writer, Dr. A. F. Tredgold, who is recognised in Great Britain as one of the leading authorities—

It is obvious that the mental examination is of most importance. Briefly, the purpose of this is to ascertain the degree of development and manner of functioning, of the component parts of the mind. In the more severe grades of defect this is a comparatively simple matter; indeed, in idiots and most imbeciles the defects of comprehension, of intelligence, and of commonsense are so patent that very little in the way of special examination is needed. In milder grades of deficiency, however, this is not the case, and a special investigation is necessary to ascertain these details. Such investigation requires on the part of the examiner a knowledge of psychology and of certain special tests, together with no little experience and judgment as to the inference to be drawn from these tests, and the whole subject has now attained a position of great importance.

Clause 20 deals with orders of a judicial authority. It provides that an order of a judicial authority shall be obtainable upon a petition made by any relative, guardian or friend of an alleged defective, by the secretary of the Child Welfare Department, the chairman of the board, or by a police officer of or above the rank of sergeant. In another place there was a good deal of discussion on this phase of the subject, and I think we will find there is ample safeguard provided in the clause to prevent any abuse of the provisions of the Bill. The clause goes on to provide that should the petition be presented by a friend of the defective, it shall be accompanied by a statement showing the reasons why the petition was not presented by a relative and indicating the connection of the petitioner with the defective. That is a proper and reasonable safeguard. Clause 21 deals with the procedure regarding the hearing of petitions, and it provides that the judicial authority shall either visit the person or order the defective to be brought before him. It also provides that inquiries may be held in private if the judicial authority thinks fit, and that they shall be held in private if so desired by the person to whom the petition relates. The consent of the parent or guardian must be secured in all such instances, or proof furnished that this is not possible. That

is another safeguard that is quite essential. If there is no certificate with the petition, the judicial authority must order an examination by the proper authority before he can commit. There again is provision for safeguarding the interest of the individual concerned. When a person has been certified, it is possible for the board to transfer him from one institution to another or to guardianship from an institution, but not from guardianship to an institution, unless the defective has previously been committed to an institution. Hon. members will agree that that provision is necessary because of the fact that there are so many ways in which mental defectives can be dealt with under the Bill. It would not be right to transfer a mentally defective person to an institution except under such terms and conditions as they would be in the first instance. It would not be right to transfer from guardianship, or from supervision as provided for mental defectives in the Bill, to institutions except in the same way as they would be sent to an institution in the first place. With regard to persons who may be brought before the ordinary courts and who may be found guilty of a particular crime, the court may order a petition to be presented to the judicial authority to have an examination made of the individual and if he is found defective, to postpone sentence and commit the individual to an institution. The court, if it is satisfied, in lieu of making an order for committal to an institution, may itself make an order as effective as that of a judicial authority. When it appears to any justice that a person is defective, he may order, pending a further hearing or trial, the further detention of the individual in an institution for defectives or the placing of the person under guardianship. The Bill also provides that a police officer of or above the rank of sergeant, when a person charged with an offence appears to him to be deficient, may communicate with the chairman of the board or the director of the clinic to have an examination made to see whether such person is defective within the meaning of the Act. He shall present the report on that examination when the charge is being made and also notify the person charged accordingly, as well as his parents or guardian. Regarding a defective who is undergoing imprisonment, the Minister may, on the presentation of a certificate that he is defective, order his removal from a home,

prison or other institution to the Government institution for mental defectives. Clause 25 is most important, because it lays down that a defective in an institution or under guardianship is to be deemed incapable of entering into any valid contract or disposing of any property. I think that is as far as the English and Tasmanian Acts go, but in our Bill we have included in the clause a prohibition of the marriage of certified mental defectives. I understand there is a difference of opinion between the authorities as to the actual wisdom of such a provision.

Hon. A. Lovekin: Or the value of it.

The HONORARY MINISTER: That is so, but the consensus of opinion is that it is a wise provision. I suggest that if it is possible to prevent or prohibit the marriage of people who are mentally defective, and thereby prevent the propagation of others who would be more disposed, owing to the mental deficiency of their parents, to be mentally defective, then the inclusion of such a provision in the Bill would essentially be wise.

Hon. G. W. Miles: Would it not be reasonable to do that?

The HONORARY MINISTER: I think so. The clause, therefore, goes further than the English and Tasmanian Acts.

Hon. A. J. H. Saw: The trouble is that it will not prevent their propagating their species outside matrimony.

The HONORARY MINISTER: No.

Hon. G. W. Miles: But it will tighten up the position.

Hon. A. J. H. Saw: But will not prevent it.

The HONORARY MINISTER: We hope it will prevent the birth of more mental defectives.

Hon. A. Lovekin: It will protect us regarding legitimate births, but not regarding illegitimate children.

The HONORARY MINISTER: Recently I was reading a report that showed that some few years ago in the Old Country, a number of local authorities had taken certain action in connection with mentally defective women in their institutions. I was rather surprised to find that in a number of instances they had released mentally defective women in order that they might be married. To say the least of it, that is rather a peculiar way in which to deal with a subject, but such instances did occur. If we



can take steps to prevent the marriage of mentally defective people, then we shall act wisely.

Hon. J. R. Brown: Marriage might cure them.

The HONORARY MINISTER: When a person is certified as being mentally defective, the duration of an order is for 12 months and it may be continued on examination for a further period of 12 months, but thereafter will be continued on examination every three years. This does not apply to those under guardianship except on the written request of the guardian. In other words, as far as those in institutions are concerned, it is considered advisable to re-examine them after 12 months, but regarding those under guardianship, it is not considered they should be re-examined unless the guardian is of opinion there has been such an alteration in the condition of the person in his charge that he should be re-examined. Whenever an order has been made, the Bill provides for a copy of every order or continuing order being forthwith served upon the defective, his parents or guardian, and, if practicable, on the petitioner as well. Where a person is under 21 years of age, but near thereto, is placed in an institution, the examination must be made within three months of his becoming 21 years of age. If the board does not consider him fit to be discharged, the defective, or his guardian, has the right of appeal to the judicial authority. The Bill also provides that after notice to the board has been given by the parent or guardian, and the board does not discharge the defective, then the parent or guardian shall have the right of appeal to the judicial authority, who will have the right to discharge the patient if he thinks fit. A judge of the Supreme Court, on his own motion or on the application by any person, may hold an inquiry and order an examination of anyone detained and, if necessary, order his release. Parents or guardians may, by giving 14 days' notice to the board, withdraw any defective from an institution or guardianship if, in the opinion of the board, it is desirable that such a course should be adopted. I think there is ample safeguard provided there in respect of a person who has been certified and respecting whom it is considered, after a period, he should be discharged. Clause 29 provides that the judicial authority may make an order for maintenance against any

parent or person liable to maintain a defective. Those who are in a position to pay will be expected to pay, but only in accordance with their ability to pay. In some instances some parents will be glad to pay the whole of the cost regarding their children. There may be a number who will be able to pay a proportion only of the cost, and in other cases the parents will not be in a position to contribute at all. The Bill provides that they will be expected to pay in accordance with their ability to do so.

Hon. E. H. Harris: Suppose those who are expected to pay do not come up to expectation, what will happen?

The HONORARY MINISTER: I understand that action can be taken against them in the ordinary way.

Hon. E. H. Harris: Is provision made for that in the Bill?

The HONORARY MINISTER: I do not know that there is a clause dealing with that phase, but it will be an offence under the Act if a person who is in a position to pay, does not do so. If the judicial authority makes an order and it is not obeyed, that will constitute an offence, and proceedings will be taken in the ordinary way.

Hon. A. Lovekin: But the responsibility respecting an illegitimate child ceases at 14 years of age, whereas with the legitimate child it goes on for ever.

The HONORARY MINISTER: In the case of an illegitimate child an order may be made against the reputed father. If an order has already been made against the putative father, he may be directed to pay the amount under this measure. I fail to see why distinctions should be drawn in the case of mentally defective children who are liable to be charges on the State for all time.

Hon. J. Nicholson: Clause 30 deals with that matter.

The HONORARY MINISTER: Yes. Clause 31 provides power by a certain process to take a defective child as a neglected child to a place of safety until a petition can be presented. Clause 32 provides that the board may transfer from an institution to the Hospital for Insane, or vice versa; but in the former case it can be done only with the consent of the parents or guardians. Clause 33 ensures due regard to the religious faith of the defective in the matter of committal to institutions, where practicable. Clause 34 defines the judicial authority.

Part III. of the Bill deals with the mental deficiency board, and includes Clauses 36 to 39. Clause 36 provides that the members of the board shall be the Commissioner of Public Health, the State Psychologist, and three other members to be appointed by the Governor, one of whom shall be the Inspector General of Insane or a duly qualified medical practitioner with a knowledge of psychiatry, one a legal practitioner, and one a woman. It is further provided that the Commissioner of Public Health shall ex officio be chairman of the board. The constitution of the board differs a little from the constitution of the Tasmanian board. In Great Britain the method adopted is to have a number of local boards established in various districts, but the principle is the same as that followed in this Bill. Part IV. of the Bill deals with the establishment and certification of institutions, etc. It provides that the Governor may direct and control any number of houses or institutions for the care of idiots, and that the Claremont asylum shall be deemed an institution under this measure. The board may also approve of privately-owned institutions or private homes; in the latter case no funds appropriated by Parliament shall be applied, nor shall the provision regarding maintenance, or those liable for maintenance, have application under this heading. It is further provided that defectives may be allowed out on license or parole by permission of the board. Part V. deals with administration of the estates of defectives by the Official Trustee. Part VI. refers to offences and penalties under the measure. The Bill lends itself more especially to Committee discussion. This is especially so with regard to phases which during the last few weeks have received a good deal of publicity. In my opinion there is no doubt as to the need for legislation of this kind, and I am indeed pleased that Western Australia is at all events attempting to do something in relation to this most important matter. Tasmania was the first Australian State to enact legislation dealing with the mentally deficient as distinguished from the insane. I believe Bills dealing with the subject are now in preparation in other States of the Commonwealth. Dr. Jones, whom I have already quoted, and who inquired into the subject very fully, stated in his report that he

should be uniform in character. It may be well if I quote from Dr. Jones a little further. On page 18 he says—

Tasmania was the first State to pass an Act dealing with the mentally deficient as distinct from the insane person, and at the present time Bills are contemplated in New South Wales, Victoria and Western Australia. South Australia and New Zealand had in operation an Act bringing all cases of mental disorder and defect under its provisions, but recently in New Zealand this has been amended by a special Act creating a Department of Mental Hygiene. An analogous position is found in South Africa, where a Mental Hygiene Department, under the direction of a Commissioner, deals with both lunacy and mental deficiency, and the report of this official deals with the question as though it was one and indivisible. In his last report, Dr. Dunstan emphasises the value of the reports supplied by the psychiatrists of the department to the Education Department and he has inaugurated surveys to determine the areas most retarded mentally and by intensive study to discover the causes of the retardation and suggest remedies; and further to determine what number of children in each town or district requires to be taught and trained in the special schools or classes. Necessarily this work can be undertaken without any legislation, but the subsequent handling of those children who are found to be definitely mentally deficient is one which cannot be divorced from the powers conveyed by an Act of Parliament. So far as Australia is concerned it is essential that whatever legislation is put into effect it should be similar in each State, and that reciprocity between the States and their individual departments should be made possible.

Those last few words, more especially, are based on sound reasons. In view of the fact that the Bill is framed largely on the Tasmanian Act—the measures which other Eastern States now have in preparation are, I understand, on similar lines—I think we can rest assured that we shall not go far wrong in accepting the principles of our measure. Hon. members may differ from the Bill in some respects, may consider that in certain directions it goes too far, and that in others it does not go far enough to achieve the object desired; but in view of the experience of Tasmania and Britain we need have no doubt of the beneficial operation of the measure if enacted. I move—

That the Bill be now read a second time.

**HON. A. J. H. SAW** (Metropolitan-Suburban) [8.26]: I must thank the House for having allowed me the privilege, by invitation of a select committee of another place, to investigate this Bill when it was before

the Assembly. I was granted the privilege of giving evidence before that body. As the result of the select committee's investigations, the measure was improved considerably. My evidence was on certain lines, and I am glad to be able to say that the select committee honoured me by accepting at any rate two of the recommendations I made. At the outset let me disclaim any special knowledge either of psychology or of mental deficiency. The only thing I can claim is that my medical education has perhaps directed my mind along certain lines, permitting me to regard certain questions in a manner rather different from that of the person who has not received a medical training. Naturally, in my profession I have been more brought into contact with some of the classes of cases dealt with in the Bill than have the majority of members. Still, I do not for a moment want the House to think that I pose as an authority either on this Bill, or on mental deficiency, or on psychology. I am almost as ignorant of psychology as is the man in the street. In giving evidence before the select committee I mentioned that psychology was not a subject included in the ordinary medical curriculum at the time when I was a student. I do not think it is included now. I regard the Bill as necessary, firstly in the interests of the mentally deficient themselves, in order that they may be protected against the evils inflicted on them by society and by one another. But it is, I consider, even less important from the point of view of the welfare of the community as a whole that mental defectives should be protected from society than that society should be protected from the evils inflicted on it by the mentally deficient. In that connection I think everybody must admit the great influence of heredity. As I said in giving evidence before the select committee of another place—the Royal Show was just approaching—one only had to go down to the show to see how the theory of heredity was admitted by everybody who had anything to do with the show, because if heredity had no influence, there would be no object in holding these shows, which are so popular in Australia. In connection with our cattle and other domestic animals, practically we all admit the influence of heredity. Perhaps I may be allowed to quote some extracts from "Heredity and Human

Affairs," by Edward East, Professor at Harvard University:—

If we are to have finer or more salutary conduct, it can only be obtained by giving the individual a better hereditary endowment and a better environment in which to develop it. Is the feeble-minded child likely to become a scholar? Will the boy with a club foot win medals at the stadium? Can the individual with a cleft palate develop into an orator of note? The differences between two organisms are not due primarily to environment, any more than the differences between a Rolls-Royce and a Ford car are due to the fuel used.

The chromosomes are workshops stocked carefully with the machinery and the material required for the particular end in view. The function of the environment is simply to provide working conditions. The chromosomes are the silver bromide, and the rays of sunlight which acting together provide the opportunity for an endless series of pictures.

Environment is the developer which makes or mars the result. It is foolish, therefore, to discuss whether heredity or environment play the greater role in life. One might as well ask whether food or water is more important to the individual. Both are indispensable, but their functions are different.

Chromosomes: Those portions of the nucleus of the germ cells (both ovum and spermatozoon) that carry the heredity qualities under the high power of the microscope.

We recognise the importance of heredity, and anybody who has studied genealogical tables published in works on psychology and criminology that have been worked out in the United States in connection with various families, will recall the Jukes family, where from a single pair of progenitors during the course of a little over a century, since about the time of the War of Independence, there originated something like 200 or 300 people, either mentally deficient or criminal, or drunken, or vicious in some respect. This was due to the fact that during that war a man of good repute had intercourse with a girl of feeble mind, and from that stock there have been inflicted on the United States several hundreds of degenerate people. I think they run into many more, but I am speaking of the people who have been proved—

Hon. A. Lovekin: There have been actually proved 759.

Hon. A. J. H. SAW: That, of course, is not the only instance. In the United States there have been many more instances where a genealogical table of that kind has been traced, showing how important it is that we should deal with this question from the point of view of heredity, and that we should, as far as possible, stop the

propagation by mentally deficient people of their own species. It is perfectly true that in the lower grades of mental deficiencies—idiots and imbeciles—instances of that particular defect arise amongst all sections of the community, and apparently are not more common in any one section than in any other. But although that is true of idiots and imbeciles, it is not true of that other grade known as the mental deficient. It has been estimated that if two persons who are mentally deficient marry, anything from 40 to 60 per cent. of their progeny will be born mentally deficient: and if instead of both parents being mentally deficient only one is mentally deficient, whereas the other is of good stock, then anything from 20 to 40 per cent. of their progeny will be mentally deficient. Those are facts that cannot be disputed, and if that is so surely we should deal with this subject of mental deficiency not only with the view of protecting the mentally deficient themselves, but also of protecting future generations from having so many of this class inflicted upon them. There are very many who are mentally deficient and who owe that misfortune to the fact that they were born of degenerate parents. Certain remarks I made on this subject have been misconstrued during the debate in another place. Some members there thought that the inference I tried to deduce was that 40 to 60 per cent. of all mental deficiencies could be traced to heredity influence. I have no doubt that if one took the trouble—it would not be a very difficult job—it probably could be worked out. But the figures which I have given deal with the question from another standpoint altogether, the standpoint of the parents who are mentally deficient, then tracing the instances of mental deficiency amongst the progeny. It is for that reason, when I gave evidence before the select committee, that I intimated there should be some measure of sterilisation brought in, so that future generations should be protected against these degenerates. I advocated that the measure contained in the Alberta Act, which is permissive, and under which sterilisation can be performed with the consent either of the mentally defective, if he has sufficient intelligence, or if not with the consent of his guardian, where it was thought wise in the opinion of properly constituted authority that that should be done before he was allowed to mix with ordinary members of the community. That I think

would solve the problem to which the Honorary Minister alluded in connection with the marriage of the mentally unfit. It is to my mind of no value whatever to merely say to be mentally unfit, "You shall not marry," for there is absolutely nothing to prevent them propagating their species outside of matrimony. One knows well that these mentally deficient people are not deterred from immorality because of any fear of consequences. The mind is not sufficiently developed to appreciate the finer points of morality, or to recognise the duty they owe to other sections of the community.

Hon. A. Lovekin: They are technically abnormal in many cases.

Hon. A. J. H. SAW: In some cases. Undoubtedly a great deal of the crime, vice, and poverty now in our midst is due to the problem of these mental deficiencies, and if we can put them into institutions where they can be cared for, or in certain cases from which they may be allowed to go out under supervision, and took measures to see that they did not propagate their species, a good number of the evils at the present time afflicting our community would be abolished.

Hon. G. W. Miles: Did you say that in Alberta sterilisation can be carried out with the consent of the guardian? Why not make it compulsory?

Hon. A. J. H. SAW: In California for many years there was a law similar to that existing in Alberta, but recently they introduced an amendment whereby sterilisation was made compulsory. But I am not advocating that because I do not think public opinion is ripe for it, and for the present I am content with this smaller measure which is contained in the Alberta Act, and which the Bill now before us includes. With reference to the question of sterilisation, through the advance of surgical science, the operation can now be performed with practically no risk and with practically no inconvenience either to the man or the woman on whom the operation is performed. The operation is very simple and is practically free from danger and free from any ill consequences except that a person is not afterwards able to propagate the species. Mr. Lovekin was good enough to lend me some volumes which he obtained from England, giving the report of the Mental Defectives Commission published recently by the British Government. The bulky report requires a good deal of wading through; there is a great deal of

rather tedious matter, but there is also a good deal that is of considerable interest and for the information of the House I have taken some conclusions from the document. The report from which I have made extracts is by Dr. Lewis, a skilled investigator, and what I intend to read shows the folly of attempting to deal with this question piecemeal. Dr. Lewis says—

The municipal authority for the large town in the Midland area had since the war demolished some of the poorest property in the centre of the town, and the slum type of family had been moved to new, commodious, semi-detached houses with large gardens. A number of the more respectable artisan families had also moved to the new district, and in the course of our visits we had interesting talks with several of the better type of residents. They complained very much of some of the families that had moved to the district from the slum area; of the filthy conditions of their new homes, the lack of care, and in some cases of the destruction of the new property, of the drunkenness, quarrelling, and noise at late hours, and of the uncontrolled children who were often an annoyance to their neighbours. It is no mere coincidence that many of the families who complained were those whose homes we had visited to inquire about some mentally-defective member, and when these homes were visited, we found conditions that were distinctly reminiscent of the slums. Although the houses had large rooms, there was the same disorder, dirt and characteristic odour of the small over-crowded slum homes. There had apparently been very little improvement, and it was of little interest to note that although this new residential district had not been in existence ten years, these families tended to cluster together with the result that there were already small nuclei of slums here and there in the new district.

This illustrates the truth of the saying, "The Ethiopian does not change his skin nor the leopard his spots." You cannot get rid of this problem merely by moving the people from one quarter of the town to another. Something more radical than that must be done. Dr. Lewis' report estimates that the total number of mental defectives left in the general communities and not in institutions are: Adults 61,722; lower grade children (idiots and imbeciles) 13,610; feeble-minded children allocated to day schools 81,258, a total of 156,590. This equals about four per 1,000 apart from those in institutions.

The figure gives some idea of the magnitude of the problem. The success with which this problem is solved depends on a twofold adaptation of the defective to his environment, and of the environment to the defective. The number of the mentally defective that can be safely left in the general community, depends largely

on how much the community is prepared to do in giving them appropriate training when they are young, in finding occupations suited to their abilities—in safeguarding them from unequal competition with persons better endowed mentally and physically, and in ensuring them adequate care—supervision and control in their homes. Our experience confirms us in the view, shared by many workers in their field, that it is the lack of proper training and the failure to secure suitable occupation which gives rise to the anti-social behaviour of a large number of the higher grade defective adults. For this group of defectives the most potent socialising factors are education of a practical nature during youth and adolescence and constant employment later. If this provision is not made, many of them will sooner or later require the more costly provision of an institution or colony.

Dr. Lewis finds that the incidence of all grades of mental defectives in urban areas is 6.7 per thousand of the total population as compared with 10.49 in rural areas. He goes on to say—

It is possible that the selected migration of the better stock from the rural districts has left behind a population inferior in mental quality, and that the intermarriage of this inferior stock has produced a larger number of mental defectives during the last 50 years than in previous centuries when population was more evenly distributed.

In another place he says—and this is rather disquieting—as follows:—

The facts that (1) our investigation revealed twice as many lower grade defectives as did that of the Royal Commission 20 years previously; (2) That the ratio of the different grades to each other remains the same in the two inquiries; (3) That the disparity in the ascertained incidence in the urban and rural areas has markedly increased—all these make it hard to believe that there has not been some increase in the incidence of mental deficiency during this period.

Again he says, in regard to the local distribution of higher grade defectives and its relation to social problems:—

Lower grade defectives were found indiscriminately in all types of districts and in all classes of families. There is no reason to think that the incidence of idiocy or imbecility is distributed in any way unevenly among the different social strata of the population. But in the case of feeble-mindedness there were great differences of incidence in different schools and villages and in different parts of the same town. The town schools which contained the largest proportion of feeble-minded children were generally situated in the slum areas; and in the villages with the largest number of adult defectives there were generally found to be correspondingly large numbers of feeble-minded children. There were thus what ap-

peared to be certain clearly marked geographical foci of mental deficiency. When these were investigated more closely, they were found in fact to be family foci. This was certainly the case in many of the villages where the defective children were found in a small restricted number of families, often inter-related by marriage. There were indications of this also in the towns. If, as there is reason to think, mental deficiency, much physical inefficiency, chronic pauperism and recidivism are all more or less closely related and are all facets of a single focal problem, can it be that poor mental endowment manifesting itself in an incapacity for social adjustment and inability to manage one's own affairs may be, not merely a symptom, but rather the chief contributory cause of these kindred social evils? If so, then the problem of mental inefficiency, of which mental deficiency is an important part, assumes a yet wider and deeper significance and must indeed be one of the major social problems which a civilised community may be called upon to solve.

Then in a footnote he says—

If we took all the dull and backward and all mentally defective children of whatever grade, we should find that it would comprise at least 10 per cent. of the school population.

I think that is rather higher than was indicated by the figures given by the Honorary Minister; but in these figures Dr. Lewis includes with mental defectives the backward and retarded children; and through the border-line cases the one class gradually fades into the other. The Mental Deficiency Committee of 1929 in presenting their report stated—

On the basis of our investigation, it appears probable that the numbers of these certifiable, mentally defective children are far larger than had been previously thought, and amount to 90,000 (or one in 66 children of school age) or nearly six times as many as those attending certified special schools.

According to the committee, so far as England is concerned—

There is no possibility of any considerable expansion of the special school system in its present form and under present statutory conditions, except in a few of the largest towns. Even in these towns increasing difficulty is being experienced in the certification and transfer to special schools of numbers of mentally defective children who should properly be certified and transferred. We are accordingly driven to the conclusion that the system itself and the legal basis on which it rests must be modified if suitable educational provision is to be made for these 90,000 mentally defective children for most of whom special schools, as that term is now understood, will never be available. Now it must not be thought that those children who are

certifiable as mentally defective are the only group of children who are unable to derive full benefit from the ordinary education in the public elementary schools. Our investigator formed the opinion in every school that he visited that for every child whom he classified as feeble-minded there were two or more children of only slightly higher mental and educational capacity. The existence of this group is universally recognised.

That shows the immensity of the problem we have to deal with. I thought that instead of wearying the House with, perhaps, platitudes evolved by myself, it would be more informative to members if I gave them some of the evidence I have found during the course of my reading. As to the Bill itself, it is to be commended. There are in it certain minor defects which, I think, if we work harmoniously together we may succeed in removing, and so improve the Bill. The Bill in line 3 on page 11 has the words, "clinical psychologist." Some members may have seen the letter of Dr. Fowler, lecturer in psychology at the University, a man of the highest attainments, who obtained his Doctor of Philosophy degree at the London University and whom we now have the advantage of having at our University. He says, "No British University gives a diploma in clinical psychology. And so he thinks it is a mistake to use the term here when it has no significance anywhere in the British Empire. By interjection and also during my remarks, I have alluded to the question of mental defectives marrying. But I cannot see any harm in their being, according to the grade of their deficiency, allowed to marry, provided they are sexually sterilised. When we come to the appropriate place in the Bill I propose in Committee to move to insert a proviso to that effect; so that those people, if they see fit to marry and are capable without supervision of earning their living, may be able to marry, and yet the community may be protected against them by sexual sterilisation so that future generations of mental defectives shall be born from them at any rate. Dealing with the question of the Mental Deficiency Board, the Honorary Minister said the members of the board would not be quite the same as those provided for under the Tasmanian Act. Actually the Tasmanian Act is rather the better one. After giving the Commissioner of Public Health, the State Psychologist and the Inspector General of the Insane, as this Bill does, it goes on to say, "and

two other members, one of whom shall be recommended by the University Senate and the other by the Director of Education." Both those authorities, if they had a recommendation, would see to it that those they recommended to be placed on this expert board had the necessary qualifications; and those qualifications undoubtedly include a knowledge of psychology. The Bill before us says that one of the members shall be a legal practitioner. With all due deference to legal practitioners, I do not think there will be any rush on the part of legal practitioners to get on the board when it becomes known that there is no provision for fees. I do not know that there is any particular reason to include a legal practitioner, unless he has some special knowledge of psychology; because if there are any questions of law cropping up, no doubt the board will have the advantage of the opinion of the Solicitor General, or of the Crown Law Department, just as other boards connected with Government Departments have at present. Then the other person to be appointed is to be a woman. I have no objection to the appointment of a woman to the post. The State Psychologist happens to be a woman, and I have no objection to another member of the board being a woman; but that woman should have some knowledge of psychology. Provided the Director of Education or the University Senate recommended those people, no doubt those authorities would see to it that the people they recommended had the necessary qualifications. At the present time we have going through the University a considerable number of students taking a degree in which psychology is a major subject.

Hon. J. Nicholson: Psychology and metaphysics.

Hon. A. J. H. SAW: I am not going to be side-tracked into a maze of words such as psychology and metaphysics, but it reminds me of a little story. A professor of biology noticed that one of his students at the beginning of the term had transferred to the section of psychology or philosophy, and he asked him why. The student's reply was, "When I was studying biology there was so much to learn that I had no time to think; now that I am studying philosophy I have nothing to learn, and so I have all the time in which to think." That is what I think of the twin subjects of metaphysics and psychology—it is all think-

ing and not much else. There may be in the Bill a few other details to crop up in Committee, but I will not detain the House any longer now. The time is overripe for the Bill, and although probably it will prove considerably more expensive in operation than the Government expect, I think its results will warrant the expenditure.

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

## BILL—DRIED FRUITS ACT CONTINUANCE.

### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

## BILL—RESERVES.

### *In Committee.*

Resumed from the 22nd October; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 7—Reserve A7804:

The CHAIRMAN: Progress was reported on this clause, and it is now a question of whether it be agreed to or not.

Hon. A. LOVEKIN: This clause was referred to a select committee. It is an unusual one. The Government had advanced money to a ward in a road board, and were offering the ward certain lands in fee simple, allowing the road board or ward to sell such lands in order to repay the Government advance. It strikes one at once that if the Government want to sell lands to repay themselves in advance, the best thing for them to do is to sell the lands themselves rather than place them in the hands of a middleman, who might repay the advance and make a profit for himself. It appeared from the evidence taken by the select committee that this particular ward had 14½ acres of land from the Government in fee simple, part of it fronting the sea on Swanbourne terrace, with the right to sell, the only condition being that it paid the Government £2,500 which had been advanced towards the making of a recreation ground. The block was worth at least £300 or £400 an acre. The evidence of Mr. Allen the gentleman who interested himself in the

promotion of a recreation ground, was that they would only sell three or four acres at present, and this would realise about £900. They would keep in reserve the balance until it improved in value, and would then sell it. He was asked how the board was going to pay £2,500 to the Government, and the answer was that they would finance the payment and hold the land. It seemed to the select committee that this opened the door to something which was inadvisable. Each ward in the Claremont Road Board collects its rates, and each has a differential rate. There are three members representing each ward, and in this case one of them is the gentleman who promoted the recreation ground. I do not say it would happen, but it would be possible that the land could be sold to a dummy, the advance repaid to the Government, and the land subsequently sold at a profit to the holders. It seemed to the committee that if the land was to be sold, the Government should be the sellers. It was also stated in evidence that after the Government had agreed to give over the 14½ acres, an application was made to amend the boundaries set out in the schedule. This is not mentioned in the Bill, but the application would mean taking in about 10½ acres of land in fee simple. This would also be embraced in the area that could be sold. In the circumstances the committee thought it right that the Government should sell the land direct and not through other people. For these reasons they recommended the omission of the clause from the Bill, and if it could be justified the drawing up of a separate measure covering that clause. We suggested that course because there are other transfers of reserves referred to about which there is some urgency. This clause involves a vicious principle and requires more consideration.

Hon. E. H. GRAY: I am sorry to have to disagree with Mr. Lovekin on his birthday, but I wish him many happy returns of the day. It is a pity the select committee was appointed, for it had not time in which properly to investigate the position. Only a cursory examination was made. It seems that the chairman was not able to alter the views he had already arrived at before the inquiry.

Hon. A. Lovekin: We agreed we did not want any more evidence.

Hon. E. H. GRAY: This matter will stand the fullest investigation. It would be a pity if the recommendation of the select committee was adopted, because it would prevent the completion of a scheme that has been in progress for some years. The sacrifice of no principle is involved, but rather the conferring of a great boon upon the Claremont Road Board district and the people generally. The man responsible for the scheme has met with nothing but trouble. He was elected for the west ward about nine years ago and saw that a state of affairs existed which demanded attention. Certain subdivisions which had been made cut up an area into small blocks of 30 x 100 ft., with a street only 40ft. wide. The Government and certain local authorities agreed that a depot should be established on the sea-front within that area. The road board therefore was subjected to the nuisance of dust cars and sanitary cars from four local authorities traversing the area. As stated in my minority report, Mr. Allen saw there was a possibility of handling the position. He started a movement to ensure that the sanitary depot was properly supervised, with the object of later on having it removed. He also took steps to purchase the area subdivided. He even paid the deposits on the blocks out of his own pocket in order that the road board might not be exploited.

Hon. J. Ewing: Who bought the original subdivisions?

Hon. E. H. GRAY: The Claremont Road Board. In all 125 blocks were purchased at an average price of about £11. When the blocks were first sold they fetched an average of £40 each. The man responsible for this reclamation work showed good business acumen when he bought the land so cheaply.

Hon. A. Lovekin: And he borrowed £2,500 from the Government upon it.

Hon. E. H. GRAY: The opportunity was taken to widen the street and three houses were bought. Mr. Lovekin is a little mixed in his report on that matter. The document says "Three houses were bought for £300, and they have been getting an average rental of £122 per annum." I pointed out that was a mistake; that it would be a splendid piece of business to build three houses on three blocks for £300 and get £122 a year rental from them.



Hon. E. H. H. Hall: Do you say the report of the select committee is inaccurate?

Hon. E. H. GRAY: Yes.

Hon. A. Lovekin: It is based on the evidence.

Hon. E. H. GRAY: Three houses were bought in and 125 blocks purchased out of the £2,500.

Hon. A. Lovekin: Why did not you clear that up at the time?

Hon. E. H. GRAY: I tried to do so. It shows that the select committee were hasty in bringing down a report that is inaccurate.

Hon. E. H. Harris: Do you say it is not based on the evidence?

Hon. E. H. GRAY: If it is based on the evidence, it has been taken down incorrectly. The gentleman who gave the evidence did not intend to convey that meaning. I tried to correct it at the time, but Mr. Lovekin would not listen to me.

Hon. A. Lovekin: I do not know what he intended. I only know what he said.

Hon. H. A. Stephenson: You were a member of the select committee and a member of the board years ago and could have put us right.

Hon. E. H. GRAY: Mr. Stephenson was not present when I brought the matter up.

Hon. H. A. Stephenson: I heard the evidence.

Hon. E. H. Harris: We ought to have another select committee to rectify the mistake!

Hon. E. H. GRAY: I have made the statement and it can be investigated. It is unreasonable to expect any board to purchase three houses and three blocks for £300 and receive £122 a year rental. It is ridiculous.

Hon. A. Lovekin: It all came within the £2,500.

Hon. E. H. GRAY: That is what I am trying to show, but the select committee's report does not say so. The three houses represent part of the £2,500 advanced to the road board. For the money advanced, good value is shown. The place has been converted from a potential slum area into a desirable residential area, and if the Claremont Road Board scheme be adopted, we shall have in course of time one of the best recreation reserves in the State. That being so, it would be totally unfair for the Committee to try to block the wishes of the board. There is another matter regarding the selling of the Class A reserve as sea

frontages. In my report I made a mistake when I said the frontage to the sea was 15 chains. It should have been 5 chains. An examination of the Bill will show that. A 5-chain frontage out of 14½ acre paddock cannot be called a sea frontage. Without knowledge of the locality it is difficult to visualise it. Years ago the Government of the day deemed it advisable to dedicate an area in North Cottesloe as a Class A reserve. It was then well timbered, but as there was no one to look after it, in the course of a few years every vestige of scrub and timber was removed from it. The sand drift became an additional menace, and now the land is comparatively useless for recreation purposes owing to the enormous expense that would be required. The new proposal deals with an ideal playing ground for children, for football and cricket clubs. Last season four teams played matches there. The road board propose to lay down tennis courts to provide amusement for the young people. Where is the vicious principle involved in the Bill?

Hon. A. Lovekin: Giving other people the land to sell.

Hon. E. H. GRAY: The road board has shown sufficient foresight to resume an area that was totally unsuitable for residential purposes. It is flanked by a range of sandhills that will make an ideal place where the people can rest under trees and watch the games in progress on the flat. Any amount of water has been obtained by sinking, and the ground can be watered by sprinklers at very small cost. There were two courses open to the board: one to allow the unhealthy, unpicturesque condition of affairs to continue, and the other to resume the land, fence it and push on with the bigger scheme that the people in years to come might enjoy themselves there instead of being herded in slum areas.

Hon. J. Ewing: Where is the land proposed to be sold?

Hon. E. H. GRAY: In Swanbourne-terrace, facing the sea. The 5-chain frontage is the only part of Cottesloe Beach that is unsuitable for bathing purposes owing to the rocky bottom. To the north of the 5-chain frontage is an ample reserve with a sea frontage that will be held as a Class A reserve for all time. If the Government show sufficient foresight, we can have a reserve there of 250 acres unrivalled for its timber and shade by any other reserve of

the kind in the State. I doubt whether one could find anywhere in Australia, except perhaps in Tasmania, a reserve so close to the sea front carrying so many beautiful trees, capable of affording protection to thousands of people. If that were the reserve in question, it would be a mistake to dispose of any portion of it. It is all very well for Mr. Lovekin to dilate on the evil of selling a Class A reserve. Do the road board wish to sell the land merely to get the money? Of course not. If the 14½ acres were sold to-morrow, I doubt whether it would bring £1,500.

Hon. A. Lovekin: You have agreed to pay the Government £2,500 out of it.

Hon. E. H. GRAY: I am referring to the 14½ acres proposed to be sold. The hon. member spoke about expensive sea frontages. A few months ago, in the vicinity of that area, sea front blocks were sold for £70 each.

Hon. C. F. Baxter: On the low ground; not elevated blocks like these.

Hon. E. H. GRAY: Within 10 chains of this land.

Hon. C. F. Baxter: Yes, right down in the hollow.

Hon. E. H. GRAY: Right on an ideal bathing beach. The Claremont Road Board naturally desire to repay the money owing to the Government. It has been stated in this Chamber that the board should not be given the task of selling the land. The board ask that every safeguard should be provided. I say it would be impossible for the board to do any land jobbing with the area in question. In addition, they showed their bona fides by asking the select committee to include any safeguard necessary to ensure that the land was sold at the highest possible price. It has been suggested that the reference to the reserve should be struck out of the Bill and embodied in a separate measure. I do not agree with that. The proposal has been on the stocks for nine years. The loan was granted in 1923, and naturally the Government and the board wish to push on with the job. If there was any danger of the money being wasted, it would be a different matter. Another argument in favour of selling the land is that the reserve is right on the board's boundary, and if money were spent on it to make it a desirable recreation ground, there would be a lot of property in the vicinity from which the

road board would be unable to collect any revenue. On the other hand, if the 14½ acres were disposed of, the board in course of time would derive revenue by way of rates that would enable them to proceed with the development of the reserve. There is another argument that should be mentioned. We cannot reasonably expect private enterprise to go to great expense on a Class A reserve, because it would be impossible, owing to the limited period of the leases, for the lessee to make any venture a business proposition. Some people would suggest that the Claremont Road Board should erect the necessary tea rooms and other conveniences for tourists on the reserve. It would be impossible for the board to do that, because they have not the funds. If the Committee turn down the proposal, the land will remain idle for an indefinite period.

Hon. A. Lovekin: If we agree to the clause, how will the board raise the money?

Hon. E. H. GRAY: If the 14½ acres are sold, sufficient money will be provided to do it.

Hon. J. Ewing: But the Government will not push the board for the money.

Hon. C. F. Baxter: The Government are doing so, and that is the whole trouble.

Hon. E. H. GRAY: Mr. Lovekin suggested that a fraud might be worked and what he suggested was corrupt work on the part of the board. He suggested that the land might be sold at once to a member of the board or to friends of the board members, so that they could make money.

Hon. A. Lovekin: That could happen.

Hon. E. H. GRAY: It would be impossible. In view of public opinion, the board would not dare to do any such thing. The Government would see that sufficient safeguards were included in the transfer to prevent any possibility of that being done. The road board made it clear that the greatest possible return was desired from the land, and it was intended therefore to sell the land gradually. As blocks were sold, the Government would be paid back. Then again, there must be a re-arrangement of the boundaries of the local authorities in that area, because the present boundaries were fixed many years ago. The result is that the west ward is now a little township on its own, governed by the Claremont Road Board from, practically speaking, Nedlands.

Hon. E. H. H. Hall: Could not the safeguards you suggest be included in the Bill?

Hon. E. H. GRAY: Certainly. Mr. Lovekin would have no difficulty in framing such an amendment. I emphasise the fact that the scheme will bear the closest investigation. It was developed on the advice of the Town Planning Association, the plans were laid out, an elaborate opening ceremony took place at which some hon. members attended, and a scheme initiated which will mean that in time 150 acres of reserve will be available for the people. Yet Mr. Lovekin asked the Committee to listen to his appeal and turn it down because of 14½ acres of Class A reserve! The opposition is paltry. I will tell hon. members how it came about. In his opening speech against the measure Mr. Lovekin, speaking in error, said that the Government had advanced £6,000 to the Claremont Road Board, and that he had been approached by someone.

Hon. C. F. Baxter: Was not that the amount given by the Chief Secretary?

The Chief Secretary: No.

Hon. E. H. GRAY: The Chief Secretary said £2,500; it was Mr. Lovekin who said £6,000. Of course Mr. Lovekin made the mistake in good faith, and we accepted it in the same way. Mr. Lovekin said he had been approached by someone, but later on he said he had not been so approached. That just shows the confusion in his mind. I know what happened. One or two ratepayers approached me before they saw Mr. Lovekin, and asked me to oppose the Bill. I asked them for their reason and they told me it would increase the burden on the ratepayers of the west ward. I told them it would lift the burden from their shoulders and that seemed to satisfy them and they went away. One of them later on wrote to Mr. Lovekin, and Mr. Lovekin thought he had discovered a great conspiracy on the part of some people at Claremont. He then persuaded the Committee to support him. The result was the appointment of the select committee and they made a cursory inspection of the site. In the course of the investigation, Mr. Lovekin found he had struck a mare's nest.

Hon. G. W. Miles: Did not someone threaten to shoot him?

Hon. E. H. GRAY: What is suggested now is merely to find a soft place upon which Mr. Lovekin may fall. Why should members agree to that, and set aside a scheme that has been hatching for nine years merely to

soothe Mr. Lovekin's wounded feelings? Then again there is provision for the exchange of a piece of land with the education endowment authorities. What justification is there for the select committee dropping that particular part of the Bill? No reason can be advanced.

Hon. C. F. BAXTER: Mr. Gray said that the select committee had hurriedly investigated the land.

Hon. E. H. Gray: I said a cursory inspection had been made.

Hon. C. F. BAXTER: I went over a much larger area than Mr. Gray has referred to. He said it was a pity that the appointment of the select committee had been agreed to. Why should the hon. member reflect upon the Chamber, merely because they decided to appoint a select committee to deal with this important question?

Hon. J. R. Brown: Select committees never do any good.

Hon. C. F. BAXTER: Mr. Gray suggested that the select committee did not have time to do the work thoroughly. The only conclusion I can come to in explanation of that suggestion is that the committee were not prepared to listen to certain ratepayers who desired to air their grievances, which did not affect the question at all. Mr. Gray also suggested that the members of the select committee had a preconceived idea regarding the whole matter.

Hon. E. H. Gray: I meant Mr. Lovekin.

Hon. C. F. BAXTER: Mr. Gray's speech bristled with statements against Mr. Lovekin and suggested that there was one member only of the committee.

Member: That is so.

Hon. C. F. BAXTER: The report of the select committee shows that each member was active in putting his questions in order to get at the bottom of the matter. Mr. Gray eulogised the work of Mr. Allen, but that does not affect the principle, which is a bad one. If we agree to the Government giving a piece of the State's land to a road board for sale in order to liquidate a debt to the Government, then we will create a precedent that will be there for all time. Mr. Gray said the committee had made a report that three houses had been purchased for £300. The evidence is there and the report is based on the evidence. Surely the Committee can rely on the evidence given before the select committee. We are not dealing with Mr. Allen, nor with the wonderful picture

painted by Mr. Gray as to what will happen in the future, but we are dealing with the principle contained in Clause 7, which is a vicious and dangerous one. Once we agree to a principle like that, the door will be left open to fraud in such transactions. After hearing the evidence of the witnesses I am more than ever convinced that the principle contained in Clause 7 is wrong, and should not be agreed to. Personally I would excise Clause 7 and allow the rest of the Bill to go through.

The CHIEF SECRETARY: I have not had time to dive very deeply into his report, but I had an interview with members of the Claremont Road Board. I came to the conclusion that to get a proper grip of this I would need to peruse a vast quantity of parochial detail, and that it would be necessary for me to go to Claremont and have the scheme reconstructed on the spot, after which probably I would remain in Claremont. However, since then I have had a letter from the Claremont Road Board as follows:—

Dear Sir,

I have been instructed by the Board to solicit your help in respect of Clause 7 of the "Permanent Reserves Bill" which is now before Parliament and which deals with the alteration to reserve at Swanbourne under the control of this board. This clause has been subject to a report by a select committee appointed by the Legislative Council, which report, I understand, is now before the members of both Houses.

The board wishes to respectfully point out that from the report of the committee it is obvious that the whole of the facts governing the case were either not before the committee or, if same were, they were not thoroughly understood by it, and, therefore, desires to make the following comments upon the position:

Paragraph 1 should read "some of the committee inspected parts of the locations."

Paragraph 2 refers to the purchased land as a small area. The questions asked suggested six acres. The committee seems to be unaware that:

- (a) The outer boundaries of the purchased land equal 15.2 acres.
- (b) That with streets the purchasers have, or will enable, some twenty acres or more of the fine contoured country referred to in paragraph 4 to be included in Class "A" reserve.
- (c) That almost the whole of the rest of this fine contoured country has or will be put into Class "A" reserve entirely on this board's effort: Reserves Nos. 19542, 19349 and 19283 were not gazetted until 1926.

Paragraph 3.—Finance of ward.—This admits an encroachment on revenue of some £50

for interest, etc. This difference is decreasing yearly and is far below the estimate at the time of the deputation to the then Premier in 1923.

Paragraph 4.—This paragraph does not disclose the fact that the fine contoured land is within or due to purchasers. It eulogises the splendid beach to the north but fails to recognise that the whole scheme of sales as sought in the Bill and the suggested amendment is designed to reach the beach through continuously increasing revenue-producing properties and thus obviating having to approach successive Governments for the wherewithal to make roads, etc.

Paragraph 7.—In regard to the suggestions in this paragraph the board desires to respectfully refer you to the evidence of the Under Secretary for Lands which discloses the history of negotiations in regard to this reserve.

Paragraph 8.—The board cannot allow statements in this paragraph to go without comment, especially sub-paragraph (a) which, against the evidence and the fact that the Bill itself states "The purchased portion of Location 537 shall be surrendered to his Majesty and included in Reserve A7804." This was clearly pointed out in the evidence, yet the paragraph assumes "That subject only to an indebtedness to the Government, Class "A" reserve is to be seized and sold. In the process it casts a reflection on the board and others who have supported the scheme. This board can assure you that it is exceedingly jealous of Class "A" reserves and the various officials of the Government departments who reported favourably on the proposals after inspection of the lands would never have countenanced the project if they had not believed it to be one of betterment and of extension of the reserve from some thirty-eight acres of then waste and sand dunes to some seventy acres or more of pre-eminent land which is deemed most suitable for recreation.

The board is quite agreeable and welcomes any safeguard which Parliament might insert in the Bill to prevent any suggestion or possibilities of dummying.

Sub-Clauses (b) and (c) speak much of the sought amendment, but the whole desire of the board is to obtain the best result from a recreation and town planning point of view. It is desired to respectfully draw your attention to the last paragraph of the evidence of the Under Secretary for Lands in reply to question No. 2 wherein he points out that the board has actually been the Crown's agent in this change.

The board is particularly anxious that some finality should be reached in this matter during the present session of Parliament and, therefore, appeals to you for any assistance possible in the matter.

It is suggested that should any further expert advice be necessary that the whole matter be referred to the newly-appointed Town Planning Commissioner for his report.

Yours faithfully,

C. S. JENKINS,  
Secretary.

Hon. G. W. Miles: That is what ought to be done.

Hon. A. J. H. SAW: I am sorry to hear any suggestion of land jobbing. From what I know of Mr. Allen and the Claremont Road Board—

Hon. C. F. Baxter: Nobody has reflected on Mr. Allen.

Hon. C. B. Williams: It has been suggested at all events.

Hon. A. Lovekin: I have not suggested it.

Hon. A. J. H. SAW: The letter just read by the Chief Secretary says that in the report there was some suggestion of malfeasance.

Hon. A. Lovekin: Where is that?

Hon. A. J. H. SAW: In the letter just read by the Minister. If there is in the select committee's report any underlying suggestion of want of faith on the part of Mr. Allen and the Claremont Road Board, I am sure it is not deserved. I have known Mr. Allen for some time. He is a hard working enthusiast who has done his best for the district and the board.

Hon. C. F. Baxter: The report eulogises Mr. Allen.

Hon. A. J. H. SAW: I want to dissociate myself from any suspicion that may be underlying the report of the select committee. The problem is a complicated one. It originated nine years ago through the Claremont Road Board resuming some land and borrowing money from the Government. There was a tacit understanding with Sir James Mitchell, the Premier of the day, that certain lands should be sold in order to recoup the board for the expenditure involved. Nine years have gone by and I suppose they have been waiting for land values to rise before giving effect to the tacit promise to Sir James Mitchell. I agree with the suggestion that the matter should be referred to the Town Planning Commission with a request that they report on this scheme. I would pass my vote according to the decision of that authority.

Hon. A. LOVEKIN: Dr. Saw suggested and Mr. Williams supported the suggestion that there was in the select committee's report some allusion to dummying. If members will read that report they will see that in the opening paragraph the suggestion that these people were dishonest was positively negatived. It would be nonsense to suggest dishonesty, because if the promoters of the scheme were dishonest it would be easy for them to sell the land for their own

profits. If there were dishonest people it could be done. It cannot be suggested that this is an innuendo.

Hon. A. J. H. SAW: You will remember that, Brutus is an honourable man; so are they all, honourable men.

Hon. G. Fraser: You were not dealing with dishonest persons and there was no reason to put that in.

Hon. A. LOVEKIN: I do not want to reflect upon the character of anyone.

Hon. E. H. Gray: You cannot if you try.

Hon. A. LOVEKIN: It is sufficient to base a report upon the evidence. I have no interest in a grain of sand anywhere in the locality.

Hon. E. H. Gray: You were led astray.

Hon. A. LOVEKIN: I think the hon. member was led astray. I will read some of the evidence that was taken by the select committee.

By Hon. H. SEDDON: You have stated that £2,500 was advanced by the Government and was spent in the purchase of land?—That is so.

A sum of £300 was spent by the board in the purchase of other land?—Yes, and three houses.

And £700 has been spent in improvements?—Yes.

Would you be satisfied with a proposal that the Government, through the State Gardens Board, should assume the responsibility for this reserve and cancel the £2,500 liability?—No.

The CHAIRMAN: The witness wishes to proceed with the proposal in order that funds may be obtained from the sale of the land.

By Hon. H. SEDDON: I was putting up a proposal for the cancellation of the loan as against the asset created by the board?—But you are not proposing to refund the £300.

That is what I want to get at?—That is one objection. Even the £700 does not represent the cost of all the improvements, because there was a considerable amount of voluntary work. That, however, is neither here nor there. We have to continue to pay on the £300. We are paying interest and sinking fund under the ordinary loan system.

By Hon. C. F. BAXTER: What amount of loan money was expended on improvements?—A sum of £200.

With the £300 purchase money, that would make £500 in all. What rental do you get from the buildings?—Last year the gross amount was £122, but some money had to be spent on repairs.

Call it £100 a year net; you are getting £100 a year to meet interest on an outlay of £500?—Do you propose to give us that £500? The question was whether we would cry quits if the £2,500 liability were removed, but you are not allowing anything for other expenditure. Even if the ratepayers are getting the benefit, the same may be said of other people in the State.

By the CHAIRMAN: If you expect the land in the valley to increase in value, why should not the Government hold the land and derive the benefit of the increased value?—I am quite willing that the whole matter should be secured by a Government board, and all sales controlled by such a board. It has been in my mind to suggest that a board be appointed consisting of the Under Secretary for Lands, the Surveyor General and others representing the road board. It is not my idea to sell the whole of the land immediately. It would not be wise to do so.

And in the meantime you would finance the payment of £2,500, which the Government are anxious to get and you would hold the land then for its unearned increment?—We would sell some of it because we would want the rates to come from the land to enable us to make roads.

As a business proposition, how much of the land would you sell immediately?—A small portion having a frontage to North-street.

By Hon. E. H. GRAY: Close to the sea?—Oh no; the portion nearer the reserve.

By the CHAIRMAN: How much of it would you sell,—Not more than about three or four acres.

You would get for that about £900?—We would start to rate the land that was sold.

How are you going to pay the Government the £2,500?—The board would use its powers to raise a loan.

The 12 blocks you would sell would not bring in very much in the way of rates. You would not get £100 a year?—It would bring in about £45 a year.

That is negligible?—It would pay interest and sinking fund on an expenditure of £500 for roads.

It was intended to sell a small portion of the land and keep the rest in reserve until it was improved. The Under Secretary tells us that on the files there is a further proposal, to take over another 10½ acres, which would be added to the 14½ acres. That is not the sort of thing to which we should be a party. In reply to this question by Mr. Gray—

“The additional land the board are trying to get covers 14½ acres,” the Under Secretary replied: They show more than that. On their plan it goes as far as Hensman-street. The 14½ acres are in the piece marked “F,” The extra piece must be about 10½ acres. That is “E,” and forms a part of their new proposal.

Had it not been for the select committee, an application would have been made to alter the boundaries as shown in the Bill to include another 10½ acres, and the road board would have had 25 acres in fee simple to sell. The clause is a vicious one and should come out of the Bill.

Hon. G. W. MILES: This Chamber should support the select committee. Having ap-

pointed that body, we should abide by its report—not necessarily, but in accordance with the usual practice. The members of the select committee have given more time and attention to the matter than have members generally. Let the Government submit the question to the Town Planning Commission for a recommendation, upon receipt of which Parliament can, if necessary, pass a one-clause Bill.

Hon. E. H. H. HALL: Though inclined to support the select committee, I do not hold that because a thing has been done, it should always be done, irrespective of merits. I listened with pleasure to Mr. Gray's statement, and was much impressed by it. I feel sure the hon. member would not speak as he did except for the best interests of his Province. Though not acquainted with any member of the Claremont Road Board, I have a soft spot in my heart for men who give time and attention to local government. Mr. Gray assures us that the select committee's report is based on a mistake—on an answer given in error by an important witness. Progress might be reported, to permit of further consideration.

Hon. E. H. GRAY: I was a member of the Claremont Road Board when this matter was born. I know its whole history, and can certify that the proposal will bear the closest investigation, being entirely for the benefit of the district. I can put a different interpretation from Mr. Lovekin's on the questions and answers which have been quoted from the select committee evidence. Obviously, the witness's intention was to answer the question on the second occasion in the same way as he answered it when asked by Mr. Lovekin. For an ordinary person, in the absence of books and documents, it is most difficult to give correct replies on such matters, especially before a select committee of which Mr. Lovekin, though otherwise the best man in the world, happens to be chairman. I ask the Chief Secretary to report progress, and let the matter stand over until the Town Planning Commission's recommendation is available to the Chamber. I shall be ready to abide by the recommendation, and shall expect Mr. Lovekin to do likewise. I was dragged into this business only at the last moment. The road board seemed to think that once the Government took the matter up, everything was all right. Examination of the file proves that the whole

basis of negotiations was that the piece of land would be sold to recoup the Government their money. Mr. Ewing, when Minister for Education, was also concerned in the matter. No money would have been lent but for the understanding that the scheme would be accepted by the people and by Parliament, and the Class A reserve referred to in the Bill would be sold in order that the Government might be recouped. I hope that progress will be reported.

Hon. J. EWING: On the evidence submitted to the select committee, I think the finding was a wise one. If a division be called for to-night, I shall vote against the clause. I know the place well. I hope the Minister will agree to progress being reported in order that a further report may be obtained.

The Chief Secretary: We must finalise it.

Hon. A. LOVEKIN: I do not think any member of the select committee would object to further inquiries, but it is important that the rest of the Bill should be passed. Urgent matters are contained in it, and if there is delay for further inquiry, we may as well strike out the reference to the reserve in question, and then have a separate Bill to deal with it.

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

Ayes	..	..	..	..	5
Noes	..	..	..	..	14

Majority against .. .. 9

#### AYES.

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

#### NOES.

Hon. J. Ewing	Hon. G. W. Miles
Hon. E. H. H. Hall	Hon. J. Nicholson
Hon. V. Hamersley	Hon. E. Rose
Hon. E. H. Harris	Hon. H. Seddon
Hon. G. A. Kempton	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. C. F. Baxter
	(Teller.)

#### PAIR.

AYE.	No.
Hon. C. B. Williams	Hon. H. Stewart

Clause thus negatived.

Clause 8, First Schedule—agreed to.

Second and Third Schedules, consequently, negatived.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 10.28 p.m.*

## Legislative Assembly,

*Tuesday, 12th November, 1929.*

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

### QUESTION—COTTESLOE MUNICIPAL STANDING ORDERS.

Mr. NORTH asked the Minister for Agricultural Water Supplies: 1, Is he aware that the "Government Gazette" of the 1st November contained a new set of standing orders for the Cottesloe municipality? 2, Will those standing orders be laid upon the Table this session? 3, Does not standing order No. 51 therein conflict with Section 158 of the Municipal Corporations Act, 1906?

The MINISTER FOR AGRICULTURAL WATER SUPPLIES replied: 1, Yes. 2, Yes. 3, The last paragraph of By-law 51 is in conflict with Section 158 and the council has been so informed.

### MOTION—STANDING ORDERS SUSPENSION.

THE PREMIER (Hon. P. Collier—Boulder) [4.35]: I move—

That during the remainder of the session the Standing Orders be suspended so far as is necessary to enable Bills to be introduced