

ferent classes of wheat which had been experimented with, and the Commissioner advises farmers what is the best wheat to grow in the different districts. I agree that Mr. Sutton's work should consist of assisting the farmers, and it is the desire of the Government to relieve him of his duties on the Wheat Board as soon as possible.

Hon. P. Collier: Is it intended to relieve him of his Wheat Board work?

The PREMIER: As soon as possible. At the present time I am advised it can be conveniently done, and it will be done and the work in the South-West attended to by another officer. Mr. Sutton's duties are removed from the South-West. Mr. Percy Wicken has the highest credentials, but if it is found that his officer is unable to cope with the work and to all that is required by the Government, it will be necessary to try someone else.

[Mr. Holman called attention to the state of the House; bells rung and a quorum formed.]

Hon. P. Collier: Is he the dairy expert?

The PREMIER: Yes. Mr. Sutton advises farmers not only as to wheat growing and cereals generally, but also as regards pig raising, stock raising, and sheep raising. It is the Government's intention to relieve him of his duties on the Wheat Board as soon as that can be conveniently done.

Mr. LAMBERT: What will be the exact work carried out by Mr. Sutton when he is relieved from the many duties placed upon him apart from the specific duty for which he was brought to this country? Mr. Sutton is a high-salaried officer, and one whose experimental work in the development of species of wheat for various districts should be noted and noted. Can the Minister give some definite information as to whether Mr. Sutton's research work is catalogued, or whether it is simply carried on in a promiscuous manner? Does the Government intend to continue to employ him indefinitely at this particular work? If so, a record should be kept so that anyone following Mr. Sutton in his most interesting and also very expensive work could be made aware of any conclusions reached by Mr. Sutton.

The Premier: I have given the leader of the opposition all the information for which you are asking.

Mr. LAMBERT: No. Can the Premier state whether Mr. Sutton keeps any detailed records of his experimental work, whether that work is known to anyone else, and, if so, whether it could be followed up by someone else? In my opinion the Committee would not be justified in passing the item until definite information on these points is furnished. Apparently Mr. Sutton, ever since his engagement here, has been employed on work altogether foreign to his special capabilities. He has been asked to advise the Government on commercial and financial matters, with the result, it is asserted, that considerable sums have been lost to the State.

The PREMIER: The fullest information regarding the work performed by Mr. Sutton is published and is available to everyone. This information relates to the experiments which

have been carried out by Mr. Sutton, not only with regard to wheat, but oats and in other directions as well, and anyone who desires it can have it supplied. I appreciate the great interest the member for Coolgardie is taking in this matter, and I imagine that he proposes to take up a large area of land in the wheat belt or perhaps in the Coolgardie district.

Mr. Holman: Do not be so sarcastic.

Mr. Lambert: I am going to Moora.

The PREMIER: I shall be only too happy to welcome the hon. member in the Moora district and to give him all the information I can, and also to place at his disposal all my own experience with regard to the best wheats to grow in that district.

[The Speaker resumed the Chair.]

Progress reported.

House adjourned at 12.5 a.m.

Legislative Council,

Tuesday, 29th October, 1918.

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

SELECT COMMITTEE, STATE CHILDREN ACT AMENDMENT BILL.

Extension of Time.

On motion by Hon. W. KINGSMILL, the time for bringing up the report was extended to the 7th November.

[For "Question on Notice" and "Papers Presented" see "Minutes of Proceedings."]

MOTION—HONORARY MINISTERS AND DEPARTMENTAL ADMINISTRATION.

Hon. A. SANDERSON (Metropolitan-Suburban) [4.35]: I move—

That in the opinion of this House the present system of entrusting the administration and control of important departments of State to Honorary Ministers is undesirable.

This motion opens up a wide field both in constitutional development and in politics, but if I am fortunate enough to secure the attention of members for 40 or 50 minutes I think I shall be able to cover the ground without wearying them. I am most anxious to secure the approval of hon. members to this motion. Now, I am going to brush aside almost in a sentence the reference or charge or suggestion which has been made outside this Chamber

that there is any personal matter in this motion at all. I am too much interested in politics to deal in personalities apart altogether from my own feelings in the matter; and if I make any reference either to the leader of the House, or any other Minister, it will be in their Ministerial capacity and also in their capacity as representatives of large sections of the community outside. Therefore, the Honorary Minister in this House I regard as the spokesman and champion and chief representative of that Country party of which we are hearing so much. So far as I myself am concerned, do not let it be imagined that I am speaking my own views at large, without reference, and a very close reference, and a very constant reference, to the people whom I am privileged to represent here. That is the only claim I have to be here—that I have been sent here by the electors of the Metropolitan-Suburban province; and I can speak perhaps with a greater authority for having recently been before my electors, and having had an opportunity, in a contested election, of putting my views before them. This motion, or something very like it, is something that I pledged myself to when I was before my electors. Now I have finished with that phase, and am going straight on to the constitutional aspect, and to the motion, to which I shall keep as closely as possible. The motion seems to me to open up the question of the development of our constitutional government. I am indeed fortunate to have here at least three ex-Ministers who are practical authorities on the question of constitutional development. They themselves have been Honorary Ministers and also portfolied Ministers. They will be able to tell the House what has been the practice and the ordinary procedure in this country during the last 27 years. I need hardly say that I refer to Sir Edward Wittenoom, to Mr. Kingsmill, and to Mr. Holmes.

Hon. Sir E. H. Wittenoom: And also to Mr. Dodd. There are four of us.

Hon. A. SANDERSON: Yes, there are four. The more the better. I shall be able to cut my remarks the shorter because I shall ask those four hon. members—and I cannot influence their views—what their opinion is on this development. They will be able to speak with inside knowledge and inside authority to which I do not pretend to have a claim. We know perfectly well that we are passing through a most critical time. We know perfectly well, in the words of, I think, Mr. Hughes, that "things are in the melting pot." We know perfectly well the strain there is on the community, and the strain there is on those who are responsible for the government of the country. Therefore we should be particularly considerate to Ministers, but at the same time we are to do our duty in putting before the Ministry and before ourselves and before the country what we consider the true lines of development should be at a crisis such as this. Now, what is the motion?

That, in the opinion of this House, the present system of entrusting the administration and control of important departments of State to Honorary Ministers is undesirable.

As far as I am personally concerned, I belong to what I may call the old constitutional school, and a firm believer in party government, and not only in the law but also in the traditions which govern constitutional government under the British Crown. Without claiming to be an authority, I certainly can claim that I have saturated myself for the last 30 years with the constitutional and political development of Imperial and Australian affairs; and my interest is all the greater, therefore, in a motion of this kind being decided by such a competent authority as this House, the question being, are we proceeding on right lines or are we not? Now, closely allied to this motion—and I am only going to refer to that aspect of the matter—is the question of elective Ministries. If we are going to have the present system of elective Ministries, with the Honorary Ministers put in, we cannot work it under the old system of government. That, at any rate, is what I venture to maintain. If we are going to have the old constitutional system of Cabinet Government, and Cabinet responsibility, we know where we are—at any rate I do—and we have the authority of generations to guide us in our work. But if we are to go out upon a new departure, we want to know very clearly what lines we are going to work on. If we want an illustration, what better one can be found than the Federal system of Government? That school you and I, Mr. President, and most of us here, were not trained under. We did not understand, and we do not now understand, how the Federal system works. We have not been accustomed to it, because we have worked under the other system. I pass that by. We come to elective Ministries, and the interesting point is this, that if we can place reliance on the statements, the measured statements, contained in the Moora speech of the Premier, when he told us that we were going to have this new development of elective Ministries, and if we can only pin the leader of the House to what he said in 1912 on this question of constitutional Government, the motion which I was not permitted to move would certainly be not only in our Standing Orders but in the Constitution itself. Therefore I regard your decision, Mr. President, and the decision of this House, as an important constitutional development. I repeat, we are fortunate indeed to have in this House practical authorities who have dealt with government in this country, and who know something about government outside this country, to assist in deciding the matter. Now let me briefly recall what the Premier said at Moora—

When it came to the question of how the Ministry should be selected, it was decided to adopt the principle of elective Ministries. There was a difference of opinion about this new departure, a difference of opinion which must always exist where changes were contemplated. But we must recognise this, that times are changing, and we must be prepared to change with them. Men who are satisfied to remain in the old groove have never made a country progressive. We must advance with the times.

I subscribe to that; and I am prepared, although I say the party system of government is the best, to agree, if it is the wish of the general community here, to have this system of elective Ministries. But I want to understand clearly under what rules we are going; and it is somewhat significant that eight years ago the leader of this House, in supporting—

The Colonial Secretary: I was not in the House eight years ago.

Hon. A. SANDERSON: I beg pardon. It was in 1912. I thank the leader for his correction. I am a great believer in the most deadly accuracy, and it is my chief complaint against the leader that in the reference he made to this question of constitutional government that accuracy was not there. We are speaking now of the party system and the appointment of Honorary Ministers. This is what the leader of the House had to say—

I do not support proportional representation for itself alone; we must carry it further, and have elective ministries, elected also on a proportional basis. The present party system has not much to recommend it; it is not even very old.

The hon. member brushes aside 200 years of party Government! It is not very old! Is he aware of the extent to which he shocks the feelings of many who, like myself, have given attention to the history of this question when he says that the party system has not much to recommend it and is not even very old? It is a most extraordinary statement. The hon. member continued—

In England it dates back only about a couple of hundred years and was the outcome of kingly treachery and political corruption. It arose, I believe, out of the action of Charles II. over the secret treaty of Dover when he placed himself in the hands of the King of France, and his confidential Minister, on discovering this, played on what the king had done in order to give himself greater power.

That is from the leader of the House, who is also Minister for Education, and so is directly concerned with the University. I deeply regret that in the University of Western Australia we have no Chair for either ancient or modern history. Had we such a professor I should very much like to submit this statement to him, or even to give it out as an essay to the fourth form boys, this question of the origin of party Government in the British Empire. I think we may close the constitutional chapter at that. Of course it will be re-opened by those members who have had the privilege and opportunity of sitting in Cabinet. I am quite prepared to ask them to give their opinions on this new development of the appointment of Honorary Ministers such as we have to-day in this State. They can trace the development from the very commencement, when the late Lord Forrest took office in, I think, December of 1890. There were then no Honorary Ministers. That development has gone on since, and particularly since this announcement by the Premier. We have not only the announcement by the Premier, but a much more interesting thing

in the incidental remarks of the leader of this Chamber, showing what his true views were on that question six years ago, when he favoured elective ministries, when he said that system, in conjunction with proportional representation, would give the country what it was clamouring for, namely continuity of policy, and the services of the best men of our party; that it would destroy party rancour without interfering with healthy discussion and friendly rivalry between the advocates of different political principles. That was in 1912. What does the hon. member say in 1918? But, as I say, let us close the constitutional chapter. Not that the subject is exhausted. I have simply indicated my attitude as a strong supporter of this magnificent party system—magnificent if you have the right men to work it, such as they have in the Mother of Parliaments. In this country it has not been party government which has caused trouble, but the lack of any clear principle on which we have been fighting in the political arena, except in respect of one or two important matters such as Federation and conscription. Let us turn to the practical result of the motion and the explanation why I am moving it, namely to afford the Government an opportunity for reflecting on the adage, "For forms of Government let fools contest; whatever is best administered is best." I quite understand that, but when we look at the Honorary Ministers in this country and recall the line, "For forms of Government let fools contest," the question arises, what about the administration? Is there anyone who can tell me of a weaker administrative Government than the present one? And the weakest members are undoubtedly the Honorary Ministers. I am judging them by the practical test of every-day work. If it were not too long a story and if it would not exhaust the patience of hon. members. I should like to go step by step through this wheat business, from the very beginning, and then show what the Honorary Minister has done since he took control. But that subject is a very big one, and he might fairly urge that the difficulties of the position confronting him when he took control were so great that they would have puzzled even his colleague, the leader of the House, with all his admitted administrative capacity. There is another reason for leaving it alone: There is a voluminous report from the Royal Commission, which I have not read and do not propose to read. I am satisfied to leave that matter in the hands of those who are interested in the question. The whole system of this wheat business as far as I am personally concerned, and the whole system of dealing with the farmer of this country, again as far as I am personally concerned, has been quite opposed to the principles that I should work upon. But I frankly admit that the majority were in the Honorary Minister's favour, and therefore the hon. member is fully entitled to his action in carrying out the principles of the wheat administration something on the present lines. When we come to the administration of that business I will not judge the hon. member, but will leave the wheat-growers and the rest of the community to decide. And let us have the answer of the

wheat-growers first. It was quite sufficient for me to give my opinion on the Honorary Minister when he introduced the Metcalf contract Bill of last session, asking us—it is down in record in "Hansard"—in the last hours of the session to pass that Bill through in one sitting. I thought to myself then that if the Minister had been Lord Forrest himself, if the Bill had behind it a gentleman of such capacity and experience, even he would hardly venture to try the patience of hon. members by attempting to put through in one sitting a Bill of that magnitude, dealing with hundreds of thousands of pounds.

Hon. W. Kingsmill: Dealing with over a million.

Hon. A. SANDERSON: Well, I wish to be within the mark. The Honorary Minister comes here and asks us to pass a Bill in one sitting, to put it right through, merely on the statement that he has satisfied himself that it is right. There is one subject which I will deal with, it is not unfamiliar in the Chamber, namely, the jam business. The reason I am going to do that is that it affords an excellent illustration of the weakness of the policy and the administration, not only of those Honorary Ministers, but also of the Government. Let me here guard myself against this question of even the suggestion of a personal attack. I am not one of those who would say that because a man has been a failure outside therefore he is incompetent to take charge of public affairs. That, I should regard as a personal attack. If I look at the records of men such as Pitt or Parkes and see how hopelessly bankrupt they became in their own affairs, yet how admirably successful they were in public affairs, I should be the last person to even refer to the capacity or previous training in personal dealings of a Minister. I would prefer to deal with him wholly and solely on his work in this Chamber, in his department and on the public platform. I have no objection to youth. Some men say, "But the administration of the country in the hands of old and experienced men." I think that would be a mistake. Unless my memory is at fault, I congratulated the Honorary Minister on his youth when he was appointed. It is one deficiency in our parliamentary life that so few young men have the opportunity of coming forward and assuming Ministerial responsibility. I take no notice of age or youth. I say, "Let us, at a time like this, when we require the highest efficiency, secure the best men to handle the affairs of the country." Now, if I have compressed my remarks within reasonable limits on those other matters which I have dealt with, I think I shall be able also to compress my remarks on this jam business within reasonable limits. But the temptation to deal with it in detail is considerable, for the reason that it is only by a study of the closest detail that we can discover the hopeless position of the Honorary Ministers in this affair. Let it not be said that the fruit-growers and the jam-makers are an unimportant section of the community. I am not a representative of a country constituency, although I live in a district where fruit-growing is an industry, and possibly one of the most successful examples of the industry

in the country. I have told the Honorary Minister before, and I tell him again now, that he has done more damage to the fruit-growing industry than can be repaired in 10 years. If I venture to speak of the administration of this Honorary Minister and the danger there is in this new departure of entrusting to Honorary Ministers important administrative departments of State, I say the best illustration of it will be seen in this jam business. If I could make hon. members realise how bitter is the feeling against the Government and against the Honorary Ministers, over the treatment they have given to the fruit industry, I am satisfied that I should carry this motion almost unanimously. It is not necessary to go right back to the beginning. I think we can re-open the subject where the official receiver, Mr. Lazarus, takes charge of the Government jam factory. Who is responsible for that? Who is responsible for inducing those people to go on with that business of borrowing money from the Government? Did not the Government come forward—and have not the Honorary Ministers done the same thing—and urge these people to put their money into this business? And the Government filched £200,000 from the insurance companies to establish these industries—ships, bacon, jam, grindstones, and other industries. If practical business men in this country were asked which industry they would prefer to put their money into—they have a wide field—ships, bacon, or jam factories, I feel convinced that they would say jam factories, and I am quite satisfied that if the Government had handled their own policy, if the Honorary Ministers had handled their own principles with efficiency they could have made this jam business a success. I am not afraid to go on the platform and meet these fruit-growers. Let the Minister go on and meet these people. I say this question of jam—my attitude from the beginning was this, "Do not give them one penny piece. Let the fruit industry stand on its own and if you can—I admit this is a Federal matter as well as a State matter—if you can give us sugar as cheap as you can get it, if you give us tin plates as cheap as you can get them, and if you give us good roads and let us alone we will build this industry quickly enough." I readily admit there is another view of the question, and I am compelled to admit it against the grain that the majority of the people in this country apparently, although I claim to speak for the minority, the majority inside and outside the Chamber are of the same opinion. The Honorary Minister had the advantage, he had £200,000 filched from the insurance companies; he had the support inside and outside the House on this subject, yet he has made a failure so complete that I say without hesitation it will take five years—if five years be sufficient—to put right the damage that the Honorary Minister has done to this industry. He urged them to take this money. Every accusation, every charge brought against these directors and these fruit companies could have been made and verified before one single penny of the money was granted, and the Honorary Minister himself,

it will be within the recollection of members, told us this in defence, mark you—here is the split of the whole system of corporate responsibility in the Government—he told us he would be only responsible and could only be responsible at the point when he took up the control of this business. Very well, let it be so. Let us assume we have this sort of elective Minister and do not charge him with anything beyond the period when he took up the jam business and see what the record is. What did he do? What should he have done? Surely he should have called the directors together and said, "So far as I can understand the position is a difficult one—a financial difficulty. But there need be no financial difficulty whatever because I have got up to £200,000 to see you through. You asked for a beggarly £5,000." Queensland put up £10,000 to establish this industry. Possibly other States are doing the same kind of thing, and if it was going to be a success, and it could have been a success, do you think, realising the position of affairs and the feelings of the people inside and outside the country, he would have had the slightest difficulty in getting £50,000 for establishing this fruit industry? I do not think he would have had the slightest difficulty. I meet people in all positions inside and outside the country districts. My colleague told me that he himself was strongly in favour of this system of assisting secondary industries—also my friend Mr. Ewing. Every member who spoke on the subject prefaced his remarks by saying that he was in favour of assisting the jam industry, and the Honorary Minister had everything in his favour, and I take the start at his personal control. He could have brought the people together and told them, "As long as we can get any reasonable kind of management we will support you." Do not let the hon. member say that the present directorate were an incapable lot of men, because I say, without fear of contradiction, as far as the fruit industry is concerned it would be difficult, if not impossible to find men more representative or more capable as far as fruit growing is concerned and the knowledge of the industry is concerned and the push they had, than those gentlemen who assisted in the affairs.

Hon. G. J. G. W. Miles: Hear, hear!

Hon. A. SANDERSON: I am glad of that "Hear, hear." It is the opinion of people outside—men like Mr. Harper, Mr. Loaring, Mr. Hecher, Mr. Price, as far the industry is concerned.

Hon. W. Kingsmill: The names are enough.

Hon. A. SANDERSON: Therefore the Minister had everything in his favour, and what a failure he has made, and what ruin he has brought on some, and what loss, and severe loss, he has brought on others. For what reason? Incapacity. Simply business incapacity, and we are asked at a time like this, when every penny is of importance, to tolerate this system which has resulted in this performance. I esteem it a privilege to speak for fruit-growers, but I am not speaking for them at all, I am speaking for my constitu-

ents, and they are just as much vexed, and surprised and alarmed at the performances going on as the fruit-growers themselves, and we are asked by some to sit silent here and let this country go on as it is. I look to the Legislative Council, both in the past and in the present, to take a very prominent part in the business of the country, and if we can get this new system which the Premier has pledged himself to, and which the leader of the House supports, if we can get this new system, the power of the Council will be very largely increased, and a very proper thing too, unquestionably. We represent the most solid and important section of the community. We represent the people who are here to stop; the true, permanent settlers of the country. And we are asked to tolerate a system of Honorary Ministers in charge of important administrative departments, and to take it without a murmur. This is my protest—not too long a protest I hope, for another five minutes I think will conclude my remarks. I shall have an opportunity on another occasion of going step by step into this fruit business, and probably publishing it in pamphlet form, so that anyone—I care not who he is, hostile, friendly, or indifferent—will have an opportunity of seeing what has been done, and what has been left undone, in connection with the fruit industry in Western Australia. And without claiming authority, without claiming to be the representative of the fruit-growers, I claim to be interested in the matter and to have given considerable time over a period of 25 years to the question of the welfare of the small settler and the fruit-grower. And the charge I make this afternoon is that under the present system of government, of entrusting to Honorary Ministers the administration of important departments, that the Government have brought this unfortunate result about. I do not, I never have, indulged in which I call a pin-prick policy. When I give my confidence to my party I give it with a wide margin, and if the Honorary Minister takes this as a vote of want of confidence, or if the Government take it as a vote of want of confidence by this Chamber, to try to induce members to vote for them and defeat me, I shall recognise the position. If, on the other hand, we pass the motion, I say to members, "Do not let us stultify ourselves. Let us see that something is done, and that this Council takes its proper place in the future development of Western Australia under this new system of elective Ministries which has been introduced. But let us also clearly indicate to the Government that we are going to do our best to stop this system of playing with the Constitution. We are not going to let this insidious development take place of Honorary Ministers administering important departments. And I think if we do this, if we pass this motion, and follow it up it will be of very great benefit to the future government of Western Australia. I shall have the right of reply, I understand—"

The PRESIDENT: If the motion is seconded.

Hon. A. SANDERSON: I believe it will be.

Hon. W. Kingsmill: I should not wonder.

Hon. A. SANDERSON: And I shall be very glad to listen with the closest attention not only to the authorities whom I have already named, but to other members who have taken some little part, like myself, in public affairs; the closest attention will be given to the remarks of the Honorary Minister, and I sincerely trust to the leader of the House. The submission of the motion fulfils the promise which I made to my constituents, and if it has been a difficult task I can only say that that pledge to my constituents was the first claim which had to be met. Do not let it be said that this is an attack on a defenceless person or persons. I suppose there are very few more astute debaters than the leader of this House, and he, I suppose, will be able to baffle some of us with his silver tongue. I sincerely trust, however, that hon. members will not be led away. Let us clearly understand the constitutional points to which I have referred and principally I would direct the attention of hon. members to the practical and political developments of this system, which at a time like this seem to me to be fraught with serious consequences to the prosperity of Western Australia. I submit the motion.

Hon. W. KINGSMILL (Metropolitan) [5.17]: I second the motion.

On motion by Hon. C. F. Baxter (Honorary Minister), debate adjourned.

SITTING HOUR, THURSDAY.

Hon. H. CARSON (Central) [5.18]: I move—

That for the remainder of this session the House do meet on Thursdays at 3 o'clock p.m.

Before giving notice of this motion I conferred with the leader of the House and he informed me that his desire was only to meet the wishes of hon. members. It would be in the interests of country members if the House met earlier on Thursday during the remainder of the session. This earlier meeting would give those who desire to get away into the country, an hour and a-half longer in which to carry out the business of the House. There are hon. members who cannot get home at all on Thursday evening because it is their desire to stick as closely as they can to business, in order that no time may be wasted, and so that the session may be completed before the end of the year. I hope hon. members will give the motion favourable consideration in the interests of those who represent country provinces.

Hon. W. KINGSMILL (Metropolitan) [5.20]: It is not my intention to oppose the motion, although anybody might well be justified in doing so. What I wish to remark on is the pernicious system which is acquiesced in by the leader of the House, of allowing private members to take the conduct of the affairs of the House out of his hands. If the Colonial Secretary believes in this motion, why did he not move it instead of allowing a private member to move it in his stead. I do not blame the hon. member for moving the motion when he found the leader of the

House acquiescent, but I do think this will establish a pernicious precedent. Of course, as an officer of the House, I am quite in the hands of the House, and it is my intention to support the motion, but at the same time I must say I think it is a bad precedent to establish.

The COLONIAL SECRETARY (Hon. H. P. Colbatch—East) [5.22]: The reason I did not move the motion was because I did not approve of it. Mr. Carson mentioned it to me and I told him that I was always willing to fall in with the wishes of hon. members, but it seemed to me that such a motion would not meet with the approval of the majority of hon. members. I told him also that I had not the slightest objection to the motion being submitted, nor had I the slightest personal objection to the alteration of the hours. Notwithstanding the reproof of Mr. Kingsmill, I do not see how I could have submitted such a motion when I did not approve of it.

Hon. W. Kingsmill: I am glad to hear that. The COLONIAL SECRETARY: I do not agree with the motion, but why should I offer any objection to it? I am only too anxious to ascertain the wishes of hon. members and if it is their desire that the House should meet earlier on Thursday, no one will be more willing than myself to fall in with the alteration.

Question put and passed.

BILL—SUPPLY (No. 2) £425,000.

Received from the Legislative Council, and read a first time.

BILL—VERMIN.

In Committee.

Resumed from the 24th October; Hon. W. Kingsmill in the Chair, Hon. C. F. Baxter (Honorary Minister) in charge of the Bill.

Clause 50—Holdings rateable:

Hon. Sir E. H. WITTENOOM: There are two questions I would like to ask in connection with this clause. It is provided that every holding within a district shall be rateable and the clause goes on—"Provided that holdings within a municipal district and public reserves shall not be rateable." I take it that applies entirely to municipalities. If they are rabbit infested, where is the money to come from? I can only presume that this is provided for in Clause 9, which says, "All moneys appropriated by Parliament for the purposes of this Act may be applied for the following purposes," and then it goes on, "generally in such manner as the Minister may from time to time direct for defraying or contributing towards the cost of any measures taken, etc." It take it that will be where the money will come from.

Hon. C. F. Baxter: The hon. member is quite right.

Hon. J. J. HOLMES: The board will have the power to levy these rates, but when there is any work to be done, such as the destruction of rabbits, the owner has to do the work himself or the work will be done for him by the

board or the Minister at his expense, plus interest. If that is the case, what I want to know is what is going to become of these rates. Are all the rates to be collected and frittered away in administration expenses?

Hon. C. F. BAXTER: The rates will be used in defraying the cost of inspectors and supplying the necessary carts, poison, etc.

Hon. J. NICHOLSON: I move an amendment—

That in line 1, the word "hereinafter" be struck out and "herein" inserted in lieu. Amendment put and passed; the clause as amended agreed to.

(Clauses 51 to 70—agreed to.

Clause 71—Powers of Minister and boards as to fencing:

Hon. J. NICHOLSON: I move an amendment—

That the following proviso be added.—
"Provided that nothing herein contained shall give power to cut down fruit trees, or trees used for purposes of shade or wind breaks or ornament, or to remove buildings."

The object of the proviso is to guard against the danger of an inspector coming along and exercising the powers contained in paragraph (b) of Subclause 2.

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

Clause 72—agreed to.

Clause 73—Power to fix wire netting, etc., to fences:

Hon. J. NICHOLSON: I move an amendment—

That the words "it was" in line 2 be struck out.
I think this will make the clause read more accurately.

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

Clause 74—Contributions by owners:

Hon. J. J. HOLMES: In regard to the question of notice, as I have said before, this Bill does not fit in with the pastoral districts of the North. I have discussed the matter with the Honorary Minister and think he is inclined to agree with me that, whilst this is an admirable Bill for agricultural areas, it is out of joint with the pastoral areas of the North. I propose later on to move an amendment that the Bill shall apply only to the south-western portion of the State. This will leave the existing legislation to deal with the northern portion of the State, which amply fills the bill.

The CHAIRMAN: Is the hon. member going to move an amendment?

Hon. J. J. HOLMES: I raise this point, that if this is going to be made to apply to the whole of the State, the seven days' notice mentioned in this clause is not sufficient. I move an amendment—

That the words "seven days" be struck out, with a view to inserting other words.

Hon. C. F. BAXTER: There is no need to strike out the seven days' notice. That is not the maximum notice to be given. Up to three months' notice may be given to meet any special case. The notice to be given here would be used to a large extent in the south-

ern areas, but it is not mandatory. I do not think this would inflict any hardship on the northern areas of the State. I must confess that this Bill, to a large extent, is really meant to work in the southern areas of Western Australia.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 3, after the word "owner," in line 2, the following be inserted:—"By the Minister or a board." As the clause reads at present it is rather difficult to follow. What is meant is a notice by the Minister or board.

Hon. J. W. KIRWAN: Are the words you propose to insert not already implied?

Hon. J. NICHOLSON: The idea is that the necessary work may be carried out by the Minister or a board, and the notice which has to be given, I understand, has to be given by the Minister or a board.

Hon. C. F. BAXTER: That is so, but I do not see any need for the amendment. The subclause is already quite clear.

Amendment put and negatived.

Hon. J. NICHOLSON: I think this clause is very obscure and difficult to follow. The idea of the clause is to give power to the Minister or a board to carry out necessary work, after giving the necessary notice. I move an amendment—

That after the word "renew," in line 3, the following be inserted:—"The necessary work may be carried out."

Hon. H. STEWART: It seemed to me that Mr. Nicholson did not make his intentions clear in submitting his first amendment to this clause. In the light of his explanation, if the clause was recommitted I should be inclined to support his present intention.

Hon. J. Nicholson: I thought I had mentioned those matters.

Hon. Sir E. H. WITTENOOM: I take it the Minister is to do these repairs, if the person has not done them within seven days.

Hon. J. Nicholson: That is so.

Hon. J. W. KIRWAN: It seems to me that if Mr. Nicholson's amendment is carried, it would be necessary to insert the word "not" before "altered," in order to make the clause read as he intends and as the framer of the Bill intends.

Hon. Sir E. H. WITTENOOM: It seems to me the intention of the clause is that the Minister or the board, having done repairs, would expect to be paid for them. It is not here a question of notice.

Hon. H. STEWART: On further consideration, the clause provides a means for the Minister to recover the cost of repairs. Mr. Nicholson's desire is met by a clause in another part of the Bill. The Honorary Minister should be able to throw some light on the matter.

Hon. J. W. KIRWAN: If Mr. Nicholson's amendment is carried, it would be absolutely necessary to insert "not" before "altered."

Hon. J. Nicholson: I agree with you.

Hon. C. F. BAXTER: The amendment will not improve the clause. If after notice has been given the owner fails to do the work,

and it is then done by the Minister or by the board—

Hon. J. Nicholson: But the clause does not say "by the Minister or the board."

Hon. C. F. BAXTER: The clause gives the Minister or the board, as the case may be, power to recover payment for the work carried out. The clause is plain enough.

Hon. G. J. G. W. MILES: In my opinion, the clause is perfectly right as it stands.

Amendment put and negatived.

Hon. C. F. BAXTER: I move an amendment—

That the following be added to Subclause 3:—"but if any such fence is, with the consent of the Minister or the board, made use of by the owners of adjoining holdings as a dividing fence in fencing their holdings, each owner shall be liable to pay to the Minister or the board an annual sum equal to interest at prescribed rate per annum on a moiety of the cost of such alteration, repair, improvement, or renewal."

This will meet cases where a Government fence is being made use of as a dividing fence for different holdings.

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

Clause 75—Enforcement of contribution:

Hon. J. NICHOLSON: No date is fixed from which the annual payment for which the clause provides shall be computed. I move an amendment—

That in Subclause 2, after the words "such annual sum," there be inserted "shall be computed from such date as the Minister or board shall determine and."

Hon. C. F. BAXTER: This amendment is not required. The date will be fixed by the completion of the work.

Hon. J. Nicholson: But that is not provided for.

Hon. Sir E. H. WITTENOOM: It seems to me that what the amendment seeks is provided for by the latter end of the clause.

Hon. G. J. G. W. MILES: The amendment is not necessary at all. The interest would naturally be computed from the date the service was rendered.

Amendment put and negatived.

Clause put and passed.

Clause 76—Contribution to vermin and rabbit-proof fences by adjoining owners:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 1 the words "or occupier" and also the words "and occupier" be struck out wherever they appear.

This amendment probably strikes at the principle of the Bill, under which the occupier, whilst suffering certain obligations, also has certain rights given to him. The question for the Committee to decide is whether it is wise that an occupier, which term, as the Bill now stands, includes manager, shall have the same powers as the owner himself would have. If hon. members agree that in the circumstances the occupier should have the same powers as the owner, my amendment simply goes by the board. Obligations are imposed on the occupier under Clauses 75 and 81. For instance,

there is the obligation to repair and maintain the fence.

Hon. Sir E. H. WITTENOOM: This is a very important matter, and I rise to speak before the Honorary Minister so that I may ask him to reply very fully and to give his reasons against, if he is opposed to, the amendment. It is a very serious question whether an occupier should be allowed to involve the owner without his consent in some of these matters. In Subclause 6 of Clause 83 it is provided that when the applicant is the occupier but is not the owner he shall give notice of the application to the owner, who may show cause to the Minister or the board against the application. Therefore the applicant who is not the occupier may possibly lead the owner into some expenses. Personally I am inclined to support the amendment.

Hon. J. DUFFELL: I think the clause is the most important one in the Bill. It throws light on all the other clauses. It shows that co-operation is doubtful in putting the Bill into effect, that it is anticipated that force will be required to induce the neighbour to pay any share of the cost of fencing.

Hon. C. F. BAXTER: This is one of the most important clauses in the Bill. It appears in every Act in the Eastern States. The Bill would be almost unworkable without it. The occupier is the authorised representative of the owner.

Hon. J. Nicholson: No.

Hon. C. F. BAXTER: Well, he is the authorised agent.

Hon. J. Nicholson: He may not be; he may be a lessee.

Hon. C. F. BAXTER: Take the case of an owner who is absent from the Commonwealth. How is notice to be served on him?

Hon. J. Nicholson: In Clause 117 power is given to serve notices.

Hon. C. F. BAXTER: At all events this is a most important clause, and is required.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That the following be added at the end of Subclause 2:—"Provided that in the case of unfenced land adjoining such vermin fence or rabbit-proof fence then such right shall not vest nor liability arise until such time as any fence thereon be erected to connect with or adjoin such vermin fence or rabbit-proof fence and until such notice as aforesaid be given."

Hon. C. F. BAXTER: I do not agree with the amendment. There is no obligation to contribute to the cost of the fencing until the fence is made use of.

Hon. J. DUFFELL: This is the crux of the whole thing. If we are to exterminate the rabbits there must be combination, the work must be done systematically. If one man is going to fence his area, and portion of his fence is to extend along only one side of the adjoining area, what is the use of compelling the second man to pay for a fence of no service to him? The amendment is very necessary.

Hon. Sir E. H. WITTENOOM: To carry out the views of the Minister it will be necessary to provide for compulsory fencing. Un-

der the clause some unfortunate man who cannot afford to fence may be called upon to pay part of the cost of his neighbour's fence, although that fence runs along only one of the four sides of his own property and so is of no use to him until he can afford to fence the other three sides of his holding. Why should that man be called upon to pay for a fence which is of no use to him? I intend to support the amendment.

Hon. C. F. BAXTER: I have no objection to the amendment, but I cannot see any use for it. Provision is already made that B pays only the difference between the cost of his fence and that of the new fence erected by A. Moreover, the responsibility for contributing to the fence only commences when the fence is made use of.

Hon. Sir E. H. WITTENOOM: If those are the views of the Minister he should have no hesitation in accepting the amendment. It is perfectly clear from the reading of the clause that whoever adjoins the land which has been fenced must pay a contribution.

Hon. C. F. Baxter: I have no objection to the amendment.

Hon. G. J. W. MILES: I do not think the Minister should object to the amendment. The provision applies in fencing to-day. In the ordinary course, when a man uses another man's fence he has to pay half the cost.

Hon. J. J. HOLMES: I think the clause is sufficient. It provides for the owner of the fence collecting from the adjoining owner, provided the adjoining owner receives any benefit from the fence. When wire is again procurable a lot of owners will be dodging the erection of fences, and those who are first to erect fences should be able to collect the prescribed contributions from their neighbours.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That the following words be added to Subclause 3:—"Subject to the provisions of Section 98 hereof."

It is provided that the amount payable by way of contribution shall be a charge upon the land in respect of which such contribution is payable. That provision by itself is unfair. But it is obviously intended by Clause 98 to provide that notice shall be given. The whole essence of a charge such as this is that notice shall be given.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: The object of the amendment is to make the position of the charge proposed to be created on land, more clear. If the words are not added some misunderstanding may arise. A charge is created in Subclause 3, and in Clause 98 it says, "subject and without prejudice to the foregoing provisions."

Hon. Sir E. H. WITTENOOM: The Subclause seems to be quite clear.

Hon. J. NICHOLSON: Clause 98 is subject without prejudice to the foregoing provisions, and a charge is created by Subclause 3. I want to make certain before the charge

shall have effect that the caveat shall be registered as provided in Clause 98. This will not be a charge until the notice provided for is actually given.

Hon. H. STEWART: The amendment if carried will involve every person affected by the clause in expense, in having the charge recorded.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in paragraph (b) of Subclause 4 the words "shall be assessed according to the benefit derived and to be derived from the fence" be added.

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

Clauses 77, 78—agreed to.

Clause 79—Ring fences:

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 4 the words "or as may be mutually agreed between the parties" be added.

There might be certain matters that are not prescribed in the regulations but may be necessary between the parties, and to get over the difficulty I move the insertion of the words.

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

Clause 80—agreed to.

Clause 81—Power to require water supplies to be fenced in vermin infested districts:

Hon. J. MILES: When the Bill was being discussed on the second reading, I intimated that I should move for the deletion of the clause. I have had exceptional opportunities of watching the movement of rabbits and I have not discovered more rabbits around water holes to-day if the conditions are equal. There are 2,000 farmers on the Industries Assistance Board and a number are in rabbit infested areas. If the clause becomes law, all those in proclaimed areas must fence their water holes, and if only 500 farmers have to fence their water holes, it will mean an expenditure of £20,000. If water holes are fenced and free access to the water is prevented, farmers must provide a windmill, overhead tank, a ball tap and trough. The expenditure will not serve a purpose commensurate with the cost involved.

The CHAIRMAN: For the convenience of members I will put the amendments to the clause first. I will again call the Honorary Minister's attention to the fact that the amendments put on the Notice Paper are not in accordance with Parliamentary procedure. I would ask him to draw the attention of the Crown Law authorities to the matter.

Hon. C. F. BAXTER: I move an amendment—

That after the words "fencing" and "fence" throughout the clause the following words be inserted:—"or other approved appliance."

"They may fence with palings, and in fact some are doing so. This amendment will compel them to make the fence rabbit proof within the meaning of the schedule."

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That at the end of Subclause 3 the following words be added:—"subject to the proviso in Clause 71 hereof."

This is to make the proviso apply to the right kind of timber.

Hon. C. F. Baxter: I see no need for the words.

Amendment put and passed.

Hon. J. NICHOLSON: I move a further amendment—

That in Subclause (5), line 1, the word "then" be struck out and the following words be inserted in lieu after the word "occupier":—"and such owner makes default in complying with the requirements of any Proclamation to enclose all water supplies as aforesaid, then the occupier may comply with such requirement and the cost of the work shall be a debt due by the owner to the occupier and be recoverable by action as aforesaid, and shall be a charge on the land subject to Section 98 hereof but"; also after the word "owner," in line 2, the following words be added:—"as to repairing and keeping in thorough repair the said fencing."

Amendment put and passed.

Hon. J. NICHOLSON: I move a further amendment—

That at the end of Subclause (6) the following words be added:—"subject to the provisions in Clause 71 hereof."

In that subclause power is given to cut, remove and use any timber required. The proviso which I propose should be added is similar to that which we have already added to a previous subclause.

Amendment put and passed.

Hon. J. NICHOLSON: I move a further amendment—

That at the end of paragraph (a) of Subclause 7, the following words be added:—"and of repairing and maintaining same."

The paragraph says that the owner shall indemnify the occupier against the capital cost of the fencing and I wish to add the words that I have just read, which are material.

Hon. J. J. HOLMES: I oppose the amendment. It may be that it will be one of the conditions under which the lease was granted that the occupier shall effect the repairs.

Hon. J. NICHOLSON: In the first part of the subclause it is provided "as between the owner and occupier the following covenants shall (subject to any agreement to the contrary), be implied in any existing or future lease or agreement to let the land." And then follow the several paragraphs. If an agreement is in force after this date there would undoubtedly be provisions in regard not only to the capital cost of the fencing but also to the capital cost of maintaining and repairing the fencing. The measure is doing no more than to supply that which the agreement would supply if the Act were actually in force. If anyone is a lessee of land such as this, it is not intended that the lessee shall bear the cost of repairing and maintaining because the lessee has actually to pay interest

on the cost which may be incurred. The occupier does not take on the responsibility of repairing and maintaining the fence unless he specially provides for it in his agreement.

Hon. C. F. BAXTER: The amendment would, if carried, cause a good deal of trouble and confusion. Under the ordinary agreement the occupier has to keep the fence in repair. This amendment puts the onus upon the owner.

Hon. H. STEWART: It is only fair that the occupier should bear the cost of maintenance, and Subclause (c) of another subsection provides for this.

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in Subclause 7 a new paragraph be added as follows:—(b) "If the occupier shall pay the cost of such fencing he shall be entitled to a charge on the land therefor subject to the provisions of Section 98 hereof."

Amendment put and negatived.

Hon. J. NICHOLSON: I move an amendment—

That in paragraph (b) after the word "cost," in line 2, the following be inserted:—"computed from date of such payment by the owner."

Amendment put and negatived.

Hon. J. MILLS: Subclause 9 gives the definition of water supply. Undoubtedly this is aimed at the men outback, who are at present resisting the inroads of the rabbits. The South-West Division will shortly, I feel sure, be invaded by rabbits. I move an amendment—

That the following words be added to the subclause:—"and shall include any pool, spring, soak, running stream, swamp, lake or other water places, salt or fresh."

Hon. C. F. BAXTER: If this amendment is carried, it will be impossible to put it into practice. How can a running stream, for instance, be fenced in? If the amendment is carried, it will destroy the whole clause.

Hon. V. HAMERSLEY: It would not be wise to extend this in the way suggested. A dam or reservoir is something that is well defined, but it would be unworkable to fence in many of the places mentioned in the amendment. I hope the amendment will not be passed.

Hon. J. J. HOLMES: It would be well to report progress at this stage in order that members might consider the position, and consider also some amendments which will appear on the Notice Paper. It would be absurd to fence in a well and leave the troughs and buckets outside, to which the rabbits would have free access. The same thing applies to fencing in a dam or a reservoir. It is possible to fence in the bulk supply, but the water from this supply can be spread over any area that is desired. All the water clauses of this Bill are absurd, in my opinion.

Hon. C. F. Baxter: I am prepared to meet the wishes of hon. members.

[The President resumed the Chair.]

Progress reported.

BILL—PRISONS ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Insertion of new Part (VIa). Reformatory Prisons) in the principal Act:

Hon. J. DUFFELL: I suggest that we should deal with this clause by taking the proposed new sections one by one.

The CHAIRMAN: If hon. members desire it, that course can be adopted.

Proposed new Section 64A—Establishment of reformatory prisons:

Hon. J. DUFFELL: I should have been glad to hear from the Colonial Secretary during his second reading speech or his reply something of a tangible nature regarding the Government's proposals in the way of reformatory prisons. The stringent condition of the finances seems to render impracticable for the present the establishment of reformatory prisons. If a Bill for their establishment is brought forward, we should be informed where the necessary funds are to come from. The setting aside of portion of Fremantle gaol for the purposes of a reformatory establishment does not meet my views of what is required. If the reformatory is not to be a prison, why associate it with any existing gaol?

The COLONIAL SECRETARY: I thought I had made it perfectly clear, both in moving the second reading and in replying, that there was no intention to use Fremantle Gaol as a reformatory prison, but that the Government recognised that at present funds are not available for the establishment of reformatory farms or plantations. I also pointed out that if the principle of reformatories is affirmed, there are portions of Fremantle gaol in which prisoners for reformatory treatment may be isolated, that there is also the Coolgardie gaol available for this purpose, and, further, Rottnest Island. For the establishment of new reformatory prisons, however, we shall have to wait until financial conditions are easier.

Hon. J. EWING: Mr. Dodd referred to the work of tree planting and it occurred to me that the more reasonable prisoners might possibly be employed at repatriation work in advance of soldier settlement.

The CHAIRMAN: I do not think the hon. member is quite in order.

Hon. J. EWING: I bow to your ruling, Sir. I merely offer the suggestion. What the Colonial Secretary quoted from the Victorian reports in this connection appealed to me very much.

Proposed new section put and passed.

Proposed new Section 64B—agreed to.

Proposed new Section 64C—Power to re-transfer such person to gaol:

Hon. Sir E. H. WITTENOOM: In the absence of Mr. Dodd I wish to point out that his amendment, appearing on the Notice Paper, deals with a person transferred from a prison to a reformatory gaol and there misbehaving himself with the result that he is re-transferred to the gaol. The proposed section provides that the time spent on probation shall not be reckoned as part of his sentence unless

this is so stated in the Order in Council re-transferring him to prison. Mr. Dodd's desire is that the time spent in the reformatory shall count as part of the sentence.

The CHAIRMAN: Does the hon. member move the amendment?

Hon. Sir E. H. WITTENOOM: On behalf of Mr. Dodd I move an amendment—

That in Subsection 3 the words "and the time spent on probation shall not be reckoned as part thereof, unless so stated in the Order-in-Council" be struck out.

The COLONIAL SECRETARY: In another place an attempt was made to delete wholly this provision, so that the time spent on probation would automatically count as portion of the sentence. Thus we had the two extreme views. Finally another place arrived at a compromise by adding the words "unless so stated in the Order in Council." The effect now is that in the case of a person transferred to a reformatory prison and spending a certain time on probation but so misbehaving as to make it necessary to re-transfer him to the ordinary prison, the Order in Council so transferring him specifies whether the time spent on probation shall or shall not count as part of the sentence. The compromise is very reasonable. If the misconduct was very bad, then no part of the time spent on probation would be counted. If the misconduct were less serious, then a portion or possibly the whole of the time spent on probation might be counted as portion of the sentence.

Amendment put and negatived.

Proposed new section put and passed.

Proposed new Section 64D—agreed to.

Proposed new Section 64E—Indeterminate Sentences Board:

Hon. J. DUFFELL: The Bill proposes to give the board very great power indeed, including that of releasing a prisoner who has shown signs of improvement. Such a release might not be in the best interests of even the prisoner himself. If the board are appointed, one member of the board should be a woman. I would like to hear a little more from the Colonial Secretary on the necessity for the creation of the board.

The COLONIAL SECRETARY: I scarcely know what it is the hon. member desires. Somebody is necessary to carry out the work.

Hon. J. Duffell: What about remuneration? Is it going to be an honorary board? Are the members to be appointed for all time?

The COLONIAL SECRETARY: The members of the board would hold office at the will of the Governor, and could be removed at any time. No provision is made for remuneration.

Hon. J. Duffell: Would the members be civil servants, or who? Can you give us any information?

The COLONIAL SECRETARY: No. The Government will appoint the persons they think best qualified to carry out the duties. I have no doubt that it will be necessary to appoint to the board one person who is intimately associated with the prison itself.

Hon. Sir E. H. WITTENOOM: While we all admit that the Bill is a move in the right direction, it seems regrettable, in view of the

financial position of the State, that it should be necessary to add three more appointments to the general expense of the Government.

The Colonial Secretary: No provision is made for payment.

Hon. Sir E. H. WITTENOOM: But provision will be made in due course. That is the objection I have to the appointment of the board. It is undesirable that our expenses should be increased just now. However, the leader of the House recognises the need for economy just as much as do the rest of us, and I know that he will advise the Governor in Council that no payments should be made to the members of the board.

Hon. J. DUFFELL: In the absence of Mr. Dodd I move the amendment standing in his name:—

That after "members" in line 1 of Subclause 2 the words "one of whom shall be a woman" be inserted.

I do this bearing in mind the fact that a woman would show more compassion towards women prisoners than men could be expected to exercise. Many women in our community have done excellent work in similar positions in the past, and in my opinion the amendment is very necessary.

The COLONIAL SECRETARY: I do not know that there is any necessity for the amendment. If the clause is passed as printed it will be open to the Government to appoint the three persons they think most desirable, and there will be nothing to prevent them from appointing a woman on the board. I am in accord with Mr. Duffell in regard to the work the women have done in the past. For instance, on our committee of visitors to the Hospital for the Insane is a lady, who does excellent work. But in the case of the Hospital for the Insane, a large proportion of the inmates are women, while in the prison the proportion of women is very small indeed, almost negligible. The appointment of a woman might well be left to the discretion of the Government. It is the Victorian practice which we are following, and the Victorian board consists of three men.

Hon. J. J. HOLMES: I do not agree with the amendment. I think the women are retreating out of their province altogether. It is a reflex of the legislation which we have been passing. There may be some justification for having a woman on the visiting committee of the Hospital for the Insane, but when we come to deal with prisons I think the women would be better engaged in other duties.

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

Ayes	10
Noes	13

Majority against . . 3

AYES.

Hon. J. F. Allen	Hon. J. W. Kirwan
Hon. H. Carson	Hon. H. Millington
Hon. J. Cunningham	Hon. H. Stewart
Hon. J. Duffell	Hon. J. Mills
Hon. J. Ewing	(Teller.)
Hon. J. W. Hickey	

NOES.

Hon. C. F. Bakker	Hon. G. W. Miles
Hon. E. M. Clarke	Hon. J. Nicholson
Hon. H. P. Colebatch	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. H. J. Saunders
Hon. C. McKenzie	(Teller.)

Amendment thus negatived.

Hon. J. J. HOLMES: I move an amendment—

That at the end of Subclause 2 the words "and shall act without remuneration" be added.

That will settle the question of payment. do not think these positions should be paid.

The COLONIAL SECRETARY: I do not know that there is any very strong objection to the amendment, but I would much prefer that the clause be passed as printed. It is not the intention of the Government that this board should be costly. It has been the practice in the past in regard to similar appointments to pay a very small sum, and in the present case, supposing the Government appointed three persons, of whom two might be Government officials, while the third was an outsider, it might be desired that the outsider should receive a small fee. The amendment would prevent that being done. The amount involved would certainly be very small.

Hon. J. J. HOLMES: I do not think we can conclude that the present Government are going on for ever. We might find another Government in power who would hold different views from the present Government in regard to these positions. It might suit such a Government to add to their popularity by buying support. Here, then, would be an opportunity. There are plenty of capable men in the State willing to act on this Board in an honorary capacity.

Amendment put and passed.

Hon. J. P. ALLEN: I move an amendment—

That in line 2 of Subclause 7 the word "or by Order in Council" be deleted.

The duties of this board are purely of an advisory nature. No active powers are vested in them until we reach subclause 7 where it is provided that the board shall execute all such other powers conferred on them by any Act of Parliament or by Order in Council. I do not approve of power being vested in any Government to give executive powers by Order in Council. This would afford an opening to the Governor in Council to unduly extend the powers of the board.

Amendment put and passed.

Proposed new Section 64E as amended put and passed.

Proposed new Section 64F—Persons detained to be required to work:

Hon. Sir E. H. WITTENOOM: On the second reading I pointed out that those who go to prison nowadays do not get much punishment but that prison life is made comfortable. I am glad to find in this Bill that provision is made for persons detained in reformatories to be made to work at some trade, and by the proposed new Subsection

(3) their work shall be disposed of and portion of the proceeds shall be given to them on leaving the reformatory. I move an amendment—

That the following words be added to proposed new Subsection (3):—"and the proceeds devoted to paying the cost of such person's imprisonment. This section shall apply to all prisons as well as reformatories."

I intend later on to move that proposed new Subsections 4, 5, and 6 be struck out.

The COLONIAL SECRETARY: This amendment should have been placed on the Notice Paper. One does not exactly see what it means at once, and I am certainly not prepared to agree to it offhand. It must occur to the hon. member that the amendment is not in order where he intends the words shall be inserted. This new subsection deals with reformatory prisons and if we want to have some method of dealing with labour performed in prisons it should be dealt with in an Act relating to ordinary prisons. I think the amendment is ill-considered, no matter whether it is good in principle or not.

Hon. V. HAMERSLEY: The amendment appears to be a good one. Men are to be taught trades when in prison and the money should be devoted to making the prison self-supporting. There is no reason why prisoners should not help towards paying the expenses of the establishment. It might be as well to report progress at this stage.

Hon. J. W. KIRWAN: I hope the amendment will not be carried. The portion of the clause that Sir Edward Wittenoom desires to have struck out provides what shall be done with the result of the labour. At present the money earned by inmates of a reformatory would go to the maintenance of the prisoners and anything above that should go to the board who would disburse it in the best interests of the individual prisoner. That is a wise way to dispose of the products of the labour of the individual in a reformatory. The prisoner would also have some money with which to make a fresh start in life on leaving the reformatory. If the amendment is carried it will do away with the chief incentive the inmate would have.

Hon. J. DUFFELL: We are dealing with a new subsection providing for teaching the prisoners some trade and as a result of the labour the goods manufactured are to be sent out and sold. This opens up the question of whether prison-made goods should be sold in competition with goods made by free labour. On the second reading the case of New Zealand was quoted, where men are employed in tree planting. If prisoners were employed in planting trees they could not wait until the trees grew up and were sold. I am not in accord with the amendment.

The COLONIAL SECRETARY: If men were employed in tree planting the second portion of the proposed subsection would apply. At present unskilled labour is paid for in the gaols at the rate of 8s. a week under

the preventive provisions of the Code and 10s. for skilled labour, while 12s. is paid to artisans. The scale is not a very generous one. The portion to be credited to the prisoner is such as the board may determine and a portion may be applied to the maintenance of a man's wife and family while he is detained.

Hon. J. EWING: I previously asked the Colonial Secretary whether he would give an assurance that there will be an extension of the outdoor employment of the less refractory prisoners, so that men may be employed in road making; especially now that we have the repatriation of soldiers, roads will be more necessary than previously and prisoners could be employed in road making.

Hon. Sir E. H. WITTENOOM: The Colonial Secretary did not explain whether there is to be any money retained for the maintenance of the prisoner. The product of the work which he performs is to be disposed of and of the net proceeds a portion is to be credited to him and a certain amount is to be given to his wife and family during the period of his detention. It is a very satisfactory way of dealing with people who are law breakers to make them pay for their own keep.

Hon. J. W. Kirwan: The average prisoner should do more than 8s. worth of work a week and that implies that his food and maintenance are paid for.

Hon. Sir E. H. WITTENOOM: If the Colonial Secretary thinks that my amendment has not had sufficient consideration, I will not press it to-night.

Hon. J. J. HOLMES: On the one hand we are asked by Sir Edward Wittenoom to devote the proceeds towards paying for a man's keep in prison and on the other hand we are told by the leader of the House it is customary to pay these men for the work they perform. As to whether they perform 8s. worth of work a week, I am entirely in the dark.

Hon. J. DUFFELL: I am opposed to any articles manufactured by prison labour being sold in competition with free labour. I speak as a representative of the Metropolitan-Suburban province and my desire is to protect the whole of the workers in that province.

Hon. J. J. Holmes: What kind of work would you give them to do?

Hon. J. DUFFELL: Any amount of work in the way of planting trees and preparing land for soldiers that would enable them to earn a livelihood. I hope the subclause will be deleted and that the amendment proposed by Sir Edward Wittenoom will be defeated.

Hon. A. SANDERSON: Does Mr. Duffell wish the Committee to understand that the Government seriously propose to introduce prison labour in competition with free labour? It is quite incredible that my colleague can be right. If he is right, his protest is a very mild one. Another State industry I suppose. However, I will refrain from commenting further until I hear the Colonial Secretary's reply. I cannot believe that it is possible that even this Government should propose such a monstrous idea that the prison should be subsidised by the State to compete with honest labour.

Hon. J. NICHOLSON: May I ask Mr. Duffell in what way he would dispose of the result of the labour of the reformatory prisons. I understand that the purpose of the Bill is to seek to reform prisoners and in the course of that work of reformation it is contemplated that these men who may not have been taught any particular trade and who may desire to learn a trade will be given that opportunity. Therefore, they will produce something and there should be some means of disposing of it. In America they have means of disposing of prison products and with profit to the institution. The State should at least be given full credit for the cost of a man's maintenance, and if he has something above that he should get the benefit of it.

Hon. J. CUNNINGHAM: I move—

That progress be reported.

Motion put and negatived.

The COLONIAL SECRETARY: The prisoners in Fremantle gaol do a great deal of work and the product of that labour is not thrown away. For instance, last year they made 869 pairs of boots of a particular brand and 342 pairs of another brand as well as 332 pairs of slippers, and they also repaired thousands of pairs of boots. They also have a tailoring establishment in which they make many suits of clothes, and there is also a printing establishment. The whole of the work done in the prison is utilised in other Government departments and that is the intention in regard to the present Bill. It is not contemplated we should have so many prisoners that the whole of their work can be absorbed in all the Government institutions. The value of a prisoner's labour in the prison does pay the cost of that prisoner's maintenance, but what it does not pay is the cost of his supervision. It is not contemplated that the goods shall be sold at a cut price in competition with other articles, but it is intended that the products shall be sold to the different departments as is being done at the present time and there should be a method of computing what should be done with the net proceeds.

Hon. J. DUFFELL: I have succeeded in eliciting a statement as to some of the work in the prisons. As a justice of the peace, I made it my business some time ago to visit the Fremantle prison and I saw the various working establishments. Bearing in mind what I saw and remembering Subclause 3, hon. members can readily understand what I was aiming at in asking for information. It is possible that in connection with this reform there may be more labour available than we would desire.

Hon. J. J. HOLMES: There is a large section of prisoners who must be kept employed in prison, and whom it would not be wise to allow out. Whilst it would be possible to separate the prisoners and send some to work outside, I was agreeably surprised to find that Mr. Dodd recommended that they should be employed at tree planting, etc. I see in this Bill other opportunities cropping up. There is provision to teach these people trades. We will find presently that it will be neces-

sary to commit some offence in order to learn a trade in this country. There are thousands of boys who cannot learn trades to-day owing to the existing conditions in regard to arbitration awards and so forth. It opens up a field of opportunity to learn a trade if one commits an offence. If the prisoners, who must be kept in prison, can be profitably employed, they should be so employed.

Hon. J. W. KIRWAN: Do I understand the Colonial Secretary to say that the prisoners at present maintain themselves?

The COLONIAL SECRETARY: The value of the prison work practically equals the cost of the food consumed. By far the greater proportion of the cost of maintaining the prisoner is in the gaol staff.

Hon. J. W. KIRWAN: I suggest that the Colonial Secretary might inform the Comptroller General that when he makes out his report he ought to put it in a way such as the Colonial Secretary has presented the matter to us. The report for 1917 gives a somewhat different impression. Under the heading of expenditure, the report shows that the gross expenditure on prisons during the year was £19,854, showing a slight decrease on the cost for the previous year, namely, £19,946. Against this expenditure may be set off the value of the remunerative work performed by prisoners to the value of £4,023, leaving a net cost of £15,830. The cost per head for maintenance of prisoners was £75 12s. 1d., or 30s. more than last year. That is, that whilst the cost of the maintenance of prisoners is £75 12s. 1d., the value of the remunerative work performed by the average prisoner is £15 5s. In the course of some remarks I made on the second reading I quoted these figures. It certainly seemed to me remarkable that whilst the average cost of the prisoner was £75 12s. 1d., the value of the remunerative work of the average inmate of the prisons of Western Australia was only £15 5s. I am glad to hear from the Colonial Secretary that this statement is hardly correct, although as it is put here the Comptroller refers to the gross expenditure and also to the net cost. The Comptroller should put his report in such a way that we clearly understand what is meant by the gross expenditure and the net cost, and the average earnings and the average expenses.

The COLONIAL SECRETARY: Mr. Kirwan was not here when I explained this matter in some detail. The £75 12s. 1d. mentioned as the cost of maintenance includes supervision, officers' pay, and allowances, which accounts for £11,000 of the total expenditure. The provisions for prisoners total £7,542, and warders, sanitation, lighting, etc., £1,230. The expenditure on provisions is more than balanced by the prisoners' earnings. We are considering the matter, as I have said, of arriving at a better method of assessing the value of the prisoners' work. In connection with boots, the prison charge for labour is 1s. 6d., but outside would be 3s. If the value of the prisoners' work were assessed on a piece work basis that £4,000 would probably be increased to £8,000. But there would be no real advantage, because it would have to be debited against some other department. The intention

is to arrive at a more just method of estimating the exact value of the work done by the prisoners.

Hon. J. W. KIRWAN: Would it not be better to have that value placed in the report?

Hon. E. M. CLARKE: Reference has been made to the planting of trees by prisoners. I put forward the suggestion that these men should be sent out to destroy the useless stuff, which would be an advantage to the good portions of the forest. A few years ago one of the Governors of the colony turned the whole of the good conduct prisoners out to make roads for the benefit of the State. Well conducted prisoners might be given an opportunity of cleaning up our forests. They would not be interfering with any other labour in doing so. I am sure that in the prisons there are many who would not attempt to escape, and I commend the suggestion to those in authority.

Hon. Sir E. H. WITTENOOM: I am sure the Colonial Secretary will have learned that the prisoners should, as far as possible, be made self-supporting, and that their work should be made remunerative. Recognising that the discussion on this important matter has been a full one I take the opportunity of withdrawing my amendment.

Amendment by leave withdrawn.

Proposed new section put and passed.

Proposed new Sections 64c and 64d—agreed to.

Proposed new Section 64i—Power to permit person detained in reformatory prison to leave the prison temporarily:

Hon. Sir E. H. WITTENOOM: This is not quite clear. How long can a prisoner be detained in a reformatory prison?

The COLONIAL SECRETARY: This relates to a case where a prisoner detained in a reformatory prison is sentenced to a term of imprisonment in an ordinary prison. He then goes back to the reformatory prison.

Hon. Sir E. H. WITTENOOM: On the expiry of such term of imprisonment he shall be removed to a reformatory prison and continue to be detained there, but for how long?

The COLONIAL SECRETARY: He goes back to the reformatory prison in the ordinary way, and may be detained there until the expiry of his original sentence, or until the board recommend his release on probation.

Hon. J. DUFFELL: Subsection 2 needs explanation. What is meant by "any visiting justice"? Will this apply to special justices appointed to visit prisons, or to casual justices who are asked to sign a warrant?

The COLONIAL SECRETARY: It means justices appointed as visitors to gaols.

Proposed new section put and passed.

Proposed new Sections 64j to 64n—agreed to.

Clause, as amended, put and passed.

Clause 4, 5, 6—agreed to.

Title—agreed to.

[The President resumed the Chair.]

Bill reported with amendments.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Resumed from the 23rd October; Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 2—Amendment of Section 18 (partly considered):

(Clause put and passed.

Clauses 3, 4—agreed to.

Clause 5—Amendment of Section 185:

The CHAIRMAN: The wording of the amendment placed on the Notice Paper by Mr. Dodd, who is absent, will require to be considerably altered.

Hon. J. W. KIRWAN: Would the Colonial Secretary agree to the postponement of this clause until Mr. Dodd is present?

The COLONIAL SECRETARY: Yes. I move—

That consideration of Clause 5 be postponed until after the consideration of Clause 35.

Motion put and passed; the clause postponed.

(Clause 6—agreed to.

Clause 7—Repeal of Section 188 and substitution of new provisions:

Hon. J. CUNNINGHAM: I move an amendment—

That in proposed new Section 187, Subsection 1, the words "with or without whipping" be struck out.

I would rather see the maximum period of imprisonment increased from five years to ten, than see whipping imposed. Whipping benefits neither the unfortunate degenerate who may receive it, nor the public of this State. The punishment of whipping degrades not only the person whipped, but also the person whom the State employs to administer the whipping. Let us not perpetrate in this State by law that to which we object in Europe as humanness. If the degenerate who is whipped has a spark of consciousness left in him, the punishment imbues him with a spirit of revenge against society. My view is that such offenders, rather than being subjected to so humish a penalty as whipping, should be segregated from the community. Let sexual maniacs be kept out of the way altogether, as being irresponsible for their actions, and therefore insane.

The COLONIAL SECRETARY: I would like to correct a false impression possibly created by Mr. Cunningham's remarks. The words, "with or without whipping" are not being introduced in the Criminal Code by this Bill; they have appeared in the Code ever since its enactment. The only alteration here proposed is an increase in the number of years of imprisonment.

Hon. Sir E. H. WITTENOOM: This clause I consider the most important provision of the Bill. There is a great deal to be said on it, especially as it applies to others than degen-

erates. We have had a very long sitting, and perhaps the leader of the House will agree to report progress at this stage.

[The President resumed the Chair.]

Progress reported.

House adjourned at 9.43 p.m.

Legislative Assembly,

Tuesday, 29th October, 1918.

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

[For "Questions on Notice" and "Papers Presented" see "Votes and Proceedings."]

UNIVERSITY FEES FOR SOLDIERS' CHILDREN.

The COLONIAL TREASURER (Hon. J. Gardiner—Irwin) [4.35]: Some time ago the member for North-East Fremantle (Hon. W. C. Angwin) asked a question with regard to the remission of fees received from the secretary of the Soldiers' Children Scholarship trust. I referred the matter to the Vice-Chancellor of the University, and I have received the following reply from Professor Paterson—

Referring to your letter of the 19th September to the Chancellor in regard to the remission of fees as required in the regulations for school certificate examinations, I have to inform you that the matter was considered by the Senate at its meeting on the 22nd inst. along with an application for exemption from university fees received from the hon. secretary of the Soldiers' Children Scholarship trust. The university has decided to remit all examination fees payable by the children of fallen or incapacitated soldiers upon the receipt of the necessary guarantees from the trust, but subject to the approval of the university in each case. It was further decided that applications received from sources outside the trust would receive sympathetic consideration.

QUESTION—"ULYSSES" STRANDING INQUIRY, PAPERS.

Hon. T. WALKER (without notice) asked the Honorary Minister whether he was yet prepared to lay upon the table of the House the papers relating to Pilot Williamson and the wreck of the s.s. "Ulysses."

Hon. R. H. UNDERWOOD (Honorary Minister) replied: There are certain papers to come from the Federal authorities in the possession of Naval Base officers, and these papers are marked "confidential." The Government have wired to Melbourne for permission to lay these papers on the table of the House. If we cannot get that permission we shall not be able to place them on the table, but if we do get permission the papers will be made available immediately.

BILL—SUPPLY (No. 2) £425,000.

All Stages.

The COLONIAL TREASURER (Hon. J. Gardiner—Irwin) [4.40]: I move—

That so much of the Standing Orders be suspended as is necessary to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees, and also the passing of a Supply Bill through all its stages in one day.

Question put and passed.

Message.

Message from the Governor received and read recommending appropriation in connection with the Bill.

In Committee of Supply.

The House having resolved into Committee of Supply, Mr. Stubbs in the Chair,

The COLONIAL TREASURER (Hon. J. Gardiner—Irwin) [4.45]: I move—

That there be granted to His Majesty, on account of the services of the year 1918-19, a sum not exceeding £425,000.

This supply is just sufficient to carry us on to the end of November and until the Estimates which are now on the table of the House have been passed.

Question put and passed.

Resolution reported, and the report adopted.

Supply Bill introduced, etcetera.

Resolution in Committee of Ways and Means having been passed, a Supply Bill was brought in providing for the expenditure of £425,000 out of the Consolidated Revenue Fund.

Bill passed through its remaining stages and transmitted to the Legislative Council.

ESTIMATES OF COLONIAL SECRETARY'S DEPARTMENT.

The PREMIER (Hon. H. B. Lefroy—Moore) [4.53]: I move—

That leave be given to withdraw the Estimates of the Colonial Secretary's Department, and substitute a new print in more detailed form.

It is necessary to ask the permission of the House to withdraw the Estimates for this department as they appear on the general Estimates. Hon. members have had a re-print of the Estimates placed before them, and this has been done at the wish of the House, which