

that he is an inspector. The clause says "No proof shall be required of the authority of the inspector to take the proceedings or of his appointment as such inspector." That is all right. He declares that he is an inspector and it follows therefore that he is the person having the authority to take proceedings. The second paragraph, it seems to me, requires amendment. It says—

In any proceedings in respect of offences under this Act, the person whose name is marked on the outside or inside of any package containing products, or on any label thereon as the seller or packer thereof shall be deemed to be the seller or packer thereof until the contrary is proved.

That ought not to be. If someone sends me a case of fruit and my name is on the case—

Hon. H. Stewart: The sender's name is on the case.

Hon. A. LOVEKIN: But there is nothing to say that the sender's name shall be on it. My name may be marked on the outside as the consignee and I become liable without knowing anything about it. A verbal amendment should get over this difficulty, and I shall endeavour to suggest something when the Bill is in Committee. I support the second reading of the Bill.

On motion by Hon. V. Hamersley, debate adjourned.

*House adjourned at 9.23 p.m.*

## Legislative Assembly,

Wednesday, 16th October, 1929.

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

### ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Workers' Homes.
- 2, Stamp Act Amendment.
- 3, Industries Assistance Act Continuance.
- 4, Divorce Act Amendment.
- 5, Agricultural Lands Purchase Act Amendment.
- 6, Roads Closure.

### IRWIN ELECTORATE.

*Seat declared vacant.*

MR. SPEAKER [4.34]: I have received the certificate of the death of a member—

We the undersigned being two members of the Legislative Assembly do hereby certify that Charles Crowther Maley, a member of the said House, serving for the Irwin district, died upon the 15th day of October, 1929, and we give you this notice to the intent that you may issue a writ for the election of a member to supply the vacancy caused by the death of the said Charles Crowther Maley. Given under our hands this 16th day of October, 1929. (Signed) J. H. Smith, A. H. Panton.

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

That the House resolves that owing to the death of Charles Crowther Maley, late member for Irwin, the Irwin seat be declared vacant.

Question put and passed.

### QUESTION—ROYAL COMMISSION, GOLD STEALING.

Mr. MARSHALL asked the Minister for Police: 1, Was it in consequence of the finding of the Royal Commission on gold stealing in 1906 that the police gold stealing detection staff was inaugurated? 2, Who was the first chief of the staff, and how many members of the police force were appointed to assist him? 3, What increase was made in the salary of each member of the staff on his transfer from the general police? 4, What sum did the Chamber of Mines or other private body contribute then or subsequently to the maintenance of the staff? 5, How many persons were charged in the courts of Kalgoolie, Coolgardie, and Boulder with actually stealing gold during the first 15 years after the inauguration of the staff? 6, How many persons were charged in those courts during the same period with unlawful possession of gold, and how many were convicted of each of those offences?

The MINISTER FOR POLICE replied: 1, The staff was inaugurated in 1907 by the Government of the day. 2, The late Detective-Sergeant Kavanagh and six constables. 3, At the inception of the staff £50 per annum was to be paid to the officer in charge of the staff, and 1s. 6d. per day to one constable doing clerical work. At a later date when rearrangements were made, the senior constable received an allowance of 1s. per day, which was subsequently increased to 2s. per day. Under the present Arbitration Court award all members of the staff receive an allowance of 2s. per day. 4, Two-thirds of the expenditure involved up to a maximum of £2,000. 5, 10 charged and 6 convicted. 6, 156 charged and 113 convicted.

### MENTAL DEFICIENCY BILL SELECT COMMITTEE.

*Report presented.*

The Minister for Health brought up the report of the select committee appointed to inquire into this Bill.

Report received.

Ordered: That the report, with the evidence, be printed, the Bill reprinted in accordance with the report, and consideration

of the Bill in Committee made an Order of the Day for the next sitting.

Hon. Sir James Mitchell: Is the evidence worth printing?

The Minister for Health: It is and it has already been printed.

### BILL—ROAD DISTRICTS ACT AMEND- MENT.

*Third Reading.*

THE MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [4.42]: I move—

That the Bill be now read a third time.

HON. G. TAYLOR (Mount Margaret) [4.43]: I should like to mention one matter before the Bill passes the third reading. I was ill when the Bill was dealt with in this House. The measure contains a clause that will make it almost impossible for the local affairs in some of the goldfields districts to be administered. I refer to Clause 6 which seeks to amend Section 9 of the Act by substituting the word "six" for "three," and will mean that road boards having an income of less than £600 will cease to exist. That will wipe out the road board in the district I have represented for many years, and in my opinion it will be impossible for any road board that absorbs that district by amalgamation adequately to safeguard the rights and interests of the ratepayers, owing to the big distances that will have to be traversed. I do not know whether the matter was discussed on the second reading or in Committee, and I do not know whether I could successfully move for the recommitment of the Bill. It seems to me that the present Government have weakened the whole of the representation of the goldfields. At their request the Parliamentary representation of the goldfields is to be reduced, and this measure will have the effect of reducing the facilities for attending to the local affairs of some of the goldfields areas. The Mt. Margaret Road Board extends north and north-east 100 odd miles from Laverton. If the district is absorbed by the Leonora board, which is 70 or 80 miles further south, how on earth will the Leonora board be able to look after that vast area? It will have the effect of making the administration much more expensive than if we retained the £300 limit specified in the prin-

cipal Act. Several of the road boards could manage to meet the £300 requirement, but it would be impossible for them to meet a requirement of £600 without taxing the people too heavily. I am sorry I could not be here to say these things on the second reading and during the Committee stage. I hope, however, that any suggestions made in another place will receive the Minister's consideration; and I sincerely trust that the Government do not wish to depreciate the importance of the goldfields by reducing the status of goldfields road boards.

Question put and passed.

Bill read a third time, and transmitted to the Council.

### **BILL—RESERVES.**

Report of Committee adopted.

### **BILL—CRIMINAL CODE AMENDMENT.**

#### *Second Reading.*

Debate resumed from the 18th September.

**THE MINISTER FOR JUSTICE** (Hon. J. C. Willcock—Geraldton) [4.49]: I do not intend to take up much of the time of the House on this measure, seeing that a similar Bill was before the Chamber some two years ago, and that on the occasion in question I dealt exhaustively with the object intended to be served. The present Bill, however, differs materially from the former measure, inasmuch as the latter proposed that evidence as to mental deficiency or otherwise be given in court, and that the court itself, or the jury and judge constituting the court, should render a verdict in accordance with the evidence submitted. The present measure provides for a departure from a fundamental principle of criminal procedure throughout the British Empire, namely that the court shall give the decision. The Bill refers to crimes for which the penalty is capital punishment—I think murder is about the only crime which now entails the death penalty. The present Bill entirely takes away from the court the right to express an opinion whether capital punishment shall be inflicted or not. It says that the person charged shall be brought before a board composed of three or four persons, one of whom shall be a medical man, and another a psychologist or alienist. This

irresponsible body so far as the law is concerned—I do not use the term “irresponsible” offensively at all—shall give the decision whether the law of the land is to be carried out or not. People who are brought before the court have to stand their trial in public, when evidence is given on both sides, and either side is at liberty to be represented by counsel. Every witness has to submit to cross-examination, generally severe cross-examination, on his evidence; and whatever is brought out in cross-examination is there for the information of the judge and jury. The jury, having heard all the evidence, all the cross-examination, the speeches of counsel and the summing-up of the judge, give their verdict. I do not think we should depart from a principle that has so much to commend it. In my opinion we should leave the law to be administered by the courts of the land. That is a principle of our law from which we should not depart in any way. We should not hand over that function to a committee formed of certain persons who, by reason of occupying certain positions, may entertain violently sympathetic opinions regarding the infliction of capital punishment—that, it is true, applies to jurors as well—and may make a report which is determined by their sympathies rather than by the actual facts submitted to them. On the other hand, of course, the board may not act in that way: but still the fact remains that upon the board bringing in a report, that report, under the Bill, must be acted upon by the court at a subsequent sitting. I consider that the persons constituting the board should come before the court and state their reasons for the conclusion they have come to, and that counsel on either side should have the opportunity to cross-examine the members of the board and thus bring out the full facts as to the mental deficiency or otherwise of the accused person. It has always been the foundation of British court procedure that after having heard all the evidence and considered all the facts brought forward either in favour of the accused or against him, the jury shall give the decision.

Hon. Sir James Mitchell: Who is going to try those on the jury and everyone else concerned?

The MINISTER FOR JUSTICE: We are entitled to assume that those serving on a jury are of average mentality, and are sufficiently intelligent to render a verdict in accordance with the facts placed before them.

We do not want a hole-and-corner method of saying that this question shall not be tried in open court, but that two or three persons shall meet in secret conclave and that whatever they decide shall be ratified by the court. The more open our court procedure is, and the more fully the facts in relation to any crime or in relation to mental deficiency or mental efficiency are brought out, the better it will be for everybody. I had no objection to the previous Bill of the member for Perth (Mr. Mann), which gave authority for people to testify on these lines; but I do object to a Bill which refers something that has always been dealt with by the court to a committee who, as I have said, may meet in secret conclave and arrive at a finding without being in any way cross-questioned.

Hon. G. Taylor: And the Committee would not be answerable for their finding either.

The MINISTER FOR JUSTICE: That is so; they would not be in a position of responsibility. They are not to be bound to give any reason before any responsible body as to their decision, as to what authority they have for arriving at such a decision, or as to what tests they have applied. The person accused is to be submitted to the board for examination, and the board then—

The Premier: That is a highly dangerous principle.

The MINISTER FOR JUSTICE: Yes. The House would not be justified in passing a Bill that confers such a power. There is no reason why in the case of an accused person assumed to be mentally deficient evidence on that aspect should not be submitted to the court, when the experts' opinions could be tested by cross-examination. That, I submit, is the proper way of bringing such testimony before the court. The proposal of the Bill is so wide a departure from established procedure that I hold the House would be unwise in passing the measure. On the former Bill I said that I agreed with the mover it was utterly unjust for a person of the mentality of a child of 10 or 11 years, though perfectly sane, just as sane as the child of 10 or 11, and normal in the sense that a child of 10 or 11 is normal, to be subjected to the same punishment as a person of full mental capacity. In the present state of our law such a person can, however, be sentenced to death; and unless the Executive intervenes, the sentence will be carried out. A

thrill of horror would run through the community if a child of 10 were sentenced to capital punishment for the commission of a crime.

Mr. Thomson: But one could not imagine the sentence being carried out.

The MINISTER FOR JUSTICE: No; yet psychological examination has definitely determined the extremely deficient mental capacity of certain persons. Many people are sceptical as to the reliability of such an examination. However, there has been a great advance in the science of psychology during the past 10 years; and psychologists and psychiatrists claim to be perfectly able to determine the mental capacity of individuals. Possibly there is necessity for amendment of our law in regard to the punishment of mental deficients having the intellect of a child of 10 or 11 years. If such a fact were demonstrated to a court, no judge would pass sentence of death. At present the law provides no means of suspending punishment in the case of such a person; it is entirely a matter for the Executive Council, who advise the Governor. In that respect, I repeat, there is need for amending our law. Possibly, after we have had experience of the working of the Bill relative to mental deficiency, we shall be in a better position to discuss that aspect. Without committing the Government in any way, I may express the personal view that I would be prepared to support a measure rendering people liable only to such punishment as would be applicable to persons of their degree of mental responsibility. If they are mentally irresponsible or possess the mental capacity of a child only, they should suffer such punishment as would be meted out to children. Without further reference to the measure on my part, hon. members will realise the position. While in sympathy with the object the hon. member had in introducing the Bill, I am entirely out of sympathy with the manner by which he desires to give effect to his wish to have mentally deficient persons made responsible to the law according to the terms of the Bill.

HON. SIR JAMES MITCHELL (Northam) [5.1]: The Minister knows that no man in this State has ever been hanged when he has been proved to be insane.

The Minister for Justice: But we are not talking about insanity.

Hon. Sir JAMES MITCHELL: No man in such a position has been hanged, with-

out any such Bill as that before us. Without this legislation, we have proper safeguards provided in connection with our Executive Council.

The Minister for Justice: But insanity and mental deficiency are two entirely different things.

Hon. Sir JAMES MITCHELL: Yes, but the Minister knows that a man who is sentenced to death should be one who is mentally capable, and all due inquiries are made with regard to him. Governments are not anxious to hang a man if it can be avoided. Rather the reverse has been the position, for I think we have been a little too merciful at times. If a man commits a murder, he should suffer for it. That is the law and so long as it remains the law, it should be carried out. The Executive Council always confers regarding a man who has been sentenced to be hanged. Before it gets to that stage, the condemned man has the right of appeal against the sentence imposed upon him. If it could be shown that men have been executed who should not have been, we might be prepared to give the Bill more consideration. I think the past has shown that men who should have been hanged have been released. That has been made clear when they have come before the courts for a second offence. I am positive that no one would desire to take a man's life if it could be avoided. Someone has said that "the mind is the man," and when that fails him, he is little better than a brute beast. I think that is true. When a person is sentenced to death, we show him all possible mercy if we can find any possible excuse for doing so. The Minister knows that that is done, without the necessity for the Bill that is before us now.

The Minister for Justice: The Bill has for its object an alteration in procedure. The question is, should these steps be taken in open court, or by a special committee?

Hon. Sir JAMES MITCHELL: Yes, without calling evidence in court! The proposed board will be appointed to examine the accused person in private. I agree with the Minister that that is not necessary. I would support the Bill if I thought we were a blood-thirsty people anxious to have persons hanged. We are not a blood-thirsty people. No Government has ever allowed a sentence to be carried out without going

into the whole case carefully. All Governments look for some excuse to reprieve a condemned person.

The Minister for Justice: The court is the authority that should exercise these functions.

Hon. Sir JAMES MITCHELL: I think so. I am perfectly certain that no Government ever wanted to take a man's life.

Mr. Sleeman: But innocent men have been hanged.

Hon. Sir JAMES MITCHELL: I do not know that they have. I know that I had a very unpleasant time when I had to give consideration to the first case of this sort that came before me. When Governments have had to consider the position of a condemned man, people have protested against the law as it stood. When such people came to me I said, "I believe in the law as it stands. If you do not, you must take some opportunity to have it amended." Generally speaking, those people have thought no more of it until the next time a man was sentenced to death. Hon. members must realise that in these days life is regarded cheaply. Almost daily we read of instances of persons having been poisoned, shot or killed. Such happenings are much more frequent now than in previous years. Countries that have abolished capital punishment have had to revert to it.

Mr. Sleeman: What country has had to revert to it.

Hon. Sir JAMES MITCHELL: The Minister reminded us that some men possess the brains of a child. Some men have developed part of the way. A man may possess a brain that is useful to the extent of 80 per cent. and he may be quite capable as a business man. Ten per cent. of his brain may be undeveloped, and the rest may be that of a child. Which percentage is to count under this legislation? I am afraid if we agree to the Bill we will find ourselves making it quite easy for most murderers to be reprieved instead of being hanged. I do not think the Bill contains much to commend itself to us. I do not propose to support it unless it can be shown that the law in this State has not been sufficient to protect those who are insane and commit murders without knowing what they have done. If a man does appreciate what he has done, then he should suffer for his crime. Nothing in connection with the administration of the Act so far has been such

as to make us believe that the proposed amending legislation is required.

On motion by Mr. North, debate adjourned.

## **BILL—HIGH SCHOOL ACT AMENDMENT.**

### *Second Reading.*

**MR. DAVY** (West Perth) [5.10] in moving the second reading said: This is a short Bill that has one purpose only, namely, the changing of the name of the High School to Hale School. That change is desired by all the persons who are concerned. Firstly, it is desired by the governors of the school, who are a body corporate appointed by the Government; secondly, by the staff and boys of the school; and thirdly, by the Old Boys' Association. I submit that the Bill is really a domestic matter that should not concern anyone else. But owing to the fact that the High School itself was constituted by an Act of Parliament, it becomes necessary to approach Parliament to authorise this change. That being necessary, I must convince Parliament that the change should be authorised. It may be wise for me briefly to trace some of the history of the school. It was founded in 1876 in its present form by an Act of Parliament. The preamble to the Act set forth that, in the opinion of the Legislative Council, as it then was, it was necessary there should be established in Western Australia a school similar to the grammar schools in other States, at which boys might receive more advanced education than they could get at the primary schools. The Legislative Council created a board of governors, and also undertook to grant a subsidy not exceeding £500 a year, provided that an undenominational education of a secondary nature was furnished and that the fees chargeable did not exceed £12 a year. As the Government were making that contribution, it was obvious that they should be entitled to a voice in the management of the school and should have the right to veto any particular action proposed, together with the right to dictate, or, at any rate, to supervise, the type of education given. In 1883 the subsidy was found to be insufficient and it was increased to a maximum of £1,000 per year. Then in 1892, the appointment of governors was entrusted to the Governor in Ex-

ecutive Council, instead of being vested in the Legislative Council. Subsequently in 1912, by which time the Government secondary schools were established, the subsidy was abolished, as well as the limit on the fees chargeable. However, the school still remained subject to the approval of the Government and it remains so still. The governors of the school are actually appointed by the Governor in Executive Council whenever vacancies occur. The practice has always been for the governors appointed to be persons recommended by the Board of Governors. In 1920 there was a surge of democracy.

Mr. Kenneally: And another in 1929.

Mr. DAVY: The one in 1920 was wiser and better than the surge in 1929, because I had something to do with the earlier one. There was a strong demand made by members of the Old Boys' Association for representation on the Board of Governors, and a Bill was introduced to amend the Act, with the result that the association was given representation to the extent of three nominees of that organisation of the board of governors. They still have to be appointed by the Governor in Council, but an election by the Old Boys' Association is held when the occasion arises, and then the Governor in Council appoints the person recommended. So there really is now no interest, except a moral interest, in the government or control of the way that school is conducted. Although at one time I thought it might be reasonable to come to Parliament and ask that our statutory charter should be abolished, I think the better opinion was that we would like to preserve our statutory charter as being part of the history of the school. And in any event, perhaps Parliament is entitled to retain some control over it, because it was founded by Parliament and the property it owns came originally by grant from the Government representing the people of Western Australia. The founder of secondary education in Western Australia was Bishop Hale, a Church of England Bishop, in 1858. In that year he established a school known as Bishop Hale's Collegiate School. I do not vouch for the accuracy of the titles I shall use or the information I shall give, but substantially what I say will be correct. That school, Bishop Hale's Collegiate School, was established in 1858. It carried on for some time, and I believe it,

too, got a statutory charter, which I am informed was passed in 1858 or thereabouts. But that school fell on evil days and more or less closed down, and its place was taken for a time by a private school. Subsequently that private school also fell on evil days, and I suppose it was its inability to carry on which prompted the passage of the High School Act of 1876. Shortly afterwards that private school, which was the lineal descendant of Bishop Hale's Collegiate School, shifted over, lock, stock, and barrel, staff and boys, to the new High School. So we modern boys of the High School have always claimed that if we are not of the same school as the original Bishop Hale's Collegiate School, we are at any rate the lineal descendants of that school. There never has been a break in the continuity, and we claim that we are entitled to say, if not that we are the same school, at all events we are lineally descended from that school.

The Premier: Did the second school carry on until the establishment of the High School?

Mr. DAVY: Yes. Presently I shall quote from a letter courteously handed to me by the Premier, which in matters of fact I accept as being entirely correct. Our object in making this alteration in name is that in this, Western Australia's centenary year, we would like to commemorate the name of a great man, as he was, as a figure in the foundation of education in Western Australia. But before doing so we thought it would be only proper to obtain the approval of his representative on earth to-day. We ascertained through the Government of Tasmania, where Bishop Hale's family now live, that the eldest son or the person able to speak for him, is one Harold Hale of New Norfolk, Tasmania. On the 20th September we sent him a telegram as follows:—

Perth High School desires to mark the centenary year of Western Australia by commemorating the name of the founder of secondary education in this State, your father, Bishop Hale. It proposes therefore to change the name of the school to Hale School. Already some years ago it adopted your family crest as its crest. Governors of the school desire your approval of the change of name before taking any action. We apologise for telegraphing instead of writing, but expedition was necessary because legislation must be carried to achieve our object, and time is short.

In answer to that telegram we received another reading as follows:—

Entire approval. Grateful thanks to governors for honour to my father's memory. Writing.

On the strength of that we contend we have taken every step which was precedent to our doing what we propose to do, and the Bill was printed and has been brought down here to-day. As I have said, the Premier has handed me a letter which was written to the Diocesan Secretary of the Church of England, who is, I suppose, the executive head of the Church of England's organisation. That letter was written by Mr. Alfred E. Burt, who is an old boy of the original Bishop Hale's Collegiate School. Mr. Burt writes—

Dear Sir,—I would ask you to bring before your trustees the following facts, which evidently are not known to them. The Rev. Matthew Blagden Hale opened a school called Bishop Hale's School, on the 28th June, 1858. On the 18th August, 1865, an ordinance was passed (29 Vic. 12) to incorporate the governors of the Church of England Collegiate School. On the 7th September, 1865, Bishop Hale conveyed the school property to the governors of the Church of England Collegiate School, and their successors and assigns for ever, viz., Perth Building Lots H1 and H7. Bishop Hale's School then became the Church of England Collegiate School, but was better known and spoken of as Hale's School. In 1875 Bishop Hale resigned his episcopate, and went to Brisbane. In 1876 the Church of England Collegiate School languished for want of sufficient support, and in the same year Act 40, Vic. 8, was passed, called the High School Act of 1876. This Act makes no reference to Bishop Hale's School nor to that of the Church of England Collegiate School. After the Church of England Collegiate School closed down in 1876 the late Col. E. F. Haynes, who had been second master, carried on a private school in the collegiate school buildings. Bishop Hale's School ceased to exist in 1865, and was followed by the Church of England Collegiate School, which also ceased in 1876, and was followed by a private school which was a private school up to the 1st March, 1878, on which date the High School opened, Col. Haynes going over to said school with his boys on its inception.

From that passage it is perfectly apparent that, so far as the staff and the boys of those schools were concerned, they were continuous. Mr. Burt's letter continues—

I would point out that Act 29, Vic. 12, stated that the headmaster must be a clerk in holy orders, holding the license of the Lord Bishop of Perth, and Act 49, Vic. 19, Section 2, which repeals Act 29, Vic. 12, vests land in "the Standing Committee of the Synod of the W.A. Branch of the Church of England for such educational purposes as such com-

mittee shall consider to be most nearly in accordance with the objects for which the said school was originally established." This was so up to the time Colonel Haynes started his private school. In the face of this I contend that the High School has no right whatever to claim that their school was founded in 1858, and no right to call the old Hale's School boys old High School boys. In justice to Bishop's Hale's memory, and as a matter of history, it ought to be corrected, and I think your trustees might be asked to have the correction made. I note that in the "West Australian" of the 13th July, 1929, under the heading "The Old Barracks (by J. S. Battye)," an error is made in stating that the High School in 1876 re-established by Act of Parliament the old Bishop Hale's School. It did nothing of the kind, as I have shown. The Guildford Grammar School, under private Act 60 Vic. might say they re-established the Hale's School. You may make what use you like of this letter.

I understand that the Diocesan Secretary and Archdeacon Huddleston have interviewed a member of the Cabinet and stated that members of the Church of England would strongly resent the changing of the name of High School to Hale School. I do not know by what right those two gentlemen speak with such authority. The fact is that one of the governors of the High School is the Rev. C. L. Riley, son of the late Archbishop, and an old boy of the High School. I find it difficult to imagine anybody better able to gauge the feelings of the Church of England in this matter than is the Rev. Riley. I am sorry if I have wearied the House by reading a long screed, but obviously if any gentleman outside the House, and so not able to express his views here, has an objection, I want members to know fully of it. But what is the objection? But for our charter, actually we are entitled legally to change our name to any other name. The school desires it, the old boys desire it and the governors desired it and the only person who can speak for the family of the late Bishop Hale acquiesces in it. So, surely we have done all that is possible and there can be no valid objection to the proposal. This question of connection or no connection between Bishop Hale's school and the High School has always been a foible with Mr. Burt. All the other old boys of Bishop Hale's school are members of the High School Old Boys' Association and are glad to be members; in fact, at the present time some of the present Board of Governors are really old boys of Bishop Hale's school. I can see in Mr. Burt's viewpoint no valid objection to what we

propose. I do not want to claim anything that is wrong for the High School, but whatever Mr. Burt has said does not seem to me to affect the question whether it is proper to change the name of the High School to that of Hale School with a view to commemorating the name of the gallant old gentleman who started secondary education in Western Australia. I move—

That the Bill be now read a second time.

**MR. ANGELO** (Gascoyne) [5.27]: As perhaps the oldest High School scholar in this House, I welcome the Bill. I joined the High School in 1882 and had the privilege of being a scholar of that school for three years, when I became a civil servant of the State, joining the department now controlled by the Minister for Works. I have very kindly recollections of that dear old man, the late Colonel Haynes. He gave us some very good instruction and also some very severe punishment. I remember on many occasions spending anxious hours under his tuition in the room in which the Minister for Works now has his office.

The Minister for Works: I have remarked upon the atmosphere there.

**Mr. ANGELO**: The school extended, and it became necessary to secure rooms in the old Barracks, and the room now occupied by the Minister for Works was used by Colonel Haynes as a class room. Also I am pleased that the Bill has been brought down because prior to my joining the High School I was at Hutchin's school, Hobart, and the captain of our cricket team was Mr. Harold Hale whose letter thanking the school governors for the compliment they are paying to his father was read out just now by the member for West Perth. I saw Harold Hale some few years ago, and we exchanged old reminiscences of our school days and our cricket adventures. I am very glad for his sake that this change of name is suggested, and very strongly recommend the House to accept the Bill.

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—CREMATION.***Second Reading.*

Debate resumed from 25th September.

**MR. THOMSON** (Katanning) [5.35]: I congratulate the member for Claremont (Mr. North) upon having brought down this Bill, which is long overdue. During my recent travels, particularly in India, I was much impressed by the manner in which the people of that country disposed of their dead. We are apt to look upon them as an inferior race, but from the hygienic point of view, in respect to burial, they can show us a number of points. Provision is made in the Bill for the regulation of the charges that may be imposed for services rendered in the various crematoria. I almost wish that the same system could apply to the regulation of prices charged under the present system of burial. From the information one receives occasionally, I feel that some of the charges that are levied upon those who have lost their loved ones amount to nothing short of bare-faced robbery. Although I am not in favour of price regulation as a rule, I think here is something concerning which the Government might well make an inquiry. I have been informed that the charges for burial services are out of all proportion to what is just and fair.

Mr. Kenneally: Once a form of price-fixing was suggested, no doubt the hon. member would find some reason to vote against it.

**MR. THOMSON**: I congratulate the member for East Perth upon his consistency. When he thinks that a member is putting forward something in which he honestly believes, it is his habit to make an interjection of that sort. The matter was brought under my notice recently, and I believe that exorbitant charges have been made. If the hon. member is consistent, instead of interjecting as he has done, he should support the idea, being a keen price-fixer himself, that some change should be brought about in the present system. That, however, would be too much to expect of him. I support the second reading of the Bill. An enormous amount of money is spent under our present system. One has only to visit the Karrakatta Cemetery to realise how much money is laid out in monuments and the like. In the case of that

cemetery the capital involved must run into hundreds of thousands of pounds. That is not economical, and the system is not hygienic. I support the Bill.

On motion by Mr. Sampson, debate adjourned.

**BILL—ALSATIAN DOG.***Second Reading.*

**MR. LINDSAY** (Toodyay) [5.38] in moving the second reading said: Members will probably notice that this is a drastic measure. It must be drastic if its provisions are to be enforced. I hope when members come to discuss it they will bear that in mind. As a private member I cannot do anything to cause expense to the Government, and therefore I was obliged to look to that point when I framed the Bill. I am not bringing this matter before the House with any idea of putting forward my own views. The subject has been discussed by every organisation directly concerned in the agricultural and pastoral industries of the State. Every one of these organisations is unanimously in favour of prohibiting the importation of Alsations into Australia, and of steps being taken to sterilise or destroy dogs already in the State. They believe, as I do, that there are sufficient Alsations in the State to become a menace to the pastoral industry if allowed to breed, and even to human beings, particularly women and children in the country districts. It may be said that in other countries these dogs are allowed to breed without restriction. Those countries are not the same as Australia. Ours is a country of wide spaces. We have numbers of sheep stations which are already troubled by wild dogs. We are therefore in a unique position. Although Alsatian dogs may not have done so much damage elsewhere, we believe that if they are allowed to breed they will cause a great deal of damage in Australia. I have here a report of a conference of Ministers of Agriculture held in Melbourne on the 12th and 13th June of this year. Item 17 on the agenda deals with Alsatian dogs and the prohibition of further importations. Mr. Cowan, who I understand is Minister for Agriculture in South Australia, brought the matter forward. He congratulated the Commonwealth Government upon the steps taken to pre-

vent further importations, and said that it was the duty of the various States of Australia to follow this up by preventing the dogs from breeding. The report I have is a verbatim one, but I shall not read from it any more than I can avoid quoting. Mr. Cowan was followed by Mr. H. F. Walker, Minister for Agriculture in Queensland. He is a cattle breeder and has had a great deal of experience of dingoes. He was very emphatic in his statement when he said—

Speaking as a cattle grower—I have not consulted our department—I can assure you that if the Alsatian dog gets out and mates with the dingo we will never be able to combat the progeny. They will have the cunning of the dingo combined with the size of the Alsatian. I think we can overcome the difficulty if we pass legislation to that effect, but let us be unanimous, because I look upon that animal as a menace, particularly in Queensland and where we have such a small population in proportion to area, and where large areas are required in Western Queensland to keep anybody going. That is the way I feel on the matter. I would like to see both the males and females sterilised so that they cannot cross with the dingo and breed. During this month I happened to see a dingo playing with a tame dog just as though they had been friends for a number of years.

The Director of Agriculture in Western Australia, Mr. Sutton, also attended the conference, and said—

I would strongly support any measure to deal with these dogs, without the payment of compensation. I would recommend they be sterilised; we have to stop them increasing and I do not think we can do better than follow the fine example set us by the Commonwealth Government.

The Hon. H. V. Thornby, Minister for Agriculture in New South Wales, said—

I am quite agreeable to the prohibition of these dogs. I know that in Sydney alone there are sufficient Alsatian dogs to over-fill the Commonwealth within about five years, so to my mind the prohibition is now futile.

The most important part of the debate was comprised in the remarks of the Chairman, who is Minister for Agriculture in Victoria. As he dealt with a certain case, I intend to read his statement to the House. It is as follows:—

I may say I have had an experience that I would not wish to see befall any other member of the conference. It was in connection with the Alsatian wolfhound, as it is called. My daughter was presented with one of these wolfhounds in 1926. It was presented to her by a lady in London, who sent it out here free of expense. I took possession of it in

November, 1926, and took it home. In April of the following year I very nearly lost my daughter through an attack made on her by that dog. It attacked her without any warning, and ripped her from ear to ear. Eleven stitches had to be inserted in the wound by the doctor. It also put its teeth right through her right breast, also through her right shoulder and through her left leg. She never got over that shock for 12 months and even to-day it takes very little to excite her. For weeks and weeks it was very doubtful whether we were going to save her at all, and for close on nine months the doctor warned me he was afraid of permanent melancholia in her case. You can therefore judge my feelings in regard to the Alsatian dog. It is a one-man dog, that is about all it is. The Alsations are intelligent dogs; there is no doubt about that; but only one man should handle a particular dog and he should be master of that dog. All I can say is, give them a wide berth, because the wolf instinct is there and they are on the go moving about from morning until night; they cannot rest.

Hon. H. F. Walker: Cross that dog with the dingo and the progeny will be worse.

The Chairman: I am in favour of any action being taken regarding these dogs to do away with them. So far as I can see they are not going to be an acquisition to the State in any shape or form. My daughter was 23 years of age when she was attacked; she was not a child. That dog knocked her down twice, and when I rushed out to pick her up it had its two paws on her shoulders and was sucking at the blood.

Hon. J. Cowan: It seems that Ministers are agreed on this matter, and I would move the following motion:—

That this conference of Ministers of Agriculture places on record its appreciation of the Commonwealth Government in prohibiting the further importation of Alsatian dogs and agrees to recommend to their respective Governments to introduce legislation at the earliest opportunity to destroy or sterilise all Alsatian dogs in their respective States.

That motion was carried by the conference.

The Premier: When was that conference held?

Mr. LINDSAY: On the 11th, 12th and 13th June last. I have also a copy of a letter addressed to the Prime Minister, which reads—

A conference was held at St. George's House, Perth, on the 30th May, 1928, between gentlemen representing the Merino Stud Sheepbreeders' Association of W.A., the Pastoralists' Association of W.A., The Primary Producers' Association of W.A., the Royal Agricultural Society of W.A., the W.A. Branch of the Australian Society of Breeders of British Sheep, and the Road Boards Association of W.A. As a result I have been directed to forward you the following resolution, which was carried unanimously:—

That this joint conference of representatives of the whole of the stock owners of Western Australia request the

Federal Government to immediately prohibit the entry into Australia of dogs known as Alsations, as they are in the near future likely to become an even greater menace to the stock-raising industry of Australia than the dingo.

I might also mention that I have an extract from the "West Australian" of the 16th January, 1928, showing that the Central Vermin Board carried a resolution recommending the prohibition and destruction of the Alsatian, and in support of that attitude the case was cited of an Alsatian dog in Great Britain which took to sheep-worrying. The whole countryside, with guns, turned out against it, but when the mail left England the dog was still free and carrying on his mauling of flocks. I have also copies of resolutions passed at the conventions of the Graziers' Federal Council of Australia. The 41st convention carried this resolution—

That this Graziers' Federal Council of Australia representing practically the whole of the graziers in the Commonwealth, views with much concern the increase of the Alsatian dogs in Australia, and as a preliminary step towards their eradication makes further representations to the Commonwealth Government with a view to their being prohibited to enter Australia.

At the 42nd convention of the same Council objection was taken to the Federal authorities prohibiting the importation of Alsatian wolf hounds for a period of five years only, and the Government were requested to place a definite ban against the introduction of the dogs and to take the necessary steps to have all the animals at present in Australia either sterilised or destroyed. I have been dealing with the recommendations of bodies directly interested in the pastoral and agricultural industries of Australia. Now I intend to refer to the attitude of those bodies that are interested in the breeding of dogs. In Western Australia we have two of these organisations, the W.A. Kennel Club and the W.A. Canine Association. The latter, in February, 1928, appointed a committee to inquire—

1. Whether the Alsatian wolf dog is a menace to the pastoral industry.

2. To collect data regarding the merits, habits and general use, if any, of breeding the Alsatian dog in Australia.

3. To state whether the Alsatian dog should be prohibited by the Commonwealth authorities from entering Australia.

The committee, composed of men with 20 to 35 years colonial and international experi-

ence in canine affairs, arrived at the following decisions:—

1. The long list of convictions registered against the Alsatian wolf dog throughout Great Britain, as ruthless sheep killers, constitutes them a menace to pastoral pursuits in Australia, or any other country.

2. (a) Their intelligence does not exceed the cunning of the average cross-bred dog, and is undoubtedly inferior to such pure-bred shepherd dogs as the bearded Scotch Collie, the smooth-coated Collie and the rough-coated Collie, as well as the Australian production, the Kelpie. (b) The pronounced habit of the Alsatian dog is collusion; singly they wander; in pairs they reach agreements; and in greater numbers, if given the opportunity, they form packs. (c) There is no useful canine function for the Alsatian wolf dog in Australia that is not better performed by breeds of dogs already established here.

3. The Alsatian wolf dog should be prohibited from entering Australia for the reasons given above and the very grave danger that would accrue from the inevitable promiscuous matings and the resultant mongrel type of dog such matings would let loose in our vast unprotected areas and stock-running country.

The Western Australian Canine Association endorsed the report and placed on record its appreciation of the painstaking investigations of the committee, and instructed the secretary to publish the report and send a copy to all interested bodies. The Road Boards Association of Western Australia also dealt with the subject and sent me copies of resolutions that were carried at a conference. Copies were also sent to the Government, the Royal Agricultural Society, the Primary Producers Association, and the other bodies interested. I have also a copy of a letter that was sent to the Minister for Agriculture by the secretary of the Pastoralists Association on the 25th July, 1929. It reads—

During the recent 42nd convention of the Graziers' Federal Council of Australia, which is comprised of representatives of the Pastoralists' and Graziers' Associations of each State of the Commonwealth, a motion was unanimously passed instructing each of the federated associations to make representations to the State Governments with the request that action be taken to either destroy or sterilise the Alsatian wolf hounds at present in their respective States.

Then they sent along a copy of the resolution that was carried at the conference of Ministers for Agriculture.

Mr. Sleeman: The importation of the dogs is stopped now, is it not?

Mr. LINDSAY: Yes. Now let us see what has been done in the other States as

a result of the conference of Ministers for Agriculture. I have a copy of the Bill that has been introduced in the Tasmanian Parliament by the Minister for Agriculture of that State. I might say that my Bill is drafted mainly on the lines of the Tasmanian Bill, but I think that mine will be more effective in respect of the definition of Alsatian dogs. I agree that it is difficult to define Alsatian dogs. New South Wales has in force an Act of Parliament called the Pasture Protection Act. Recently a deputation waited on the Minister for Agriculture there and they were given to understand that it was intended this session to amend the Act to provide for the sterilisation of Alsatian dogs. With regard to Queensland, I have a cutting from the "West Australian" showing that in Brisbane on the 11th July a deputation waited on the Minister for Agriculture and asked that no action be taken in the direction of destroying or sterilising Alsatian dogs, as recommended by the conference of Ministers for Agriculture. The Minister replied to that deputation that he could hold out no hope in the direction desired. I do not know what has been done in South Australia or Victoria. With regard to the dogs themselves, the owners will tell you that there is no wolf in the breed. At one time owners were not too particular about that; they would call the dogs Alsatian wolf hounds. To-day, however, these dogs are called Alsatian shepherd dogs, German police dogs, Swiss police dogs, and other names—anything except wolf hounds. I should like to read an extract to show that the Alsatis are of the wolf breed. Personally, I do not know—and neither do, I think, any of the breeders in Australia know—very much about the Alsatian except what it is possible to read about it. There are experts who have published books on Alsatian dogs and a recognised authority is Lieut.-Col. E. H. Robertson who, I understand, was in control of the British dogs at the war. He has published a book on Alsatis and he gives the history of the breed. He writes—

Since the first edition of this book was published a good deal of interest and also of controversy has been aroused by some amateur police dog trials which have taken place in this country. There is a good deal of misunderstanding as to what these trials are supposed to represent and also as to the capabilities and origin of the dogs, which are shown doing the various exercises, and perhaps it

may be of interest to go fully into this matter. For this reason a special chapter has been added dealing with the subject.

The breed used has been the German sheep dog, which is at present incorrectly known in this country under the name of the Alsatian wolf dog. The general public are confused because they find that all the history of this so-called Alsatian seems to lead to Germany and German methods of training. They cannot understand it, and so the following remarks may give some enlightenment.

The history of this breed is as follows:—For many generations this wolf-like dog had been used by the shepherds of Germany for guarding the sheep. The dogs of South Germany were of a larger size than those in the north, and one or two German breeders thought that by crossing the two types they could get a larger and stronger dog. The shepherd dog had always been crossed every now and then with wolves to keep them fierce, and now that the large strong dog was purposely manufactured by expert breeders, it was again thought advisable to bring in a strain of wolf once more to ensure the character, and several of the first dogs registered in the German Sheep Dog Club were half wolf. This accounts for the curious character of the breed, the mixture of timidity and ferocity which lurks in so many of these dogs.

Herr Meyer and Captain Von Stephenitz originated this amalgamation in the first place and formed the club in 1899 at Stuttgart, the capital of Wurtemberg. In all wild beasts there is a certain furtiveness which is very difficult to overcome, and this is noticeable at once in the progeny of any domesticated animal which may become crossed in such a way. The Germans, however, find this fierceness satisfactory from their point of view when the dogs are used with their police. There are two reasons for this, one being that the German police prefer a dog capable of serious attack. Their law does not, as with us, pre-suppose the innocence of the prisoner until guilt is proved. In Germany there is also nothing like our sensitiveness to public opinion with regard to people being bitten.

The German police dog, as trained by the German police, is a powerful animal, capable of great severity. That such an animal needs a considerable amount of control may well be understood, and with the usual capacity for dragging everything with which he comes in contact, the German official has instituted a form of training "according to plan" in which strict discipline is inculcated by various words of command. This discipline is strictly necessary with such a dog, as otherwise it would be very unsafe in public. As it is, one sees persons constantly being attacked in Germany by such dogs in a manner which would never be tolerated over here.

As witness to this wolf cross, I would refer to such breeders as Herr Strebel and Monsieur Sodenkamp, well known Continental breeders, who bear testimony to the fact of the crossing with the wolf. As a matter of fact, I find from personal investigation that the cross is still being made at local zoos in Germany. This is now not openly divulged in England, although no secret was made of

it to me in Germany. I have already explained that the Germans like dogs with a streak of ferocity in their disposition. They like an attacking dog, just as hitherto they have approved of war for war's sake. They are very pleased with the wolf cross, and consider it renders the breed virile and determined. Their point of view, in fact, is quite opposed to that of dog-lovers over here. There are some English owners of the dog who are now trying to disclaim this wolf cross, but the most trivial inquiries amongst present day German breeders and exporters to this country confirm the fact, and they seem to do so with pride.

Colonel Richardson then proceeds to quote Mr. Horowitz, one of the authorities of the breed who, in his book on the Alsatian, says—

"That certain strains of Alsations do contain wolf blood can be taken for granted, if only on the authority of such a great expert of the breed as Monsieur Otto Rahm, of Switzerland, who has told us that the granddam of the well known Hector Von Wohlen was the product of the mating between a dog wolf and an Alsatian bitch." Mr. Horowitz also says, "It is quite possible we shall see anon that Alsations were crossed with wolves, but naturally the fanciers concerned in such practices kept them secret."

It will be seen from the foregoing that the only connection these dogs have with sheep is for the protection of flocks, presumably from wolves which are known to attack the sheep in parts of Germany close to the Russian border.

Colonel Richardson is not the only one who has quoted Mr. Horowitz as an expert. In the Kennel Club's championship catalogue this year Mr. C. H. Snowden, of 15 Almond-bury-road, Mt. Lawley, had the photographs of two dogs, accompanying which was the following:—

The whole dog and its expression give the impression of perpetual vigilance, strong fidelity; lively and ever watchful, alert to every sight and sound.

Those remarks are quoted as having been taken from Mr. George Horowitz, "the noted Alsatian authority." It is possible to discuss this breed only by obtaining reports from Germany, and I know of no greater authorities than those I have quoted.

The Premier: It is rather strange that the dog should be used as a sheep dog in Germany.

Mr. LINDSAY: I have explained that it is used, not as a sheep dog, but as a dog to guard the sheep against the wolves.

Mr. Latham: In Germany the conditions are entirely different from those in Australia.

The Premier: Its character depends largely on its training and evidently it is well trained in Germany.

Mr. LINDSAY: Colonel Richardson pointed out that for many generations this wolf-like dog has been used by the shepherds of Germany for guarding the sheep. The dogs were used on the Russian border as protection against the wolves that came down from the hills, not to work sheep as we in Australia work them. The dogs were employed to fight the wolves.

Hon. G. Taylor: Really to police the sheep.

Mr. LINDSAY: Yes.

Hon. Sir James Mitchell: We have a better sheep dog than that here.

Mr. LINDSAY: The Kennel Club's catalogue also contains a note regarding the Alsatian's behaviour at shows—"no fighting or snarling; no yapping; no fuss." In refutation of that claim let me read a report of what occurred at one show. The report reads—

There were wild scenes at Cruft's (London) show at the Royal Agricultural Hall when a giant Alsatian dog, one of the exhibits, escaped from its lead. The animal engaged in a terrible fight with a man, who pluckily grappled with it, and before it was checked, dashed wildly about, scattering people in all directions. Women screamed and the woman owner of the dog collapsed and had to be given assistance. "The dog seemed to have an attack of hysteria" said the secretary of the People's Dispensary for Sick Animals. "Realising the danger, one of our assistants, Mr. Jack Day, leaped from our caravan and fell on the animal with his arms around its neck. There was a dramatic fight between the animal and man, and before Mr. Day could secure the dog, it bit his thumb savagely. Man and dog rolled over and over on the ground, but Mr. Day held on pluckily. Mr. Day had to be taken to a doctor and his thumb will probably have to be amputated. It appeared that the wolf in the dog suddenly became uppermost."

I have read that by way of reply to the statement about the Alsations' nice decent behaviour at shows. There are some of those dogs in this State and unfortunately quite a number are becoming scattered through the country districts. A letter to the "West Australian" by Mr. P. J. Arkell, Miling, dated 9th September, stated—

As one who has given the Alsatian dog a good try-out, may I give my opinion on the breed in the hope that others may benefit by my experience. Twelve months ago I purchased a dog puppy from a much-advertised Alsatian breeder. The puppy was then about

three months old. He soon showed his killing instinct by killing fowls and cats at every opportunity, and it took me nearly six months to convince him that I did not approve of this, in spite of the wonderful intelligence claimed for the Alsatian. When purchasing the dog I expected to get one which would be at least some good with sheep, but here I was disappointed; although nine months among sheep, the dog was worse than useless. This is a point which none of the writers on this subject appears to have mentioned, that is whether the Alsatian dog is or is not any good as a shepherd dog. This dog was a good playmate to the children at first, but became unreliable as he got older and, after giving several unmistakable indications of the danger of allowing them to play together, I decided to destroy the brute before very serious mischief was done. In my opinion the breed is more wolf than dog. I am positive that the dog would have badly mauled one or more of the children before long. Trusting that my experience may serve to deter other farmers who may have a fancy for trying the Alsatian.

I have a copy of a letter received from Mr. R. Carroll, sheep-dog breeder of York, dated the 6th April, 1929, to the Secretary of the Pastoralists' Association, Perth. He says—

Yours of the 3rd to hand asking my experience of Alsatian dogs as sheep-dogs. I had a slut pup from a good sheep slut by the said-to-be leading Alsatian dog of Perth. We tried to teach her sheep work, but the only instinct she possessed was to kill, which she did as soon as she was strong enough. She was, of course, destroyed. Although I am in close touch with sheep men all over the State, I have never seen or even heard of a genuine case of an Alsatian being of any use with sheep.

I have also a letter from Mr. W. H. Sheridan of Broomehill dated the 29th April, 1929, in which he says—

Yours of the 15th inst. has been handed to me. I owned a pure-bred Alsatian bitch and a Kelpie-Alsatian cross dog. They caused me much anxiety while I had them. If the two got off the chain together, which they managed more than once, they would be sure to disappear for many hours and on one occasion killed and mauled a number of our own sheep. They were then only starting, as they were both young dogs. Fearing what might happen, and being sure something serious would occur sooner or later, I shot the bitch. The dog got many a hiding for mauling sheep around the homestead. I thought to cure him. In the end he cleared out one night after slipping the chain, with a little kelpie sheep dog, which was herself harmless. They were away for a couple of days or more and went many miles and killed sheep on four different properties. They were caught in the act, the Alsatian cross doing the killing, which he did in a most ferocious manner, tearing the sheep to pieces. A neighbour coaxed the kelpie to him and killed her, after which the dog made

for home, where I was waiting and ended his days with a bullet.

Now I wish to quote the report of a court case at Pinjarra.

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

Mr. LINDSAY: Before tea I was dealing with a case of sheepkilling at Waroona, as a result of which an action was tried in the Pinjarra court on the 10th June. The following is an extract from the evidence—

John Cramer said that on Friday, the 3rd May, he found that a sheep in his flock had been badly mauled by a dog. Inspection revealed 11 lambs killed, one ewe in lamb dead, and a ram and seven ewes badly injured. The ram and two of the ewes had since died. He warned his neighbours that a dog had been at the sheep. Two days later, in company with Mr. Hull, he went to the carcass of one of the dead sheep, which he had poisoned, and found beside it Wagstaff's dog lying dead. He had previously warned Wagstaff about the dog.

In giving his decision, Mr. Craig said—

There was no doubt that the defendant's dog was the one that killed the sheep.

The magistrate awarded the plaintiff £19 17s. 6d. damages, with costs. I have another Western Australian case, furnished to me by Mr. Northmore, of Narembeen, and relating to an Alsatian dog on the Glenelg Hills mining field, which belonged to a Mr. Jelly. The dog served several bitches in the district, one being owned by Mr. Witting. Mr. Witting kept the progeny that resembled the sire. One of these was afterwards caught attacking sheep owned by a Mr. Johnson, and was shot by Mr. Witting. Another one of the same litter, owned by a Mr. Munro, who left the dog behind when the mine closed down, was found to be killing sheep and was shot. In Western Australia the Alsatian dog is a recent importation, and its numbers are small; but in countries where Alsations are numerous, great outreries have been raised against them. Here I have an extract from the "California Wool Grower" of the 16th July, 1929—

The Commonwealth of Australia has just passed a law forbidding the importation of German police (shepherd) dogs to that country. The police dog is said to mix with the Australian wild dog (dingo), and cause no end of trouble to sheepmen.

Out West, in South Dakota's State Park game preserve, a hunter of the National Bio-

logical Survey has at last killed a wild German police shepherd dog, writes Arthur Brisbane in the "San Francisco Examiner," that for two years has been killing deer by the hundreds, coyotes eating the remains.

Next, I have a cutting from the "West Australian" of the 27th September, 1927, showing that the Alsations are a menace in England. If they can become a danger among the thick population and with the small farms at Home, one can easily understand how serious a menace they may become in our scattered population and amongst our large holdings. The "West Australian" writes—

#### ALSATIAN WOLF DOGS.

##### Case of Sheep-killing.

Considerable alarm has been created in the western district of Berwickshire by the depredations of an Alsatian dog which has taken to sheep worrying. Over a half score of sheep grazing on the pastures of the Western Lammermoors have been killed or required to be destroyed as a result of injuries inflicted by the dangerous runaway. The revolting savagery of the attacks has roused the whole countryside against the outlaw, and on Sunday a party of twenty guns, accompanied by a large number of beaters, went out in spite of a torrential rain in an attempt to destroy the marauder. The party on foot and in motor cars set out from Oxtou, the urgency of the case allowing no delay, although the heavy rain made visibility on the hills exceedingly poor and walking very difficult. The dog was sighted on Hartside Hill little more than half an hour from the start, and one shot was fired at it, but it was ineffective; a second was fired, with no better result, although special cartridges were used, and the dog made off. The party followed, but the search was unavailing and proceeded over the ground on which the dog had been seen on previous occasions. The farms of New Channelkirk, Gilston, Hartside and Kirktonhill were traversed without another sight of the dog being obtained, and the search, which had proceeded for ten hours, was eventually abandoned. The majority of the party were thoroughly exhausted by their walk of over twenty miles under the most depressing conditions. The war which has been declared on the runaway is continuing, and the shepherds and farmers are attending to their duties carrying firearms, for only the destruction of the Alsatian can put an end to the reign of terror in the Western Lammermoor pastures. The dog's activities have not been confined to one farm, and his speed and cunning add greatly to the difficulties of the stockmen in search of him. The dog, which is said to be a splendid specimen of the Alsatian breed, appears to be quite at home in his wild surroundings. His alarm has made him cautious, however, and

since Sunday he has been seen on fewer occasions.

There are two reasons why Alsations should not be allowed to breed in this country. One is disclosed by the information I have gathered as to sheep killing by Alsations. The other is the manner in which the Alsatian attacks human beings, especially women and children. I have here a number of cuttings bearing on the latter aspect. In England during the past 12 months or two years there has been a strong agitation against the Alsatian on that account, the columns of the Press being thrown open both to advocates and to opponents of the dog. The "Daily Mirror," the "Evening News," the "Manchester Guardian," and the "Daily News," were especially prominent in the matter. On the 22nd March, 1928, the "Daily Mirror" printed the following:—

#### DOGS KILLS 26 SHEEP.

Fifty others found injured in Pen on Surrey Farm.

##### Raid by Alsations?

One of the worst cases of sheep worrying by dogs in recent years has occurred at Addlestone, Surrey.

Seventy-seven sheep in a pen were attacked by two large dogs. Ten were found lying dead and sixteen others were so badly injured that they had to be destroyed.

The sheep were in a meadow at Green Lane, Addlestone, and belonged to Mr. H. Gosling, J.P., of Batley's Park, Chertsey.

On reaching the meadow early yesterday the under-shepherd, Mr. Humphrey, heard the barking of dogs.

"Hurrying to the pen to find out the trouble," he told the "Daily Mirror," "I saw two dogs resembling Alsations come towards me.

"As I moved round the pen they tried to get at me. They had already tasted blood, and not wanting them to come for me, I hurried for assistance. When we returned the dogs had gone.

"There was not one sheep left alive which had not a bite of some sort on it. They were huddled up in a corner of the pen with the dead and dying sheep lying about in the enclosure."

One injured sheep was found a quarter of a mile away from the pen.

Here is a case reported in the "Adelaide Mail," in the form of a cable message des-

patched from London on the 17th March, 1928—

### ALSATIAN WOLF HOUNDS.

#### Destruction of Sheep.

#### Farm Hand chased.

(Special to "The Mail.")

LONDON, March 17.

Through further savage attacks by Alsatian hounds on a farmer on the outskirts of Hastings, 25 sheep were lost. A farm hand, endeavouring to intervene, was chased and had to climb into a hayloft for safety. One of the dogs was shot, the other escaped. Twelve sheep were found dead, and 13 were afterwards destroyed.

A motorist near Cowes found several maimed and dying sheep on the roadway. They belonged to a flock of 50, which a crossbred Alsatian chased and scattered. Some of the sheep were discovered two miles away. Nine of them were either dead or had to be destroyed. The dog was caught in the act and shot, the owner agreeing to compensate the farmer.

Still another case from the "Daily Mail," of London, of the 9th November, 1927—

### SAVAGE ALSATIAN SHOT.

After a chase lasting several hours in and around Edgware, Middlesex, yesterday armed police and farmers ran down and shot a large black Alsatian wolf-dog which had become savage.

The dog had been running wild for a week, during which time it had killed seven sheep and badly mauled 10 others.

It was killed at Little Stanmore Farm, Whitechurch Lane, Edgware.

I have here several other cases showing the effect of the Alsatian on sheep, but I believe I have quoted sufficient to prove that in England and Scotland—closely settled countries—the dogs are a menace to sheep. Another phase of the subject is disclosed in this cutting from the "Daily Mirror," of the 27th March, 1928—

### ARE ALSATIANS TREACHEROUS?

Views of many Readers in fierce Controversy.

#### Heavier Tax Plan.

Ignorance of Right Treatment as Cause of Trouble.

Is treachery ingrained in the nature of Alsatis, or is this trait rare and occasioned by wrong treatment?

Fierce controversy is raging around this question, and "The Daily Mirror" offices have

been inundated with letters containing arguments for and against the breed.

One of the most damaging criticisms of the Alsatian comes from a Worcestershire veterinary surgeon.

"I am glad to see the stand you are making about dangerous dogs," he writes, "and consider that a heavier tax on the animals would go very far towards suppressing the evil."

#### Unprovoked Attack.

"A few weeks ago my daughter was walking on the sands between Scarborough and Filey, when she met an Alsatian.

"It growled and she turned away, but it jumped at her and tore the collar off her coat from top to bottom.

"Shortly before this three of these dogs got into a flock of ewes and killed and mangled many of them, and the owner had to pay £200 damages."

Alsatis even turn against their owners. Here I have a case cited in the "Daily Mirror," of the 22nd March, 1928, telling the story of a woman who was mauled twice by an Alsatian which was her own pet—

### TWICE MAULED BY ALSATIAN.

Woman in Hospital Tells of Her Ordeal.

#### Her own Pet.

Many readers have written to thank the "Daily Mirror" for its suggestion that the number of Alsatis in Great Britain should be controlled.

Their letters have brought to light facts which prove that in many cases these dogs have shown themselves to be treacherous.

A woman reader, who writes from the Royal Waterloo Hospital, S.E., partly attributes an operation she has undergone to the attacks of an Alsatian pet.

"I have been attacked twice since December 15," she writes. "I owned an Alsatian (a lovely specimen and a prize winner), which had been mine since he was three months old.

"He was a great pet, and we all loved him. He was never kept short of exercise, being taken to a park for two hours every day.

"When the dog first attacked me—while I was fondling him—I had to have six stitches in my arm.

"Stupidly, I forgave him, and within six weeks he attacked me again. If my husband had not been near to throw a rug over the dog I should not be writing this now.

"I had to be rushed off to hospital at eleven o'clock at night. Early next day the dog was destroyed."

Yet another case from the "Manchester Guardian"—



## ALSATIAN LOOSE IN PLAYGROUND.

### Girl Terribly Injured.

Paris, Sunday.

An Alsatian dog belonging to a butcher at Tours rushed yesterday into the playground of an elementary girls' school and began "worrying" the children. Several of them were cruelly bitten. One girl, Arlette Thuault, aged 14, was so terribly mangled on the body and thighs that she had to be taken to hospital, where she was pronounced to be in a grave condition. The school caretaker was also badly hurt in trying to save the children.

The dog afterwards rushed into the street, and had bitten several foot passengers, including a little boy, before a policeman managed to secure it.

Here is another instance that I quote from the "Daily Mirror." The headings include the following:—"Alsatian Terror," "Story of Attacks on Milkmen, Postmen and Pillion Rider." In that instance the owner was fined, while the dog itself was destroyed. Then there is an article that appeared in "The Daily News" of the 22nd May, 1928—

### ALSATIAN DOGS.

#### Are they a Menace?

#### Opinions in Britain.

Should the breeding of Alsatian dogs be restricted? Many veterinary surgeons, questioned by the "Daily Mirror" (London) agreed it was time a law was passed to make this breed difficult to obtain. They declared that Alsations are a danger to the community and to their owners. Even the collie, which has many characteristics of the Alsatian, is not so treacherous and is much more docile. It was pointed out as an example, that no other breed of dog would make an attack on its mistress who had treated it with kindness for years, like the Alsatian which recently attacked its owner at Ealing, for no apparent reason, causing her very serious injury.

I do not wish to go on reading more of the cuttings I have collected. I have given the House two reasons why these dogs should not be allowed to breed in Australia. Although the importation of the dogs into the Commonwealth has been stopped for five years, we have the statement of Mr. Thornby, backing up our own knowledge of the conditions obtaining here, that if these dogs are allowed to breed, there are sufficient Alsations in the State alone to stock up the whole of Australia. I have quoted newspaper articles published in

England and Scotland, and if the Alsations have proved such a menace there, it is high time that Western Australia, and Australia as a whole, passed laws to enforce the sterilisation of the breed. In the past we have introduced pests that have caused serious losses to Australia. At the time it was said that they would do no harm, and, in fact, the man who introduced rabbits was looked upon as a public benefactor. At the Merino Stud-breeders' dinner the other night, the Minister for Agriculture said he had seen a letter that contained a statement about a man having brought two rabbits into the State. It was not those rabbits that have developed into such a pest, but the rabbits that were imported into the Eastern States. Had steps been taken there to stop the breeding of rabbits, Australia would have been saved millions of pounds that have been paid for their destruction. Foxes were introduced into Australia for the pleasure of a few English gentlemen who wished to hunt them. So far, the fox has not proved a serious menace in Western Australia, but, in my opinion, it will prove to be a greater menace here than the rabbit. Last year nearly £8,000 was paid from the Central Vermin Fund for the destruction of foxes alone, and we received reports from a large number of districts where foxes had not made their appearance before. The increase in payments on account of the foxes was 300 per cent. compared with the previous year. There are many other pests that have been introduced into Australia that have caused serious losses, and had laws been passed at an earlier stage to do away with them, we would have been much better off. Let me instance the weed stinkwort. That pest was brought from Germany for bacon-curing purposes. It has spread all over Australia to-day and has caused great damage to pastoralists. I hope the House will agree to the second reading of the measure. Some of the clauses may appear to be rather drastic, but they contain nothing that has not been agreed to in other Acts that have been passed in this Chamber. If hon. members are in favour of the object of the Bill, they must realise that we must embody in the law provisions that will enable it to be enforced. I move—

That the Bill be now read a second time.

On motion by the Minister for Works, debate adjourned.

**ANNUAL ESTIMATES, 1929-30.***In Committee of Supply.*

Resumed from the 26th September; Mr. Panton in the Chair.

Department of Justice (Hon. J. C. Willcock, Minister);

*Vote—Crown Law Offices, etc, £103,552.*

**MR. LATHAM** (York) [7.50]: Will the Minister tell us what it is proposed to do to put the electoral rolls in the country districts into order? There has been a redistribution of seats, and that has caused extra difficulty. I have forwarded to the Minister a copy of the correspondence that passed between the Electoral Department and myself. In one small locality I visited I found 400 names on the York roll that should be transferred to the Beverley roll. Who is responsible for seeing that those names are changed over? I protest against it being the duty of members of Parliament or candidates at an election to do this work. It should not be their job.

The Minister for Justice: It is not their job.

**Mr. LATHAM**: In the past it has been. The Minister for Justice: No fear!

**Mr. LATHAM**: Yes, and this matter affects members sitting on the Government side, just as it does those sitting on the Opposition side. Frequently we have to see that names are put on or taken off. I have not taken any names off the roll, and I do not propose to render any such service. That is the function of the Government.

The Minister for Justice: No, it is the function of the individual.

**Mr. LATHAM**: The Minister—nobody else—is able to enforce the law; it is the function of the Government. I hope early steps will be taken to put the rolls in order. The trouble is that the people themselves do not know exactly in which electorate they should be enrolled. I defy the Minister to take the small maps that have been attached to the draft copies of the rolls and say where people in a certain locality should be enrolled.

**Mr. Marshall**: The maps have no definite points.

**Mr. LATHAM**: That is so, and that emphasises the difficulty. The only way I have been able to arrive at any satisfactory conclusion is by purchasing large lithos. from

the Lands Department. This work should not be left until later on, but should be well under way now.

The Minister for Justice: It is.

**Mr. LATHAM**: I have not seen any map in any part of the York electorate that would enable a person to know where he should be enrolled.

**Mr. Marshall**: The same thing applies in the city.

**Mr. LATHAM**: But in the country the position is more difficult. I am afraid there is insufficient money provided on the Estimates to enable this work to be carried out properly. In the past the city rolls have been put in order at the expense of the country rolls.

**Mr. Sleeman**: But the city rolls are not in order.

**Mr. LATHAM**: I know it is a big job, and I do not want the Minister to think I am speaking in a spirit of carping criticism. I will do anything in reason, but I do not think it is the job of a member or a candidate to change over the names from one roll to another.

**THE MINISTER FOR JUSTICE** (Hon. J. C. Willcock—Geraldton) [7.55]: It is not a matter of what the Electoral Department proposes to do but what it has done, is doing, or will do in the future. So far as the member for York's complaint is concerned, I understand that the new boundary runs practically through the middle of Naremburn. The Chief Electoral Officer is making this matter his personal concern and he is visiting the various centres that are mostly affected, and where there has been an alteration in the boundaries. The Chief Electoral Officer is personally investigating the position on the spot with those who are familiar with the districts affected, with the object of ascertaining exactly where people are living and doing everything possible to secure proper enrolments. The Chief Electoral Officer was at Moora for three days and he either went himself or sent an officer to Northampton for two or three days. In fact, he intends to go to every place where there has been a change over because of the altered boundaries. The Electoral Department has issued draft lists in connection with the new rolls. We have had no authority to undertake that expense because the Redistribution of Seats Act has not been proclaimed. It will not be proclaimed for some weeks

yet. The reason for that is that there may yet be vacancies and we could not conduct a by-election on the new boundaries and possibly have two members representing the one constituency. Those draft lists have been sent all over the country so that people will be able to ascertain whether they have been properly enrolled. We desire that everyone shall be properly enrolled, and we are prepared to send out draft lists to anyone who is willing to make them available to the public in furtherance of that objective.

Mr. Latham: If a big lithograph were attached to the lists, the work would be much easier.

**THE MINISTER FOR JUSTICE:** The alteration in our electoral boundaries has necessitated many variations in the old lists, and the Chief Electoral Officer, by means of personal visits and consultations in the districts affected, is endeavouring to get the rolls into proper order. The Chief Electoral Officer went to Naremburn on Monday night to inquire into the conditions there.

Hon. Sir James Mitchell: Last year there was some canvassing done in certain electorates.

**THE MINISTER FOR JUSTICE:** Promiscuous canvassing has not been very successful. I have a report from the Chief Electoral Officer, who says that in one group of seven streets out of a large number of electors stated to be on the roll, no fewer than 500 could not be found.

Hon. G. Taylor: Was that in the metropolitan area?

**THE MINISTER FOR JUSTICE:** Yes. There have been on the roll for years the names of large numbers of people who were supposed to be canvassed but who could not be found, notwithstanding which they still remain on the roll.

Hon. G. Taylor: And I suppose there are numbers of others in the district who ought to be on the roll.

**THE MINISTER FOR JUSTICE:** A determined and sustained effort will be made to get the rolls correct. It is not going to be done by any system of promiscuous canvassing. During the last few months we have had a good opportunity to correct our rolls because of many applications or petitions under the licensing laws. Those petitions have to be signed by a given number of people living within a certain radius. In the Midlands there are seven

or eight country districts where such petitions to the licensing court have been signed by practically the whole of the electors. The lists have to be checked before going to the court, and so a house-to-house canvass is made. It has proved very useful to the Electoral Department.

Hon. Sir James Mitchell: In those circumstances we might easily get a jolly bad roll.

**THE MINISTER FOR JUSTICE:** But these lists are used only for the purpose of checking. Promiscuous canvassing by irresponsible casual employees has not been satisfactory. Within the last 12 years the metropolitan area has been canvassed twice, and there have been found on the rolls the names of many people who left the place 15 years ago. Every endeavour will be made to get the rolls up to date. Because of the Federal election, a number of fresh enrolments have been made, all helping to bring the rolls into satisfactory condition. Additionally, a canvass has been made by the Federal department, and this can be used for checking our rolls. In every possible way the State department is trying to produce a perfect roll. When that roll is published the House ought to back up the Government in enforcing compulsory enrolment, which to a large extent has fallen into desuetude. The law says the onus is on the individual, but apparently it has been left to the Government, or to canvassers, or, as the member for Avon says, to Parliamentary candidates, to get the rolls into order. Under that system the rolls can never be really satisfactory. We shall get much better results when it is brought to the knowledge of the electors that unless they are on the rolls they will be prosecuted. We are endeavouring to get the rolls into a state of efficiency, and when the Redistribution of Seats Act is proclaimed and the rolls are brought out, I think it will be seen that a very good job has been made of it by the departmental officers. There are on the Estimates amounts aggregating £5,000 or £8,000 for the purpose of perfecting the rolls. One item, Item 134 I think it is, provides a large sum of money for extra assistance in the department. As I say, when the rolls are published the House should support the Government in an attempt to carry compulsory enrolment into effect.

**HON. SIR JAMES MITCHELL** (Northam) [8.7]: The Minister knows that canvassing by casual employees has been very unsatisfactory. Under that system hundreds of people have been improperly struck off the roll, while others that should have been struck off have been left on. The law in regard to enrolment ought to be enforced. I hope the Minister will prosecute, not only those who fail to enrol, but also those that enrol without being entitled to do so. Last year a man in the York electorate enrolled for the Northam electorate, and actually voted.

Mr. Wilson: You had no card yourself.

**Hon. Sir JAMES MITCHELL**: This man did fill in a card and signed it. Yet he was not prosecuted, although he voted knowing full well he had no right to vote. I understand that a great many people enrol for districts they have never seen. I was told that a whole gang of men at Kellerberrin enrolled for my electorate. As the result of a canvass I found that 600 persons were improperly enrolled. The men who witnessed the claim cards are equally responsible with those who improperly fill them in, yet those witnesses are allowed to go scot free. A man who deliberately defrauds in order to interfere with the result of an election ought to be prosecuted and imprisoned. What about a man who knows he has no right to enrolment, yet enrolls, and then votes? The Minister knows the man to whom I am alluding. When I asked that he be dealt with, the Minister referred the matter to the Crown Law Department and they said he could not be prosecuted because the proper time had gone by. As a matter of fact I complained to the Chief Electoral Officer before the election took place. If men are to be encouraged by lack of prosecution to do these fraudulent things, of course they will go on doing them. The law ought to be enforced, first as to enrolment and secondly as to voting improperly. No man offending in this way should be allowed to go scot free.

The Minister for Mines: We shall have a good few £25 for the Treasury.

**Hon. Sir JAMES MITCHELL**: I did not catch the Minister's interjection. I do not know whether he fears to lose his deposit at the next election, but I am pretty sure he will. I suggest to the Minister for Justice that some money should be furnished to the Chief Electoral Officer to have canvassing done.

The Minister for Justice: He has a free hand and £5,000.

**Hon. Sir JAMES MITCHELL**: But that is for a lot of extra printing that will be required this time.

The Minister for Justice: No, it is apart altogether from printing.

**Hon. Sir JAMES MITCHELL**: All the rolls will have to be reprinted, which will mean a great deal of expense. The Chief Electoral Officer should be given money for the purpose of perfecting the rolls. He will require a great deal of extra help. We should all like to see the rolls in perfect order. I am not taking any risks in my electorate, but it is not right I should have to go to the expense of overlooking the rolls. I remember Mr. Angwin saying here that the roll is the most important part of the election. He never did other than look after the rolls in his own electorate. The Act should be amended in the direction I have indicated. I hope the Chief Electoral Officer will not be interfered with in any way.

The Minister for Justice: He is not interfered with, although in the interests of economy his expenditure may sometimes be curtailed. This year he will have £5,000 extra to spend.

**Hon. Sir JAMES MITCHELL**: A considerable amount must be available if the rolls are to be put in order with the altered boundaries. We can only hope that the rolls will be in better order this time than they were on the previous occasion, and that some part of the £5,000 will be used by the district electoral officers who must be assisted in the matter of canvassing. It is no use taking a man off the street and putting him on to house to house canvassing. That is an unsatisfactory method.

**MR. GRIFFITHS** (Avon) [9.17]: The member for Toodyay has said he would guarantee that fully 1,000 people in his district were not on the roll. I venture to make the same remark concerning the Avon electorate. From what I have ascertained recently my view has been confirmed. Today along the rabbit-proof fence adjoining the Northam electorate there are no fewer than 62 persons who are not enrolled. I also found that more than 20 persons had been transferred from the Avon to the Northam electorate, but I have since had them transferred back.

The Minister for Justice: The department is thankful for your assistance.

Mr. GRIFFITHS: The Chief Electoral Officer has always most carefully investigated any names that were sent to him, either of persons who should be on the roll or those who should not be there. In Merredin, Doodlakine, and Tammin there are between 250 and 300 persons on the roll who should not be there. These names are being investigated, as well as the names of other settlers. In Newearnie, I found ten alterations had to be made owing to persons having changed their residence through marriage or some other cause, 22 because of persons who are not now in the district, and that 29 names were not on the roll at all. I do not envy the task of the department in checking the roll, but I will see to it that the rolls of my electorate are as clean as it is possible to make them.

HON. G. TAYLOR (Mount Margaret) [8.19]: Do I understand from the Minister for Justice that it is deemed to be the function of the elector to see that his name is put on the roll, and that the Government accept no responsibility to place people on the roll? The Government should take some responsibility. Under the Electoral Act they have the right to punish people for not putting their names on the roll, and every facility should be afforded the public to secure enrolment.

The Minister for Justice: It is an obligation cast upon the electors by law.

Hon. G. TAYLOR: But the obligation rests upon the department to punish offenders.

The Minister for Justice: Yes.

Hon. G. TAYLOR: If the Minister insists upon the punishment, there will not be much difficulty about getting people enrolled.

The Minister for Justice: There will be drastic punishment in that direction very shortly.

Hon. G. TAYLOR: I know of people whose names should not appear on the roll, and of people whose names should be on the roll. Some persons have left the country and others are in their graves. About these there is nothing to fear, but there is a certain amount of discomfort in the knowledge that a number of names should be on the roll and are not there. It has been said that cards have been sent in but the names have not been put on the roll. My own experience is that when cards are sent to the

department the names always appear. I am dealing with outlying districts where the facilities for posting are not as good as they are in the metropolitan area. People around Perth have stated that they have sent their names in but these have not appeared on the roll. How much longer will the Minister continue to appoint magistrates in a temporary capacity? It is strange we should have magistrates acting for over five years. I have brought this matter up on several occasions, and the Minister has given reasons why the position has not been altered. These reasons cannot forever continue to hold good. The positions are important, and should be made permanent. I have nothing to say against the present occupants of these posts, but it is not satisfactory that they should be kept on in a temporary capacity. I know it is difficult to get people to take these positions. They have to pass legal examinations.

The Minister for Justice: And the salaries are not very high.

Hon. G. TAYLOR: The salaries are not sufficient to induce the best legal men to accept them. If that is the difficulty, it should be overcome. These positions carry a good deal of responsibility and should be made permanent. I understand that one of the reasons why people will not apply for them is that they have no desire to come under the Public Service Commissioner, and another is that the pay is too small.

MR. THOMSON (Katanning) [8.24]: I appreciate the information supplied by the Minister. I think he should put the Electoral Act into effect. Section 39 states that new rolls for the whole or any portion of the State shall, if the Governor so orders, be prepared from the result obtained by means of an electoral census to be taken for that purpose.

The Minister for Justice: That is in conflict with the other Act making enrolment compulsory.

Mr. THOMSON: But it has not yet been repealed.

The Minister for Justice: They are contradictory enactments.

Mr. THOMSON: Some members whose districts have been reduced in size are in a happy position. Under the Redistribution of Seats Act I do not know how the officers of the department will be able to prepare the rolls. Unless the Minister carries into effect Section 39 of the Act, the position

will be very difficult. My western boundary is 96 miles long. People come to me to know whether they are in my district or in the Nelson or Wagin districts, but I cannot tell them.

The Premier: Would not the map show them?

Mr. THOMSON: No.

The Premier: It would show the position very clearly in the metropolitan area.

Mr. THOMSON: Yes, because the names of the streets are given. I know the Minister is anxious that the roll should be in order, and I suggest that he should see whether it is not possible for the Chief Electoral Officer to have these boundaries properly defined in all country districts.

The Minister for Justice: He is doing that work himself.

Mr. THOMSON: It will be a big task for him to define the boundaries of the Wagin and Katanning electorates. It should not be his duty to do that work.

The Minister for Justice: Only in cases where they are not very clear.

Mr. THOMSON: I am not clear myself as to the exact boundary. It is very difficult from a small scale map to tell precisely where one district ends and another begins. Some men honestly believe that they are within a certain boundary, whereas actually they are in another. Who is to decide the matter? I am not able to do it, and neither is the Chief Electoral Officer. Someone from the department should be sent to the electorate to make an investigation.

**MR. DAVY** (West Perth) [8.30]: On this particular division I have had occasion to make remarks with regard to the stipendiary magistracy. In Western Australia we seem to have a very high opinion of the importance of the duties of our Supreme Court judges, but for some extraordinary reason we seem to have almost a contempt for the duties of magistrates. As a matter of fact magistrates require just the same protection as judges, and they should have the same tenure of office, and the same independence from the point of view of their salaries. They should be put beyond temptation financially and in respect of the likelihood of their losing their jobs. Whereas a Supreme Court judge is appointed for life a stipendiary magistrate is a civil servant subject to the dictates of the departmental head.

The Minister for Justice: No one dictates to them.

Mr. DAVY: I say the position is subject to the dictates of the departmental heads.

The Minister for Justice: Not in regard to decisions or anything like that.

Mr. DAVY: There have been occasions, rare perhaps, when magistrates have been carpented by departmental heads on account of decisions given.

The Minister for Justice: I would like the hon. member to give me an instance.

Mr. DAVY: I can give the Minister one; I can state definitely that it happened. I do not mean that the departmental head issued a threat or anything of that sort, but there have been occasions upon which magistrates have been spoken to by departmental heads with reference to decisions given.

Mr. Latham: And the departmental head was not there to hear the case.

The Minister for Justice: It is not so.

Mr. DAVY: It is so.

The Minister for Justice: At any rate, not to my knowledge, but I am not flatly contradicting the hon. member.

Mr. DAVY: At least on one occasion a departmental head criticised the magistrate in respect of a decision given. That such a thing could be thought of, let alone happen, is to my mind utterly intolerable. If I find myself in possession of influence with any Government, I shall do my utmost to induce that Government to introduce a Stipendiary Magistrates Bill which will place magistrates on a footing similar to that of our judges or of magistrates in the Old Country.

The Minister for Justice: Or county court judges in New South Wales.

Mr. DAVY: Yes, and in Victoria. I recommend to the Minister the question of giving increased jurisdiction to our local court—the right to try cases of a certain kind, far above the limit of £100. At the present time the cost of litigation in the Supreme Court is disgustingly excessive. The smaller Supreme Court action will cost between £70 and £100. I know an instance where a man was defendant in an action for £117. The case emanated from the Murchison and there were a number of witnesses on each side. He lost his case and the costs amounted to over £200. By the horrible mistake of fighting the case, he had to pay £350.

The Premier: You seem to have an intimate knowledge of the case; who was the lawyer that advised him?

Mr. DAVY: I was the lawyer, but I advised him not to fight it, and he insisted upon doing so.

The Premier: You are exonerated.

Mr. DAVY: The Premier will agree that the cost of litigation is too great by far, and is not commensurate with the amounts involved. My suggestion is that the Government take steps—and if this Government will not do it another will—first of all to place the stipendiary magistracy on a really proper basis. Then it will be less difficult to get suitable persons to fill the positions. That is more important from the point of view of getting the right men. I am not criticising the present holders of the positions. Give them the dignity and place them on the same footing as judges, and then we can safely increase their jurisdiction very substantially. In this way a real benefit will be conferred upon litigants.

Mr. Thomson: Particularly those living in country districts.

Mr. DAVY: If a man in the country wishes to make a claim for £100, he has to come to Perth and bring all his witnesses with him. That is wrong. I urge the Government seriously to consider the matter and I assure them of my support in the event of their bringing down the necessary legislation.

The Minister for Justice: We will consider it next session.

Mr. DAVY: Is it a bargain that if the Minister for Justice is still where he is next session he will introduce the required legislation? If he is still in office, we will collaborate with him, and if we exchange places, will he collaborate with us? It is almost a public scandal that magistrates are allowed to occupy their positions in purely an acting capacity year after year, occupying their positions at the sweet will of the Government from hour to hour. I have raised this point over and over again, and still the same thing continues. I urge that steps be taken to remedy this serious defect in the administration of justice. I hope I shall not have to raise the question on the Estimates again next year.

Hon. G. Taylor: No; we shall be in a position to fix it up ourselves next year.

Mr. DAVY: I hope so, but I hope the present Government will attend to it.

MR. MANN (Perth) [8.46]: I wish to bring under the notice of the Minister the amount provided for the defence of desti-

tute persons, £100. It is over a year since a similar amount was placed on the Estimates, and yet the regulations controlling the expenditure of that money have not been finalised.

The Minister for Justice: We can spend it without regulations.

Mr. MANN: I had occasion to take to the Crown Law Department a case that I thought deserving of consideration under the vote, and I found that the regulations had not been finalised.

The Minister for Justice: The amount has appeared on the Estimates for the last four years.

Mr. MANN: Then that makes the matter still worse.

The Minister for Justice: We spend money out of the vote without any regulations.

Mr. MANN: I went to every officer in the hope of getting relief for a deserving person, and I found it was not possible for the money to be utilised because the regulations had not been finalised. The matter had been referred to the Barristers' Board, back to the Crown Solicitor, from him to the Master of the Supreme Court, and back again to the Barristers' Board.

The Minister for Justice: It is all fixed up now.

Mr. MANN: I am glad to hear it. It must have been fixed up only during the last month.

The Minister for Justice: Within the last fortnight.

Hon. G. Taylor: When you knew these Estimates were coming on.

The Minister for Justice: Oh, no!

Mr. MANN: A sum of £100 would not be sufficient to provide relief in many cases.

Hon. Sir James Mitchell: We do not want to encourage too many people to go to law.

Mr. MANN: This vote is for the defence of people dragged to law against their will. The position of the Licensing Bench is unsatisfactory. They are charged with the responsibility of authorising hotels, running into large expenditure, and of taking away licenses, and yet they are carrying on under a tenure of office of a little over three months.

The Premier: That must always be so when the term of appointment is drawing to a close.

Mr. MANN: But to start them with a period of three months does not put them in a very sound position. I take it the Government have good reasons for making the term three months, but it is not the tenure that the bench should have.

The Premier: It is only one period of three months.

Mr. MANN: I think the Act provides for a term of three years. Recently the bench granted a certificate for a license that will involve the expenditure of £30,000 or £40,000, and it might be found that their act was illegal. I wish to congratulate the Chief Electoral Officer on his efforts to cleanse the rolls, particularly the Perth roll. In two streets in which there were 400 names, he found it necessary to remove 240.

The Premier: What possessed you to put them on?

Mr. MANN: The Premier ought not to make a suggestion of that kind.

The Premier: There will be occasion to remove a lot of names between now and March next.

Hon. Sir James Mitchell: I bet there will be.

Mr. MANN: There were eight persons on the roll for the Railway Coffee Palace which was pulled down 18 months ago.

The Premier: How many Greeks were included?

Item, Surveyor, Inspector of Plans and Surveys, £354:

Mr. LATHAM: I understand that the gentleman who holds the position has been retired. Is it proposed to hand over the powers he exercised to the Town Planning Commission?

The Minister for Justice: No.

Mr. LATHAM: Then another appointment will be made?

The Minister for Justice: No, the work will be handed over to the Survey Department.

Mr. LATHAM: Then the amount of £354 should have been struck out.

Item, Extra assistance in the preparation of electoral rolls, payments in connection with electoral canvassing; fees to returning and presiding officers and other expen-

ses in connection with by-elections, etc., £5,000:

Hon. Sir JAMES MITCHELL: A sum of £5,000 is provided for the electoral canvass, although the Minister told us there was to be no canvass.

The Minister for Justice: This is £4,000 more than we expend in ordinary years.

Hon. Sir JAMES MITCHELL: Yes, entirely due to the re-arrangement of boundaries. I hope the work will be well done. The Minister said the Act would not be proclaimed for five or six weeks. It ought to be proclaimed before long. The Government cannot possibly refrain from proclaiming it much longer. No new rolls can be printed until the Act is proclaimed, and candidates will need to have rolls so that they can attend to the work of the election. I hope there will be no unnecessary delay.

The Minister for Justice: There will not be any delay.

Hon. Sir JAMES MITCHELL: If the redistribution of boundaries for another place be approved, the same fund might cover the whole of the work.

The Minister for Justice: No, we shall need an excess of £2,000 or £3,000. I am giving the Treasurer notice now.

Hon. Sir JAMES MITCHELL: I hope the rolls will be put in order and that the Chief Electoral Officer will be permitted to do whatever is necessary.

The Minister for Justice: He is not only permitted but encouraged to do what is necessary.

Item, Licensing magistrates, one at £1,000 and two at £850, £2,700:

Hon. Sir JAMES MITCHELL: Do the Government intend to introduce a Bill to legalise the short period appointment of the Licensing Bench? If not, considerable difficulty might be raised.

The Minister for Justice: I shall give notice to-morrow.

Hon. Sir JAMES MITCHELL: A small amount, £50, is provided to cover the cost of police inspection.

The Minister for Justice: That is only an allowance from this Department to the police.

Hon. Sir JAMES MITCHELL: But we have an inspector devoting the whole of his time to licensing work.



The Minister for Justice: He is under the Police Vote. He gets £50 under this vote for the work done under the Licensing Act.

Vote put and passed.

This concluded the Estimates of the Minister for Justice.

Progress reported.

## BILL—PEARLING ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 26th September.

**MR. LATHAM** (York) [9.1]: I shall not oppose the Bill. My object in securing the adjournment of the debate was to look into the subject. The question is one of giving Broome the right to establish a market for pearls. Evidently, from the Bill before us, that is the intention, irrespective of where the pearls come from.

**Mr. Mann**: The market is there all the time.

**Mr. LATHAM**: But plainly not for all pearls, having regard to the fact that the Bill proposes to permit any business in pearls to be transacted before an inspector of the Fisheries Department. My only doubt is as to the throwing of so tremendous a responsibility on a fisheries inspector. I have not heard of such legislation before. Certainly, there has been a doubt about the legitimacy of the business done. I cannot agree with the member for Roebourne (**Mr. Teesdale**) that the Bill will assist the dummy. The dummy has means of getting rid of his product some way or other; he can send it to Singapore, or to some other market. The Bill will allow pearl fishers at Darwin to send their pearls to Broome to be sold. It should be our aim to assist the Broome people.

**Mr. Teesdale**: The Bill does not assist the Broome people, but the Darwin people.

**Mr. LATHAM**: If Broome becomes a recognised market for pearls, the effect will be to bring sellers and buyers there.

**Mr. Teesdale**: Broome has been recognised as a pearl market for years.

**Mr. LATHAM**: Yes, but there has been a certain handicap; otherwise this legislation would not be needed. I am assisting the passage of the Bill because I believe that the effect of its enactment will be to

concentrate the pearl market at Broome. I have no desire whatever to help the dummy, and I commend the member for Roebourne for bringing that matter to the notice of the House.

**Mr. Teesdale**: The member for Roebourne will never do so again. Have it on your own!

**Mr. LATHAM**: I utterly fail to see how the Bill can assist dummyming; otherwise I would support the member for Roebourne in his objection.

## THE MINISTER FOR AGRICULTURE

(**Hon. H. Millington**—Leederville—in reply) [9.5]: I desire to allude to one or two matters referred to in the debate. Reference has been made to pearling luggers, and the member for Roebourne (**Mr. Teesdale**) has suggested that the Bill will assist dummyming. In my opinion dummyming is a question of geography.

**Mr. Teesdale**: You have got the Bill; why stress that aspect? You will have me on my feet again.

**THE MINISTER FOR AGRICULTURE**: Criticism is, apparently, to be levelled at the Bill and not even answered.

**Mr. Teesdale**: The less said about that, the better.

**THE MINISTER FOR AGRICULTURE**: The hon. member suggested that no one in authority had asked for the Bill. He has not shown that he represents anyone with more authority than the gentlemen who approached the Honorary Minister when he was in the North.

**Mr. Mann**: The member for Roebourne has shown that he understands the business.

**THE MINISTER FOR AGRICULTURE**: The luggers referred to, which left Broome for Darwin, were Clarke's, which departed in 1925, Keppert's, which departed during January of 1928, and Gregory's, which also departed during January of 1928. Neither Parke nor Shepherd was convicted of dummyming, although the operations mentioned formed the subject of a report to head office. It is true that different conditions prevail at Darwin, and it is also true that from Western Australia the Federal authorities have been urged to conform to the conditions applying here. However, the fact remains that the Federal authorities have not done so; and therefore pearlers operating at Darwin operate under the Federal law in respect of that territory. Thus it cannot be said that they are dum-

mying, or that they are infringing the Federal law.

Mr. Teesdale: Oh, the Federal law!

Mr. Mann: The Minister is evading the point.

The MINISTER FOR AGRICULTURE: Pearls fished at Broome are presumably fished in conformity with the Federal law. When it comes to disposing of those pearls, the present proposal is to allow them to be sold at Broome. Whereas the member for Roebourne suggests that this Bill is in the interests of the pearl buyer, I contend that the pearler, who has his product to sell, desires an open market. At present, from what can be gathered, such pearls are sold surreptitiously and illicitly. If the pearler himself can sell the pearls legally, he will be able to get a better price than if he has to sell them "under the lap," as it is usually termed. If the buyer is dealing illicitly, he takes advantage of the position. Therefore the Bill proposes to permit pearls to be sold at Broome irrespective of where they have been fished.

Mr. Teesdale: Japanese pearls!

The MINISTER FOR AGRICULTURE: Those interested in pearling at Broome, pearlery and pearl buyers, desire this amending legislation. On that ground alone the provision in question is justified.

Hon. Sir James Mitchell: Are culture pearls taken to Broome for sale there?

The MINISTER FOR AGRICULTURE: No. The Bill gives permission, subject to certain restrictions, for the sale at Broome of pearls fished outside Western Australian waters. The pearling people themselves desire that Broome shall be a place where such pearls can be dealt in. I can quite understand the wish that that trade should go to Broome. The permission has been requested, and there is no reason why Parliament should impose on the Broome pearling industry a restriction which is not necessary and not desired.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Pantou in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 63:

Hon. Sir JAMES MITCHELL: Will this clause permit pearls brought from Japan, probably culture pearls, to be sold at Broome? I ask the question although I object to the restrictions which the present Government are so fond of imposing on trade in general. Under the clause, pearls taken from our waters to Japan may be brought back here and sold at Broome. The clause is intended to protect our pearlery, and I imagine that the simplest way of doing this would be to repeal Section 63 of the principal Act and make an open market for the sale of pearls. I am concerned about the sale of culture pearls here.

Mr. MANN: If a buyer is trading in the fleets and purchasing illicit pearls, all he will have to do, under the clause, to enable him to dispose of the pearls is to satisfy the fisheries inspector that they were not fished in Western Australian waters. A good analogy would be if one were able to sell stolen gold by simply making an affidavit that the gold was not obtained in Western Australia but came from any place outside our boundaries. When the principal Act was passed, gold-stealing legislation was quoted as a pattern. Now we are asked, by one stroke of the pen, to undo all that has been achieved. I do not think the Government have given much consideration to the Bill. They have been stamped into it by a section of the pearlery and do not realise what effect it will have. I suggest that the clause requires mature consideration before being agreed to. It will undo all that the Act does.

Hon. G. TAYLOR: The Minister told us that the Bill had been introduced at the instigation of the pearlery of Broome. I accept that statement as being true. I have little knowledge regarding the pearling industry, but I remember the statements that were made when we passed the Act, Section 63 of which will be repealed by the clause. The section was supported because of the illicit dealings in pearls. Would the Minister for Mines agree to amend the Gold Stealing Act by the inclusion of such a clause as is proposed regarding the Pearling Act? I do not think he would suggest that the Chamber of Mines would advance any such proposal for the protection of the gold-mining industry. The clause asks us to delete the provision we inserted in the Act for the protection of pearlery against illicit dealings in pearls!

Mr. Coverley: What is to stop the illicit pearler taking the pearls from Broome to Darwin and selling them there?

Hon. G. TAYLOR: We are not legislating for Darwin. If we were, we would protect the Darwin people as we are endeavouring to protect our own people.

Mr. Teesdale: You need not trouble about Darwin; You could not sell a quid there for 18 bob.

Hon. G. TAYLOR: I think we should hesitate before we withdraw the protection we formerly gave to the industry.

Mr. ANGELO: During the course of the second reading debate, it was mentioned that Broome boats very frequently fish outside our territorial waters and they are perfectly justified in doing so. Some of the Western Australian boats go to Darwin and some as far as Thursday Island, returning subsequently to Broome. The trouble is that, with the Act as it stands at present, pearls fished outside our territorial waters cannot be sold in Broome. It is to overcome that difficulty that the pearlers seek the alteration outlined in the clause. All pearls legitimately fished outside our territorial waters should be sold in Broome, and that is all the pearlers ask. The provision that such transactions should take place in the presence of an inspector is a wise one. I cannot read into the Bill all the suspicion that has been indicated. To me it appears quite plain, and the pearlers are just as anxious as any member of the House to prevent dummying.

Hon. G. Taylor: But Parliament had to pass legislation to prevent them dummying.

Mr. ANGELO: Yes, at the request of the Pearlers' Association and now the association ask for the amendment.

The Premier: Does the association admit to membership anybody suspected of dummying?

Mr. Teesdale: If they did, there would not be many in the association! There would be a big exodus!

Mr. ANGELO: The Chief Inspector of Fisheries knows his job, and he has evidently made a recommendation to the Government regarding this question.

The Premier: We have a police force, the members of which know their job, but they could not catch Kelly!

Mr. ANGELO: I do not know that the police will catch all the men who are dummying, but they are doing their best.

Mr. LATHAM: I do not know what prompts the member for Gascoyne to say that the Act prohibits the sale in Broome of pearls fished outside Western Australian waters. I cannot find any such provision in the Act. The point raised by the member for Perth and the member for Mount Margaret is quite different. If we could stop illicit pearl dealing as we can illicit gold stealing, it would be a different matter. All that is necessary for an illicit pearl dealer to do is to get aboard a steamer and go to Singapore where he can find a ready market for his pearls. I cannot see how we can stop that sort of business, and if they are to be sold, why not have them sold in Broome under conditions we lay down?

Mr. MANN I move an amendment—

That in line 7 after "inspector" the words "by a sworn statement and other evidence" be inserted.

If the amendment be agreed to, there will be some safeguard, because a man will not be so likely to make an untrue statement as he will a mere verbal assertion. It will not mean any hardship to the legitimate seller who honestly fished for the pearls, whereas the man who receives stolen pearls will think twice before swearing to a statement that is untrue.

Mr. Chesson: Think twice—that is all he will do!

Mr. MANN: I do not know that. I do not think a man would be likely to go in and swear to an untruthful statement.

Mr. ANGELO: May I ask the hon. member, who is going to make this sworn statement? We are dealing with the licensed buyer. He cannot make a sworn statement that the pearls have been fished outside the State. I suggest the hon. member make his amendment read "sworn statement by the seller".

Mr. TEESDALE: On a previous occasion one of these very important amendments was going through here when the present Agent General moved that it be postponed until the member for Roebourne should arrive, because the member for Roebourne was the only man who knew anything about pearling. Since then it seems that all the members of the North have acquired a wonderful knowledge of pearling.

The CHAIRMAN: That has nothing to do with the amendment. The only question before the Chair is the insertion of these words.

**The MINISTER FOR AGRICULTURE:**

If the amendment were agreed to, the clause would then specifically set out the manner in which the inspector was to satisfy himself.

Mr. Mann: One of the manners.

**The MINISTER FOR AGRICULTURE:**

Well, why do it? In the clause the inspector is given quite sufficient power, and he has to satisfy himself. Now the hon. member wants to prescribe the specific means by which the inspector shall satisfy himself.

Mr. Mann: Why do we have the same provision in the Gold Stealing Act?

**The MINISTER FOR AGRICULTURE:**

The clause empowers the inspector to satisfy himself that the pearls are not the product of State waters. Why should we specifically instruct the inspector as to what he has to do? It is only relieving him of responsibility.

Hon. SIR JAMES MITCHELL: I hope the amendment will be agreed to. What we are doing now is to restrict the people fishing in our own waters and give a free open market to those fishing elsewhere. It is right that the inspector should require a sworn statement. The additional words will improve the clause.

Mr. COVERLEY: I do not think it matters very much whether or not the words are included. I am afraid members have missed the point. These dummied pearls we hear so much about are sold in the world's markets to-day.

The CHAIRMAN: The hon. member is right away from the amendment.

Mr. COVERLEY: It does not matter whether or not the amendment is carried. The clause is sufficient as it stands, because it amply protects Western Australian pearlers, and that is all that matters.

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

Ayes	..	..	..	11
Noes	..	..	..	21
				—
Majority against	..	..	..	10
				—

**Ayes.**

Mr. Barnard  
Mr. Davy  
Mr. Griffiths  
Mr. Latham  
Mr. Lindsay  
Mr. Mann

Sir James Mitchell  
Mr. Taylor  
Mr. Teesdale  
Mr. Thomson  
Mr. North

(Teller.)

**Noes.**

Mr. Angelo	Mr. Mullington
Mr. Chesson	Mr. Munsie
Mr. Collier	Mr. Rowe
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Stubbs
Mrs. Holman	Mr. Troy
Mr. Kenneally	Mr. A. Wanebrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lamond	Mr. Wilson
Mr. Marshall	

(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 3 and 4—agreed to.

Title—agreed to.

Bill reported without amendment, and the report adopted.

## **BILL—TRANSFER OF LAND ACT AMENDMENT (No. 1).**

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

Mr. Angelo in the Chair; the Minister for Justice in charge of the Bill.

Clause 2, Subclause (1).—Add a proviso as follows:—"Provided that the Registrar shall give such notice of intention to register the transfer, at the cost of the transferee, and cause the same to be published, as in the case of the production of a duplicate certificate being dispensed with under Section seventy-four."

The MINISTER FOR JUSTICE: I have no objection to the amendment.

Mr. Latham: In any event it would have been published.

The MINISTER FOR JUSTICE: I think so. I move—

That the amendment be agreed to

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

*House adjourned at 9.49 p.m.*