

Legislative Assembly,

Wednesday, 12th October, 1927.

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

QUESTION—MINING, WILUNA BELT.

Mr. MARSHALL (without notice) asked the Minister for Mines: Do the Government intend to lay on the Table the report of the ex-State Mining Engineer on the Wiluna belt?

The MINISTER FOR MINES replied: Yes, immediately the report is printed.

BILL—EMPLOYMENT BROKERS ACT AMENDMENT.

Report of Committee adopted.

PAPERS—WATER SUPPLY, EDJUDINA DAM.

On motion by Hon. G. Taylor ordered:

That all papers in connection with the leasing of the Edjudina dam be laid upon the Table of the House.

MOTION—ELECTORAL DISTRICTS, REDIVISION.

HON. SIR JAMES MITCHELL (Northam) [4.35]: I move—

That it is resolved by the Legislative Assembly that a proclamation should be issued for the redivision of the State into electoral districts under the provisions of the Electoral Districts Act, 1923.

In 1913 when you, Mr. Speaker, filled the position of Attorney-General, you introduced a Bill to provide for a method of redistribution. There are not many members present to-day who occupied seats in the House in 1913, but those who were here then will remember quite well the eloquence you employed and the arguments you advanced in

favour of a redistribution of seats. If members have not read the speech you delivered on that occasion, I commend it to them. They will find it in "Hansard" of 1913. The arguments you used then might well be used to-day but with even greater force because the numbers have changed. We have far more people on the roll than we had then though, unfortunately, there are fewer in some of the outer districts. I say "unfortunately" because we all regret the falling off of population in the mining area.

Mr. Lutey: It will come again.

Hon. Sir JAMES MITCHELL: With all my heart I hope it will come again and come quickly. At the opening of our proceedings to-day the member for Murchison asked whether the report of the ex-State Mining Engineer on the Wiluna goldfield would be tabled. When that report is read I think it will bring some comfort to the minds of members as well as to the minds of the public generally. It would be well for everyone to read what the ex-State Mining Engineer has said, because his report will doubtless lead them to take a brighter view of the future of that part of our goldfields.

Mr. Lutey: Not only that part, but the Golden Mile also.

Hon. Sir JAMES MITCHELL: I hope, too, that the Golden Mile will revive, and that other fields will be worked and will be found to be equally rich. The Premier will agree that the prospects of rich production from the Wiluna field are bright indeed. The member for Brown Hill-Ivanhoe would not object if discoveries richer than those of Kalgoorlie were made at Cue. We can regard with pleasure the opening up of Wiluna, and I wish we could speak as confidently of the prospects of other districts. Perhaps the member for Menzies (Mr. Panton) might be able to increase his 266 voters if the Lady Shenton mine were again worked.

Mr. Panton: And Comet Vale, also.

Hon. Sir JAMES MITCHELL: The question I propose should not be made a party one. We are all concerned to do a fair thing by the electors of this State. I have reminded members on more than one occasion, and perhaps it is unnecessary to remind them again, that we control this very important part of the Constitution and that it is for us to say just what shall be done in the matter of redistribution. In 1911 there was a great outcry by Labour members against the Redistribution of Seats Bill passed in that year, and the result was

that the party then led by Mr. Scaddan were returned to the Treasury benches. For 16 years that measure has remained the law of the land. We in this State have single electorates and unequal electorates. It must be so, because our distances are so great. Members of this House come from as far distant as Kimberley in the North, which is a good 2,000 miles away, and from Cue, a distance of about 600 miles, while the Premier himself represents a constituency about 400 miles from the city. It would be impossible to have reasonable representation unless it were fixed on the basis of unequal electorates. It might be argued that the means we have adopted to secure representation are rough and ready, but what we want is representation that can speak for all sections of the people—the mining people, the pastoralists, the people in the city, and the people everywhere. In a State of such great distances it is necessary to have representation on the basis that now exists. When you, Mr. Speaker, brought your Bill down in 1913 the position on the goldfields was very different from what it is to-day. The basis of your Bill was similar to that of the Act which is still on the statute-book. You did not suggest that there should be an equal number of electors in each electorate. In your Bill you suggested that the quota should be varied one-fifth either way, that is 20 per cent. above or 20 per cent. below, so that if 1,000 had been the quota under the Bill, an electorate might have as many as 1,200 voters or as few as 800 voters. For a quota of 1,000 electors you provided for 800 as a minimum and 1,200 as a maximum. In the metropolitan area at that time there were 52,685 names on the roll. With a quota of 3,070, loaded as it might have been by one-fifth, the highest possible quota under the measure would have been 3,684, and that would have meant 14 seats for the metropolitan area.

Mr. Panton: Do you include Fremantle and Midland in the metropolitan area?

Hon. Sir JAMES MITCHELL: Of course. If I had suggested cutting them out of the metropolitan area, what would the hon. member have said?

The Minister for Works: My electorate extends further from the city than does Swan.

Hon. Sir JAMES MITCHELL: In the central goldfields area in 1913 there were 15,966 electors, and the quota was 3,070, which, on being reduced by one-fifth, would have made the lowest possible quota 2,456.

Under that system the central goldfield would have had six representatives. The outer mining districts would have had similar quota and their representation on an electoral strength of 18,167 would have been seven. The North-West was to have been left as at present, namely, with four members. In this calculation I have loaded the metropolitan area, as the 1913 Bill permitted, to the maximum, and have reduced the central goldfields and mining areas to the minimum. The quotas I have mentioned are the best that could have been adopted under the Bill of 1913. Of course that leaves the balance of the representation to go to the agricultural districts, which have 54,461 voters with a quota of 2,866, and 19 seats would have been their portion, 19 seats for the metropolitan area, 19 for agriculture, six for the central goldfields, seven for the outer mining districts, and four for the North-West make 50 seats in all. In your measure, Mr. Speaker, applied to-day the position would be a good deal worse for the sparsely populated districts than it is under the existing Act. I understand that many hon. members who desire a redistribution of seats object to the provisions of the Bill.

Mr. Sleeman: We do not want redistribution under the Act.

Hon. Sir JAMES MITCHELL: The hon. member reminds me of a story of two Scotchmen who were having an argument. One said to the other, "You cannot be convinced." The answer was, "Yes, I can, but not by you." If the Bill which my friend opposite introduced in 1913 had become law the position of the mining districts and sparsely populated areas would have been much worse than it is under the Act now in existence. For instance, under your Bill, Sir, the metropolitan area, with 103,221 electors, almost double the number they were in your time, would have a quota—fully loaded, too—of 5,372, and the seats would have numbered nineteen. The agricultural areas with 86,397 voters, would have a quota of 3,756 and 23 seats. The goldfields, with the lowest possible quota that could apply to them under that measure, would have—central goldfields two seats for 8,431 electors, outer mining districts two seats with 7,897 voters, again with the lowest possible quota under the Bill. The North-West would have four seats. Thus there would have been 19 seats for the metropolitan area, 23 seats for the agricultural districts, two each for

the central goldfields and the outer mining districts, and four seats for the North-West. Under the law which by this motion I propose shall be set in motion through a commission, we may have a redistribution as follows:—There are in the metropolitan area 103,229 electors, and the quota would be 6,882 and the representation 15. In the agricultural areas the electors on the 2nd August last numbered 86,397, so that the quota would be 3,441, or just half that of the metropolitan area, and the representation would be 25.

Mr. Panton: Very nice!

Hon. Sir JAMES MITCHELL: On the 2nd August the goldfields had 8,431 voters. The central goldfields with a quota of 3,441 would be entitled to three seats as against two under your measure, Mr. Speaker; and the outer mining districts, with 7,897 voters, would have a quota of 2,732 and three seats. Now, 15 seats for the metropolitan area under the law as it stands, with 25 seats for the agricultural areas, three for the central goldfields, three for the outer mining districts, and four for the North-West make the total of 50. It will be seen that under the Government's proposals of 1913 the goldfields would have had four seats instead of six. If hon. members will glance at the number of electors in each of the five divisions, they will see that with 12 seats the metropolitan area has a quota of 8,602, and that under the proposal the metropolitan area will have 15 seats with a quota of 6,838. Similarly, the agricultural areas, which now have 21 seats with a quota of 4,114, under the proposal would have 25 seats with a quota of 3,419, while the goldfields, which to-day have four seats with a quota of 2,108, would undoubtedly have three seats with a quota of 4,419, and the outer mining districts, which to-day have nine seats with a quota of 877, under the proposal would have three seats with a quota of 2,632. The North-West has four seats with a quota of 905, and under the proposal they would still have four seats with the same quota. I think all sections of the House will agree that redistribution is long overdue. Not only has the population shifted, but there has been a great increase in the number of metropolitan electors; one-half the total number of electors of the State are in the metropolitan area to-day. It was not nearly as bad as that when mining was in full swing. Then the goldfields had 34,000 electors, against just about half that number to-day. The goldfields electors have

migrated to the metropolitan area, with the result I have mentioned. As a matter of fact, quite apart from the circumstance that there has been this shift of population from the goldfields, and apart from the increase in the number of electors in the agricultural districts and the metropolitan area, there is a great disparity, far too great, between the various divisions. In the metropolitan area we have Fremantle—excellently represented, I have no doubt hon. members opposite will say—with 3,875 voters. Canning, also in the metropolitan area, has 17,100 electors.

The Minister for Works: Both on this side of the House.

Hon. Sir JAMES MITCHELL: Yes, but there was a mistake in both cases. I do not know that those hon. members are so very happy over there, either.

The Minister for Mines: I do not know that members on your side are too happy, either.

Hon. Sir JAMES MITCHELL: They look very happy.

The Minister for Works: The disunited party!

The Premier: The calm before the storm.

Hon. Sir JAMES MITCHELL: There are no reds and pinks over here; they are all one colour. There might be a variation such as you had in your Bill, Mr. Speaker, of a fifth in the number of electors in each of the electorates in this area; but the greatest number would be 8,205 and the lowest 4,571. So it will be seen that the member for Fremantle must under-represent at least 4,571 electors, and that Canning's number should not be more than 8,200.

Mr. Sleeman: How many for Northam?

Hon. Sir JAMES MITCHELL: Northam might easily have 4,102 voters, two more than Fremantle.

The Minister for Works: Less than Boulder, according to your Bill.

Hon. Sir JAMES MITCHELL: No.

The Minister for Works: Yes.

Hon. Sir JAMES MITCHELL: Certainly not.

The Minister for Works: Certainly yes.

Hon. Sir JAMES MITCHELL: The Minister's highland blood is returning with regained health, and he is becoming rather aggressive towards me.

The Minister for Works: You are only unloading one to load another.

Hon. Sir JAMES MITCHELL: The quota is the same for the central goldfields as for

the agricultural areas, without either loading or unloading.

Mr. Lutey: Is Swan an agricultural district?

Hon. Sir JAMES MITCHELL: Yes.

Mr. Sleeman: South Fremantle is not, then?

Hon. Sir JAMES MITCHELL: I hope it will be.

Mr. Sleeman: Large quantities of produce are grown in South Fremantle.

Hon. Sir JAMES MITCHELL: But in South Fremantle there are over 5,000 electors, so that in that electorate one could have 1,300 electors working on the land as producers and still have as many city dwellers as the hon. member interjecting represents. In the agricultural areas Beverley is the lowest with 2,536 voters, and Nelson the highest with 5,695. The quota of 3,419—not 3,441—could be varied under the law to a maximum of 4,102 or a minimum of 2,736. But the disparity in the agricultural districts between 2,536 and 5,995 is too great altogether. Some of those districts have very considerable towns forming part of the electorate—for instance, Bunbury, Albany, Northam, Geraldton. These are considerable towns. On the other hand, Toodyay, Murray-Wellington and Nelson, and some other agricultural districts, cover enormous areas without any considerable aggregations of people anywhere. It might well be that in places like Katanning, Narrogin, Bunbury, Albany, Northam and Geraldton the quota would be the maximum. Coming to the goldfields we find that the quota 3,419 might be 4,102 electors in one electorate as the maximum, with a minimum of 2,736 in another. To-day there are 648 electors in Hannans and 3,410 in Kalgoorlie. There is such a disparity even within that circumscribed area.

The Minister for Mines: That is due to your bad gerrymandering the last time the boundaries were traced.

Hon. Sir JAMES MITCHELL: Gerrymandering! This from the very people who have been living on that Act for years, and who will not alter it because it suits them not to do so.

Mr. Sleeman: You were not too successful in running three of them.

Hon. Sir JAMES MITCHELL: I do not know what the Minister for Mines has to be pleased about seeing that he represents one-fifth of the number of electors represented by his neighbour the Honorary Minister in charge of Water Supplies.

The Minister for Mines: They are all good men and women in the Hannans electorate.

Hon. Sir JAMES MITCHELL: They are all misguided, or they would not tolerate a member who would allow their numbers to be cut down to 648. I am sorry, Mr. Speaker, that I have to refer to your electorate and also to that of the member for Menzies (Mr. Panton).

Mr. Panton: Poor old Menzies!

Mr. Lutey: The Leader of the Opposition is on thin ice.

Mr. Panton: At any rate Menzies was not too poor to prevent the Opposition sending up two representatives in an endeavour to capture the electorate.

Hon. Sir JAMES MITCHELL: Menzies could be increased to a maximum of 3,151 electors, while the lowest number under the Act would be 2,106 electors. At present Menzies has 266 voters, whereas the quota is 2,632. In Mr. Speaker's electorate, which has the maximum number of electors in the mining areas, there are 1,541 electors. Are we to allow those divisions to stand? Are the Government prepared to have 17,000 electors in one constituency and 266 in another?

Mr. Sleeman: How long has that been going on?

Hon. Sir JAMES MITCHELL: For some time. Formerly it was not so pronounced as it is at present. Was it ever intended that there should be a difference of 13,400 between the Canning electorate and the Fremantle constituency, which is just a stone's throw away? Are we content to allow that sort of thing to continue? I hope the House will say by the votes that will be recorded on my motion that it must not continue.

Mr. Sleeman: You were not content to alter it in 1923.

Hon. JAMES MITCHELL: It was.

Mr. Kenneally: But you took good care that your Bill did not pass.

Hon. Sir JAMES MITCHELL: The hon. member knows nothing about it, and his statement is absolutely incorrect. I did my best to get the Bill passed. Let me remind the hon. member of the quotation that a man will not accuse another of a meanness of which he himself is not capable.

Mr. Kenneally: I repeat it.

Hon. Sir JAMES MITCHELL: Only a man who is capable of such meanness would make such a remark. I did my best to get the Bill through the House, and I hope on

this occasion I will have the support of the hon. member in passing the motion I am placing before the House. I hope he will be as honest in his attempt to secure a redistribution of seats as I was in 1923.

Mr. Kenneally: Your side was not too anxious.

Hon. Sir JAMES MITCHELL: The hon. member's side was anxious to oppose any alteration, but was content to continue, as the Minister for Health rather offensively stated, my gerrymandering.

The Minister for Mines: I referred to the Government with which you were associated.

Hon. Sir JAMES MITCHELL: It has been quite satisfactory to the Minister ever since then. I suppose he will now tell the House that he proposes to continue the existing state of affairs. I hope he will not find his supporters ready to agree with him. The time is ripe for us to face this question. It is our responsibility to see that there is a fair division. I am ready to admit that in a country where we must have unequal electorates, any method that is adopted must be more or less rough and ready. The Act we have on the statute-book provides for the fixing of boundaries, which must be perfectly fair. I repeat that the Act we passed was based on a measure introduced by the Labour Party. Our measure was a little more liberal in dealing with the people in the sparsely populated areas, but they will not object to it on that score. It cannot be said that the metropolitan area is not fairly treated under the existing provisions. It may be said, should the number of seats for the mining areas be reduced, that their representation will be inadequate. That will be due entirely to the falling off in the population of our goldfields areas and to the reduction in the gold output. While we hope for a revival of the industry, there does not seem to be any immediate prospect of that being brought about. It will be said that the agricultural industry will be treated liberally, but it was never intended that it should be treated other than with fairness equal to that meted out to other parts of the State. This question should not be made a party matter. It should be faced by the whole of the 50 members so that fair representation of the people may be provided. Our job is to see that it is done. We cannot, of course, say we are content any longer with the present divisions. I doubt whether there is a single

member of the House, even including the member for Menzies (Mr. Panton), who will not agree with that statement. We all wish something to be done. I hope that there will be a considerable addition to the electoral rolls during the next four or five years and if that should be so, then we will have to again re-adjust our boundaries. In a new and developing country it cannot be expected that fixed boundaries will be satisfactory for any length of time. We do not expect it, nor do we wish it to be so. We hope that more people will be engaged in the mining and agricultural industries, and that our great primary industries will attract population in increasing numbers. I have no doubt that that will be the position before many years have elapsed. In the meantime we have to face the problem as it confronts us now. We are conscious of the number of electors in each of the electoral divisions. I think it will be realised that the existing Act provides for fair representation. If hon. members realise that, they will vote for the motion I am submitting to the House. It is the duty of members to vote in favour of it. For 3½ years the present Government have been in office and during that time no word has been said against the existing Act, nor has any attempt been made to alter it. I have nothing more to say. I must leave the question to the good sense of hon. members and to the sense of responsibility with which I am sure they are imbued. It is not a question of redistribution in accordance with what suits individual members or individual parties. It is our duty to see to it that the people are given fair and reasonable representation. I appeal to hon. members to view the motion in that way. It has been left to us to do a fair thing now and always. The fixing of electoral boundaries has been left to the people most concerned—the members of this House. Are we going to fail the people, because existing boundaries suit us?

Mr. Lutey: The position is changing rapidly and we hope it will continue to do so.

Hon. Sir JAMES MITCHELL: I hope so too, but for the moment it is changing for the worse. The larger centres are becoming greater, and the small centres are becoming smaller. Hon. members cannot excuse themselves on the ground that something may happen. The member for Men-

zies may believe that twins will be born in his electorate.

Mr. Pantou: There is nothing wrong with that.

Hon. Sir JAMES MITCHELL: But does he desire to wait until they grow up? We must act now, and we must not speculate as to what may happen in the future. I shall not object if we have to effect further changes in a few years owing to the increase in population. I refer to a solid increase, not a mere transfer of population.

On motion by the Premier, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 28th September. Mr. Lutey in the Chair; Mr. Mann in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 2, which had been partly considered.

Mr. MANN: When the Bill was last before the Committee I informed members that, in view of several considerations, I had decided to have an amendment drafted to the clause. One reason was that during the debate I found that members considered evidence should be placed before a jury relating to an accused person's mentality. It occurred to me that such a course might act to the disadvantage of an accused person because it might interfere with the trial of a major issue. It might be that a person was charged with murder and if evidence were placed before the jury with regard to his mentality, it might cause the jury to assume that the accused person was guilty of the charge and that the defence was relying upon his mental weakness. For that and other reasons suggested by hon. members, I decided to amend the clause. The effect of my amendment will be that if an accused person is found guilty of a charge of murder or wilful murder the court, which, of course, means the judge, will, after receiving the jury's verdict, inquire into the mentality of the accused. Subclause 1 of the proposed new clause will, if the amendments I propose to move are agreed to, read as follows:—

If a jury find any person guilty of murder or wilful murder, such person or his counsel

may move the court to commute the punishment of death, on the ground that such person was at the time when he was committing the crime incapable by reason of mental disease or deficiency of forming a rational judgment as to the moral quality of the act which he was committing, and if it is so proved to the satisfaction of the court, such person shall not be liable to the punishment of death; but he shall be liable to imprisonment with hard labour for life.

It will have the effect that when a jury have brought in their verdict their part in the trial will be finished, and the court will then inquire into the accused's mentality.

The Premier: That is apart from the plea of insanity.

Mr. MANN: Quite so. Insanity is a separate plea.

Hon. J. Cunningham: Do you think this will build up his insanity?

Mr. MANN: No. If an accused is incarcerated for life under modern humane conditions, his mind will not get any worse. I do not propose that he should have his liberty.

Hon. J. Cunningham: Why imprison him for life with hard labour?

Mr. MANN: The term "hard labour" does not mean what it used to mean. There is now no treadmill, nor any cracking of stones.

Hon. J. Cunningham: Do you think it necessary to retain the term "hard labour"?

Mr. MANN: The amendment was drafted by the Solicitor General, and I should not like to interfere with it. The objection members had to the Bill on the second reading was that juries would be inclined to grasp at this in every case, whether a man were subnormal or normal. That objection can no longer be urged, for the question will be left to the trained mind of a judge, who will say whether or not the accused is mental. I move an amendment—

In line 4 of Subclause (1).—Strike out the words "but are of opinion that he," and insert "such person or his counsel may move the court to commute the punishment of death on the ground that such person."

Mr. SLEEMAN: It seems to me the hon. member will spoil the Bill altogether, for the amendment will bring us back to where we were at the start. At the present time counsel for the accused can introduce evidence on the mentality of the accused, and if successful in proving that the mentality is low, he has a big chance of inducing a jury to bring in a recommendation of mercy on that ground. It would greatly

improve the Bill if the hon. member were to move an amendment that in effect would mean the abolition of capital punishment.

Hon. Sir James Mitchell: Why not let them off altogether, and give them each a packet of tea?

Mr. SLEEMAN: Why not chop off their heads? It would improve the Bill if the hon. member did what I suggest.

Mr. DAVY: It seems to me the amendment makes the Bill possible. Certainly it removes two of the three objections I had to the Bill. One of my objections was that the Bill asked us to do something on the blind, that it meant abolishing capital punishment by an indirect method. One danger the member for Perth saw was that if a man's counsel suggested to the jury that the accused by reason of mental deficiency was incapable of forming a rational judgment, it would be tantamount to an admission of guilt, while if no evidence on the point of mentality was called, there would be an open invitation to the jury to find that the accused was subnormal. That was one alternative. Another was that if counsel for the accused called evidence on the lack of mental capacity he would be putting the rope round his client's neck. This amendment gets rid of that difficulty. Under it a man can fight the question of guilty or innocent to the bitter end, and if he fails he can then go to the judge on the question of mental deficiency.

The Premier: He will have possibly three hearings, first before the jury, then before a single judge, and then before the Court of Criminal Appeal.

Mr. DAVY: That is so. There will be little chance of a man who should be let off being wrongly put to death.

The Premier: He can have two hearings on the second plea.

Mr. DAVY: Yes.

Mr. Sleeman: And still he may hang, although mentally defective.

Mr. DAVY: This, at any rate, would be something towards the views of the member for Fremantle. It does recognise what has not been recognised in the past, namely, that there should be different treatment meted out to persons of feeble mentality.

The Premier: It recognises a phase not previously recognised.

Mr. DAVY: It does. The amendment removes two of the three objections I had

to the Bill. The only objection I have remaining is the illogicality of making special provision for subnormal persons in one class of offences, and not in another. The subnormal man committing a murder will not be hanged, but will be imprisoned for life, whereas the subnormal man committing a burglary will be subjected to the same punishment as a normal man committing the same offence. However, the member for Perth has indicated to me that he intends to take steps to deal with that aspect, and so I will vote for the amendment.

The Premier: But even if it be a subnormal man who commits a burglary, some steps must be taken to prevent him from committing further burglaries.

Mr. DAVY: Of course so, and punishment may be necessary to help such a man to keep straight. The completely normal man who has had a reasonable environment does not need anything to keep him straight, but the man with a kink requires the fear of punishment to keep him in the straight and narrow path. The kind of punishment may be different in each case. It is a sad sight to see some people in the Police Court in Perth. One realises that it is a rare thing for a man to be convicted of an offence who has not had a previous record. If we could get these people who have become habitual criminals out of the way, and if they could be given a reasonable hope of doing something useful and deriving a little happiness from life, we might be able to do without half of our police force.

Amendment put and passed.

Mr. MANN: I move a further amendment—

That in Subclause 1, line 6, the words "they may add to their verdict a statement to that effect, and such a person shall in that case" be struck out, and "if it is so proved to the satisfaction of the court such person shall" be inserted in lieu.

Amendment put and passed.

Mr. MANN: I move a further amendment—

That in line 3 of Subclause 2 the word "jury" and in line 5 "they" be struck out, and "the court" be inserted in lieu thereof respectively.

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

Clause 3—agreed to.

New clause:

Mr. MANN: I move—

That a new clause be inserted to stand as Clause 3, as follows:—

Amendment of Section 688.—A paragraph is hereby added to subsection (1) of Section 688 of the Criminal Code, as follows:—(e) With the leave of the Court of Criminal Appeal, against the sentence of death when an application for the commutation of such sentence has been made under the provisions of Section 653a.

This will give the accused person the right to refer the question of his mental fitness to the court of criminal appeal if the trial judge finds against him on that issue.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—LAND TAX AND INCOME TAX.

Council's requested amendment.

Bill returned from the Council with a requested amendment.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

MR. DAVY (West Perth) [5.37] in moving the second reading said: This is an innocent-looking Bill, and it is just as innocent as it looks. It merely proposes to permit of the roads running through King's Park sharing in the traffic fees that are collected under the Act. Under Section 13 of the Traffic Act the traffic fees are collected and paid into the Treasury to the credit of a Trust Account. In the first place this fund is charged with the cost of collection and the balance is divided into two equal parts. The first part goes to municipalities and road boards, and the second is left in the hands of the Minister for distribution in the case of certain roads that are defined, such as the Perth-Fremantle-road, the road over the Fremantle Bridge, and that over the Causeway. It is proposed to add to the list of participating roads Reserve A1720, which is King's Park. The roads are made of light gravelly material. If people are to get the full benefit of King's Park it is necessary that the roads should be kept in proper order. I cannot believe that any

member will offer any real opposition to the Bill. I move—

That the Bill be now read a second time.

HON. W. J. GEORGE (Murray-Wellington) [5.40]: I have great pleasure in supporting the second reading of the Bill. One of my regrets is that when I was Minister dealing with the traffic fees I did not apportion a certain amount of the traffic fees to the King's Park roads.

The Minister for Works: There was no legal power to enable you to do that.

Hon. W. J. GEORGE: I have often done things that I had no legal power to do. I should have had a shot at it. Sometimes I have been stopped, but when a man is endeavouring to do something decent, something good thing, he can put up with being stopped, and can have another go at it on some other occasion. I envy the Minister for Works his chance of doing that which I should have liked to do myself. It is a wrong thing that the King's Park board should be hampered in the maintenance of their roads by lack of money. We all know the attitude that has been taken up by the Automobile Club and other organisations. I recall the time when it was necessary to assert the rights of the people in regard to the bowling green on the Esplanade. Certain members of the municipal council went down there, chopped the gates down, and in this way the people's rights were asserted. If such a course had been taken with regard to King's Park it would have been justified. I appreciate the difficulty the King's Park board are in, seeing that they receive such a miserable grant from the Government. I am glad, however, that the Government are prepared to assist them in this direction. The general grant given to the board is one of the most miserable sums that appear on the Estimates, and disgraces them every year. I hope the Premier will this year be able to place a decent sum on the Estimates for the maintenance of these roads.

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [5.45]: So far as I can judge this Bill merely means that in the distribution of the traffic fees the roads in King's Park are to be taken into account.

Hon. G. Taylor: Out of the sums you have to distribute!

THE MINISTER FOR WORKS: At the present time the Minister cannot distribute any of the money derived from the traffic

fees in any direction other than that provided by the Act. The system now is that the roads are classed under two headings. They were classed as A, B and C, but now there are only A and B class roads, and they are classed according to the density of the track. The amount of the fees to be received depends on the chaining of the roads within the boundaries of the different local authorities. There is a higher percentage for A and B grade roads. The roads in King's Park will receive an even share from the distribution. Personally, I think that those who use the King's Park roads should contribute something towards the upkeep of those roads, and that the King's Park Board are entitled to a portion of the fees collected. I do not say that the board are entitled to the same percentage per chain as may be allotted to roads carrying heavier traffic. Therefore the roads in King's Park will have to be classed in another grade.

Mr. Thomson: Will the King's Park Board receive sufficient money to permit of the roads being maintained?

The MINISTER FOR WORKS: I do not know. The Bill will give them a percentage of the fees collected. The local authorities do not get enough money out of the traffic fees to enable them to keep their roads in order, but the Bill will certainly give the King's Park Board something to go on with. The proposal seems to me to be quite fair. One who licenses his motor car should be entitled to use the roads in King's Park and the board controlling those roads should have a claim on the fees paid. It is thought that the Government keep some of the money collected by way of fees. That is not so; the Government do not keep one penny piece. The police collect the money and it is then distributed. Those in charge of the traffic laws will make recommendations as to the class under which the King's Park roads will be graded, and under that grade the fees will be allotted.

HON. G. TAYLOR (Mt. Margaret) [5.48]: The Bill will amend Section 13 of the Traffic Act by adding after "Municipality of East Fremantle" certain words. The money that the King's Park will receive will be obtained from fees paid for licenses and the Bill will affect only that portion of the principal Act that will bring King's Park within the roads mentioned in Section 13.

MR. ANGELO (Gascoyne) [5.50]: I have every sympathy for the King's Park Board in their efforts to get sufficient money to enable them to keep the park roads in repair, but I am afraid that under the allocation proposed they will not get sufficient. The simplest way would have been to add a surcharge to the present traffic fees, say of 10s. for taxi cars, 5s. for private cars, and 2s. 6d. for motor bicycles, licensed in the metropolitan area. In that way all would have paid their share.

MR. SAMPSON (Swan) [5.51]: I hope the suggestion made by the member for Gascoyne will not be carried into effect. Motorists in this State already carry a heavier burden, in respect of licenses, than do motorists in the other States, especially those in South Australia. However, it is gratifying to know that the difficulty in regard to the maintenance of the King's Park roads is to be overcome. The method proposed to be adopted will meet with the approval of every person in the community. I do not know whether there is any other park in the State that is available for the use of citizens in the same way as is King's Park. If so, the principle to be given effect to in the Bill might very fairly be considered in connection with those other parks. Mr. Lovekin is to be congratulated and the method proposed is a way out of a very difficult position.

MR. NORTH (Claremont) [5.53]: The Claremont Road Board received a copy of the Bill and referred it to me. It was pointed out that their subsidies might be reduced. I would like an assurance from the Minister for Works that the tax to be levied for King's Park purposes will be so small that the road board subsidies will not be affected to any extent. The Claremont Road Board oppose the Bill because they fear that it may result in their receiving a smaller subsidy than is given to them at the present time. If the Minister gives me the assurance I seek, I will support the Bill. The local authorities in the metropolitan area are carrying a big burden, and that burden is growing. The same, however, cannot be said of the fees.

Question put and passed.

Bill read a second time.

BILL—STAMP ACT AMENDMENT.*Second Reading.*

THE PREMIER (Hon. P. Collier—Boulder) [5.55] in moving the second reading said: This is one of those small annual Bills introduced to continue an Act passed in an earlier year. It deals with the rates of stamp duty. Under the 1917 Act the stamp duty was increased, and that increase has continued ever since. The Bill merely seeks to carry on the Act until the end of June, 1928. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.*Second Reading.*

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [6.0] in moving the second reading said: This is merely an extension for another year of the Act members have known for so long. Members are fully acquainted with the purposes of that Act, and so I do not think it necessary for me to refer to the reasons why it was first introduced. It has had a very beneficial effect upon many farmers in this State, and has been of material service to the general community. The Industries Assistance Board are not accepting any new clients, save discharged soldier settlers. My predecessor, Mr. Angwin, agreed to extend a concession to all ex-soldiers who were qualified as settlers, and I have agreed to continue it.

Hon. Sir James Mitchell: They have been assisted under this Act ever since we started soldier settlement.

The MINISTER FOR LANDS: Yes, soldier settlers assisted under the Discharged Soldier Settlement Act, but I have extended the concession to all qualified returned soldiers, on approved holdings, who have been, or may be, assisted by the Agricultural Bank since the termination in June, 1925, of the Soldier Settlement Agreement with the

Commonwealth. The settlers receiving assistance under Clause C, that is to say those whose rents are paid only, are 80 ordinary settlers. The fully assisted settlers are 282 ordinary, and 662 ex-soldiers. Partly assisted settlers number 49 ordinary and 80 ex-soldiers. Settlers whose assistance has been stopped number 341 ordinary and 141 ex-soldiers, while those whose debts have been funded total 284 ordinary and 112 ex-soldiers. Advances made during the year aggregate £864,286, and repayments £893,931. These repayments have been very satisfactory, and it has not been necessary for the board to find so much capital as in previous years. The total advances outstanding represent £1,880,286. The clearances granted for the year ended 30th June, 1927, were 142, and since the inception of the board 1,790. So it can be said without fear of contradiction that those 1,790 settlers would not have been in enjoyment of their holdings to-day but for the aid of the Industries Assistance Board. The payments to creditors from surplus proceeds amounted for the year to £10,031, while the losses written off during the year on realised securities totalled £29,024. The debts cancelled represented £22,744, and the total losses to date aggregate £441,133. That includes bad debts £280,283, cancelled debts £38,957 and administration and other losses £121,893. The number of abandoned and re-possessed properties on hand is 76, carrying advances and interest amounting to £84,150. As I have said, no new customers except discharged soldiers are now being granted assistance. At the end of the financial year 396 accounts had been placed on fixed mortgage, or funded. After providing for expenses of administration and interest on capital the actual cash deficiency on the year's operations was £165,147. Since the 30th June, 1924, the board has been able to finance its operations from receipts, and has not had to borrow from general loan fund. The same condition of affairs is expected to obtain this year, the season being the most favourable the soldier settlements on the eastern wheat belt have experienced.

Hon. Sir James Mitchell: You must show them consideration, even though they are doing well.

The MINISTER FOR LANDS: If we were to strike a bad season or bad prices, a number of the settlers in the remote eastern districts would be on the board again.

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Hon. Sir James Mitchell: They have returned a good deal of money this year.

The MINISTER FOR LANDS: Yes.

The Premier: They will want less loan money from me this year than ever before.

The MINISTER FOR LANDS: I do not want the Treasurer to get the idea into his head that we shall not want money. There will always be need for money in financing new settlements. A lot of money is coming in from repayment of loans, but there will be continually expanding settlement, and the bank will need money to finance the new settlers. I am hopeful that the bank will need a lot of money in the near future and that the Treasurer will have to find it.

Hon. Sir James Mitchell: You don't want to screw the heads off the farmers by getting money in.

The MINISTER FOR LANDS: There have been no complaints from the farmers that we are screwing their heads off in the attempt to get money. Every man who is a decent man wants to meet his liabilities. While he has good seasons, if he is wise he tries to reduce his capitalisation. Many settlers are doing that. Of course there is a tendency amongst some men not to reduce capitalisation, but rather to increase it. That is not laying by anything for the future. The time must come in this country, as it repeatedly does in other countries, when we shall have indifferent seasons. Then everybody will want a little reserve capital. There are good times and bad times in every industry, and I hope the farmers on the Industries Assistance Board or on the Agricultural Bank will continue to make repayments while they can. If at the same time they can develop their properties, well and good, but I am very pleased to think that so large a sum has been repaid to the board, for it indicates a very healthy condition of affairs in Western Australia. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

House adjourned at 6.12 p.m.

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

QUESTION—LONG SERVICE LEAVE.*Cash Equivalent to Dependents.*

Hon. J. E. DODD asked the Chief Secretary: 1, Is it the intention of the Government to pay the cash equivalent to long service leave to the dependants of those Government workers who have died since leave was promised? 2, If so, when are the payments likely to be made?

The CHIEF SECRETARY replied: 1 and 2, This matter is receiving consideration.

MOTION—TRAFFIC ACT.*To Disallow Regulations.*

HON. W. H. KITSON (West) [4.34]: I move—

That Regulations Nos. 4, 5, 6, 21, and 23, and Routes 7a, 54, and 55, made under the Traffic Act, 1919-26, and laid on the Table of this House on the 11th October, be and are hereby disallowed.

I wish to make it clear that I am not moving this motion in any antagonistic spirit towards the regulations governing the traffic. The people engaged in this business agree it is necessary that there shall be regulations to govern the traffic, and also that there shall be properly specified routes on which buses and taxis shall operate. But, unfortunately, the regulations gazetted from time to time have appeared to those interested to be particularly unfair in certain respects. On this occasion the regulations and routes I am asking the House to disallow affect quite a large number of people in various sections of the metropolitan area, principally those along the Perth-Fremantle route, the North Cottesloe route, and the Dalkeith route. I propose to deal first with the routes,